

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
JUNE 11, 2013
6:00 p.m.

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

* * * *

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, JUNE 11, 2013

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.

DEPARTMENT REPORTS:

1. APPEAL, A 01-13 HUBBARD

Appeal of the Directors decision for approval of Home Occupation Permit, HOP 01-13, to assemble firearms that are purchased in kit form, buy and sell firearms and sell ammunition by appointment only from an existing single family residence.

RECOMMENDATION: That the Planning Commission affirms the Director's decision of approval of HOP-1-13, and denies Appeal-1-13, based upon the information contained within the staff report and the required findings.

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

**2. CONDITIONAL USE PERMIT, CUP 03-11
SPECIFIC PLAN, S 01-11
SENIOR AFFORDABLE HOUSING PROJECT
REVISED SITE PLAN
REVISED ELEVATION /ARCHITECTURAL APPROVAL
NATIVE PLANT PLAN APPROVAL
ASSIGNMENT OF TWO COMMISSIONERS TO THE SENIOR HOUSING SUB-COMMITTEE**

RECOMMENDATION: That the Planning Commission:

1. Approves the revised site plan and building configuration.
2. Approves the revised elevations and architecture.
3. Approves the native plant plan application
4. Approves and authorizes further refinements of the project to occur through the senior housing sub-committee and staff, as appropriate.
5. Assigns two Commissioners to the Town Council senior housing sub-committee.
6. Finds the above actions consistent with the General Plan, Development Code, Senior Housing Specific Plan and Commercial Design Guidelines, based upon the facts and records as submitted.

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

**3. TOWN OF YUCCA VALLEY 5 YR, CAPITAL IMPROVEMENT PROGRAM
TO BE DISTRIBUTED ON JUNE 07TH OR JUNE 10TH, 2013**

RECOMMENDATION: That the Planning Commission finds the project is exempt from CEQA in accordance with Section 15378 (b)(4) and Section 15061 (b)(3) of the California Environmental Quality Act Guidelines in that the Capital Improvement program is not a project nor is there possibility of a significant effect on the environment from the Program. Further, The CIP does not result in a commitment to any specific project; and

That the Planning Commission recommend to the Town Council adoption of the 5-Year Capital Improvement Program for FY 2013/2014 through 2018/2019.

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

CONSENT AGENDA:

All items listed on the consent agenda are considered to be routine matters and may be enacted by one motion and a second. There will be no separate discussion of the consent agenda items unless a member of the Planning Commission or Town Staff requests discussion on specific consent calendar items at the beginning of the discussion. Public requests to comment on consent calendar items should be filed with the Deputy Town Clerk before the consent agenda is called.

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, June 25, 2013.

ADJOURN

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Commissioners
From: Shane Stueckle, Deputy Town Manager
Date: June 5, 2013
For Commission Meeting: June 11, 2013

Subject: Appeal 01-13, Hubbard
Home Occupation Permit, HOP-1-13, Mintz
Appeal of Director's Determination of Approval

Prior Commission Review: There has been no prior Commission review of this matter.

Recommendation: That the Planning Commission affirms the Director's decision of approval of HOP-1-13, and denies Appeal-1-13, based upon the information contained within the staff report and required findings.

Executive Summary: The application for HOP-1-13 was filed with the Town on March 18, 2013. The Director approved HOP on April 26, 2013. An appeal application was filed with the Town by Frank Hubbard on May 6, 2013.

The Planning Commission is the appeal body of staff level decisions. The detailed Planning Division staff report is attached to this staff report.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Commission Discussion/Questions of Staff
- Motion/Second
- Commission Discussion on Motion
- Vote (Voice Vote)

Discussion: Application for HOP-1-13 was filed with the Town of Yucca Valley on March 18, 2013. The Director's approval was effective April 26, 2013, subject to the mandatory 10 day appeal period. The appeal application was received by the Town on May 6, 2013.

The Town regulations for home based business are established in Ordinance No. 178, Home Occupations.

As established in Ordinance No. 178, home based business regulations are enacted to provide for the opportunity for home occupations or home based businesses that are accessory and incidental to the primary purpose of residential homes. Home based businesses are allowed in both single family and multi-family zoning districts.

| | | | |
|---|---|--|---|
| <input checked="" type="checkbox"/> Department Report | <input type="checkbox"/> Ordinance Action | <input type="checkbox"/> Resolution Action | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Minute Action | <input type="checkbox"/> Receive and File | <input type="checkbox"/> Study Session |

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.

Ordinance No. 178 establishes three levels of Home Occupation review. These include one exemption from permitting requirements and two separate processes for Director consideration and action.

84.0615 (d) (3)

Exempt Home Occupations: *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.*

84.0615 (e) (1-17)

Director's Approval, No Hearing Required:

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.

84.0615 (f) (1-5)

Director's Approval, Hearing Required:

(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.

The application for HOP-1-13 fell under Section 84.0615 (f) (1-5) Director's Approval, with hearing required. The hearing was held on April 15, 2013. Based upon the record, including the written record and public comment provided at the April 15, 2013 hearing, HOP-1-13 was determined consistent with Ordinance No. 187, and as such, was granted Director's approval.

Additionally, based upon previous Planning Commission action for HOP-1-11, Zorawicki, the Director's approval of HOP-1-13 was consistent with prior Planning Commission actions for similar home base business operations. Copies of portions of

HOP-1-11 application and approval materials are attached for the Commission's convenience.

HOP-1-13 proposes to establish a home based business to assemble firearms that are purchased in kit form, to buy and sell firearms and to sell ammunition by appointment only from an existing single family residence. This requires issuance of a federal firearms license. The Bureau of Alcohol, Tobacco and Firearms requires local agency approval prior to their issuance of the federal license.

There is no proposed "manufacturing" which would involve the use of metal lathes or other similar machining equipment. The home based business proposes limited sales activity, with no firearms or ammunition inventory kept on site for customers to purchase. The applicant has indicated that approximately 5 "disabled" firearms would be kept on site for illustrating what types of firearms are available for purchase. "Disabling" occurs through removal of the firing mechanisms. All sales activity would be on an individual order basis, and the transfer of firearms between individuals would be on a case by case basis. The home based business activity would be conducted by appointment only, and the home based business is not open for "drop in customers". Pursuant to Ordinance No. 178, no signs may be placed on the property advertising the business location, and the approval was conditioned that media advertising shall not list the physical address of the property.

Two letters were attached with the Appeal Application and are attached in the backup materials to this staff report. The basis of the appeal as summarized for the letters submitted at the writing of this staff report include the following.

- Negative impact on property values
- Increased crime
- Safety
- Negative impact on two nearby day care centers
- Increased traffic
- Locating gun shop in a residential neighborhood
- Increased risk of criminal elements entering the neighborhood
- Proximity to elementary school
- Federal and state licensing procedures

No documentation of property value impacts, increased crime rates, or other similar impacts were submitted with the appeal application. Federal firearms licenses are not issued until local agency approval has been granted. State approvals follow federal approval. Therefore those license requirements cannot be satisfied until such time as the Town issues a final determination for the home based business.

As submitted with the application for the home based business, HOP-1-13 does not grant approval to establish a commercial "gun shop". Limited, "by appointment only" transactions are allowed. Days/hours of operation are limited to Saturdays and Mondays.

The Planning Commission heard a similar application on March 22, 2011 (Zorawicki). The Commission approved HOP-1-11, allowing daily business operation between 3:00 PM and 6:00 PM, with a limitation of 3 customers per day. HOP-1-13 is significantly more limited in business operations through the Conditions of Approval.

Home Occupation Permit, HOP-2-11, approved at staff level, approved daily hours of operation of 12:00PM to 6:00PM, a maximum of 5 customers per day, and limited the sales to five firearms per month and 2000 rounds of ammunition per month. Copies of those materials are attached to this staff report.

There have been no reported incidents related to the operations of these home based businesses, and there have been no reports of increased criminal statistics or concerns or complaints regarding traffic levels or other business related impacts that would cause the use to affect the residential character of the neighborhoods.

Alternatives: The Planning Commission, based upon the record, may uphold the Director's determination and therefore deny the appeal. The Planning Commission may modify the Director's determination. The Planning Commission may grant the appeal, over-turning the Director's determination, based upon the finding contained within Ordinance No. 178.

Fiscal Impact: There is no fiscal impact created through the processing of this application. Application fees are structured to cover all costs related to the processing of the application(s).

Attachments: Ordinance No. 178
Appeal-1-13 Application Materials
HOP 01-13 Minutes of April 15, 2013
HOP-1-13 Application and Approval Materials
HOP-1-11 Planning Commission Staff Reports and Minutes
HOP 02-11 Staff Report

Planning Commission: June 11, 2013
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION STAFF REPORT
APPEAL, A 01-13 HUBBARD

Case: APPEAL, A 01-13 HUBBARD
EXEMPT FROM CEQA UNDER SECTION 15301, CLASS 1, EXISTING FACILITIES

Request: THIS HEARING IS FOR AN APPEAL OF THE DIRECTORS DETERMINATION FOR APPROVAL OF HOME OCCUPATION PERMIT, HOP 01-13 TO ASSEMBLE FIREARMS THAT ARE PURCHASED IN KIT FORM, TO BUY AND SELL FIREARMS AND TO SELL AMMUNITION BY APPOINTMENT ONLY FROM AN EXISTING SINGLE FAMILY RESIDENCE.

Applicant: FRANK HUBBARD
8243 KEATS AVE
YUCCA VALLEY, CA 92284

Property Owner:
SAME

Representative:
SAME

Location: THE HOME OCCUPATION PERMIT IS LOCATED AT 8205 KEATS, CROSS STREET OF PALOMAR AVE, AND IS IDENTIFIED AS ASSESSORS PARCEL NUMBER 588-356-05.

Existing General Plan Land Use Designation
THE SITE IS CURRENTLY DESIGNATED RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)

Existing Zoning Designation
THE SITE IS CURRENTLY ZONED RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)

Surrounding General Plan Land Use Designation:
NORTH: RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)
SOUTH: RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)
WEST: RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)
EAST: RURAL LIVING 1 ACRE MINIMUM (RL-1)

Surrounding Zoning Designations
NORTH: RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)

SOUTH: RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)
WEST: RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)
EAST: RURAL LIVING 1 ACRE MINIMUM (RL-1)

Surrounding Land Use:

NORTH: SINGLE FAMILY RESIDENCES
SOUTH: SINGLE FAMILY RESIDENCES
WEST: SINGLE FAMILY RESIDENCES
EAST: VACANT LOTS

Public Notification

PURSUANT TO SECTION 83.010330, LEGAL NOTICE IS REQUIRED TO BE GIVEN TO ALL PROPERTY OWNERS WITHIN A THREE HUNDRED (300) FOOT RADIUS OF THE EXTERIOR BOUNDARIES OF THE SUBJECT SITE. AS REQUIRED, THIS PROJECT NOTICE WAS MAILED TO ALL PROPERTY OWNERS WITHIN A 300-FOOT RADIUS OF THE PROJECT SITE ON MAY 16, 2013.

RECOMMENDATIONS:

HOME OCCUPATION PERMIT, HOP 01-11: THAT THE PLANNING COMMISSION AFFIRMS THE DIRECTORS DECISION OF APPROVAL OF HOP 01-13, AND DENIES APPEAL 01-13, BASED UPON THE INFORMATION CONTAINED WITHIN THE STAFF REPORT AND REQUIRED FINDINGS.

Project Planner: Diane Olsen, Planning Technician

Reviewed By: Shane Stueckle, Deputy Town Manager

Appeal Information:

Actions by the Planning Commission may be appealed to the Town Council within 10 calendar days. Appeal filing and processing information may be obtained from the Planning Division of the Community Development Department.

I. GENERAL INFORMATION

REQUEST: An Appeal of the Directors determination to approve Home Occupation Permit, HOP 01-13, to assemble firearms that are purchased in kit form, to buy and sell firearms and to sell ammunition by appointment only from an existing single family residence.

LOCATION: The subject site is located at 8205 Keats Ave, cross street of Palomar Ave and is identified as Assessors Parcel Number 588-356-05.

PROJECT SYNOPSIS:

PROJECT AREA:

BUILDING AREA:

FLOOD ZONE:

ALQUIST PRIOLO ZONE:

SITE COVERAGE

0.48 Acres

| | |
|--------------------|-------------|
| Existing Residence | 2,346 sq ft |
| Attached Garage | 608 sq ft |
| Total Existing | 2,954 sq ft |
| Area used for HOP: | 72 sq ft |

Map 8860 Zone D (areas in which flood hazards are undetermined, but possible).

Yes

II. PROJECT ANALYSIS

ENVIRONMENTAL REVIEW: The project is Categorically Exempt under CEQA Section 15301, Class 1, Existing Facilities.

ADJACENT LAND USE/ZONING: The site is located within an area developed with single family residential structures. The properties to the north, south and west are zoned Residential Single Family, two dwelling units to the acre (RS-2) and are developed with single family residences. The properties to the east are zoned Rural Living, 1 acre minimum lot size (RL-1) and are vacant.

SITE CHARACTERISTICS: The subject property is a 0.48 acre parcel that is developed with a single family residence of 2,346 sq ft, with an attached garage of 608 sq ft. The dimensions of the property are approximately 120' x 180', with the residence built in the center of the lot.

DISCUSSION: The Home Occupation Permit is generally recognized as a commercial use which is accessory to an established residential land use and will not alter the character of the neighborhood. The basic intent of the HOP is to provide the homeowner with a business activity within a residence as long as that activity does not conflict with the intent of the HOP Ordinance or the standard Conditions of Approval, and does not alter the character of the residential neighborhood. Otherwise, it may be more appropriate to require a more suitable location that can accommodate the type of business proposed, such as a commercial district. The integrity of the ordinance is to consider the safety and welfare of the community and to provide minimal deviations from the atmosphere of the single family living environment.

The Home Occupation Permit was approved by the Director for the purpose of assembling firearms that are purchased in kit form, buying and selling firearms and selling ammunition from an existing single family residence.

Ordinance 178, Home Occupations, Section 84.0615 (f) of the Development Code provides the following standards for home based businesses:

- The monthly average trip count for customers shall not exceed ten trips per day. A trip is defined as a one way journey from an origin to a destination. This results in a maximum average of five (5) customers per day.
- Operating hours shall be between the hours of 7 AM and 8 PM.
- Up to 25% of the floor area may be used for storage and supplies related to the use.

The applicant is proposing the following:

- There will be a maximum of ten customers per month visiting the location. Those customers will be by appointment only.
- Customers will visit the residence by appointment only, between the hours of 8 AM and 3:30 PM on Saturdays and between 8 AM and 11:30 AM on Mondays.
- The activity will be using 72 sq ft of the residence, approximately 3% of the structure.

Prior to the initiation of any business activity on the property, the applicant is required to obtain a Federal Firearms License from the Department of Alcohol, Tobacco and Firearms. In order to purchase a firearm, all potential buyers must go through a screening process and a ten day waiting period prior to purchasing a firearm. This involves a preliminary safety test, an application process and a background check through Alcohol, Tobacco and Firearms (ATF). A yearly inspection of the property is also conducted by ATF.

The applicant is proposing to sell the following types of weapons:

1. Rifles
2. Handguns

On March 21, 2013, the application and related material was forwarded to the San Bernardino County Sheriff's Dept and to the San Bernardino County Fire Dept. for review and comment. The Town has received responses from both agencies. The San Bernardino County Sheriff has no concerns related to the application. The San Bernardino County Fire Department requires the applicant to have an illuminated address and a 2a10bc fire extinguisher. .

PUBLIC COMMENT:

As of the writing of this staff report, the Town has no written responses in regards to the application.

FINDINGS:

Ordinance 178, Home Occupations, contains five (5) Findings that must be made in order for the Town to approve a Home Occupation Permit. The Findings are as follows:

1. That the proposed use is not prohibited.

The proposed use is not listed as a prohibited use under Section 84.0615(f) of the Development Code.

2. That the proposed use will comply with all applicable standards.

The proposed use will comply with all applicable standards, such as limiting the number of customers to ten per month and limiting the operating hours between 8 AM and 3:30 PM on Saturdays and between 8 AM and 11:30 AM on Mondays.

3. That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety and general welfare.

The issuance of the HOP will not be detrimental to public health, safety and general welfare in that any potential buyer is required to submit an application to the Department of Justice, Firearms Division and is subject to a background check. The San Bernardino County Sheriff's Dept. and the San Bernardino County Fire Dept. have reviewed the proposal for conformance to the agency's regulations.

4. That the proposed use will be consistent with any applicable specific plan.

There are no specific plans for the proposed location.

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.

The proposed use will not alter the character of the neighborhood. The residence will not be altered to indicate the presence of a home based business. Traffic patterns will not be affected as there will be a maximum of ten customers per week. Further, Policy 6.A of the Circulation Element

and Policy 4 of the Land Use Element of the General Plan further support the establishment of home based businesses.

Program 6.A of the Circulation Element of the General Plan states “ In order to locate jobs and housing near each other to produce shorter work commutes, make a concerted effort to encourage mixed-use development with a residential component contiguous with employment centers, encourage relocation of appropriate industries, adopt a home occupation ordinance, and encourage major employers to evaluate telecommuting opportunities, either home-based or at local centers, as at least part-time options for employees”.

Policy 4 of the Land Use Element of the General Plan states “As an essential part of land use planning, the Town shall continuously assess business and employment opportunities for an expanding economic base.”

**CONDITIONS OF APPROVAL
HOME OCCUPATION PERMIT, HOP 01-13
MINTZ**

This Home Occupation Permit, HOP 01-13 is a proposal to assemble firearms that are purchased in kit form, to buy and sell firearms and sell ammunition from an existing single family residence. The property is located at 8205 Keats Ave and is further identified as assessor's parcel number 588-356-05

1. This Home Occupation Permit approval is valid for a period of one year. Applicant is responsible for the initiation of a request for renewal.
Approval Date: April 26, 2013
Expiration Date: April 26, 2014
2. 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.
3. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve Applicant of his obligations under this condition.
4. The Applicant/owner shall ascertain and comply with requirements of all Federal, State, County, Town and local agencies and obtain any and all necessary approval and permits that are applicable to the project. These include, but are not limited to ATF, CA Dept. of Justice, Environmental Health Services, Transportation/Flood Control, Fire Department, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.

5. All conditions are continuing conditions. Failure of the Applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
6. There shall be no displays, sale or advertising signs on the premises.
7. 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.
8. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs.
9. The Home Occupation shall not encroach into any required parking, setback, or open space area.
10. 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.
11. 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.
12. 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.
13. No home occupation shall be initiated until a current business registration certificate is obtained.
14. A Home Occupation Permit is not transferable.
15. The garage shall not be altered externally.
16. 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.
17. Customers conducting business at 8205 Keats Avenue shall be limited to a maximum of ten (10) per month.

18. Hours of operation shall be limited to:
8 AM to 3:30 PM on Saturdays and;
8 AM to 11:30 AM on Mondays.
19. Applicant shall submit a copy of Federal Firearms License prior to the commencement of any business operation.
20. Applicant shall submit proof, on a quarterly basis, of an active commercially monitored alarm system contract.
21. All doors and windows which provide ingress/egress to the structure, including the garage, shall be equipped door/window break security monitoring equipment, including the garage vehicle door. This is also to include the door separating the garage from the living quarters.
22. The living quarters shall be equipped with glass break security monitoring equipment.
23. Applicant's home address shall not be used in any type of advertising or business promotion.
24. All employees shall be members of the resident family and shall reside on the premises.
25. 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.
26. No employees and no vehicle parking, other than that normally associated with a single family residential structure, shall be permitted.

Signature

Date

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.

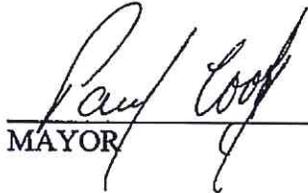
- (i) **Appeal.** Any affected person may appeal a decision of the Director of Community Development to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Community 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.

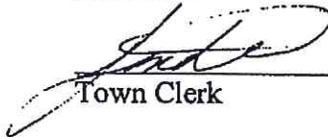
SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 5th day of January, 2006.



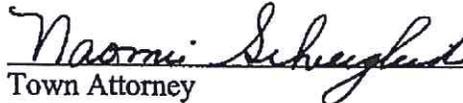
 MAYOR

ATTEST:



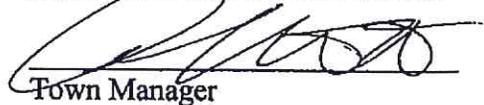
 Town Clerk

APPROVED AS TO FORM:



 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

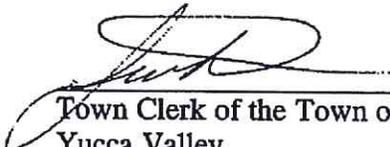
Noes: None

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

Home Occupation Permit Hearing

HOP 01-13

8205 Keats Ave

04-15-2013

9:00 AM

In attendance are Deputy Town Manager Shane Stueckle, Diane Olsen,

William Wood, Nalini Maharaj, Keith Hall, Chris Anderson, Barry Shaw, Clay Dinell, Sigrid McAllister, Monica & Frank Hubbard, Sharon, Joel Resnick, Rolando Pena, Luke Mintz

Deputy Town Manager Shane Stueckle opened the permit hearing.

Luke Mintz gave a brief overview of the proposed business activity. Proposing to assemble and sell firearms out of the home and to sell ammunition out of the home. Doing this as additional income and plans on running a very small operation. He will be contacted by prospective buyer, will meet buyer a different location to do paperwork, and perform background check before allowing anyone into the home. Business to be conducted on Mondays and Saturdays only between the hours of 8 am and 3 pm by appointment only and no more than two customers per day. No inventory of guns will be stored at the home other than ones that have already been purchased. Customer will request a specific firearm and that gun will be ordered based on what the customer wants. Only has plans to assemble one or two firearms per year as a hobby, but must have the FFL to do this. Does not plan to storing any ammunition at the home other than for his personal use, will have any ordered ammunition shipped directly to purchaser.

Shane Stueckle read portions of the HOP ordinance to the hearing.

William Wood –family residences and a quiet street, do not need one of the residences selling guns.

Nalini Maharaj –whether it is on a small level or larger lever, it would have to be disclosed to the buyer. Bought her house because of security. Once you have the business it will lose aesthetic value. Don't want to lose the value for the benefit of one homeowner. Can it be monitored based on the current budget. What kind of security is going to be provided for the residence.

Keith Hall lives next door to applicant. If there is ammunition, what if there is a fire or an accident. If you have better rates, the business will grow. A background check is not a psych eval

Michelle Hall – increased traffic. Even with a background check, you don't know the person

Chris Anderson – will open up opportunities for theft. Will have to disclose this and make it harder to sell the home. What is the town going to do to secure the property. How many of these businesses are in town limits?

???? – concerned about the person buying one a month. How many do we need? Should have a limit on the number

???? – was surprised, should be added to the list of prohibited, should not be allowed in a residential neighborhood.

Clay Dinell -what if something goes wrong, hope that no gun shop will

Sigrid McAllister – house has been burglarized three times, concerned that there are two daycare centers.

Monica Hubbard is concerned about security

Frank Hubbard primary concern is burglary. He was able to obtain a list of FFL's in Yucca Valley by googling it. Guns are the #1 target for burglars.

Joel Resnick has a letter signed by almost everyone on the street. He discussed several issues such as, the applicant has no control over the guns before they get to the residence, that everyone will be losing equity in their home, that the proposed business is dangerous. Are the walls and windows bulletproof? What kind of water heater? What if there is a brush fire? What about gang members? What about a full time security guard? There are plenty of retail locations in Town for this business. Granting a zoning variance for this business opens the door for other variances. By appt. only does not solve the problem.

Shane Stueckle discussed the existing Home Occupation permits for firearms sales in the Town.

William Wood questioned the cost of the license.

Luke Mintz discussed the amount of personal ammunition that he keeps at the residence and where it is stored. If he cannot ship the ammunition directly to buyer, he will not sell ammunition. Has a fire sprinkler system in the home. Any firearms will be stored in a fireproof safe. Ammunition is in a locked closet. Water heater is 40 feet from location of ammunition.

Shane Stueckle discussed no limitation on amount of ammunition a person can own or the number of firearms a person can own.

Luke Mintz discussed the manufacturing of firearms. Will be building from parts or kits, no machining will take place.

Chris Anderson questioned the security, is having bars on windows going to be required?

Luke Mintz discussed state requirements for housing of firearms. He is required to have a fireproof gun safe mounted to the floor.

Shane Stueckle questioned whether an inventory will be kept or on a per order basis.

Luke Mintz this will be on a per order basis, only time a firearm at the residence is when it has been ordered and paid for and has passed the background check. It will be kept for a maximum of ten days. If not picked up in ten days it will be returned to the supplier.

Nalini Maharaj questioned whether it is fair to the other residents to have a gun store, when other residents will lose value in their homes

Keith Hall discussed the fact people have multiple firearms and ammunition in their home, but that it is not public knowledge, but this permit is public knowledge and this will have to be disclosed and will lower the value of homes.

Frank Hubbard questioned whether the Town had received opposition on the other HOP applications

Shane Stueckle – yes, there have been no complaints on the approved licenses. There has been no difference in crime in the areas where these permits have been issued.

Joel Resnick discussed how may not increase crime, but will affect home values.

Shane Stueckle discussed the process of appeal if not satisfied with decision.

Chris Anderson questioned the reason for approval of previous application.

??? has the Town considered limiting the number of permits issued

Michelle Hall are there limits on the numbers of firearms sold?

Shane Stueckle discussed issues related to the application.

Chris Anderson and **Shane Stueckle** discussed the responsibility of monitoring the locations.

Shane Stueckle discussed the purpose of the hearing is to take all comments into consideration

Chris Anderson questioned whether an application has ever been denied

Shane Stueckle discussed timeline for approval and for appeal of decision.

Frank Hubbard and **Shane Stueckle** discussed notification of decision

Chris Anderson questioned timeline for approval of FFL

Luke Mintz – has a home inspection in two weeks for FFL, must have Town license to apply for State License, which takes 60 to 90 days.

Shane Stueckle discussed decision making process for this process and how to change an existing ordinance.

Michelle Hall questioned the location of the permit on Airway Ave and the size of the property.

Luke Mintz discussed the fact that the permit is already public record and the business is not increasing anything that is not already there.

Shane Stueckle recommended speaking with the applicant and closed the permit hearing



Appeal Application and Information Sheet

Date Received 05/06/13
By D OLSEN
Fee 720.00
Case # A-01-13

General Information

APPLICANT Frank Hubbard Phone _____ Fax _____
Mailing Address _____ Email _____
City Yucca Valley, CA State CA Zip 92284

REPRESENTATIVE _____ Phone _____ Fax _____
Mailing Address _____ Email _____

PROPERTY OWNER Frank Hubbard Phone _____ Fax _____
Mailing Address _____ Email _____
City Yucca Valley State CA Zip 92284

Project Information

Project Address 8205 Keats Ave. Assessor Parcel Number(s) 588-356-05
Project Location _____
Project Description: Assemble and Sell Firearms

- I/We are appealing the following project action taken:
- Denial of project
 - Denial of project without prejudice
 - Approval of the project
 - Adoption of a Negative Declaration
 - Modification to Conditions of approval
 - Other, please describe _____

- I/We are appealing:
- Staff Determination
 - Hearing Officer Determination
 - Planning Commission Determination

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

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. All documents, maps, reports, etc., submitted with this application are deemed to be public records. I/We further understand that the Town might not approve the application as submitted, or might set conditions of approval. Further, I understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records.

Signed: _____

Date: _____

Property Owner/ Authorized Agent: 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.

Signed: Frank J. Hufford

Dated: 5/6/2013

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 the letter, staff may stop processing of the application and/ or not schedule the project for action by the Planning Commission or Town Council.

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 time spent processing this application will be paid to the Town of Yucca Valley

Deposit Paid: \$ _____

Applicant's Signature _____ Date: _____

Applicants Name _____
(Please print)

May 6, 2013

Frank J. Hubbard

Yucca Valley, CA 92284-6180

H

Town of Yucca Valley
Community Development Department Planning Division
58928 Business Center Dr.
Yucca Valley, CA 92284

Dear Planning Commission:

We are appealing the approval of the Home Occupation Permit which was issued to: Luke Mintz, 8205 Keats Ave. This appeal is supported by practically all of my neighbors. My neighbors contributed \$620 of the \$720 fee to process this appeal.

At the hearing on 4/15/2013 Mr. Mintz stated he was in the process of applying for a Federal Firearms License. The proposed business cannot be legally conducted without this license. I have attached a package of info from the ATF web site about applying for a Federal Firearms License.

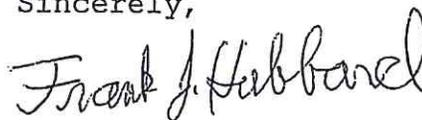
Most of my neighbors appeared at the hearing on 4/15. The concerns expressed were: Negative impact on property values, increased crime (Guns are a popular target for thieves.), safety of our children, negative impact on 2 nearby day care centers and increased traffic on our street. The overwhelming opposition which was expressed by all except Mr. Mintz appears to have been disregarded in the decision making process.

Mr. Mintz stated that he has no business experience and very little capital. We do not feel that we should be forced to participate in this experiment.

A gun shop does not belong in a residential neighborhood.

Please let me know if you have any questions or need further information.

Sincerely,



Frank J. Hubbard

Nalini Maharaj(resident supporting the the appeal as well)

Yucca Valley, 92284

May 03. 2013
|

The planning Commission

RE: an Appealing the permit granted for Home Occupation Permit HOP 01-13 Luke Mintz 8205 Keats AVE APN-588-356-05

Dear Sir/Madam

This letter is attached to the appeal application that is been submitted today 05/06/13, on behalf of the residents of Keats avenue and some from neighboring streets.

As residents that are affected by the Home Occupation Permit HOP 01-13 Luke Mintz, we are appealing the permission granted to the applicant by the town deputy manager based on the public hearing held on the 04/15/2013. Our reasons for this appeal are as follows:

1. The nature of the proposed business, has created a great safety concern for all the residents, as current legislation in the country still debate background checks of gun owners, the applicant is not ensured us neither has the government that background checks is permissible. Hence this increases the risk of individuals with criminal history entering a residential area, which leads to a greater risk of burglaries , sex offenders, and general crime increase in the area. Please note that more than 50% of the residents in this area are single seniors that are retirees.
2. Furthermore less than a quarter of a mile from 8205 Keats Avenue, is a Day Care Centre and a mile away is an elementary school (this business now puts children that are babies at risk of been victims' of possible crimes such as one that the nation experienced in the town of Sandy hook in December of 2012.
|
3. By "Appointment only" does not decrease the number of additional vehicles on the street in a weeks period, adding to traffic noise, a danger to local residents (especially the children that play with there bikes) and pollution. Limiting the hours for public access only increases the number of vehicle per hour on our street during those hours, and there are parking concerns. Visitors that are not available at those hours will simply arrange to come at other times, and this would be oversight regarding this (and other) plan Violations. This is a quite street, this and many other elements will disturb the peace, ambience and aesthetics of the home owners and the street.
4. The property values of the residents will definitely be jeopardize if commercial business is in a residential zoning , it would also decrease the potential buyers in the neighborhood. As the seller must disclose a commercial business in residential area that the buyer is purchasing into, (this disclosure must be made by the seller even if it is public knowledge, as it would affect the risk of the buyers equity).
5. As residents we are very confused as to how the Deputy Town Manager granted this Home Occupation Permit, because at the hearing on the 04/15/13 (Mr. Mintz the applicant) expressed that he has not as yet been approved his Federal Fire Arm License neither did he present this to the residents at the hearing . Why is the town granting a permit to sell guns when the federal government has not yet approved him have a gun licenses???

6. According to the California Department of Justice Bureau of Firearms application for Centralized list of firearms dealers, the statutory requirements for becoming a California Licensed firearms dealer, and certain requirements for doing business in California:

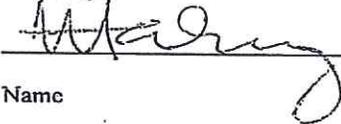
- A Valid federal firearm license,
- A valid Sellers permit issued by the State Board of Equalization
- A Certificate of Eligibility issued by the department of Justice
- A valid listing on the DOJ Centralized list of Firearms Dealers, Etc

As residents' we would like to be informed if a background check on the above was done on MR Mintz, as the deputy City Manager certainly did not confirm the above at the hearing. Neither did he indicate if the business was going to have commercial liability insurance or is bonded and for what amount???

Finally Mr. Mintz explained to us at the hearing that this is his first attempt as a business-owner of a gunship, he came across is totally inexperienced in this business, and someone that was not clear on the Operations and handling (or the nature of such a business.)

In light of the above the Town and the applicant is opening themselves to liabilities such as lawsuits. We therefore request that the planning commission take action to change the permit granted to MR Mintz, by the deputy City Manager. Hence this is the residents need for the application of the appeal.

Sincerely



Name

And on behalf all residents

April 26, 2013

Luke Mintz
8205 Keats Ave
Yucca Valley, CA 92284

RE: HOME OCCUPATION PERMIT, HOP 01-13

Dear Mr. Mintz:

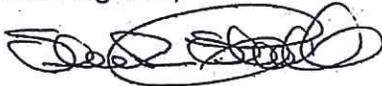
The Town received your application for Home Occupation Permit on March 18, 2013. Your application was approved on April 26, 2013, subject to compliance with the attached Conditions of Approval. Please note that there is a ten day appeal period prior to final approval of the permit.

Included with this letter are two copies of the Conditions of Approval. Please sign and return one copy to the Community Development Dept., 58928 Business Center Dr., Yucca Valley, CA 92284. The other copy is for your records.

This permit is valid until April 26, 2014. This permit shall be renewed annually.

Should you have any question or require additional information, please contact Diane Olsen at your convenience at 760-369-6575, ext 317.

Best Regards,



SHANE R. STUECKLE
Deputy Town Manager



The Town of
Yucca Valley

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

Planning
(760) 369-6575 x 317
Public Works
(760) 369-6579 x 308
Building and Safety
(760) 365-0099 x 302
Code Compliance
(760) 369-6575 x 301
Engineering
(760) 369-6575 x 308
Building & Safety
Inspections
(760) 365-1339
FAX (760) 228-0084

**TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
HOME OCCUPATION PERMIT
NON-TRANSFERABLE**

**LUKE MINTZ
8205 KEATS AVE
YUCCA VALLEY, CA 92284**

PERMIT – HOP 01-13

TYPE OF PERMIT - HOME OCCUPATION PERMIT

LOCATION – 8205 KEATS AVENUE

**TYPE OF BUSINESS – ASSEMBLING FIREARMS THAT ARE PURCHASED IN
KIT FORM, BUYING AND SELLING OF FIREARMS AND THE SALE OF
AMMUNITION.**

**PERMIT ISSUANCE: APRIL 26, 2013
PERMIT EXPIRATION: APRIL 26, 2014**

MUST COMPLY WILL ALL CONDITIONS OF APPROVAL

This permit may be suspended or revoked by the Town of Yucca Valley for cause. This permit is granted on the condition that the person named in the permit will comply with the laws, ordinances and regulations that are now or may hereafter be in force by the United States Government, the State of California, County of San Bernardino and the Town of Yucca Valley pertaining to the above mentioned business. Penalty fees are assessed on permits renewed 30 days after the expiration date indicated above.



**SHANE R. STUECKLE
Deputy Town Manager**

POST IN A CONSPICUOUS PLACE



**The Town of
Yucca Valley**

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

Planning
(760) 369-6575 x 317
Public Works
(760) 369-6579 x 308
Building and Safety
(760) 365-0099 x 302
Code Compliance
(760) 369-6575 x 301
Engineering
(760) 369-6575 x 308
Building & Safety
Inspections
(760) 365-1339
FAX (760) 228-0084

**CONDITIONS OF APPROVAL
HOME OCCUPATION PERMIT, HOP 01-13
MINTZ**

This Home Occupation Permit, HOP 01-13 is a proposal to assemble firearms that are purchased in kit form, to buy and sell firearms and sell ammunition from an existing single family residence. The property is located at 8205 Keats Ave and is further identified as assessor's parcel number 588-356-05

1. This Home Occupation Permit approval is valid for a period of one year. Applicant is responsible for the initiation of a request for renewal.
Approval Date: April 26, 2013
Expiration Date: April 26, 2014
2. 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.
3. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve Applicant of his obligations under this condition.
4. The Applicant/owner shall ascertain and comply with requirements of all Federal, State, County, Town and local agencies and obtain any and all necessary approval and permits that are applicable to the project. These include, but are not limited to ATF, CA Dept. of Justice, Environmental Health Services, Transportation/Flood Control, Fire Department, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.

5. All conditions are continuing conditions. Failure of the Applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
6. There shall be no displays, sale or advertising signs on the premises.
7. 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.
8. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs.
9. The Home Occupation shall not encroach into any required parking, setback, or open space area.
10. 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.
11. 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.
12. 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.
13. No home occupation shall be initiated until a current business registration certificate is obtained.
14. A Home Occupation Permit is not transferable.
15. The garage shall not be altered externally.
16. 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.
17. Customers conducting business at 8205 Keats Avenue shall be limited to a maximum of ten (10) per month.

18. Hours of operation shall be limited to:
8 AM to 3:30 PM on Saturdays and;
8 AM to 11:30 AM on Mondays.
19. Applicant shall submit a copy of Federal Firearms License prior to the commencement of any business operation.
20. Applicant shall submit proof, on a quarterly basis, of an active commercially monitored alarm system contract.
21. All doors and windows which provide ingress/egress to the structure, including the garage, shall be equipped door/window break security monitoring equipment, including the garage vehicle door. This is also to include the door separating the garage from the living quarters.
22. The living quarters shall be equipped with glass break security monitoring equipment.
23. Applicant's home address shall not be used in any type of advertising or business promotion.
24. All employees shall be members of the resident family and shall reside on the premises.
25. 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.
26. No employees and no vehicle parking, other than that normally associated with a single family residential structure, shall be permitted.

Signature

Date

Permit Hearing: April 15, 2013
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION STAFF REPORT
HOME OCCUPATION PERMIT, HOP 01-13 MINTZ

Case: HOME OCCUPATION PERMIT, HOP 01-13 MINTZ
EXEMPT FROM CEQA UNDER SECTION 15301, CLASS 1, EXISTING FACILITIES

Request: THIS HOME OCCUPATION PERMIT IS A REQUEST TO ASSEMBLE FIREARMS THAT ARE PURCHASED IN KIT FORM, TO BUY AND SELL FIREARMS AND TO SELL AMMUNITION FROM AN EXISTING SINGLE FAMILY RESIDENCE.

Applicant: LUKE MINTZ
8205 KEATS AVE
YUCCA VALLEY, CA 92284

Property Owner:
SAME

Representative:
SAME

Location: THE PROJECT IS LOCATED AT 8205 KEATS, CROSS STREET OF PALOMAR AVE, AND IS IDENTIFIED AS ASSESSORS PARCEL NUMBER 588-356-05.

Existing General Plan Land Use Designation
THE SITE IS CURRENTLY DESIGNATED RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)

Existing Zoning Designation
THE SITE IS CURRENTLY ZONED RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)

Surrounding General Plan Land Use Designation:
NORTH: RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)
SOUTH: RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)
WEST: RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)
EAST: RURAL LIVING 1 ACRE MINIMUM (RL-1)

Surrounding Zoning Designations
NORTH: RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)
SOUTH: RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)
WEST: RESIDENTIAL SINGLE FAMILY-2 DU PER ACRE (RS-2)

EAST: RURAL LIVING 1 ACRE MINIMUM (RL-1)

Surrounding Land Use:

NORTH: SINGLE FAMILY RESIDENCES
SOUTH: SINGLE FAMILY RESIDENCES
WEST: SINGLE FAMILY RESIDENCES
EAST: VACANT LOTS

Public Notification

PURSUANT TO SECTION 83.010330, LEGAL NOTICE IS REQUIRED TO BE GIVEN TO ALL PROPERTY OWNERS WITHIN A THREE HUNDRED (300) FOOT RADIUS OF THE EXTERIOR BOUNDARIES OF THE SUBJECT SITE. AS REQUIRED, THIS PROJECT NOTICE WAS MAILED TO ALL PROPERTY OWNERS WITHIN A 300-FOOT RADIUS OF THE PROJECT SITE ON MARCH 27, 2013.

RECOMMENDATIONS:

HOME OCCUPATION PERMIT, HOP 01-11: STAFF RECOMMENDS THAT THE DEPUTY TOWN MANAGER APPROVE THE APPLICATION BASED UPON THE INFORMATION CONTAINED WITHIN THE STAFF REPORT AND FINDINGS.

Project Planner: Diane Olsen, Planning Technician

Reviewed By: Shane Stueckle, Deputy Town Manager

Appeal Information:

Actions by the Deputy Town Manager may be appealed to the Planning Commission within 10 calendar days. Appeal filing and processing information may be obtained from the Planning Section of the Community Development Department.

I. GENERAL INFORMATION

REQUEST: This Home Occupation Permit is a request to sell firearms and ammunition to the public from an existing single family residence

LOCATION: The subject site is located at 8205 Keats Ave, cross street of Palomar Ave and is identified as Assessors Parcel Number 588-356-05.

PROJECT SYNOPSIS:

PROJECT AREA:

BUILDING AREA:

FLOOD ZONE:

ALQUIST PRIOLO ZONE:

SITE COVERAGE

0.48 Acres

| | |
|-----------------------|--------------------|
| Existing Residence | 2,346 sq ft |
| Attached Garage | 608 sq ft |
| <u>Total Existing</u> | <u>2,954 sq ft</u> |
| Area used for HOP: | 72 sq ft |

Map 8860 Zone D (areas in which flood hazards are undetermined, but possible).

Yes

II. PROJECT ANALYSIS

ENVIRONMENTAL REVIEW: The project is Categorically Exempt under CEQA Section 15301, Class 1, Existing Facilities.

ADJACENT LAND USE/ZONING: The site is located within an area developed with single family residential structures. The properties to the north, south and west are zoned Residential Single Family, two dwelling units to the acre (RS-2) and are developed with single family residences. The properties to the east are zoned Rural Living, 1 acre minimum lot size (RL-1) and are vacant.

SITE CHARACTERISTICS: The subject property is a 0.48 acre parcel that is developed with a single family residence of 2,346 sq ft, with an attached garage of 608

sq ft. The dimensions of the property are approximately 120' x 180', with the residence built in the center of the lot.

DISCUSSION: The Home Occupation Permit is generally recognized as a commercial use which is accessory to an established residential land use and will not alter the character of the neighborhood. The basic intent of the HOP is to provide the homeowner with a business activity within a residence as long as that activity does not conflict with the intent of the HOP Ordinance or the standard Conditions of Approval, and does not alter the character of the residential neighborhood. Otherwise, it may be more appropriate to require a more suitable location that can accommodate the type of business proposed, such as a commercial district. The integrity of the ordinance is to consider the safety and welfare of the community and to provide minimal deviations from the atmosphere of the single family living environment.

The applicant is requesting approval for a Home Occupation Permit for the purpose of assembling firearms that are purchased in kit form, buy and sell firearms and sell ammunition from an existing single family residence.

Ordinance 178, Home Occupations, Section 84.0615 (f) of the Development Code provides the following standards for home based businesses:

- The monthly average trip count for customers shall not exceed ten trips per day. A trip is defined as a one way journey from an origin to a destination. This results in a maximum average of five (5) customers per day.
- Operating hours shall be between the hours of 7 AM and 8 PM.
- Up to 25% of the floor area may be used for storage and supplies related to the use.

The applicant is proposing the following:

- There will be a maximum of ten customers per month visiting the location. Those customers will be by appointment only.

- Customers will visit the residence by appointment only, between the hours of 8 AM and 3:30 PM on Saturdays and between 8 AM and 11:30 AM on Mondays.
- The activity will be using 72 sq ft of the residence, approximately 3% of the structure.

Prior to the initiation of any business activity on the property, the applicant is required to obtain a Federal Firearms License from the Department of Alcohol, Tobacco and Firearms. In order to purchase a firearm, all potential buyers must go through a screening process and a ten day waiting period prior to purchasing a firearm. This involves a preliminary safety test, an application process and a background check through Alcohol, Tobacco and Firearms (ATF). A yearly inspection of the property is also conducted by ATF.

The applicant is proposing to sell the following types of weapons:

1. Rifles
2. Handguns

On March 21, 2013, the application and related material was forwarded to the San Bernardino County Sheriff's Dept and to the San Bernardino County Fire Dept. for review and comment. The Town has received responses from both agencies. The San Bernardino County Sheriff has no concerns related to the application. The San Bernardino County Fire Department requires the applicant to have an illuminated address and a 2a10bc fire extinguisher.

PUBLIC COMMENT:

As of the writing of this staff report, the Town has received three written responses in opposition to the project.

FINDINGS:

Ordinance 178, Home Occupations, contains five (5) Findings that must be made in order for the Town to approve a Home Occupation Permit. The Findings are as follows:

1. That the proposed use is not prohibited.

The proposed use is not listed as a prohibited use under Section 84.0615(f) of the Development Code.

2. That the proposed use will comply with all applicable standards.

The proposed use will comply with all applicable standards, such as limiting the number of customers to ten per week and limiting the operating hours between 9 AM to 8 PM.

3. That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety and general welfare.

The issuance of the HOP will not be detrimental to public health, safety and general welfare in that any potential buyer is required to submit an application to the Department of Justice, Firearms Division and is subject to a background check. The San Bernardino County Sheriff's Dept. and the San Bernardino County Fire Dept. have reviewed the proposal for conformance to the agency's regulations.

4. That the proposed use will be consistent with any applicable specific plan.

There are no specific plans for the proposed location.

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.

The proposed use will not alter the character of the neighborhood. The residence will not be altered to indicate the presence of a home based business. Traffic patterns will not be affected as there will be a maximum of ten customers per week. Further, Policy 6.A of the Circulation Element and Policy 4 of the Land Use Element of the General Plan further support the establishment of home based businesses.

Program 6.A of the Circulation Element of the General Plan states " In order to locate jobs and housing near each other to produce shorter work commutes, make a concerted effort to encourage mixed-use development with a residential component contiguous with employment centers, encourage relocation of appropriate industries, adopt a home occupation ordinance, and encourage major employers to evaluate telecommuting opportunities, either home-based or at local centers, as at least part-time options for employees".

Policy 4 of the Land Use Element of the General Plan states "As an essential part of land use planning, the Town shall continuously assess business and employment opportunities for an expanding economic base."

Attachments:

1. Application
2. Location Map
3. Ordinance 178, Home Occupations
4. Development Code Section 84.0325 Single Residential District
5. Program 6.A, General Plan Circulation Element
6. Policy 4, General Plan Land Use Element, Goals, Policies and Programs
7. Notice of Exemption
8. Notice of Hearing
9. Public Comments



Home Occupation Permit Application

Date Received 3-18-13
 By Robert Kirschmann
 Fee \$270
 Case # HO P 01-13

New Renewal

General Information

APPLICANT Luke Mintz Phone _____
 Mailing Address 8205 Keats ave Email _____
 City Yucca Valley State Ca Zip 92284
 REPRESENTATIVE Same Phone _____ Fax _____
 Mailing Address _____ Email _____
 PROPERTY OWNER Same Phone _____ Fax _____
 Mailing Address _____ Email _____
 City _____ State _____ Zip _____

Project Information

Business Name Lukes Firearms Assessor Parcel Number(s) 0588-356-05-000
 Business Address 8205 Keats ave Yucca Valley, Ca, 92284
 Type of business The sale of firearms and ammunition
 Type of Advertising to be uses yellow pages and word of mouth
 Applicant Signature [Signature]
 Property Owner Signature [Signature]

Please provide detailed responses to the following:

Approximate volume, units sold, number of customers received per day, year or other time increments:

I estimate 50 to 75 firearms sales a year and 10 to 90 boxes of ammunition per month depending on demand. Approximately 50 customers a year.

Description of equipment used (horsepower, voltage, etc.):

One fireproof gunsafe and various hand tools.

Materials used and their manner of delivery to Home Occupation location.

firearms, components and ammunition to be shipped via standard parcel services.

How are contacts made with clients or customers?

Over the phone.

Square feet of area used for storage and work area:

approximately 72 sqft

Total square feet of residence, including garage:

2,830 sqft

Brief summary of business being conducted:

The Main Primary the sale of firearms and ammunition also the occasional manufacture of a fire arm no more than 10 per year.

Robert Kirschmann

From:
Sent: Tuesday, March 19, 2013 8:42 PM
To: Robert Kirschmann
Subject: description

Description of business to be conducted under the home occupation permit for Luke Mintz at 8205 Keats avenue, Yucca Valley, CA. I plan to start a firearms and ammunition business out of my home to earn some extra money. The business will be small and mainly conducted over the phone. I plan to have only 5 to 10 customers per month. I also plan to assemble a few firearms myself maybe 5 to 10 a year this is the manufacturing mentioned in my home occupation permit application. I also plan to sell ammunition but by order only so I will not have much stock at my house I will order it as my customers ask for it. I plan to have no more than one customer on premises at a time and that will be by appointment only. No business will be conducted after 7pm or before 8am. Business will be primarily conducted on Mondays and Saturdays.

Hi Robert let me know if this is what you wanted thanks?

Owner/Applicant Authorization

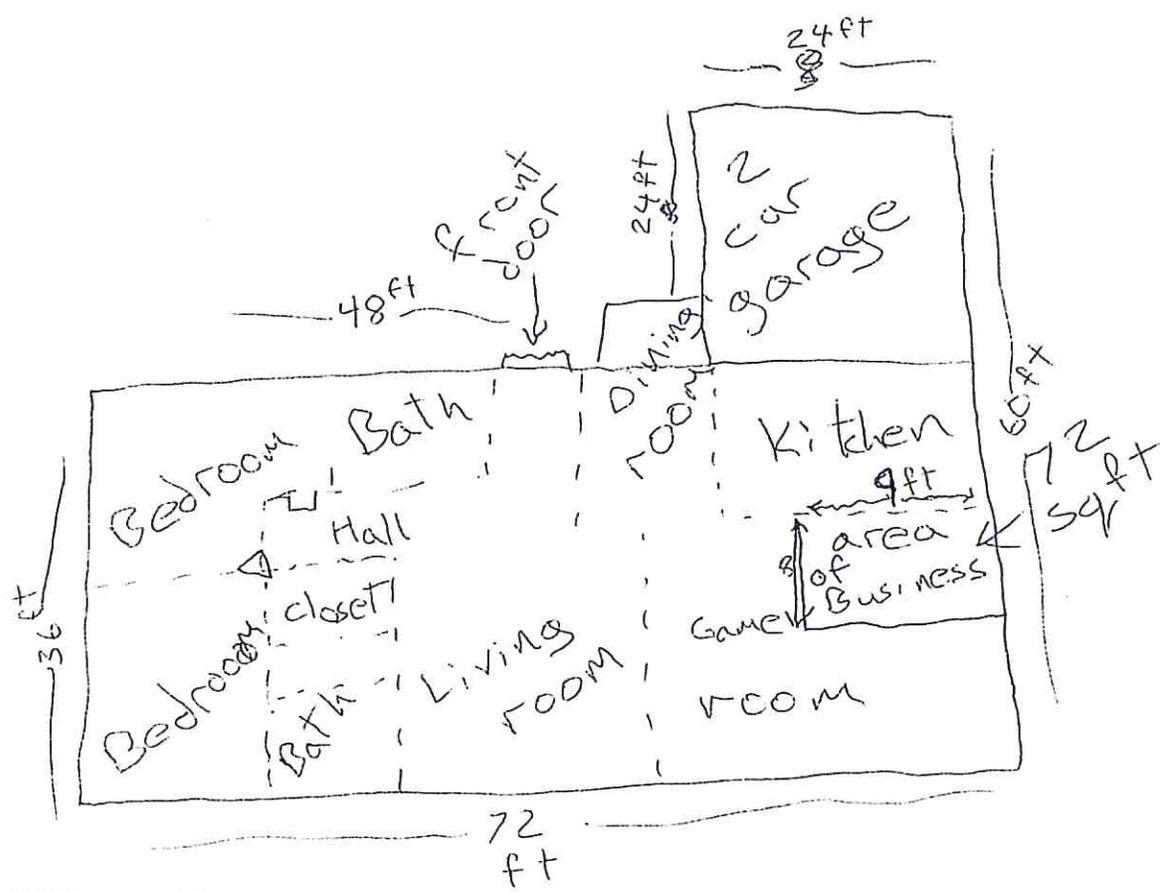
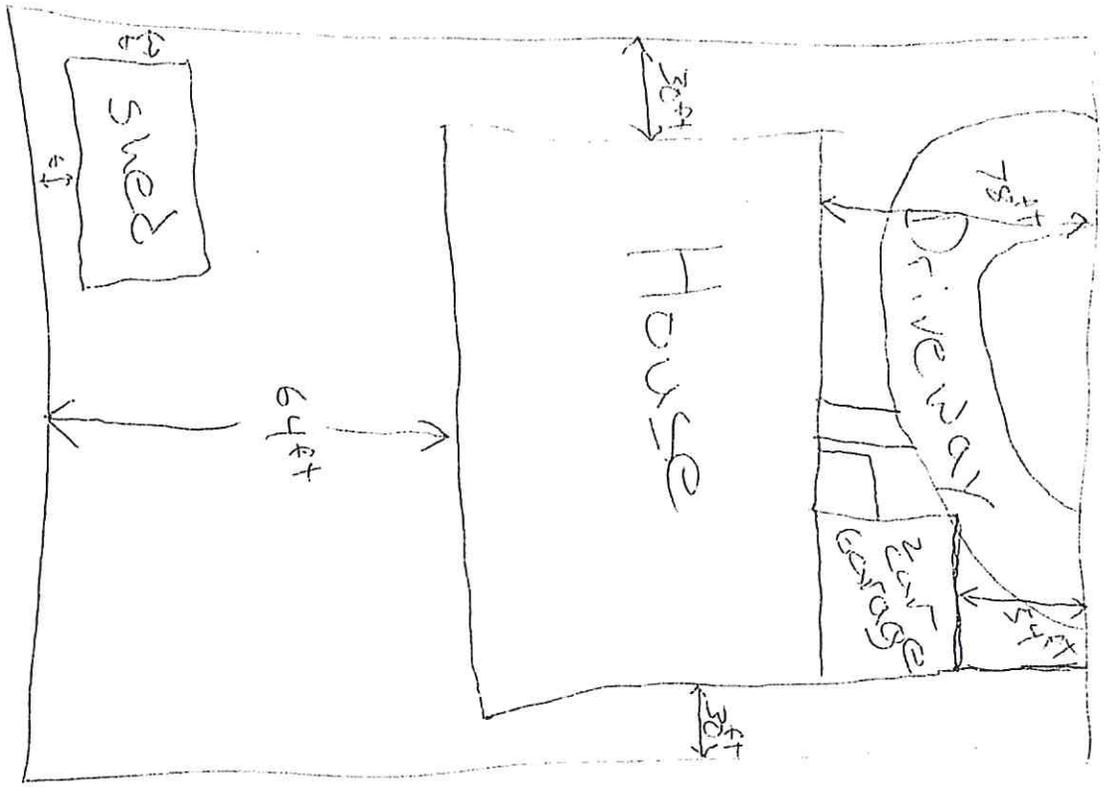
Applicant/Representative: I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. I/We further understand that the Town may not approve the application as submitted, and may set conditions 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.

Signed: 
Date: 3-18-13

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. I am hereby authorizing

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

Signed: 
Dated: 3-18-13
LM



Application for Federal Firearms License

For ATF Use Only

1. Name of Owner or Corporation (If partnership, include name of each partner)

Luke M. White

2. Trade or Business Name, if any

3. Employer Identification Number (EIN#) or Social Security Number (SSN is Voluntary)

4. Name of County in Which Business is Located

San Bernardino County

5. Business Address (RFD or street number, city, State, and ZIP code) (NOTE: The business address CANNOT be a P.O. Box.)

8205 Keats Ave, Yuca Valley, Ca
92284

6. Mailing Address (if different from address in item #5)

7. Contact Numbers (Include Area Code)

Business Phone (760) 587-9136

Fax Number

Cell Phone

24 Hour Emergency # (if different)

8. Applicant's Business is (Select one)

Individually Owned A Partnership A Corporation Other (Specify)

9. Describe Specific Activity Applicant is Engaged in, or Intends to Engage in, Which Requires a Federal Firearms License. (Sale of ammunition alone does not require a license.)

The assembly and sale of firearms.

10. Do You Intend to Engage in Business as a Pawnbroker?

Yes No

11. Application is Made For a License Under 18 U.S.C. Chapter 44 as a. (Place an "X" in the appropriate box. Submit the fee noted next to the box with the application. Licenses are issued for a 3-year period. See instruction #13 for payment information.)

| Type | Description of License Type | Fee |
|---------------|--|--------|
| 01/02 | Dealer (01), including Pawnbroker (02), in Firearms Other Than Destructive Devices (Includes: Rifles, Shotguns, Pistols, Revolvers, Gunsmith activities and National Firearms Act (NFA) Weapons) | \$200 |
| 06 | Manufacturer of Ammunition for Firearms Other Than Ammunition for Destructive Devices or Armor Piercing Ammunition | \$30 |
| 07 | Manufacturer of Firearms Other Than Destructive Devices | \$150 |
| 08 | Importer of Firearms Other Than Destructive Devices or Ammunition for Firearms Other Than Destructive Devices, or Ammunition Other Than Armor Piercing Ammunition (NOTE: Importer of handguns and rifles, see instruction #8.) | \$150 |
| 09 | Dealer in Destructive Devices | \$3000 |
| 10 | Manufacturer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition | \$3000 |
| 11 | Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition (See instruction #8) | \$3000 |
| Total Fees \$ | | |

12. Method of Payment (Check one)

Check (Enclosed) Cashier's Check or Money Order (Enclosed) Visa Mastercard American Express Discover Diners Club

Credit/Debit Card Number (No dashes)

Name as Printed on Your Credit/Debit Card

Expiration Date (Month & year)

Credit/Debit Card Billing Address:

Address:

City:

State:

Zip Code:

Please Complete to Ensure Payment is Credited to the Correct Application:

I am Paying the Application Fee for the Following Person, Corporation, or Partnership:

Total Application Fees:
\$

I Authorize ATF to Charge my Credit/Debit Card the Above Amount.

Signature of Cardholder

Date

Your credit/debit card will be charged the above stated amount upon receipt of application. The charge will be reflected on your credit/debit card statement. In the event a license/permit is NOT issued, the above amount will be credited to the credit/debit card noted above.

13. Hours of Operation of Applicant's Business (Must be completed)

| Time | Sun | Mon | Tues | Wed | Thu | Fri | Sat |
|-------|-------|-------|-------|-------|-------|-------|-------|
| Open | 10:00 | 10:30 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 |
| Close | 6:30 | 11:30 | 6:00 | 6:00 | 6:00 | 6:00 | 6:00 |

14. Is Applicant Personally Engaged in a Business Requiring a Federal Firearms License? (If Yes, answer 14a.)
 Yes No

14a. Present Federal Firearms License Number _____
 Country Name _____

15. If You Have Served in the Armed Forces, Provide the Service Serial Number and Military Branch.

16. Applicant's Business Premises Are
 Owned Leased/Rented Military

IF RENTED OR LEASED, PLEASE PROVIDE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PROPERTY OWNER.

Name and Address of Property Owner (If applicable) _____
 Telephone Number of Property Owner (If applicable) _____

17. Indicate Type of Business Premises

- Zoned Commercial Zoned Residential
- Store Front Single Family Dwelling
 Office Condominium/Apartment
 Rod & Gun Club Hotel/Motel
 Military Base Public Housing
 Other (Specify) _____

18. Do You Intend To Make a Profit from Your Business?
 Yes No (If no, do not submit application)

IF THE PREMISES ARE LOCATED ON A MILITARY INSTALLATION, ATTACH A COPY OF WRITTEN AUTHORIZATION FROM THE BASE COMMANDER TO CONDUCT A FIREARMS BUSINESS ON THE MILITARY INSTALLATION.

18a. Do You Intend To Sell Firearms Only at Gun Shows?
 Yes (If yes, do not submit application) No

19. Do You Intend to Use Your License Only to Acquire Personal Firearms?
 Yes (If yes, do not submit application.) No

If Business was Obtained From Someone Else, Provide the Following Information.

20. Name of Previous Business _____

21. Federal Firearms License Number _____

22. Provide the Information Required for Each Individual Owner, Partner, and Other Responsible Persons in the Business. See Instruction #10 for Responsible Person Definition. If a Female, List Any Given, Married, and Maiden Names, e.g., "Mary Alice (Smith) Jones," Not "Mrs. John Jones." (If additional space is needed, use a separate sheet.) Each Responsible Person Must Complete All Information in this Section.

| Full Name | Position and Social Security Number (Social Security Number is Voluntary) | Home Address (Please provide every address you have had in the last 5 years.) | Country of Citizenship (List more than one, if applicable. Nonimmigrant aliens must complete all information in item #23.) | Place of Birth (City, State, or Foreign Country) | Date of Birth | Race and Ethnicity (Please check one or more boxes) | Sex | Residence Telephone No. |
|--------------------|---|---|--|--|---------------|---|-----|-------------------------|
| Luke Michael Mintz | owner | 2205. Keats Ave, Yucca Valley, Ca 92254 | USA | Bakers Ca | | <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input checked="" type="checkbox"/> White | M | |
| | | | | | | <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White | | |

| Full Name | Position and Social Security Number (Social Security Number is Voluntary) | Home Address <i>Please provide every address you have had in the last 5 years.</i> | Country of Citizenship <i>List more than one, if applicable. Nonimmigrant aliens must complete all information in item #23.</i> | Place of Birth (City, State, or Foreign Country) | Date of Birth | Race and Ethnicity (Please check one or more boxes) | Sex | Residence Telephone No. |
|-----------|--|---|--|---|---------------|--|-----|-------------------------|
| | | | | | | <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> Write | | |
| | | | | | | <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> Write | | |

23. Nonimmigrant Alien Certification of Compliance With 18 U.S.C. 922(g)(5)(B). If additional space is needed, use a separate sheet

18 U.S.C. 922(g)(5)(B) generally makes it unlawful for any nonimmigrant alien to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearms or ammunition; or to receive any firearms or ammunition which have been shipped or transported in interstate or foreign commerce. All nonimmigrant aliens listed in item 22 must complete the following information certifying compliance with 18 U.S.C. 922(g)(5)(B).

A. Name of Person Certifying Compliance Last: _____ First: _____ Middle Initial: _____

B. Immigration and Customs Enforcement (ICE) Issued Alien Number or Admission Number (Previously INS Number): _____

C. Are you in possession of a valid hunting license or permit lawfully issued in the United States? Yes No

- If you answered "NO," you likely cannot lawfully possess a firearm and therefore cannot be a Federal firearms licensee.
- If you answered "YES," complete the following information, and attach a copy of the license or permit to the application.

Hunting License or Permit Number, if any _____ State of Issuance _____ Expiration Date, if any _____

Give Full Details on a Separate Sheet for All "Yes" Answers in Items 24 and 25.

| | Yes | No |
|---|--|-------------------------------------|
| 24. Has Applicant or any Person Referred to in Item 22 Above: | A. Held a Federal Firearms License? | <input checked="" type="checkbox"/> |
| | B. Been Denied a Federal Firearms License? | <input checked="" type="checkbox"/> |
| | C. Been an Officer in a Corporation Holding a Federal Firearms License? | <input checked="" type="checkbox"/> |
| | D. Been an Employee of a Federal Firearms Licensee? | <input checked="" type="checkbox"/> |
| | E. Had a Federal Firearms License Revoked? | <input checked="" type="checkbox"/> |
| 25. Is Applicant or any Person Named in Item 22 Above: | A. Charged by Information or Under Indictment in any Court for a Felony, or any Other Crime for Which the Judge Could Imprison You for More Than One Year? | <input checked="" type="checkbox"/> |
| | B. A Fugitive from Justice? | <input checked="" type="checkbox"/> |
| | C. An Alien Who is Illegally or Unlawfully in the United States? | <input checked="" type="checkbox"/> |
| | D. Under 21 Years of Age? | <input checked="" type="checkbox"/> |
| | E. An Unlawful User of, or Addicted to, Marijuana, or any Depressant, Stimulant or Narcotic Drug, or any other Controlled Substance? | <input checked="" type="checkbox"/> |
| | F. Subject to a Court Order Restraining Him/Her from Harassing, Stalking, or Threatening his/her child or an Intimate Partner or Child or Such Partner? | <input checked="" type="checkbox"/> |

Give Full Details on a Separate Sheet for All "Yes" Answers in Item 26.

- | | | | |
|---|--|-----|-------------------------------------|
| | | Yes | No |
| 26. Has Applicant or any Person Named in Item 22 Ever | A. Been Convicted in any Court of a Felony, or any other crime for which the Judge Could Have Imprisoned You for More Than One Year, Even if You Received a Shorter Sentence, Including Probation? | | <input checked="" type="checkbox"/> |
| | B. Been Discharged from the Armed Forces Under Dishonorable Conditions? | | <input checked="" type="checkbox"/> |
| | C. Been Adjudicated as a Mental Defective, Which Includes Having Been Adjudicated Incompetent to Manage Your Own Affairs, or Been Committed to any Mental Institution? | | <input checked="" type="checkbox"/> |
| | D. Renounced United States Citizenship? | | <input checked="" type="checkbox"/> |
| | E. Been Convicted in any Court of a Misdemeanor Crime of Domestic Violence? (See definition #3) | | <input checked="" type="checkbox"/> |

Information is a formal accusation of crime made by a prosecuting attorney, as distinguished from an indictment presented by a grand jury. You may answer NO if (a) you have been pardoned for the crime or (b) the conviction has been expunged or set aside or (c) your civil rights have been restored AND you are not prohibited from possessing or receiving any firearms under the law where the conviction occurred.

27. Applicant Certification (Please read and initial each box)

- The business to be conducted under the Federal Firearms License is not prohibited by State or local law at the premises shown in item 5. This includes compliance with zoning ordinances.
- Within 30 days after the application is approved, the business will comply with the requirements of State and local law applicable to the conduct of business.
- Business will not be conducted under the license until the requirements of State and local law applicable to the business have been met.
- A completed copy of this form has been sent (mailed or delivered) to the Chief Law Enforcement Officer of the locality in which the premises is located. (See instruction #5.)
- As required by 18 U.S.C. 923 (d)(1)(G), I certify that secure gun storage or safety devices will be available at any place in which firearms are sold under this Federal Firearms License to persons who are not licensees.

Name of Chief Law Enforcement Officer (CLEO)

Christian Bevell

CLEO's Address (Include no., street, city, county, State and ZIP Code)

63665 29 Palms Hwy, Joshua Tree, Ca 92262

28. Certification: Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined this application and the documents submitted in support thereof, and to the best of my knowledge and belief, they are true, correct and complete. This signature, when presented by a duly authorized representative of the Department of Justice, will constitute consent and authority for the appropriate Department of Justice representative to examine and obtain copies and abstracts of records and to receive statements and information regarding the background of all responsible persons. Specifically, I hereby authorize the release of the following data or records to ATF: Military information/records, medical information/records, police and criminal records.



Sign Here Cover
Title _____
Date 2-11-13

For ATF Use Only

29. Application is Approved Denied. Reasons for Denial of Applicant: _____

Signature of Licensing Official _____

Date _____

Information for the Chief Law Enforcement Officer

This form provides notification of a person's intent to apply for a Federal firearms license. It requires no action on your part. However, should you have information that may disqualify the person from obtaining a Federal firearms license, please contact the Federal Firearms Licensing Center at (404) 417-2750. A "Yes" answer to items #24, #25 and #26 could disqualify a person for a license. Also, ATF may not issue a license if the business would be in violation of State or local law.

April 3, 2013

Chris and Tasha Anderson

Yucca Valley, CA 92284

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

Re: Home Occupation Permit, HOP 01-13 /APN 588-356-05

To Whom It May Concern:

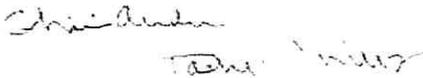
We live on the street adjacent to the Mintz residence at 8205 Keats Ave in Yucca Valley. We purchased our home on Keats Avenue two years ago. It took our family nearly two years to find a home that we loved. We chose our house on Keats Ave mainly because it is a nice area to raise our family and the for quietness of the neighborhood.

We strongly object to the planned permit for several reasons and will be attending the meeting on April 15, 2013 at 9 am to voice our concerns.

- The depreciation of the our home value and other surrounding homes
- The nature of the proposed business is dangerous to residents and children
- The risk of increased crime and burglary
- The increase of noise and traffic on our residential street
- Keats Ave is a residential area not suitable for a gun manufacturing business

These are just a few of our concerns and are sure that other neighbors are prepared to object to this as well. There are many suitable locations in Yucca Valley that would be more appropriate for this type of business.

Respectfully



Chris and Tasha Anderson

Dr. Joel S. Resnick, DPM

Yucca Valley, CA 92284

(MAILING ADDRESS BELOW)

Del Mar, CA 92014

4/2/2013

Planning Department (Attn: Diane)

58928 Business Center Dr.

Yucca Valley, CA 92284

RE: Home Occupation Permit, HOP 01-13 Mintz/ APN 588-356-05

To Whom It May Concern:

I occupy the house directly across the street from the Mintz house in question at 8205 Keats Ave. in Yucca Valley. I purchased it four years ago, and its value has plummeted. This plan will add insult to injury and its value will again be adversely affected.

I strongly object to the planned permit for many reasons, and plan to be at the meeting on April 15, 2013 at 9 am to voice these and many other objections:

The value of surrounding houses will be adversely affected (inviting multiple lawsuits against the Mintz family and the Town of Yucca Valley)

The nature of the proposed business is inherently dangerous to area residents and especially their children

The nature of the proposed business invites neighborhood crime and home burglary

if you allow this to happen
we who live on Keats will sue you
for making a stupid law
of this kind

you can get money in other
ways for the town. —
and we are able to get people
that have a good amount of
Brains — you need a good
Manager who is smart and
knows what a family neighborhood
is — and wants!

William Woods
att. Retired

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
March 22, 2011**

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

Commissioners Present: Alberg, Graham, Humphreville and Chair Lombardo

Pledge of Allegiance was led by Chair Lombardo

APPROVAL OF AGENDA

Commissioner Alberg moved to approve the agenda. Commissioner Humphreville seconded. Motion carried 5-0 on a voice vote.

PUBLIC COMMENTS

None

PUBLIC HEARINGS

1. HOME OCCUPATION PERMIT, HOP 01-11 ZORAWICKI

A request for the approval of a home occupation permit for the purpose of assembling firearms that are purchased in kit form and for the buying and selling of firearms from and to the public from an existing single family residence.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Kirschmann presented the project discussion to the meeting. A PowerPoint presentation was projected on the screen during the discussion, a printed copy of which is preserved in the meeting file.

On February 22, 2011 the application was reviewed by Deputy Town Manager Stueckle at a staff level hearing. Based upon the amount of communication received from the public and those in attendance at the permit hearing, the item is being forwarded to the Planning Commission for review. Prior to the hearing the Town had received eleven responses in support of the project, fifteen in opposition and one response requesting the application be forwarded to the Commission. The objections raised dealt with concerns of safety and firing of weapons for tests.

Jonathan Zorawicki, Applicant, advised his request is for a small quiet business in his home assembling small rifles. He has submitted his application to the ATF and will be on an appointment only basis. His immediate neighbors have been notified and have no objections, as well as the Sheriff's Department.

Commission Humphreville moved to approve the Home Occupation Permit, HOP 01-11 based upon the information contained within the staff report and findings. Commissioner Graham seconded. Motion carried unanimously on a voice vote.

DEPARTMENT REPORTS:

2. DISCUSSION ON THE REGULATION OF WIND ENERGY GENERATORS AND PRESENTATION OF A DRAFT ORDINANCE.

A request from staff that the Commission discuss and provide direction on regulations regarding wind energy generators

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Kirschmann presented the project discussion to the meeting. A PowerPoint presentation was projected on the screen during the discussion, a printed copy of which is preserved in the meeting file. At this time the Town has no regulations for the installation of renewable energy systems such as wind generators. The Town has recently received a number of inquiries for the installation of both roof mounted and freestanding wind generators, and since there are no regulations, staff is seeking feedback and direction on the draft regulations.

Deputy Town Manager Stueckle advised that there are examples of several of these generators between here and Apple Valley mounted on poles as high as 50 to 60 feet, noting if we have these on every parcel in Town it will have an impact.

Commissioner Alberg questioned the 2 acre lot size limitation and whether or not the units are loud. Planner Kirschmann advised the concern would be of height and the appearance of the systems on every residence in small lot areas. He noted the units are generally fairly quiet.

Commissioner Graham questioned how many inquiries the Town has had, expressed concern regarding the term "fall zone" noting there is no such requirement for cell towers or flag poles. He noted he feels it should be required that a Civil Engineer design the foundation and mounting. He also questioned the height restriction of 35'. Deputy Town Manager Stueckle advised there have been between 10-50 requests, and advised that engineering calculations would be necessary for both the roof and pole mounted systems, and the fall zone requirement is designed to insure that a pole mounted design would not fall on someone else's property. It is an additional safety element built into a number of ordinances in other jurisdictions. With regard to height, Planner Kirschmann advised that the Town's maximum height limitation is 35' and note that generally the poles are 33' plus the height of the blades would bring the height to 39' so the poles would have to be cut to accommodate the Town's requirement.

Commissioner Humphreville stated the footing should be engineered so that a fall zone isn't

necessary, and expressed concern about eliminating the ability of owners with smaller properties to install a system. He recommended looking at limiting the size and height of the system to the size of the property. He also questioned what the permit fee would be. Planner Kirschmann advised the fees would not be established in the ordinance, but determined by Building and Safety. Deputy Town Manager Stueckle advised the two types of fees would be WECS permit application and building permit based on valuation. Commissioner Humphreville recommended that there needs to be discussion regarding what is necessary to make the system useful, rather than talking about limiting height.

Chair Lombardo expressed concern about the number of units, noting he wants the systems to be effective and useful to those wanting to do it. The concern about overpopulation is understandable, however it is important to look at alternative energy forms and make them available for as many people as easily as possible. He is in favor of maybe allowing a larger quantity of them if appropriate, noting it should be based on lot size. The minimum lot size might be dropped so more people can participate, and the Commission should look at the possibility of allowing only roof mounted systems for smaller parcels. He also thinks that a fall zone may not be necessary if the foundation is well engineered.

Commissioner Graham expressed concern regarding the requirement to place the systems in the rear of the property noting there are many variables in the community and many lots don't have enough rear property area. He suggested requiring the rear half of the property and keep them out of the front setback. He also expressed concern about the recommendation for underground wiring, noting that is fine for pole mounted but there should be a variance for roof mounted units.

Commissioner Alberg shared the other Commissioners concern regarding lot size.

John Wright, and Andy Canada, Yucca Valley, distributed information regarding the units that will be retained in the file and answered questions of the Commissioners.

Larry Calendar, Yucca Valley, spoke in favor of allowing these systems on ½ acre or more lots.

Chair Lombardo requested Commissioner input regarding the impact of these units on the community.

Commissioner Alberg commented this is a green energy alternative and will be a benefit.

Commissioner Graham commented regarding the need to get as much public input as possible.

Commissioner Humphreville stated it is important to get plenty of public input noting the Commission can look at limiting the height of the structure on smaller lots but he would hate to limit it to people who have an acre or more.

Chair Lombardo commented there is consensus to receive more public input, lot size needs to be reviewed with the possibility of those with smaller lots having the option to install the units. With regard to allowing multiple units on one pole, the consensus was that multiple units may be ok especially if the lot size is bigger.

Deputy Town Manager Stueckle stated that, potentially Lancaster's ordinance provides for units on smaller residential lots.

Chair Lombardo questioned the ability of allowing a variance. Deputy Town Manager Stueckle advised that it is desirable to set standards by lot size etc., noting that ordinances call out precise measurements but they can be written with some flexibility. Commissioner consensus was to add flexibility in the language.

Dana Collins, Joshua Tree, expressed concern about the visual impact of allowing the units on smaller properties and the view shed on surrounding properties. She likes the 2 acre minimum lot size and the 110% setback.

Mary Ann Hill, Yucca Valley, expressed concern about the visual aspect on surrounding property, they should not be any more than 35' and the fall zone is very important.

Andy Canada, Yucca Valley, advised the units are designed to be small so they are not obtrusive.

Sarann Graham, Yucca Valley, commented there have been a lot of good points made tonight and the suggestions about getting public input would be recommended. She noted the number of units required to be useful changes the whole nature of the issue.

Commissioner Alberg advised he is looking forward to what staff brings back for review.

Chair Lombardo questioned if property owners have the ability to construct these units at this time. Planner Kirschmann advised there are several potential applications that may come in but there is the ability to apply for a conditional use permit.

Deputy Town Manager Stueckle have heard all commissions comments this evening in terms of way to look at standards will bring back and notice public hearing

3. CONTINUATION OF DISCUSSION OF REVISED TENTATIVE TRACT MAP APPLICATION AND FOLLOW UP TO COMMISSION QUESTIONS

A request from staff that the Commission receives and provides any additional feedback and comment on general timeframes for processing Tentative Tract Map applications and provide feedback and comment on the Standard Conditions of Approvals.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Kirschmann presented the project discussion to the meeting. A PowerPoint presentation was projected on the screen during the discussion, a printed copy of which is preserved in the meeting file.

With regards to Condition of Approval E1 Commissioner Graham questioned if the Town is only concerned about height not length. Planner Kirschmann stated it is evaluated on a case by case basis.

Commissioner Humphreville commented regarding the shelf life of special studies. Deputy Town Manager Stueckle advised that many of the timeframes are set by state and federal law, noting that information will be included in our application materials. Commissioner Humphreville commented that appraisals cost more than the actual park fee, and advised of the need to add a Condition of Approval to stop extortion payments to special interest groups, noting that he heard that such a group is suing Granite Construction on one of their projects. Deputy Town Manager Stueckle advised that issue is on the staff, Town Attorney discussion list.

Commissioner Graham questioned if it would be appropriate to flag fees so we can see what the estimated fees are. Deputy Town Manager Stueckle advised that one change staff is making to all application forms, primarily in area of Planning and Engineering, is including application fees specific to those for a plat map.

Commissioner Humphreville commented that frequently we have people stand in front of us and tell us he Town hinders development, noting we actually have very little to do with the requirements, they are mainly State and Federal requirements.

Deputy Town Manager Stueckle stated that the Commission has provided enough additional feedback so staff will be finalizing the application, bring back a flow chart and will return to the Commission one more time for discussion.

CONSENT AGENDA

None

FUTURE AGENDA ITEMS

April 2011 – Conditional Use Permit, CUP 01-11, a request to install a roof mounted cell tower at the location of Hutchins Motor Sports.

Tentative Parcel Map 19288, a request to subdivide a 0.69 acre parcel containing three previously constructed residences into three residential lots

STAFF REPORTS AND COMMENTS

None

COMMISSIONER REPORTS AND REQUESTS

Commissioner Alberg – None

Commissioner Graham - questioned if review of the antenna ordinance is still on the Commission's to do list. Deputy Town Manager Stueckle advised that it is.

Commissioner Humphreville – None

Chairman Lombardo – None

ANNOUNCEMENTS

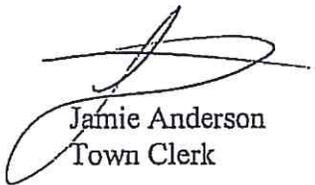
Time, date and place for the next Planning Commission Meeting.

The next regular meeting of the Yucca Valley Planning Commission is Tuesday, April 12, 2011 at 6:00 p.m. in the Yucca Valley Community Center.

ADJOURNMENT

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,


Jamie Anderson
Town Clerk

Planning Commission Hearing: March 22, 2011
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION STAFF REPORT

Case: HOME OCCUPATION PERMIT, HOP 01-11 ZORAWICKI
EXEMPT FROM CEQA UNDER SECTION 15303, CLASS 1, EXISTING
FACILITIES

Request: THIS REQUEST IS FOR THE APPROVAL OF A HOME OCCUPATION
PERMIT FOR THE PURPOSE OF ASSEMBLING FIREARMS THAT ARE
PURCHASED IN KIT FORM AND FOR THE BUYING AND SELLING OF
FIREARMS FROM AND TO THE PUBLIC FROM AN EXISTING SINGLE
FAMILY DWELLING.

Applicant: JONATHAN ZORAWICKI
55990 SKYLINE RANCH RD
YUCCA VALLEY, CA 92284

Property Owner:
SAME

Representative:
SAME

Location: THE PROJECT IS LOCATED AT 55990 SKYLINE RANCH RD, CROSS
STREET OF REDDING DRIVE, AND IS IDENTIFIED AS ASSESSORS
PARCEL NUMBER 596-021-05.

Existing Land Use:
THE SUBJECT SITE IS CURRENTLY DEVELOPED WITH A SINGLE
FAMILY RESIDENCE OF 1750 SQUARE FEET AND A SMALL
STORAGE SHED OF APPROXIMATELY 100 SQUARE FEET.

Surrounding Land Use:
NORTH: VACANT LAND
SOUTH: SINGLE FAMILY RESIDENCE
WEST: SINGLE FAMILY RESIDENCE
EAST: SINGLE FAMILY RESIDENCE

Existing Zoning/General Plan Land Use Designation:
THE SITE IS CURRENTLY ZONED RURAL LIVING 5 ACRE MINIMUM
(RL-5).

Surrounding Zoning/General Plan Land Use Designation:

NORTH: SB COUNTY RURAL LIVING 5 ACRE MINIMUM (RL-5)
SOUTH: RURAL LIVING 5 ACRE MINIMUM (RL-5)
WEST: RURAL LIVING 5 ACRE MINIMUM (RL-5)
EAST: RURAL LIVING 5 ACRE MINIMUM (RL-5)

Notice of Exemption:

PURSUANT TO SECTION 15301, CLASS 1, EXISTING FACILITIES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), THE PROJECT IS DETERMINED TO BE CATEGORICALLY EXEMPT FROM FURTHER ENVIRONMENTAL ANALYSIS. A PRELIMINARY EXEMPTION ASSESSMENT IS ATTACHED TO THE NOTICE OF EXEMPTION FOR FILING. A NOTICE OF EXEMPTION WILL BE FILED IN ACCORDANCE WITH CEQA REGULATIONS.

Public Notification

PURSUANT TO SECTION 83.010330, LEGAL NOTICE IS REQUIRED TO BE GIVEN TO ALL PROPERTY OWNERS WITHIN A THREE HUNDRED (300) FOOT RADIUS OF THE EXTERIOR BOUNDARIES OF THE SUBJECT SITE. AS REQUIRED, THIS PROJECT NOTICE WAS MAILED TO ALL PROPERTY OWNERS WITHIN A 300-FOOT RADIUS OF THE PROJECT SITE ON MARCH 03, 2011.

RECOMMENDATIONS:

HOME OCCUPATION PERMIT, HOP 01-11: STAFF RECOMMENDS THAT THE PLANNING COMMISSION APPROVE THE HOME OCCUPATION PERMIT, HOP 01-11 BASED UPON THE INFORMATION CONTAINED WITHIN THE STAFF REPORT AND FINDINGS.

Project Manager: Diane Olsen, Planning Technician

Reviewed By: Robert Kirschmann, Associate Planner

Appeal Information:

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

REQUEST: This request is for the approval of a Home Occupation Permit for the purpose of assembling firearms that are purchased in kit form and for the buying and selling of firearms from and to the public from an existing single family dwelling.

LOCATION: The subject site is located at 55990 Skyline Ranch Rd, on the north side of Skyline Ranch Rd, cross street of Redding Rd and is identified as Assessors Parcel Number 596-021-05.

PROJECT SYNOPSIS:

SITE COVERAGE

PROJECT AREA:

5 Acres

BUILDING AREA:

| | |
|-----------------------|--------------------|
| Existing Residence | 1,750 sq ft |
| Storage Shed | 100 sq ft |
| <u>Total Existing</u> | <u>1,850 sq ft</u> |

FLOOD ZONE:

Map 8115 Zone D (areas in which flood hazards are undetermined, but possible).

ALQUIST PRIOLO ZONE:

No

II. PROJECT ANALYSIS

ENVIRONMENTAL REVIEW: The project is Categorically Exempt under CEQA Section 15301, Class 1, Existing Facilities.

ADJACENT LAND USE/ZONING: The site is located within an area sparsely developed with single family residential structures. The properties to the east, west and south are zoned Rural Living, 5 acre minimum lot size (RL-5) and are developed with single family residences. The property to the north is an undeveloped lot located in San Bernardino County and has a zoning designation of Rural Living, 5 acre minimum lot size (RL-5).

SITE CHARACTERISTICS: The subject property is a five acre parcel that is developed with a single family residence of 1,750 square feet and a small storage shed of approximately 100 square feet. The structure is located approximately 175' from the roadway and is approximately 10 feet in elevation above Skyline Ranch Rd.

DISCUSSION: The Home Occupation Permit is generally recognized as a commercial use which is accessory to an established residential land use and will not alter the character of the neighborhood. The basic intent of the HOP is to provide the homeowner with a business activity within a residence as long as that activity does not conflict with the intent of the HOP Ordinance or the standard Conditions of Approval. Otherwise, it may be more appropriate to require a more suitable location that can accommodate the type of business proposed, such as a commercial district. The integrity of the ordinance is to consider the safety and welfare of the community and to provide minimal deviations from the atmosphere of the single family living environment.

Ordinance 178, Home Occupations, Section 84.0615 (d) of the Development Code states that in accordance with Section 83.010330 Notice of Pending Land Use Decision, notice shall be given, except that such notice shall be given at least fifteen (15) days prior to the scheduled hearing. Development Code Section 83.010330 (3) states that notice shall be given by first class mail or delivery to all surrounding property owners for land use decisions using the Public Hearing, Administrative Review or Development Review procedures. Pursuant to Section 65091 of the California Planning and Zoning Laws, "notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing". Pursuant to Section 83.010330, the project notice was mailed to all property owners within a 300 foot radius of the exterior boundaries of the project site on March 03, 2011.

The applicant is requesting approval for a Home Occupation Permit for the purpose of assembling firearms that are purchased in kit form and to buy and sell firearms to the public from the single family residence.

On February 22, 2011, the application was reviewed by the Deputy Town Manager at a staff level hearing. Based upon the amount of communication received from the public and the attendance at the permit hearing, the item is being forwarded to the Planning Commission for review.

Ordinance 178, Home Occupations, Section 84.0615 (f) of the Development Code provides the following standards for home based businesses:

- The monthly average trip count for customers shall not exceed ten trips per day. A trip is defined as a one way journey from an origin to a destination. This results in a maximum average of five (5) customers per day.
- Operating hours shall be between the hours of 7 AM and 8 PM
- Up to 35% of the floor area may be used for storage and supplies related to the use.

The applicant is proposing the following:

- There will be a maximum of three customers per day visiting the location. Those customers will be by appointment only. Any customers that show up without an appointment will not be permitted entrance.
- The hours of operation for the business will be 3PM to 6PM.
- The activity will be using only 297 sq ft (17%) of the residence.
- There will be no testing of firearms at the project location or on any surrounding properties. All testing of firearms will take place at a shooting range.

The applicant is proposing to purchase in kit form and assemble AR-15 type rifles. The primary method of the business activity will be special order. The applicant will receive an order for a firearm, will purchase the firearm in kit form, assemble the firearm and then transfer ownership to the buyer. The applicant anticipates selling approximately five AR-15 type rifles per year. There may be the occasional purchase or sale of other types of firearms. The applicant is not proposing the sale of ammunition or the supplying of ammunition for any of the weapons. The only storage of ammunition on the property will be the applicant's personal supply.

In order to purchase a firearm, all potential buyers must go through a screening process and a ten day waiting period prior to purchasing a firearm. This involves a preliminary safety test, an application process and a background check through State of California Department of Justice (DOJ).

The firearms that are proposed are purchased in kit form, which means that they are delivered as components and are assembled. There is no heavy equipment used in the assembly process, only hand tools are required. An individual who is not an FFL can purchase the firearm kit, but the lower receiver, which is the part of the firearm that accepts the magazine, is not included. Only an FFL dealer can purchase the lower receiver.

The applicant is required to have a gun safe on the premises for the storage of firearms. A yearly inspection of the property is also conducted by ATF. The applicant is also proposing to install an alarm system on the residence. There are no limitations or restrictions on the number of transaction for a licensed FFL.

On February 15, 2011, the application and related material was forwarded to the San Bernardino County Sheriff's Dept for review and comment and the Sheriff's Dept has no objection the proposed activity. A copy of that e-mail is attached to the staff report.

PUBLIC COMMENT:

Prior to the staff level hearing, the Town had received eleven responses in support of the project, fifteen responses in opposition to the project and one response requesting the application be forwarded to the Planning Commission. No additional responses have been received in support or opposition to the project.

FINDINGS:

Ordinance 178, Home Occupations, contains five (5) Findings that must be made in order for the Town to approve a Home Occupation Permit. The Findings are as follows:

1. That the proposed use is not permitted.

The proposed use is not listed as a prohibited use under Section 84.0615(f) of the Development Code.

2. That the proposed use will comply with all applicable standards.

The proposed use will comply with all applicable standards, such as limiting the number of customers to three per day and limiting the operating hours between 3 PM to 6 PM.

3. That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety and general welfare.

The issuance of the HOP will not be detrimental to public health, safety and general welfare in that any potential buyer is required to submit an application to the Department of Justice, Firearms Division and is subject to a background check.

4. That the proposed use will be consistent with any applicable specific plan.

There are no specific plans for the proposed location.

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.

The proposed use will not alter the character of the neighborhood. The residence will not be altered to indicate the presence of a home based business. Traffic patterns will not be affected as there will be a maximum of three customers per day. Further, Policy 6.A of the Circulation Element and Policy 4 of the Land Use Element of the General Plan further support the establishment of home based businesses.

Program 6.A of the Circulation Element of the General Plan states " In order to locate jobs and housing near each other to produce shorter work commutes, make a concerted effort to encourage mixed-use development with a residential component contiguous with employment centers, encourage relocation of appropriate industries, adopt a home occupation ordinance, and encourage major employers to evaluate telecommuting opportunities, either home-based or at local centers, as at least part-time options for employees".

Policy 4 of the Land Use Element of the General Plan states "As an essential part of land use planning, the Town shall continuously assess business and employment opportunities for an expanding economic base."

Attachments:

1. Application Material
2. Notice of Exemption
3. Permit Hearing Minutes from February 22, 2011
4. Planning Commission Notice of Hearing
5. Staff Level Review Notice of Hearing
6. Standard Exhibits
7. Ordinance 178, Home Occupations
8. Development Code Section 84.0320 Rural Living District
9. Policy 6.A, General Plan Circulation Element
10. Policy 4, General Plan Land Use Element, Goals, Policies and Programs
11. Notice of Exemption
12. Public Comments

**RECOMMENDED CONDITIONS OF APPROVAL
HOME OCCUPATION PERMIT, HOP 01-11
ZORAWICKI**

GENERAL CONDITIONS

1. This Home Occupation Permit, HOP 01-11 is a proposal to assemble firearms that are purchased in kit form and to buy and sell firearms to the public. The property is located at 55990 Skyline Ranch Rd and is further identified as assessor's parcel number 596-021-05.
Approval Date: March 22, 2011
Expiration Date: March 22, 2012
2. 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.
3. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve Applicant of his obligations under this condition.
4. The Applicant/owner shall ascertain and comply with requirements of all Federal, State, County, Town and local agencies and obtain any and all

necessary approval and permits that are applicable to the project. These include, but are not limited to ATF, CA Dept. of Justice, Environmental Health Services, Transportation/Flood Control, Fire Department, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.

5. All conditions are continuing conditions. Failure of the Applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
6. There shall be no displays, sale or advertising signs on the premises.
7. 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.
8. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs.
9. The Home Occupation shall not encroach into any required parking, setback, or open space area.
10. 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.
11. 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.

12. 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.
13. No home occupation shall be initiated until a current business registration certificate is obtained.
14. A Home Occupation Permit shall not be transferable.
15. The garage shall not be altered externally.
16. 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.
17. 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.
18. Customers shall be limited to a maximum of three per day.
19. Hours of operation shall be limited to 3 PM to 6 PM.
20. Applicant shall submit a copy of Federal Firearms License prior to the commencement of any business operation.

Signature

Date

Permit Hearing: June 21, 2011
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION STAFF REPORT
HOME OCCUPATION PERMIT, HOP 02-11 RAPAZZO

Case: HOME OCCUPATION PERMIT, HOP 02-11 RAPAZZO
EXEMPT FROM CEQA UNDER SECTION 15301, CLASS 1, EXISTING
FACILITIES

Request: THIS HOME OCCUPATION PERMIT IS A REQUEST TO BUY AND SELL
FIREARMS FROM AND TO THE PUBLIC, TO SELL AMMUNITION TO
THE PUBLIC AND TO MAKE SMALL AMOUNTS OF RELOADED
AMMUNITION FROM AN EXISTING SINGLE FAMILY RESIDENCE.

Applicant: JOSEPH V RAPAZZO III
57475 AIRWAY COURT
YUCCA VALLEY, CA 92284

Property Owner:
SAME

Representative:
SAME

Location: THE PROJECT IS LOCATED AT 57475 AIRWAY COURT, CROSS
STREET OF AIRWAY AVE, AND IS IDENTIFIED AS ASSESSORS
PARCEL NUMBER 596-151-17.

Existing General Plan Land Use Designation
THE SITE IS CURRENTLY ZONED RURAL LIVING 2.5 ACRE MINIMUM
LOT SIZE (RL 2.5)

Existing Zoning Designation
THE SITE IS CURRENTLY ZONED RURAL LIVING 2.5 ACRE MINIMUM
LOT SIZE (RL 2.5)

Surrounding General Plan Land Use Designation:
NORTH: RURAL LIVING 2.5 ACRE MINIMUM (RL-2.5)
SOUTH: RURAL LIVING 2.5 ACRE MINIMUM (RL-2.5)
WEST: RURAL LIVING 2.5 ACRE MINIMUM (RL-2.5)
EAST: RURAL LIVING 2.5 ACRE MINIMUM (RL-2.5)

Surrounding Zoning Designations
NORTH: RURAL LIVING 2.5 ACRE MINIMUM (RL-2.5)
SOUTH: RURAL LIVING 2.5 ACRE MINIMUM (RL-2.5)
WEST: RURAL LIVING 2.5 ACRE MINIMUM (RL-2.5)

I. GENERAL INFORMATION

REQUEST: This Home Occupation Permit is a request to buy and sell firearms from and to the public, to sell ammunition to the public and to make small amounts of reloaded ammunition from an existing single family residence

LOCATION: The subject site is located at 57475 Airway Court, cross street of Airway Ave and is identified as Assessors Parcel Number 596-151-14.

PROJECT SYNOPSIS:

PROJECT AREA:

BUILDING AREA:

FLOOD ZONE:

ALQUIST PRIOLO ZONE:

SITE COVERAGE

0.4 Acres

| | |
|--------------------|-------------|
| Existing Residence | 1,768 sq ft |
| Attached Garage | 846 sq ft |
| Total Existing | 2,614 sq ft |
| Area used for HOP: | 150 sq ft |

Map 8120 Zone X (areas located outside the flood zone).

No

II. PROJECT ANALYSIS

ENVIRONMENTAL REVIEW: The project is Categorically Exempt under CEQA Section 15301, Class 1, Existing Facilities.

ADJACENT LAND USE/ZONING: The site is located within an area developed with single family residential structures. The properties to the north, south, east, and west are zoned Rural Living, 2.5 acre minimum lot size (RL-2.5) and are developed with single family residences.

SITE CHARACTERISTICS: The subject property is a 0.4 acre parcel that is developed with a single family residence of 1,768, with an attached garage of 846 sq ft. The

dimensions of the property are approximately 150' x 130', with the residence built in the center of the lot.

DISCUSSION: The Home Occupation Permit is generally recognized as a commercial use which is accessory to an established residential land use and will not alter the character of the neighborhood. The basic intent of the HOP is to provide the homeowner with a business activity within a residence as long as that activity does not conflict with the intent of the HOP Ordinance or the standard Conditions of Approval. Otherwise, it may be more appropriate to require a more suitable location that can accommodate the type of business proposed, such as a commercial district. The integrity of the ordinance is to consider the safety and welfare of the community and to provide minimal deviations from the atmosphere of the single family living environment.

Ordinance 178, Home Occupations, Section 84.0615 (d) of the Development Code states that in accordance with Section 83.010330 Notice of Pending Land Use Decision, notice shall be given, except that such notice shall be given at least fifteen (15) days prior to the scheduled hearing. Development Code Section 83.010330 (3) states that notice shall be given by first class mail or delivery to all surrounding property owners for land use decisions using the Public Hearing, Administrative Review or Development Review procedures. Pursuant to Section 65091 of the California Planning and Zoning Laws, "notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing". Pursuant to Section 83.010330, the project notice was mailed to all property owners within a 300 foot radius of the exterior boundaries of the project site on June 06, 2011.

The applicant is requesting approval for a Home Occupation Permit for the purpose of buying and selling firearms from and to the public, selling ammunition to the public and making small amounts of reloaded ammunition from an existing single family residence.

Ordinance 178, Home Occupations, Section 84.0615 (f) of the Development Code provides the following standards for home based businesses:

- The monthly average trip count for customers shall not exceed ten trips per day. A trip is defined as a one way journey from an origin to a destination. This results in a maximum average of five (5) customers per day.
- Operating hours shall be between the hours of 7 AM and 8 PM
- Up to 35% of the floor area may be used for storage and supplies related to the use.

The applicant is proposing the following:

- There will be approximately ten customers per week visiting the location. Those customers will be by appointment only. Any customers that show up without an appointment will not be permitted entrance.
- Customers will visit the residence by appointment only, between the hours of 9AM and 8PM.
- The activity will be using 150 sq ft of the garage, approximately 6% of the structure. This will still provide 696 square feet of covered parking area, which is in excess of what is required by Parking Ordinance.
- There will be no testing of firearms at the project location or on any surrounding properties.

Prior to the initiation of any business activity on the property, the applicant is required to obtain a Federal Firearms License from the Department of Alcohol, Tobacco and Firearms. In order to purchase a firearm, all potential buyers must go through a screening process and a ten-day waiting period prior to purchasing a firearm. This involves a preliminary safety test, an application process and a background check through Alcohol, Tobacco and Firearms (ATF). A yearly inspection of the property is also conducted by ATF.

The applicant is proposing to buy and sell the following types of weapons:

1. Modern style pistols both revolver and semi automatic
2. Modern style rifles bolt action, lever action and semi automatic
3. Modern style shotgun pump action, semi automatic, breech loaded

The applicant is proposing to store no more than five (5) pounds of black powder and no more than forty (40) pounds of smokeless powder at the residence. The applicant is also proposing to store approximately 50,000 firearms primers at the residence. A firearm primer is a small charge of impact sensitive-chemical that may be located at the center of the case head or at its rim. These are very small in size, approximately??

Section 12102 of the California Health and Safety Code permits citizens to store up to one (1) pound of black powder and twenty (20) pounds of smokeless powder at their residence. Staff recommends that the application be modified and conditioned to not exceed the amounts allowed for residential uses.

The Department of Alcohol, Tobacco and Firearms does not regulate the amount of ammunition that can be stored at a single family residence. The applicant will be required to have an explosives magazine, which is a storage box, for the storage of any black powder at the residence.

On June 10, 2011, the application and related material was forwarded to the San Bernardino County Sheriff's Dept and to the San Bernardino County Fire Dept. for review and comment. As of the writing of this staff report, no response as been received from the San Bernardino County Sheriff or the San Bernardino County Fire Dept. Conditions of Approval are included which require the approval of both agencies prior to commencement of business operations.

PUBLIC COMMENT:

As of the writing of this staff report, the Town has received five responses in opposition to the project and one response with questions regarding the business.

FINDINGS:

Ordinance 178, Home Occupations, contains five (5) Findings that must be made in order for the Town to approve a Home Occupation Permit. The Findings are as follows:

1. That the proposed use is not prohibited.

The proposed use is not listed as a prohibited use under Section 84.0615(f) of the Development Code, provided that the storage of explosives, highly combustible or toxic material does not exceed what is permitted by San Bernardino County Fire Dept. The California Health and Safety Code, Section 12102 allows citizens to store up to 1 pound of black powder and 20 pounds of smokeless powder in their residence. Staff is recommending that these thresholds not be exceeded to ensure that permitted levels are not exceeded.

2. That the proposed use will comply with all applicable standards.

The proposed use will comply with all applicable standards, such as limiting the number of customers to ten per week and limiting the operating hours between 9 AM to 8 PM.

3. That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety and general welfare.

The issuance of the HOP will not be detrimental to public health, safety and general welfare in that any potential buyer is required to submit an application to the Department of Justice, Firearms Division and is subject to a background check. The San Bernardino County Sheriff's Dept. and the San Bernardino County Fire Dept. will be reviewing the proposal for conformance to the agency's regulations. The California Health and Safety Code, Section 12102 allows citizens to store up to 1 pound of black powder and 20 pounds of smokeless powder in their residence. Staff is recommending that these thresholds not be exceeded to ensure that permitted levels are not exceeded.

4. That the proposed use will be consistent with any applicable specific plan.

There are no specific plans for the proposed location.

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.

The proposed use will not alter the character of the neighborhood. The residence will not be altered to indicate the presence of a home based business. Traffic patterns will not be affected as there will be a maximum of ten customers per week. Further, Policy 6.A of the Circulation Element and Policy 4 of the Land Use Element of the General Plan further support the establishment of home based businesses.

Program 6.A of the Circulation Element of the General Plan states " In order to locate jobs and housing near each other to produce shorter work commutes, make a concerted effort to encourage mixed-use development with a residential component contiguous with employment centers, encourage relocation of appropriate industries, adopt a home occupation ordinance, and encourage major employers to evaluate telecommuting opportunities, either home-based or at local centers, as at least part-time options for employees".

Policy 4 of the Land Use Element of the General Plan states "As an essential part of land use planning, the Town shall continuously assess business and employment opportunities for an expanding economic base."

Attachments:

1. Application
2. Standard Exhibits
3. Development Code Section 84.0320 Rural Living District
4. Policy 6.A, General Plan Circulation Element
5. Policy 4, General Plan Land Use Element, Goals, Policies and Programs
6. Section 12101-12112, CA Health and Safety Code
7. Notice of Exemption
8. Public Comments

**RECOMMENDED CONDITIONS OF APPROVAL
HOME OCCUPATION PERMIT, HOP 02-11
RAPAZZO**

This Home Occupation Permit, HOP 02-11 is a proposal to buy and sell firearms from and to the public, sell ammunition to the public and make small amounts of reloaded ammunition from an existing single family residence. The property is located at 57475 Airway Court and is further identified as assessor's parcel number 596-151-17

GENERAL CONDITIONS

1. This Home Occupation Permit approval is valid for a period of one year. Applicant is responsible for the initiation of a request for renewal.
Approval Date: June 21, 2011
Expiration Date: June 21, 2012
2. 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.
3. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such

action but such participation shall not relieve Applicant of his obligations under this condition.

4. The Applicant/owner shall ascertain and comply with requirements of all Federal, State, County, Town and local agencies and obtain any and all necessary approval and permits that are applicable to the project. These include, but are not limited to ATF, CA Dept. of Justice, Environmental Health Services, Transportation/Flood Control, Fire Department, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.
5. All conditions are continuing conditions. Failure of the Applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
6. There shall be no displays, sale or advertising signs on the premises.
7. There shall be no signs other than one (10 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.
8. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs.
9. The Home Occupation shall not encroach into any required parking, setback, or open space area.
10. 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.
11. 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.

12. 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.
13. No home occupation shall be initiated until a current business registration certificate is obtained.
14. A Home Occupation Permit shall not be transferable.
15. The garage shall not be altered externally.
16. 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.
17. 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.
18. Customers shall be limited to a maximum of five per day.
19. Hours of operation shall be limited to 9 AM to 8 PM.
20. Applicant shall submit a copy of Federal Firearms License prior to the commencement of any business operation.
21. Prior to issuance of Home Occupation Permit, applicant shall provide documentation that fees have been paid to the San Bernardino County Fire Dept.
22. The applicant shall be limited to the storage of one pound of black powder and twenty pounds of smokeless powder stored at the residence.
23. Applicant shall be required to have an explosives magazine for the storage of any black powder stored at the residence.

Signature

Date

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Planning Commission
From: Shane R. Stueckle, Deputy Town Manager
Date: June 5, 2013
For Council Meeting: June 11, 2013

Subject: Conditional Use Permit, CUP 03-11
Specific Plan S 01-11
Senior Affordable Housing Project
Revised Site Plan
Revised Elevation/Architecture Approval
Native Plant Plan Approval
Assignment of two Commissioners to the Senior Housing Sub-Committee

Prior Commission Review: The Planning Commission reviewed this project at its meeting of May 12, 2011, and recommended Town Council approval. The Town Council approved the project at its meeting of May 17, 2011.

Recommendation: That the Planning Commission:

1. Approves the revised site plan and building configuration.
2. Approves the revised elevations and architecture.
3. Approves the native plant plan application.
4. Approves and authorizes further refinements of the project to occur through the senior housing sub-committee and staff, as appropriate.
5. Assigns two Commissioners to the Town Council senior housing sub-committee.
6. Finds the above actions consistent with the General Plan, Development Code, Senior Housing Specific Plan, and Commercial Design Guidelines, based upon the facts and records as submitted.

Order of Procedure:

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

Discussion: On May 17, 2011, the Town Council approved CUP-3-11 and Specific Plan, S-01-11, for the project as described below. The applicant is requesting modifications to the approved project, described further in this staff report.

| | | | |
|--|---|--|--|
| <input type="checkbox"/> Department Report | <input type="checkbox"/> Ordinance Action | <input type="checkbox"/> Resolution Action | <input checked="" type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Minute Action | <input type="checkbox"/> Receive and File | <input type="checkbox"/> Study Session |

As approved, the Conditional Use Permit and Specific Plan were approved by the Planning Commission and Town Council to allow the construction of a seventy five (75) unit, three (3) story affordable senior (age-restricted) housing project. The project will consist of seventy four (74), 650 square foot, one (1) bedroom apartments and one (1) 750 square foot two (2) bedroom apartment; 4,199 square feet of common area; 3,924 of community and leasing area; 275 square feet of laundry area; 31,132 square feet of total interior common area, corridors, stairwells and balconies; and approximately 4,446 square feet of carports. The total building square footage is approximately 87,482 square feet. The site includes 26 covered parking stalls and 22 uncovered parking stalls. The project will include onsite retention, on-site sewage/wastewater treatment or disposal, landscaping, parking, and may include amenities such as a clubhouse, pool/spa, gazebo, etc.

Modifications to the project description include the following.

- Reduction in one bedroom units from 74 to 73; 650 square foot, one bedroom apartments;
- Increase in two bedroom units from 1 to 2; 750 square foot, two bedroom apartments;
- Total building square feet reduced from 87,482 square feet to 83,138 square feet;
- Total interior common area reduced from 31,132 square feet to 26,132 square feet;

Primary access to the site will be from Dumosa Avenue. Emergency access will be provided through the alley to the projects west. The project includes vacating all or a portion of Antelope trail along the projects northern boundary. Pedestrian access from the site will be available to Town Hall, Community Services, Library, Museum and Senior Center.

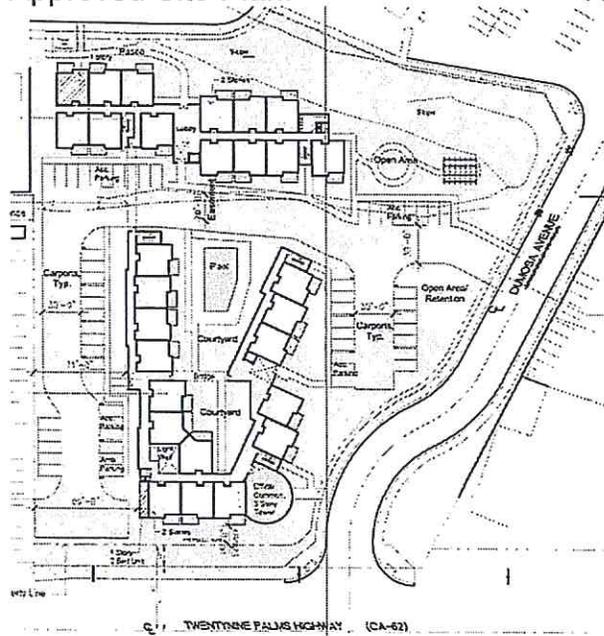
The project will result in:

- Compact, vertical mixed-use development;
- Mixes complimentary uses: higher-intensity residential development, commercial and smaller scale retail development.
- Expands housing opportunities
- Provides street oriented, pedestrian development
- Enhances streetscape

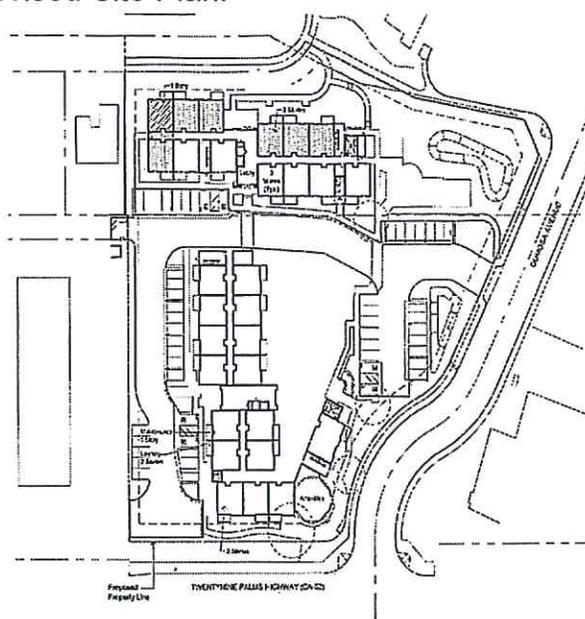
Revised Site Plan: As the project has progressed through obtaining tax credit financing, preparation of construction plans, and in obtaining construction bids, corresponding revisions to the site layout and architecture are proposed.

As originally approved, the project consisted of essentially three separate buildings. The project was designed with one building on the northern end of the site adjacent to Antelope Trail, and two buildings connected in a modified “V” shape. The following illustration identifies the approved site plan for development of the project.

Approved Site Plan:



Revised Site Plan:



Revisions to the site plan make no changes to the northerly building, but merge a majority the two southerly buildings. This reconfiguration reduces the amount of “V” construction proposed adjacent to Dumosa Avenue. The limited amount of construction adjacent to Dumosa Avenue with the revised site plan is 2-story north of the tower element. These changes, in staff’s opinion, result in the enhancement of the site layout, increasing setbacks from public rights of way of three-story construction, increasing the visibility of the Community Center Complex from SR 62.

The revised site plan remains consistent with the General Plan, the Development Code and the Senior Housing Specific Plan. There are no changes proposed to on-site parking or access. While there will be some resulting changes to the landscaping plan, those revisions have not yet been prepared, and the plan will be presented to the senior housing sub-committee at a future date.

Elevations:

The proposed project is designed to blend in height with existing development, through the use of incremental height changes ranging from single to three-story construction.

Architectural design represents a blended desert western theme with reduced stone enhancements throughout the exterior of the structure, significant building articulation, and building placement throughout the project site. The architectural design, site design and building placement are consistent with the General Plan and the Development Code, and support and implement sustainable community strategies development, combining residential and commercial development in close proximity to each other, reducing vehicle miles traveled, and in providing living and employment opportunities in close proximity to each other.

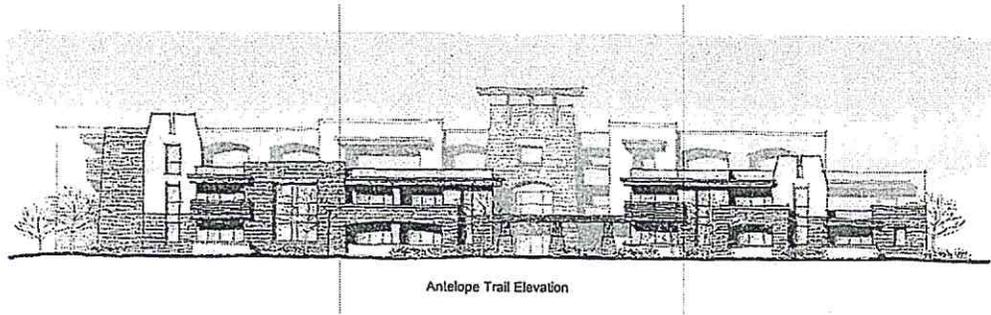
Approved Elevation Concepts:



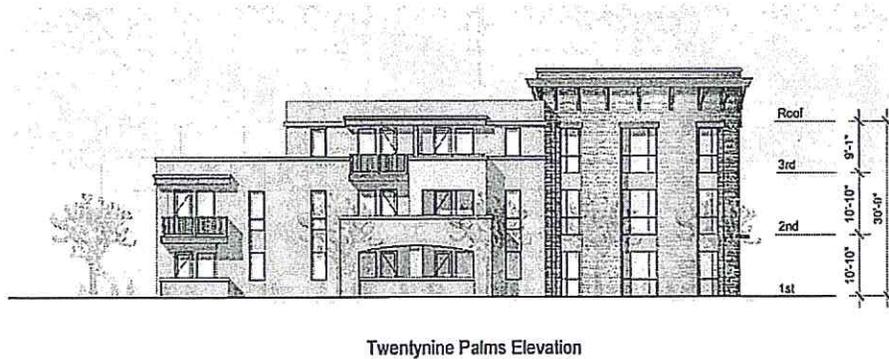
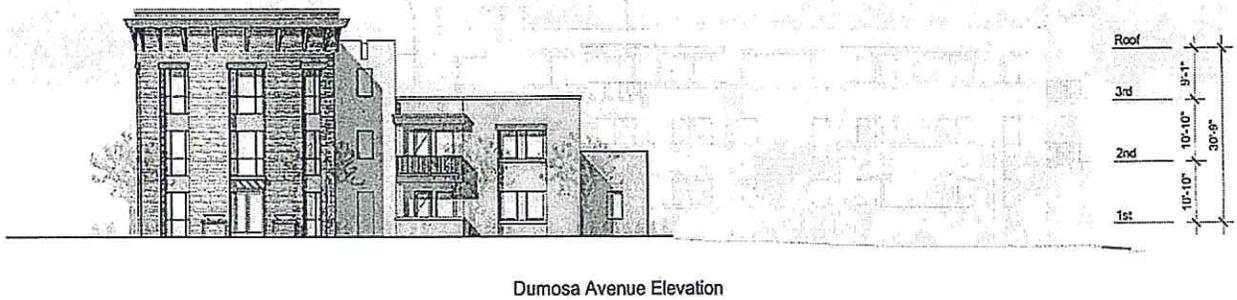
Dumosa Avenue Elevation



Twentynine Palms Highway Elevation



Revised Elevation Concepts:

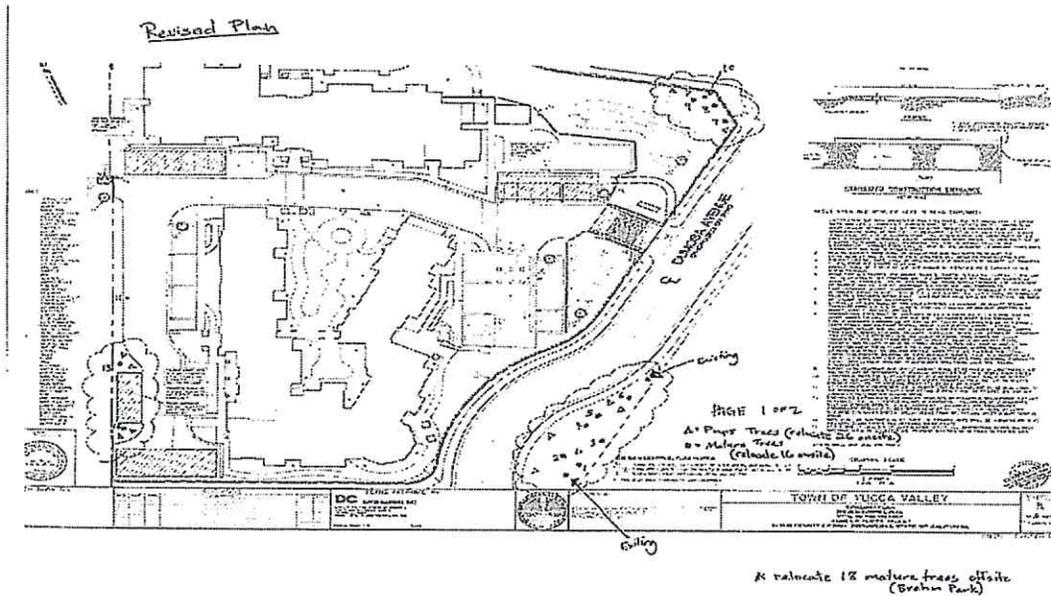


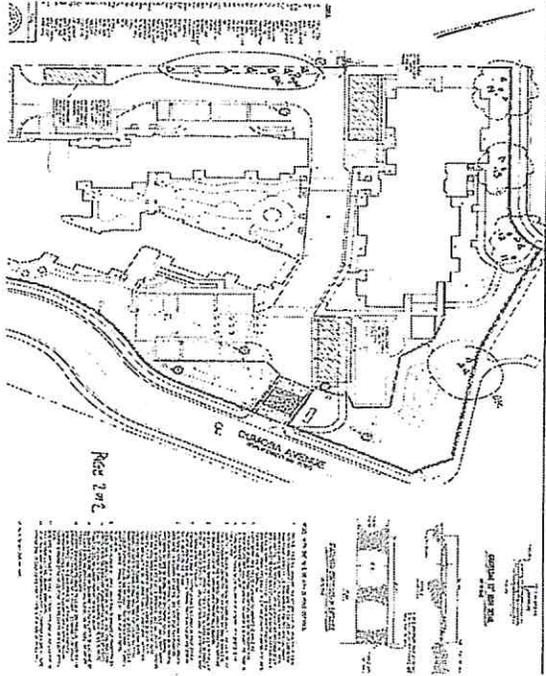
The revised elevations remain consistent with the Town's General Plan, Commercial Design Guidelines, Development Code and with the Senior Housing Specific Plan. Revised elevations for the northerly building have not been submitted, but the materials, colors, treatments, patios, etc., will be consistent with the other buildings.

The "rotunda" size and functions will remain as originally described. The two bridges are no longer necessary or functional given the reconfiguration of the site.

Native Plant Plan:

The most recent native plant inventory was prepared by Mike Branning of Unique Landscape Nursery. The inventory and condition report is attached. A total of 66 Joshua Trees are on site. The condition report identifies 59 as eligible for transplanting/adopting, and 7 that are not recommended for transplanting. Of the 59 eligible for transplanting, 18 are being relocated to the Brehm Park facility, and the remaining 41 are being relocated on site. The site plan illustrates the Joshua Trees being relocated at the north east corner of SR 62 and Dumosa Avenue; the south west corner of Dumosa Avenue and Antelope Trail; and along the northern and western project boundaries.





Senior Housing Sub-Committee:

The project was originally conditioned as follows.

- P8. Final building elevations shall be submitted before or concurrent with building permit applications for final review and approval by the Planning Commission or Affordable Housing Sub-Committee.
- P9. Final on-site ancillary improvements, including fencing, proposed amenities, on-site pedestrian circulation, building access, shall be reviewed and approved by the Planning Commission or the Affordable Housing Sub-Committee prior to issuance of Building Permits.

The recommended action is for the Planning Commission to select two Commissioners to join the Committee and that the Commission approves and authorizes further refinements of the project to occur through the senior housing sub-committee and staff, as appropriate. Therefore no further actions of the Planning Commission will be necessary.

As illustrated by the information contained in the staff report and the attached materials, staff recommends that the Planning Commission finds the recommended actions consistent with the General Plan, Development Code, Senior Housing Specific Plan, and Commercial Design Guidelines, based upon the facts and records as submitted.

Alternatives: No alternatives are recommended.

Fiscal impact: NA.

Attachments:

1. Town Council Staff Report and Conditions of Approval, May 17, 2011
2. Yucca Valley Senior Affordable Housing Specific Plan
3. Original Site Plan and Elevations
4. Revised Site Plan and Elevations
5. Native Plant Permit Application
6. Native Plant Plan Inventory, Unique Landscape Nursery
7. Native Plant Relocation Site Plan

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Robert Kirschmann, Associate Planner
Date: May 09, 2011
For Council Meeting: May 17, 2011

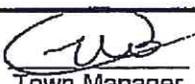
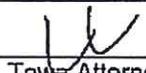
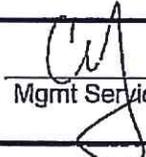
Subject: Environmental Assessment, EA 01-11
Conditional Use Permit, CUP 03-11
Specific Plan S 01-11
Senior Affordable Housing Project

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING SPECIFIC PLAN S 01-11, YUCCA VALLEY SENIOR AFFORDABLE HOUSING SPECIFIC PLAN

Prior Council Review: The Town Council has had no prior review of this matter.

Recommendation: As recommended by the Planning Commission at their meeting of May 12, 2011:

1. **ENVIRONMENTAL ASSESSMENT, EA 01-11:** That the Town Council approves the Mitigated Negative Declaration and Mitigation Monitoring Program for Environmental Assessment, EA 01-11.
2. **SPECIFIC PLAN, S 01-11:** That the Town Council approves Specific Plan, S 01-11 based on the findings contained within the staff report and the recommended Conditions of Approval, and introduces the accompanying Ordinance.
3. **CONDITIONAL USE PERMIT, CUP 03-11:** That the Town Council approves Conditional Use Permit, CUP 03-11, based on the findings contained within the staff report and the recommended Conditions of Approval and the accompanying Resolution.

| | | | | |
|--------------|---|--|---|------------------|
| Reviewed By: |  Town Manager |  Town Attorney |  Mgmt Services | SRS Dept Head |
|--------------|---|--|---|------------------|

| | | | |
|--|---|--|--|
| <input type="checkbox"/> Department Report | <input type="checkbox"/> Ordinance Action | <input type="checkbox"/> Resolution Action | <input checked="" type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Minute Action | <input type="checkbox"/> Receive and File | <input type="checkbox"/> Study Session |

Executive Summary: Town Council public hearing and action are required for all specific plan applications.

The applicant requests approval of a Conditional Use Permit and Specific Plan to allow the construction of a seventy five (75) unit, three (3) story affordable senior (age-restricted) housing project. The project will consist of seventy four (74), 650 square foot, one (1) bedroom apartments and one (1) 750 square foot two (2) bedroom apartment; 4,199 square feet of common area; 3,924 of community and leasing area; 275 square feet of laundry area; 31,132 square feet of total interior common area, corridors, stairwells and balconies; and approximately 4,446 square feet of carports. The total building square footage is approximately 87,482 square feet. The site includes 26 covered parking stalls and 22 uncovered parking stalls. The project will include onsite retention, on-site sewage/wastewater treatment or disposal, landscaping, parking, and may include amenities such as a clubhouse, pool/spa, gazebo, etc.

The applicant and the Yucca Valley Redevelopment Agency have entered into an Exclusive Negotiating Agreement for the potential of Agency financial participation in the project to implement General Plan Housing Element Goals, and to implement State Redevelopment law mandated production of affordable housing units, and to implement the Redevelopment Agency's 5-Year Implementation Plan.

No affordable units have been constructed in the Redevelopment area since the plan was adopted. According to the 5 Year Implementation Plan the agency was required to produce 44 affordable units and 18 very low income units, from the time of Agency formation through 2008-2009. The construction of these 75 units will assist the Agency in meeting the requirements to construct affordable housing units. The units shall be made available to very low and low income households.

Following Town Council final actions on these applications and the environmental review, the Redevelopment Agency will consider entering into subsequent agreements with the applicant finalizing the Agency's financial participation in the project.

Order of Procedure:

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

Discussion: The requests are to allow the construction of a seventy five (75) unit, three (3) story affordable senior (age-restricted) housing project. The project will consist of seventy four (74), 650 square foot, one (1) bedroom apartments and one (1) 750 square foot two (2) bedroom apartment; 4,199 square feet of common area; 3,924 of community and leasing area; 275 square feet of laundry area; 31,132 square feet of total interior common area, corridors, stairwells and balconies; and approximately 4,446 square feet of carports. The total building square footage is approximately 87,482 square feet. The site includes a minimum of 26 covered parking stalls and 22 uncovered parking stalls. The project will include onsite retention, on-site sewage/wastewater treatment or disposal, landscaping, parking, and may include amenities such as a clubhouse, pool/spa, gazebo, etc.

Primary access to the site will be from Dumosa Avenue. Emergency access will be provided through the alley to the projects west. The project may include vacating all or a portion of Antelope trail along the projects northern boundary. Pedestrian access from the site will be available to Town Hall, Community Services, Library, Museum and Senior Center.

The General Commercial land use district allows the construction of multifamily residential units as a mixed use development. The site is a mixed use development in that the Town Hall complex is located immediately to the projects north. Additionally, there are various commercial uses adjacent to the project site including grocery stores, restaurants, banks and a hotel. The General Plan Land Use Element requires a Specific plan to be prepared for mixed use projects, which the applicant has prepared. The Specific plan lays out the standards for development of the site.

The Development Code provides no guidance or regulation as to the specific number of units (density) that may be constructed in the General Commercial areas. The Yucca Valley Senior Affordable Housing Specific Plan follows the policy guidance established in the Old Town Specific Plan for mixed use development projects. The Old Town Mixed Use designation allows up to 40 dwelling units per acre. These policies were implemented to establish the following results for mixed use development.

- Compact, vertical mixed-use development;
- Mixes complimentary uses: higher-intensity residential development, commercial and smaller scale retail development.
- Expands housing opportunities
- Provides street oriented, pedestrian development
- Enhances streetscape

The proposed project is designed to blend in height with existing development, through the use of incremental height changes ranging from single to three story construction.

Architectural design represents a blended desert western theme with stone enhancements throughout the exterior of the structure, significant building articulation, and building placement throughout the project site. The architectural design, site design and building placement are consistent with the General Plan and the Development Code, and support and implement sustainable community strategies development, combining residential and commercial development in close proximity to each other, reducing vehicle miles traveled, and in providing living and employment opportunities in close proximity to each other.

Public improvements include the reconstruction and realignment of Dumosa Avenue. The project review under CEQA included the possibility of phasing public improvements. The project is conditioned to deposit with the Town the estimated costs of the future widening of SR 62, including additional travel lanes, curb, gutter, sidewalk, parkway landscaping, utility relocation and utility undergrounding. The traffic signal warrant study for the intersection of Dumosa and SR 62 identified that two of the required signal warrants can be satisfied as a result of the project and a request for signal construction will be filed with Caltrans District 8. Public improvements will also include the construction of sidewalks, pathways, landscaping and ancillary improvements connecting the project site to Town Hall, the Library, the Hi Desert Nature Museum, the Senior Center, the Community Center Buildings, as well as to the Desert Hills Plaza, located east of the project site across Dumosa Avenue. The project also includes the relocation of the existing monument sign and supporting utilities to the east side of Dumosa Avenue

Public transit system improvements will be constructed as a part of the project, either on-site or in close proximity to the project site, including their potential location on public roads, the Community Center property, or on the project site itself.

The housing project will be constructed in one phase. Dumosa Avenue and Antelope Trail improvements will be constructed simultaneously with the housing project. Based upon Caltrans approvals and requirements, as well as the timing of the federal, state and county grant funding availability, the traffic signal at Dumosa and State Route 62 may be constructed as Phase II of the overall project.

On site retention facilities will be constructed to capture incremental increase in storm water run-off, and these improvements may be constructed on site, or may be constructed on other areas of the Community Center project, subject to all necessary agreements between the Town, the Redevelopment Agency, and the project proponent. All incremental flows, plus a minimum of 10% above the incremental increase, shall be retained by the project.

The project may result in the construction of storm water facilities as identified in the Town's Master Plan of Drainage. These facilities would capture existing storm waters on SR 62 and Dumosa Avenue, and convey those storm waters to the terminus of Dumosa

Avenue, connecting to existing facilities. These facilities capture waters from SR 62, not from the project site. Yet it is desired to construct the storm drain in Dumosa at the time of project construction so that Dumosa is not reconstructed in the near future for storm drain installation.

**State Mandates:
2006-2014 Housing Needs**

The Department of Housing and Community Development and the Southern California Association of Governments (SCAG) were responsible for developing the Regional Housing Needs Assessment (RHNA) for all communities within SCAG's region. The RHNA was further refined through the San Bernardino Association of Governments, which developed allocations for all San Bernardino municipalities. Table III-19 illustrates the RHNA allocation for the 2006-2014 planning period in Yucca Valley.

**Table III-19
RHNA by Income Category, 2006-2014**

| | Units |
|---------------------------|--------------|
| Extremely Low | 280 |
| Very Low Income | 280 |
| Low Income | 399 |
| Moderate Income | 474 |
| Above Moderate Income | 1,076 |
| Total Units Needed | 2,510 |

Income Limits

The Department of Housing and Community Development annually issues income limits for each county in the state. In 2008, the income limits, based on household or family size, are:

**Table III-20
Income Limits for San Bernardino County 2008**

| # of Persons | Moderate | Low | Very Low | Extremely Low |
|--------------|----------|----------|----------|---------------|
| 1 | \$52,100 | \$37,300 | \$23,300 | \$14,000 |
| 2 | \$59,500 | \$42,650 | \$26,650 | \$16,000 |
| 3 | \$67,000 | \$47,950 | \$29,950 | \$18,000 |
| 4 | \$74,400 | \$53,300 | \$33,300 | \$20,000 |
| 5 | \$80,400 | \$57,550 | \$35,950 | \$21,600 |
| 6 | \$86,300 | \$61,850 | \$38,650 | \$23,200 |
| 7 | \$92,300 | \$66,100 | \$41,300 | \$24,800 |
| 8 | \$98,200 | \$70,350 | \$43,950 | \$26,400 |

Quantified Objectives

Based on the issues identified in this Element, and the Town's RHNA allocation, the following quantified objectives have been established.

**Table III-21
Quantified Objectives**

| Income Category | Extremely Low | Very Low | Low | Moderate | High | Total |
|------------------------|----------------------|-----------------|------------|-----------------|-------------|--------------|
| New Construction | 280 | 280 | 399 | 474 | 1,076 | 2,510 |
| Rehabilitation | 30 | 30 | 60 | 0 | 0 | 120 |
| Conservation | 10 | 10 | 5 | 0 | 0 | 25 |

Based upon State mandates and the RHNA allocation, the Town is required to plan and provide the opportunity for the development of housing units as identified in Table III-21. Income limits are updated annually by the State Department of Finance.

Please see the attached Planning Commission Staff report for additional detailed information.

Alternatives: No alternatives are recommended.

Fiscal impact: The applicant and the Yucca Valley Redevelopment Agency have entered into an Exclusive Negotiating Agreement for the potential of Agency financial participation in the project to implement General Plan Housing Element Goals and to implement State Redevelopment law mandated production of affordable housing units. Discussion and analysis of General Plan goals and policies related to this project are addressed further in the detailed Planning Commission Staff Report. Portions of the Redevelopment Agency's Five Year Implementation Plan addressing the need for the Agency to take actions that result in the creation of additional affordable housing units are attached to this Staff Report.

No affordable units have been constructed in the Redevelopment area since the plan was adopted. According to the 5 Year Implementation Plan the agency was required to produce 44 affordable units and 18 very low income units, from the time of Agency formation through 2008-2009. The construction of these 75 units will assist the Agency in meeting the requirements to construct affordable housing units.

Following Town Council final actions on these applications and the environmental review, the Redevelopment Agency will consider entering into subsequent agreements with the applicant finalizing the Agency's financial commitments to the project. The units shall be made available to very low and low income households.

Attachments:

1. Planning Commission Staff Report and back up material from May 12, 2011
2. Yucca Valley Senior Affordable Housing Specific Plan
3. Initial Study and Special Studies
4. Site Plan and Elevations

**TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS OF APPROVAL
SENIOR HOUSING PROJECT**

The applicant requests approval of a conditional use permit and specific plan to allow the construction of a seventy five (75) unit, three (3) story affordable senior (age-restricted) housing project. The project will consist of seventy four (74), 650 square foot, one (1) bedroom apartments and one (1) 750 square foot two (2) bedroom unit; 4,199 square feet of common area; 3,924 of community and leasing area; 275 square feet of laundry area; 31,132 square feet of total interior common area, corridors, stairwells and balconies; and approximately 4,446 square feet of carport. The total building square footage is approximately 87,482 square feet. The site includes a minimum of 26 covered parking stalls 22 uncovered parking stalls. The project will include onsite retention, on site wastewater/sewage treatment or disposal, landscaping, parking, and may include amenities such as a clubhouse, pool/spa, gazebo, etc.

Primary access to the site will be from Dumosa Avenue. Emergency access will be provided through the alley to the projects west. The project may include vacating all or a portion of antelope trail along the projects northern boundary. Pedestrian access from the site will be available to town hall, community services, library, museum and senior center.

The project is located at the northwest corner of 29 Palms Hwy and Dumosa Ave and is identified as APN 595-371-11 and the southern portion of 595-361-21

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 and/or Town Council, in conformance with the Town of Yucca Valley Development Code. The applicant is responsible for the initiation of an extension request.

Approval Date: May 17, 2011
Expiration Date: May 17, 2014

- G3. The applicant shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.
- G4. All conditions are continuing conditions. Failure of the applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
- 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 utility companies. 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 electrical inspection. 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 staff 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.
- 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 a phased 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, wastewater collection, treatment and disposal, 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 plans 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 Applicant 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. All signs shall be a minimum of 4' x 8' in size.
- 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. Prior to any work being performed within the public right-of-way, the Applicant shall provide the name, address, telephone, facsimile number, and e-mail address of the Contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work 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.
- G19. 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.
- G20. Prior to issuances of building permits, all site plans, grading plans, landscape and irrigation plans, drainage/flood control plans, public improvement plans, composite development plans, erosion and sediment control plans, and assessment district plans and formations shall be coordinated for consistency with this approval.
- G21. The Town Engineer may allow phased construction of the project provided that the improvements necessary to adequately serve or mitigate the impacts of each phase of development are completed prior to the issuance of a Certificate of Occupancy for that phase.
- G22. 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.
- G23. 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.

- G24. 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.
- G25. The street design and circulation pattern of this project shall be coordinated with adjoining developments.
- G26. 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.
- G27. A construction-phasing plan for the construction of on-site public and private improvements shall be reviewed and approved by the Town Engineer prior to the approval of the project grading plan. Financial security shall be provided for all the improvements within the project. The Town Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area the project if the improvements are needed for circulation, parking, access, or for the welfare or safety of future occupants of the development.
- G28. 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.
- G29. All property corners, logs, 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 for approval.
- G30. For any import or export of material, the applicant shall provide the route of travel, estimated cubic yards of import/export, number of trucks, daily schedule,

and length of time necessary to complete the import/export of materials to/from the site. No hauling of material shall occur prior to approval by the Town Engineer.

PLANNING CONDITIONS

- P1. The development of the property shall be in conformance with FEMA requirements 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. 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 regulated 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.
- P5. **All mitigation measures identified in the Initial Study and included in the Mitigation Monitoring Program are included as conditions of approval by this reference.**
- P6. Prior to the issuance of any permits the Applicant 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. All trees shall be a minimum of 24" boxes. **The Landscape Plan shall include the east side of Dumosa Avenue from SR 62 to the driveway accessing the Desert Hills Plaza/Food 4 Less Shopping Center.** 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 or the Affordable Housing Sub-Committee prior to the issuance of any permits.**

- P7. Within 30 days of Town Council approval the applicant shall provide three (3) copies of the Approved Specific Plan and one electronic copy.
- P8. Final building elevations shall be submitted before or concurrent with building permit applications for final review and approval by the Planning Commission or Affordable Housing Sub-Committee.
- P9. Final on-site ancillary improvements, including fencing, proposed amenities, on-site pedestrian circulation, building access, shall be reviewed and approved by the Planning Commission or the Affordable Housing Sub-Committee prior to issuance of Building Permits.

ENGINEERING CONDITIONS

- E1. **Construct full width improvements (40 feet curb to curb) including sidewalks (west side only if acceptable during Caltrans signal design and approval), curb, and gutter (both sides) on Dumosa Avenue per Town of Yucca Valley Standard Drawing No. 101.**
- E2. **Subject to approval of the Town Engineer, construct catch basins and 54 inch storm drain improvements on Dumosa Avenue from the intersection with SR 62 to the existing channel at the north end-of Dumosa Avenue. Separate storm drain improvement plans shall be prepared. The applicant's engineer shall prepare a hydrology study to determine the quantity of storm flows entering Dumosa Avenue from SR 62. The catch basins shall be sized such that 12 feet of pavement, in each direction, shall be dry during a 100 year storm event. In addition, the catch basin at the northwest corner of Dumosa Avenue and SR 62 shall provide a 48 inch stub to the west for future catch basins on SR 62. The Applicant/Town/Agency shall enter into a reimbursement agreement or shall include fair share allocations in the Agency's DDA for the project.**

- E3. **Construct an offset cul-de-sac on Antelope Trail per San Bernardino County Standard Drawing No. 120A, modified to 40 feet curb to curb. The cul-de-sac shall also include a driveway into the existing parking lot westerly of Town Hall and shall provide access to the Library, Senior Center, and Community Center recreation facility parking lots.**
- E4. **Construct a 26 feet wide access road, 150 +/- feet in length, from Dumosa Avenue westerly to the existing parking lot fronting Town Hall. Improvements shall include curb and gutter, ribbon gutter, A.C. pavement, and sidewalk, at a minimum. The existing pavement on Antelope Trail may be removed between the end of these improvements and the new cul-de-sac on Antelope Trail.**
- E5. **The project shall provide retention for the incremental storm flows generated during the worst case 100 year storm event plus an additional 10% minimum, and 20% incremental retention is desired. A hydrology study shall be provided detailing the retention amounts required.**
- E6. **Storm/nuisance waters entering the site from the driveway/alley from the west shall be conveyed through the site and/or incorporated into the retention area.**
- E7. **Relocation of Dumosa Avenue and closure/relocation of Antelope Trail will require relocation of existing utilities within the roadways. The applicant shall be responsible for relocation of any and all utilities to the satisfaction of the utility provider. The applicant shall provide the Town Engineer proof of the utility approval of the proposed improvement, including but not limited to plans and non-interference letters. If required by the utility provider the Applicant's engineer shall prepare easement documents for installation of the facilities on Town-owned property.**
- E9. **Prepare precise grading plans for review/approval by the Town. Grading plans shall include details of any retention area proposed.**
- E10. **Install one street light at each of the following locations:**
 - The intersection of Dumosa Avenue and SR 62 per Town of Yucca Valley Standard Drawing 300. This street light may be included in the traffic signal pole.**
 - The intersection of Dumosa Avenue and Antelope Trail per Town of Yucca Valley Standard 301.**
 - The end of the proposed cul-de-sac on Antelope Trail per Town of Yucca Valley Standard Drawing 301.**
- E11. **The Applicant's engineer shall provide easement legal descriptions and plats for off-site facilities including retention areas and/or sewer septic systems.**
- E12. **Prior to issuance of a grading permit for any portion of a site, the Applicant shall submit, for review and approval, an irrigation and landscaping plan or other appropriate treatment for all slope areas. After certification of final**

grading all manufactured slopes over the height of 3 feet shall be irrigated and landscaped unless otherwise approved by the Town.

- E13. A licensed civil engineer or land surveyor shall survey and certify that the rough grading was completed in substantial conformance with the approved Rough Grading Plans. Prior to the issuance of any building permits the project Engineer shall certify the finished lot was graded in conformance to approved plans.
- E14. Prior to the issuance of a **Grading Permit** for the onsite areas, a Grading Plan, including Rough Grading and Precise Grading, prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town prior to any grading activity. The Rough and Precise Grading Plans shall be reviewed and approved by the Town Engineer prior to issuance of grading permits. The Applicant is responsible for all fees incurred by the Town.
- E15. A licensed civil engineer or land surveyor shall survey and provide pad certification for each individual lot prior to issuance of building permits.
- E16. 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 Geotechnical and 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.
- E17. All recommended approved measures identified in the Geotechnical and Soils Engineering report shall be incorporated into the project design.
- E18. When a development is constructed in phases, each phase of the development shall function independent of the others. Retention basin(s) shall be constructed and functional prior to the issuance of Building Permits for any structure within that phase of the project. The applicant shall provide on-site retention for the incrementally larger flows caused by each phase of development of the site, pursuant to a final drainage report, subject to approval by the Town Engineer.
- E19. A **final** drainage report, prepared by a registered Civil Engineer, shall be prepared to determine the flows exiting the site under current undeveloped conditions compared to the incrementally larger flows due to the development of the site. The retention basin size will be determined, per County of San Bernardino Flood Control methodology, such that incremental 100 year 24-hour storm volume, plus 10% minimum, 20% desired, is retained on-site.

- E20. Basin(s) shall be designed to fully dissipate storm waters within a 48 hour period.
- E21. Prior to acceptance and final construction approval, all retention/detention basins shall be certified by a civil engineer that all retention/ detention basins 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 final drainage report for the project.
- E22. Prior to acceptance or final construction approval, 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 final drainage report(s) for the project.
- E23. 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.
- E24. All grading activities shall minimize dust through compliance with MDAQMD Rules 402 and 403.
- E25. 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 be illustrated on all proposed phasing for construction of the project.
- E26. 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. 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. Three copies of the SWPPP submitted to the CRWCB shall be submitted to the Town.
- E27. Prior to any work being performed in the public right-of-way, fees shall be paid and an encroachment permit shall be obtained from the Town. The Applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The Applicant shall be responsible for the associated costs and arrangements with each public utility.
- E28. **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.**
- E29. 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 full-depth asphalt concrete recommended by the Soils Engineer.

- E30. In conjunction with rough grading plan submittal for plan check, street plans prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town. The final street plans shall be reviewed and approved by the Town Engineer
- E31. Street improvements **for each phase** shall be completed, approved, and certified by a civil engineer as constructed in substantial conformance with the approved plans, and accepted by the Town of Yucca Valley prior to issuance of a certificate of occupancy for any structures **for each phase** of the project.
- E32. The Applicant shall install all water and sewer systems required to serve the project. All water and sewer systems shall be completed to the requirements of the Hi Desert Water District.
- E33. The Applicant shall observe the construction of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property and other infrastructure. The Applicant shall be responsible for the repair of any damage occurring to offsite infrastructure and/or property damage as determined by the Town Engineer. The Applicant shall repair any such damage prior to certificate of occupancy. If the damage is such that it is not repairable within a reasonable amount of time as determined by the Town Engineer, the Applicant may petition the Town Engineer for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.
- E34. The Applicant shall be responsible for all improvements constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced. The applicant shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.
- E35. The wastewater collection and treatment system shall be maintained so as not to create a public nuisance and shall be serviced by a maintenance company approved by the Regional Water Quality Control Board. The wastewater collection and treatment system shall be approved by the Regional Water Quality Control Board and functional prior to the issuance of grading permits for the project.
- E36. All improvement plans shall be designed by a Registered Civil Engineer.
- E37. 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, or methods identified within the SWPPP, subject to Town Engineer approval.
- E38. The Applicant shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the Applicant fails or

refuses to properly maintain the erosion control devices, the Town Engineer 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.

- E39. If construction of erosion control systems outside of the project boundaries is necessary, permission to construct such systems from the owner of such off-site property is required. Plans for the off-site system shall be included with the on-site plans submitted to the Town Engineer. The plans for the off-site erosion control system shall include permission to grade and maintain the erosion control system from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities.
- E40. Drainage easements, when required, shall be shown on the grading plan and separate legal descriptions and plats prepared delineating the location of the easements.
- E41. 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.
- E42. Private drainage easements for cross-lot drainage shall be dedicated by separate instrument and delineated on the grading plan.
- E43. 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.
- E44. All permanent street closures must be approved by Town Council action.
- E45. The following information regarding the presence of the Marine Corps Air Ground Combat Center (MGAGCC) shall be recorded on the **title of the property, and included in the information presented to each new tenant.**

"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".

- E46. Unless approved by the Town Engineer the project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Lot lines shall be located at the top of slopes. The Applicant shall accept and properly dispose of all off-site drainage flowing onto or through the site.
- E47. 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.
- E48. **Should Cal-trans approve the warrant study for a signal at the intersection of Dumosa and Twentynine Palms Highway the applicant shall be responsible to design and construct the traffic signal. The applicant shall prepare and process improvement plans through Caltrans for all improvements along SR 62. Plans shall include, but not be limited to, signal improvements, median island improvements, signing and striping, and traffic control. It is the Town's desire that the signal poles be installed at their ultimate location if possible. The Applicant/Town/Agency shall enter into a reimbursement agreement or shall include fair share allocations in the Agency's DDA for the project.**
- E49. **The applicant shall be responsible for payment of in-lieu fees for the costs of widening of the project frontage along SR 62 to its ultimate improvement widths. The applicant shall prepared cost estimates for those improvements, for review and final approval by the Town Engineer.**

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. The Applicant shall be responsible for all fees required by San Bernardino County Fire Department.
- F3. A water system approved by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Detached single family residential developments may increase the spacing between hydrants to be no more than six hundred (600) feet and no more than three hundred (300) feet (as measured along vehicle travel-ways) from the driveway on the address side of the proposed single family structure.
- F4. This project is required to have an approved street name sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior to any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.
- F5. Prior to issuance of a Certificate of Occupancy, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with County Fire Department Requirements.
- F6. 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.

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT CONDITION

- MD1. The applicant shall comply with the provisions of District Rule 403, Fugitive Dust.

HIGH DESERT WATER DISTRICT CONDITIONS

- H1. Water and sewer improvement plans and plan check fees shall be submitted for review and approval prior to issuance of a building permit
- H2. Landscape plans shall be submitted in accordance with Hi Desert Water District Landscape Ordinance Package if total landscape area exceeds 500 square feet and a separate landscape meter will also be required.
- H3. It is recommended that the developer schedule a meeting with HDWD to discuss project water demand and fire flow requirements in the planning stages
- H4. Reduced pressure (RP) backflow devices shall be required for all water connections.
- H5. The fire sprinkler supply service shall be separate from the domestic and landscape services.
- H6. All onsite water mains shall be private.
- H7. The proposed project is within Phase 1 Sewer Area and shall connect to the sewage collection system when constructed.
- H8. An agreement for water service shall be approved by HDWD Board of Directors prior to construction.

UNITED STATES MARINE CORPS CONDITIONS

- M1. The MCAGCC requests that all future residents receive full disclosure, in writing, describing the unique aspects of living near a military installation and under an FAA designed helicopter flight path (a copy of a letter from the MCAGCC to the new residents have been provided).
- M2. As the site is located under the Desert Bravo helicopter route the applicant should employ sound attenuating materials into the construction. This is an advisory condition only.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-COLORADO RIVER BASIN CONDITIONS

- WQ1. A National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with construction activities is required for projects disturbing one or more acres. An NPDES storm water permit is also required for projects that are part of a common plan and disturb one or more acres.

WQ2. Waste Discharge Requirements may be required for new septic tank leach field systems, particularly for new subdivisions, grouped, or community systems in vulnerable areas.

WQ3. General Waste Discharge Requirements maybe required if the project involves sanitary sewer systems.

MORONGO BASIN TRANSIT AUTHORITY

MBTA 1. Integrate a bus turnout, shelter with pad and other transit amenities (coordinated through the agency) to promote and protect riders. Shelters provide not only protection from the rain and other weather elements, but also provide ambient lighting for security. The bus shelter should be engineered to the specifications of the other MBTA shelters in the Basin. **OR**

MBTA 2. Ensure establishment of ADA compliant accessible pathways from the project to the nearest bus stops on Hwy 62 in-front of the Food 4 Less and/or the bus shelter in front of the Yucca Valley Senior Center.

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 _____

]

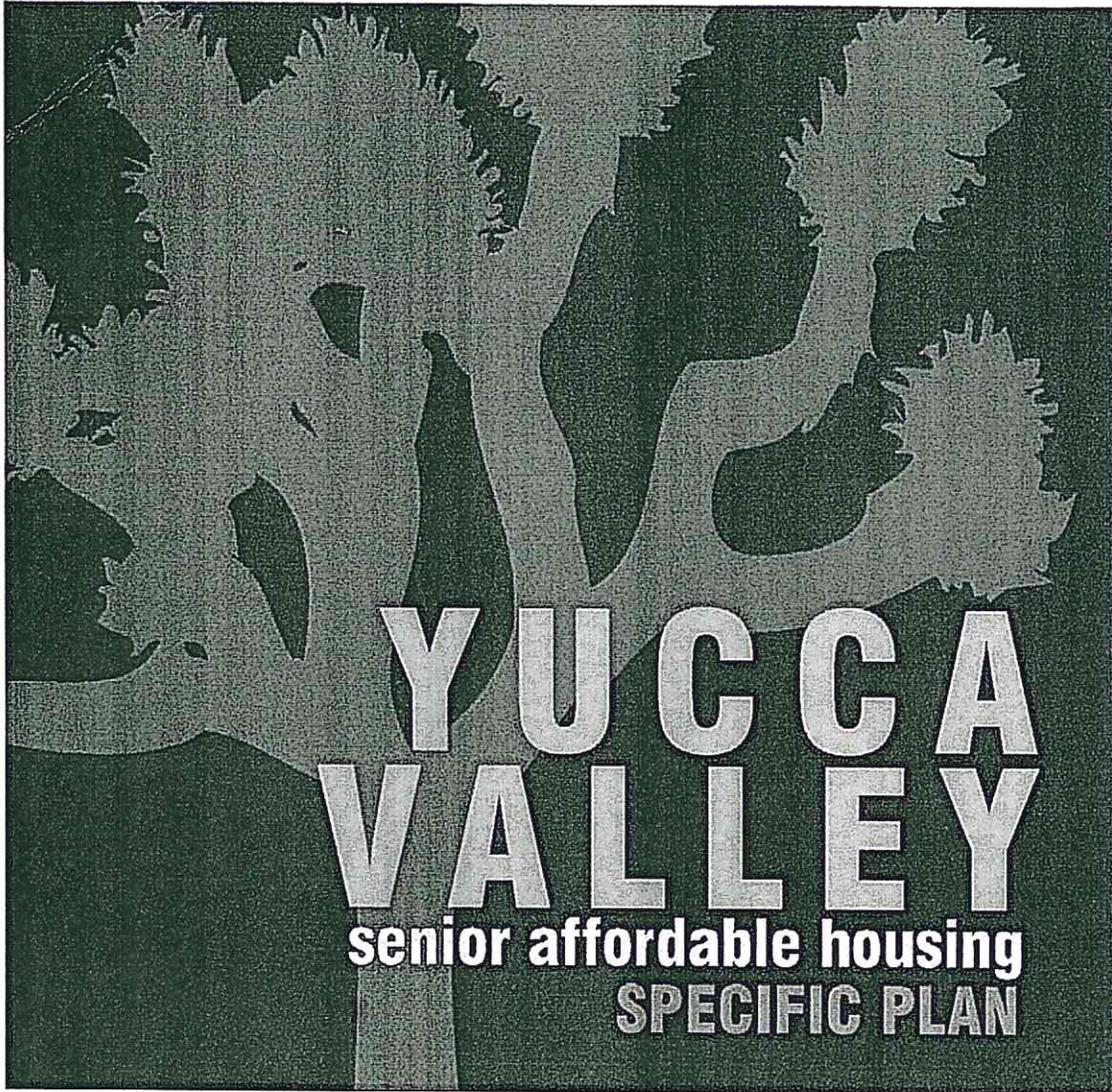
ATTACHMENT A

GENERAL PLAN GOALS, OBJECTIVES AND POLICIES

The project, as proposed, is consistent with the Yucca Valley General Plan. The following Land Use Element Goals and Policies identify and establish consistency of the proposed project with the General Plan Land Use Element.

Goal 1

A balanced mix of functionally integrated land uses which meet general social and economic needs of the community through compatible and harmonious land use and zoning designations.



DRAFT – APRIL 27, 2011



This page left intentionally blank

Yucca Valley Senior Affordable Housing Specific Plan

Prepared for:

National Community Renaissance ®

9065 Haven Avenue, Suite 100

Rancho Cucamonga, CA 91730

Prepared by:

RRM Design Group

232 Avenida Fabricante, Suite 112

San Clemente, CA 92672

Approved by the Town Council

----- 2011



This page left intentionally blank

TABLE OF CONTENTS

1. PLAN OVERVIEW

| | |
|--|-----|
| 1.1 Introduction..... | 1-1 |
| 1.2 Requirements of a Specific Plan..... | 1-1 |
| 1.3 Project Location..... | 1-1 |
| 1.4 Project Setting and Site Features..... | 1-3 |
| 1.5 Relationship to the General Plan and Zoning Ordinance..... | 1-3 |
| 1.6 Project Objectives..... | 1-4 |
| 1.7 Compliance with CEQA..... | 1-4 |

2. LAND USE

| | |
|---------------------------|-----|
| 2.1 Land Use Plan..... | 2-1 |
| 2.2 Land Use Summary..... | 2-2 |

3. RESIDENTIAL USE REGULATIONS

| | |
|--------------------------------|-----|
| 3.1 General Provisions..... | 3-1 |
| 3.2 Permitted Uses..... | 3-1 |
| 3.3 Development Standards..... | 3-1 |
| 3.4 Parking Requirements..... | 3-2 |

| | |
|---|-----|
| 4. DESIGN GUIDELINES | |
| 4.1 Grading Concept..... | 4-1 |
| 4.2 Architectural Concept | 4-3 |
| 4.3 Landscape Concept..... | 4-3 |
| 4.4 Walls and Fences..... | 4-9 |
| 4.5 Signage and Lighting..... | 4-9 |
| 5. INFRASTRUCTURE, UTILITIES, AND PUBLIC SERVICES | |
| 5.1 Circulation | 5-1 |
| 5.2 Drainage..... | 5-1 |
| 5.3 Water..... | 5-1 |
| 5.4 Wastewater..... | 5-1 |
| 5.5 Dry Utilities | 5-2 |
| 5.6 General Infrastructure and Service Requirements | 5-2 |
| 6. IMPLEMENTATION AND ADMINISTRATION | |
| 6.1 Financing and Phasing of Development..... | 6-1 |
| 6.2 Application Processing | 6-2 |
| 6.3 Specific Plan Amendments | 6-3 |

FIGURES

| | |
|---|-----|
| Figure 1-1 Yucca Valley Regional Map | 1-2 |
| Figure 1-2 Yucca Valley Vicinity Map | 1-2 |
| Figure 2-1 Specific Plan Land Use Plan..... | 2-1 |
| Figure 4-1 Grading Concept..... | 4-2 |
| Figure 4-2 Building Elevations | 4-4 |
| Figure 4-3 Landscape Concept Plan..... | 4-6 |

TABLES

| | |
|---|-----|
| Table 2-1 Land Use Summary | 2-2 |
| Table 4-1 Proposed Materials and Color Palette..... | 4-4 |
| Table 4-2 Proposed Plant Palette | 4-7 |

APPENDIX

- Appendix A – Legal Description
- Appendix B – General Plan Consistency
- Appendix C – Joshua Tree Survey Report
- Appendix D – Conditions of Approval



This page left intentionally blank

SECTION 1 – PLAN OVERVIEW

1.1 Introduction

Located in the heart of the Town of Yucca Valley, the Yucca Valley Senior Affordable Housing Project Specific Plan project area offers a central location for those who wish to reside within walking distance of restaurants, food and drug stores, banks, retail, and public facilities. The 2.87-acre site provides an opportunity to include 75 affordable senior housing units that will be made available for rent. Onsite amenities include courtyards, paseos, landscaped open areas, and a recreation room.

1.2 Requirements of A Specific Plan

The Yucca Valley Senior Affordable Housing Project Specific Plan has been prepared pursuant to the provisions of the California Government Code, Title 7, Division 1, Chapter 3, Article 8, and Sections 65450 through 65457. The California Government Code authorizes jurisdictions to adopt Specific Plans by resolution as policy documents or by ordinance as regulatory documents. The law allows preparation of Specific Plans, as may be required for the implementation of the General Plan, and further allows for their review and adoption. Article 13 of Title 8, Division 3, Chapter 3 of the Development Code of the Town of Yucca Valley, provides the requirements and procedures for preparation and processing of Specific Plans in the Town. Specific Plans act as a bridge between the General Plan and individual development proposals. Specific Plans combine development standards and guidelines, capital improvement programs and financing methods into a single document that is tailored to meet the needs of a specific area.

The Yucca Valley Senior Affordable Housing Project Specific Plan serves to implement the General Plan land use designation of “General Commercial” and zoning designation of “General Commercial District” for the project area. The General Commercial District allows multi-family residential uses when part of a mixed-use combination of parcels, such as with the adjacent civic uses. This Specific Plan establishes the development requirements and design guidelines to be applied to all development within the project area.

1.3 Project Location

The project encompasses approximately 2.87 acres located at the northwest corner of the intersection of Twentynine Palms Highway (State Highway 62) and Dumosa Avenue. The location of the project is illustrated in Figure 1-1, “Regional Location Map” and Figure 1-2, “Project Vicinity Map.”

Figure 1-1
Yucca Valley Regional Map

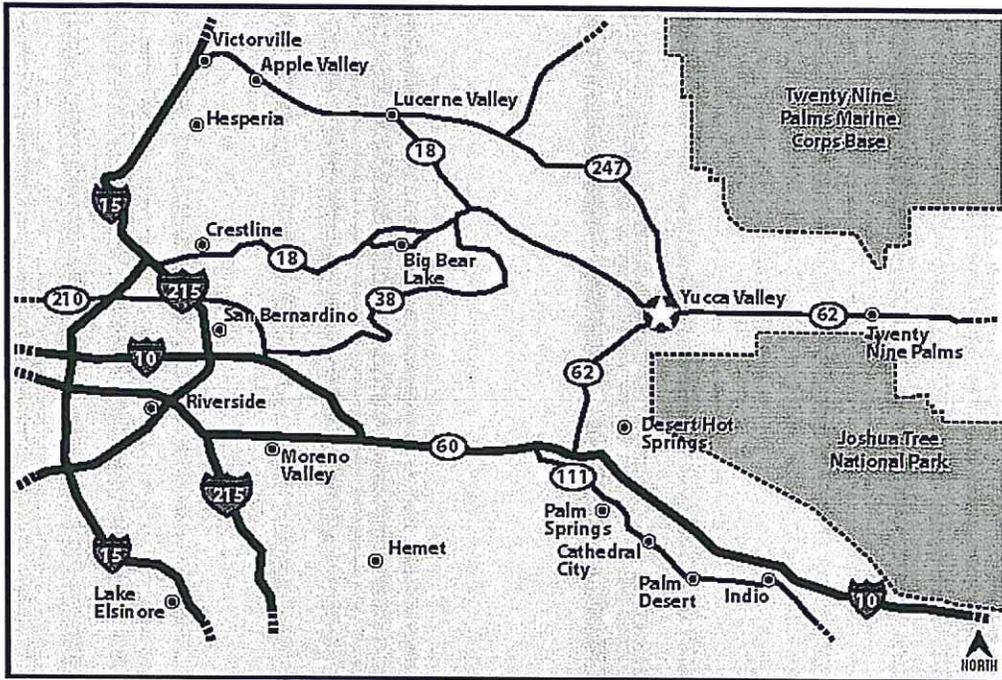
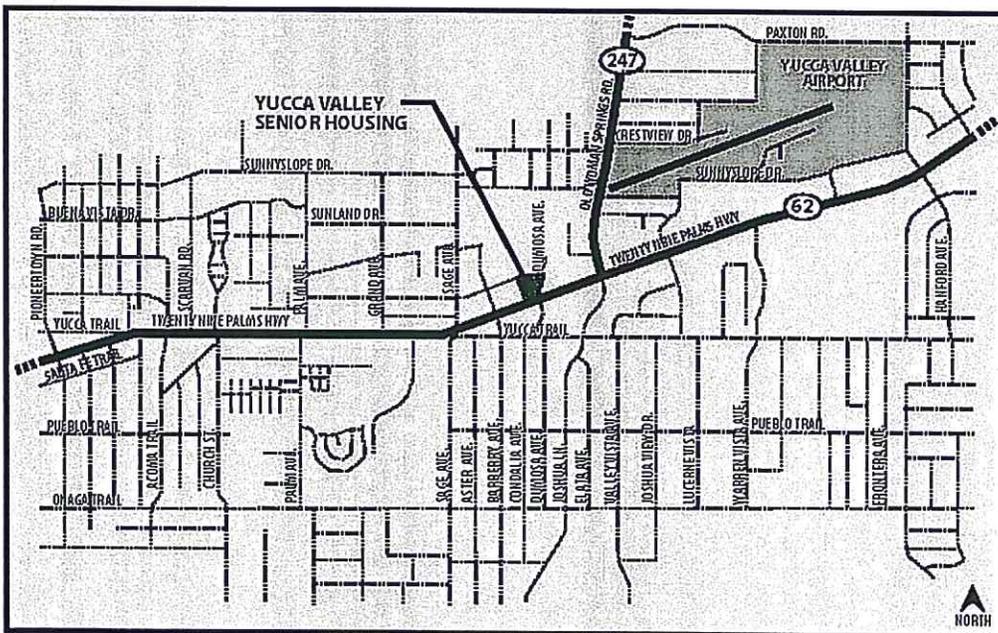


Figure 1-2
Yucca Valley Vicinity Map



1.4 Project Setting and Site Features

Existing Site Features

The average elevation of the project site is approximately 3,260 feet above mean sea level. The site slopes from the southwest to the northeast with approximately 18 feet difference in elevation from Twentynine Palms Highway to the northeast corner of the site. A small earthen drainage channel, formed by urban runoff from businesses and alleys to the west, travels from west to east mid-parcel where water is collected by a concrete culvert.

The site is currently vacant land covered with native brush. Joshua trees are the dominant vegetative species. A total of 91 Joshua trees occur on site. Some of these trees will be salvaged and replanted within the site as further discussed in Section 4.3 Landscape Concept.

Surrounding Land Use Designations

The project site is designated C-G, General Commercial. Property to the west and southeast is also designated C-G and includes a Super 6 Motel, Sizzler Restaurant, Carrows Restaurant, Bank of America, and the VCA Yucca Valley Animal Hospital Property. To the east and southwest is designated Neighborhood Commercial (C-N) and includes a Food 4 Less, Wells Fargo Bank, and Stater Bros Market. R-M-10 residential units are located west of the project along Antelope Trail. Public/Quasi-Public (P/QP) uses are located north of the project and include Town Hall, a community center, senior center, museum, and recreational sports fields.

1.5 Relationship to the General Plan and Zoning Ordinance

The Yucca Valley Senior Affordable Housing Specific Plan implements the goals and policies of the Town of Yucca Valley General Plan within the Specific Plan area. The goals and objectives found in the Housing Element support the Town's desire to maximize private and public efforts to provide adequate and affordable housing opportunities to all of its residents. Appendix B, the General Plan Consistency Analysis, demonstrates how the Yucca Valley Senior Affordable Housing project implements applicable goals and objectives of the General Plan. Various housing goals support the development of affordable housing projects to meet the community's need.

Because an adopted specific plan must be consistent with the Town General Plan, all projects that are found to be consistent with this Specific Plan are deemed consistent with the General Plan.

The Yucca Valley Senior Affordable Housing Specific Plan works in concert with the Town of Yucca Valley Development Code, but provides additional development standards and guidelines that are customized to achieve the specific vision for the project area. The Town's zoning standards are utilized for certain aspects, such as building setbacks, while the Specific Plan provides other standards that are tailored to the Yucca Valley Senior Affordable Housing project. Development projects and new uses shall be subject to the review procedures, findings and provisions of the Town of Yucca Valley Development Code and the provisions of this Specific Plan. Related and/or subsequent approvals, such as Conditional Use Permits, Site Plan Reviews, and Parcel Maps, must be consistent with both the policies of the Yucca Valley Senior Affordable Housing Specific Plan and the Town's Development Code.

Where development regulations in this Specific Plan differ from those established in the Town Code, the provisions of the Yucca Valley Senior Affordable Housing Specific Plan shall prevail. Where this Specific Plan is silent on a development regulation, the Town Code shall prevail.

1.6 Project Objectives

The purpose of the Yucca Valley Senior Affordable Housing Specific Plan is to define permitted uses, development regulations, requirements, and design guidelines for the development of the project area. Implementation of this Specific Plan will accomplish the following objectives:

1. To provide for the orderly and planned development of land uses within the project area, to ensure that an economically viable project or projects can be developed.
2. To allow for development of quality, yet affordable residential uses within the Town core.
3. To design a project in a way that reflects the property's size and configuration, as well as surrounding uses.
4. To develop a use that meets the spirit and intent of the Town of Yucca Valley Development Code.
5. To develop a use consistent with the property's General Plan designation and the land use designations of the adjacent properties.

1.7 Compliance with CEQA

A Mitigated Negative Declaration has been prepared for the Yucca Valley Senior Affordable Housing Specific Plan and this document has been filed with the County Clerk's Office per the requirements of CEQA and CEQA Guidelines. The Mitigated Negative Declaration for the Yucca Valley Senior Affordable Housing Specific Plan analyzes the potential environmental impacts which may result from implementation of the project. Based on this analysis, a determination has been made that with the mitigation measures proposed, adoption and implementation of the plan would not result in any significant adverse impacts on the environment.

2.2 Land Use Summary

The project site will be developed with 75 senior, affordable housing units. Seventy-four (74) of the units will be 1-bedroom units and one (1) unit will be a two-bedroom unit.

Open space areas will be landscaped pursuant to the landscape concept and approved plant palette, and will serve a variety of functions, including separation and buffering from adjacent uses, providing site beautification, and storm water detention.

Table 2-1 provides a summary of the project land use and statistics.

| Land Use | Parcel Size | Building Area | Units | Parking | Comments |
|-------------------------|-------------|--|---|-----------|----------------------------|
| General Commercial (CG) | 2.87 acres | 87,482 SF total (31,316 SF building footprints) | 75 units (74 1-bedroom) (1 2- bedrooms) | 48 spaces | Senior, affordable housing |

Individual unit sizes will be approximately 650 square feet plus 100 square feet of balcony. Based on preliminary plans, the total building area for both proposed building is 87,482 square feet and is comprised of 56,350 square feet dedicated to living units and 31,132 square feet dedicated to common spaces (corridors, stairs, elevators, laundry, trash area, waiting areas and common rooms).

The southern, v-shaped building totals 54,592 square feet in building area, and the northern, bar-shaped building totals 32,890 square feet in building area.

Please note that the building square footage numbers are preliminary and are anticipated to be refined with final project design. In addition, the provided building area numbers do not include any façade articulation, so actual numbers will be greater.

SECTION 3 – RESIDENTIAL USE REGULATIONS

3.1 General Provisions

The standards set forth in this section will ensure that future development proceeds in a manner consistent with Town requirements and design guidelines. This Specific Plan shall be the zoning document for the subject property, superseding other zoning designations and development standards in the Town of Yucca Valley as described herein. If not specifically addressed in this Specific Plan, the applicable provisions of the Town of Yucca Valley Development Code shall apply.

3.2 Permitted Uses

Those uses specified below and in Section 84.0350 of the Town of Yucca Valley Development Code (General Commercial District – GC) shall apply.

Principal Uses

The following uses shall be permitted, subject to approval of a Site Plan Review, as specified on Section 6.2 Application Processing herein:

- Multifamily (Mix Use Development)

3.3 Development Standards

| | |
|--|--|
| Maximum Structure Height | 40 feet (measured parallel to the slope) |
| Minimum Lot Size | 120,000 sf |
| Maximum Building Lot Coverage | 60 percent |
| Maximum Lot Dimension (width to depth ratio) | 1:4 |
| Minimum Lot Dimension | 120 feet x 120 feet |
| Front Yard Setback (Front Yard = Twentynine Palms Hwy) | 15 feet (parking and landscaping permitted within the setback) |
| Side Yard Setback | 10 feet (only one side yard setback is required to be provided if deemed necessary for emergency access. If the adjacent property is not designated commercial or industrial; a side yard shall be required along that side of the property. Parking and landscaping permitted within the setback) |
| Rear Yard Setback | 10 feet (a rear yard is required only when the adjacent property is not designated commercial or industrial) |
| Street Side Setback | 15 feet (parking and landscaping permitted within the setback) |
| Maximum Floor Area Ratio (FAR – Floor Area/Lot Area) | 1.20 |

3.4 Parking Requirements

Parking for the project shall be provided at 0.64 stalls/unit which equates to 48 stalls. This parking ratio is appropriate for senior housing which typically requires 0.5 stalls/unit. Thirty seven (37) spaces will be dedicated for tenant/owner use. The additional 0.14 stalls/unit may be used for eleven (11) guest/employee/health professional parking spaces. Access to the surface parking stalls will be via Dumosa Avenue at the east side of the project. Parking stalls are distributed throughout the property corresponding to housing unit distribution. This reduces the amount of travel to and from housing units to vehicles. Twenty six (26) of the stalls will have covering to provide protection from weather. In addition, dedicated accessible parking stalls and ambulance parking areas are provided.

SECTION 4 – DESIGN GUIDELINES

4.1 Grading Concept

The existing topography of the site could generally be described as a sloped desert landscape. The site naturally drains from a southwest to northeast direction.

The proposed grading concept, presented in Figure 4-1, illustrates the extent of grading required to achieve the design concept for the Project. This grading plan will provide two level building pads for the proposed structures, assure safe and adequate drainage patterns across the project site, and manage the conveyance of storm water run-off to appropriate discharge and/or detention facilities. The finish grade would generally drain in a south to north direction.

The Grading Plan is designed to follow the requirements of the Town of Yucca Valley development ordinances and must be submitted to the Town for review, approval, and permit issuance prior to the initiation of grading.

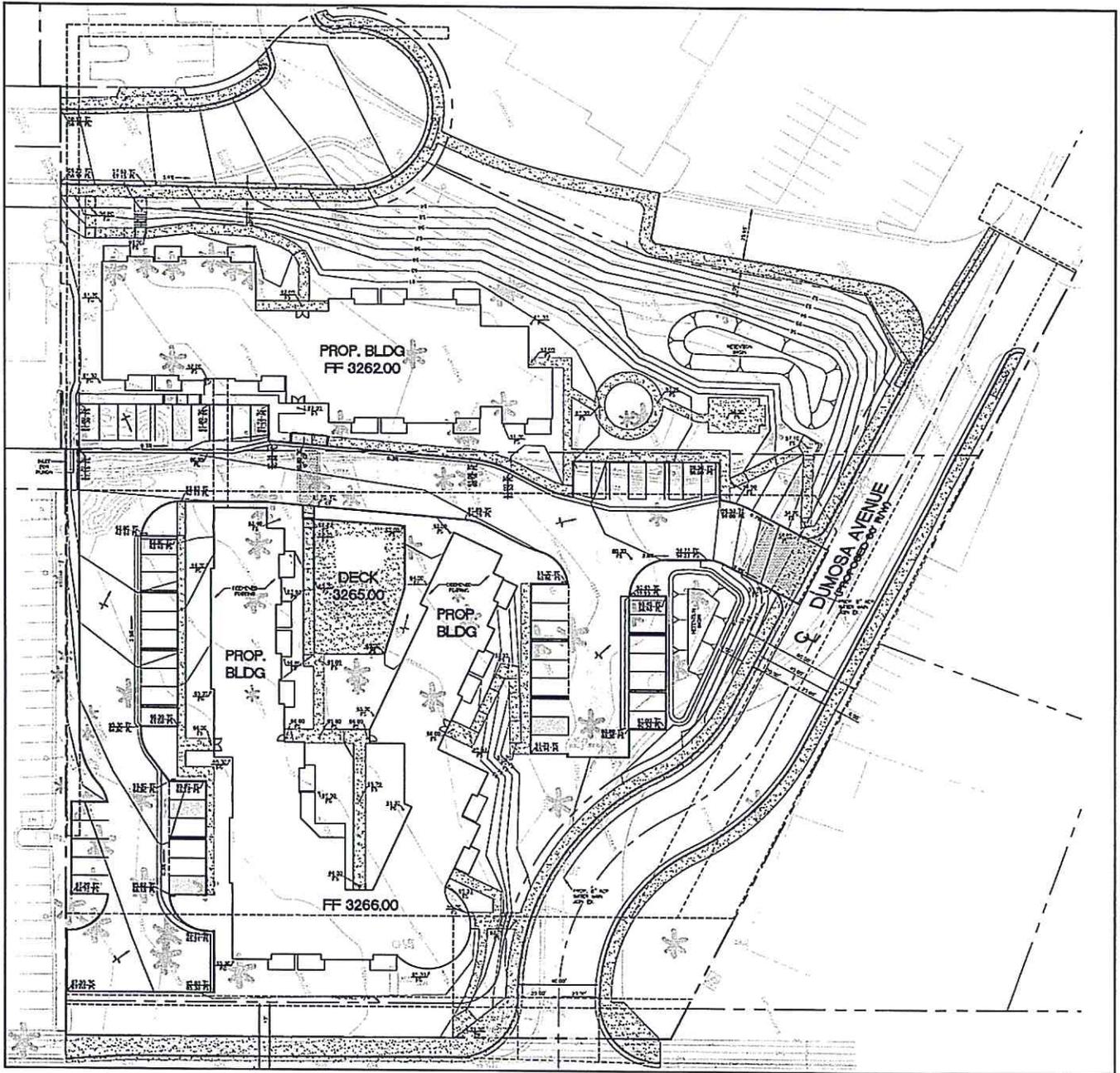


Figure 4-1 Grading Concept

4.2 Architectural Concept

The architectural style of the Yucca Valley Senior Affordable Housing project will conform to the exterior materials, treatments and colors reflected in the building elevations depicted in Figure 4-2.

Development within the project area shall comply with the design guidelines contained within the adopted Town Code. Except as provided herein, the design guidelines in the Town Code shall apply to all improvements within the project area including new construction, landscaping, paving, signage, amenities, and related facilities. They are provided to guide developers, builders, architects, engineers, landscape architects, and others involved in the preparation of the project to ensure a consistent level of quality throughout. The design guidelines will assist the Town of Yucca Valley staff and decision-making authorities with criteria to evaluate the project.

Architectural Design Objectives

- To establish a comprehensively designed project that incorporates unity through the use of complementary colors, materials, and landscape themes.
- To design within the context of the local environs.
- To create a project that provides for efficient circulation for both vehicles and pedestrians.

Architectural Design Guidelines

These Architectural Design Guidelines are intended to provide an overall direction in the design of structures within the Specific Plan area. No particular style is intended to dominate; however, architectural concepts shall be compatible with existing, surrounding uses. These Guidelines are meant to be flexible over time and correspond with changing conditions in lifestyles, the marketplace and economic conditions.

Building Mass, Form, and Elements

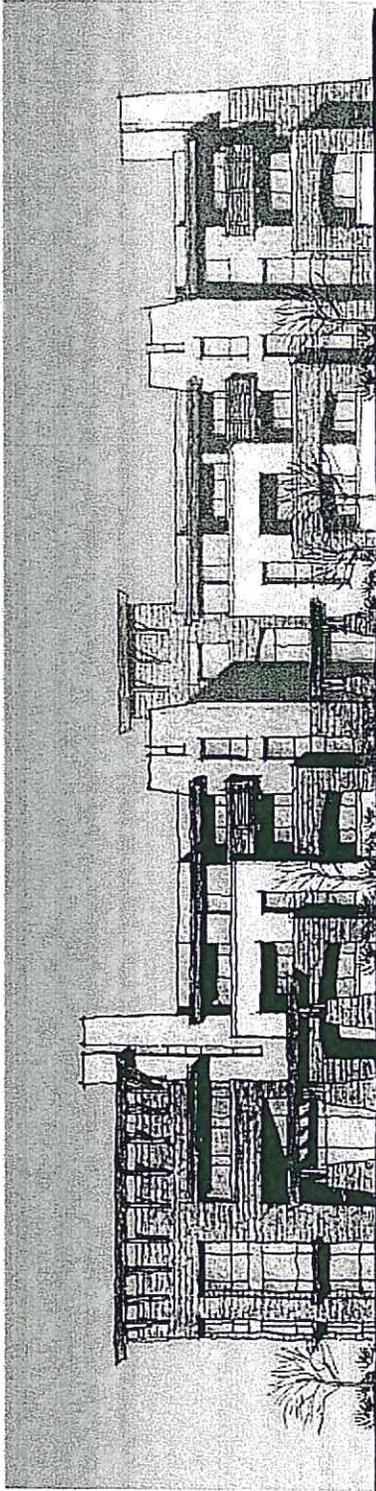
Building, massing, scale and roof forms are the primary design components within the Yucca Valley Senior Affordable Housing Specific Plan. Therefore, these require careful articulation. The rear and side elevations, as well as the front, should provide variation in massing, wall and roof forms. Repetitive elements and modular materials are important elements and are encouraged.

Building Materials

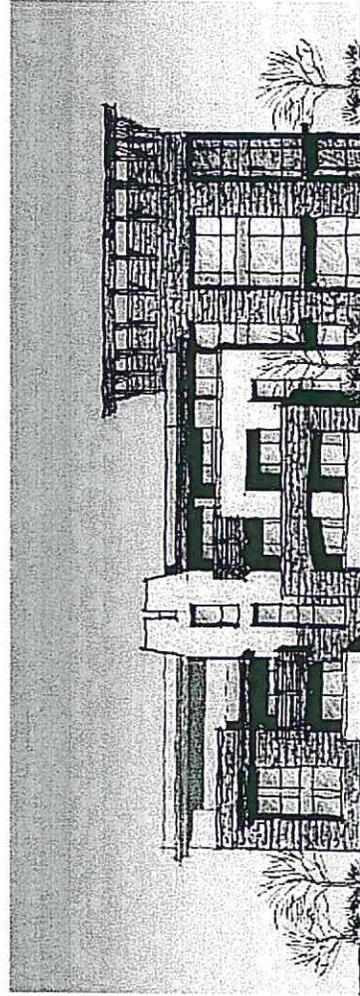
Materials should be selected and detailed for compatibility throughout the site. Buildings should incorporate a mix of at least two of the prevalent materials including stone veneer, stucco, wood or tile. Metal awnings and trellises should be used to complement windows, building entries, and pedestrian areas. These materials shall be used in traditional combinations that yield an impression of permanence as well as respect for the surrounding environment.

Color Palette

The use of complementary earth tones should be applied to building facades. The use of a neutral color palette and stone and/or tile accents that shall be repeated on multiple structures will act to unify the project with surrounding structures.



Dumosa Avenue Elevation



Twentynine Palms Highway Elevation

Conceptual architectural elevations prepared by Togawa Smith Martin Residential, Inc.

Figure 4-2 Conceptual Building Elevations

4.3 Landscape Concept

The landscaping and streetscape of the Yucca Valley Senior Affordable Housing Specific Plan is an important component of project development. Quality in landscape design will serve to enhance the overall appearance and character of the entire Specific Plan development. Figure 4-3 illustrates the Landscape Concept Plan. The following landscape/streetscape design guidelines have been prepared for the proposed project:

Design Guidelines

- a) A distinctive landscape theme will be developed at project entries and maintained throughout the site.
- b) Xeriscape landscaping shall be used and the design shall reflect the surrounding community's desert character.
- c) Shrubs and trees will be planted around the buildings to soften building architecture, as well as to enhance and define spaces. All planted areas will be irrigated with an automatic system.
- d) Parking lot tree plantings will include a design and species that are compatible with the desert landscape.
- e) Optimize privacy for adjacent residents through thoughtful placement of landscaping.



This page left intentionally blank



This page left intentionally blank

Plant Materials

The landscaping theme will enhance the overall Specific Plan’s character. All irrigated landscape areas within the site will be planted with a combination of ground cover, shrubs, and trees. Non-irrigated landscaped areas will be top dressed with decomposed granite (or similar). Table 4-1 presents the proposed plant palette.

| Table 4-1 Proposed Plant Palette | |
|--|------------------------|
| Botanical Name | Common Name |
| Trees | |
| <i>Cercidium floridum</i> | Blue Palo Verde |
| <i>Chamaerops humilis</i> | Mediterranean Fan Palm |
| <i>Chilopsis linearis</i> | Desert Willow |
| <i>Eucalyptus microtheca</i> | Coolabah |
| <i>Eucalyptus sideroxylon</i> ‘Rosea’ | Red Ironbark |
| <i>Gleditsia triacanthos</i> | Honey Locust |
| <i>Juniperus utahensis</i> | Utah Juniper |
| <i>Koelreuteria paniculata</i> | Golden Rain Tree |
| <i>Lagerstroemia indica</i> | Crape Myrtle |
| <i>Olea europea</i> ‘Fruitless’ | Fruitless Olive |
| <i>Phoenix dactylifera</i> | Date Palm |
| <i>Pinus eldarica</i> | Afghan Pine |
| <i>Pinus halepensis</i> | Allepo Pine |
| <i>Pinus monophylla</i> | Singleleaf Pinon Pine |
| <i>Pistacia chinensis</i> | Chinese Pistache |
| <i>Populus fremontii</i> | Fremont Cottonwood |
| <i>Prosopis chilensis</i> | Chilean Mesquite |
| <i>Rhus lancea</i> | African Sumac |
| <i>Washingtonia filifera</i> | California Fan Palm |
| <i>Washingtonia robusta</i> | Mexican Fan Palm |
| <i>Yucca brevifolia</i> | Joshua Tree |
| <i>X Chitalpa tashkentensis</i> | Chitalpa |
| Shrubs | |
| <i>Acacia redolens</i> | Bank Catclaw |
| <i>Acacia redolens</i> ‘Desert Carpet’ | Bank Catclaw |
| <i>Agave bovicornuta</i> | Century Plant |
| <i>Agave desmettiana</i> | Dwarf Century Plant |
| <i>Agave parryi</i> ‘Truncata’ | Parry’s Agave |
| <i>Agave vilmoriniana</i> | Octopus Agave |
| <i>Aloe ferox</i> | Bitter Aloe |

| | |
|--|-------------------------------|
| <i>Aloe vera</i> | Medicinal Aloe |
| <i>Baccharis pilularis</i> 'Centennial' | Coyote Brush |
| <i>Bougainvillea spectabilis</i> | Great Bougainvillea |
| <i>Buddleja marrubifolia</i> | Buddleja |
| <i>Calliandra californica</i> | Red Baja Fairy Duster |
| <i>Calliandra eriophylla</i> | Fairy Duster |
| <i>Cotoneaster horizontalis</i> | Rock Cotoneaster |
| <i>Dalea greggii</i> | Trailing Indigo Bush |
| <i>Dalea pulchra</i> | Santa Catalina Prairie Clover |
| <i>Dasyilirion wheeleri</i> | Grey Desert Spoon |
| <i>Encelia farinose</i> | Brittle Bush |
| <i>Euphorbia antisiphilitica</i> | Candelilla Euphorbia |
| <i>Ferocactus cylindraceus</i> | Compass Barrel Cactus |
| <i>Fouquieria splendens</i> | Ocotillo |
| <i>Gazania</i> x 'Sunburst' | Trailing Gazania |
| <i>Hemerocallis</i> x 'Aten' | Daylily |
| <i>Hesperaloe parviflora</i> | Red Yucca |
| <i>Jasminum mesnyi</i> | Primrose Jasmine |
| <i>Lantana montevidensis</i> | Trailing Lantana |
| <i>Larrea tridentate</i> | Creosote Bush |
| <i>Lavandula angustifolia</i> | English Lavender |
| <i>Leucophyllum frutescens</i> 'Compacta' | Compact Texas Ranger |
| <i>Mascagnia macroptera</i> | Orchid Vine |
| <i>Muhlenbergia capillaries</i> | Pink Muhly |
| <i>Muhlenbergia dumosa</i> | Bamboo Muhly |
| <i>Muhlenbergia rigens</i> | Deer Grass |
| <i>Optunia basilaris</i> | Beavertail Pricklypear |
| <i>Optunia ficus-indica</i> | Barbary Fig |
| <i>Pachycereus marginatus</i> | Totem Pole Cactus |
| <i>Passiflora foetida</i> | Fetid Passionflower |
| <i>Pennisetum setaceum</i> 'Rubrum' | Purple Leaved Fountain Grass |
| <i>Podranea ricasoliana</i> | Pink Trumpet Vine |
| <i>Punica granatum</i> | Pomegranate |
| <i>Rosa banksiae</i> | Lady Bank's Rose |
| <i>Rosmarinus officinalis</i> | Rosemary |
| <i>Rosmarinus officinalis</i> 'Prostratus' | Dwarf Rosemary |
| <i>Salvia greggii</i> | Autumn Sage |
| <i>Sedum kamtschaticum</i> | Orange Stonecrop |
| <i>Sedum spurium</i> 'John Creech' | John Creech Sedum |
| <i>Senna artemisioides</i> | Silver Senna |

| | |
|---------------------------|----------------------|
| Simmondsia chinensis | Jojoba |
| Stipa tenuissima | Finestem Needlegrass |
| Tecoma stans | Yellow Bells |
| Decomposed Granite | |
| Boulders | |

Native Plant Protection and Treatment Guidelines

The Yucca Valley Senior Affordable Housing Specific Plan conforms with the Town of Yucca Valley Native Plan Protection and Management Ordinance (Ordinance No. 140). According to the Native Plant Survey (Appendix C) conducted for the project, Joshua trees are the only plant species listed in the Ordinance that occur within the Specific Plan area. There are approximately eighty seven (87) Joshua trees within the project impact area where grading will occur. The Joshua Tree Survey Report (Appendix C) indicates that approximately 91 Joshua trees on site. There are twenty-eight (28) Joshua trees identified as transplantable and the remaining trees are non-transplantable. Of the non-transplantable trees, there are five (5) Joshua trees that have transplantable pups. The transplantable pups, roughly 26 pups, can be transplanted on site. The integration of these plants within the project landscape is described in Section 4.3 Landscape Concept.

4.4 Walls and Fences

Walls and/or fences are permitted along the perimeter of the Plan Area. If installed, such walls or fences will be designed to provide security, while allowing for views of the distant hills. Walls/fences shall be constructed of iron, block masonry, stone, or brick, as appropriate. Any wall adjacent to a public right-of-way, such as State Highway 62 or Dumosa Avenue, will be landscaped with a selection of trees, shrubs/hedges, and groundcover and is subject to review, approval, and permits issued by the Town of Yucca Valley and/or Caltrans.

4.5 Signage and Lighting

Signage

Project signage may include a wall sign, entry monument sign, wayfinding signage, and unit signage. The design and configuration of all proposed signs will be presented in a Comprehensive Sign Program to be included upon submittal of the Site Plan. The intent of a sign program is to achieve a visually coordinated, balanced and appealing signage system that promotes compatibility with the architectural styles and landscaped concepts identified within this Specific Plan. The program will conform to the Town of Yucca Valley Sign Ordinance (Ordinance No. 156).

The existing Town Hall monument sign shall be relocated to the northeast corner of the intersection of State Highway 62 and Dumosa Avenue.

Lighting

The Yucca Valley Senior Affordable Housing Specific Plan shall conform to the lighting standards of the Town of Yucca Valley. This includes measures to minimize light pollution which has a detrimental effect on the environment and the enjoyment of the night sky, and measures such as shielding of parking area light fixtures to prevent nuisance spillover effects on surrounding properties and residential units.

A Lighting Plan (i.e. Photometric Plan) in conformance with the Town Outdoor Lighting and Night Sky Protection Ordinance (Ordinance No. 90) shall be prepared, to include parking areas and access way lights, external security lights and lighted signage.

General Provisions for Lighting

- **Parking areas and access ways** – All lighting will be installed as required to conform with the Town’s Outdoor Lighting Plan and Night Sky Protection Ordinance – Illuminated with free-standing light standards with metal halide fixtures. The project will utilize Full Cut Off Light Fixtures and Shielded Fixtures around the perimeter of the site, to comply with the Town’s Outdoor Lighting and Night Sky Protection Ordinance.
- **Signage lighting** – In conformance with signage specifications and standards.
- **Security lighting** – For common outdoor areas, wall-mounted fixtures will be located along pathways and hallways. Security lighting will be set on a timer to run from dusk to dawn every day.

SECTION 5 – INFRASTRUCTURE, UTILITIES, AND PUBLIC SERVICES

Infrastructure and services to support the Yucca Valley Senior Affordable Housing project shall be extended and improved in conjunction with its development. Primary infrastructure facilities are described below.

5.1 Circulation

The project site's primary access will be from a proposed signalized intersection of Dumosa Avenue and Highway 62. Project Site access will be located on the west side of Dumosa Avenue, with an emergency vehicle access provided on Highway 62.

In support of the project, a traffic signal will be installed at the intersection of Dumosa Avenue and Highway 62. In addition Dumosa Avenue will be re-aligned and improved to a 60 foot right-of-way with a 40 foot roadway width. Antelope Trail will be improved to a cul-de-sac where it intersects with the Specific Plan area.

5.2 Drainage

On-site drainage will be captured via a series of catch basins and transported via underground pipes to the retention basins proposed on the northeast portion of the project site.

The retention area straddles the northern boundary of the site and will retain onsite flows to a minimum of 10% less pre-development discharges. The basin will be designed so that post-development water released will be a minimum of 10% less than pre-development conditions.

5.3 Water

Public water service is provided by High Desert Water District. Water service to the plan area will be provided with a connection to the 8 inch public water line in Dumosa Avenue. There will be private water lines within the site to provide service to the proposed buildings.

5.4 Wastewater

Currently, the Town of Yucca Valley does not provide sewer treatment to any portion of the Town, therefore, requiring development projects to provide and maintain their own private septic system. The anticipated combined average flow from the project site is approximately 15,400 gallons per day (GPD).

The California Regional Water Quality Control Board, Colorado River Region, establishes wastewater discharge standards for projects in the Town of Yucca Valley. The California Regional Water Quality Control Board (CRWQCB) is scheduling to adopt a septic tank prohibition program in all or portions of the Town of Yucca Valley in May 2011. Additionally, the Hi Desert Water District is moving forward with implementation of a wastewater collection and treatment system throughout portions of the Town of Yucca Valley. As part of the programs being implemented by the CRWQCB and the Hi Desert Water District, Phase I of the wastewater collection and treatment system will be required to be completed in

2016. As a result of program implementation by both the CRWQCB and the Hi Desert Water District, the CRWQB may allow the interim use of septic tanks in portions of Yucca Valley that are scheduled to be connected to the wastewater collection and treatment system. This project site is located within the Phase I boundaries of the wastewater collection and treatment system, and it is anticipated that the RWQCB will allow the interim use of on-site septic tank wastewater treatment for this project. If the interim use of septic tank disposal systems are not allowed by the CRWQCB, the project shall implement the standards for wastewater discharge imposed by the CRWQCB.

5.5 Dry Utilities

The Yucca Valley Senior Affordable Housing project area lies within the service areas of Southern California Edison (electricity), Southern California Gas Company (natural gas), and Verizon (telephone). The utility network will be expanded to meet the future demands of the project. Electric, gas and telephone service lines will be extended from State Highway 62 within a joint trench. The specific design and sizing requirements of necessary improvements and/or additions will be determined as part of the Town and utility provider's processing and permitting procedures.

5.6 General Infrastructure and Service Requirements

- Any offsite installation of curbs, sidewalks, street and driveway paving, and street lighting as may be required by the Town shall be subject to the provisions of the Town's Standard Improvement Plans.
- All onsite water supply, wastewater collection, storm drainage lines and facilities shall be provided by the developer.
- All utility lines serving the project area shall be placed underground by the developer as a condition of approval.
- Adequate water for estimated domestic consumption and for fire flow requirements, as determined by San Bernardino County Fire Department, shall be provided by the developer.
- Development of the project area shall comply with all requirements of the San Bernardino County Fire Department in providing adequate fire flow, number and location of hydrants, building clearances, and street and driveway/aisle turning radii for access.
- The developer shall review with the Police Department the nature and design of the development, and types of security measures to be implemented.

SECTION 6 – IMPLEMENTATION AND ADMINISTRATION

6.1 Financing and Phasing of Development

Financing of the Yucca Valley Senior Affordable Apartments will be utilizing several funding sources.

- Application for HUD 202 funding June 1, 2011, results expected December 2011.
- Application for County of San Bernardino HOME July 2011, results expected November 2011.
- Application for 4% credits and Tax-Exempt bond financing in February 2012.
- Estimated Construction start date of August 2012 duration of 15 months completion November 2013.

Development of the plan area will occur in three phases, generally as follows:

Phase I:

- Relocation of the existing Joshua Trees over the entire 2.87 acre site and off-site.
- Rough grading of the site and building pads.
- Installation of the detention basin and drainage improvements.
- Installation of onsite septic system and dry lines for future sewer connection.
- Wet and dry utility trenching and connections. (water, fire, electrical, gas, telephone).
- Vertical construction of all the buildings.
- Precise grading and parking installation.
- Construction of entry from Dumosa Avenue.
- Irrigation, landscape and site improvements (carports, sitting areas, bbq areas, trellises).

Phase II: Schedule to run concurrent with Phase I.

- Demo Dumosa and realign.
- Relocate existing town signage from the present location to the east side of Dumosa.
- Install new required storm water piping to accommodate drainage course and Twenty Nine Palms Highway stormwater.
- Install new sidewalk as well as curb and gutter.
- Pave and stripe Dumosa.
- Demo and realign Antelope Trail.
- Provide irrigation and landscaping along Dumosa.

Phase III: Schedule to run concurrent with Phase I and Phase II.

- Procure all approvals and encroachment permits from CalTRANS for work along the State Highway.
- Install catch basin at curb and gutter on Highway 62 (Twenty Nine Palms Highway).
- Install traffic signal at intersection of Dumosa and Highway 62.

- Install all traffic loops and restripe Highway 62.
- Provide new sidewalk along Highway 62.
- Provide Irrigation and landscaping along set back.

6.2 Application Processing

Following is a summary of the application requirements for the Yucca Valley Senior Affordable Housing Specific Plan. This section summarizes the processing procedures and is not intended to replace the Development Code or other ordinance requirements of the Town of Yucca Valley except where noted.

The Town of Yucca Valley has adopted and amended the County of San Bernardino's Development Code (Articles 1-6) General Procedures. The Development Code uses five procedures to review all types of development applications: Public Hearing, Design Review, Administrative Review, Staff Review with Notice, and Staff Review without Notice.

Overview of Applications and Meeting Requirements

Approval of a Specific Plan, Conditional Use Permits (CUPs)(if needed), Site Plan, and Subdivisions of each require a discretionary action a public hearings before the Planning Commission and Yucca Valley Town Council. Applications are first reviewed by Staff. Then they are set for review by the Development Review Committee (DRC) and, in some cases, forwarded to the Traffic Advisory Committee (TAC). The recommendations of the DRC and TAC are forwarded to the Planning Commission, which provides a recommendation to the Town Council. Applications for Specific Plan, CUP and Site Plans can be considered concurrently; however, separate and distinct development applications must be made and the appropriate fees paid for each type of action requested. In addition, an Environmental Application must be made with each project.

Specific Plan

Ordinance 87 (February 19, 1998, Yucca Valley Town Council) established Article 13 for Specific Plans in the Town of Yucca Valley. The purposes of this ordinance are:

- To facilitate implementation of the General Plan by establishing procedures for adoption, maintenance and administration of Specific Plans per Sections 65450, et seq., of the California Government Code; and,
- To provide a framework for future development which encourages flexibility and creativity in design, efficient use of resources, infrastructure planning, conservation of open space, and development of various types of housing and living environments for the Town of Yucca Valley.

Where a Specific Plan is not consistent with the General Plan, appropriate General Plan amendments must be considered concurrently with the Specific Plan.

An adopted specific plan supersedes the town zoning, as shown on the Zoning District Map and in the Town Zoning Ordinance (Ordinance No. 79), for the site area included in the proposed land use plan of the Specific Plan.

All other provisions of the Town Development Code, which are applicable to the site, shall apply unless identified in the Specific Plan.

Substantial Conformance

The Specific Plan provides a development concept for the project site. Subsequent plan refinements and construction documents shall be in substantial conformance with the adopted specific plan. Plans not in substantial conformance shall require a Specific Plan Amendment as outlined in Section 6.3.

6.3 Specific Plan Amendments

The Town of Yucca Valley Community Development Director shall be responsible for administering the provisions of this Specific Plan in accordance with the provisions of the State of California Government Code, Subdivision Map Act, and the Town of Yucca Valley General Plan and Development Code.

The Specific Plan may be amended per Section 83.0301335 of the Town Development Code.

Minor Amendments

Minor amendments include simple modifications to text or graphics that do not change the meaning, intent, or are contrary to any provision of the Specific Plan. Minor modifications may be accomplished administratively by the Director of Community Development and are appealable to the Planning Commission and Town Council.

Major Amendments

Major modifications are amendments to exhibits or text that are intended to change the intent, development standards or other significant provisions of the Specific Plan. Major modifications require a Specific Plan Amendment and approval by the Planning Commission and Town Council in accordance with requirements of Section 83.0301335 of the Development Code (Specific Plans).

Interpretations

Interpretations of the provisions of this Specific Plan are subject to Section 83.0301350 of the Development Code, except as follows:

- When there is a question or ambiguity regarding the interpretation of any provision of this Specific Plan, the Director of Community Development has the authority to interpret the intent of such provision.
- The Director of Community Development may, at his/her discretion, refer interpretations to the Planning Commission for its consideration and action. Such a referral shall be accompanied by a written analysis of issues related to the interpretation.
- All interpretation made by the Director of Community Development may be appealed to the Planning Commission in accordance with the appeal procedures set forth in the Development Code.



This page left intentionally blank

Appendix A

Legal Description (Provided Separately)

TOWN OF YUCCA VALLEY



This page left intentionally blank

Appendix B

General Plan Consistency

TOWN OF YUCCA VALLEY



This page left intentionally blank

APPENDIX B: GENERAL PLAN CONSISTENCY

A. RELATIONSHIP TO TOWN OF YUCCA VALLEY GENERAL PLAN

California Government Code Section 65302 establishes seven (7) mandatory elements of the General Plan: Land Use, Circulation, Housing, Conservation, Open Space, Safety, and Noise. All of the mandated elements are found within the Yucca Valley Comprehensive General Plan, which integrates the mandatory and discretionary elements into five (5) major chapters, organized to reflect compliance with State requirements that the General Plan be internally consistent, comprising an integrated and compatible statement of policies for the Town.

The Town of Yucca Valley Comprehensive General Plan provides for the creation of Specific Plans consistent with provisions of California Government Code Section 65455. As indicated in the General Plan, "Specific Plans often provide detailed design and analysis of complex mixed-use projects, and indicate precise land use locations and designs. In addition, the Specific Plan "...must also be consistent with all facets of the General Plan and, in turn, zoning, subdivision, and public works projects must be consistent with an existing Specific Plan" (General Plan, page 11-4).

The Yucca Valley Senior Affordable Housing Specific Plan, as stated above, is required to be consistent with all elements of the Town General Plan and will refine the policies contained in the General Plan for application to the Specific Plan area. The relationship of the Specific Plan to applicable goals in the General Plan is described in this section.

B. COMMUNITY DEVELOPMENT CHAPTER

Land Use

- Goal 1: A balanced mix of functionally integrated land uses which meet general social and economic needs of the community through compatible and harmonious land use and zoning designations.
- Goal 2: A well-rounded community of desirable neighborhoods, a strong employment base and a variety of community facilities.

Economic Development

- Goal 1: A broadly based, healthy and balanced economy that provides a full range of economic and employment opportunities.
- Goal 2: Continued growth which assures the maintenance of a revenue base adequate to support present and future public services and facilities needs.

Response: The Yucca Valley Senior Housing Affordable Specific Plan provides for a housing project that is consistent with the General Plan land use and zoning designations for the site. These designations are established by the Town with the intent of implementing an appropriate balance and mix of compatible uses within the Town. The proposed housing will locate needed affordable housing centrally within the community. Because of the project's downtown location, seniors will have the opportunity to walk, shop, and eat at nearby shops and restaurants, thereby contributing to the community's economic development. This functionally integrated project makes a complementary contribution to the Town's social and economic needs.

Public Facilities

Goal: Maintenance of logical expansion of public services and facilities ensuring that they meet the needs of existing and future residents, businesses, and visitors of the Town.

Circulation

Goal: A circulation network that efficiently, safely, and economically moves people, emergency vehicles, vehicles and goods using transportation facilities that meet the current demands and projected needs of the Town, while maintaining and protecting its rural residential character.

Response: Utilities, access roadways, and other infrastructure will be extended in an orderly manner to the plan area to support the proposed residential units, consistent with Specific Plan infrastructure plans. Dumosa Avenue is proposed to be realigned and improved as part of the project. Safe and efficient access will be provided consistent with Town standards.

Open Space and Conservation

Goal 1: Conservation, management, and designation of open space areas to protect environmental resources, guard against environmental hazards, and provide enhanced recreational opportunities and aesthetic character for the Town.

Goal 2: Land use patterns which preserve the Town's rural atmosphere, including scenic resources such a hillsides, ridgelines, waterways, and native desert wildlife communities.

Community Design

Goal: An integrated, coherent, and flexible set of principles that direct community judgment on land use, environmental, ecological, economic, aesthetic and spiritual values and aspirations of the Town of Yucca Valley.

Scenic Highways

Goal: Preservation and enhancement of natural scenic resources associated with major roadway viewsheds and open space corridors, as essential assets reflecting the community's image and character.

Response: The plan area consists of gently sloping terrain of the valley floor and does not include unique environmental or scenic resources. Retention of natural open space within the Plan Area to promote recreation or resource protection objectives would be inconsistent with the commercial/mixed-use designation and intended purpose of the site as an affordable housing project. Nevertheless, site design will create limited opportunities to include protected native plant species (e.g. Joshua trees) within created open space islands, consistent with Town policies and the Native Plant Protection Ordinance. Views of valley hillsides that form a northerly backdrop to the Plan Area will be available through the site from along State Highway 62, a scenic highway. The Specific Plan Landscape Concept Plan includes landscape elements along State the Highway 62 property edge that complement scenic highway objectives. The planned affordable housing will include selected design elements that complement the desired "desert southwestern" Town character, as reflected in the General Plan and Town of Yucca Valley .

C. HOUSING CHAPTER

Goal 1: The development of a variety of housing types and prices in the Town of Yucca Valley that will accommodate both existing and future residents within all socio-economic segments of the community.

Goal 2: The development of affordable housing projects to meet the community's need.

Goal 3: The maintenance and rehabilitation of the Town's core neighborhoods.

Response: The provision of 75 senior affordable housing implements the Town's goal of accommodating an important socio-economic segment of the community. The location of the project will beautify and improve a prominent parcel located centrally within the community along the Town's main roadway.

D. ENVIRONMENTAL RESOURCES CHAPTER

Biological Resources

Goal: Protect and preserve the Town's biological resources, especially those sensitive, rare, threatened and endangered species of plants and wildlife and their habitats, and a functional, harmonious relationship and balance between nature and human development.

Open Space and Conservation

Goal 1: Conservation, preservation and management of open space areas and protection of environmental resources and threatened animal species, protection against environmental hazards, and provision of enhanced recreational opportunities, and scenic qualities of the Town.

Goal 2: Preservation of the Town's rural atmosphere, including maintenance of natural and scenic resources.

Response: A mitigated Negative Declaration (MND) has been prepared to address Specific Plan potential environmental impacts on biological resources, environmental hazards, and scenic resources. Measures to reduce any significant effects consistent with the resource protection goals has been identified in the MND and implemented through the Specific Plan. The plan area consists of gently sloping terrain of the valley floor and does not include unique environmental or scenic resources. Retention of natural open space within the Plan Area to promote recreation or resource protection objectives would be inconsistent with the designation and intended purpose of the site as an affordable housing project. Nevertheless, site design will create limited opportunities to include protected native plant species (e.g. Joshua trees) within created open space islands, consistent with Town policies and the native plant protection ordinance. Views of valley hillsides that form a northerly backdrop to the Plan Area will be available through the site from adjacent State Highway 62, a scenic highway. Further, project building materials and architectural design have been developed to complement the Town's rural atmosphere and character.

E. ENVIRONMENTAL HAZARDS CHAPTER

Seismic Safety

Goal: Minimized vulnerability to, and maximized protection of, the general health, safety, and welfare of the community from the effects of seismic hazards that may impact lives, property, and economic well-being of the community.

Slopes, Sediment Control and Soil Conservation

- Goal 1:** Protection of public health, safety, and welfare from hazards associated with steep or unstable slopes and areas subject to erosion and associated hazards.
- Goal 2:** Conservation soil, protection of hillsides and mountains as valuable scenic resources, and limitation of erosion debris on streets and in drainage channels and in habitats.

Response: The Plan Area features gently sloping terrain of the valley floor and does not present any unique geologic or soil limitations to the proposed affordable housing development. Development will proceed in conformance with the Uniform Building Code and local codes established to protect the public from geologic, soil, and seismic hazards. Construction phase best management practices (BMPs) to prevent erosion and sedimentation impacts to streets and drainage channels will be implemented, consistent with State and local permit requirements.

F. PUBLIC SERVICES AND FACILITIES CHAPTER

Emergency Preparedness

- Goal:** Provision of a thoroughly coordinated, responsive and effective emergency preparedness implementation plan in the Town of Yucca Valley, assuring a high degree of readiness to respond to natural and man-made disasters in a manner that maximizes Town, County, State and Federal response capabilities.

Response: The Specific Plan circulation plan includes adequate site access, and safe ingress and egress consistent with Town standards and emergency response plans.



This page left intentionally blank

Appendix C

Joshua Tree Survey Report

TOWN OF YUCCA VALLEY



This page left intentionally blank

Joshua Tree Survey Report, Yucca Valley Seniors Project, City of Yucca Valley

Prepared for

RRM Design Group
232 Avenida Fabricante, Suite 112
San Clemente, California 92672

Prepared by

Impact Sciences, Inc.
234 East Colorado Boulevard
Pasadena, California 91101

April 2011

TABLE OF CONTENTS

| <u>Section</u> | <u>Page</u> |
|---------------------------|-------------|
| Summary..... | 1 |
| Introduction..... | 1 |
| Purpose | 2 |
| Site Description..... | 2 |
| Project Description | 4 |
| Methods | 4 |
| Results | 5 |
| Recommendations | 11 |
| Conclusion..... | 12 |

List of Figures

| <u>Figure</u> | <u>Page</u> |
|----------------------------------|-------------|
| 1 Regional Location..... | 3 |
| 2 Joshua tree location map | 6 |

List of Tables

| <u>Table</u> | <u>Page</u> |
|--------------------------|-------------|
| 1 Impact Inventory | 7 |

Appendix

| |
|---------------------------|
| A Joshua Tree Survey Data |
|---------------------------|

SUMMARY

- Number of Joshua trees surveyed _____ 83
- Total number of Joshua trees impacted by proposed construction _____ 77 (+ 2 off site)
- Number of Joshua trees proposed for removal _____ 69 (+ 2 off site)
- Number of Joshua trees proposed for encroachment _____ 8
- Number of proposed removals that may be transplanted _____ 28 (+ 1 off site)
- Number of transplantable pups¹ _____ 26

INTRODUCTION

Pursuant to the Town of Yucca Valley General Plan and Town Ordinance No. 140, the Plant Protection and Management Ordinance, Chapter 1, Desert Native Plant Protection, all species of mesquite (*Prosopis* spp.), yucca (*Yucca* spp.), palo verde (*Parkinsonia [i.e., Cercidium]* spp.), and manzanita (*Arctostaphylos* spp.), as well as California juniper (*Juniperus californica*), desert willow (*Chilopsis linearis*), piñon pine (*Pinus monophylla*), creosote rings 10 feet or more in diameter, and all plants protected or regulated by the California Desert Native Plants Act (California Food and Agricultural Code 80001 *et. seq.*) shall not be removed except under a removal permit issued by the Community Development Director. A requirement of the removal permit is a plot plan indicating the protected plants to be removed or relocated.

Joshua trees (*Yucca brevifolia*) that are known to be at least 40 years old,² which have a canopy width of at least 15 feet,³ which are at least 15 feet in height,⁴ or which have a trunk measuring at least 12 inches in diameter⁵ shall be preserved in place unless their removal, transplantation or destruction can be shown not to be feasibly avoided. In the event that it is found to be infeasible to maintain a Joshua tree in its original place, translocation on site or off site through the Town's Adoption Program is allowable, per the following requirements set forth in the Ordinance:

- The desert native plants are to be transplanted in a manner approved by the Community Development Director or other reviewing authority.

¹ Pup: an adventitious shoot arising from the base of a Joshua tree.

² By historic record, including pictures or written description.

³ As measured from the furthest point of outstretched branches (measured parallel to the ground).

⁴ As measured from the base of the trunk to the highest point of the tree.

⁵ As measured 4 feet from the ground.

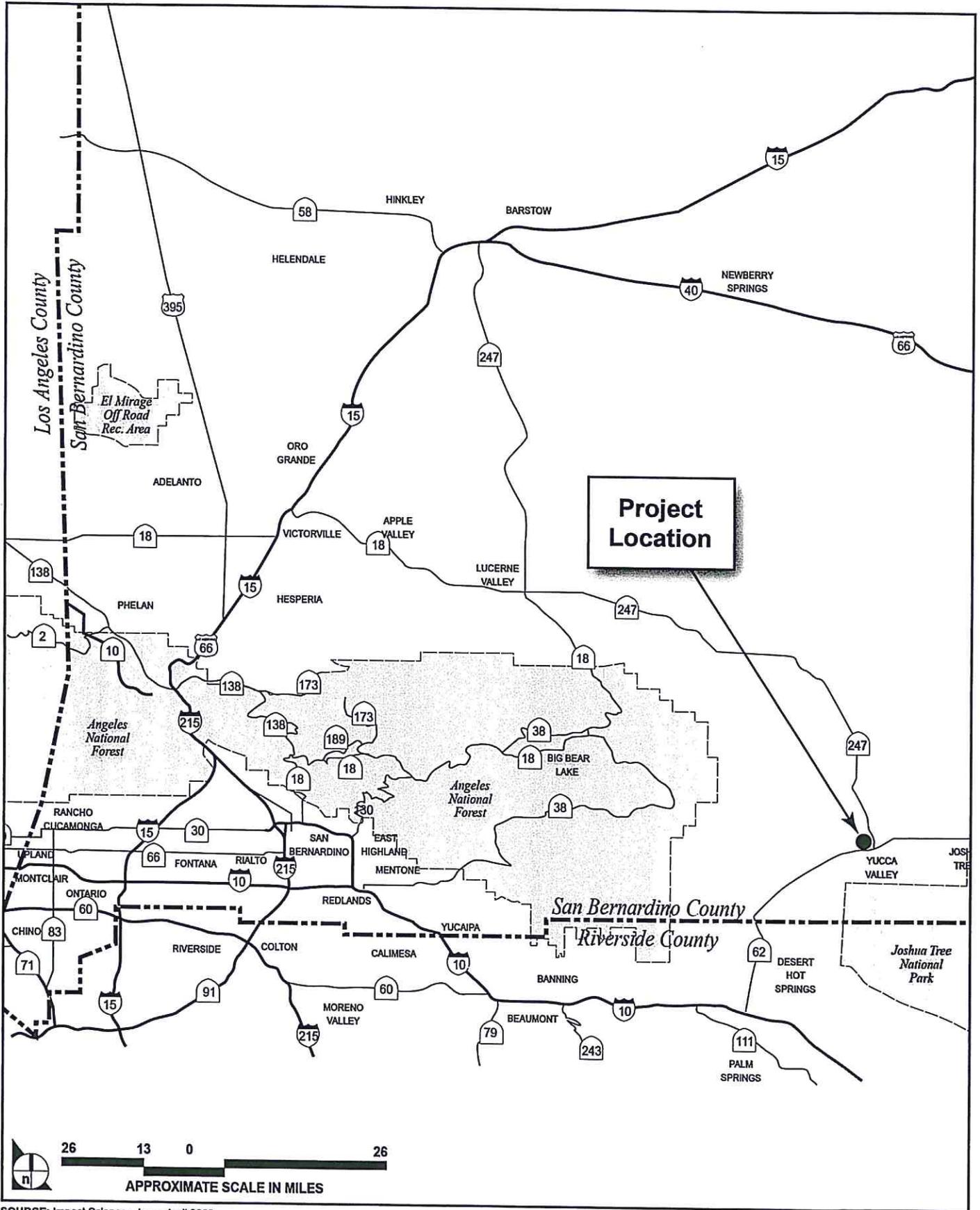
- The desert native plant is to be transplanted to another property within the same plant habitat under the supervision of a Desert Native Plant Expert and the removal of such plant will not adversely affect the desert environment on the subject site.
- Any desert native plant on the site which is determined by the Community Development Director or other reviewing authority as requiring transplanting will be transplanted or stockpiled for transplanting in accordance with methods approved by the Community Development Director. A Desert Native Plant Expert shall supervise and manage any required transplanting of desert native plants.
- In the Town's effort to retain and preserve, in place, existing Joshua trees and yuccas, the Planning Section of the Town of Yucca Valley shall establish and maintain a Joshua tree and Yucca Preservation and Adoption Program. This Program shall be a listing, available to the public, of locations where individuals have applied to disturb, move (transplant or otherwise), remove or destroy existing Joshua trees. The Program shall include the name of the property owner, the address of the property containing the Joshua trees and yuccas, a mailing address for the property owner, a daytime contact phone number, the number of trees disturbed, moved, removed or destroyed, and the approximate size, physical characteristics and physical condition of the available trees, as of the date the trees was listed on the Program. The Program shall also list a date that each individual tree was disturbed, moved, removed or destroyed.
- No Joshua trees or yuccas shall be approved for transplantation more than once in any 10-year period. Although no Joshua trees may be approved for transplantation more than once in any 10-year period, the Planning Commission may, at the time of a discretionary review, approve an interim location, for up to 1 year for storing Joshua trees and yuccas to allow for a phased development of a project or property.
- The Program shall also include, reviewed and updated annually, a list of the names, mailing addresses and daytime contact phone number of individuals who have expressed a desire to receive transplantable Joshua trees or yuccas.

Purpose

As required by the Town of Yucca Valley and pursuant Ordinance No. 140, Chapter 1, Section 89.0125, the purpose of this Joshua tree report is to provide information to the Town on Joshua trees that may be removed, damaged, or encroached by the development of the Yucca Valley Seniors project. Encroachment is here defined as grade alteration that buries any portion of a native tree, significantly undercuts the root system, or otherwise disturbs the ground within the dripline of the native tree.

Site Description

The project site (APN 0595-371-011) is located at the northwest corner of the intersection of Twentynine Palms Highway and Dumosa Avenue, within the Town of Yucca Valley, San Bernardino County (**Figure 1, Regional Location**). The project site is currently vacant and undeveloped.



SOURCE: Impact Sciences, Inc. – April 2003

FIGURE 1

Regional Location

The project site appears to have been brushed and is in a disturbed condition. Appreciable vegetative cover is lacking, other than that provided by Joshua trees. Remnant vegetation present on site includes native and non-native, ruderal annual and short-lived perennial species such as Russian-thistle (*Salsola tragus*), rancher's fireweed (*Amsinckia menziesii*), Sahara mustard (*Brassica tournefortii*), red-stem filaree (*Erodium cicutarium*), California evening-primrose (*Oenothera californica*), red brome (*Bromus madritensis* ssp. *rubens*), cheat grass (*Bromus tectorum*), and Arabian splitgrass (*Schismus arabicus*).

Because conditions for observing wildlife were poor on the day of the survey (April 7, 2011), with winds in excess of 50 mph, and temperatures in the 50s degrees F, very few wildlife species were observed. Nevertheless, the Joshua trees on site provide nesting habitat for a variety of common bird species. It was noted during the course of the survey, that the site provides pedestrian access between Twentynine Palms Highway and the Town Hall to the north, and it is therefore expected that frequent human use of the site would be a disincentive for ground nesting birds to utilize the site.

The western boundary of the property supports a small number of catclaw acacia (*Acacia greggii*). These are all small saplings and persist on stormwater runoff originating from the property to the west. This runoff flows to a drainage feature on the project site that may fall under the jurisdiction of U.S. Army Corps of Engineers or the California Department of Fish and Game. Flows within this drainage feature are conveyed to Dumosa Avenue, where they enter the local storm drain system. There is no developed riparian vegetation associated with this drainage.

Project Description

The proposed project includes 75 affordable senior housing units, pool, courtyards, paseos, landscaped open areas, recreation room, and parking at a ratio of 1 space per unit, on approximately 2.5 acres. The 75 units are located within two and three story structures, occupying 26 percent of the project site. Access to the site is from the proposed realignment of Dumosa Avenue.

METHODS

Impact Sciences, Inc. conducted a survey and evaluation of on-site Joshua trees on April 7, 2011. The entire project site was traversed on foot. Joshua tree locations were mapped using a sub-meter Geographical Positioning System (GPS). Attribute data were also collected during this survey, and included tree height, fork height,⁶ trunk diameter, number of branches, canopy dimensions (N, E, S, and W), branch spread relative to 45°, deviation of the main trunk from vertical, and number of transplantable pups.

⁶ As used in this report, the term "fork" refers to the point of divergence of major branches from the tree trunk.

A determination of suitability for transplantation was determined for each Joshua tree based on the data collected in the field. A positive determination of suitability was made for a tree if it met all of the following criteria:

- the tree's height was 18 feet or less,
- the tree had fewer than 6 branches,
- the tree's canopy was less than 10 feet along the N/S and E/W axes,
- the angle of branching at the fork was equal to or less than 45°, and
- the tree was not leaning more than 45° from vertical.

These data are presented in **Appendix A, Joshua Tree Survey Data**.

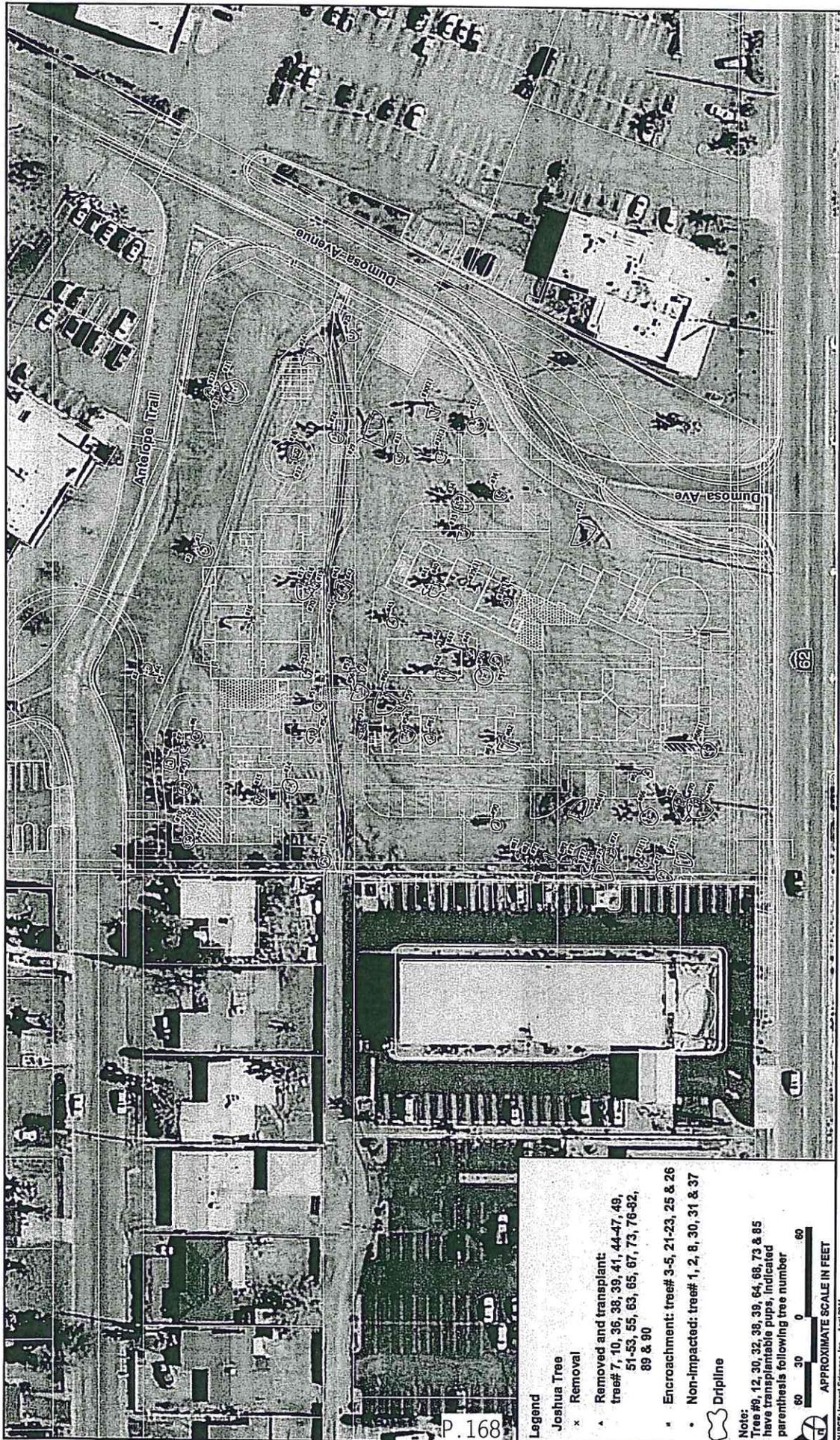
RESULTS

A total of 91 Joshua trees were surveyed. This number included 83 on-site trees and 8 off-site trees that were not recognized as not requiring surveying during the course of fieldwork. On-site trees range from 5 to 31 feet in height and 57 to 367 years in estimated age; canopy width along the N/S or E/W axis ranged from 0 to 20 ft;⁷ and trunk diameter ranged from 4 to 18 inches. Twenty-eight of the surveyed trees within the proposed impact area were determined to be viable candidates for transplantation, and 26 transplantable pups were located within the project site boundaries.

Subsequent to the survey, two additional off-site trees were identified within the project impact area, east of Dumosa Avenue. Based on an aerial photographs of the site, these trees are estimated to be approximately 15 to 20 feet tall, with moderate to large-sized canopies. One of these trees appears to be transplantable, and the other does not appear to be a good candidate for transplantation. A summary of project-related impacts is given in the summary section at the beginning of this document; **Table 1, Impact Inventory**, details the on-site tree characteristics and proposed impacts.

No species protected by the Plant Protection and Management Ordinance other than Joshua tree is present on the project site. Joshua tree locations relative to proposed construction on the project site are displayed on the project engineering plans in **Figure 2, Joshua tree location map**.

⁷ A canopy width of 0 ft. is possible for trees with no branches along a particular axis.



P. 168

- Legend**
- Joshua Tree
 - x Removal
 - ▲ Removed and transplanted:
tree# 7, 10, 36, 38, 39, 41, 44-47, 49,
51-55, 55, 63, 65, 67, 73, 76-82,
89 & 90
 - Encroachment: tree# 3-5, 21-23, 25 & 26
 - Non-impacted: tree# 1, 2, 8, 30, 31 & 37
 - Dripline

Note:
Tree #s, 12, 30, 32, 38, 39, 64, 66, 73 & 85
have transplantable pups, indicated
parenthesis following tree number



SOURCE: Impact Sciences, Inc. - April 2011

FIGURE 2

Joshua tree location map

Table 1
Impact Inventory

| Tree # | Height (feet) | Trunk diameter (inches) | N/S canopy width (feet) | E/W canopy width (feet) | Estimated age* (years) | Impact** | Transplantable?*** | Number of transplantable pups | Comments |
|--------|---------------|-------------------------|-------------------------|-------------------------|------------------------|----------|--------------------|-------------------------------|--|
| 1 | 19.60 | 14 | 9 | 8 | 232 | N | N/A | | |
| 2 | 10.27 | 8 | 4 | 2.5 | 120 | N | N/A | | |
| 3 | 14.93 | 9 | 6 | 5 | 176 | E | N/A | | |
| 4 | 9.33 | 6 | 2 | 3 | 109 | E | N/A | | |
| 5 | 12.13 | 8 | 2 | 2 | 143 | E | N/A | | |
| 6 | 25.20 | 13 | 6.5 | 7 | 299 | R | N | | |
| 7 | 15.87 | 9 | 5 | 6 | 187 | R | Y | | |
| 8 | 22.40 | 12 | 7.5 | 8 | 266 | N | N/A | | |
| 9 | 23.33 | 15 | 11 | 10 | 277 | R | N | 5 | Pups 8, 4, 8, 6, and 2 feet in height |
| 10 | 16.80 | 9 | 5 | 6 | 199 | R | Y | | |
| 11 | 23.33 | 13 | 8 | 9 | 277 | R | N | | |
| 13 | 20.53 | 11 | 8 | 8 | 243 | R | N | | |
| 14 | 20.53 | 14 | 10 | 9 | 243 | R | N | | |
| 15 | 22.40 | 14 | 8 | 8 | 266 | R | N | | |
| 16 | 18.67 | 11 | 0 | 5 | 221 | R | N | | Crown leaning past 45 degrees; half shed |
| 17 | 19.60 | 10 | 12 | 10 | 232 | R | N | | |
| 18 | 16.80 | 9 | 7 | 5 | 199 | R | N | | |
| 19 | 8.40 | 8 | 2.5 | 2 | 98 | R | N | | Fork cut at collar |
| 20 | 11.20 | 9 | 3 | 3 | 131 | R | N | | |
| 21 | 17.73 | 15 | 17 | 16 | 210 | E | N/A | | |
| 22 | 17.73 | 7 | 4 | 5 | 210 | E | N/A | | |
| 23 | 13.07 | 7 | 5 | 6 | 154 | E | N/A | | |
| 24 | 22.40 | 12 | 13 | 11 | 266 | R | N | | |
| 25 | 15.87 | 14 | 7 | 8 | 187 | E | N/A | | |
| 26 | 14.93 | 10 | 9 | 9 | 176 | E | N/A | | |

| Tree # | Height (feet) | Trunk diameter (inches) | N/S canopy width (feet) | E/W canopy width (feet) | Estimated age* (years) | Impact** | Transplantable?*** | Number of transplantable pups | Comments |
|--------|---------------|-------------------------|-------------------------|-------------------------|------------------------|----------|--------------------|-------------------------------|---------------------------------------|
| 27 | 11.20 | 8 | 1 | 8 | 131 | R | N | | |
| 28 | 25.20 | 14 | 11 | 7 | 299 | R | N | | |
| 29 | 26.13 | 10 | 15 | 20 | 311 | R | N | | |
| 30 | 24.27 | 11 | 8 | 7 | 288 | N | N/A | 2 | Pups 6 and 12 feet in height |
| 31 | 22.40 | 15 | 12 | 12 | 266 | N | N/A | | |
| 32 | 18.67 | 11 | 7 | 7 | 221 | R | N | 3 | Pups 1, 1, and 8 feet in height |
| 33 | 18.67 | 11 | 7 | 8 | 221 | R | N | | |
| 34 | 23.33 | 12 | 15 | 11 | 277 | R | N | | |
| 35 | 19.60 | 13 | 8 | 10 | 232 | R | N | | |
| 36 | 17.73 | 15 | 8 | 6 | 210 | R | Y | | |
| 37 | 26.13 | 12 | 0 | 0 | 311 | N | N/A | | |
| 38 | 12.13 | 13 | 6 | 5 | 143 | R | Y | 5 | Pups 5, 1, 1, 2, and 6 feet in height |
| 39 | 5.00 | 4 | 0 | 0 | 57 | R | Y | 3 | Pups <1, and 1 foot in height |
| 40 | 22.40 | 13 | 10 | 10 | 266 | R | N | | |
| 41 | 13.07 | 9 | 3 | 6 | 154 | R | Y | | |
| 42 | 22.40 | 14 | 11 | 10 | 266 | R | N | | |
| 43 | 14.93 | 6 | 2 | 1 | 176 | R | N | | |
| 44 | 15.87 | 8 | 5 | 6 | 187 | R | Y | | |
| 45 | 17.73 | 11 | 8 | 7 | 210 | R | Y | | |
| 46 | 14.00 | 8 | 4 | 5 | 165 | R | Y | | |
| 47 | 14.93 | 6 | 2 | 3 | 176 | R | Y | | |
| 48 | 20.53 | 13 | 14 | 7 | 243 | R | N | | |
| 49 | 16.80 | 9 | 3 | 4 | 199 | R | Y | | |
| 50 | 18.67 | 15 | 12 | 12 | 221 | R | N | | |
| 51 | 16.80 | 10 | 9 | 8 | 199 | R | Y | | |
| 52 | 14.93 | 8 | 6 | 3 | 176 | R | Y | | |
| 53 | 17.73 | 9 | 6 | 3 | 210 | R | Y | | |
| 54 | 18.67 | 13 | 7 | 10 | 221 | R | N | | |
| 55 | 16.80 | 11 | 7 | 7 | 199 | R | Y | | |
| 56 | 24.27 | 16 | 10 | 12 | 288 | R | N | | |

| Tree # | Height (feet) | Trunk diameter (inches) | N/S canopy width (feet) | E/W canopy width (feet) | Estimated age* (years) | Impact** | Transplantable?*** | Number of transplantable pups | Comments |
|--------|---------------|-------------------------|-------------------------|-------------------------|------------------------|----------|--------------------|-------------------------------|--|
| 57 | 8.00 | 12 | 3 | 11 | 93 | R | N | | |
| 58 | 19.60 | 18 | 10 | 11 | 232 | R | N | | |
| 59 | 19.60 | 7 | 5 | 4 | 232 | R | N | | Large branch bent beyond horizontal |
| 60 | 23.33 | 11 | 15 | 16 | 277 | R | N | | |
| 61 | 18.67 | 11 | 8 | 7 | 221 | R | N | | |
| 62 | 21.47 | 11 | 13 | 6 | 255 | R | N | | Entire tree bent past 90 degrees; true fork 14 ft from base |
| 63 | 13.07 | 4 | 1 | 2 | 154 | R | Y | | Broken at crown |
| 64 | 18.00 | 14 | 10 | 14 | 213 | R | N | 6 | Partially fallen; leaning on ground; tree height measured along lean |
| 65 | 14.93 | 10 | 8 | 5 | 176 | R | Y | | |
| 66 | 21.47 | 11 | 12 | 12 | 255 | R | N | | |
| 67 | 15.87 | 11 | 7 | 6 | 187 | R | Y | | Several broken branches including fork |
| 68 | 17.73 | 16 | 10 | 11 | 210 | R | N | 1 | Incipient pup; 0 ft tall |
| 69 | 30.80 | 15 | 18 | 14 | 367 | R | N | | |
| 70 | 22.40 | 11 | 12 | 14 | 266 | R | N | | Pup of 69 |
| 71 | 24.27 | 11 | 11 | 7 | 288 | R | N | | |
| 72 | 17.73 | 10 | 11 | 8 | 210 | R | N | | Over parking lot |
| 73 | 10.00 | 8 | 5 | 3 | 117 | R | Y | 1 | 2 branches cut at fork; pup <1 ft tall |
| 74 | 23.33 | 11 | 8 | 12 | 277 | R | N | | |
| 75 | 15.87 | 9 | 14 | 11 | 187 | R | N | | |
| 76 | 16.80 | 8 | 6 | 7 | 199 | R | Y | | |
| 77 | 7.47 | 4 | 0 | 0 | 87 | R | Y | | |
| 78 | 13.07 | 6 | 2 | 5 | 154 | R | Y | | |
| 79 | 13.07 | 8 | 2 | 3 | 154 | R | Y | | |
| 80 | 12.13 | 7 | 1 | 2 | 143 | R | Y | | |
| 81 | 13.07 | 8 | 3 | 4 | 154 | R | Y | | Broken at fork |
| 82 | 15.87 | 6 | 2 | 3 | 187 | R | Y | | |
| 89 | 17.73 | 6 | 9 | 6 | 210 | R | Y | | |
| 90 | 16.80 | 10 | 8 | 7 | 199 | R | Y | | |

| Tree # | Height (feet) | Trunk diameter (inches) | N/S canopy width (feet) | E/W canopy width (feet) | Estimated age* (years) | Impact** | Transplantable?*** | Number of transplantable pups | Comments |
|---------------------|---------------|-------------------------|-------------------------|-------------------------|------------------------|----------|--------------------|-------------------------------|--------------------------------------|
| Off-site tree north | ~15 | Unknown | ~8 | ~8 | Unknown | R | Potential | Unknown | Assessed based on aerial photography |
| Off-site tree south | ~20 | Unknown | ~12 | ~12 | Unknown | R | Unlikely | Unknown | Assessed based on aerial photography |

*: Age estimate based on an assumption of 4 inches of growth through the first year, followed by 1 inch of growth per year thereafter.

** Impact abbreviations: R = removal; E = encroachment; N = no impact

***: An assessment of transplantability was not made for trees not proposed for removal.

RECOMMENDATIONS

The following recommendations are modified from the Joshua Tree Salvage Plan for the Home Depot Center in the Town of Yucca Valley, California, prepared by Michael Brandman Associates.⁸

1. Transplantation should be conducted during late fall or winter, when weather is moderately cool and soils are moist.
2. Joshua trees and pups should be marked systematically (such as on the north side of the trunk) so that they may be transplanted in the same orientation that they were growing in prior to removal. Prior to removal, all transplantable trees within the project impact area should be thus marked.
3. Prior to the initiation of Joshua tree and pup salvage, the Project Biologist should coordinate a meeting with all contractors involved in the salvage project. The Project Biologist should provide the contractor(s) with a copy of the Salvage Plan and should review all relevant components of the program.
4. Trees that have been marked should be removed utilizing a tree spade or backhoe and personnel with shovels. Care should be taken to remove the entire root ball intact, to minimize exposure of the root ball to air, and to maintain a moist environment around the roots at all times. Root balls should be treated with a mixture of water and rooting hormone immediately upon removal from the ground, and the salvaged trees should be immediately transported to the storage area or transplantation site.
5. Unless immediately transplanted to their final locations, a storage area for the salvaged trees and pups should be prepared ahead of time. The trees should be stored by planting in their native orientations within a temporary trench, or trenches, approximately 1 foot wider than the root ball of the trees and long enough to accommodate all the trees to be salvaged. Trees can be planted as close as possible while still allowing any necessary room for the installation of equipment. The Project Biologist should coordinate with the contractors to determine the length and width of the trench required.
6. Receiving holes for salvaged trees and pups within the final transplantation area should be approximately 1 foot larger than the root balls they receive.
7. A water and rooting hormone (vitamin B-1) mix should be prepared prior to final translocation of trees and pups. Added minerals or chelating agents, common additives in commercially available rooting hormone mixes, are acceptable. The rooting hormone should be mixed per the manufacturer's direction, typically 1:250 (B 1: water). The receiving hole should be filled with a mixture of water and rooting hormone, and allowed to drain before placing the tree in the hole. Once the plant is set in the hole in the proper orientation, the hole should be backfilled and the tree watered once again. Air pockets should be eliminated from around the root ball by tamping or standing on the root ball while the soil around the plant is still wet. A basin should be left around the plant to hold water. The trees should be watered again after 10 days by soaking with a mixture of Vitamin B1 and water.

⁸ Michael Brandman Associates. 2005. Joshua Tree Salvage Plan for the Home Depot Center in the Town of Yucca Valley, California. Prepared for the Town of Yucca Valley.

8. The trees should be watered periodically through the establishment period based upon their appearance. The Project Biologist (or designee) should monitor the plants for signs of stress and desiccation and notify maintenance personnel when the plants must be watered. For each watering, the basin should be filled and then allowed to drain (and the soil to dry) before watering again. Watering should be conducted as needed to support the initial translocation; however, the goal is to establish the plants without need for supplemental watering. The transplants should be monitored weekly for three months and then monthly until the Project Biologist has determined that they are established.

CONCLUSION

As indicated above, 71 Joshua trees may be removed, inclusive of 69 on-site trees and 2 off-site trees, and 8 may be encroached upon as a result of the proposed development of the site. Twenty-eight of the on-site trees and one of the off-site trees have characteristics that make them viable candidates for transplantation. Additionally, throughout the project site, there are 26 transplantable pups which may serve as replacement mitigation for trees that would be removed as a result of proposed project development. Joshua tree is the only species on the project site that is protected by the Plant Protection and Management Ordinance.

APPENDIX A
Joshua Tree Survey Data

| Tree # | Tree height (ft) | Trunk diameter (in) | Fork height (ft) | Branches | N/S canopy (ft) | E/W canopy (ft) | branch spread (</= > 45°) | Lean (degrees) | Impact | Transplantable? | Pups |
|--------|------------------|---------------------|------------------|----------|-----------------|-----------------|---------------------------|----------------|--------|-----------------|------|
| 1 | 19.60 | 14 | 9.33 | 3 | 9 | 8 | < | 5 | N | N/A | |
| 2 | 10.27 | 8 | 7.47 | 2 | 4 | 2.5 | > | 30 | N | N/A | |
| 3 | 14.93 | 9 | 4.67 | 2 | 6 | 5 | < | 45 | E | N/A | |
| 4 | 9.33 | 6 | 7.47 | 2 | 2 | 3 | < | 5 | E | N/A | |
| 5 | 12.13 | 8 | 8.40 | 1 | 2 | 2 | < | 10 | E | N/A | |
| 6 | 25.20 | 13 | 12.13 | 2 | 6.5 | 7 | < | 5 | R | N | |
| 7 | 15.87 | 9 | 5.60 | 2 | 5 | 6 | < | 5 | R | Y | |
| 8 | 22.40 | 12 | 14.00 | 2 | 7.5 | 8 | < | 20 | N | N/A | |
| 9 | 23.33 | 15 | 7.47 | 2 | 11 | 10 | < | 10 | R | N | 5 |
| 10 | 16.80 | 9 | 7.47 | 2 | 5 | 6 | = | 5 | R | Y | |
| 11 | 23.33 | 13 | 11.20 | 4 | 8 | 9 | < | 0 | R | N | |
| 12* | 24.27 | 13 | 8.40 | 2 | 11 | 10 | < | 0 | N | N/A | N/A |
| 13 | 20.53 | 11 | 8.40 | 4 | 8 | 8 | = | 0 | R | N | |
| 14 | 20.53 | 14 | 9.33 | 4 | 10 | 9 | > | 5 | R | N | |
| 15 | 22.40 | 14 | 9.33 | 2 | 8 | 8 | > | 5 | R | N | |
| 16 | 18.67 | 11 | 12.13 | 2 | 0 | 5 | > | 10 | R | N | |
| 17 | 19.60 | 10 | 9.33 | 2 | 12 | 10 | > | 5 | R | N | |
| 18 | 16.80 | 9 | 7.47 | 2 | 7 | 5 | > | 5 | R | N | |
| 19 | 8.40 | 8 | 3.00 | 1 | 2.5 | 2 | | 45 | R | N | |
| 20 | 11.20 | 9 | 5.60 | 3 | 3 | 3 | > | 0 | R | N | |
| 21 | 17.73 | 15 | 6.53 | 5 | 17 | 16 | > | 0 | E | N/A | |
| 22 | 17.73 | 7 | 7.47 | 2 | 4 | 5 | > | 5 | E | N/A | |
| 23 | 13.07 | 7 | 8.40 | 3 | 5 | 6 | > | 10 | E | N/A | |
| 24 | 22.40 | 12 | 11.20 | 2 | 13 | 11 | < | 15 | R | N | |
| 25 | 15.87 | 14 | 9.33 | 3 | 7 | 8 | > | 5 | E | N/A | |
| 26 | 14.93 | 10 | 8.40 | 2 | 9 | 9 | = | 10 | E | N/A | |
| 27 | 11.20 | 8 | 5.60 | 2 | 1 | 8 | > | 20 | R | N | |
| 28 | 25.20 | 14 | 14.93 | 3 | 11 | 7 | = | 0 | R | N | |
| 29 | 26.13 | 10 | 14.93 | 3 | 15 | 20 | | 90 | R | N | |
| 30 | 24.27 | 11 | 12.13 | 3 | 8 | 7 | < | 15 | N | N/A | 2 |
| 31 | 22.40 | 15 | 11.20 | 2 | 12 | 12 | < | 0 | N | N/A | |
| 32 | 18.67 | 11 | 9.33 | 3 | 7 | 7 | = | 5 | R | N | 3 |
| 33 | 18.67 | 11 | 7.47 | 3 | 7 | 8 | < | 0 | R | N | |

Joshua Tree Report

| Tree # | Tree height (ft) | Trunk diameter (in) | Fork height (ft) | Branches | N/S canopy (ft) | E/W canopy (ft) | branch spread (<=>45°) | Lean (degrees) | Impact | Transplantable? | Pups |
|--------|------------------|---------------------|------------------|----------|-----------------|-----------------|------------------------|----------------|--------|-----------------|------|
| 34 | 23.33 | 12 | 10.27 | 2 | 15 | 11 | < | 5 | R | N | |
| 35 | 19.60 | 13 | 7.47 | 4 | 8 | 10 | > | 10 | R | N | |
| 36 | 17.73 | 15 | 6.53 | 3 | 8 | 6 | = | 5 | R | Y | |
| 37 | 26.13 | 12 | 16.80 | 3 | 0 | 0 | < | 90 | N | N/A | |
| 38 | 12.13 | 13 | 3.73 | 2 | 6 | 5 | = | 30 | R | Y | 5 |
| 39 | 5.00 | 4 | 0.00 | 0 | 0 | 0 | | 0 | R | Y | 3 |
| 40 | 22.40 | 13 | 9.33 | 3 | 10 | 10 | > | 5 | R | N | |
| 41 | 13.07 | 9 | 6.53 | 3 | 3 | 6 | = | 30 | R | Y | |
| 42 | 22.40 | 14 | 10.27 | 2 | 11 | 10 | 90 | 10 | R | N | |
| 43 | 14.93 | 6 | 10.27 | 0 | 2 | 1 | 90 | 5 | R | N | |
| 44 | 15.87 | 8 | 7.47 | 2 | 5 | 6 | < | 5 | R | Y | |
| 45 | 17.73 | 11 | 8.40 | 3 | 8 | 7 | = | 5 | R | Y | |
| 46 | 14.00 | 8 | 8.40 | 4 | 4 | 5 | < | 5 | R | Y | |
| 47 | 14.93 | 6 | 6.53 | 3 | 2 | 3 | < | 5 | R | Y | |
| 48 | 20.53 | 13 | 6.53 | 2 | 14 | 7 | < | 10 | R | N | |
| 49 | 16.80 | 9 | 10.27 | 2 | 3 | 4 | = | 10 | R | Y | |
| 50 | 18.67 | 15 | 9.33 | 3 | 12 | 12 | < | 5 | R | N | |
| 51 | 16.80 | 10 | 7.47 | 3 | 9 | 8 | < | 35 | R | Y | |
| 52 | 14.93 | 8 | 8.40 | 3 | 6 | 3 | < | 20 | R | Y | |
| 53 | 17.73 | 9 | 9.33 | 2 | 6 | 3 | = | 20 | R | Y | |
| 54 | 18.67 | 13 | 9.33 | 3 | 7 | 10 | < | 5 | R | N | |
| 55 | 16.80 | 11 | 8.40 | 2 | 7 | 7 | < | 5 | R | Y | |
| 56 | 24.27 | 16 | 8.40 | 2 | 10 | 12 | < | 10 | R | N | |
| 57 | 8.00 | 12 | 2.50 | 0 | 3 | 11 | = | 10 | R | N | |
| 58 | 19.60 | 18 | 9.33 | 5 | 10 | 11 | < | 5 | R | N | |
| 59 | 19.60 | 7 | 11.20 | 2 | 5 | 4 | >90 | 10 | R | N | |
| 60 | 23.33 | 11 | 7.47 | 3 | 15 | 16 | < | 10 | R | N | |
| 61 | 18.67 | 11 | 9.33 | 4 | 8 | 7 | < | 0 | R | N | |
| 62 | 21.47 | 11 | 7.47 | 6 | 13 | 6 | | 45 | R | N | |
| 63 | 13.07 | 4 | 7.47 | 1 | 1 | 2 | | 5 | R | Y | |
| 64 | 18.00 | 14 | 3.00 | 5 | 10 | 14 | > | 0 | R | N | 6 |
| 65 | 14.93 | 10 | 8.40 | 2 | 8 | 5 | < | 10 | R | Y | |
| 66 | 21.47 | 11 | 7.47 | 5 | 12 | 12 | < | 5 | R | N | |
| 67 | 15.87 | 11 | 7.47 | 4 | 7 | 6 | = | 5 | R | Y | |

| Tree # | Tree height (ft) | Trunk diameter (in) | Fork height (ft) | Branches | N/S canopy (ft) | E/W canopy (ft) | branch spread (</= / > 45°) | Lean (degrees) | Impact | Transplantable? | Pups |
|---------------|------------------|---------------------|------------------|----------|-----------------|-----------------|-----------------------------|----------------|---------------------|------------------|------|
| 68 | 17.73 | 16 | 8.40 | 5 | 10 | 11 | > | 0 | R | N | 1 |
| 69 | 30.80 | 15 | 11.20 | 2 | 18 | 14 | < | 0 | R | N | |
| 70 | 22.40 | 11 | 11.20 | 2 | 12 | 14 | < | 30 | R | N | |
| 71 | 24.27 | 11 | 11.20 | 2 | 11 | 7 | < | 5 | R | N | |
| 72 | 17.73 | 10 | 9.33 | 3 | 11 | 8 | < | 0 | R | N | |
| 73 | 10.00 | 8 | 3.25 | 3 | 5 | 3 | < | 20 | R | Y | 1 |
| 74 | 23.33 | 11 | 8.40 | 3 | 8 | 12 | < | 0 | R | N | |
| 75 | 15.87 | 9 | 9.33 | 4 | 14 | 11 | > | 45 | R | N | |
| 76 | 16.80 | 8 | 9.33 | 3 | 6 | 7 | = | 5 | R | Y | |
| 77 | 7.47 | 4 | 0.00 | 0 | 0 | 0 | | 10 | R | Y | |
| 78 | 13.07 | 6 | 7.47 | 2 | 2 | 5 | < | 0 | R | Y | |
| 79 | 13.07 | 8 | 6.53 | 3 | 2 | 3 | < | 5 | R | Y | |
| 80 | 12.13 | 7 | 8.40 | 2 | 1 | 2 | < | 15 | R | Y | |
| 81 | 13.07 | 8 | 4.67 | 2 | 3 | 4 | < | 15 | R | Y | |
| 82 | 15.87 | 6 | 9.33 | 3 | 2 | 3 | < | 20 | R | Y | |
| 83* | 15.87 | 6 | 7.47 | 2 | 2 | 6 | < | 10 | N | N/A | N/A |
| 84* | 16.00 | 6 | 0.00 | 3 | 6 | 11 | < | >90 | N | N/A | N/A |
| 85* | 16.80 | 5 | 13.07 | 2 | 1 | 4 | > | 5 | N | N/A | N/A |
| 86* | 21.47 | 11 | 6.53 | 2 | 8 | 2 | < | 0 | N | N/A | N/A |
| 87* | 14.93 | 8 | 7.47 | 2 | 4 | 6 | < | 10 | N | N/A | N/A |
| 88* | 16.80 | 7 | 9.33 | 2 | 5 | 7 | < | 5 | N | N/A | N/A |
| 89 | 17.73 | 6 | 10.00 | 2 | 9 | 6 | < | 10 | R | Y | |
| 90 | 16.80 | 10 | 8.40 | 3 | 8 | 7 | < | 0 | R | Y | |
| 91* | 15.87 | 7 | 7.47 | 2 | 8 | 2 | < | 0 | N | N/A | N/A |
| TOTALS | | | | | | | | | | | |
| | | | | | | | | | R: 69 (+2 off site) | 28 (+1 off site) | |
| | | | | | | | | | E: 8 | | |
| | | | | | | | | | N: 6 | | |

Criteria values that are favorable for transplantation are highlighted in grey.
 Impact abbreviations: R = removal; E = encroached by project, possible save; N = no impact
 *: off-site tree, not counted in totals

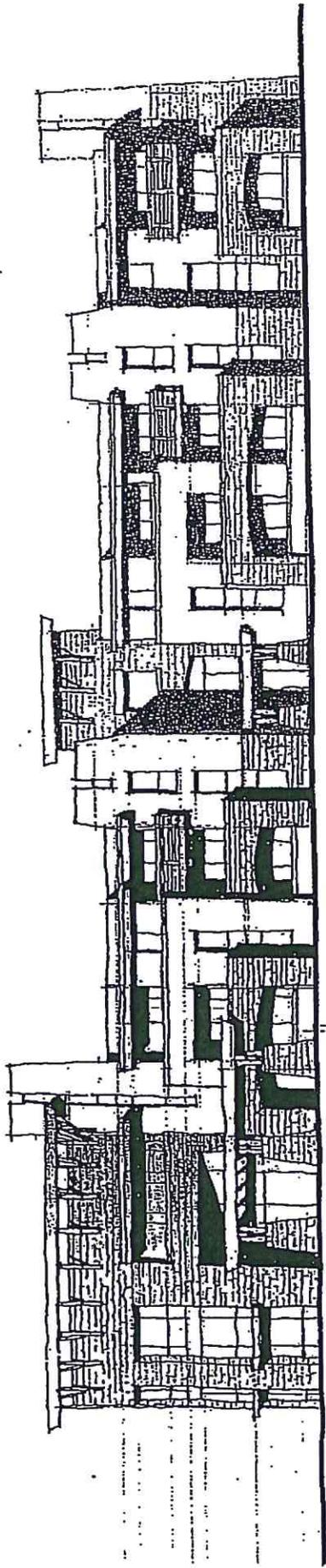
Appendix D

Conditions of Approval (Provided Separately)

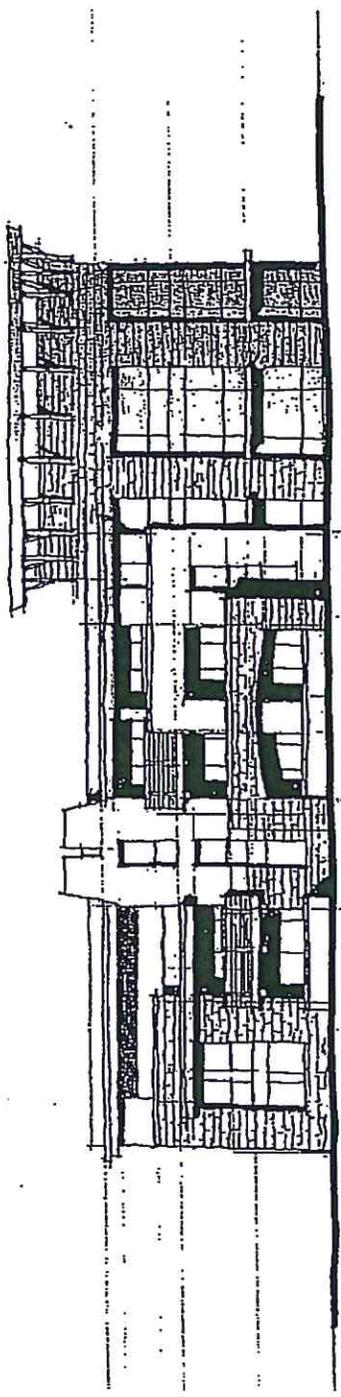
TOWN OF YUCCA VALLEY



This page left intentionally blank



Dumosa Avenue Elevation (Original)



Twentynine Palms Highway Elevation (Original)

Concept Design
Yucca Valley Seniors
 Yucca Valley, California
 National Community Renaissance

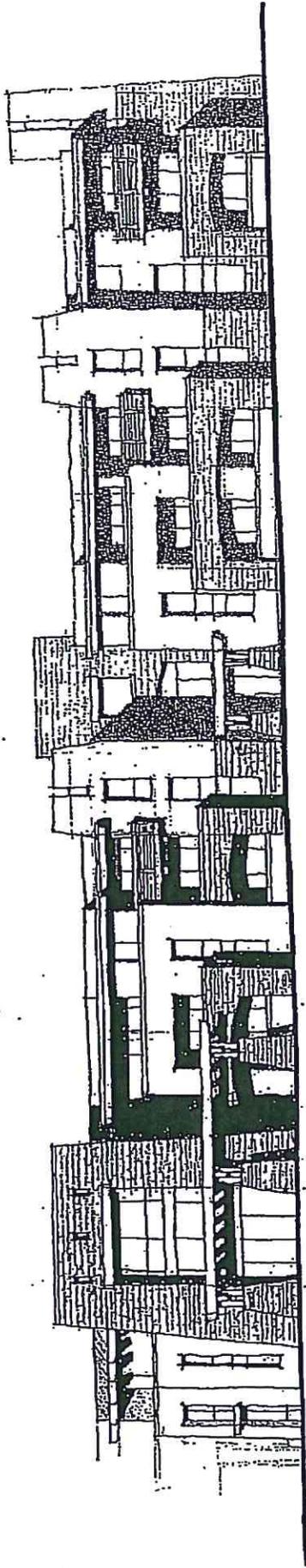
P.182
 P.64

1

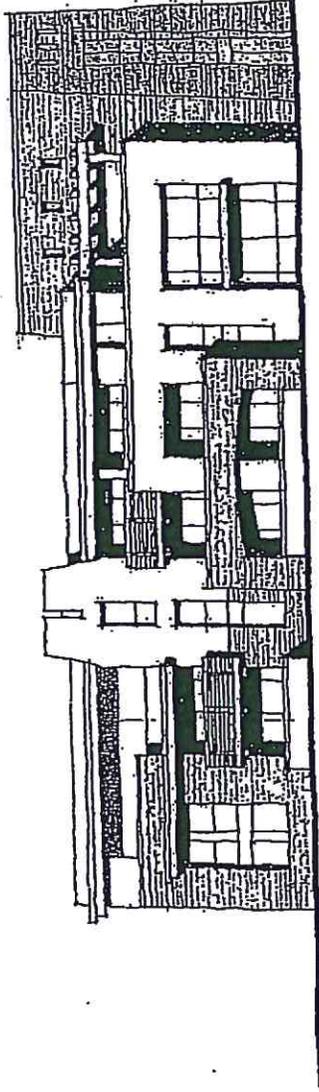
ARCHITECTS
**TOGAWA
 SMITH
 MARIN**
 RESIDENTIAL, INC
 444 S. Pioneer Street, Suite 1100
 Los Angeles, California 90017
 310.511.8888
 310.511.8888 fax
 www.togawasmarin.com



March 17, 2011



Dumosa Avenue Elevation (Revised)

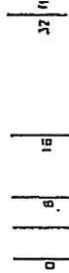


Twenty-nine Palms Highway Elevation (Revised)

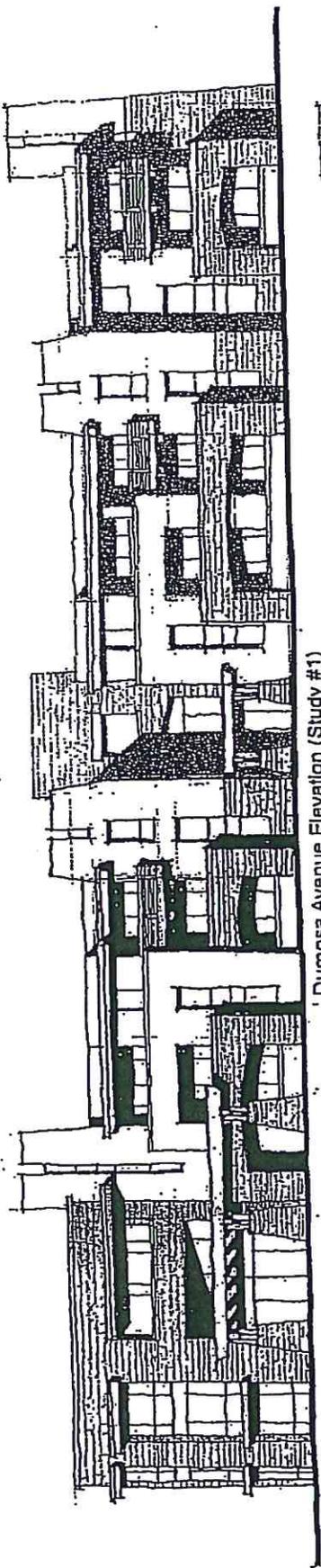
Concept Design
Yucca Valley Seniors
 Yucca Valley, California
 National Community Renaissance

ARCHITECTS
**TOGAWA
 SMITH
 MARTIN**
 RESIDENTIAL, INC.

444 E. Pioneer Street • Suite 1070
 Los Angeles, California 90001
 213.413.6888
 213.413.6851 fax
 www.togawasmartin.com



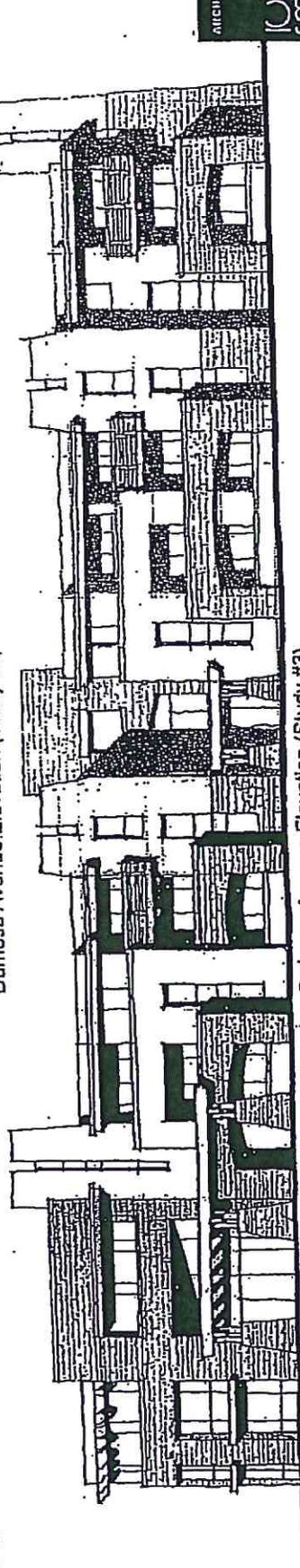
April 1, 2011



Dumosa Avenue Elevation (Study #1)



Dumosa Avenue Elevation (Study #2)



Dumosa Avenue Elevation (Study #3)

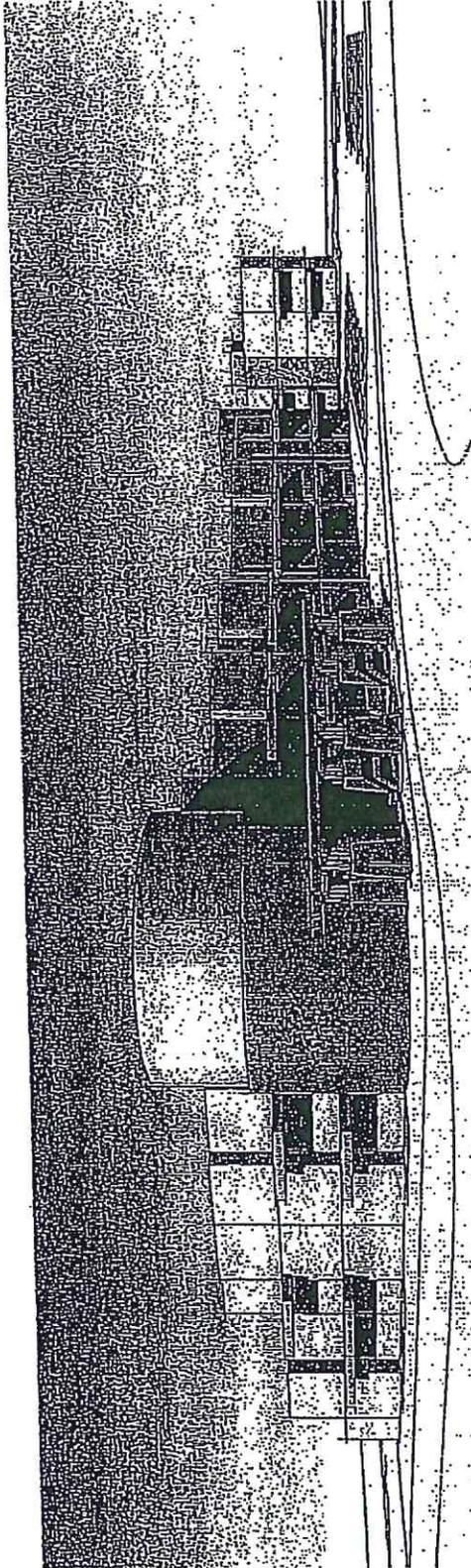
Concept Design
 Yucca Valley Seniors
 Yucca Valley, California
 National Community Renaissance



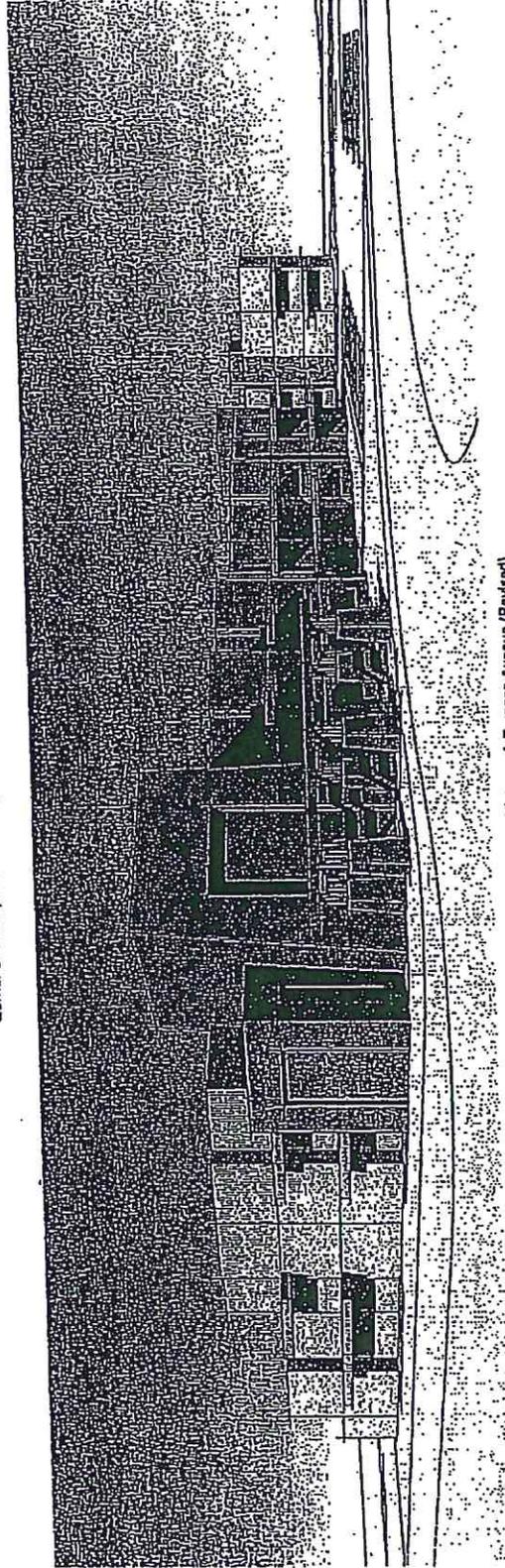
April 1, 2011

3

ARCHITECTS
JUGALPA
SMITH
MARIN
 RESIDENTIAL, INC
 146 E. Duane Street, Suite 219
 Yucca Valley, California 92388
 951.414.0012 fax
 951.414.0012 tel
 www.jugalsm.com



Corner of Twentynine Palms Highway & Dumosa Avenue (Original)



Corner of Twentynine Palms Highway & Dumosa Avenue (Revised)

Concept Design
Yucca Valley Seniors
 Yucca Valley, California
 National Community Renaissance



Native Plant Permit Application

| | |
|---------------|-----------|
| Date Received | 06/05/13 |
| By | DOLSEN |
| Case # | NPP-40-13 |

General Information

APPLICANT National Community Renaissance of California Phone (909) 483-2444 Fax (909)483-2448
 Mailing Address 9065 Haven Ave., Ste. 100 Email ckillian@nationalcore.org
 City Rancho Cucamonga State CA Zip 91730
PROPERTY OWNER Yucca Valley Senior Housing Partners, L.P. Phone (909) 483-2444 Fax (909) 483-2448
 Mailing Address 9065 Haven Ave., Ste. 100 Email ledwards@nationalcore.org
 City Rancho Cucamonga State CA Zip 91730
 Address/Location of Plants 57110 Twentynine Palms Highway, Yucca Valley

Project Information

| TYPE OF PLANT | # OF PLANTS BEING DESTROYED | # BEING RELOCATED | | # BEING PROTECTED IN PLACE | # BEING TRIMMED | HEIGHT | DIAMETER |
|---------------|-----------------------------|-------------------|----------|----------------------------|-------------------|--------|----------|
| | | ON-SITE | OFF-SITE | | | | |
| YUCCA | | | | | | | |
| JOSHUA TREE | 7 | 41 | 18 | 2 | See Attached list | | |
| CRESOTE | | | | | | | |
| JUNIPER | | | | | | | |
| PINON PINE | | | | | | | |
| MANZANITA | | | | | | | |
| MESQUITE | | | | | | | |
| PALO VERDE | | | | | | | |
| DESERT WILLOW | | | | | | | |

Reason for relocation or removal New construction of apartment complex
 Property owner signature *[Signature]* Date 6/3/13

Staff Use Only
 Issuance Date: _____ Issued By: _____

Approved as shown on plot plan _____ Denied _____ Reason for Denial _____

PLOT PLAN

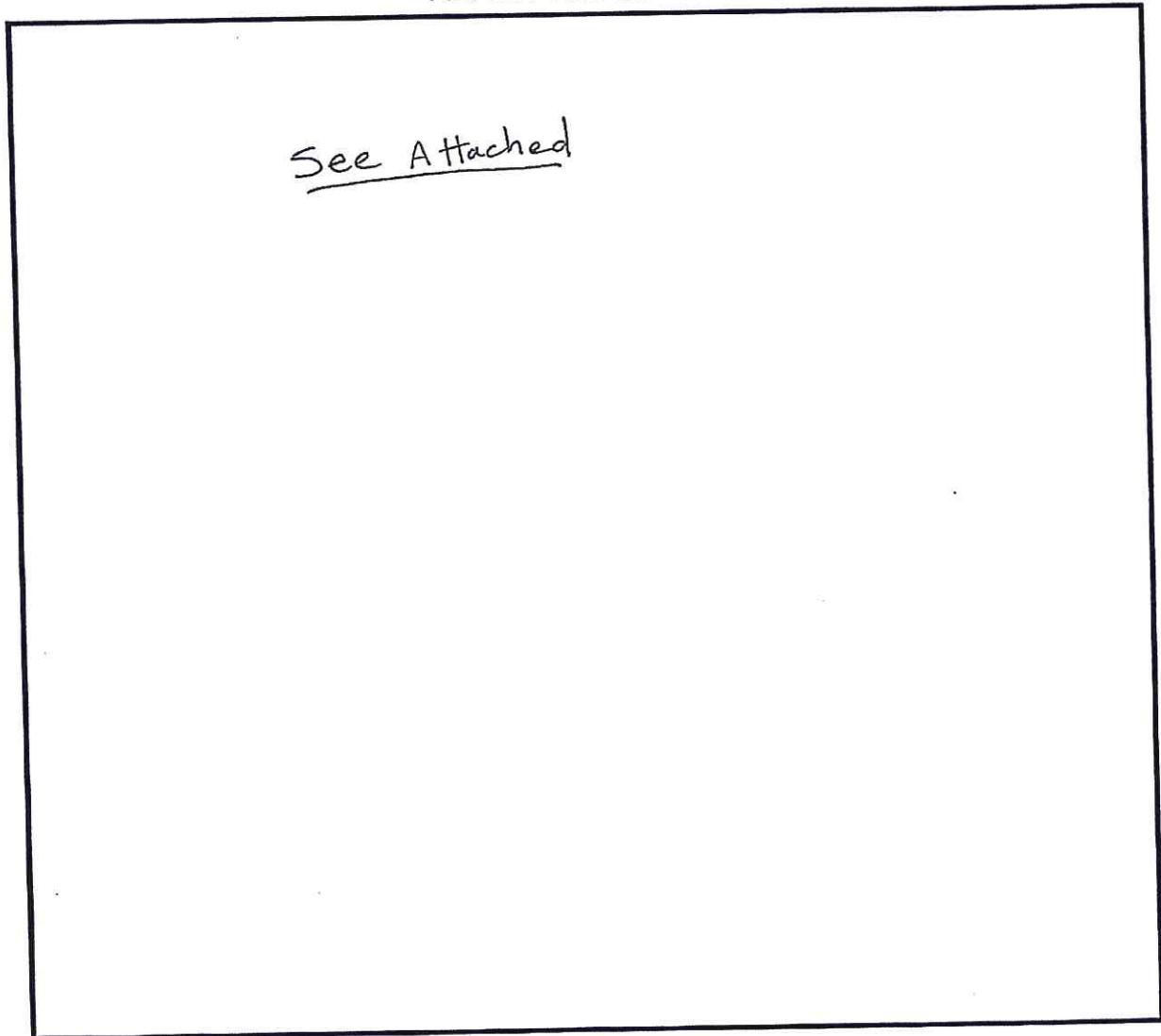
NAME National Community Renaissance of California

PROJECT ADDRESS 57110 Twentynine Palms Highway, Yucca Valley

ASSESSOR PARCEL NO. 595-361-21-1, 595-371-11-0

IF YOUR LOT IS NOT RECTANGULAR, PLEASE DRAW CORRECT DIMENSIONS AND SHAPE

REAR PROPERTY LINE



FRONT PROPERTY LINE
STREET

UNIQUE GARDEN CENTER

56637 29 Palms Highway
P.O. Box 1707
Yucca Valley, CA 92284
Phone: (760) 365-1511

5 June 2013

Town of Yucca Valley

Re: Yucca Valley Senior Housing Project
57110 Twentynine Palms Hwy.
Yucca Valley, Ca. 92284

Updated Native Plant Survey:

- #1 15'X12'* cut off bottom pup
- #2 Same as number 1
- #3 15'X 12'* cut out number 5 spade number 3 & 4
- #4 0
- #5 0
- #6 20' X 12'
- #7 12'X 8'
- #8 20' X 12'
- #9 8' X 6' Cut out primary plant move cluster
- #10 14' X 12'
- #11 22' X 15'*
- #12 22' X 12'* Cut out second pup
- #13 18' X 12' 0 Tag Adopt out
- #14 20' X 12' 0 Tag SBP Adopt out
- #15 20' X 15' SBP 0 Tag
- #16 Severe lean Destroy
- #17 0
- #18 0
- #19 14' X 8' Cut out other two trunks Adopt out
- #20 12' X 6'
- #21 15' X 12'* Cut off # 22 & 23 *
- #22 0
- #23 0
- #24 20' Severe lean Destroy
- #25 15' X 10'
- #26 0
- #27 0
- #28 18' X 10' SBP
- #29 Severe lean Destroy
- #30 18' X 10' Possibly cut out primary and spade pups 8' & 12'
- #31 18' X 15'
- #32 14' X 10' Keep 8' pup & cut out 2' pup
- #33 14' X 10'
- #34 16' X 12'* SBP
- #35 18' X 12' SBP
- #36 18' X 12'*SBP
- #37 Severe lean Destroy 0Tag
- #38 12' X 10' Cut off bottom pups
- #39 6' X 2' Adopt out
- #40 20' X 10'* SBP
- #41 14' X 10' Adopt out
- #42 10' X 3' Cut out pup Adopt out

UNIQUE GARDEN CENTER

56637 29 Palms Highway

P.O. Box 1707

Yucca Valley, CA 92284

Phone: (760) 365-1511

own of Yucca Valley

e: Yucca Valley Senior Housing Project:

| | | | |
|----|------------------|---|--------------------|
| 43 | 0 | | |
| 44 | 12' X 8' | | |
| 45 | 18' X 12' | | |
| 46 | 12' X 8' | incl. # 47 | |
| 48 | 20' X 12' | Cut off side branch at crotch | Adopt out |
| 49 | 16' X 8' | | |
| 50 | 20' X 12'* | | |
| 51 | 14' X 12' | | |
| 52 | 14' X 6' | | |
| 53 | 18' X 8' | | |
| 54 | 18' X 12' | | |
| 55 | 18' X 10' | | |
| 56 | 20' X 15'* | SBP | |
| 57 | 0 | | |
| 58 | 20' X 15'* | | |
| 59 | 10' X 4' | SBP | Adopt out |
| 60 | Compromised | Destroy | |
| 61 | 18' X 12' | | |
| 62 | 15' X 8' | Cut out primary | Adopt out |
| 63 | 0 | | |
| 64 | 0 | | |
| 65 | 15' X 10' | | |
| 66 | 18' X 12' | SBP | |
| 67 | Compromised | Destroy | 0 Tag |
| 68 | 22' X 15'* | | |
| 69 | 0 | | |
| 70 | 22' X 15' | SBP | |
| 71 | 21' X 12' | | |
| 72 | 0 | | |
| 73 | 12' X 5' | | |
| 74 | 20' X 12' | Cut out one of three trunks | |
| 75 | Compromised | Destroy | |
| 76 | 10' X 6' | Cut out leaning head | Adopt out 0 Tag |
| 77 | 18' X 6' | cut out pup | o Tag |
| 78 | 13' X 5' | | |
| 79 | 12' X 4' | Same as # 80 | |
| 80 | 0 | | |
| 81 | 14' X 7' | Same as # 82 | cut out bottom pup |
| 82 | 0 | | |
| 83 | 0 | | |
| 84 | Out of work area | | |
| 85 | Out of work area | | |
| 86 | Out of work area | | |
| 87 | Out of work area | | |
| 88 | Out of work area | | |
| 89 | 10' | Growing in exist ^{P.189} cypress | Adopt out |

UNIQUE GARDEN CENTER

56637 29 Palms Highway
P.O. Box 1707
Yucca Valley, CA 92284
Phone: (760) 365-1511

own of Yucca Valley

e: Yucca Valley Senior Housing Project:

| | |
|----|------------------|
| 90 | 14' X 12' |
| 91 | Out of work area |
| 92 | Out of work area |

Legend:

BP Select branch pruning prior to tree spading.

Total number of healthy viable Joshua trees 59

Total number of Joshua trees tagged to destroy 07

A number of trees were multi tagged on original survey. In reality they are just multi trunked trees, this correction has been made.

A number of trees were marked to be destroyed, however with some selective pruning prior to tree spading these trees are quite viable for saving.

