PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Commissioners
From: Diane Olsen, Planning Technician
Date: September 29, 2014
For Commission Meeting: October 14, 2014

Subject: Extension of Time for Site Plan Review, SPR 02-07 Miller

Prior Commission Review: The Planning Commission reviewed and approved this project at their meeting of November 06, 2007. The Planning Commission approved a two year extension for the project on September 22, 2009 and approved an additional three year extension on October 25, 2011, expiring on November 06, 2014.

Recommendation: That the Planning Commission approves the Extension of Time request for 3 years, expiring on November 06, 2017.

Executive Summary: The original approval was for the construction of a 6,000 square foot commercial building on a 0.55 acre lot.

The project is located on the north side of the southeast corner of 29 Palms Hwy and Barberry Ave and is further identified as APN 595-371-21.

The property has a zoning designation of Neighborhood Commercial (C-N) and a General Plan Land Use designation of Mixed Use (MU).

Pursuant to Development Code Section 9.68.110 staff is recommending a three year extension.

Order of Procedure:

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

Discussion: The original project was approved by the Planning Commission at the meeting of November 06, 2007. At that meeting the project was approved for two years, expiring on November 06, 2009. The Planning Commission approved a two year extension for the project on September 22, 2009 and approved an additional three year extension on October 25, 2011, expiring on November 06, 2014.

Development Code Section 9.68.110, Extension of Time allows for a three year extension

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

of the project.

Minor changes have been made to the Conditions of Approval conform to current code language, but no additional infrastructure improvements are being required.

Therefore, staff is recommending that the extension request be approved and the new expiration date will be November 06, 2017.

Alternatives: None recommended

Fiscal impact: N/A

Attachments:

1. Applicant's request
2. Planning Commission Staff Report and Minutes from November 06, 2007
3. Planning Commission minutes from September 22, 2009 and October 25, 2011
4. Development Code Section 9.68.110

TOWN OF YUCCA VALLEY
APPROVED CONDITIONS OF APPROVAL
SITE PLAN REVIEW, SPR 02-07
ART MILLER JR. BUILDING

Site Plan Review, SPR-02-07, is an approval to construct a 6,000 square foot office building including parking, landscaping and retention on 0.55 acres.

The property is located on the south east corner of Barberry Avenue and Twentynine Palms Highway and is identified as Assessor Parcel Number 595-371-21.

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 Site Plan Review 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:	**November 6, 2007**
Expiration:	**November 6, 2009**
First Extension Expiration:	**November 6, 2011**
Second Extension Expiration:	**November 6, 2014**
Third Extension Expiration:	**November 06, 2017**

Applicant's Initial_____

G3. The applicant shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire Marshall, Building and Safety, 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 may result in the revocation of approvals and permits for the project.

G5. No on-site or off-site work shall commence without obtaining the appropriate permits 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

Applicant's Initial_____

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 A minimum of one sign shall be posted on the site at the north west corner of 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 format provided by the Town. 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 in each phase of the project, all improvements shall be constructed, final inspection performed,

Applicant's Initial_____

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 constructed of the project provided that the improvements necessary to adequately serve or mitigate the impacts of each phase of development are completed prior to the issuance of a Certificate of Occupancy for that phase.

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

Applicant's Initial_____

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 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 only the Conditions of Approval.

G26. A construction-phasing plan, if phasing is proposed, 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. 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.

G27. 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.

G28. 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.

Applicant's Initial_____

G29. Any and all graffiti shall be removed within twenty-four (24) hours of discovery or notification by the Town.

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. Utility undergrounding shall be in accordance with Ordinance 233, or as amended.

P3. All exterior lighting shall comply with the Ordinance 90, Outdoor Lighting, or as modified by Town Council action and shall be illustrated on all construction plans.

P4. Parking and on-site circulation requirements shall be provided and maintained as identified on the approved site plan. Areas reserved for access drive and/or fire lanes shall be clearly designated.

a) A minimum of 24 parking spaces shall be provided based upon only retail and general office uses.

b) Any occupancy, which requires additional parking that has not been provided for through this Site Plan Review, shall not be approved until a revision is submitted for review and approval showing the additional parking.

c) All marking to include parking spaces, directional designation, no parking designation and fire lane designations shall be clearly defined and said marking shall be maintained in good condition at all times. The Town Traffic Engineer shall approve all signage and markings for circulation related signage.

d) All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines with the two lines being located an equal 9 inches on either side of the stall sidelines. All regular parking stalls be a minimum 9' x 19'.

Applicant's Initial_____

P5. 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. The Landscape Plan shall be approved by Hi-Desert Water District. The final Landscape and Irrigation Plan shall be reviewed and approved by the Planning Commission.

P6. No signs are approved with this Permit. Sign application(s) shall be made separately for all signage on the property, and all signage, shall comply with Ordinance No. 156.

P7. All roof top mechanical equipment is to be screened from ground and street vistas. This information shall be submitted with plan materials for building permit plan check.

ENGINEERING CONDITIONS

E1. **Twentynine Palms Highway is a State facility with an ultimate half-street right-of-way requirement of 67 feet. The applicant/owner shall dedicate the additional required ultimate half width street right-of-way for SR 62. The dedication shall conform to Caltrans requirements. To provide room for ADA required wheel chair ramp and access at the corner, the applicant shall dedicate a "corner cut-off" at the northwest corner of the property. This dedicated width shall be shown on the plans.**

E2. **The applicant shall construct a 0.10 foot overlay of the existing pavement of the half street for Barberry Avenue from the south edge of the SR 62 cross gutter to the south end of the driveway adjacent to the project. If determined by the Town Engineer a 0.10 foot grind of the existing pavement may be required. A 0.08 foot (1 inch) grinding shall be completed adjacent to the gutter.**

Applicant's Initial_____

E3. The applicant's Engineer shall provide a striping plan for Barberry Avenue replacing the existing striping after construction of the street improvements meeting the Town Engineer's approval.

E4. The applicant shall not begin work on the street improvements prior to the Town's approval.

a) **The applicant shall complete the improvements for Barberry Avenue from the edge of the cross gutter to the south edge of the driveway.**

b) The applicant shall complete all other improvements including replacement of, damaged curb and gutter, damaged sidewalk, and other damaged infrastructure on Barberry Avenue and on SR 62 as determined by the Town.

c) Work within SR 62 right-of-way will require an encroachment permit from Caltrans. The applicant shall conform to the requirements of the approved encroachment permit.

d) The applicant shall complete the landscape improvements within the SR 62 dedicated area adjacent to the project. No structures are allowed within this area without an encroachment permit.

E5. In lieu of an engineered drainage report the retention basin shall be sized to retain 550 cubic feet of storm water for each 1,000 square feet, and increments thereof, of impervious area proposed.

E6. Precise Grading plans shall be submitted for review/approval by the Town. Grading plans shall include details of any retention area proposed.

E7. 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.

E8. 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. Certification is to be on Town of Yucca Valley supplied form(s), included with the permit package.

E9. Prior to the issuance of a Grading Permit for the onsite areas, a Grading Plan, including Rough Grading and Precise Grading Plans, 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.

Applicant's Initial_____

E10. A licensed civil engineer or land surveyor shall survey and provide pad certification for each individual lot or structure prior to issuance of building permits.

E11. 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 the site for development. The report shall identify if the site contains any areas susceptible to landslide risk, liquefaction potential and/or subsidence potential.. 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.

E12. All recommended approved measures identified in the Geotechnical and Soils Engineering report shall be incorporated into the project design.

E13. 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.

E14. 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.

E15. Basin(s) shall be designed to fully dissipate storm waters within a 48 hour period.

E16. 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

Applicant's Initial_____

and will operate in accordance with the approved final drainage report for the project.

E17. 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.

E18. All grading activities shall minimize dust through compliance with MDAQMD Rules 402 and 403.

E19. 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.

E20. 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.

E21. 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.

E22. 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.

E23. 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

E24 .Street improvements 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 of the project.

E25. 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.

Applicant's Initial_____

E26. 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.

E27. 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 constructed 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.

E28. 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.

E29. All improvement plans shall be designed by a Registered Civil Engineer.

E30. 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.

E31. 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. All costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs shall be the responsibility of the applicant.

E32. 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

Applicant's Initial_____

and maintain the erosion control system from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities.

E33. Drainage easements, when required, shall be shown on the grading plan and separate legal descriptions and plats prepared delineating the location of the easements.

E34. Private drainage easements for cross-lot drainage shall be dedicated by separate instrument and delineated on the grading plan.

E35. 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.

E36. All permanent street closures must be approved by Town Council action.

E37. 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".

E38. 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.

E39. The applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town.

E40. The applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property.

E41. All street improvements shall be constructed in conjunction with the first phase.

Applicant's Initial_____

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 complete sets of plans and provide all plans and calculations electronically at the time of plan review.

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, finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.

B5. Obtain California Regional Water Quality Control Board approval for on-site septic/ treatment system if discharge exceeds 2,500 gallons per day.

B6. Obtain San Bernardino Environmental Health Approval for on-site septic/treatment system.

B7. Provide required ADA access plan (parking, path of travel, building access, restroom, ADA workspace, etc.).

B8. All plans to be stamped and wet signed by California Licensed Engineer or Architect.

B9. All plans to comply with the California Building Codes including Green Building Code, in effect at the time of plan submittal.

B10. Following approval of the building plans, electronic copies of all plans and documents shall be provided in an electronic format approved by the Town.

FIRE CONDITIONS

Applicant's Initial_____

F1. Prior to commencing any construction, the applicant shall contact the San Bernardino County Fire Department for verification of current fire protection requirements. All new construction shall comply with the current 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 San Bernardino County Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site.

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 San Bernardino County Fire Department Requirements.

F6. The applicant shall provide the San Bernardino County 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.

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. Water pressures in the area may be in excess of 125psi. The installation of pressure regulators on service laterals may be indicated.

Applicant's Initial_____

H4. Reduced pressure (RP) backflow devices may 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. 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.

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 _____

Applicant's Initial_____

Art Miller, Jr.
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(760) 401-3984 cell
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September 15, 2014

Shane Stueckle
Town of Yucca Valley
57090 Twentynine Palms Hwy
Yucca Valley, CA 92284

Re: Site Plan Review, SPR 02-07

Dear Mr. Stueckle,

The Site Plan Review, SPR 02-07 was extended as of the Planning Commission approval at their October 26, 2011 meeting and will expire on November 6, 2014 per the attached letter. I am asking that this Site Plan be renewed again for the maximum time available. I still want to keep this site as a buildable project.

Thank you in advance for your past and future consideration on this matter.

Sincerely,

Art Miller, Jr.

Enclosure

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TOWN OF YUCCA VALLEY
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Planning Commission: November 6, 2007

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

Case: SITE PLAN REVIEW 02-07

Request: A REQUEST TO CONSTRUCT A 6,000 SQUARE FOOT OFFICE BUILDING ON 0.55 ACRES. THIS PROJECT IS EXEMPT FROM CEQA UNDER CATEGORICAL EXEMPTION 15332, INFILL DEVELOPMENT.

Applicant: ART MILLER JR.
56475 29 PALMS HIGHWAY
YUCCA VALLEY, CA 92284

Property Owner: ART MILLER JR.
56475 29 PALMS HIGHWAY
YUCCA VALLEY, CA 92284

Representative: SY GOLUB
56279 BUENA VISTA, #15
YUCCA VALLEY, CA 92284

Location: THE SOUTHEAST CORNER OF BARBERRY AVENUE AND HIGHWAY 62; ASSESSORS PARCEL NUMBER 595-371-21

Surrounding Land Use:

NORTH:	HWY 62, EXISTING COMMERCIAL DEVELOPMENT
SOUTH:	EXISTING COMMERCIAL DEVELOPMENT
WEST:	BARBERRY AVE., EXISTING COMMERCIAL DEVELOPMENT
EAST:	EXISTING COMMERCIAL DEVELOPMENT

Surrounding General Plan Land Use Designations:

NORTH:	GENERAL COMMERCIAL
SOUTH:	NEIGHBORHOOD COMMERCIAL
WEST:	OFFICE COMMERCIAL
EAST:	NEIGHBORHOOD COMMERCIAL

Existing General Land Use Designations:

NEIGHBORHOOD COMMERCIAL

Surrounding Zoning Designations:

NORTH: GENERAL COMMERCIAL

Division Approvals:
Engineering _____ Building & Safety _____ Public Works_____

SOUTH:	NEIGHBORHOOD COMMERCIAL
WEST:	OFFICE COMMERCIAL
EAST:	NEIGHBORHOOD COMMERCIAL

Existing Zoning Designations:

NEIGHBORHOOD COMMERCIAL

Public Notification:

PURSUANT TO SECTION 83.010330, LEGAL NOTICE IS REQUIRED TO BE GIVEN TO ALL PROPERTY OWNERS WITHIN A THREE (300) HUNDRED FOOT RADIUS OF THE EXTERIOR BOUNDARIES OF THE SUBJECT SITE. AS REQUIRED, THIS PROJECT NOTICE WAS MAILED TO ALL PROPERTY OWNERS WITHIN A 300 FOOT RADIUS OF THE PROJECT SITE ON OCTOBER 24, 2007 AND PUBLISHED ON OCTOBER 24, 2007. PROPERTY OWNERS WITHIN 300 FEET WERE NOTIFIED. THERE HAS BEEN NO RESPONSE TO THE PUBLIC NOTICE FROM THE PROPERTY OWNERS AT THE WRITING OF THIS STAFF REPORT.

RECOMMENDATIONS:

SITE PLAN REVIEW 02-07: That the Planning Commission approve Site Plan Review 02-07 based on the findings contained within the staff report and the recommended Conditions of Approval.

PROJECT MANAGER: NICOLE SAUVIAT CRISTE

REVIEWED BY: TOM BEST

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

I. GENERAL INFORMATION

PROJECT DESCRIPTION: The applicant proposes the construction of a 6,000 square foot office building on a site previously occupied by a fast food restaurant. 3,465 square feet of the space will be occupied by the applicant's realty office. The balance will be leased to unspecified tenant(s).

LOCATION: The parcel is located at the southeast corner of Barberry Avenue and State Route 62.

PROJECT SYNOPSIS:	SITE COVERAGE
PROJECT AREA	0.55 acres
FLOOD ZONE	Zone B
ALQUIST PRIOLO ZONE	No
OFF-SITE IMPROVEMENTS REQ.	Yes, overlay on Barbary Avenue
RIGHT-OF-WAY DEDICATION REQ.	Yes, Highway 62
AIRPORT INFLUENCE AREA	No

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: The proposed subdivision is located in the Neighborhood Commercial land use designation. The proposal is for an office structure, with a mix of tenants. The Neighborhood Commercial designation allows a wide range of commercial uses, including professional office. The project is therefore considered consistent with the General Plan.

ENVIRONMENTAL CONSIDERATIONS: The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to Implement same. The Town determined that the proposed project was exempt from CEQA under Categorical Exemption 15332, Infill Development.

ADJACENT LAND USES: The project occurs in an area which is fully developed. Commercial land uses occur on all sides of the proposed project.

SITE CHARACTERISTICS: The site is flat, and includes the previous building's foundation and similar abandoned improvements. The site is part of an existing retail complex.

BUILDING ELEVATIONS: The applicant proposes a contemporary architecture for the building. Further analysis is provided below.

OFF-SITE IMPROVEMENTS: The right of way for Highway 62 has for many years been 110 feet. As the Planning Commission is aware, a few years ago, the Town of Yucca Valley changed the right of way to 134 feet, and the Town processed a General Plan Amendment consistent with that change. There is no timeline from Caltrans on the widening of the Highway. As a result, the Town has previously conditioned projects to dedicate the additional right of way and pay in lieu fees for the widening of the Highway. The improvements will be completed in the future, and in an organized and consecutive fashion. The same condition has been placed on this application.

Barberry Avenue is constructed to its full width, but is in very poor condition. The applicant will be required to improve (overlay) a portion of Barberry as part of the project.

MAINTENANCE ASSESSMENT DISTRICTS: The approval is the project includes the requirement to form maintenance assessment district(s) for the purpose of maintaining such public improvements as pavement, drainage facilities, curb and gutter, sidewalk, landscaping, lighting, and other public improvements. In the case of this project, the maintenance district would include the following: Barberry Avenue, State Route 62, sidewalk, curb and gutter, drainage, landscaping, and other public improvements.

The types of improvements described often include pavement, drainage facilities, curb& gutter, sidewalk, landscaping, and lighting; and may be maintained by maintenance district(s) for landscape, lighting, streets, drainage facilities, or other infrastructure as required by the Town.

DISCUSSION: The proposed project will result in a single story, 6,000 square foot contemporary office building on 0.55 acres. Also included in the project is a parking area

consisting of 17 parking spaces, immediately east of the building an additional 8 parking spaces are proposed along the entry drive on the south side of the building. Landscaping is proposed along the frontage of Barberry and Highway 62. In the case of Highway 62, this landscaping would be 30 feet in width immediately, and 15 feet in width when the Highway is widened. The proposed landscaping on the project site meets the Development Code requirements.

The applicant proposes a 25 foot wide driveway from Barberry Avenue into the project site. The Fire Department requirement for interior drives is 26 feet in width. The Fire Department advised the applicant in Development Review Committee that the driveway was to be 26 feet in width. The re-submittal made by the applicant still reflects a shortfall. Staff contacted the Fire Department to enquire as to the requirement, and has been unsuccessful in receiving a response. The project has therefore been conditioned to require approval by the Fire Department of the 25 foot driveway width and demonstrate same to the Town prior to the issuance of building permits.

The proposed project requires 24 parking spaces for general office use. A total of 25 spaces have been provided. This includes the row of parking on the south side, which could be affected by the width of the driveway. However, should the additional foot of width be required by the Fire Department, the building could be adjusted to allow the additional foot of width. The parking area is landscaped, and includes a garden wall 3 feet in height on the Highway 62 frontage, to shield the parking area from view.

The applicant proposes a contemporary architecture, including stucco walls, stone veneer accents, and a metal standing seam roof. Earth tones are proposed, which will blend well with the center in which the project is located. Extensive windows have been provided on all sides, under an overhang which goes around the entire building. The building is proposed to be 20 feet in height at the highest ridge. The roof will appear to be a gabled, but will include an equipment well in the center. This will serve to screen mechanical equipment from view. The main entry to the building will be from the parking lot on its east side, accented by an integrated canopy which will extend to the parking area. Access to the smaller lease space will be from the west.

The applicant's engineer submitted a letter on September 19, 2007 which requested amendment to a number of the proposed conditions of approval. The Town Engineer considered

the requests, and made amendments in a response dated September 25, 2007. The conditions of approval below reflect this response. The two letters are attached to this staff report as Attachments 4 and 5.

In conclusion, the project will make an attractive addition to the Town's commercial corridor. All Development Code standards have been met, and the findings for approval can be made.

FINDINGS:

1. The conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare. The Conditions of Approval ensure the proposed project is in compliance with the requirements of the Town of Yucca Valley in relation to access, circulation, fire protection, building construction, and compatibility with surrounding land uses.

2. The proposed project is consistent with the goals, policies, standards and maps of the Town of Yucca Valley General Plan insofar as office space is a permitted use in the Neighborhood Commercial land use designation.

3. The proposed use is consistent with development within the Neighborhood Commercial Land Use District, with implementation of the conditions of approval.

4. The site is physically suitable for the proposed type and intensity of development insofar as the site is flat, and served by all utilities.

5. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features have been included in the proposed site plan and conditions of approval.

6. The site for the proposed use has adequate access, by providing access on Barberry Avenue.

7. The proposed use will not have a substantial adverse effect on abutting property or on the permitted use thereof, insofar as the project site is an integral part of an existing retail complex.

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

Attachments:

1. Standard Exhibits
2. Application materials
3. Site Plan, Landscaping Plan and Elevations
4. Letter from Warner Engineering dated September 19, 2007.
5. Response from Town Engineering dated September 25, 2007.

CONDITIONS OF APPROVAL
Site Plan Review 02-07

1. This approval is for Site Plan Review 02-07, an application to allow the construction of a 6,000 square foot office building on 0.55 acres. The property is identified as Assessor Parcel Number 595-371-21.

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

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

   Approval Date: November 6, 2007
   Expiration Date: November 6, 2009

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

7. 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.

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

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

10. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.

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

12. Prior to the issuance of a building permit the applicant shall obtain Fire Dept. approval of the site plan and building plans. The applicant shall comply with the conditions and requirements of the Town's Fire Dept. Prior to any construction occurring on any parcel, the applicant shall contract the Fire Dept. for verification of current Fire Protection requirements. The applicant shall in particular demonstrate, in writing, that the Fire Department approves the 25 foot width of the southerly driveway from Barberry Avenue into the project site.

13. An exterior lighting plan, in conformance with Town Outdoor Lighting Ordinance, and including a photometric plan, shall be submitted to the Town for approval prior to the issuance of grading permits.

14. Prior to the issuance of a building permit certification from the appropriate school district shall be provided as required by California Government Code Section 53080 (b) that any fee charge, dedication, or other form of requirement levied by the governing board of the district pursuant to Government Code Section 53080 (a) has been satisfied.

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

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

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

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

17. No signs are approved with this Site Plan Review. Sign application(s) shall be made separately for all signage (including the proposed horse) on the property.

18. Twentynine Palms Highway is a State facility with an ultimate half-street right-of-way requirement of 67 feet. The Applicant/Owner shall dedicate to Caltrans and the Town of Yucca Valley adjacent to the property the additional required ultimate half width street right-of-way for SR 62 from the existing right-of-way line to the 67 feet of width from the Highway centerline. The dedication shall conform to Caltrans requirements. To provide room for ADA required wheel chair ramp and access at the corner, the applicant shall dedicate a "corner cut-off" at the northwest corner of the property. This dedicated width shall be shown on the plans.

19. Rather than constructing the ultimate improvements for Twentynine Palms Highway including construction of one-half of the median island improvements, the Applicant shall calculate fair share costs and pay in-lieu fees that will be compensation for this portion of a future SR 62 widening project. The in-lieu fees shall be paid prior to certificate of occupancy.

20. The applicant shall landscape and maintain the area of the dedicated right-of-way.

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

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

23. 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 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.

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

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

PRIOR TO ISSUANCE OF GRADING PERMIT

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

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

28. Prior to the issuance of a Grading Permit, a Grading Plan prepared by a recognized civil engineer professional shall be submitted by the applicant for Town review and approval. Show all easements crossing the property. No clearing or grading shall commence without issuance of a Grading Permit by the Town. The prepared Grading Plan shall conform to the approved site plan. The final Grading Plan shall be reviewed and approved by the Engineering Division prior to issuance of Grading Permits. No grading on the property may begin without an approved Grading Plan and Grading Permit. The applicant/owner is responsible for all fees incurred by the Town for review and inspection.

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

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

31. All grading activities shall minimize dust through compliance with AQMD Rule 403 which requires watering during earth moving operations. Water spraying or other approved methods shall be used during any grading operations to control fugitive dust. A Dust Mitigation Plan shall be submitted to the Town Planning Department and Engineering Department prior to issuance of Grading Permits for the project. Dust control shall be in conformance with MDAQMD requirements. Graded, undeveloped and other open area shall be treated with a dust polymer as approved by the Community Development Department.

32. The developer shall comply with NPDES requirements as applicable, and employ Best Management Practices to control runoff and debris flow off of the site. Erosion control devices shall be included on the Grading Plan, and installed and maintained by the contractor to the satisfaction of the Town. Prior to rough grading, erosion control devices shall be installed at all perimeter openings and slopes. No sediments are to leave the job site. This information shall be provided as part of the grading plan subject to approval by the Town Engineer.

33. The applicant's Engineer shall submit a final Drainage Report with the engineered grading plan submittal. The Report shall include the property's tributary area, amount of property run-off and location of drainage "pick-up" points. The project shall detain the required incremental increase in runoff generated by the improvements. Calculate the required volume to be retained and include the bottom elevation, the water surface elevation, and the required freeboard for the retention basin. Provide a complete, clear, and accurate overall drainage map of the project. Reference the tributary areas in the report and show the Q's resulting from those areas on the drainage map. Include the ten year Q, the 25 year Q, the 100 year Q, the on-site and off-site drainage patterns, both the existing and the proposed.

34. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties at the time the site is developed.

35. The developer shall establish a mechanism to maintain any retention/detention basins and keep them free from brush and other debris. They shall be cleaned and scraped on a regularly scheduled maintenance program.

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

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

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

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

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

41. Prior to any work being performed within Twentynine Palms Highway (SR 62), the applicant shall be required to process his improvement plans through Caltrans and obtain an encroachment permit from Caltrans.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

42. The Applicant's Engineer shall design the pavement section based upon the Soils Engineer's recommendation for the overlay of the half street pavement for Barberry Avenue from the south edge of the SR 62 cross gutter to the south end of the driveway adjacent to the project. The Engineer shall design the overlay of the full-width pavement section from the edge of the cross gutter at SR 62 to 10 feet south of the cross gutter. The contractor shall maintain the minimum required cross-fall from the street crown to the gutter edge.

43. All damaged curb & gutter, sidewalk, and other damaged infrastructure surrounding the site must be replaced to Town/Caltrans standards, as pertains.

44. The Applicant's Engineer shall provide a striping plan for Barberry Avenue replacing the existing striping after construction of the street improvements meeting the Town Engineer's approval.

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

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

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

47. The Applicant's contractor shall not begin work on the street improvements prior to the Town's approval.

    a) The developer's contractor shall complete the improvements for Barberry Avenue from the edge of the cross gutter to the south edge of the driveway. The structural

section determined by the Soils Engineer shall be rounded up to the nearest inch or 0.05 feet. The trenching for subsurface improvements shall conform to the Soils Engineer's requirements.

b) The Applicant shall complete all other improvements including replacement of, damaged curb and gutter, damaged sidewalk, and other damaged infrastructure on Barberry Avenue and on SR 62 as determined by the Town.

c) Work within SR 62 right-of-way will require an encroachment permit from Caltrans. The Contractor shall conform to the requirements of the approved encroachment permit.

d) The contractor shall complete the landscape improvements within the SR 62 dedicated area adjacent to the project. No structures are allowed within this area without an encroachment permit.

48. The applicant shall install all required water and sewer systems necessary to serve the project.

49. 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 City standards and the approval of the Town. The patching shall include a grinding of the pavement to a width four feet beyond the edge of the trench on each side, or as determined by the Town, and replacement with a full-depth asphalt concrete as recommended by the Soils Engineer. All trenching work shall be completed prior to the required street improvements.

50. 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/developer 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).

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

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

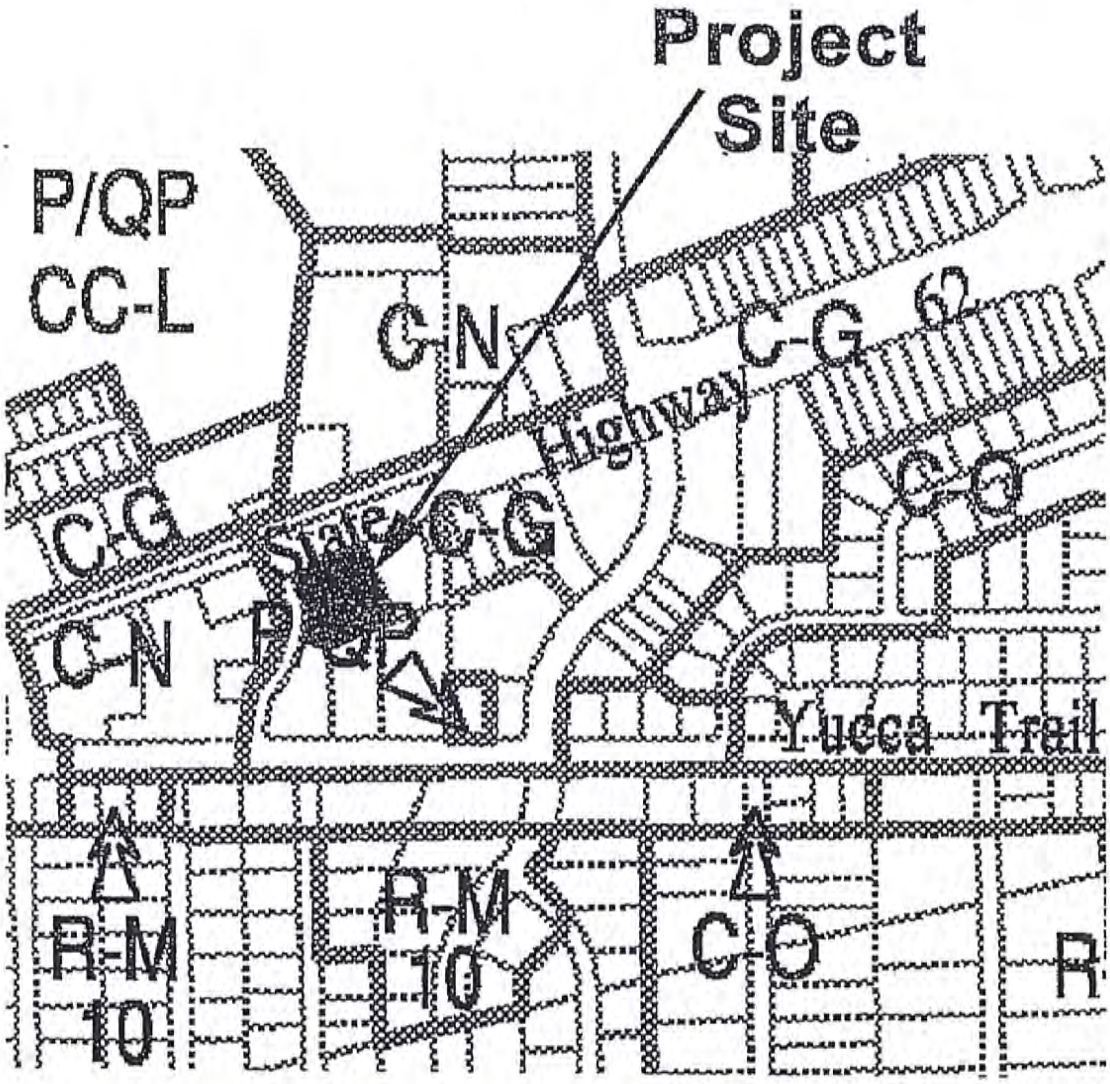
53. The applicant shall pay Development Impact Fees in place at the time of issuance of any Building Permits.

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

Applicant's Signature _____ Date _____

TOWN OF YUCCA VALLEY

PROJECT NO.: SPR 02-07 Miller



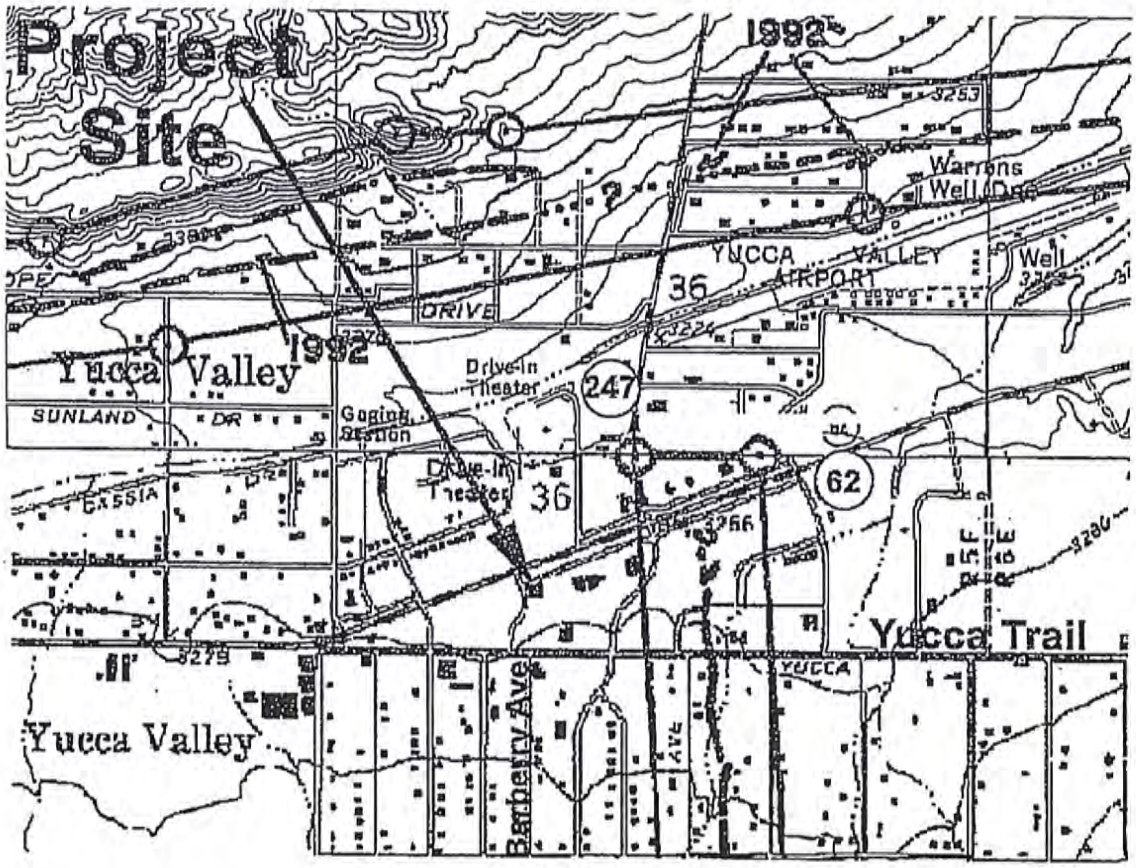
Source: OFFICAL ZONING DISTRICT MAP
Town of Yucca Valley
Adopted by Town Council: March 6, 1997
Revised September 22, 2005 Per Resolution No.

N

EXISTING ZONING AND GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: SPR 02-07 Miller



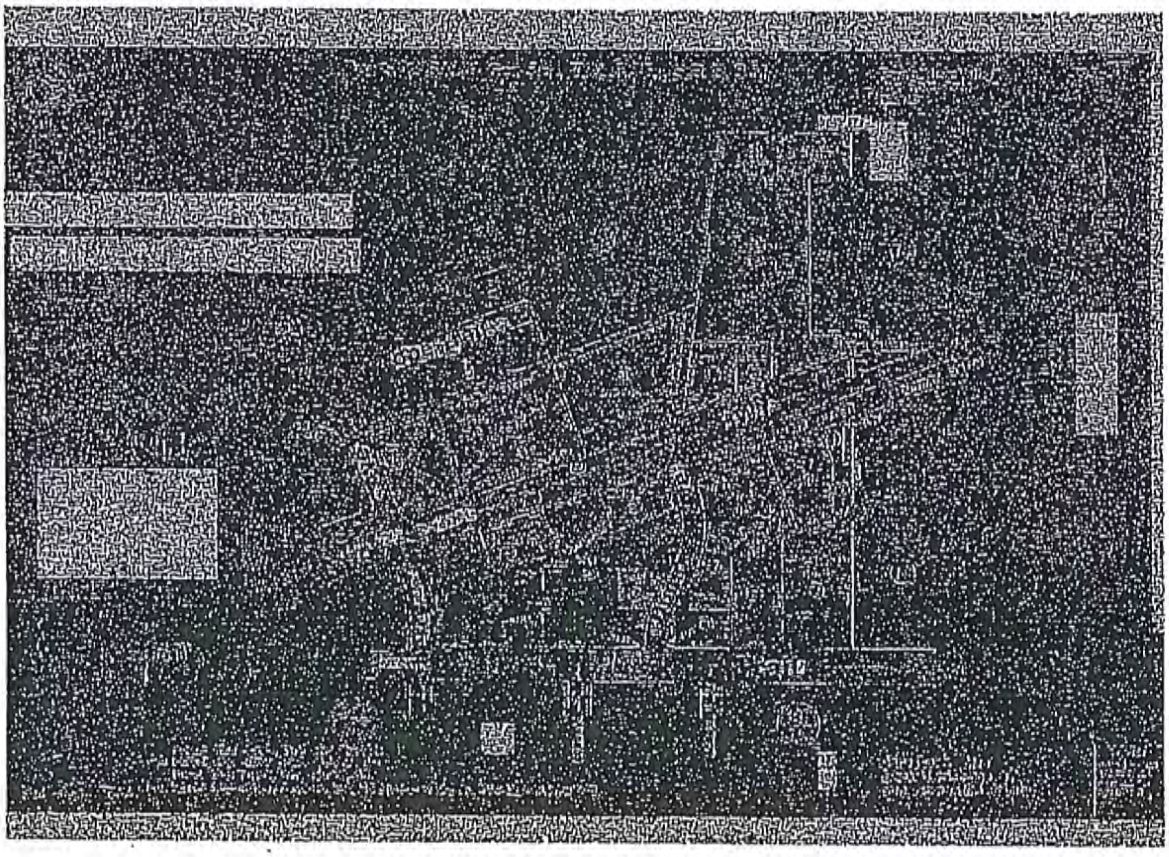
Source: USGS 7.5 Minute Quad Maps
Yucca Valley North & South CA July,1993

N

USGS TOPOGRAPHY MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: SPR 02-07 Miller

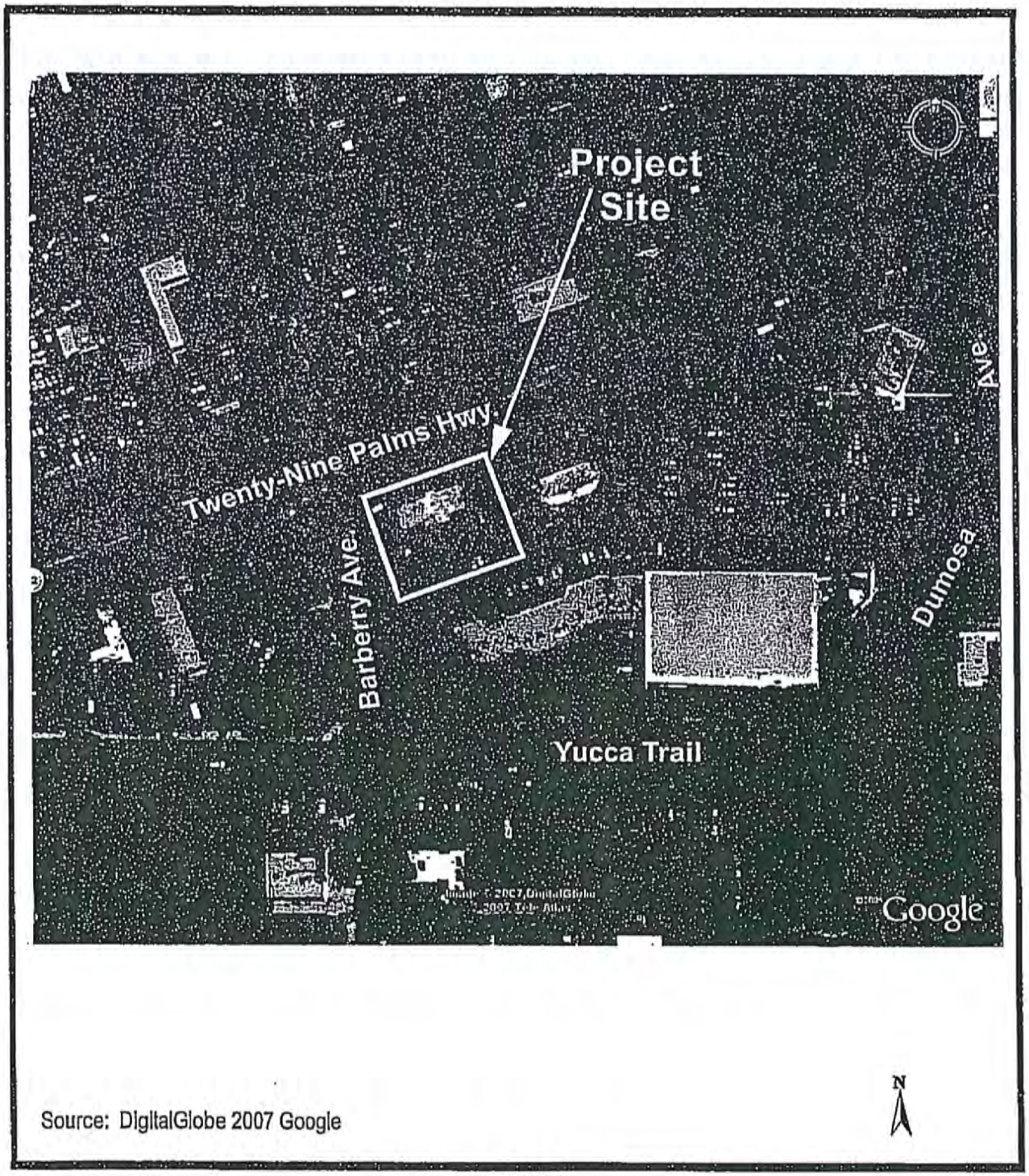


Source: Assessor's Map
Book 595, Page 37
San Bernardino County

ASSESSOR'S PARCEL MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: SPR 02-07 Miller



Source: DigitalGlobe 2007 Google

AERIAL

SITE/GRADING PLAN

PARCEL 4 PM# 5498

PREPARED BY:

GERALD SY GOLOB ARCHITECT

56279 BUENA VISTA DR. #15
YUCCA VALLEY, CA 92284
PH/FAX (760) 365-5200

GRAPHIC SCALE

30 0 30 60 90

SCALE: 1 INCH = 30 FEET

SITE PLAN PREPARED FOR :

PARCEL 4

YUCCA VALLEY REALTY, INC.
ART VALLEY JR. PRESIDENT
BEACH TO PALM HIGHWAY
YUCCA VALLEY, CA 92284

TITLE REPORT

FIRST AMERICAN TITLE INSURANCE COMPANY
INFORMATION RECEIVED MARCH 23, 2000

BASIS OF BEARINGS

THE SOUTH LINE OF PROPOSED PARCEL HOWARD FOR PARCEL MAP NO. 5198, PMB 71/58-59, BEING N 89°51'06" E

LEGAL DESCRIPTION

PARCEL NO. 4 OF PARCEL MAP NO. 5498 PER MAP RECORDED ON JANUARY 21, 1992 IN BOOK 53 OF PARCEL MAPS AT PAGES 28 AND 29 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN BERNARDINO.

EXCEPTING FROM THE FOLLOWING DESCRIBED PORTION OF PARCEL NO. 3 OF SAID PARCEL MAP NO. 5498:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL NO. 4;

THENCE N 00°34'06" E ALONG THE WESTERN LINE OF SAID PARCEL NO. 4 FOR A DISTANCE OF 1[illegible] FEET TO AN ANGLE POINT;

THENCE S 30°[illegible]'34" E FOR A DISTANCE OF 46.[illegible] FEET TO AN ANGLE POINT;

THENCE S 00°34'06" W ALONG A LINE PARALLEL TO SAID WESTERN LINE OF SAID PARCEL NO. 4 FOR A DISTANCE OF [illegible] FEET TO AN ANGLE POINT;

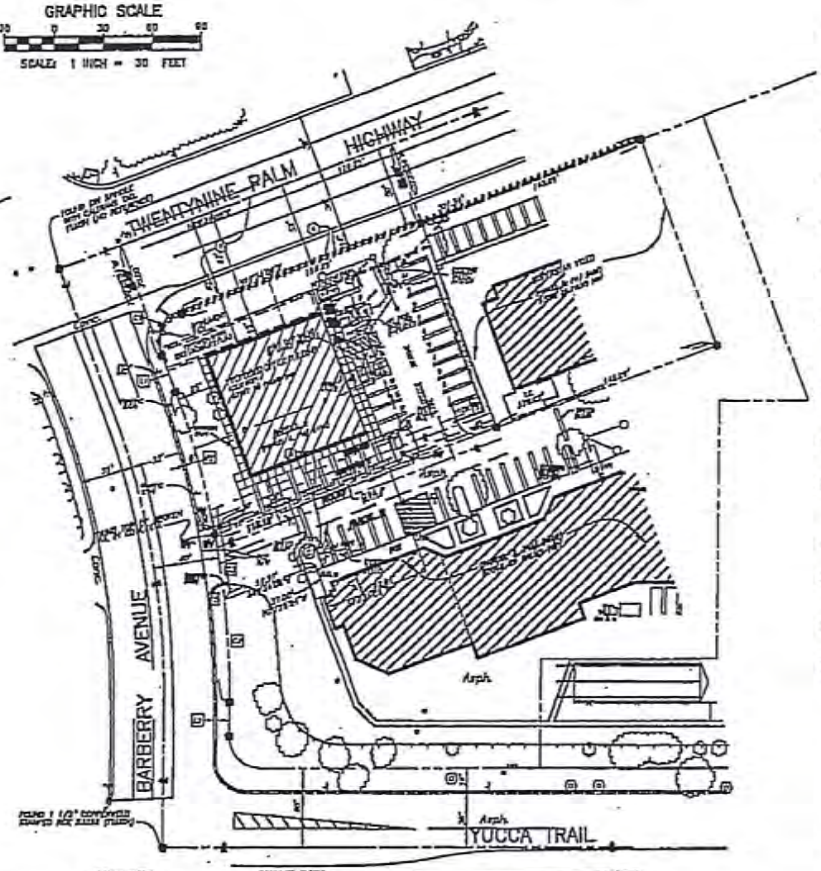
THENCE N 30°[illegible]'31" W FOR A DISTANCE OF 37.20 FEET TO AN ANGLE POINT;

THENCE S 00°34'06" W ALONG A LINE PARALLEL TO SAID WESTERN LINE OF SAID PARCEL NO. 4 FOR A DISTANCE OF [illegible] FEET TO THE INTERSECTION THEREOF WITH THE WEST LINE OF SAID PARCEL NO. 3;

THENCE FROM A TANGENT BEARING N 00°[illegible]'06" W, ALONG THE ARC OF THE LOTS CONCAVE NORTHERLY HAVING A RADIUS OF [illegible] FEET AND A CENTRAL ANGLE OF 0°[illegible]'[illegible]", FOR AN ARC DISTANCE OF [illegible] FEET TO THE POINT OF BEGINNING.

FLOOD ZONE

THE SUBJECT PROPERTY IS SITUATED WITHIN ZONE "X" ACCORDING TO MAP NO. 0[illegible]0[illegible]B, OF THE FLOOD INSURANCE RATE MAP OF YUCCA VALLEY DATED MARCH 16, 1982.



LINE DATA

[illegible]	N[illegible]°[illegible]'[illegible]"W [illegible]'
[illegible]	N[illegible]°[illegible]'[illegible]"W [illegible]'

CURVE DATA

[illegible]	R= 20'	Δ= [illegible]°	L= 31.[illegible]'
[illegible]	R= [illegible]'	Δ= [illegible]°	L= [illegible]'
[illegible]	R= [illegible]'	Δ= [illegible]°	L= [illegible]'
[illegible]	R= [illegible]'	Δ= [illegible]°	L= [illegible]'
[illegible]	R= [illegible]'	Δ= [illegible]°	L= [illegible]'

IMPORTANT NOTICE

SECTION 4216/4217 OF THE GOVERNMENT CODE REQUIRES A 2DD ALERT NOTIFICATION MARKER BE ISSUED BEFORE A "PROJECT TO COMMENCE" WILL BE VALID FOR YOUR 2DD ALERT LOG, MARKER CALL UNDERGROUND SERVICE ALERT
TOLL FREE 1-800-227-2600
TWO (2) WORKING DAYS BEFORE YOU DIG

UTILITY COMPANIES

SCHOOL DISTRICT	MORONGO UNIFIED SCHOOL DISTRICT 2111 SHOW TRAIL P.O. BOX 1329 THOUSAND PALMS, CALIFORNIA 92277 ATTN: CLAY JONES PHONE (760)[illegible]-[illegible]
WATER	HIGH DESERT WATER DISTRICT 55439 INDUSTRIAL PARK AVE. YUCCA VALLEY, CALIFORNIA 92284 ATTN: MARTY [illegible] PHONE (760)[illegible]-[illegible]
TELEPHONE	VERIZON BUSINESS SERVICE PHONE (800) 483-[illegible]
ELECTRICITY	EDISON INTERNATIONAL 6250 OLD BOSWELL SPRINGS ROAD YUCCA VALLEY, CALIFORNIA 92284 PHONE (760)[illegible]-[illegible]
NATURAL GAS	SOUTHWEST GAS COMPANY P.O. BOX [illegible] BARSTOW, CALIFORNIA 92311 ATTN: LINE LOCATION PHONE (800) 427-[illegible]
CABLE	TIME-WARNER [illegible] EDWARDS DRIVE YUCCA VALLEY, CALIFORNIA 92284 PHONE (760)[illegible]-[illegible]
REFUSE	WASTE MANAGEMENT 4270 NEWHOP ROAD YUCCA VALLEY, CALIFORNIA 92284 ATTN: [illegible] PHONE (760)[illegible]-[illegible]
SEWER	[illegible]

EASEMENT NOTES

1. AN EASEMENT IN FAVOR OF THE COUNTY OF SAN BERNARDINO FOR HIGHWAY AND ROAD PURPOSES PER BOOK 3108, PAGE 318, OFFICIAL RECORDS. (SEE 11 OF TITLE CONDITIONS)
2. A 25-FOOT WIDE EASEMENT IN FAVOR OF MI-CODEY COUNTY WATER DISTRICT FOR PIPE LINE PURPOSES PER INSTRUMENT NO. 89-[illegible]3, OFFICIAL RECORDS. (SEE 12 OF TITLE CONDITIONS)
3. 10-FOOT WIDE EASEMENT IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY FOR ABOVE GROUND OR UNDERGROUND CONDUCTS OR BOTH AND INCIDENTAL PURPOSES PER INSTRUMENT NO. 83-[illegible]3, OFFICIAL RECORDS. (SEE 13 OF TITLE CONDITIONS)
4. ADDITIONAL DEDICATION TO THE COUNTY OF SAN BERNARDINO FOR PARCEL MAP NO. 5498, PMB 53/29-30
5. BLANKET EASEMENTS FOR ACCESS, SCENICS, PARKING, AND UTILITIES FOR THE USE AND BENEFIT OF ALL PARCELS IN PARCEL MAP 5498 PER INSTRUMENT NO. 89-[illegible]3, OFFICIAL RECORDS. (SEE 14 OF TITLE CONDITIONS)
6. AN EASEMENT IN FAVOR OF THE COUNTY OF SAN BERNARDINO FOR HIGHWAY AND ROAD PURPOSES PER BOOK 3108, PAGE 318, OFFICIAL RECORDS. (SEE 9 OF TITLE CONDITIONS-NOT PLOTTABLE)
7. AN EASEMENT IN FAVOR OF THE COUNTY OF SAN BERNARDINO FOR HIGHWAY AND ROAD PURPOSES PER BOOK 3108, PAGE 318, OFFICIAL RECORDS. (SEE 10 OF TITLE CONDITIONS-NOT PLOTTABLE)

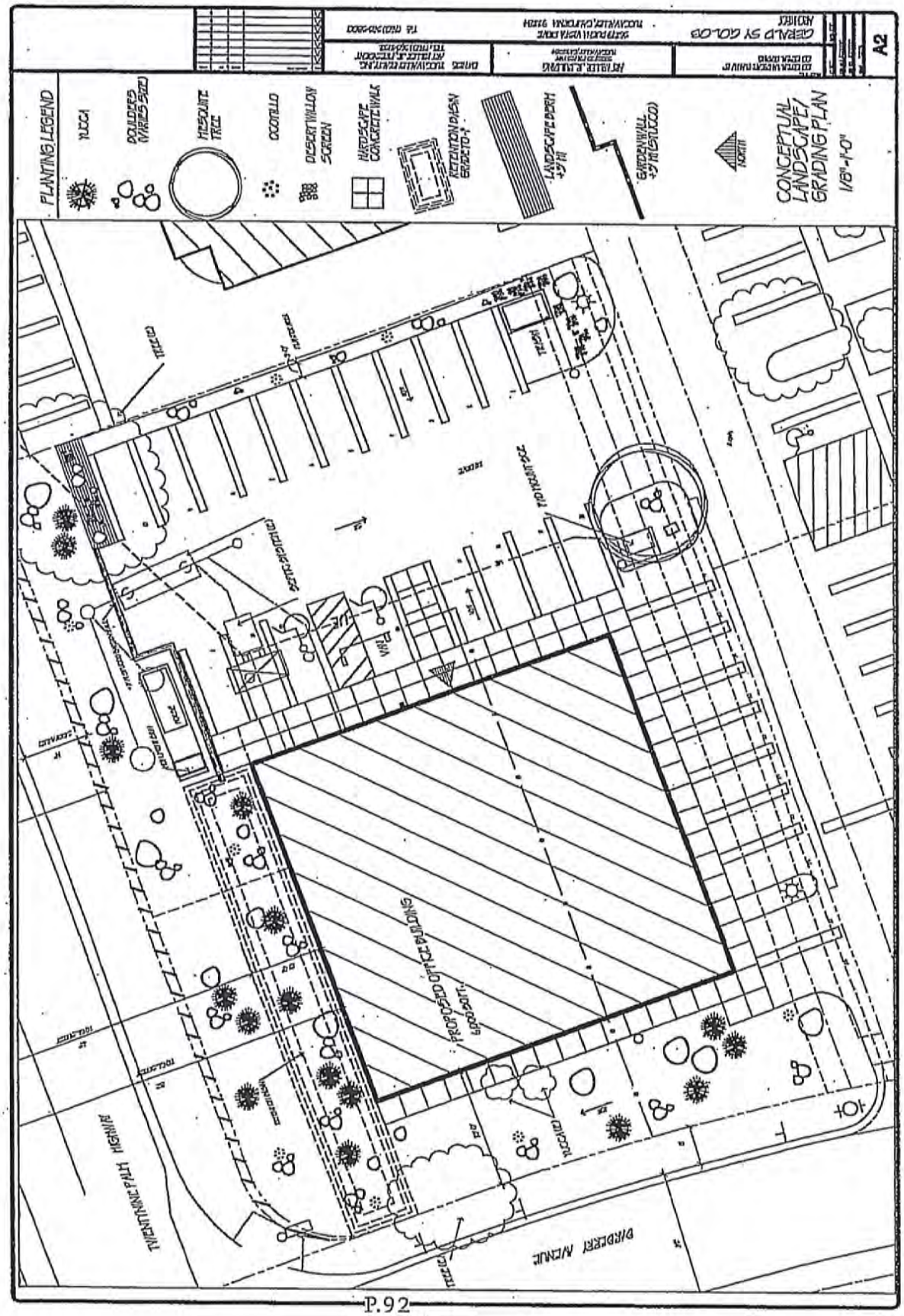
VICINITY MAP

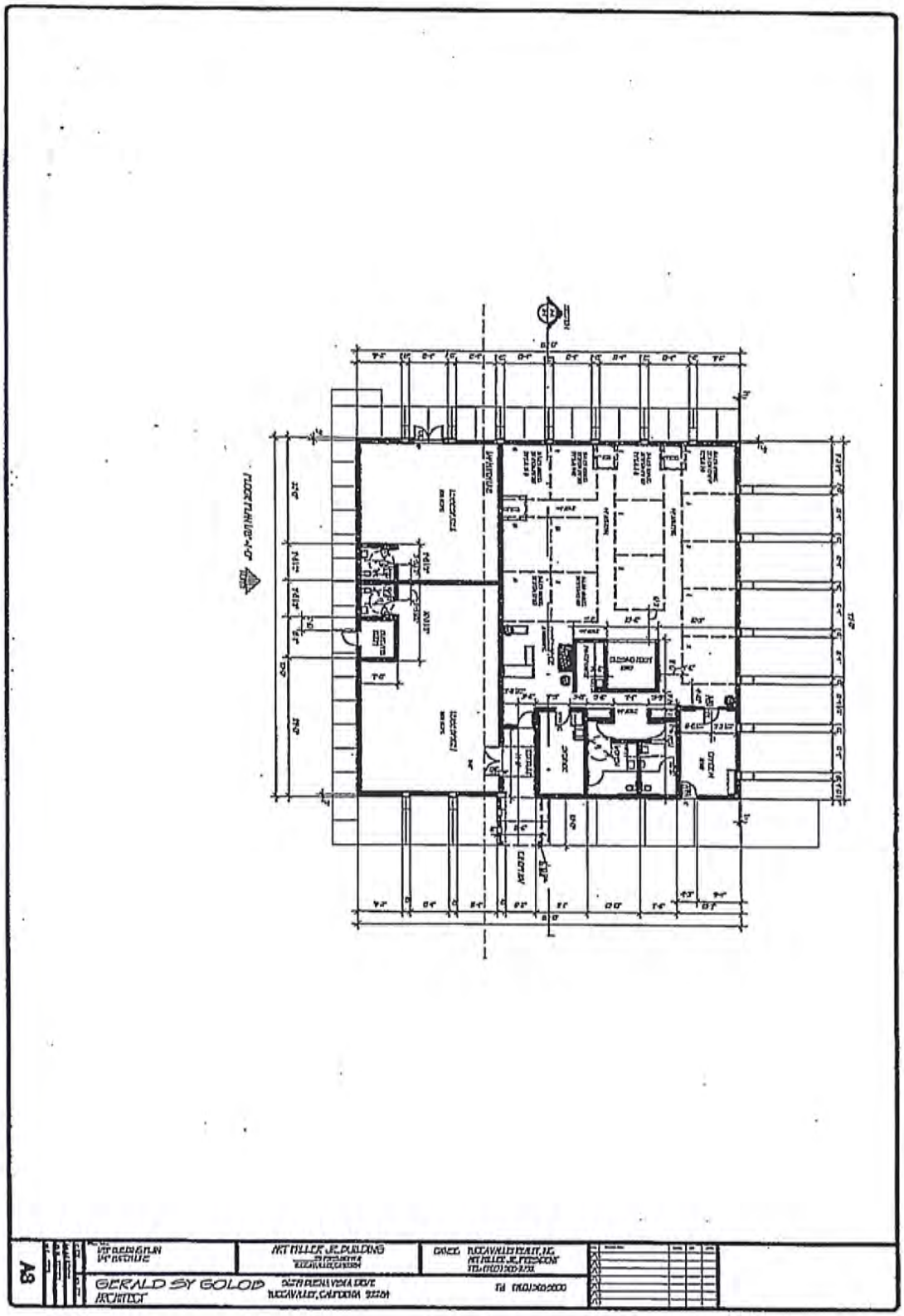
NOTES

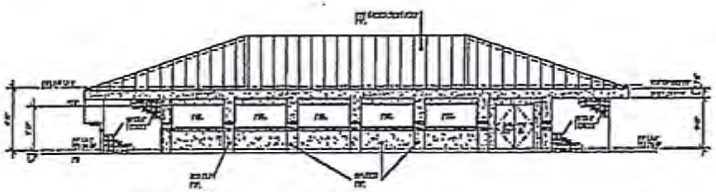
1. CURRENT ZONING OF SUBJECT AND CONTIGUOUS PARCELS C-4
2. BENCH MARK: DATA [illegible] (NAVD 29) GPS CONTROL POINT (SE [illegible]) [illegible] COUNTY WIDE CONTROL NETWORK, BASED ON [illegible], A.S.
3. NO PUBLIC STREET CURB OR SIDEWALK EXIST ON OR ADJACENT TO THE SITE.
4. ALL EXISTING BUILDINGS ARE SINGLE STORY AND SHOWN IN GENERAL DETAIL ONLY, AND ARE INTENDED FOR DEMOLITION BY DEVELOPER.
5. TOTAL PARCEL AREA: PARCEL 4 = [illegible] ACRES
6. BUILDING SET BACK REQUIREMENTS (FROM TOWN OF YUCCA VALLEY):
   - FRONT STREETS: 15 FEET
   - SIDE STREETS: 15 FEET
   - REAR: 5 FEET
   - SIDE: 5 FEET
7. ALL UNDERGROUND UTILITY AND STRUCTURE LOCATIONS DEPICTED ARE APPROXIMATE ONLY.
8. ASSESSOR'S PARCEL NUMBER — PARCEL 4: [illegible]

LEGEND

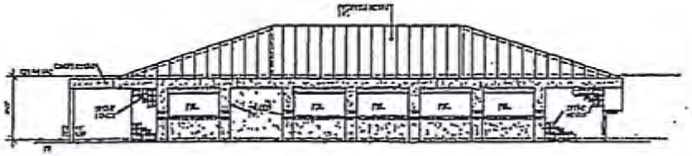
- [illegible] INDICATES FOUND 1" IRON PIPE [illegible] PER PMB 53/29-30, UNLESS OTHERWISE NOTED
- INDICATES EXISTING LANDSCAPING
- INDICATES EXISTING SURFACE CONTOUR
- INDICATES CONCRETE
- INDICATES WATER VALVE
- INDICATES PROPERTY LINE
- INDICATES WALL OR FENCE
- INDICATES WATER METER
- INDICATES GAS METER
- INDICATES EXISTING PARKING LOT LIGHT
- INDICATES TOP OF EXISTING CURBED SLOPE
- INDICATES NON-TANGENT CURVED PORTS REFERENCED TO COUNTY OF SAN BERNARDINO PER PMB 53/29-30
- INDICATES EXISTING BUILDING (SHALL EXIST) OR PROPOSED AS NOTED
- INDICATES EXISTING TRASH ENCLOSURE
- INDICATES SANITARY SEWER MANHOLE
- INDICATES SANITARY SEWER CLEANOUT
- INDICATES APPROXIMATE LOCATION OF EXISTING UNDERGROUND GAS LINE
- INDICATES APPROXIMATE LOCATION OF EXISTING UNDERGROUND ELECTRICAL LINES


PLANTING LEGEND
YUCCA
BOULDERS (VARIES SIZE)
MESQUITE TREE
OCOTILLO
DESERT WILLOW SCREEN
HARDSCAPE CONCRETE WALK
RETENTION BASIN GRADE TO -4
LANDSCAPE BERM +3' HI
GARDEN WALL +3' HI (STUCCO)
NORTH
CONCEPTUAL LANDSCAPE/ GRADING PLAN
1/8"=1'-0"
A2
PROPOSED OFFICE BUILDING
TWENTYNINE PALM HIGHWAY
DIRDERRY AVENUE

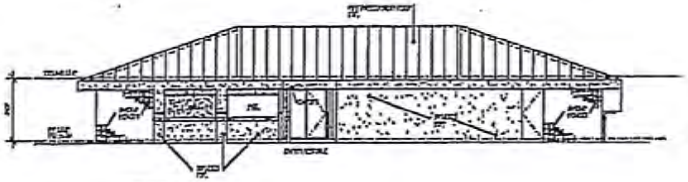

A8
GERALD SY GOLOD
ARCHITECT



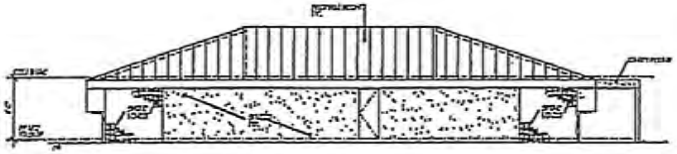
1/8" WEST ELEVATION



1/8" NORTH ELEVATION



1/8" EAST ELEVATION



1/8" SOUTH ELEVATION

A4

P.94
P.115

Mr. Lombardo stated he is comfortable with the wall the way it is because it is slightly angled. Mr. Huntington said it's only about 8%. Mr. McKoy commented its going to have to hold back a lot of dirt. Ms. Criste confirmed it will be pretty steep.

Mr. Huntington stated the wall is 13 feet tall for half the length of the building. A 3 foot terrace should be built at the 13 foot height along the rest of the building with 9 feet of wall above the terrace to break up the expanse. Ms. Criste stated with a 3 foot deep terrace there will still be room for parallel and possibly angled parking in the rear.

Ms. Criste requested that COA #8 be amended to delete the number 499.

Mr. Huntington moved that the Planning Commission amend COA #8 to delete the number 499; add a COA requiring terracing of the wall to a depth of approximately 3 feet with landscaping for that portion of the wall which rises above 13 feet; that the Commission determine that a Fitness Center shall be considered a permitted use within the building, subject to the same conditions as all other permitted uses; and, approve Site Plan Review SPR 06-05, Amendment #1 based on the findings contained within the staff report and the recommended conditions of Approval as amended. The motion was seconded by Mr. Goodpaster and passed unanimously by voice vote of the commissioners present.

Mr. McKoy recessed the meeting for 10 minutes at 8:50 p.m.

Mr. McKoy called the meeting back to order at 9:00 p.m.

Mr. Lombardo moved that the Planning Commission reconsider the amendment requiring terracing of the wall for Site Plan Review 06-05. The motion died for lack of a second. Mr. Willman rejoined the meeting.

5. SITE PLAN REVIEW SPR 02-07 – MILLER

A request to construct a 6,000 square foot office building on 0.55 acres located on the southeast corner of Barberry Avenue and Highway 62 and identified as APN 595-371-21.

With reference to the complete printed staff report, copies of which are preserved in the project and meeting files and are contained in the meeting packet, Contract Planner Nicole Criste presented the project discussion to the meeting. The driveway is shown at 25 feet wide. The Fire Dept. requires 26 feet and the project is conditioned to either widen the drive or acquire approval from the Fire Dept. The equipment well in the center of the building will be screened by the design of the roof and will not be visible from the street.

The applicant has an issue with the payment of in-lieu fees for the widening of SR62. The right-of-way designation for SR62 was changed from 110 feet to 134 feet for future construction based on Caltrans plans to widen the highway. Projects along SR62 since that change have been conditioned to dedicate the additional right-of-way and to provide in-lieu fees so as not to create a patch-work of widened pavement through town. SPR 06-05, the project just heard by the Commission, was conditioned to pay in-lieu fees two years ago.

The Town Engineer has requested that COA #42 be amended to read: The Applicant shall construct the pavement section of the half street pavement for Barberry Avenue from the

south edge of the SR 62 cross gutter to the south end of the driveway adjacent to the project with a 0.10 foot overlay. If required, 0.10 foot grinding shall be completed adjacent to the gutter.

The Town Engineer has requested that COA #47(a) be amended to read: The developer's contractor shall complete the improvements for Barberry Avenue from the edge of the cross gutter to the south edge of the driveway.

Mr. Goodpaster asked if the new overlay on Barberry would be part of the required maintenance district. Ms. Criste replied the maintenance district will maintain the pavement after it is installed, but the applicant is required to install the pavement. Because of the traffic on Barberry the Town Engineer feels requiring only the repair of the ½ width would be ineffective so repairs to the full width of Barberry are being required. Mr. Goodpaster felt that may be too extensive for the project.

Mr. Goodpaster asked if the in-lieu fees required by COA #19 are assessed against only new development or also against existing businesses on SR62. Ms. Criste replied, in this case, the calculation will be for only that portion of the highway on which this project fronts. As projects have been brought forward since the right-of-way changed, the COA for the in-lieu fee has occurred on redevelopment projects like this one and SPR 06-05. New projects, Home Depot for example, are being conditioned to construct the improvements. The Town Engineer will do a linear calculation based on today's costs.

Mr. Huntington commented there is no condition for sidewalks on SR62. Ms. Criste replied that is included in the in-lieu fees.

Mr. Willman asked if new development on the Outer Highway is subject to in-lieu fees. Ms. Criste replied if the Outer Highway would be eliminated by the widening and the property would then be adjacent to SR62, we have conditioned for in-lieu fees. The recently approved Oncology building may get land back because of it's proximity to SR62, as may In-N-Out Burger.

Mr. Lombardo questioned the size of the building on the lot. Ms. Criste replied it will not exceed the building coverage ratio of 60%.

Mr. McKoy requested and received confirmation that once the in-lieu fee is paid in today's dollars, no future payment will be required from this project for the widening of SR62.

Mr. McKoy opened the hearing to public comments.

Applicant representative Bill Warner of Nolte/Warner Engineering stated they estimate the in-lieu fee will be approximately $117,000 for this project at prevailing rates. Mr. Shah believes the in-lieu fee was set aside for SPR 06-05. Neither the hotel nor Applebee's was charged the fee. SR62 is a regional arterial highway which creates the traffic but only the property owners fronting on the highway are being asked to pay. This has been a blighted property since the previous business burned down. The applicant is not opposing the loss of land through the additional dedication of right-of-way which is valued at $34,000. However, Caltrans will have to purchase right-of-way from other property owners along the highway while the applicant has to give it away for free. The applicant is requesting that a waiver of the in-lieu fee be granted. Because the funding mechanism to completely

widen SR62 does not exist, charging an in-lieu fee now is premature. The applicant is not delighted with the change to COA #42 but it is more acceptable than the original COA.

Applicant Art Miller, Jr. of Yucca Valley agrees they are being unfairly burdened by the in-lieu fees which could be higher than $117,000. That fee would add 22% to the cost of construction which could make the project infeasible. The improvements to Barberry aren't necessary either because there are two other access points for the project; one from Dumosa and the other from SR62 in front of the Stater Brothers store. The parcel is currently an eyesore. When the original shopping center was developed all the on and off-site improvements required at the time were made.

Project architect Sy Golob of Yucca Valley stated a 26 foot wide driveway is possible and that they have elected to install a tile roof in the same color as the originally proposed composite roof.

Mr. Robert Gray of Yucca Valley stated the project will be a distinctive commercial building the Town needs. If the Town charges excessive fees, developers will go to other cities where they are welcomed and given incentives. The proposed fee is excessive.

Suresh Shah of Rancho Mirage stated what is happening here is opposite to what is happening in Palm Desert, Rancho Mirage and Indian Wells. When you develop along SR111 there, the cities do the off-site improvements for you. They did the off-site improvements for The Gardens and Desert Crossing. Here more burden is being put on the developer for the dedication of land and payment for future highway expansion. Let them dedicate the land and that should be enoug h.

Mr. McKoy closed the hearing to public comments.

Ms. Criste stated any new project in Town, regardless of its location, would be required to dedicate for roadways to the ultimate ½ width. Under normal conditions the Town would also require that the improvements be made. In this case, because of the small size of the project and discontinuous result if the improvements were made, in-lieu fees are being requested. The Commission has approved in-lieu fees for other projects which were discontinuous.

Regarding other cities in the lower desert, she is a contract planner for Palm Springs, Rancho Mirage, La Quinta, Coachella and San Bernardino. In all cases, a project would be required to complete all of its own off-site improvements at the developers' expense. The projects referred to by Mr. Shah are Redevelopment Projects funded by the city of Palm Desert which has an extremely rich Redevelopment Agency. The off-site improvements in the case of The Gardens on El Paseo were not required because El Paseo was already built out. The RDA contributed to the construction of the parking structure. It is standard for all communities in southern California to require off-site improvements when new development is proposed.

Mr. Goodpaster stated it seems unfair to burden redevelopment projects with paying in-lieu fees when there are other business along the highway that not only won't have to pay anything but will also be paid for the land taken for right-of-way.

Deputy Town Manager Shane Stueckle referred to comments made regarding regional transportation issues. Caltrans has adopted Concept Route Plans, formal legal

documents, for both SR62 and 247 stating that 4 traffic lanes are sufficient for regional traffic. The only reason the widening to 6 lanes is necessary is because of local development. The Town of Yucca Valley is 100% responsible for the widening of SR62 and SR247. This is not a regional issue, it is a local issue. Prop 13 tied the hands of local government and created the "new guy" tax. The recommendation before the Commission this evening is standard. There is nothing unusual or exorbitant in this approach to off-site improvements. There is a nexus between the impact of the project and SR62 because of trips generated, turning movements, etc. What is in question is the proportion and cost estimates of the fees. We cannot say today that existing developed lands will pay nothing. It is possible they will be paying their fair share. The underlying policy question is; how does the Town implement the requirements for infrastructure in the community. In the last 7 years, except for one that slipped through, every project has been required to either build or pay their fair share.

The opposite side of the fence is to not require improvements. Home Depot not only constructed their off-site improvement but also contributed to other improvements in the community based upon the traffic study. If new development projects do not construct improvements, we can fall below Levels of Service ("LOS") at intersections. If we go below LOS "D"; Federal resources can be cut off to the Town because we as a community would not be making the effort to keep traffic moving. We would also start to approach non-compliance with the SBDO County Congestion Management Program ("CMP") if we are not requiring improvements to the 2 roadways in the CMP which are SR62 and 246.

SR62 and SR247 are the two most expensive pieces of infrastructure for developing land today. We understand that and empathize. It is the standard approach. That doesn't necessarily make it right or fair or have equity but it is the end result of how cities in California have to do business.

Mr. Lombardo asked if the Town would be purchasing property along SR62. Ms. Criste stated if the widening occurs on property which is not developed and does not have COA for future development, or on a property that is currently developed and being asked to widen, the right-of-way would normally be purchased and the cost of the improvements would be assessed against the property on a fair share basis. Mr. Lombardo asked if the in-lieu fee can be reduced by the value of the land being dedicated for the right-of-way. Ms. Criste replied that is not the way it is normally done but the Commission could consider it. Normally, the dedication is part of the cost of development. Mr. Best stated that is how the Town has conducted business here and how it is done in other parts of the state and country.

Mr. Huntington stated the only problem we have is the in-lieu fee. All other projects approved along the highway in the past few years have been tasked with paying in-lieu fees or widening the highways, other than Applebees.

Mr. McKoy reopened the hearing to public comments.

Bill Warner stated this property is unique and distinct. There was a building there that created double the traffic proposed by the applicant. That building burned down. This is in-fill, re-establishing a commercial use. Home Depot required all of the improvements Shane discussed but this is a very different case on a much smaller scale. Ms. Criste commented that the site of the proposed In-N-Out Burger is very similar to this project and

In-N-Out was conditioned to make full ½ width improvements to SR247 and on the Outer Highway.

Mr. McKoy closed the hearing to public comments.

Mr. McKoy stated he sees this as sort of a reclamation project because the lot currently is an eyesore. He asked if that is taken into account. Ms. Criste replied ultimately no; the standard is the standard which is applied evenly to all projects. The requirement is for dedication and improvement of adjacent roadways. The applicant has the ability to request relief from the Redevelopment Agency.

Mr. Willman requested and received confirmation that no funds are available to widen SR62 unless the Town secures grants.

Mr. Huntington stated this is a difficult situation and we are not in the position to set a precedent. Mr. Miller can apply to the RDA or Town Council for relief but the Commission cannot do that. He moved that the Planning Commission approve Site Plan Review 02-07 based on the findings contained within the staff report as amended below:

> COA #42 be amended to read: The Applicant shall construct the pavement section of the half street pavement for Barberry Avenue from the south edge of the SR 62 cross gutter to the south end of the driveway adjacent to the project with a 0.10 foot overlay. If required, 0.10 foot grinding shall be completed adjacent to the gutter.
>
> COA #47(a) be amended to read: The developer's contractor shall complete the improvements for Barberry Avenue from the edge of the cross gutter to the south edge of the driveway.
>
> (And allowing tile roofing to be installed.)

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

6. PARCEL MAP PM 18472 – INVERNO

A request to subdivide a 28,174 square foot parcel into two 14,000± parcels in the residential single family, 5 units per acre land use designation located on the northwest corner of Onaga Trail and Camino Del Cielo and identified as APN 586-482-01.

With reference to the complete printed staff report, copies of which are preserved in the project and meeting files and are contained in the meeting packet, Contract Planner Nicole Criste presented the project discussion to the meeting. In the land use designation 8,000 s.f. lots could be proposed. These are significantly larger than that. Staff requests that the following COA be added in its entirety:

> In conjunction with the preparation of street improvement plans, the applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town. The applicant shall initiate the maintenance and benefit assessment district(s)formation by submitting a landowner petition and consent form (provided by

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES **SEPTEMBER 22, 2009**

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

Commissioners present: Chair Shannon Goodpaster, Commissioners Robert Lombardo, Dawn Rowe and Margo Sturges

Commissioner Dennis McKoy was absent due to a family emergency.

Chairman Goodpaster led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Ms. Sturges moved that the Agenda be approved, which motion was seconded by Ms. Rowe and passed unanimously by voice vote.

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

1. SITE PLAN REVIEW SPR 02-07 ART MILLER JR. - EXTENSION OF TIME

A request for a two (2) year extension of time for the project which was approved on November 6, 2007 for a 6,000 square foot office building project; located on the southwest corner of Barberry Ave. at SR62 and identified as Assessors Parcel Number 595-371-12.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. Mr. Kirschmann reported that this item was incorrectly listed on the agenda as a public hearing and is a discussion item for the Commission. He requested that the item be discussed at this time so the agenda items can be taken in the order as they appear on the agenda.

Due to the economy, the applicant has not been able to commence construction and requests the maximum 2 year extension of time for the project. Staff recommends that the Commission grant the extension of time to November 6, 2011.

Mr. Goodpaster opened the discussion to public comments.

Applicant Art Miller, Jr. of Yucca Valley stated he is continuing all the necessary permits and is working with Caltrans on the Barberry design and landscaping for the highway frontage. He would appreciate approval of the 2 year extension.

Mr. Goodpaster closed the discussion to public comments.

Ms. Sturges stated this is a wonderful project and she supports the extension of time due to the economy. She questioned the aesthetics of a sign which is currently on the property. Mr. Kirschmann replied staff will work with the applicant.

Ms. Sturges moved that the Planning Commission approve the extension of time request for the maximum allowable time of two (2) years. The motion was seconded by Mr. Lombardo and passed unanimously by voice vote of the Commissioners present.

2. REVISION OF THE DESERT NATIVE PLANT PROTECTION ORDINANCE

A Town initiated amendment to the Desert Native Plant Protection Ordinance.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. A printed copy of the PowerPoint presentation used by staff at the meeting is also preserved in the project and meeting files.

The Planning Commission most recently discussed this matter at its meeting of April 21, 2009. The Planning Commission and Town Council held a joint meeting to discuss the matter on October 2, 2008.

Structural changes between the Draft and Existing ordinance were discussed as demonstrated in the charts below:

Draft Ordinance	
89.0101	Purpose and Intent.
89.0102	Regulated Desert Native Plants
89.0103	Scope.
89.0104	Permit Required.
89.0105	Regulated Native Plant Removal Procedures for all new commercial, industrial, multifamily development projects and single family residential subdivisions
89.0106	Single-family residential infill
89.0107	Regulated Native Plant Adoption Program
89.0108	Construction Standards.
89.0109	Transplanting of Desert Native Plants.

Existing ORD 140	
89.0101	Purpose.
89.0105	Intent.
89.0107	Regulated Desert Native Plants
89.0110	Scope.
89.0115	Permit Required.
89.0120	~~Findings for Removal.~~
89.0125	Plot Plan Requirements.
89.0130	Construction Standards.
89.0131	Transplanting of Desert Native Plants
89.0132	~~Findings for the Transplanting of Desert Native Plants~~
89.0133	~~Retention of Joshua Trees and Yuccas~~

Some of the ordinance changes to the requirements for development project applications are: a discussion of the Native Plant Permit, Native Plant Survey – no expert has been required,

that is who Ms. Close should be approaching regarding communication.

Commissioner Drozd questioned if another addendum would be required if Tri Valley Little League communicates with the Foundation and another change is made. Deputy Town Manager Stueckle advised that staff would go back and look at what the original approval was and then have to make a determination at that point.

Commissioner Hildebrand questioned if the project is all private money. Deputy Town Manager Stueckle advised at this point it has been private, and noted the Town did file an application for state proposition 84 dollars. The state is reviewing those applications but a decision from the state for those projects to be selected for those funds is scheduled for early next year.

Chair Humphreville questioned if it is still planned to vacate Little League Drive. Deputy Town Manager Stueckle advised at this point in time there has been no formal Town action on the vacation of the road other than what was in the original Conditional Use Permit.

Commissioner Drozd moved to approve the Addendum to the Mitigated Negative Declaration adopted on August 24, 2010, and finds that the proposed phasing of the project is in substantial conformance to the Planning Commission's approval of August 24, 2010. Commissioner Alberg seconded. Motion carried 4-0-1 on a voice vote.

2. SITE PLAN REVIEW, SPR 02-07 ART MILLER JR. BUILDING

Request for the Planning Commission to approve an extension of time for a period of three (3) years.

Associate Planner Kirschmann gave the staff report contained in the agenda packet and retained in the project file. The application was approved in November 2007 and received a two year time extension in 2009 which is set to expire in 2011. At that time the ordinance in place allowed for a 2 year approval and a 2 year extension of time. That ordinance has been amended and now provides for 3 year approvals and 3 year extensions of time.

Art Miller Jr., Applicant, expressed appreciation for the opportunity to extend the conditions of approval on the project.

Commissioner Alberg questioned the number of extensions allowed. Associate

Planner Kirschmann advised the Ordinance does not have any set number of extensions that can be granted. Deputy Town Manager Stueckle stated the primary issues staff looks at when a project comes in for an extension is it still consistent with the General Plan, is it still consistent with the Development Code, and then have there been any changes to local ordinances that would require a revision to the conditions of approval. As long as you stay consistent with all of those requirements, a project can go on for quite some time.

Commissioner Alberg moved to approve the Extension of Time for Site Plan Review, SPR 02-07 for an additional three (3) years, establishing an expiration date of November 6, 2014. Commissioner Hildebrand seconded. Motion carried 4-0-1 on a voice vote.

CONSENT AGENDA

3. MINUTES

A request that the Planning Commission approve as submitted the minutes of the Special meeting held on August 22, 2011

Commissioner Alberg moved to approve the minutes as presented. Commissioner Hildebrand seconded. Motion carried 4-0-1 on a voice vote.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle advised the Super Wal-Mart grading plans were submitted this week and the street improvement/traffic signals are supposed to be in within the next several weeks. Dollar General has obtained the fees and application materials for grading and street improvement plans for their project. The Mesquite 55 Project continues with home construction as does Desert Vista Village. New model homes are in plan check, and as soon as those are finished permits are going to be pulled for new model homes as well as spec homes in Desert Vista Village behind Auto Zone and Best Western Hotel.

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS

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

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

9.68.090 – Minor Modification of Previously Approved Site Plan and Design Review

An approved Site Plan and Design Review Permit may be modified upon the request of the property owner, or by the Town. Minor Modifications may be approved by Director if it is determined that the changes would not affect the findings prescribed in Section 9.68.080, *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.

9.68.100 – Lapse of Permits/Permit Expiration

A. **Expiration.** A Site Plan and Design Review Permit approval shall expire three (3) years from the date the permit is approved unless it is otherwise conditioned or unless prior to the expiration of the three (3) years the following have occurred:

1. A building permit is issued and substantial construction is diligently pursued towards completion of the project which was the subject of the Site Plan and Design Review Permit application. After construction is commenced, if work is discontinued for a period of two (2) years, the Site Plan and Design Review Permit requires review and reauthorization by the Commission; or

2. A certificate of occupancy is issued for the structure which was the subject of the Site Plan and Design Review Permit application.

B. **Phased Projects.** Projects may be built in phases if so approved by the Commission or Director pursuant to Section 9.68.090 *Minor Modifications of Previously Approved Site Plan and Design Review*.

9.68.110 – Extension of Time

The Commission may grant extensions not to exceed three (3) years. Applications shall be made on a form to be provided by the Planning Division. Prior to the granting of an extension, the Planning Division shall review the previously approved project to ensure it is consistent with all current General Plan, Development Code and other Town Ordinances and that the findings for approval of a Site Plan and Design Review Permit in compliance with Section 9.68.080, *Required Findings*, can be made. Based upon this review, additional Conditions of Approval may be imposed upon the project by the review authority when the Extension of Time is approved.

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