

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING



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

TUESDAY
AUGUST 11, 2015
6:00 p.m.

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

* * * *

PLANNING COMMISSION MEMBERS

*Vickie Bridenstine, Chair
Steve Whitten, Vice Chair
Jeff Drozd, Commissioner
Jeff Evans, Commissioner
Charles McHenry, Commissioner*

AGENDA

MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 6:00 P.M., TUESDAY, AUGUST 11, 2015

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

An agenda packet for the meeting, and any additional documents submitted to the majority of the Planning Commission, are available for public view in the Community Development Dept. front office or the Town Hall lobby, and with respect to the staff agenda packet, on the Town's website, www.yucca-valley.org, prior to the Commission meeting. Any materials submitted to the agency after distribution of the agenda packet will be available for public review at the Community Development Dept. or Town Clerk's office during normal business hours and will be available for review at the Planning Commission meeting. For more information on an agenda item or the agenda process please contact the Town Clerk's office at 760-369-7209 ext 226.

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

(Where appropriate or deemed necessary, action may be taken on any item listed in the agenda)

CALL TO ORDER:

ROLL CALL: Jeff Drozd, Commissioner
Jeff Evans, Commissioner
Charles McHenry, Commissioner
Steve Whitten, Vice Chair
Vickie Bridenstine, Chair

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

CONSENT AGENDA:

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

1. MINUTES

A request that the Planning Commission approves as submitted the minutes of the meetings held on July 28, 2015.

RECOMMENDATION: That the Planning Commission adopts the Consent Agenda.

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

PUBLIC HEARINGS

**2. ENVIRONMENTAL ASSESSMENT, EA 06-15
CONDITIONAL USE PERMIT, CUP 02-15
HOPE ACADEMY**

Proposal to develop approximately 14,000 square feet of an existing approximately 71,000 square foot, excluding corridors, commercial structure into a charter school for grades K thru 12. The proposal includes ten classrooms and a multi-purpose room, with a maximum capacity of 428. The hours of operation are Monday thru Friday, 8AM to 4 PM.

RECOMMENDATION:

Environmental Assessment, EA 02-14: That the Planning Commission finds the project to be exempt from CEQA under Section 15301, class 01, Existing Facilities;

Conditional Use Permit, CUP 01-15: That the Planning Commission approves CUP 01-15 based upon the information contained within the staff report, the required findings and the recommended conditions of approval.

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

PUBLIC COMMENTS

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

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Drozd
Commissioner Evans
Commissioner McHenry
Vice Chair Whitten
Chair Bridenstine

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, August 25, 2015

ADJOURN

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
JULY 28, 2015**

OPENING CEREMONIES

Chairman Vicki Bridenstine called the meeting to order at 6:00 PM.

Commissioners present were: Jeff Drozd, Jeff Evans, Charles McHenry, Steve Whitten, and Chair Vickie Bridenstine.

Town of Yucca Valley Staff present were:

Deputy Town Manager Shane Stueckle, Project Engineer Alex Qishta, Planning Technician Diane Olsen, and Planning Secretary Allison Brucker.

The Pledge of Allegiance was led by Chair Bridenstine

APPROVAL OF AGENDA

RESULT: APPROVED [UNANIMOUS]
MOVER: Steven Whitten, Vice Chairman
SECONDER: Charles McHenry, Commissioner
AYES: Bridenstine, Whitten, Drozd, Evans, McHenry

CONSENT AGENDA

1. Approve the Planning Commission Minutes of June 9, 2015 and June 23, 2015

A request that the Planning Commission approves as submitted the minutes of the meetings held on June 09, 2015 and June 23, 2015.

MOTION

That the Planning Commission approve the Consent Agenda.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Steven Whitten, Vice Chairman
SECONDER: Jeff Evans, Commissioner
AYES: Bridenstine, Whitten, Drozd, Evans, McHenry

2. **Environmental Assessment, 02-14; Conditional Use Permit, CUP 01-14; Variance, V 01-15; Spectrum Verizon**

Proposal to construct a 55' cellular tower to be disguised as a pine tree, to include a generator inside a 900 square foot, 8' high block wall enclosure for equipment. The variance request is to exceed the maximum height limit of 40' in the Mixed Use zoning district by 15', at a total height of 55'

RECOMMENDATION:

Alternative 1:

Environmental Assessment, EA 02-14: That the Planning Commission finds the project to be exempt from CEQA under Section 15332, class 32, Infill Development;

Conditional Use Permit, CUP 01-14 and Variance, V-01-15: That the Planning Commission approves CUP 01-14 based upon the information contained within the staff report, the required findings and the recommended conditions of approval.

Variance, V-01-15

The Variance request is no longer necessary based upon the allowable 50% height increase.

STAFF REPORT

Deputy Town Manager Stueckle provided the staff report. This item had previously appeared before the Planning Commission at its meeting of June 23, 2015. Staff stated that at the June 23rd meeting the Planning Commission had requested that the applicant provide additional material including: a color photo simulation of the site as viewed from the highway, revised elevation showing the correct scale for the landscape trees height proposed for the project, a revised site plan identifying all native plants, and technical details on the noise levels of the generator. The applicant provided all of the requested materials and noise level of the generator was found to fall within the noise level standards for that district.

Staff said that there had been a few revisions to the recommended Conditions of Approval since the writing of the staff report.

- Condition G23 was modified at the applicants request to designate the landowner as the party responsible for maintaining the undeveloped sections of the site.
- Condition P5 was modified at the applicants request to remove the requirement to paint the block wall due to the type of decorative split face block that was being used.
- Condition E2 was modified to require in-lieu fees for street improvements on Primrose Drive. Staff recommended this change due to the project's location in Phase I of the HDWD sewer project.

- Condition E36 was modified to add "Should wastewater be generated at this site in the future," before the language addressing septic systems.

PUBLIC COMMENTS ON ITEM 2

- Mike Hayes, representative for the applicant, spoke in support of project. He said that material for the block wall, was decorative split face block with anti-graffiti treatment, and it would be a shame to paint it. He said that the applicant was agreeable to the Conditions of Approval.
- Russ Kelly, Riverside, spoke in support of the project and in support of the species of pine to be used for screening.
- Clint Edwards, Yucca Valley, spoke in support of project. He said that in his research cell towers did not negatively affect the value of surrounding commercial property.
- Marsha Canterbury, Yucca Valley, spoke in support of the project. She said that it was a much needed addition to the community.
- Terry Canterbury, Yucca Valley, spoke in support of the project.
- David Scott, Palm Springs, spoke in support of the project. He said that he owns a restaurant in Palm Springs and it has benefited from the construction of nearby cell towers.
- Joseph La Porta, Palm Springs, spoke in support of the project. He said he owns a business in Palm Springs which has benefited from a nearby cell tower.
- Beny Kirokiro, spoke in support of the project. He said better cell service was needed.
- Theresa Judd, Yucca Valley, spoke in support of project. She said that faster internet was needed.
- Ann Powell, Yucca Valley, spoke in support of the project. She brought updated colored drawing showing the taller trees. She also submitted a petition in support of the project
- Ronald Trimm, Yucca Valley, spoke in support of the project. He said better cell service was needed.
- Ricky Currier said that he was generally in favor of the project, but wanted to know how Joshua trees on the site would be treated.

Two other registered their support of the project but declined to speak.

END PUBLIC COMMENTS

Commissioner McHenry had no questions for applicant. He said he was glad the septic requirement was removed from the Conditions of Approval. He said that the additional materials had alleviated his concerns, and he didn't see a reason not to approve the project.

Commissioner Drozd asked if the landowner would be responsible for the maintenance of the screening trees. The applicant said that language in the lease said that it was the responsibility of the landowner. The applicant also said that the Joshua Trees would not be disturbed. Commissioner Drozd said that he hopes Town will check on maintenance

of trees until they are established.

Commissioner Evans asked staff for clarification on how the Town would address a failure to properly maintain the trees. He also thanked Verizon for providing the additional materials, and thanked the community for their concern and participation. He said that the community needed infrastructure. He said that his concern was not the tower itself, but its effect on the beautification of the area. He said that current design was better for aesthetics.

Commissioner Whitten said that appreciated the color boards that Ms. Powell brought, and he thanked the applicant for providing the additional materials. He said that he has concerns about maintenance, but that is true with all properties. He said that he thinks it is an important project, and that improved cell coverage helps public safety.

Commissioner Whitten expressed concern about the differing interpretations of the code. Staff said it was the Town Attorney office’s interpretation. Staff said that the original intent of the code was not to have 55 foot towers in the commercial corridor, and that the Town Council will be discussing that issue on their meeting of August 4, 2015. Commissioner Whitten thanked the attendees for their participation.

Chair Bridenstine said that she appreciates the applicant’s response to their concerns. She said she was in support of the project.

MOTION

That the Planning Commission finds the project to be exempt from CEQA under Section 15332, class 32, Infill Development, and that it approves CUP 01-14 based upon the information contained within the staff report, the required findings and the recommended conditions of approval, and that it find that the Variance request is no longer necessary based upon the allowable 50% height increase.

- RESULT:** APPROVED [UNANIMOUS]
- MOVER:** Steven Whitten, Vice Chairman
- SECONDER:** Charles McHenry, Commissioner
- AYES:** Bridenstine, Whitten, Drozd, Evans, McHenry

FUTURE AGENDA ITEMS

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Gudrum Mecham, Yucca Valley, said that she was disappointed in the delay in reviewing the Hope Academy project.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle provided an overview of the status of current and upcoming projects. Staff said that Hope academy was advertised for the August 11,

COMMISSIONER REPORTS AND COMMENTS

Commissioner Drozd asked staff about the empty former Wal-mart location.

Commissioner Evans had no comments or questions

Commissioner McHenry asked about old rib company location.

Vice Chair Whitten asked about a restaurant location. He also expressed concern about the intersection of Warren Visa & Yucca Trail. Staff said that at their meeting of August 4, 2015, the Town Council would be considering a contract for a study which would include look at what needs to be done for that intersection as well as others.

Chair Bridenstine thanked staff and the public.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, August 11, 2015.

ADJOURNMENT

The meeting was closed at

Respectfully Submitted,

Allison Brucker

Planning Secretary

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Commissioners
From: Shane Stueckle, Deputy Town Manager
Date: July 27, 2015
For Commission Meeting: August 11, 2015

Subject: Environmental Assessment, 06-15
Conditional Use Permit, CUP 01-15
Hope Academy
Town Center Mall, linked to Site Plan Review, SPR 06-05 Oracle Plaza

Prior Commission Review: The Commission has had no prior review of this project.

Recommendation:

Environmental Assessment, EA 02-14: That the Planning Commission finds the project to be exempt from CEQA under Section 15301, class 01, Existing Facilities.

Conditional Use Permit, CUP 01-14: That the Planning Commission approves the Conditional Use Permit, CUP 01-15, project based upon the information contained within the staff report, the required finding and the recommended conditions of approval.

Executive Summary: Proposal to develop approximately 14,000 square feet of an existing approximately 71,000 square foot, excluding corridors, commercial structure into a charter school for grades K thru 12. The proposal includes ten classrooms and a multi-purpose room, with a maximum capacity of 428. The hours of operation are Monday thru Friday, 8 AM to 4 PM. Existing uses in the commercial structure include medical office, medical laboratory, pharmacy and fitness center.

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: This project is a proposal to develop approximately 14,000 square feet of an existing 71,000 square foot, excluding corridors, commercial structure into a charter school for grades K thru 12. The proposal includes ten classrooms and a multi-purpose room, with a maximum capacity of 428. The hours of operation are Monday thru Friday, 8 AM to

4 PM. Existing uses in the commercial structure include medical office, medical laboratory, pharmacy and fitness center.

The project is located at 57725 29 Palms Hwy, on the south side of 29 Palms Hwy, east of Warren Vista Avenue, and is further identified as APN: 601-601-25

The project is consistent with the General Plan, the Development Code, and the Town's master plans. The proposal meets and satisfies the goals, policies and implementation strategies of the General Plan and the Development Code and no variances or deviations from adopted standards are required for approval.

Alternatives: None recommended

Fiscal impact: N/A

Attachments:

1. Conditions of Approval
2. Standard Exhibits
3. Application Material
4. Project Site Plan
5. Notice of Hearing
6. Notice of Exemption

Planning Commission: August 11, 2015
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION STAFF REPORT
HOPE ACADEMY CHARTER SCHOOL

Case: ENVIRONMENTAL ASSESSMENT, EA-06-15
CONDITIONAL USE PERMIT, CUP 01-15, HOPE ACADEMY
SITE PLAN REVIEW, SPR-06-05, AMENDMENT #2

Request: PROPOSAL TO DEVELOP APPROXIMATELY 14,000 SQUARE FEET OF AN EXISTING APPROXIMATELY 71,000 SQUARE FOOT, EXCLUDING CORRIDORS, COMMERCIAL STRUCTURE INTO A CHARTER SCHOOL FOR GRADES K THRU 12. THE PROPOSAL INCLUDES TEN CLASSROOMS AND A MULTI-PURPOSE ROOM, WITH A MAXIMUM CAPACITY OF 428. THE HOURS OF OPERATION ARE MONDAY THRU FRIDAY, 8 AM TO 4 PM. EXISTING USES IN THE COMMERCIAL STRUCTURE INCLUDE MEDICAL OFFICE, MEDICAL LABORATORY, PHARMACY AND FITNESS CENTER.

Applicant: HOPE ACADEMY, INC
12421 HESPERIA RD, STE 5
VICTORVILLE, CA 92395

Property Owner:
TOWN CENTER MALL, LLC
57725 29 PALMS HWY
YUCCA VALLEY, CA 92284

Representative:
KYLE HANNAH
HOPE ACADEMY, INC
12421 HESPERIA RD STE 5
VICTORVILLE, CA 92395

Location: THE PROJECT IS LOCATED AT 57725 29 PALMS HWY, ON THE SOUTH SIDE OF 29 PALMS HWY, EAST OF WARREN VISTA AVE AND IS FURTHER IDENTIFIED AS APN: 601-601-25.

Existing General Plan Land Use Designation:
THE SITE IS DESIGNATED MIXED USE (MU) /TOWN CENTER SPA

Existing Zoning Designation:
THE SITE IS DESIGNATED COMMERCIAL MIXED USE (C-MU)

Surrounding General Plan Land Use Designations:

NORTH: COMMERCIAL (C)
SOUTH: MIXED USE (MU) TOWN CENTER SPA
WEST: COMMERCIAL (C)
EAST: MIXED USE (MU) TOWN CENTER SPA

Surrounding Zoning Designations:

NORTH: GENERAL COMMERCIAL (C-G)
SOUTH: COMMERCIAL MIXED USE (C-MU)
WEST: GENERAL COMMERCIAL (C-G)
EAST: COMMERCIAL MIXED USE (C-MU)

Surrounding Land Use:

NORTH: COMMERCIAL
SOUTH: VACANT LAND
WEST: COMMERCIAL COMPLEX
EAST: VACANT

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

THE PROJECT WAS REVIEWED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). THE PROJECT IS EXEMPT FROM CEQA UNDER SECTION 15301, CLASS 1, EXISTING FACILITIES

RECOMMENDATIONS:

ENVIRONMENTAL ASSESSMENT, EA 06-15

That the Planning Commission finds the project exempt from CEQA under section 15301, Class 1, Existing Facilities.

CONDITIONAL USE PERMIT, CUP 01-15:

That the Planning Commission approves Conditional Use Permit, CUP 01-15 based upon the information contained within the staff report, the required findings and the recommended Conditions of Approval.

Appeal Information:

Actions by the Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the Town Council within 10 calendar days. Appeal Application filing and processing information may be obtained from the Planning Division of the Community Development Department. Per Section 9.68.090 of the Development Code, minor modifications may be approved by the Director if it is determined that the changes would not affect the findings prescribed in Section 9.68.080 of the Development Code, Required Findings, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit, including modifications to phasing schedules for the project.

I. GENERAL INFORMATION

PROJECT DESCRIPTION. Proposal to develop approximately 14,000 square feet of an existing approximately 71,000 square foot, excluding corridors, commercial structure into a charter school for grades K thru 12. The proposal includes ten classrooms and a multi-purpose room, with a maximum capacity of 428. The hours of operation are Monday thru Friday, 8 AM to 4 PM. Existing uses in the commercial structure include medical office, medical laboratory, pharmacy and fitness center.

LOCATION: The project is located at 57725 29 Palms Hwy, on the south side of 29 Palms Hwy, at the south east corner of Warren Vista Avenue and SR 62, and is further identified as APN: 601-601-25.

PROJECT SYNOPSIS:

SITE COVERAGE

BUILDING AREA

Approximately 14,000 square feet of an existing approximately 71,000, excluding corridors, square foot building

PHASED CONSTRUCTION:

No

FLOOD ZONE

Map 8120, Zone X, areas determined to be outside the 0.2% annual chance floodplain and Zone A, no base flood elevations determined.

ALQUIST PRIOLO ZONE

No

OFF-SITE IMPROVEMENTS REQ.

No

ASSESSMENT DISTRICTS REQ.

No

RIGHT-OF-WAY DEDICATION REQ.

Yes, Warren Vista and 29 Palms Hwy

UTILITY UNDERGROUNDING:

All new service lines shall be underground in conformance to Ordinance No. 233, or as amended by the Town Council

AIRPORT INFLUENCE AREA:

Located inside the Airport Influence area.

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

II. PROJECT ANALYSIS

General:

The applicant is requesting approval to convert approximately 14,000 square feet of an existing commercial structure into a charter school for grades K thru 12. The proposal includes ten classrooms and a multipurpose room, with a maximum capacity of 428.

The site was originally developed as a K-Mart constructed in 1992/1993. The site operated as a K-Mart until corporate decisions closed the store in approximately 2003.

The property was acquired and a Site Plan Review application was processed in 2005, SPR-06-05, by Salsha Enterprises, LLC. SPR-06-05 was approved by the Planning Commission on September 6, 2005, as a multi-tenant retail building.

At the Planning Commission meeting of April 18, 2006, the Planning Commission authorized retail, medical and general office spaces, and found those uses in substantial conformance to the Commission's approval of September 6, 2005.

At the Planning Commission meeting of November 6, 2007, Amendment #1 to SRP-06-05 was approved by the Planning Commission. This included a food court (never developed) and a retaining wall and additional parking on the south side of the structure (never developed).

At this time, the use of the proposed 14,000 square feet is as follows:

Hope Academy Tutoring:	2,200 square feet
Vacant:	11,800 square feet

As the school is a specific use inside the retail/professional office/medical use building, and as defined in the Yucca Valley Development Code, Conditions of Approval are drafted and presented specific to the school use and separate from the original and amended conditions of approval for SPR-06-05.

Hope Academy is an independent, direct funded charter school sponsored by the Morongo Unified School District. The School District provides due diligence oversight on the charter's business functions and educational programs.

Hope Academy offers both an independent study program for high school age students where students meet with a teacher twice a week, and a program for elementary age children where the students attend the school and work on their independent study programs. There are currently approximately 450 students enrolled in the programs. Hope Academy plans on increasing that number to approximately 550 students. The elementary school class schedule runs from 9 am to 2:30 pm. The school currently requires parent to park and come inside the mall to pick up their children. They currently use the food court area, under the supervision of a security officer, as a pick-up area. Parents and students are entering and exiting through the west doors. The proposed expansion will include construction of a meeting area. The applicant indicated that there is generally around fifteen minutes of congestion during student pick up. The applicant said that there is some stacking of traffic between 2:30 and 2:45 in the west side parking lot. The school does not provide any transportation or food. The applicant indicated that the maximum number of attendees for the on-site elementary program is 270 students.

Based upon current enrollment, approximately 180 of the 450 students are high school aged independent study students. The applicant indicated that the independent study students come in one or two at a time for appointments, and possibly to attend a specific class, such as a math class. The applicant said that there might be as many as sixty student meetings a day, which would include thirty to forty high school students coming in or out for meetings.

The traffic study for the project developed peak hour trip projections for the operation of the School. A total of 162 peak am trips and 34 peak pm trips are identified in the study. Based upon these traffic levels, the traffic engineer made recommendations for onsite striping and signing as follows.

Signing and striping of the drop-off/pick-up lane as depicted on Exhibit 1-3 of the traffic study. Said striping shall include painting the existing curb red for the approximate 150 feet of no-parking area for the drop-off/pick-up area; installation of "Student Drop Off" legend, and painted striping along the main drive aisle, 10 feet off the curb face, for approximately 150 feet to delineate the drop-off/pick-up lane. Plans for the striping shall be submitted to the Town for review and approval. Plans shall show the widths available for traffic on the main drive aisle after the 10-foot striped area has been delineated. A minimum of 10 feet in each direction shall be available for through traffic.

The applicant said approximately 40 of the high school students in the independent study program would be on site on any given day.

ADJACENT LAND USES

The site is bounded by 29 Palm Hwy on the north and Warren Vista Avenue to the west. To the north and west are commercial retail and restaurant. To the south and east are vacant lots.

Surrounding General Plan designations are Mixed Use (MU), Town Center SPA and Commercial (C).

Zoning designations are General Commercial to the north and west and Commercial Mixed Use to the south and east.

SITE CHARACTERISTICS, GRADING, SETBACKS

The property is an existing 90,000 square foot commercial structure which includes the uses of medical office, medical laboratory and fitness center.

Setback Area:	Required	Existing Building
North	15'	200'
South	0'	75'
East	0'	100'
West	15'	155'

The Development Code allows for a maximum 60% of the lot to be covered with building area. The site is developed at approximately 25% lot coverage.

PHASING

There is no phasing proposed as the project is located on a developed property

BUILDING ELEVATIONS:

The existing structure is a wood framed with stucco, one story structure with a flat roof. No exterior alterations are proposed to the building as part of the project.

CIRCULATION & PARKING

On site circulation includes two points of ingress/egress from Warren Vista Avenue and one point of ingress/egress from 29 Palms Hwy.

Pursuant to Chapter 9.33, *Parking and Loading Requirements*, schools require a minimum of 1 parking space per staff member, plus 1 parking space per ten children. There are currently 450 fifty students enrolled in the program, with an additional 100 students to be added. The application also states that there will be 25 staff members. Therefore, a total of eighty parking spaces are required for the school.

263 parking spaces are required for the additional uses located on the site, for a total of 343 required spaces. The property contains 430 parking spaces, including twelve ADA parking spaces. Therefore the property has an excess of 87 spaces for the uses currently existing on site.

The project has been conditioned to adhere to the mitigation measures recommended in the traffic study for the project. At a minimum those mitigation measures shall include the following:

- a. Signing and striping of the drop-off/pick-up lane as depicted on Exhibit 1-3 of the traffic study. Said striping shall include painting the existing curb red for the approximate 150 feet of no-parking area for the drop-off/pick-up area; installation of "Student Drop Off" legend, and painted striping along the main drive aisle, 10 feet off the curb face, for approximately 150 feet to delineate the drop-off/pick-up lane. Plans for the striping shall be submitted to the Town for review and approval. Plans shall show the widths available for traffic on the main drive aisle after the 10-foot striped area has been delineated. A minimum of 10 feet in each direction shall be available for through traffic.
- b. A handout shall be provided to all parents depicting the proposed traffic routing for all drop-offs and pick-ups. A copy of the handout shall be provided to the Town for reference.

FLOOD CONTROL/DRAINAGE

The property is located within FEMA flood zone X, areas determined to be outside the 0.2% annual chance floodplain.

UTILITIES:

All new service lines shall be underground in conformance with Ordinance No. 233.

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

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

LANDSCAPING:

The project is located on an existing commercial site and no additional landscaping is being required.

ENVIRONMENTAL CONSIDERATIONS

The project was reviewed under the California Environmental Quality Act (CEQA). The project is exempt from CEQA under Section 15301 Class 1, existing facilities.

GENERAL PLAN CONSIDERATION

The project is designated Mixed Use (MU), Town Center SPA.

Intended for a mix of uses, including commercial, professional office, recreational, and high density residential land uses along SR-62 corridor in concentrated nodes. Its purpose is to allow highly integrated commercial, residential, and office uses that facilitate pedestrian access and walkability. Proximity of residential uses near employment and activity centers can reduce vehicle trips and greenhouse gas emissions. Housing opportunities are also encouraged in these areas, providing walkable accessibility to services and facilities. Development in this designation will require the preparation of a Specific Plan or compliance with a new mixed use zoning designation and associated development standards.

The Town Center SPA is envisioned to be a regional commercial destination and employment hub that is characterized by integrated public spaces and complementary office and residential uses. The Town Center SPA provides an opportunity for new commercial businesses that residents otherwise must travel "down the hill" to patronize. Uses in this area are assumed to build out at 60 percent retail, 20 percent office (0.50 FAR), and 20 percent residential (18 du/ac) mix.

The area was designated as a SPA because of its prominent location on SR-62 and the economic opportunities it provides in conjunction with the other SPAs and Mixed Use properties along the corridor. All properties in the SPA are designated Mixed Use, which should provide places for people to gather, common design themes, and linkages to other uses in areas where the Town would like to promote a concentration of community activity.

The General Plan supports this project through the following goals and policies:

Policy LU 1-1

Encourage infill development to maximize the efficiency of existing and planned public services, facilities and infrastructure.

Policy LU 1-15

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

Policy LU 1-17

Encourage the renovation of existing commercial and industrial areas to improve appearance, environmental responsiveness, use of infrastructure and functionality.

Policy LU 1-25

Support a variety of educational opportunities and foster a culture of life-long learning through libraries, museums, schools and other institutions.

Policy LU 1-26

Seek opportunities to collaborate with other public/quasi-public organizations in an effort to build new facilities to meet demand or develop joint use facilities.

CONCLUSION

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

CONDITIONAL USE PERMIT FINDINGS:

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

The location of the project is an existing approximately 71,000 square foot, excluding corridors, commercial building. The existing uses of the property include, medical office, medical laboratory, pharmacy and fitness center. The site is bounded by 29 Palms Hwy to the north and Warren Vista Avenue to the west. Across SR 62 to the north are retail, restaurant and medical uses. To the west of the project is a retail complex and to the east and south are vacant lots. Surrounding General Plan designations are Mixed Use (MU) and Commercial. Surrounding zoning designations are all General Commercial (C-G) and Commercial Mixed Use (C-MU). The Mixed Use General Plan designation is intended for a mix of uses, including commercial, residential and office uses that facilitate pedestrian access and walkability, and the use identified in CUP-01-15 meets and satisfies the goals, policies and implementation strategies of the General Plan. The project is developed well below the maximum lot coverage of 60%, and all set-backs for the Commercial Mixed Use district are met and exceeded, as outlined in this staff report.

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

The project is located on a developed site with an existing wood framed with stucco, one story structure with a flat roof. No alterations are proposed to the building exterior as part of the project.

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

The project is located on a developed site with an existing wood framed with stucco, one story structure with a flat roof. No alterations are proposed to the building exterior as part of the project.

The project is developed below the maximum lot coverage of 60%, and all set-backs for the Mixed Use district are met and exceeded, as outlined in this Staff Report. The site is surrounded by 29 Palms Hwy to the north, vacant land to the east and south and commercial retail to the west.

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

The project is located on a developed site with an existing wood framed with stucco, one story structure with a flat roof. No alterations are proposed to the building exterior as part of the project

The project is developed below the maximum lot coverage of 60%, and all set-backs for the Mixed Use District are met and exceeded, as outlined in this Staff Report. The site is surrounding by 29 Palms Hwy to the north, vacant land to the east and south and a commercial retail complex to the west. The site has been developed consistent with adopted set back and building height standards, allowing opportunities to maximize energy efficiency and conservation measures..

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

The project is located on a developed site with an existing wood framed with stucco, one story structure with a flat roof. No alterations are proposed to the building exterior as part of the project

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

The project is located on a developed site with an existing wood framed with stucco, one story structure with a flat roof. No alterations are proposed to the building exterior as part of the project

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

The project is located on an existing commercial site and no additional landscaping is being required.

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

The project is located on a developed parcel and utilities are existing on the project site.

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

Electrical services are provided by Southern California Edison. Natural gas services are provided to by The Gas Company. The Hi-Desert Water District (HDWD, District) serves the Town of Yucca Valley. Solid waste services are provided by Burrtec Inc. The Town of Yucca Valley requires mandatory solid waste services and the project will be served by Burrtec. Verizon facilities are not indicated on the schematic utility plan, but are available to the site.

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

On site circulation as proposed includes two points of ingress/egress from Warren Vista Ave and one point of ingress/egress from 29 Palms Hwy. The property contains 430 parking spaces, including twelve ADA parking spaces. The project has been conditioned to adhere to the mitigation measures recommended in the traffic study.

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

On site circulation as proposed includes two points of ingress/egress from Warren Vista Ave and one point of ingress/egress from 29 Palms Hwy. The property contains 430 parking spaces, including twelve ADA parking spaces. The project has been conditioned to adhere to the mitigation measures recommended in the traffic study.

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

On site circulation as proposed includes two points of ingress/egress from Warren Vista Ave and one point of ingress/egress from 29 Palms Hwy. The property contains 430 parking spaces, including twelve ADA parking spaces. The project has been conditioned to adhere to the mitigation measures recommended in the traffic study.

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

The project was reviewed under the California Environmental Quality Act (CEQA). The project is exempt from CEQA under Section 15301, Class 1, Existing Facilities.

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

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

The project was reviewed under the California Environmental Quality Act (CEQA). The project is exempt from CEQA under Section 15301, Class 1, Existing Facilities.

No negative impacts created by the project have been identified.

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

The project was reviewed under the California Environmental Quality Act (CEQA). The project is exempt from CEQA under Section 15301, Class 1, Existing Facilities.

No negative impacts created by the project have been identified.

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

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

**TOWN OF YUCCA VALLEY
CONDITIONS OF APPROVAL
ENVIRONMENTAL ASSESSMENT, EA 06-15
CONDITIONAL USE PERMIT, CUP 01-15
SITE PLAN REVIEW, SPR 06-5 AMENDMENT #3
HOPE ACADEMY**

This approval is for Conditional Use Permit, CUP 01-15 a proposal to convert approximately 14,000 square feet of an existing approximately 71,000 square foot, excluding corridors, commercial building into a charter school for grades K thru 12. The proposal includes ten classrooms and a multipurpose room with a maximum occupancy of 428. The hours of operation are 8 AM to 4 PM.

The project is located at 57725 29 Palms Hwy and is identified as APN: 601-601-25.

GENERAL CONDITIONS

- G1. The applicant shall agree to defend, indemnify and hold harmless the Town of Yucca Valley, its agents, officers and employees, at his sole expense, against any action, claim or proceedings brought against the Town or its agents, officers or employees, to attack, set aside, void, or annul this approval or because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition. The Town shall promptly notify the applicant of any claim, action or proceedings arising from the Town's approval of this project, and the Town shall cooperate in the defense.
- G2. This Conditional Use Permit shall become null and void if the construction has not commenced within three (3) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council, in conformance with the Town of Yucca Valley Development Code. The applicant is responsible for the initiation of an extension request.

**Approval Date: August 11, 2015
Expiration Date: August 11, 2018**

- G3. The applicant shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project. These include, but are not limited to, County of San Bernardino Environmental Health Services, County of San Bernardino Transportation/Flood Control, County of San Bernardino Fire Department, Yucca Valley Building and Safety, Caltrans, High Desert Water

District, Airport Land Use Commission, California Regional Water Quality Control Board, Colorado River Region, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town and utility company requirements.

- G4. All conditions are continuing conditions. Failure of the applicant to comply with any or all of said conditions at any time may result in the revocation of any construction permits for the project.
- G5. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utilities. The approved permits shall be readily available on the job site for inspection by Town personnel.
- G6. The applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or 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, if any, 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. The applicant shall pay Development Impact Fees in place at the time of issuance of Building Permits.
- G11. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents
- G12. 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.
- G13. Prior to the issuance of a Certificate of Occupancy for any habitable structure in each phase of the project, all improvements shall be constructed, final inspection performed, punch-list items completed, and all installations approved by the appropriate agency.
- G14. 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.
- G15. 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.
- G16. 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.
- G17. No staging of construction equipment or parking of workers vehicles shall be allowed within the public right-of-way of streets or other public improvements that have been accepted into the Towns maintained system.
- G18. 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.
- G19. The final conditions of approval issued by the approving authority shall be photographically or electronically placed on bond (blue/black line) paper and included in the Grading and Street Improvement plan sets on 24" x 36" bond (blue/black line) paper and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field and during construction. Plan check fees shall not be charged for sheets containing the Conditions of Approval.

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. All exterior lighting shall comply with the Ordinance 90, Outdoor Lighting and shall be illustrated on all construction plans.**
- P3. The hours of operation for facility are Monday thru Friday, 8 AM to 4 PM.**
- P4. The maximum number of students shall be limited to 550.**
- P5. The Conditional Use Permit shall return to the Planning Commission one year after start of operation for review for evaluation of ingress/egress and parking.**

ENGINEERING CONDITIONS

- E1. The applicant shall adhere to the mitigation measures recommended in the traffic study for the project. At a minimum those mitigation measures shall include the following:**
 - a. Signing and striping of the drop-off/pick-up lane as depicted on Exhibit 1-3 of the traffic study. Said striping shall include painting the existing curb red for the approximate 150 feet of no-parking area for the drop-off/pick-up area; installation of "Student Drop Off" legend, and painted striping along the main drive aisle, 10 feet off the curb face, for approximately 150 feet to delineate the drop-off/pick-up lane. Plans for the striping shall be submitted to the Town for review and approval. Plans shall show the widths available for traffic on the main drive aisle after the 10-foot striped area has been delineated. A minimum of 10 feet in each direction shall be available for through traffic.**
 - b. A handout shall be provided to all parents depicting the proposed traffic routing for all drop-offs and pick-ups. A copy of the handout shall be provided to the Town for reference.**
- E2. Dedicate an additional three (3) feet of right of way on Warren Vista Avenue to provide sufficient width for a 33 foot, half-width, Collector Street section**

- E3. 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.
- E4. 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.
- E5. The Applicant shall be responsible for all improvements constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced by the Applicant. The Applicant shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.
- E6. All improvement plans shall be designed by a Registered Civil Engineer.
- E7. It is understood that the **Conditional Use Permit** plans correctly shows all existing easements, traveled ways and drainage courses, and that their omission may require the Conditional Use Permit plans to be resubmitted for further consideration.

BUILDING AND SAFETY CONDITIONS

- B1. The applicant shall submit three sets of plans to the Building and Safety Dept. for plan check and approval.
- B2. At the time of building plan check submittal, the applicant shall provide approval form the San Bernardino County Fire Dept.
- B3. Prior to final inspection, all required improvements shall be constructed and finalized and accepted by the appropriate agency prior to the issuance of Certificate of Occupancy.

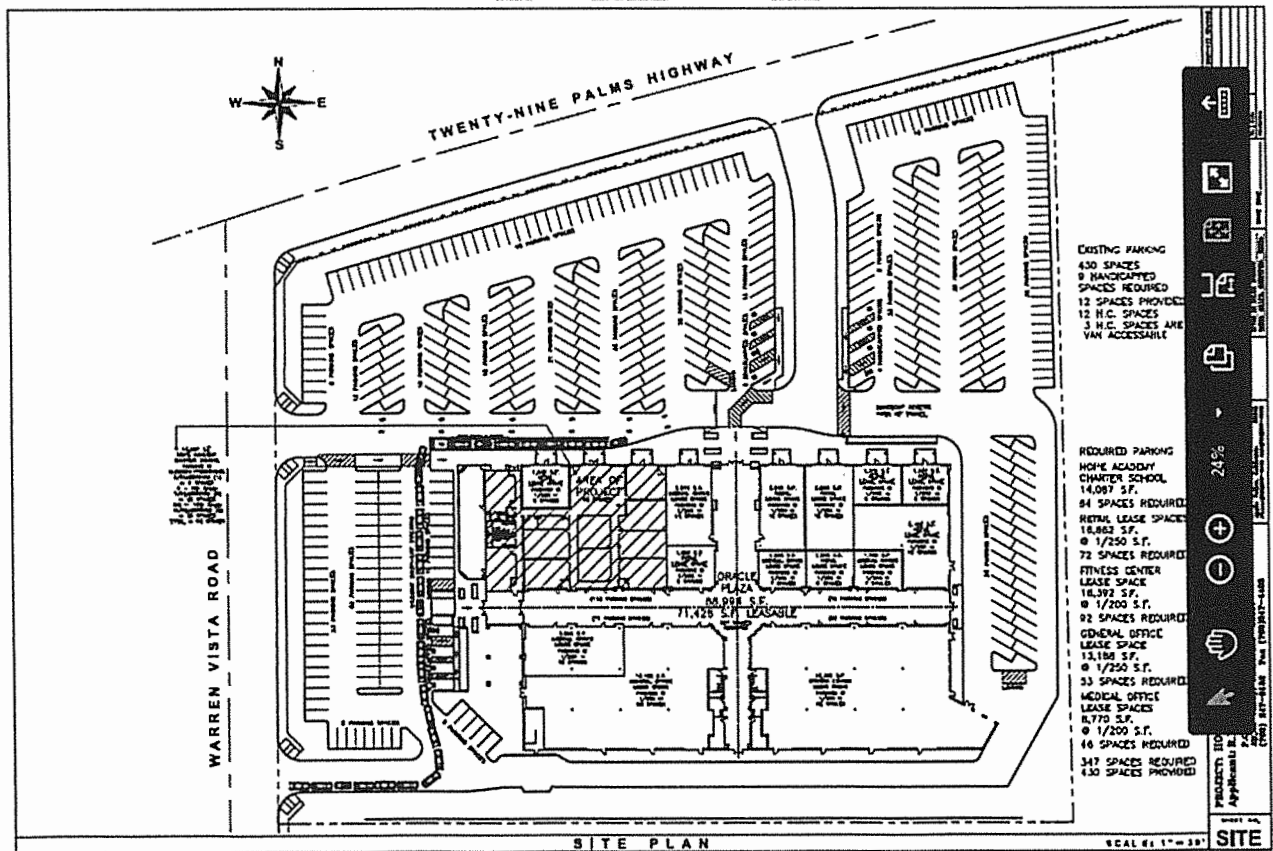
FIRE CONDITIONS

F1. The development shall have a minimum of two points of vehicular access. There are for fire/emergency equipment access and evacuation routes.

F2. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

F3. Not less than 2 complete sets of building plans shall be submitted to the Fire Dept. for review and approval.

F4. The applicant shall provide the Fire Dept. 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.



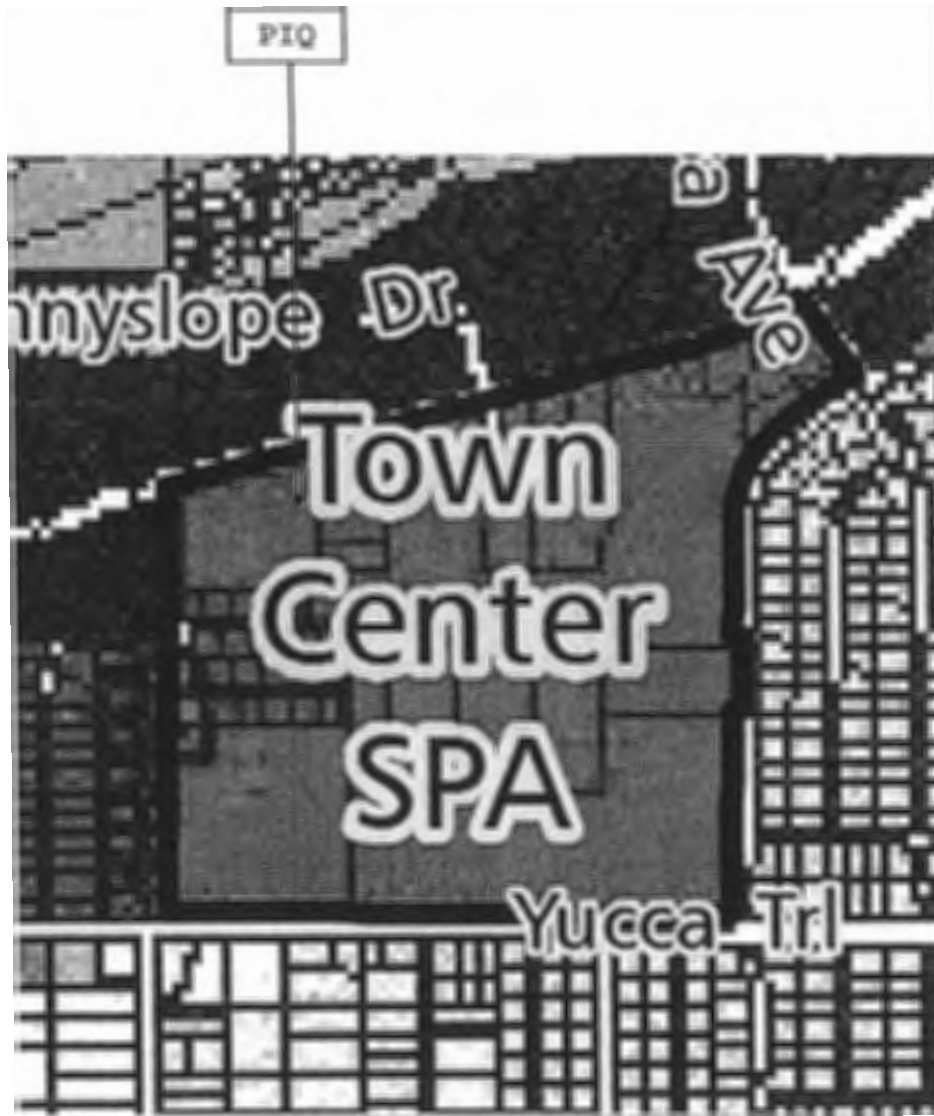
I HEREBY CERTIFY THAT THE APPROVED CONDITIONS OF APPROVAL WILL BE SATISFIED PRIOR TO OR AT THE TIMEFRAMES SPECIFIED AS SHOWN ABOVE. I UNDERSTAND THAT FAILURE TO SATISFY ANY ONE OF THESE CONDITIONS WILL PROHIBIT THE ISSUANCE OF ANY PERMIT OR ANY FINAL MAP APPROVAL.

Applicant's Signature _____ Date _____

DRAFT

TOWN OF YUCCA VALLEY

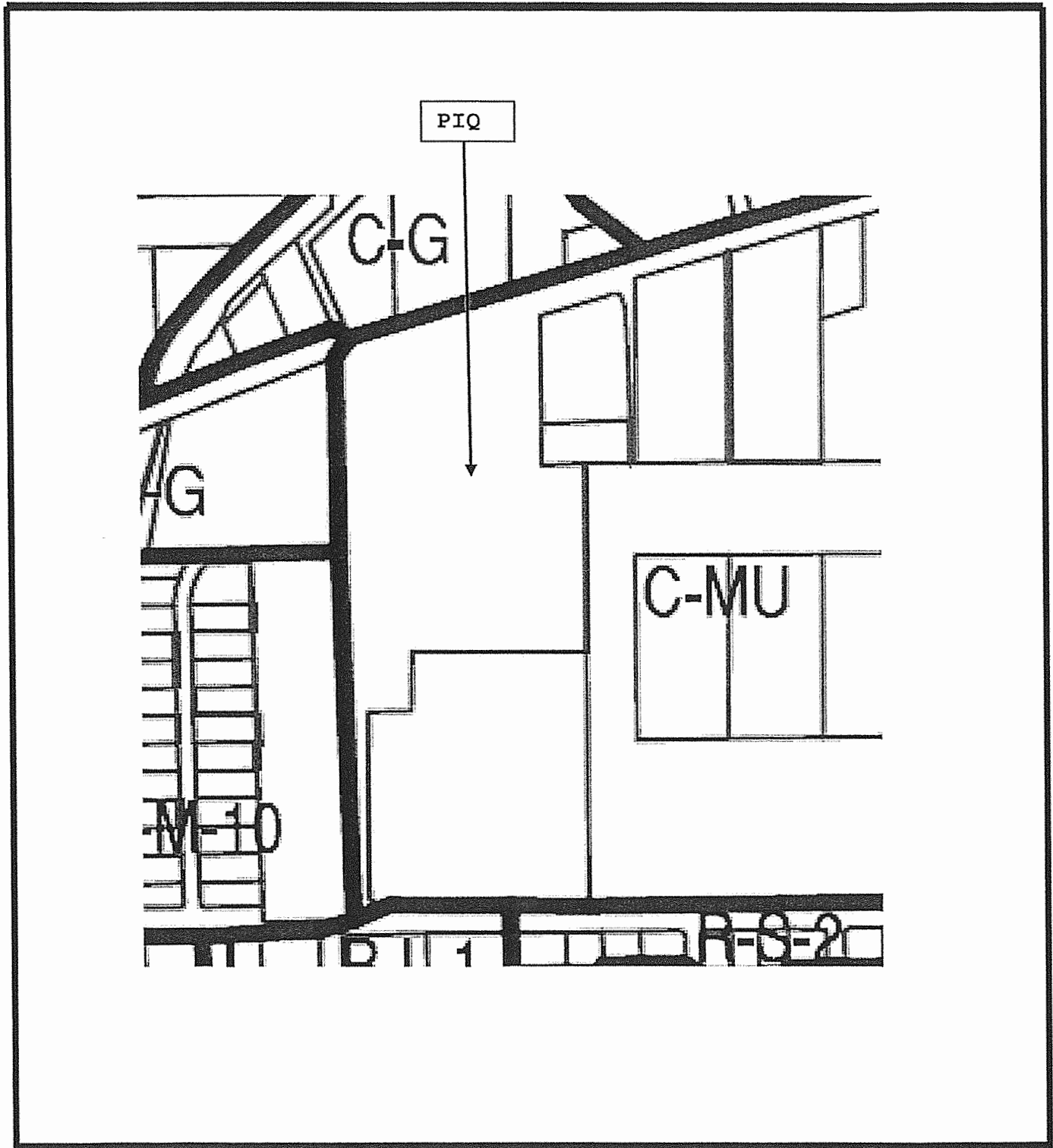
PROJECT NO.: CONDITIONAL USE PERMIT, CUP 01-15 HOPE ACADEMY



 Mixed Use (MU)

TOWN OF YUCCA VALLEY

PROJECT NO.: CONDITIONAL USE PERMIT, CUP 01-15 HOPE ACADEMY



ZONING MAP

TOWN OF YUCCA VALLEY

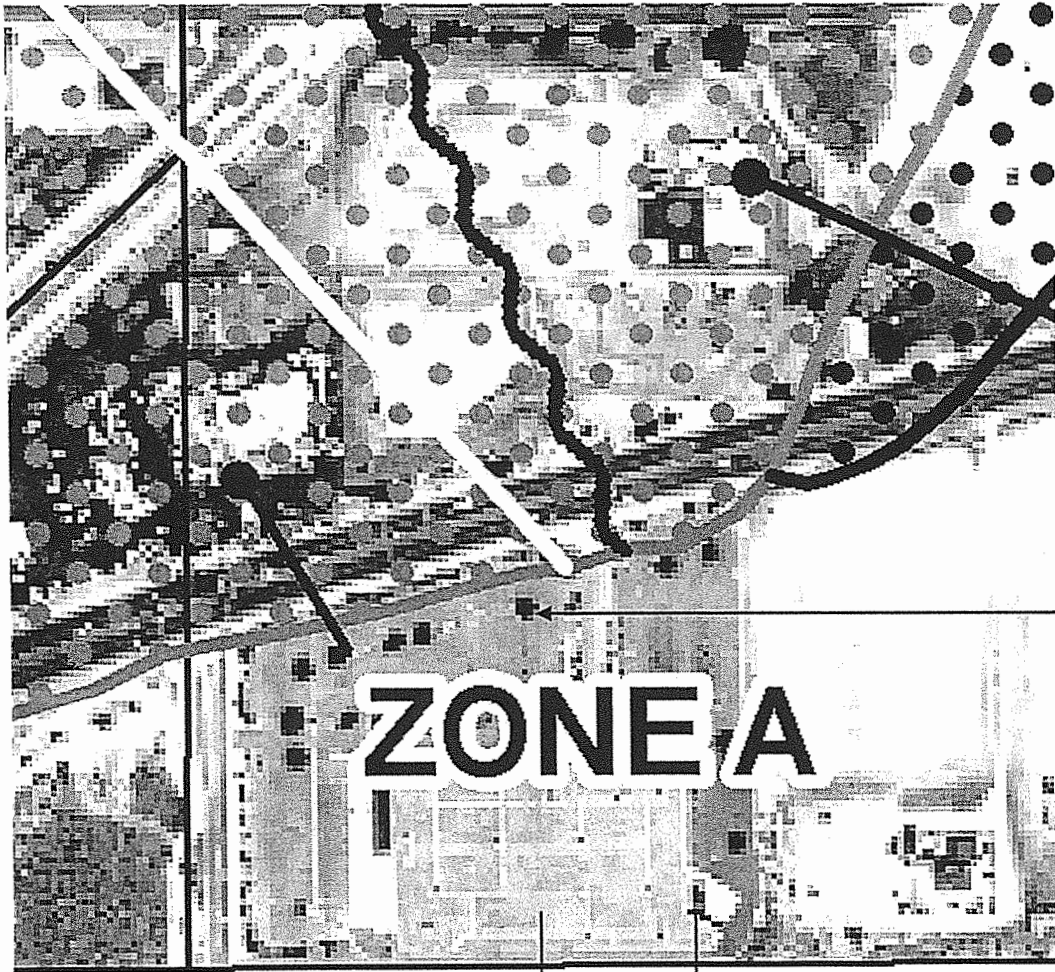
PROJECT NO.: CONDITIONAL USE PERMIT, CUP 01-15 HOPE ACADEMY



AERIAL PHOTO

TOWN OF YUCCA VALLEY

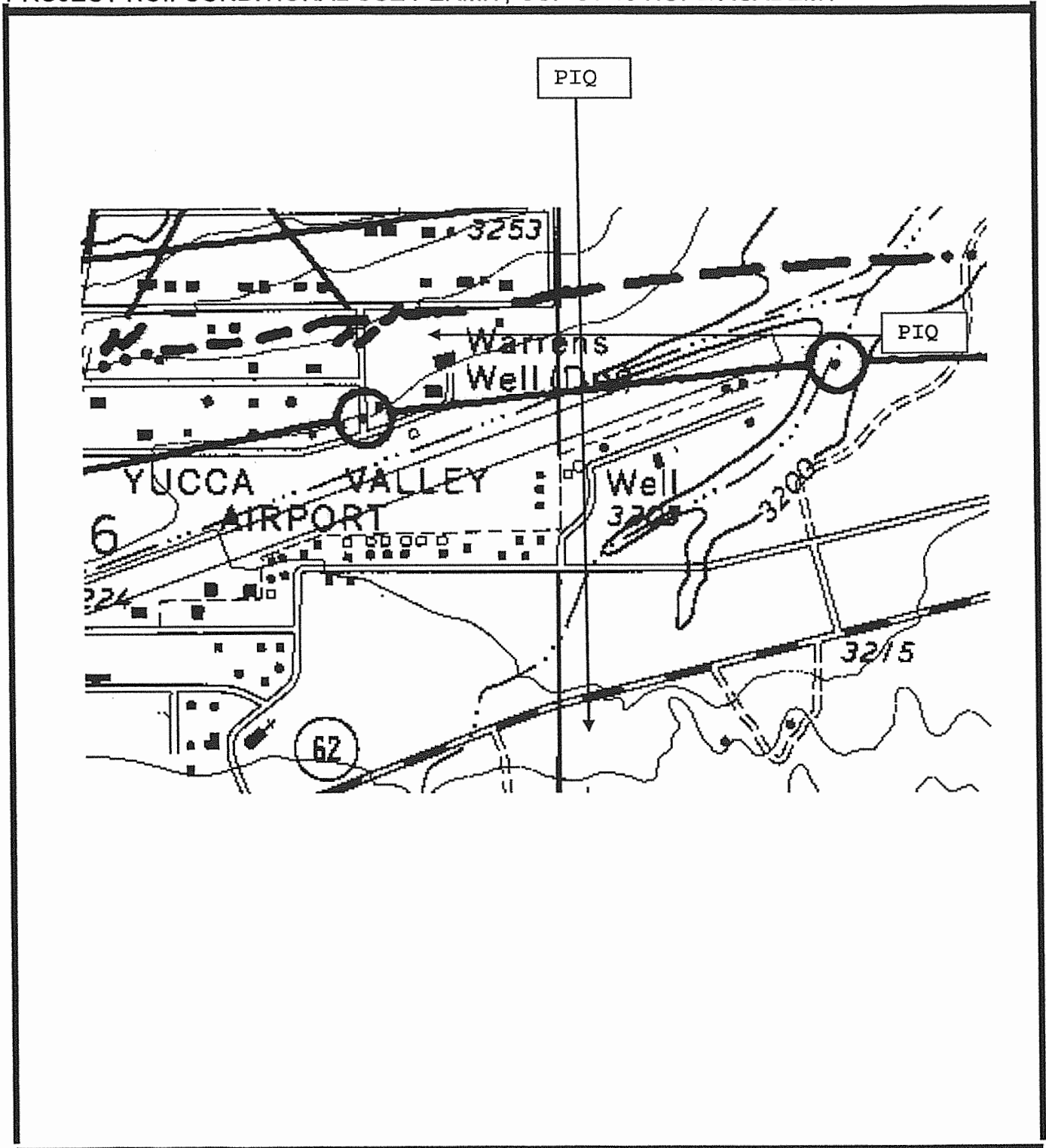
PROJECT NO.: CONDITIONAL USE PERMIT, CUP 01-15 HOPE ACADEMY



FEMA FLOOD MAP-ZONE X and ZONE A, MAP 8120

TOWN OF YUCCA VALLEY

PROJECT NO.: CONDITIONAL USE PERMIT, CUP 01-15 HOPE ACADEMY



ALQUIST PRIOLO MAP-YUCCA VALLEY NORTH



Conditional Use Permit Application

Date Received	03/02/15
By	D OLSEN
Fee	1455 ⁰⁰
Case #	CLUP-01-15
EA #	

General Information

APPLICANT HOPE Academy Inc Phone 760-989-4040 Fax 760-989-4143
Mailing Address 12421 Hesperia Road Ste. 5 Email dprice@hopeacademycharter.org
City Victorville State CA Zip 92395

REPRESENTATIVE David Price Phone 760-574-8784 Fax 760-989-4143
Mailing Address 12421 Hesperia Road Ste. 5 Email dprice@hopeacademycharter.org
City Victorville State CA ZIP 92395

PROPERTY OWNER Town Center Mall LLC Phone 760-220-7971 Fax _____
Mailing Address 57725 29 Palms Hwy Email nsalhotra1@hotmail.com
City Yucca Valley State CA Zip 92284

Project Information

Project Address 57725 29 Palms Highway Assessor Parcel Number(s) _____

Project Location Town Center Mall

Project Description: Develop an independent study classroom program using classrooms in most of the remaining square footage in the northwest corner of the Town Center Mall. There will be a maximum capacity of 28 students per classroom. The space will include student classrooms from Kindergarten through 8th grade, a multipurpose room, restroom facilities, and storage. Students will attend from 9:00-2:30 daily.
Please attach any additional information that is pertinent to the application.

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

Environmental Assessment

1. Property boundaries, dimensions and area (also attach an 8 ½ x 11" site plan):

2. Existing site zoning: C-MU 3. Existing General Plan designation: MU
4. Precisely describe the existing use and condition of the site: Three existing HOPE classrooms, the New Pharmacy, Eisenhower Medical, and 10,780 sq ft of vacant space
5. Existing Zoning of adjacent parcels:
North CG South CMU East CMU West CG
6. Existing General Plan designation of adjacent parcels:
North C South MU East MU West V
7. Precisely describe existing uses adjacent to the site: Commercial to the North and West. Vacant lots on the South and East.
8. Describe the plant cover found on the site, including the number and type of all protected plants: N/A

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

Yes Maybe No

9. Is the Site on filled or slopes of 15% or more or in a canyon? (A geological and/or soils Investigation report is required with this application.)
10. Has the site been surveyed for historical, paleontological or archaeological resources? (If yes, a copy of the survey report is to accompany this application.)
11. Is the site within a resource area as identified in the archaeological and historical resource element?
12. Does the site contain any unique natural, ecological, or scenic resources?
13. Do any drainage swales or channels border or cross the site?
14. Has a traffic study been prepared? (If yes, a copy of the study is to accompany this application.)
15. Is the site in a flood plain? (See appropriate FIRM)

Project Description

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

1. Commercial, Industrial, or Institutional Projects:

- A. Specific type of use proposed: Education
- B. Gross square footage by each type of use: _____
- C. Gross square footage and number of floors of each building: _____
- D. Estimate of employment by shift: 25 employees
- E. Planned outdoor activities: none

2. Percentage of project site covered by:

N/A % Paving, N/A % Building, N/A % Landscaping, N/A % Parking

- 3. Maximum height of structures _____ft. _____ in.
- 4. Amount and type of off street parking proposed: _____
- 5. How will drainage be accommodated? N/A

6. Off-site construction (public or private) required to support this project:

N/A

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

8. Description of project phasing if applicable: No phasing

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

10. Is this project part of a larger project previously reviewed by the Town? If yes, identify the review process and associated project title(s) ^{Yes} _____
Conditional Use Permit (CUP) for Town Center Mall

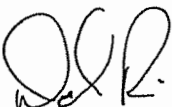
11. During construction, will the project: (Explain any "yes" or "maybe" responses to questions below – attach extra pages if necessary.)

Yes Maybe No

- A. Emit dust, ash, smoke, fumes or odors?
- B. Alter existing drainage patterns?
- C. Create a substantial demand for energy or water?
- D. Discharge water of poor quality?
- E. Increase noise levels on site or for adjoining areas?
- F. Generate abnormally large amounts of solid waste or litter?
- G. Use, produce, store, or dispose of potentially hazardous materials such as toxic or radioactive substances, flammable or explosives?
- H. Require unusually high demands for such services as police, fire, sewer, schools, water, public recreation, etc.
- I. Displace any residential occupants?

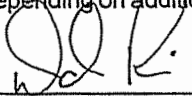
Certification

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

Signature:  Date: February 17, 2015

Owner/Applicant Authorization


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

Signed: 

Date: February 17, 2015

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

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

Signed: 

Dated: 2-27-2015

Agreement to Pay All Development Application Fees

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

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

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

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

Deposit Paid: \$ _____

Applicant's Signature _____

Date: February 17, 2015

Applicants Name
(Please print)

David Price

Conditional Use Permit Application Submittal Requirements

Initial Submittal Requirements	# Required
Completed and Signed Applications and Filing Fee	1
Signed completed Project Description and Existing Conditions Letter	1
Signed completed Environmental Information form	1
Signed Agreement for Cost Recovery	1
Site Plan (See Section A)	15
Preliminary Grading and Drainage Plan (Section B)	15
Building elevations, including a minimum of one (1) color set	15
Materials Board	1
Preliminary Landscape Plans	15
Photometric Plan	15
Exterior Lighting Cutsheets	1
Native Plant Plan	15
Biological Assessment	4
8 1/2" x 11" reductions of all plans	1
Signed surrounding property owners list certification	1
Surrounding Property Owners Mailing List and labels	2
Surrounding properties radius map showing project site	1
Preliminary Title Report within 60 days of application date	1
Grant Deeds for all involved properties	1
Detailed slope analysis if project contains any slopes of 15 percent or greater	15
Applicable utility service availability letter	1
Utility Plan including location and capacity	15
Water purveyor service letter or ground water report prepared and signed by a registered civil engineer	1
Signed Hazardous Waste Site Statement	1
Signed statement indicating method of sewage disposal and if Regional Water Quality Control Board approval is required	1
Geologic Report if project located within a special studies zone	4
Air Quality and Greenhouse Gas Inventory/Analysis	4
Traffic Study/Analysis prepared by a registered Civil Engineer	4
Preliminary Soils and Geotechnical Report, unless waived by TE	4
Drainage Study/Analysis prepared by a registered Civil Engineer	4
Underlying Conditions of Approval (if applicable)	1
Copy of underlying Recorded Map and Environmental Constraints Sheet (if applicable)	1
Planned Development Document (if applicable)	15
Specific Plan (if applicable)	15
All maps, plans, special studies, reports, etc. submitted in hard copy as part of this application are also to be delivered electronically, by CD, flash drive or email at time of submittal.	1
<i>Please note that each project and each property are unique. Some projects may not require the submittal of each item listed above at time of submittal. Some circumstances may require items not included on the above list. Please contact Planning Staff if you have any questions.</i>	

Developer Disclosure Statement

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

Address of subject property: 57725 29 Palms Highway Suite 403

Cross street: _____

Date this Disclosure Statement is completed: February 17, 2015

Name of Applicant: HOPE Academy Inc

The Applicant is a:

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

Information for LLC, Partnership, Corporation

Name HOPE Academy Inc Phone 760-989-4040 Fax 760-989-4143

Mailing Address 12421 Hesperia Road Ste. 5 Email dprice@hopeacademycharter.org

City Victorville State CA Zip 92395

State of Registration California

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

Name Jared Mecham Phone 760-989-4040 Fax 760-989-4143

Mailing Address 12421 Hesperia Road Ste. 5 Email jmecham@hopeacademycharter.org

City Victorville State CA Zip 92395

Attach additional sheets if necessary

Agent for Service of Process

Name David Price Phone 760-989-4040 ext 109 Fax 760-989-4143

Mailing Address 12421 Hesperia Road Ste. 5 Email dprice@hopeacademycharter.org

City Victorville State CA Zip 92395

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

Name N/A Nonprofit Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

The Owner is a:

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

Information for LLC, Partnership, Corporation

Name Town Center Mall Phone 760-220-7971 Fax _____

Mailing Address 57725 29 Palms Hwy Email nsolhotra1@hotmail.com

City Yucca Valley State CA Zip 92284

State of Registration _____

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

Name Neelam Salhotra Phone 760-220-7971 Fax _____

Mailing Address 57725 29 Palms Hwy Email nsolhotra1@hotmail.com

City Yucca Valley State CA Zip 92284

Attach additional sheets if necessary

Agent for Service of Process

Name _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

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

Name _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____



HAZARDOUS WASTE SITE STATEMENT

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

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

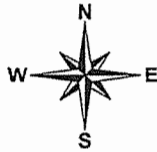
I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Dated: February 17, 2015

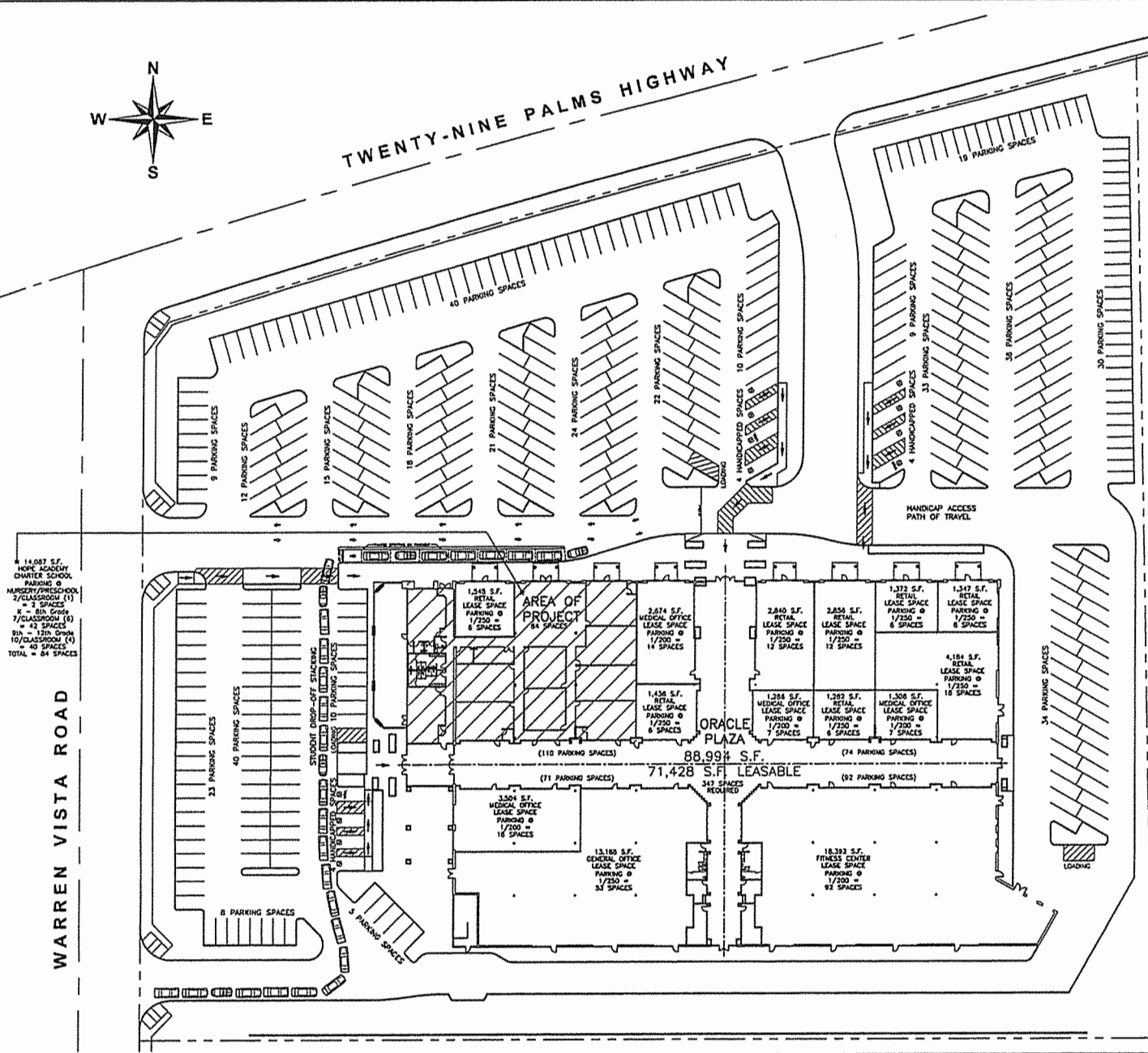
David Price

Applicant/Representative printed name

Applicant/Representative signature



TWENTY-NINE PALMS HIGHWAY



14,087 S.F. HOPE ACADEMY CHARTER SCHOOL
 NURSERY/PRESCHOOL
 2/CLASSROOM (1) = 2 SPACES
 K - 8th Grd.
 7/CLASSROOM (8) = 42 SPACES
 9th - 12th Grd.
 10/CLASSROOM (4) = 40 SPACES
 TOTAL = 84 SPACES

WARREN VISTA ROAD

EXISTING PARKING
 430 SPACES
 9 HANDICAPPED SPACES REQUIRED
 12 SPACES PROVIDED
 12 H.C. SPACES
 3 H.C. SPACES ARE VAN ACCESSIBLE

REQUIRED PARKING
 HOPE ACADEMY CHARTER SCHOOL
 14,087 S.F.
 84 SPACES REQUIRED
 RETAIL LEASE SPACES
 16,862 S.F.
 @ 1/250 S.F.
 72 SPACES REQUIRED
 FITNESS CENTER
 LEASE SPACE
 18,392 S.F.
 @ 1/200 S.F.
 92 SPACES REQUIRED
 GENERAL OFFICE
 LEASE SPACE
 13,188 S.F.
 @ 1/250 S.F.
 53 SPACES REQUIRED
 MEDICAL OFFICE
 LEASE SPACES
 8,770 S.F.
 @ 1/200 S.F.
 46 SPACES REQUIRED
 347 SPACES REQUIRED
 430 SPACES PROVIDED

SITE PLAN

SCALE: 1" = 30'

DATE: 2-12-2015
 JOB: 14-541
 DRAWN BY: dennis_gunty
 CHECKED BY: []
 PROJECT: HOPE ACADEMY CHARTER SCHOOL
 Applicant: R.E.M. Builders, Inc.
 P.O. Box 1808
 Apple Valley, California 92307
 SHEET NO. 48-1
 GENTRY ARCHITECTURE
 10000 BUCKLE UP BLVD
 SUITE 100
 APPLE VALLEY, CALIFORNIA 92307
 SCALE: 1" = 30'

**NOTICE OF PUBLIC HEARING
YUCCA VALLEY COMMUNITY CENTER
57090 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

TUESDAY, JULY 28 2015 - BEGINNING AT 6:00 P.M.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE TOWN OF YUCCA VALLEY PLANNING COMMISSION TO CONSIDER THE FOLLOWING DESCRIBED APPLICATION:

CASE NUMBER: Environmental Assessment, EA 06-15
Conditional Use Permit, CUP 01-15

APPLICANT: Hope Academy, Inc
12421 Hesperia Road, Ste 5
Victorville, CA 92395

REPRESENTATIVE: Kyle Hannah
12421 Hesperia Road, Ste 5
Victorville, CA 92395

PROPOSAL: Proposal to convert approximately 14,000 square feet of an existing approximately 90,000 square foot commercial structure into a charter school for grades K thru 12. The proposal includes ten classrooms and a multipurpose room, with a maximum occupancy of 428. The hours of operation are Monday thru Friday, 8 AM to 4 PM. Existing uses in the commercial structure include medical office, medical laboratory, pharmacy and fitness center.

LOCATION: 57725 29 Palms Hwy, east of Warren Vista Avenue.
APN: 601-601-25

ENVIRONMENTAL

DETERMINATION: The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to implement same. The project is exempt from CEQA under Section 15301 Class 01, Existing Facilities.

Any person affected by the application(s) may appear and be heard in support of or opposition to the proposal at the time of the hearing. The environmental findings, along the with proposed project application(s) are available and may be reviewed at the Town of Yucca Valley Planning Division, 58928 Business Center Drive, Yucca Valley, CA 92284 from 7.30 a.m. to 5:30 p.m., Monday through Thursday or obtain information at (760) 369-6575.

The Planning Commission in its deliberation could recommend approval of the project, deny the project, or approve the project in an alternative form. If you challenge any of the projects in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Town Planning Division at, or prior to the Public Hearing.

Publish Date: Published on Thursday, July 09, 2015

07/06/2015

Date

/s/ Lesley R. Copeland

Lesley R. Copeland, CMC
Town Clerk

Notice of Exemption

Form D

To: Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

From: (Public Agency) Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284
(Address)

County Clerk
County of San Bernardino
385 N. Arrowhead, 2nd Flr.
San Bernardino, CA. 92415

Project Title: Conditional Use Permit, CUP 01-15 Hope Academy

Project Location - Specific:

The project is located at 57725 29 Palms, east of Warren Vista Ave and is further identified as APN:.

Project Location - City: Yucca Valley Project Location - County: San Bernardino

Description of Project:

Proposal to convert approximately 14,000 square feet of an existing approximately 90,000 square foot commercial structure into a charter school for grades K thru 12. The proposal includes ten classrooms and a multipurpose room, with a maximum occupancy of 428. The hours of operation are Monday thru Friday, 8 AM to 4 PM. Existing uses in the commercial structure include medical office, medical laboratory, pharmacy and fitness center

Name of Public Agency Approving Project: Town of Yucca Valley

Name of Person or Agency Carrying Out Project: Hope Academy, Inc

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The project is exempt from CEQA under Section 15301, class 01 Existing Facilities

Lead Agency

Contact Person: Shane Stueckle Area Code/Telephone/Extension: (760) 369-6575 X305

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

- Signed by Lead Agency
 - Signed by Applicant
- Date received for filing at OPR: _____

Revised May 1999



Hope Academy Charter School

FOCUSED TRAFFIC IMPACT ANALYSIS TOWN OF YUCCA VALLEY



PREPARED BY:

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JULY 23, 2015

09732-03 Traffic Study

199-19

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LIST OF ABBREVIATED TERMS

(1)	Reference
ADT	Average Daily Traffic
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
CMP	Congestion Management Program
E+P	Existing Plus Project
FHWA	Federal Highway Administration
HCM	Highway Capacity Manual
ITE	Institute of Transportation Engineers
LOS	Level of Service
MBTA	Morongo Basin Transit Authority
MUTCD	Manual on Uniform Traffic Control Devices
PHF	Peak Hour Factor
Project	Hope Academy Charter School
TIA	Traffic Impact Analysis
vph	Vehicles Per Hour
vphg	Vehicles Per Hour of Green

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1 INTRODUCTION

This report presents the results of the traffic impact analysis (TIA) for the proposed Hope Academy Charter School ("Project") located south of Twentynine Palms Highway (SR-62) and east of Warren Vista Drive in the Town of Yucca Valley. The proposed Project is an expansion to the existing Hope Academy Charter School located within the Town Center Mall. The expansion includes an additional 14,086 square feet and is anticipated to serve up to 200 additional K-12 students.

The purpose of this focused traffic impact analysis is to evaluate the potential impacts to traffic and circulation associated with the development of the proposed Project, and to recommend improvements to mitigate impacts considered significant in comparison to established regulatory thresholds. The scope of this study has been developed through consultation with the Town of Yucca Valley, and follows the County of San Bernardino Congestion Management Plan (CMP) traffic study requirements as the Town of Yucca Valley does not have their own traffic study guidelines. (1) The approved Project Traffic Study Scoping agreement with the Town of Yucca Valley is provided in Appendix 1.1 of this TIA.

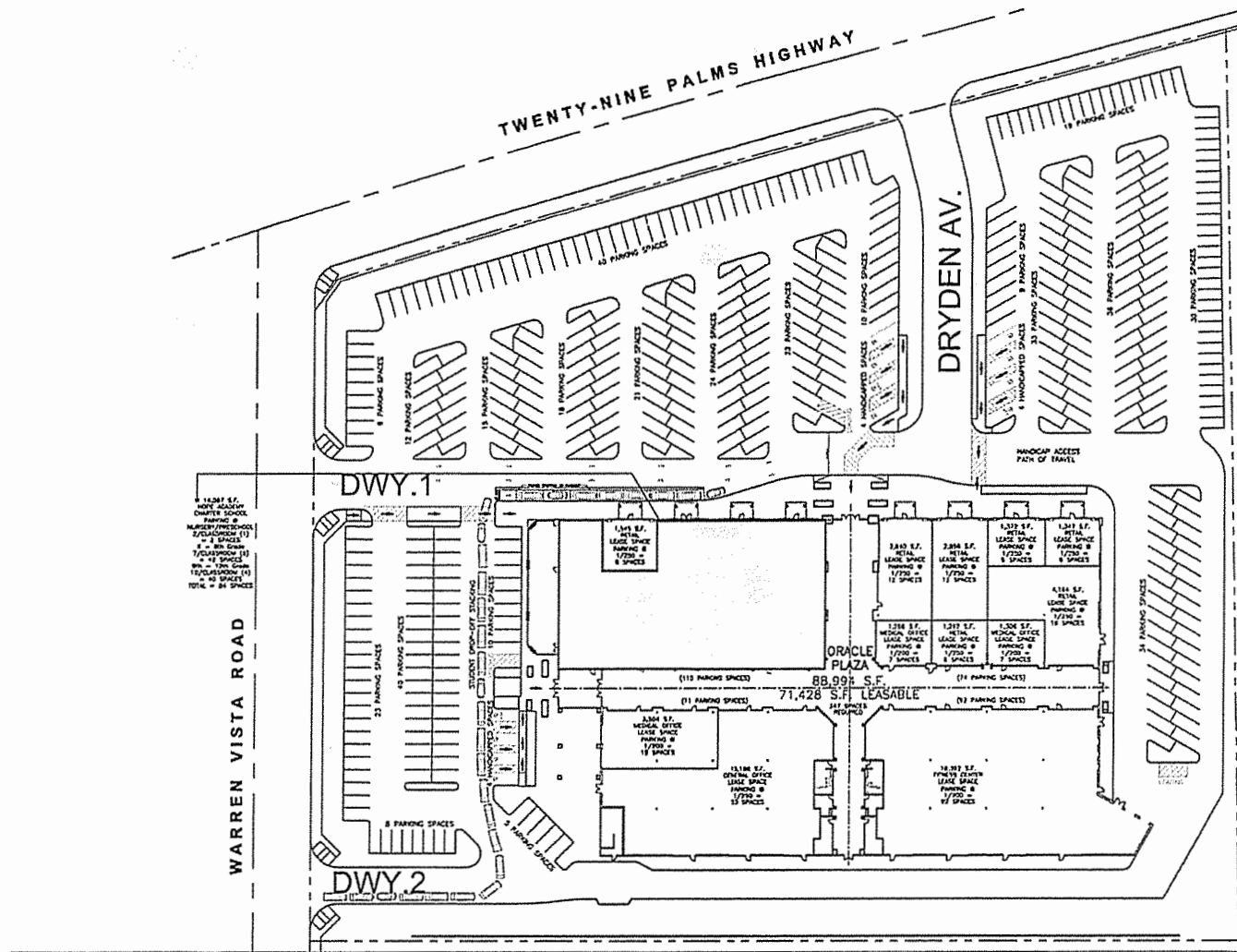
1.1 PROJECT OVERVIEW


The proposed Project is anticipated to expand the existing Hope Academy Chart School to include an addition of 14,086 square feet to accommodate an additional 200 K-12 students as shown on Exhibit 1-1. For the purposes of this focused traffic impact analysis, it is assumed that the Project will be developed in a single phase with an Opening Year of 2015. Access to the Project will be provided via three existing driveways: Driveway 1 and 2 on Warren Vista Drive (full access with existing cross-street stop control), and Dryden Avenue on Twentynine Palms Highway (SR-62) (full access with existing cross-street stop control).

In order to develop the traffic characteristics of the proposed Project, trip-generation statistics published in the Institute of Transportation Engineers (ITE) Trip Generation (9th Edition, 2012) manual for private school (ITE Land Use Code 536) has been used.

The Project is estimated to generate a net total of approximately 496 net trip-ends per day on a typical weekday with 162 net vehicles per hour (VPH) during the weekday AM peak hour and 34 net VPH during the weekday PM peak. The assumptions and methods used to estimate the Project's trip generation characteristics are discussed in detail in Section 4.1 *Project Trip Generation* of this report.

EXHIBIT 1-1: PRELIMINARY SITE PLAN



LEGEND:
 = PROPOSED PROJECT

-62-



1.2 ANALYSIS SCENARIOS

For the purposes of this traffic study, potential impacts to traffic and circulation have been assessed for each of the following conditions:

- Existing (2015)
- Existing plus Project Conditions
- Opening Year Cumulative (2015) With Project

1.2.1 EXISTING (2015) CONDITIONS

Information for Existing (2015) conditions is disclosed to represent the baseline traffic conditions as they existed at the time this report was prepared.

1.2.2 EXISTING PLUS PROJECT CONDITIONS

The Existing Plus Project (E+P) analysis determines significant traffic impacts that would occur on the existing roadway system with the addition of Project traffic. Pursuant to the approved scoping agreement with the Town of Yucca Valley, the E+P analysis is intended to identify the Project-specific impacts associated solely with the development of the proposed Project based on a comparison of the E+P traffic conditions to Existing conditions.

1.2.3 OPENING YEAR CUMULATIVE (2015) CONDITIONS

The Opening Year Cumulative (2015) conditions analysis determines the near-term cumulative traffic impacts. Opening Year Cumulative (2015) traffic volumes were forecasted from Existing (2015) counts plus project volumes plus cumulative development volumes. No ambient growth has been applied due to the Opening Year being end of 2015, however, this analysis scenario does include traffic associated with other approved/pending cumulative projects within the immediate vicinity of the Project.

1.3 STUDY AREA

To ensure that this TIA satisfies the Town of Yucca Valley's traffic study requirements, Urban Crossroads, Inc. prepared a Project traffic study scoping package for review by Town of Yucca Valley staff prior to the preparation of this report. The Agreement provides an outline of the Project study area, trip generation, trip distribution, and analysis methodology. The Agreement approved by the Town of Yucca Valley in Appendix 1.1.

1.3.1 INTERSECTIONS

The following five study area intersection locations listed in Table 1-1 and shown on Exhibit 1-2, were selected for this TIA based on the methodology defined in Appendix C of the County of San Bernardino Congestion Management Program (CMP) that require analysis of intersection locations in which a proposed Project is anticipated to contribute 50 or more peak-hour trips and in consultation with Town of Yucca Valley staff during the scoping process. (1) Although each intersection may have unique operating characteristics, the “50 peak hour trip” criterion is a valid and proven way to establish a study area as it generally represents a threshold of trips at which an intersection would have the potential to be impacted.

TABLE 1-1: INTERSECTION ANALYSIS LOCATIONS

ID	Intersection Location	Jurisdiction
1	Joshua Lane (SR-247) / Twentynine Palms Highway (SR-62)	Yucca Valley
2	Warren Vista Drive / Twentynine Palms Highway (SR-62)	Yucca Valley
3	Warren Vista Drive / Driveway 1	Yucca Valley
4	Warren Vista Drive / Driveway 2	Yucca Valley
5	Dryden Avenue / Twentynine Palms Highway (SR-62)	Yucca Valley

1.4 ANALYSIS FINDINGS

This section provides a summary of the analysis results for Existing (2015), E+P, and Opening Year Cumulative traffic conditions.

A summary of intersection level of service (LOS) findings by traffic condition is provided on Table 1-2. As shown on Table 1-2, all the study area intersections are anticipated to operate at an acceptable LOS (i.e. LOS D or better) for all traffic conditions.

1.5 SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Based on the assessment of E+P traffic conditions, there were no study area intersections that were found to be impacted by the Project. Section 5 *Existing Plus Project Traffic Analysis* includes the detailed analysis results.

1.6 SUMMARY OF CUMULATIVE IMPACTS AND RECOMMENDED IMPROVEMENTS

Based on the assessment of Opening Year Cumulative (2015) traffic conditions, there were no study area intersections that were found to be cumulatively impacted by the Project. Section 6 *Opening Year Cumulative (2015) Traffic Analysis* includes the detailed analysis results.

1.7 ON-SITE ROADWAY AND SITE ACCESS IMPROVEMENTS

Access to the Project will be provided via three existing driveways: Driveway 1 and 2 on Warren Vista Drive (full access with existing cross-street stop control), and Dryden Avenue on Twentynine Palms Highway (SR-62) (full access with existing cross-street stop control).

EXHIBIT 1-2: LOCATION MAP



-65-



LEGEND:

① = INTERSECTION ANALYSIS LOCATION

Table 1-2

Summary of Intersection LOS

#	Intersection	Existing (2015) LOS		E+P LOS		2015 WP LOS		Acceptable LOS
		AM	PM	AM	PM	AM	PM	
1	Joshua Ln. (SR-247) / Twentynine Palms Hwy. (SR-62)	C	D	C	D	C	D	D
2	Warren Vista Av. / Twentynine Palms Hwy. (SR-62)	D	D	D	D	D	D	D
3	Warren Vista Av. / Driveway 1	A	B	B	B	B	B	D
4	Warren Vista Av. / Driveway 2	B	B	B	B	B	B	D
5	Dryden Av. / Twentynine Palms Hwy. (SR-62)	C	C	C	C	C	D	D

LOS = Level of Service; E+P = Existing Plus Project; WP = With Project

The site adjacent roadway of Warren Vista Drive is classified as a Collector with 66-foot right of way in the Town of Yucca Valley General Plan Circulation Element. The existing site adjacent roadway of Warren Vista Drive appears to be constructed to its ultimate General Plan roadway classifications. As such, additional improvements have not been recommended for the site adjacent roadway of Warren Vista Drive.

The site adjacent roadway of Twentynine Palms Highway (SR-62) is classified as a Highway with 134-foot right of way in the Town of Yucca Valley General Plan Circulation Element. Twentynine Palms Highway (SR-62) is not currently constructed to its ultimate General Plan roadway classification. However, no fair share contribution or construction of improvements would be required of the Project as it is anticipated to occupy space within the existing Town Center Mall.

1.7.1 SITE ACCESS IMPROVEMENTS

The site access driveways for the Project currently exist today and are anticipated to operate at acceptable LOS (LOS D or better) for all traffic conditions with the existing lane geometrics and traffic controls. As such, there are no recommended improvements for site access and site adjacent roadways.

On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the Project site.

Sight distance has not been evaluated for the purposes of this analysis. As the Project is anticipated to occupy a portion of an existing Town Center Mall and proposes no changes to the existing access points currently serving the site, there does not appear to be a need to re-evaluate the sight distance that would have previously been addressed as part of the traffic study for the Town Center Mall.

1.8 SPECIAL ISSUES

1.8.1 DROP-OFF / PICK-UP CIRCULATION AND QUEUING

As shown on Exhibit 1-3, drop-off and pick-up circulation is anticipated to provide queuing storage for up to 30 cars in conjunction with 10 loading spaces. Exhibit 1-4 shows the detailed drop-off and pick-up circulation on-site and is recommended to access the Project at Driveway 2 on Warren Vista Drive and exit at Dryden Avenue on Twentynine Palms Highway (SR-62). The effects to peak hour intersection operations due to the addition of the Project traffic have been evaluated at all of the applicable existing Town Center Mall access points, in addition to existing traffic on driveways serving adjacent properties.

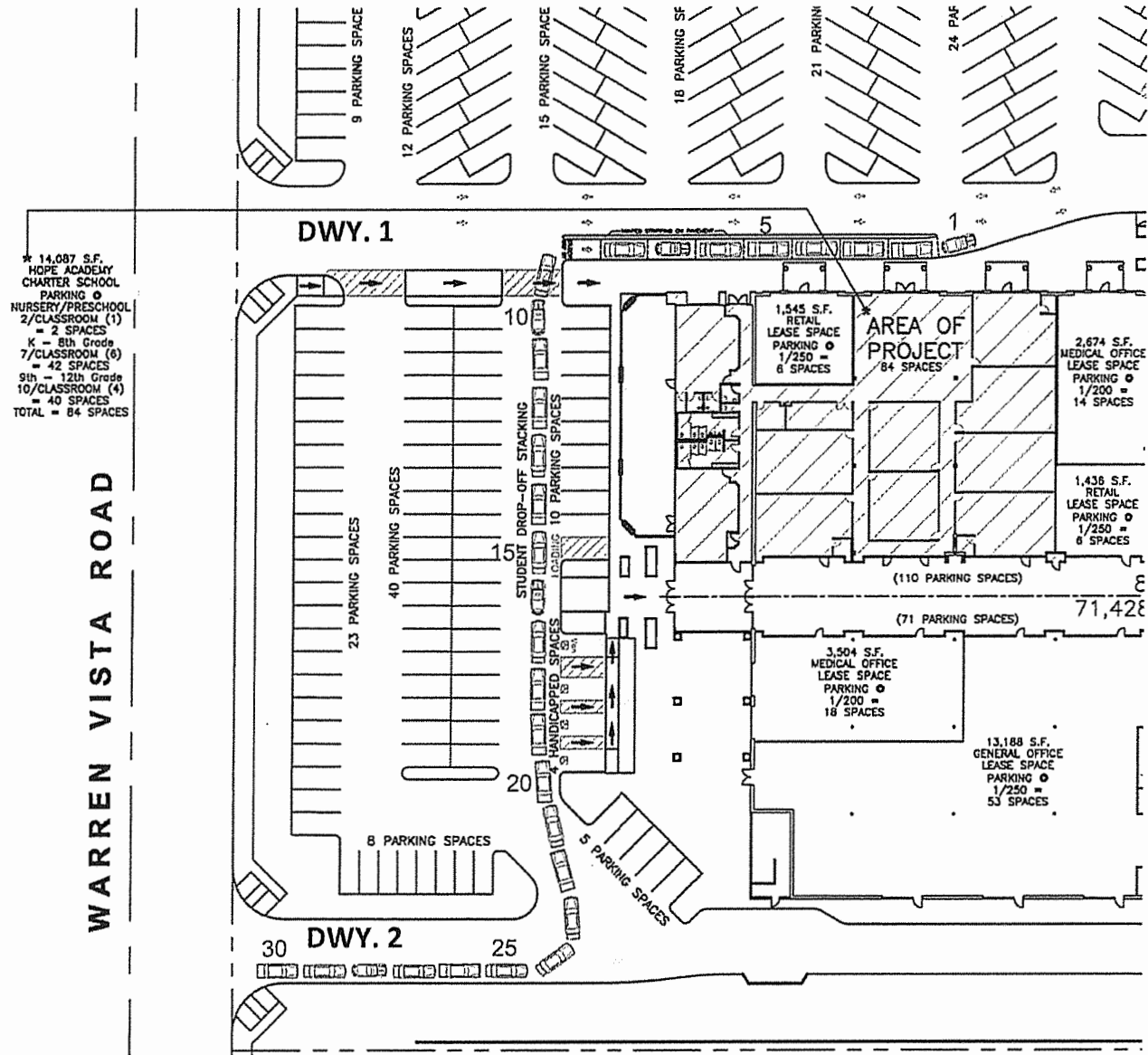
1.8.2 BICYCLE AND PEDESTRIAN FACILITIES

Section 3.4 *Bicycle and Pedestrian Facilities* provides a detailed review of existing bicycle and pedestrian facilities in the study area.

1.8.3 TRANSIT ACCESSIBILITY

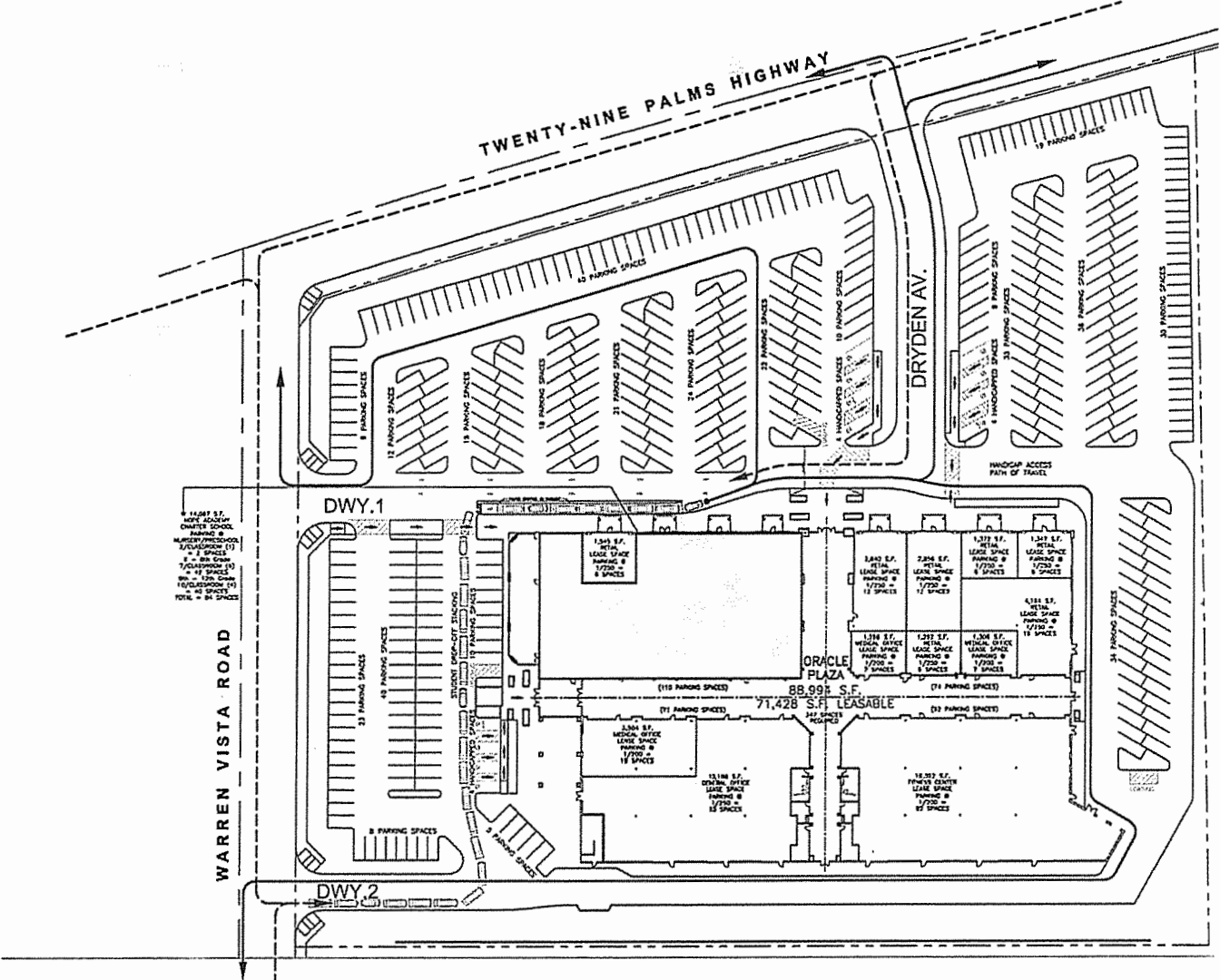
Section 3.5 *Transit Service* provides a detailed review of transit services that currently serve the study area.

EXHIBIT 1-3: DROP-OFF/PICK-UP QUEUING



-69-

EXHIBIT 1-4: DROP-OFF/PICK UP CIRCULATION



-70-



LEGEND:

□ ■ PROPOSED PROJECT

→ ■ EGRESS

- - - ■ INGRESS



2 METHODOLOGIES

This section of the report presents the methodologies used to perform the traffic analyses summarized in this report. The methodologies described are generally consistent with the San Bernardino County CMP traffic study guidelines. (1)

2.1 LEVEL OF SERVICE

Traffic operations of roadway facilities are described using the term "Level of Service" (LOS). LOS is a qualitative description of traffic flow based on several factors such as speed, travel time, delay, and freedom to maneuver. Six levels are typically defined ranging from LOS A, representing completely free-flow conditions, to LOS F, representing breakdown in flow resulting in stop-and-go conditions. LOS E represents operations at or near capacity, an unstable level where vehicles are operating with the minimum spacing for maintaining uniform flow.

2.2 INTERSECTION CAPACITY ANALYSIS

The definitions of LOS for interrupted traffic flow (flow restrained by the existence of traffic signals and other traffic control devices) differ slightly depending on the type of traffic control. The LOS is typically dependent on the quality of traffic flow at the intersections along a roadway. The *Highway Capacity Manual* (HCM) 2010 methodology expresses the LOS at an intersection in terms of delay time for the various intersection approaches. (2)The HCM uses different procedures depending on the type of intersection control.

2.2.1 SIGNALIZED INTERSECTIONS

The Town of Yucca Valley requires signalized intersection operations analysis based on the methodology described in the HCM 2010. (2) Intersection LOS operations are based on an intersection's average control delay. Control delay includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. For signalized intersections LOS is directly related to the average control delay per vehicle and is correlated to a LOS designation as described in Table 2-1.

The LOS analysis for signalized intersections has been performed using optimized signal timing. This analysis has included an assumed lost time of four seconds per critical phase in accordance with San Bernardino County CMP recommended default values. (1) Signal timing optimization has considered pedestrian safety and signal coordination requirements. Appropriate time for pedestrian crossings has also been considered in the signalized intersection analysis.

TABLE 2-1: SIGNALIZED INTERSECTION DESCRIPTION OF LOS

Description	Average Control Delay (Seconds), V/C ≤ 1.0	Level of Service, V/C ≤ 1.0	Level of Service, V/C > 1.0
Operations with very low delay occurring with favorable progression and/or short cycle length.	0 to 10.00	A	F
Operations with low delay occurring with good progression and/or short cycle lengths.	10.01 to 20.00	B	F
Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.01 to 35.00	C	F
Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.01 to 55.00	D	F
Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.01 to 80.00	E	F
Operation with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths	80.01 and up	F	F

Source: HCM 2010, Chapter 18

The peak hour traffic volumes have been adjusted using a peak hour factor (PHF) to reflect peak 15 minute volumes. Common practice for LOS analysis is to use a peak 15-minute rate of flow. However, flow rates are typically expressed in vehicles per hour. The PHF is the relationship between the peak 15-minute flow rate and the full hourly volume (e.g. $PHF = [Hourly\ Volume] / [4 \times Peak\ 15\text{-minute}\ Flow\ Rate]$). The use of a 15-minute PHF produces a more detailed analysis as compared to analyzing vehicles per hour. Existing PHFs have been used for all analysis scenarios. Per the HCM 2010, PHF values over 0.95 often are indicative of high traffic volumes with capacity constraints on peak hour flows while lower PHF values are indicative of greater variability of flow during the peak hour. (2)

Saturation flow rates of 1,800 vehicles per hour of green (vphg) for through and right-turn lanes and 1,700 vphg for single left-turn lanes, 1,600 vphg per lane for dual left-turn lanes, and 1,500 vphg per lane for triple left-turn lanes have been assumed for all capacity analysis under Existing (2015) and Interim Year conditions. These saturation flow rates are consistent with the recommended values in the CMP. (1)

2.2.2 UNSIGNALIZED INTERSECTIONS

The Town of Yucca Valley requires the operations of unsignalized intersections be evaluated using the methodology described in the HCM 2010. (2) The LOS rating is based on the weighted average control delay expressed in seconds per vehicle (see Table 2-2).

TABLE 2-2: UNSIGNALIZED INTERSECTION DESCRIPTION OF LOS

Description	Average Control Delay Per Vehicle (Seconds)	Level of Service, V/C ≤ 1.0	Level of Service, V/C > 1.0
Little or no delays.	0 to 10.00	A	F
Short traffic delays.	10.01 to 15.00	B	F
Average traffic delays.	15.01 to 25.00	C	F
Long traffic delays.	25.01 to 35.00	D	F
Very long traffic delays.	35.01 to 50.00	E	F
Extreme traffic delays with intersection capacity exceeded.	> 50.00	F	F

Source: HCM 2010, Chapter 19 and Chapter 20

At two-way or side-street stop-controlled intersections, LOS is calculated for each controlled movement and for the left turn movement from the major street, as well as for the intersection as a whole. For approaches composed of a single lane, the delay is computed as the average of all movements in that lane. For all-way stop controlled intersections, LOS is computed for the intersection as a whole.

2.3 TRAFFIC SIGNAL WARRANT ANALYSIS METHODOLOGY

The term "signal warrants" refers to the list of established criteria used by Caltrans and other public agencies to quantitatively justify or ascertain the potential need for installation of a traffic signal at an otherwise unsignalized intersection. This TIA uses the signal warrant criteria presented in the latest edition of the Federal Highway Administration's (FHWA) *Manual on Uniform Traffic Control Devices (MUTCD)*, as amended by the *MUTCD 2015 California Supplement*, for all study area intersections. (3)

The signal warrant criteria are based upon several factors, including volume of vehicular and pedestrian traffic, frequency of accidents, and location of school areas. Both the FHWA's *MUTCD* and the *MUTCD 2015 California Supplement* indicate that the installation of a traffic signal should be considered if one or more of the signal warrants are met. (3) Specifically, this TIA utilizes the Peak Hour Volume-based Warrant 3 as the appropriate representative traffic signal warrant analysis for existing traffic conditions. Warrant 3 criteria are basically identical for both the FHWA's *MUTCD* and the *MUTCD 2015 California Supplement*. For the purposes of this study, the speed limit was the basis for determining whether Urban or Rural warrants were used for a given intersection.

Traffic signal warrant analyses were performed for the following unsignalized study area intersection (Table 2-3) during the peak weekday conditions wherein the Project is anticipated to contribute the highest trips:

TABLE 2-3: TRAFFIC SIGNAL WARRANT ANALYSIS LOCATIONS

ID	Intersection Location	Jurisdiction
3	Warren Vista Drive / Driveway 1	Yucca Valley
4	Warren Vista Drive / Driveway 2	Yucca Valley
5	Dryden Avenue / Twentynine Palms Highway (SR-62)	Yucca Valley

It is important to note that a signal warrant defines the minimum condition under which the installation of a traffic signal might be warranted. Meeting this threshold condition does not require that a traffic control signal be installed at a particular location, but rather, that other traffic factors and conditions be evaluated in order to determine whether the signal is truly justified. It should also be noted that signal warrants do not necessarily correlate with LOS. An intersection may satisfy a signal warrant condition and operate at or above acceptable LOS or operate below acceptable LOS and not meet a signal warrant.

2.4 LOS CRITERIA

The Town of Yucca Valley has established LOS D as the minimum level of service for all roadways and intersections within the Town to be used as the maximum acceptable threshold for study area intersections and roadways. (4)

2.5 THRESHOLDS OF SIGNIFICANCE

For purposes of analyzing California Environmental Quality Act (CEQA) impacts, the E+P scenario will be used to establish significant traffic impacts associated with the proposed Project. To determine whether the addition of project traffic at a study intersection results in a significant impact, the following thresholds of significance have been utilized:

- A significant project-related impact occurs at a study intersection if the addition of project-generated trips reduces the peak hour level of service of the study intersection to change from acceptable operation (LOS "A", "B", "C" or "D") to deficient operation (LOS "E" or "F"); or
- A significant project-related impact occurs at a study intersection if the proposed Project contributes 50 or more peak hour trips to an intersection that is currently operating at unacceptable LOS.

The Project will be responsible for fully mitigating its impacts to bring an intersection back to acceptable LOS under E+P traffic conditions.

Cumulative traffic impacts are created as a result of a combination of the proposed Project together with other future developments contributing to the overall traffic impacts requiring additional improvements to maintain acceptable level of service operations with or without the project. A Project’s contribution to a cumulatively considerable impact can be reduced to “less-than-significant” if the Project is required to implement or fund its fair share of improvements designed to alleviate the potential cumulative impact. If full funding of future cumulative improvements is not reasonably assured, a temporary unmitigated cumulative impact may occur until the needed improvement is fully funded and constructed.

3 AREA CONDITIONS

This section provides a summary of the existing circulation network, the Town of Yucca Valley General Plan Circulation Network, and a review of existing peak hour intersection operations and traffic signal warrants.

3.1 EXISTING CIRCULATION NETWORK

Pursuant to the Traffic Study Scoping Agreement (Appendix 1.1) and discussion with Town of Yucca Valley staff, the study area includes a total of five existing intersections as shown previously on Exhibit 1-2.

Exhibit 3-1 illustrates the study area intersections located near the proposed Project and identifies the number of through traffic lanes for existing roadways and intersection traffic controls.

3.2 TOWN OF YUCCA VALLEY GENERAL PLAN CIRCULATION ELEMENT

As previously noted, the Project site is located within the Town of Yucca Valley. Exhibit 3-2 shows the Town of Yucca Valley General Plan Circulation Element, and Exhibit 3-3 illustrates the Town of Yucca Valley General Plan roadway cross-sections.

The roadway classifications and planned (ultimate) roadway cross-sections of the major roadways within the study area, as identified on the Town of Yucca Valley General Plan Circulation Element, are described subsequently.

Twentynine Palms Highway (SR-62) – Twentynine Palms Highway (SR-62) is classified as a Highway with 134-foot right of way in the Town of Yucca Valley General Plan Circulation Element.

Warren Vista Drive – Warren Vista Drive is classified as a Collector with 66-foot right of way in the Town of Yucca Valley General Plan Circulation Element.

3.3 TRUCK ROUTES

The Town of Yucca Valley designated truck route map is shown on Exhibit 3-4. Joshua Lane (SR-247) and Twentynine Palms Highway (SR-62) are study area roadways identified as designated Town of Yucca Valley truck routes.

EXHIBIT 3-1: EXISTING NUMBER OF THROUGH LANES AND INTERSECTION CONTROLS



<p>1 Joshua Ln. (SR-247) & Twentynine Palms Hwy. (SR-62)</p>	<p>2 Warren Vista Av. & Twentynine Palms Hwy. (SR-62)</p>	<p>3 Warren Vista Av. & Dwy. 1</p>	<p>4 Warren Vista Av. & Dwy. 2</p>	<p>5 Dryden Av. & Twentynine Palms Hwy. (SR-62)</p>
---	--	---	---	--

LEGEND:

- = TRAFFIC SIGNAL
- = STOP SIGN
- 4** = NUMBER OF LANES
- D** = DIVIDED
- U** = UNDIVIDED
- = SPEED LIMIT (MPH)

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EXHIBIT 3-2: TOWN OF YUCCA VALLEY GENERAL PLAN CIRCULATION ELEMENT

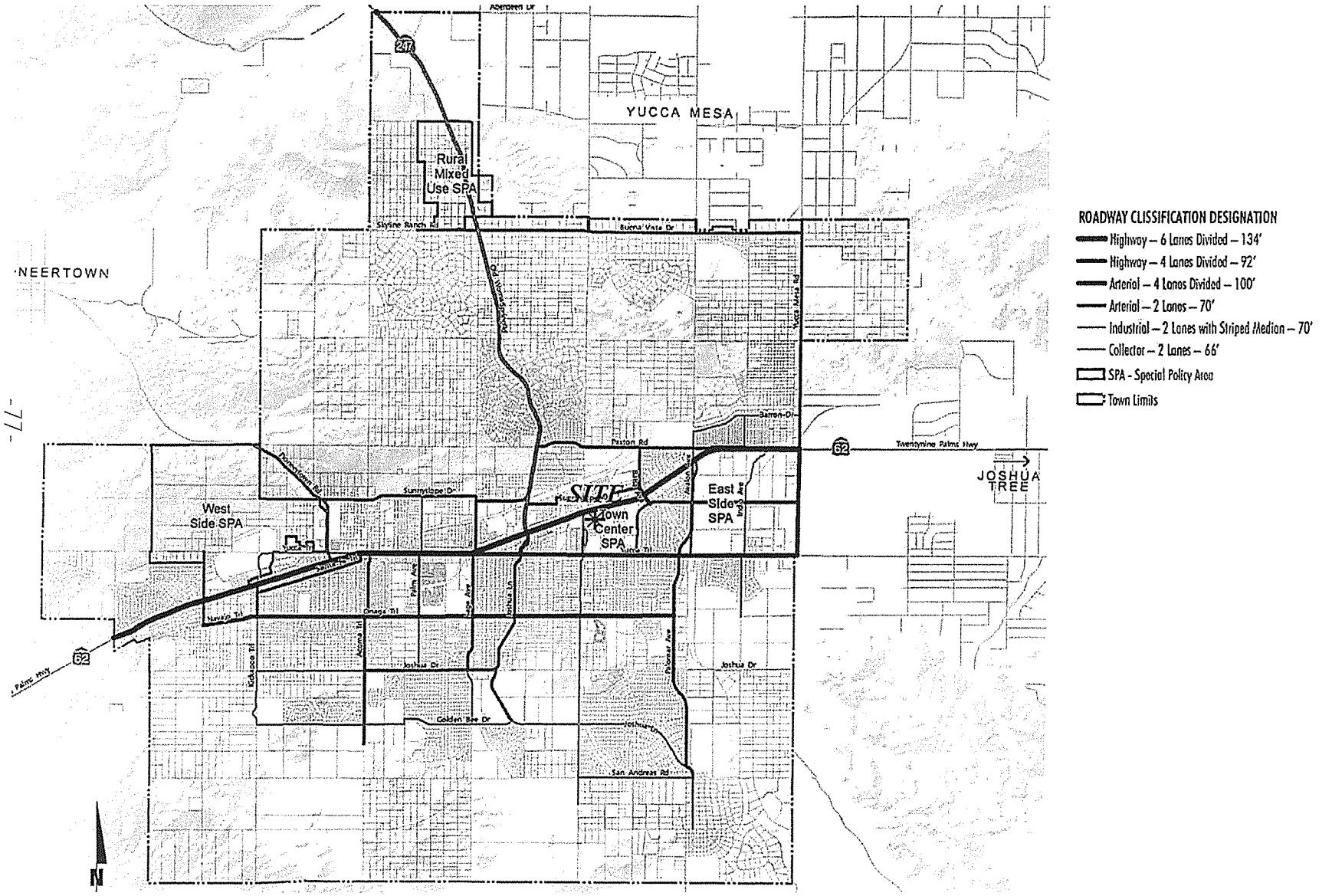
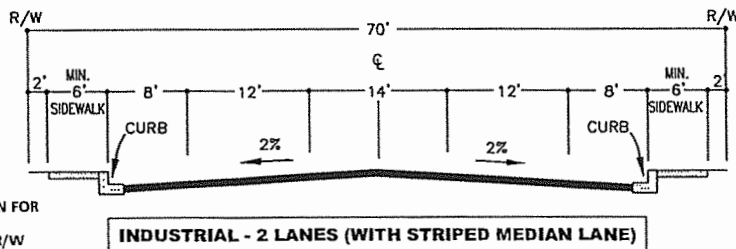
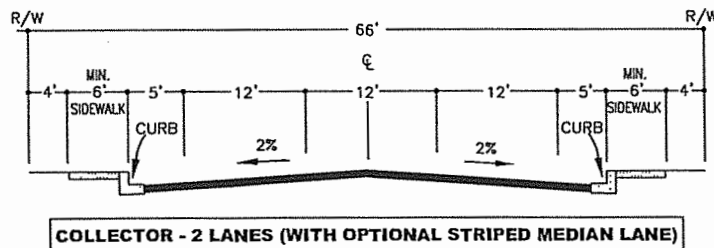
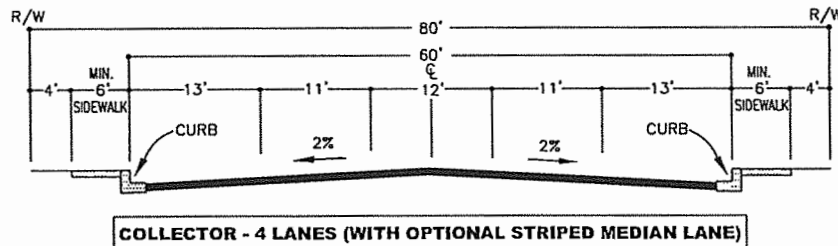
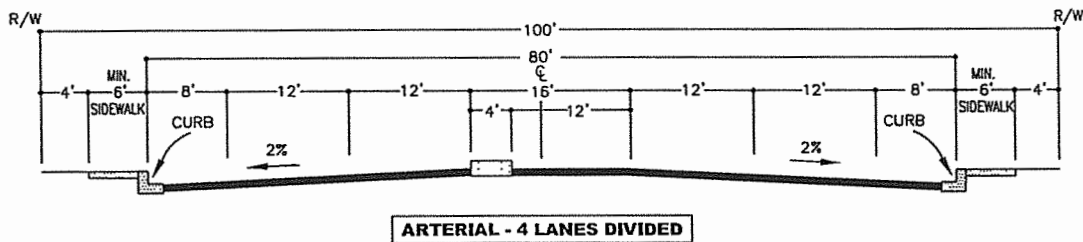
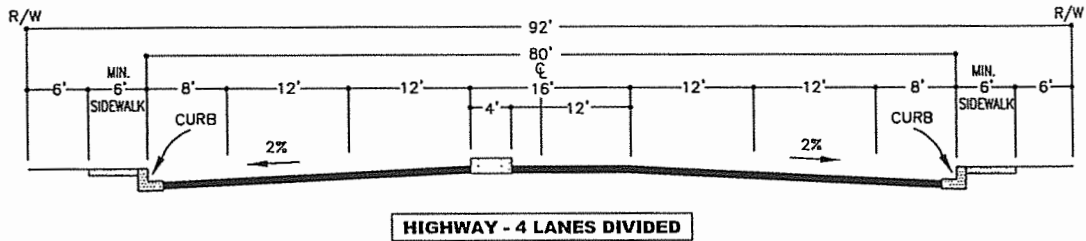
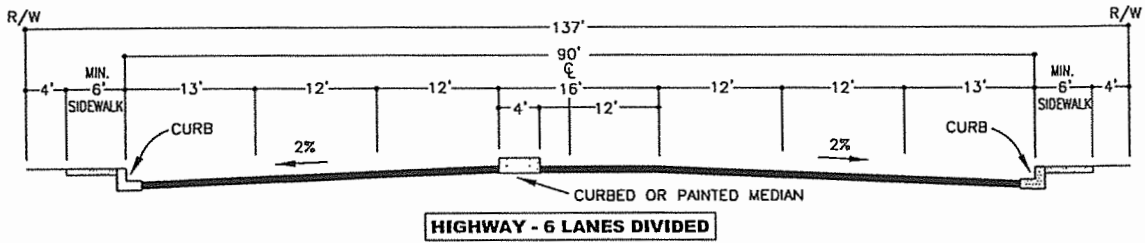
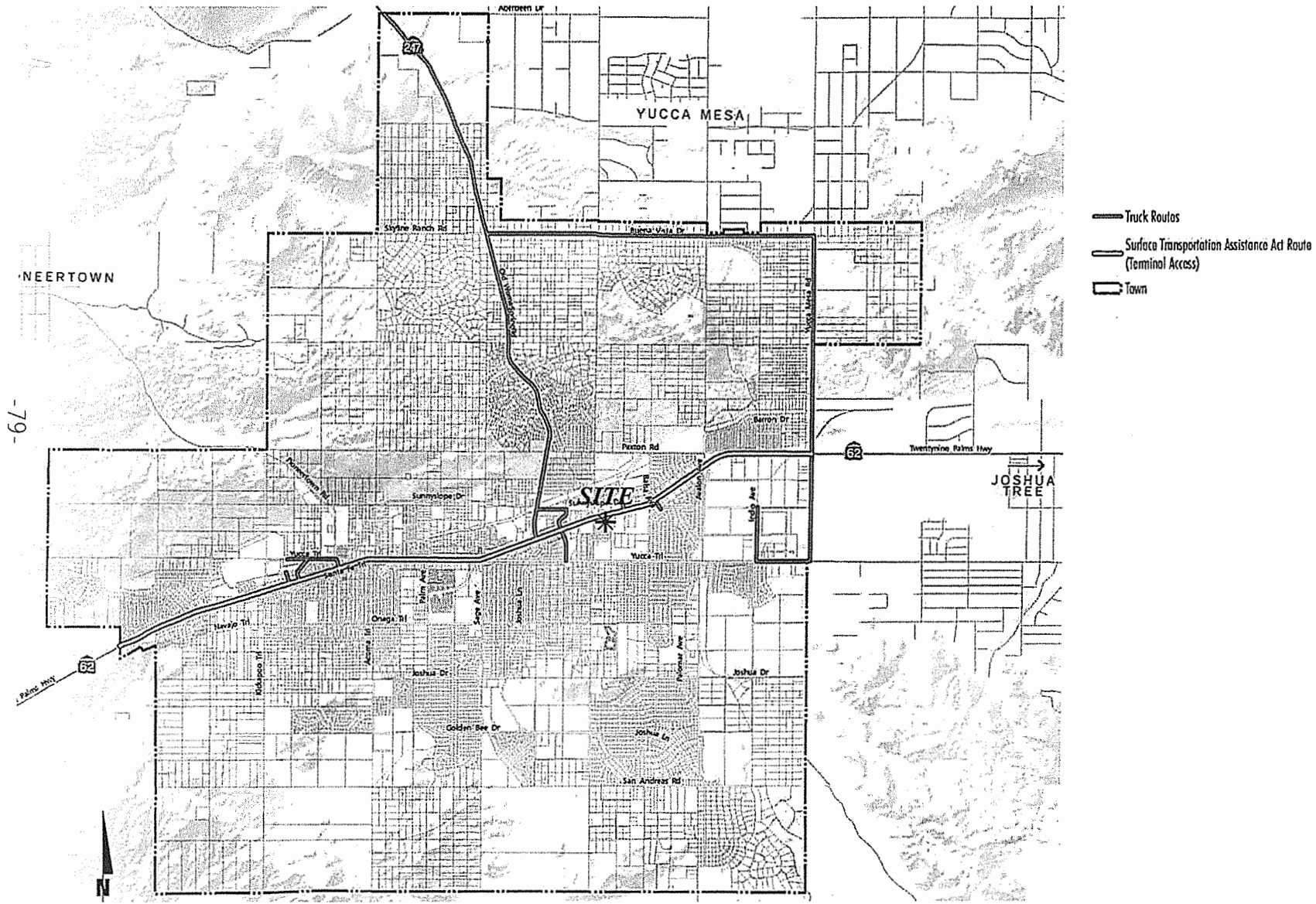


EXHIBIT 3-3: TOWN OF YUCCA VALLEY GENERAL PLAN ROADWAY CROSS-SECTIONS



*PART WIDTH STREET SECTION FOR ALL COLLECTOR STREETS - 34' IMPROVEMENTS ON 48' R/W

EXHIBIT 3-4: TOWN OF YUCCA VALLEY TRUCK ROUTES



3.4 BICYCLE & PEDESTRIAN FACILITIES

As shown on Exhibit 3-5, the Town of Yucca Valley General Plan Proposed Bikeway Plan proposes future Class I bike path north of Twentynine Palms Highway (SR-62). A future Class II bike path is proposed along Warren Vista Drive, south of Twentynine Palms Highway (SR-62).

Existing pedestrian facilities within the study area are shown on Exhibit 3-6. Sidewalks are paved along the southern side Twentynine Palms Highway (SR-62), on the northern boundary of the Project. Sidewalks are paved on either side of Warren Vista Drive along the western boundary of the Project.

3.5 TRANSIT SERVICE

The study area is currently served by the Morongo Basin Transit Authority (MBTA), a public transit agency serving various jurisdictions within San Bernardino County, with bus services along Twentynine Palms Highway (SR-62) via Routes 1, 7A, 7B, and 21. The existing bus route provided within the area by MBTA is shown on Exhibit 3-7. It should be noted that there is an existing bus stop on the southeast corner of Warren Vista Drive and Twentynine Palms Highway (SR-62). Transit service is reviewed and updated by MBTA periodically to address ridership, budget and community demand needs. Changes in land use can affect these periodic adjustments which may lead to either enhanced or reduced service where appropriate.

3.6 EXISTING (2015) TRAFFIC COUNTS

Manual AM and PM peak hour turning movement counts were conducted in May 2015. The raw manual peak hour turning movement traffic count data sheets are included in Appendix 3.1. Existing average daily traffic (ADT) volumes on arterial highways throughout the study area are shown on Exhibit 3-8. Existing ADT volumes are based upon factored intersection peak hour counts collected by Urban Crossroads, Inc. using the following formula for each intersection leg:

$$\text{Weekday PM Peak Hour (Approach Volume + Exit Volume)} \times 11.4268 = \text{Leg Volume}$$

For those roadway segments which have 24-hour tube count data available in close proximity to the study area, a comparison between the PM peak hour and daily traffic volumes indicated that the peak-to-daily relationship of approximately 8.75 percent would sufficiently estimate ADT volumes for planning-level analyses. As such, the above equation utilizing a factor of 11.4268 estimates the ADT volumes on the study area roadway segments assuming a peak-to-daily relationship of approximately 8.75 percent (i.e., $1/0.0875 = 11.4268$). Existing AM and PM peak hour intersection volumes are also shown on Exhibit 3-8.

EXHIBIT 3-5: TOWN OF YUCCA VALLEY GENERAL PLAN PROPOSED BIKEWAY PLAN

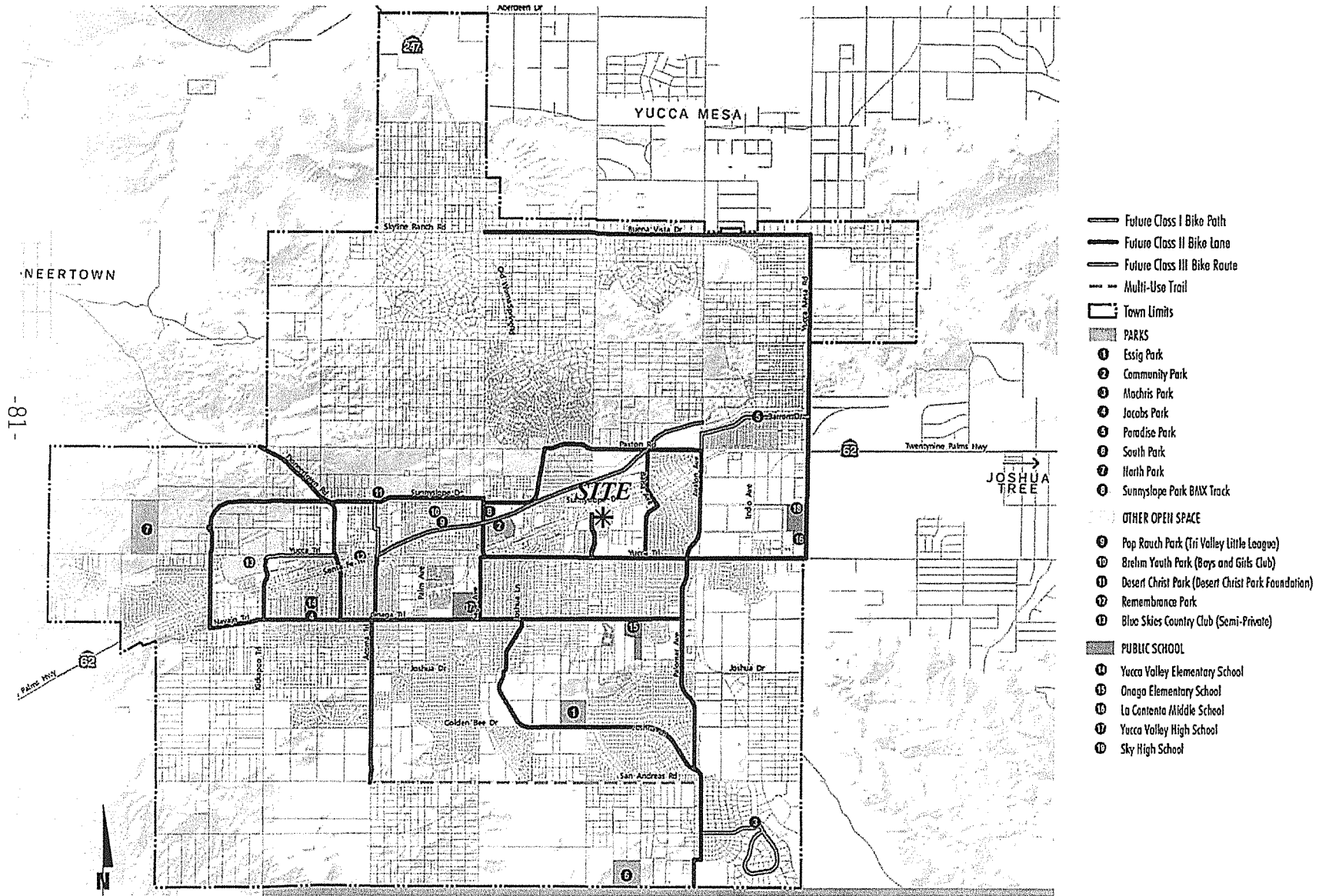


EXHIBIT 3-6: EXISTING PEDESTRIAN FACILITIES



LEGEND:





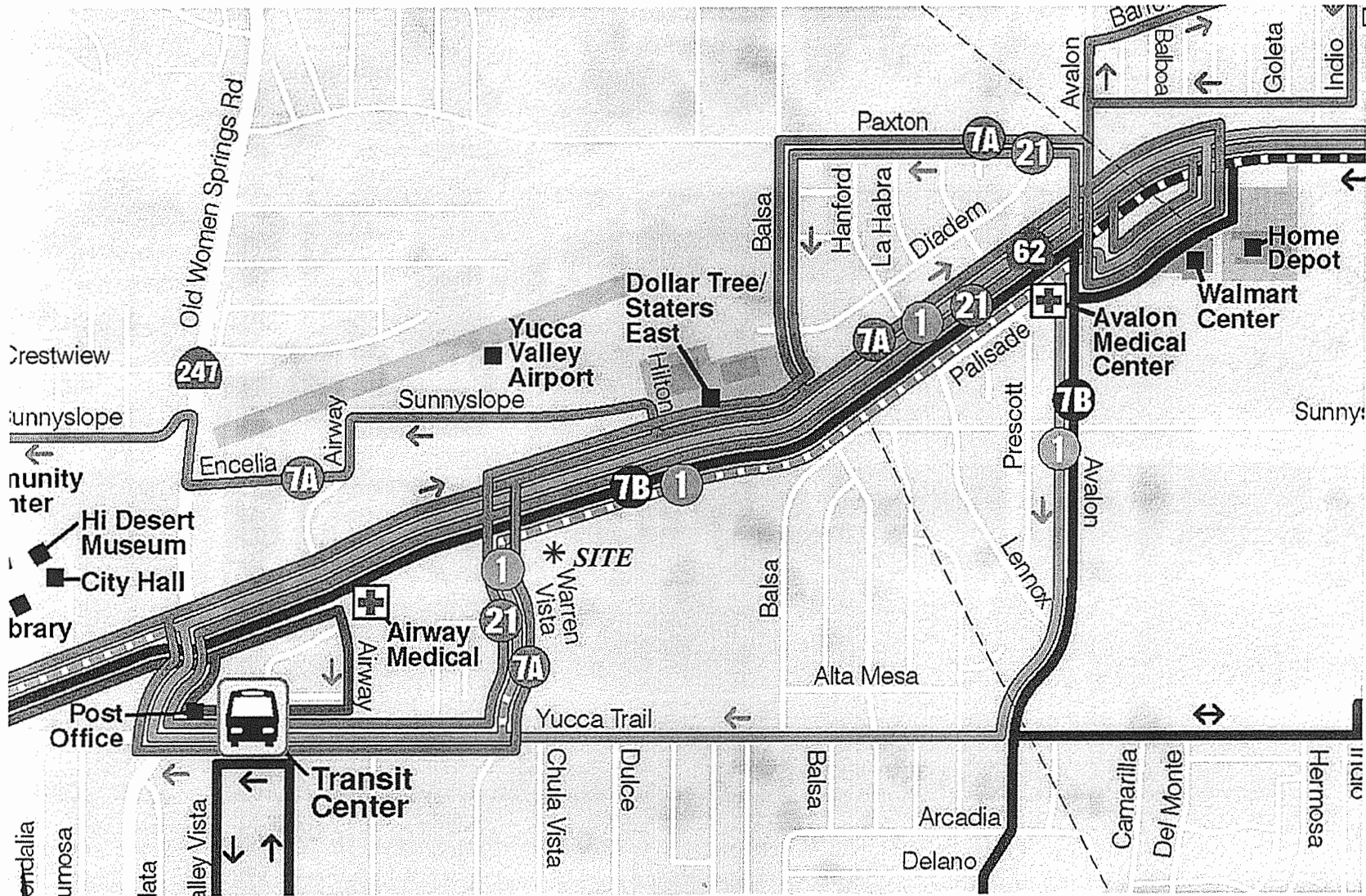
-  SIDEWALK
-  BUS STOP
-  NO CROSSWALK
-  CROSSWALK ON ALL APPROACHES



EXHIBIT 3-7: EXISTING TRANSIT ROUTES



Source: Morongo Basin Transit Authority System Map

EXHIBIT 3-8: EXISTING (2015) CONDITIONS TRAFFIC VOLUMES



1	2	3	4	5
Joshua Ln. (SR-247) & Twentynine Palms Hwy. (SR-62)	Warren Vista Av. & Twentynine Palms Hwy. (SR-62)	Warren Vista Av. & Dwy. 1	Warren Vista Av. & Dwy. 2	Dryden Av. & Twentynine Palms Hwy. (SR-62)
↓ 171(157) ↓ 102(150) ↓ 108(172) ↑ 40(80) ↑ 507(766) ↑ 51(83)	↓ 33(40) ↓ 24(48) ↓ 56(74) ↑ 34(31) ↑ 523(937) ↑ 28(34)	↓ 60(108) ↓ 32(38) ↑ 52(46) ↑ 14(28)	↓ 24(38) ↓ 43(65) ↓ 12(0) ↑ 9(4) ↑ 0(2) ↑ 5(10)	↓ 8(14) ↓ 0(0) ↓ 9(19) ↑ 13(30) ↑ 577(994) ↑ 42(24)
129(240) 546(767) 29(37)	71(76) 504(785) 39(64)	72(137) 49(61)	24(76) 0(3) 9(25)	10(19) 594(887) 4(13)
57(103) 79(118) 58(124)	52(65) 60(44) 31(73)		10(17) 101(86) 28(2)	2(2) 10(10) 21(25)

LEGEND:

10(10) = AM(PM) PEAK HOUR INTERSECTION VOLUMES
 10.0 = VEHICLES PER DAY (1000'S)

3.7 EXISTING CONDITIONS INTERSECTION OPERATIONS ANALYSIS

Existing peak hour traffic operations have been evaluated for the study area intersections based on the analysis methodologies presented in Section 2.2 *Intersection Capacity Analysis* of this report. The intersection operations analysis results are summarized in Table 3-1 which indicates that the existing study area intersections are currently operating at acceptable LOS during the peak hours (e.g., LOS D or better).

Consistent with Table 3-1, a summary of the peak hour intersection LOS for Existing conditions are shown on Exhibit 3-9. The intersection operations analysis worksheets are included in Appendix 3.2 of this TIA.

Table 3-1

Intersection Analysis for Existing (2015) Conditions

#	Intersection	Traffic Control ⁴	Intersection Approach Lanes ¹												Delay ² (secs.)		Level of Service		Acceptable LOS
			Northbound			Southbound			Eastbound			Westbound			AM	PM	AM	PM	
			L	T	R	L	T	R	L	T	R	L	T	R					
1	Joshua Ln. (SR-247) / Twentynine Palms Hwy. (SR-62)	TS	1	2	1	1	2	0	1	2	0	1	2	0	26.9	48.4	C	D	D
2	Warren Vista Av. / Twentynine Palms Hwy. (SR-62)	TS	1	1	0	1	1	0	1	2	1	1	2	0	35.9	46.5	D	D	D
3	Warren Vista Av. / Driveway 1	CSS	0	1	0	1	1	0	0	0	0	0	1	0	9.9	10.1	A	B	D
4	Warren Vista Av. / Driveway 2	CSS	1	1	0	1	1	0	1	0	1	0	1	0	11.2	10.7	B	B	D
5	Dryden Av. / Twentynine Palms Hwy. (SR-62)	CSS	0	1	0	0	1	0	1	2	0	1	2	0	16.0	24.0	C	C	D

¹ When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through

L = Left; T = Through; R = Right

² Per the 2010 Highway Capacity Manual, overall average intersection delay and level of service are shown for intersections with a traffic signal or all-way stop control. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown.

³ CSS = Cross-street Stop; TS = Traffic Signal

**EXHIBIT 3-9: SUMMARY OF PEAK HOUR INTERSECTION LOS
FOR EXISTING (2015) CONDITIONS**



LEGEND:

- ◐ - AM PEAK HOUR ACCEPTABLE LOS
- ◑ - AM PEAK HOUR DEFICIENT LOS
- ◒ - PM PEAK HOUR ACCEPTABLE LOS
- ◓ - PM PEAK HOUR DEFICIENT LOS



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4 PROJECTED FUTURE TRAFFIC

This section presents the traffic volumes estimated to be generated by the Project, as well as the Project's trip assignment onto the study area roadway network. The proposed Project is an expansion to the existing Hope Academy Charter School located within the Town Center Mall. The expansion includes an additional 14,086 square feet and is anticipated to accommodate up to an additional 200 K-12 students.

Access to the Project will be provided via three existing driveways: Driveway 1 and 2 on Warren Vista Drive (full access with existing cross-street stop controls), and Dryden Avenue on Twentynine Palms Highway (SR-62) (full access with existing cross-street stop control).

4.1 PROJECT TRIP GENERATION

Trip generation represents the amount of traffic which is both attracted to and produced by a development. Determining traffic generation for a specific project is therefore based upon forecasting the amount of traffic that is expected to be both attracted to and produced by the specific land uses being proposed for a given development.

The ITE Trip Generation manual is a nationally recognized source for estimating site specific trip generation. Trip Generation rate from ITE Trip Generation manual (9th Edition) in 2012 (5) for private school (ITE Land Use Code 536) has been used. Table 4-1 presents the trip generation rates and summarizes the trip generation based on the student count associated with the proposed Project.

As shown on Table 4-2, the proposed expansion is anticipated to generate a net total of approximately 496 net trip-ends per day on a typical weekday with 162 net vehicles per hour (VPH) during the weekday AM peak hour and 34 net VPH during the weekday PM peak.

4.2 PROJECT TRIP DISTRIBUTION

Trip distribution is the process of identifying the probable destinations, directions or traffic routes that will be utilized by Project traffic. The potential interaction between the planned land uses and surrounding regional access routes are considered, to identify the route where the Project traffic would distribute. The trip distribution patterns are heavily influenced by the geographical location of the site, the location of surrounding uses, and the proximity to the regional freeway system.

The proposed Project is likely to mainly serve the residential uses in the vicinity as opposed to regional freeway oriented traffic. The trip distribution has been manually derived based on the location of the existing uses in the area likely to be served by the Project. Exhibit 4-1 illustrates the Project trip distribution patterns.

Table 4-1

Project Trip Generation Rates & Trip Generation Summary

Land Use	ITE LU Code	Units ²	Weekday AM Peak Hour			Weekday PM Peak Hour			Weekday Daily
			In	Out	Total	In	Out	Total	
Project Trip Generation Rates¹									
Charter School	536	STU	0.49	0.32	0.81	0.07	0.10	0.17	2.48

Project	Quantity	Units ²	Weekday AM Peak Hour			Weekday PM Peak Hour			Weekday Daily
			In	Out	Total	In	Out	Total	
Project Trip Generation Summary									
Hope Academy	200	STU	98	64	162	14	20	34	496

¹ Trip Generation Source: Institute of Transportation Engineers (ITE), Trip Generation, Ninth Edition (2012).

² STU = Students

Table 4-2

Cumulative Development Land Use Summary

#	Project	Land Use ¹	Quantity ²	
YV1	Yucca Valley Animal Shelter	Animal Shelter	7.243	TSF
YV2	South Side Neighborhood / Community Park	Community Park	37.75	AC
YV3	Yucca Valley Senior Specific Plan	Senior Housing	75	DU
YV4	Southern California Gas Company	Office	6.665	TSF
YV5	Prescott Center	Fast Food w/ Drive Thru	3.000	TSF
		Retail	17.642	TSF
YV6	Marrone TPM 19392	Commercial	49.166	TSF
YV7	Burnt Mountain (TTM 17633)	SFDR	61	DU
YV8	Copper Hills (TTM 17862)	SFDR	105	DU
YV9	Golestani (TTM 17985)	SFDR	20	DU
YV10	Lucas (TTM 18773)	SFDR	60	DU
YV11	Specialty Homes (TTM 18011)	SFDR	8	DU
YV12	40 Villas (TTM 16649)	Townhomes	40	DU
YV13	Pueblo Mesa (TTM 18418)	SFDR	142	DU
YV14	Schultz (TTM 16733)	SFDR	17	DU
YV15	Tuscan Ridge (TTM 17476)	SFDR	43	DU
YV16	Rondel (TTM 16787)	SFDR	54	DU
YV17	Stevens (TPM 19288)	SFDR	3	DU
YV18	Inverno (TPM 18472)	SFDR	2	DU
YV19	Melby (TPM 18056)	SFDR	4	DU
YV20	Ocegueda (TPM 18321)	SFDR	2	DU
YV21	Living Space (TPM 17600)	SFDR	2	DU
YV22	Holloway (TPM 18759)	SFDR	2	DU
YV23	McGrew (TPM 18818)	SFDR	2	DU
YV24	MCGrew (TPM 18967)	SFDR	4	DU
YV25	Da Silva (TM 16786)	SFDR	4	DU
YV26	Desert Vista Village	SFDR	105	DU
YV27	Living Space (TM 16957)	SFDR	34	DU
YV28	Mesquite 55 (TM 16587)	SFDR	55	DU
YV29	Strand (TM 17240)	SFDR	4	DU
YV30	Yucca Valley Estates (TM 17328)	SFDR	17	DU
YV31	Smith (PM 18009)	SFDR	1	DU
YV32	Haley (PM 17784)	SFDR	2	DU
YV33	Phillips (PM 17221)	SFDR	4	DU
YV34	Rowe (PM 18349)	SFDR	2	DU
YV35	Cook (PM 17093)	SFDR	4	DU
YV36	Sprecher (PM 17012)	SFDR	4	DU
YV37	Avalon Retail Center	Medical Office	5.553	TSF
		Retail	9.255	TSF
		Restaurant	3.702	TSF
YV38	Hawks Ridge	SFDR	34	DU
YV39	Princeton Equine Clinic	Equine Facility	2.400	TSF

¹ SFDR = Single Family Detached Residential

² TSF = Thousand Square Feet; AC = Acres; DU = Dwelling Unit; STU = Students

EXHIBIT 4-1: PROJECT TRIP DISTRIBUTION



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4.3 MODAL SPLIT

The traffic reducing potential of public transit, walking or bicycling have not been considered in this TIA. Essentially, the traffic projections are "conservative" in that these alternative travel modes might be able to reduce the forecasted traffic volumes.

4.4 PROJECT TRIP ASSIGNMENT

The assignment of traffic from the Project area to the adjoining roadway system is based upon the Project trip generation, trip distribution, and the arterial highway and local street system improvements that would be in place by the time of initial occupancy of the Project. Based on the identified Project traffic generation and trip distribution patterns, Project ADT, AM and PM peak hour volumes are shown on Exhibit 4-2.

4.5 BACKGROUND TRAFFIC

No ambient growth has been included for the purposes of this analysis as the anticipated Opening Year is 2015.

4.6 CUMULATIVE DEVELOPMENT TRAFFIC

California Environmental Quality Act (CEQA) guidelines require that other reasonably foreseeable development projects which are either approved or being processed concurrently in the study area also be included as part of a cumulative analysis scenario. A cumulative project list was developed for the purposes of this analysis through consultation with Planning and Engineering staff from the Town of Yucca Valley. Exhibit 4-3 illustrates the cumulative development location map. A summary of cumulative development projects and their proposed land uses are shown on Table 4-2. If applicable, the traffic generated by individual cumulative projects was manually added to Opening Year Cumulative (2015) With Project conditions to ensure that traffic generated by the listed cumulative development projects in Table 4-2 are reflected as part of the background traffic.

EXHIBIT 4-2: PROJECT ONLY TRAFFIC VOLUMES

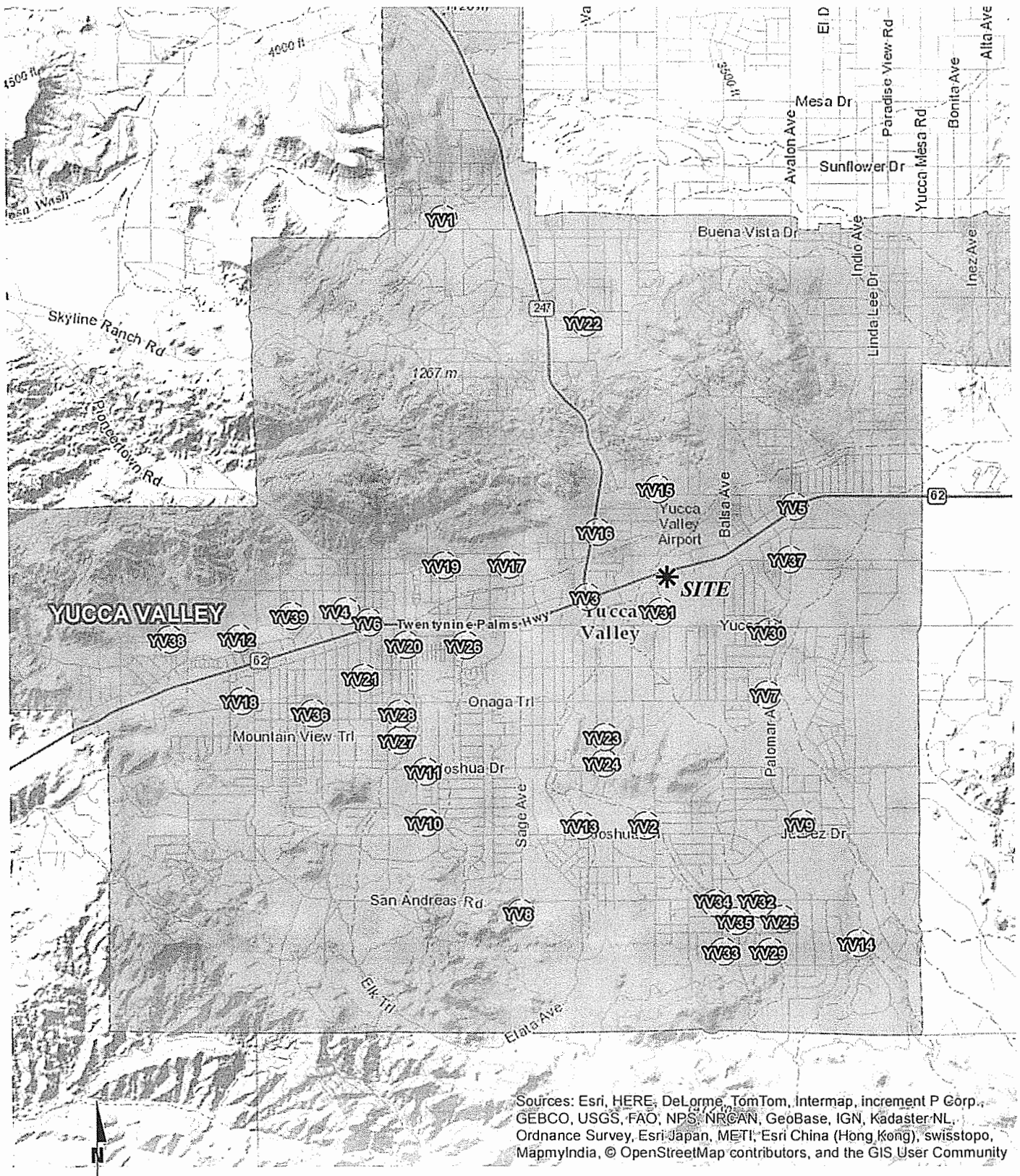


1	2	3	4	5
Joshua Ln. (SR-247) & Twentynine Palms Hwy. (SR-62)	Warren Vista Av. & Twentynine Palms Hwy. (SR-62)	Warren Vista Av. & Dwy. 1	Warren Vista Av. & Dwy. 2	Dryden Av. & Twentynine Palms Hwy. (SR-62)

LEGEND:

- 10(10) ▀ AM(PM) PEAK HOUR INTERSECTION VOLUMES
- 10.0 ▀ VEHICLES PER DAY (1000'S)
- NOM ▀ NOMINAL, LESS THAN 50 VEHICLES PER DAY

EXHIBIT 4-3: CUMULATIVE DEVELOPMENT PROJECTS LOCATION MAP



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

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5 EXISTING PLUS PROJECT TRAFFIC CONDITIONS

In an effort to satisfy the CEQA Guideline section 15125(a), an analysis of existing traffic volumes plus traffic generated by the proposed Project (E+P) has been included in this analysis. This section discusses the traffic forecasts for E+P conditions and the resulting intersection operations and traffic signal warrants.

5.1 ROADWAY IMPROVEMENTS

The lane configurations and traffic controls assumed to be in place for E+P conditions are consistent with those shown previously on Exhibit 3-1.

5.2 EXISTING PLUS PROJECT TRAFFIC VOLUME FORECASTS

This scenario includes Existing traffic volumes plus Project traffic. Exhibit 5-1 shows the ADT, AM and PM peak hour volumes which can be expected for E+P traffic conditions.

5.3 INTERSECTION OPERATIONS ANALYSIS

E+P peak hour traffic operations have been evaluated for the study area intersections based on the analysis methodologies presented in Section 2 *Methodologies* of this TIA. The intersection analysis results are summarized in Table 5-1, which indicates that consistent with Existing traffic conditions, the study area intersections are anticipated to operate at acceptable LOS (i.e., LOS D or better). As such, the impact to study area intersections from the addition of Project traffic is anticipated to be less than significant.

A summary of the peak hour intersection LOS for E+P conditions are shown on Exhibit 5-2. The intersection operations analysis worksheets for E+P traffic conditions are included in Appendix 5.1 of this TIA.

5.4 TRAFFIC SIGNAL WARRANTS ANALYSIS

For E+P conditions, there are no intersections anticipated to meet the peak hour traffic signal warrants (see Appendix 5.2).

EXHIBIT 5-1: E+P CONDITIONS TRAFFIC VOLUMES



1	2	3	4	5
Joshua Ln. (SR-247) & Twentynine Palms Hwy. (SR-62)	Warren Vista Av. & Twentynine Palms Hwy. (SR-62)	Warren Vista Av. & Dwy. 1	Warren Vista Av. & Dwy. 2	Dryden Av. & Twentynine Palms Hwy. (SR-62)
171(157) ↓ 102(150) ↓ 118(173) ↓ 46(82) ↓ 520(770) ↓ 64(87)	33(40) ↓ 24(48) ↓ 56(74) ↓ 34(31) ↓ 549(945) ↓ 38(35)	119(116) ↓ 32(38) ↓ 58(48) ↓ 14(28)	24(36) ↓ 43(95) ↓ 71(8) ↓ 9(4) ↓ 0(2) ↓ 21(15)	8(14) ↓ 0(0) ↓ 9(19) ↓ 13(30) ↓ 587(995) ↓ 57(26)
129(240) ↓ 566(770) ↓ 29(37)	71(76) ↓ 504(785) ↓ 88(71)	72(137) ↓ 48(31)	24(76) ↓ 0(3) ↓ 9(25)	10(19) ↓ 594(887) ↓ 4(13)
57(103) ↓ 79(118) ↓ 78(127)	58(67) ↓ 60(44) ↓ 31(73)		10(17) ↓ 101(86) ↓ 53(6)	28(10) ↓ 10 ↓ 37(30)

LEGEND:

- 10(10) = AM(PM) PEAK HOUR INTERSECTION VOLUMES
- 10.0 = VEHICLES PER DAY (1000'S)

**EXHIBIT 5-2: SUMMARY OF PEAK HOUR INTERSECTION LOS
FOR E+P CONDITIONS**



LEGEND:

- ◐ AM PEAK HOUR ACCEPTABLE LOS
- ◑ AM PEAK HOUR DEFICIENT LOS
- ◒ PM PEAK HOUR ACCEPTABLE LOS
- ◓ PM PEAK HOUR DEFICIENT LOS



Table 5-1

Intersection Analysis for Existing Plus Project Conditions

#	Intersection	Traffic Control ²	Existing (2014)				Existing Plus Project				Acceptable LOS
			Delay ¹ (secs.)		LOS		Delay ¹ (secs.)		LOS		
			AM	PM	AM	PM	AM	PM	AM	PM	
1	Joshua Ln. (SR-247) / Twentynine Palms Hwy. (SR-62)	TS	26.9	48.4	C	D	28.5	50.8	C	D	D
2	Warren Vista Av. / Twentynine Palms Hwy. (SR-62)	TS	35.9	46.5	D	D	36.8	47.1	D	D	D
3	Warren Vista Av. / Driveway 1	CSS	9.9	10.1	A	B	10.0	10.1	B	B	D
4	Warren Vista Av. / Driveway 2	CSS	11.2	10.7	B	B	13.3	10.9	B	B	D
5	Dryden Av. / Twentynine Palms Hwy. (SR-62)	CSS	16.0	24.0	C	C	17.2	24.3	C	C	D

BOLD = LOS does not meet the applicable jurisdictional requirements (i.e., unacceptable LOS).

¹ Per the 2010 Highway Capacity Manual, overall average intersection delay and level of service are shown for intersections with a traffic signal or all-way stop control. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown.

6 OPENING YEAR CUMULATIVE (2015) TRAFFIC ANALYSIS

This section discusses the methods used to develop Opening Year Cumulative With Project and the resulting intersection operations and traffic signal warrants.

6.1 ROADWAY IMPROVEMENTS

The lane configurations and traffic controls assumed to be in place for Opening Year Cumulative traffic conditions are consistent with those shown previously on Exhibit 3-1.

6.2 OPENING YEAR CUMULATIVE (2015) WITH PROJECT TRAFFIC VOLUME FORECASTS

The weekday ADT, AM and PM peak hour volumes which can be expected for Opening Year Cumulative With Project traffic conditions are shown on Exhibit 6-1.

6.3 INTERSECTION OPERATIONS ANALYSIS

LOS calculations were conducted for the study intersections to evaluate their operations under Opening Year Cumulative With Project conditions with roadway and intersection geometrics consistent with Existing conditions. As shown in Table 6-1, the study area intersections are anticipated to continue to operate at acceptable LOS under Opening Year Cumulative With Project conditions (i.e., LOS D or better).

A summary of the peak hour intersection LOS for Opening Year Cumulative With Project traffic conditions is shown on Exhibit 6-2. The intersection operations analysis worksheets for Opening Year Cumulative With Project conditions are included in Appendix 6.1 of this TIA.

6.5 TRAFFIC SIGNAL WARRANTS ANALYSIS

For Opening Year Cumulative With Project conditions, there are no intersections anticipated to meet the peak hour traffic signal warrant (see Appendix 6.2).

EXHIBIT 6-1: OPENING YEAR CUMULATIVE (2015) WITH PROJECT CONDITIONS TRAFFIC VOLUMES



1	2	3	4	5
Joshua Ln. (SR-247) & Twenty-nine Palms Hwy. (SR-62)	Warren Vista Av. & Twenty-nine Palms Hwy. (SR-62)	Warren Vista Av. & Dwy. 1	Warren Vista Av. & Dwy. 2	Dryden Av. & Twenty-nine Palms Hwy. (SR-62)
187(178) 115(168) 138(185) 58(98) 593(858) 75(101)	33(40) 24(48) 56(74) 34(31) 613(1024) 49(49)	154(173) 32(38) 58(48) 14(28)	24(36) 78(152) 71(8) 9(4) 0(2) 21(15)	8(14) 0(0) 9(19) 13(30) 663(1089) 57(26)
143(262) 629(866) 45(67) 79(129) 92(136) 95(138)	71(76) 580(861) 112(114) 90(105) 60(44) 48(84)	121(186) 49(31)	24(76) 0(3) 9(25) 10(17) 150(135) 53(6)	10(19) 687(974) 4(13) 28(10) 10(10) 37(30)

LEGEND:

10(10) = AM(PM) PEAK HOUR INTERSECTION VOLUMES
 10.0 = VEHICLES PER DAY (1000'S)

**EXHIBIT 6-2: SUMMARY OF PEAK HOUR INTERSECTION LOS
FOR OPENING YEAR CUMULATIVE (2015) WITH PROJECT CONDITIONS**



LEGEND:

- ◐ AM PEAK HOUR ACCEPTABLE LOS
- ◑ AM PEAK HOUR DEFICIENT LOS
- ◒ PM PEAK HOUR ACCEPTABLE LOS
- ◓ PM PEAK HOUR DEFICIENT LOS

-103-



Table 6-1

Intersection Analysis for Opening Year Cumulative (2015) With Project Conditions

#	Intersection	Traffic Control ²	2015 With Project				Acceptable LOS
			Delay ¹ (secs.)		LOS		
			AM	PM	AM	PM	
1	Joshua Ln. (SR-247) / Twentynine Palms Hwy. (SR-62)	TS	34.3	54.8	C	D	D
2	Warren Vista Av. / Twentynine Palms Hwy. (SR-62)	TS	44.2	51.3	D	D	D
3	Warren Vista Av. / Driveway 1	CSS	10.6	10.5	B	B	D
4	Warren Vista Av. / Driveway 2	CSS	14.7	11.8	B	B	D
5	Dryden Av. / Twentynine Palms Hwy. (SR-62)	CSS	19.4	27.4	C	D	D

BOLD = LOS does not meet the applicable jurisdictional requirements (i.e., unacceptable LOS).

¹ Per the 2010 Highway Capacity Manual, overall average intersection delay and level of service are shown for intersections with a traffic signal or all-way stop control. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown.

7 REFERENCES

1. **San Bernardino Associated Governments.** *Congestion Management Program for County of San Bernardino.* County of San Bernardino : s.n., Updated December 2007.
2. **Transportation Research Board.** *Highway Capacity Manual (HCM).* s.l. : National Academy of Sciences, 2000 and 2010.
3. **Federal Highway Administration.** *Manual on Uniform Traffic Control Devices (MUTCD).* [book auth.] California Department of Transportation. *California Manual on Uniform Traffic Control Devices (CAMUTCD).* 2012.
4. **Valley, Town of Yucca.** *General Plan Update .* Yucca Valley : s.n., 2014.
5. **Institute of Transportation Engineers.** *Trip Generation.* 9th Edition. 2012.

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Planning Commission: September 6, 2005

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

Case: SITE PLAN REVIEW, SPR-06-05
CATEGORICALLY EXEMPT UNDER CEQA (SECTION 15301, MINOR ALTERATION TO EXISTING STRUCTURE)

Request: A REQUEST FOR ARCHITECTURAL APPROVAL FOR THE REMODELING OF AN EXISTING RETAIL COMMERCIAL BUILDING (PREVIOUSLY K-MART) FOR USE AS MULTI-TENANT RETAIL SPACE. THE BUILDING IS 73,722 SQUARE FEET.

Applicant: SALSHA ENTERPRISES, LLC
40530 MORNING STAR ROAD
RANCHO MIRAGE, CA 92270

Representative: HOLT ARCHITECTS
41555 COOK STREET, SUITE 1-100
PALM DESERT, CA 92211

Location: THE SOUTHEAST CORNER OF WARREN VISTA ROAD AND STATE ROUTE 62 APN: 601-601-25 (PLEASE NOTE THAT THE SITE PLAN PROVIDED WITH THIS STAFF REPORT SHOWS THE SITE AT THE NORTHWEST CORNER OF WARREN VISTA AND SR 62; THE SITE PLAN IS INCORRECT)

Surrounding Land Use:

NORTH: SR 62, EXISTING COMMERCIAL
SOUTH: VACANT
WEST: WARREN VISTA, VACANT
EAST: VACANT

Surrounding General Plan Land Use Designations:

NORTH: CG-GENERAL COMMERCIAL
SOUTH: C-MU-COMMERCIAL MIXED USE
WEST: CG-GENERAL COMMERCIAL
EAST: C-MU-COMMERCIAL MIXED USE

Existing General Land Use Designations:

C-MU-COMMERCIAL MIXED USE

Division Approvals:
Engineering _____ Building & Safety _____ Public Works _____

SPR-06-05
Salsa Enterprises LLC
September 6, 2005 Planning Commission

Surrounding Zoning Designations:

NORTH: CG-GENERAL COMMERCIAL
SOUTH: C-MU-COMMERCIAL MIXED USE
WEST: CG-GENERAL COMMERCIAL
EAST: C-MU-COMMERCIAL MIXED USE

Existing Zoning Designations:

CG - GENERAL COMMERCIAL

RECOMMENDATIONS:

SITE PLAN REVIEW, SPR-06-05: That the Planning Commission approve SPR-06-05 based on the findings contained within the staff report and the recommended Conditions of Approval.

Appeal Information:

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

I. GENERAL INFORMATION

PROJECT DESCRIPTION: The applicant is proposing the remodeling of the existing “Old Kmart” building. The structure consists of 73,722 square feet on a 8.32 acre site. The site is fully improved, and the structure is currently vacant.

The applicant proposes the redevelopment of the existing structure, to include interior corridors with businesses on each side. Access to businesses will be from both the outside of the structure, and the interior corridors. The materials submitted indicate that retail uses are proposed, however no specific users have been identified to staff. It is likely that the tenants will represent a mix of retail and professional uses when the site is fully occupied.

LOCATION: The project is located at the southeast corner of SR 62 and Warren Vista.

PROJECT SYNOPSIS:

SITE COVERAGE

PROJECT AREA	8.32 acres or 362,309 s.f.
BUILDING FOOTPRINT	73,722 s.f. 20%
LANDSCAPING/ PERVIOUS	56,175 s.f. 15.5%
PAVED AREA/HARDSCAPE	232,412 s.f. 64%
PROPOSED BUILDING HEIGHT	25 ft.
ARCHITECTURAL PROJECTION HEIGHT	28 ft.
MAX. BUILDING HEIGHT ALLOWED	35 ft
PARKING REQUIRED	295 spaces (including 7 H.C)
PARKING PROVIDED	442 spaces (including 7 H.C.)
OFF-SITE IMPROVEMENTS REQ.	No. See discussion below
RIGHT-OF-WAY DEDICATION REQ.	Yes – SR 62

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: The proposed project is located in the Commercial Mixed Use designation, which allows a broad range of commercial and residential land uses. The project meets the goals and policies of the General Plan Land Use Element, as well as the Economic Development Element, and as conditioned is consistent with the Development Code.

ADJACENT LAND USES: Lands to the north of the project site are developed commercial parcels. Lands to the east and west of the site are vacant, as are lands to the south.

SITE CHARACTERISTICS: The site is fully developed, including a large single building, to be remodeled, parking and landscaping areas.

ACCESS AND PARKING: The site takes access from three locations. The primary access point is located on SR 62, approximately 433 feet east of Warren Vista. This access point is 35 feet wide, and will provide ample room for traffic in both directions. A second access point is located on Warren Vista, approximately 120 feet south of SR 62. This access drive is also 35 feet wide. Finally, a 30 foot wide drive access occurs at the southern end of the property, onto Warren Vista. All access points are currently existing, and are not proposed to be changed.

The applicant proposes to maintain parking facilities as they currently occur. As such, there will be 442 parking spaces. The Development Code requires 295, so the project exceeds the Development Code standard. As described below, some of these parking spaces will be lost with the widening of SR 62, but an adequate parking ratio should still be maintained. A condition of approval has been included which requires that the parking area be resurfaced and re-striped, to provide a clean appearance to the parking lot.

OFF-SITE IMPROVEMENTS: Although off-site improvements have been constructed along SR 62, the improvements are based on the existing right of way of SR 62, which is 104 feet in width. The Highway 62 Master Plan proposes to widen SR 62 to 134 feet, or an additional 15 feet on each side. The Town approved a General Plan Amendment to implement this new standard.

If this were a typical new development, the applicant would be required to dedicate and improve the frontage on SR 62 to its ultimate right of way. Unlike most new development projects, however, this project is fully improved, and does not propose changes to the design of the site. Staff therefore does not recommend that the applicant be required to widen the Highway.

Instead, staff has included a condition of approval requiring the dedication of the additional lands to accommodate the 67 foot half width, so that the widening can occur in the future. Staff has also included a condition of approval which requires that the applicant contribute an "in lieu" amount equivalent to the cost of the widening to the Town, so that the Town may undertake the widening in a coordinated and cost effective manner for a larger area in the future. The conditions of approval also require that when widening occurs, the applicant will be required to provide a 15 foot wide landscaped setback from the ultimate right of way. This will require the elimination of the northern-most row of parking. The site is over-parked, however, and the loss of this parking will not impact the Development Code requirements for the building size.

BUILDING ELEVATIONS: The proposed architecture is consistent with the Commercial design guidelines of the Development Code. The applicant proposes an enclosed multi-tenant retail building with interior cruciform hallways to access all businesses. Skylights are proposed to bring light into these hallways. The space occupied by the existing building will be renovated, and a small addition, approximately 500 square feet, will be made in the area to the south of the garden center. The balance of the garden center will be occupied by a lease space of 2,985 square feet, and the colonnade and walkway areas on the Warren Vista elevation. As previously stated, specific tenants have not been stated in the application, however it is likely that the project will attract a mix of retail and professional office tenants.

The applicant proposes a series of archways and colonnades across the north elevation, facing SR 62, and also on the western elevation, facing Warren Vista. These colonnades will provide mass and structure to an otherwise plain building on the two sides of the structure most visible to the public. These archways will be stucco-finished, and will include stone veneer to make them more substantial. Metal shade structures are proposed between the pillars. A central arch is proposed on each side of the building, leading the visitor to the entry doors, which in turn lead to interior corridors for the individual businesses.

A series of architectural skylights is proposed throughout the building. These skylights are intended both to lighten the interior, and also to add an architectural element to the structure, as they will be visible from all sides.

The building colors proposed are deep earth tones, which will greatly improve the appearance of the structure, and blend well with the stone veneer proposed for the colonnades and archways.

Overall, the design is attractive, modern, and will provide a considerable improvement to this important corner.

LANDSCAPING: Landscaping on the site occurs, but is poorly maintained and in poor condition. No new landscaping plan has been submitted with this application. A condition of approval requires the submittal of landscaping and irrigation plans for staff approval prior to the issuance of building permits.

The project is also conditioned to improve a 15 foot wide landscaped parkway after widening of SR 62, so that the street frontage will maintain an attractive appearance in the long term.

SIGNAGE Signage is not included in this application, and will be required to conform to the Town's Signage Code.

DISCUSSION: The proposed site plan includes only one loading area, in the southeast corner of the building. Since this area does not serve all the retail spaces within the site, additional loading areas are likely to be required by individual tenants. Since most spaces are small, it is also likely that most tenants will implement "front door" deliveries, rather than requiring a large loading and receiving area. A condition of approval has been included which requires that loading areas be located at each of the four project entrances, to allow larger trucks to unload deliveries.

The subject site is located within the Safety review Area 3 as indicated within the Yucca Valley Airport Comprehensive Land Use Plan. According to the Comprehensive Land Use Plan, commercial activities are identified as being normally acceptable. In accordance with State Law that requires real estate disclosure that the property is within the influence area of the Yucca Valley Airport, a Deed Notice shall be recorded against the property prior to a final inspection.

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 commercial development 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 because the project represents the redevelopment of an important commercial corner, and the proposed improvements will be consistent with, and provide an aesthetic improvement to, the SR 62 commercial corridor.
3. The proposed use is consistent with the development within the Commercial Mixed Use 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 that the site is already developed, and improvements proposed are generally cosmetic.
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 points on both SR 62 and Warren Vista.
7. The proposed use will not have a substantial adverse effect on abutting property or on the permitted use thereof, insofar as the vacant state of the building currently has represented a blight on the R 62 commercial corridor, and this project will remedy that condition. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.

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

CONDITIONS OF APPROVAL

Site Plan Review 06-05

1. This Site Plan Review, SPR-06-05, an application remodel an existing 73,722 square foot building on an 8.32 acre site at the southeastern corner of SR 62 and Warren Vista. The property is identified as Assessor Parcel Number 601-601-25.
2. The applicant/owner shall agree to hold harmless, indemnify and defend, with attorneys of the Town's choice, any action brought against the Town, its Agents, Officers, 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.
4. The applicant/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.
5. All conditions of this Site Plan Review are continuing conditions. Failure of the applicant and/or operator to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property.
6. All exterior lighting shall comply with the Outdoor Lighting Ordinance.
7. A Deed Notice shall be placed on the property, declaring the location of the project site within the Airport Influence Area.

8. The applicant shall pay all fees charged by the town as required for processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time the work is undertaken and accomplished.
9. All improvements shall be inspected by the Town's Building and Safety Division, as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
10. 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.

Any occupancies which require 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.

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.

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'.

A minimum 188 regular and 7 handicap spaces, one of which is van accessible is required for a total of 295 spaces. The maximum number of compact spaces allowed is 25% of the total required parking. The site plan proposes 442 parking spaces

11. Loading spaces shall be provided in the immediate vicinity of each of the four project entrances.
12. All garbage shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
13. Fully enclosed trash enclosures with separate pedestrian access shall be provided at a minimum at each end of the building, and shall comply with recycling guidelines pursuant to Ordinance 42.
14. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.
15. 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.

16. All signage shall comply with the Sign Code. A Sign Program shall be submitted for Planning Division review and approval. The program shall indicate a theme, styles, types, color and placement of signs that will unify and identify the center and integrate the signs with the building design should be provided. Sign color should compliment the building color.
17. All landscape planter areas, including those within the right-of-way, shall be maintained by the applicant in substantial conformance with the approved plan.
18. 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.
19. Sewage disposal system shall be designed in conformance with San Bernardino County DEHS requirements and shall be maintained so as not to create a public nuisance.
20. Water spraying or other approved methods shall be used during any grading or pavement grinding operations to control fugitive dust. A dust mitigation plan shall be submitted to the Town Planning 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.
21. Prior to the issuance of a building permit the applicant/owner shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems accompanied by the review fee. Present desert native species on site shall be reincorporated into landscaping plan 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 the Planning Department and the Hi-Desert Water District prior to issuance of Building Permits.
22. 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.
23. Temporary power shall be established during construction. No permanent power will be issued until the Certificate of Occupancy is issued.
24. Prior to issuance of a building permit, the following conditions shall be completed to the satisfaction of the Town:

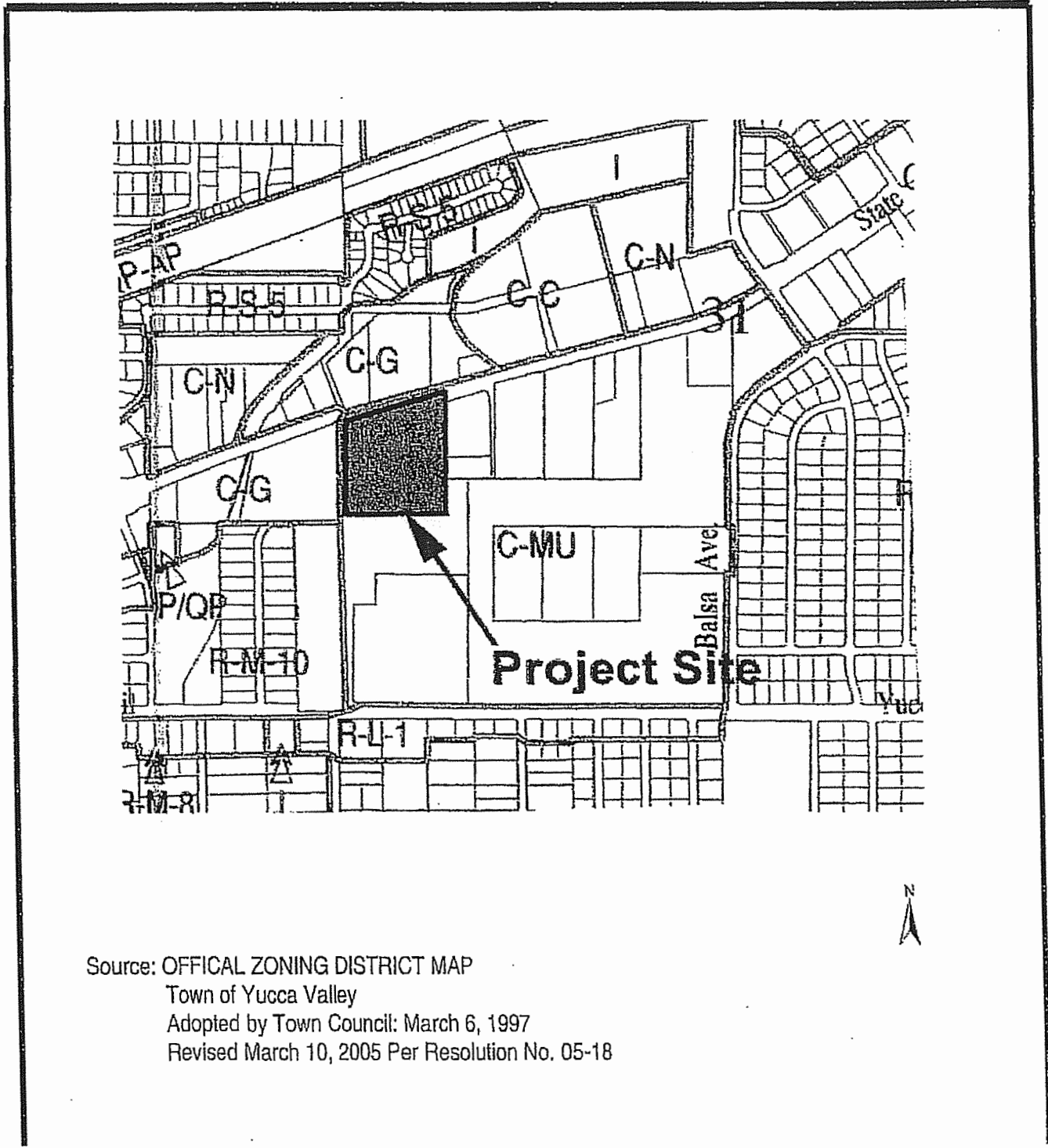
- a. Prior to the issuance of a building permit, the applicant shall make an Irrevocable Offer of Dedication to the Town of an area 15 feet in width, extending from the westerly property boundary of the project site to the easterly property boundary of the project site and immediately adjacent to existing SR 62 right of way, for purposes of expansion of the SR 62 foot right of way to its ultimate width of 134 feet (67 feet northerly from centerline); and
 - b. The Town Engineer shall prepare a cost estimate of the cost of widening SR 62 from the western to the eastern property line in 2005 dollars. The applicant shall, prior to the issuance of building permits, contribute an amount equivalent to the Town Engineer's estimate, in cash, towards the ultimate widening of SR 62 in accordance with the Town adopted standard for SR 62. No other construction costs will be assessed the applicant at the time of widening; and
 - c. The applicant agrees to enter into a maintenance agreement with the Town which shall be recorded against the property whereby the applicant, its successors and assigns, agrees to maintain at its sole cost and expense such landscaping and irrigation to standards acceptable to the Town until such time as the Town may form a maintenance assessment district under the provisions of the Lighting and Landscape Maintenance Act of 1972(Part 2, Division 15, California Streets and Highways Code, Sections 22500 et seq.) and through the provisions of Article XIII D of the California State Constitution (Proposition 218) for purposes of maintaining the landscaped and irrigated area; and
 - d. Said agreement shall provide that the applicant, its successors and assigns, agrees not to protest and agree to participate in the formation of a landscape maintenance district; and
 - e. Prior to formation of the landscape maintenance district an Engineer's Report will be prepared by an assessment engineer pursuant to California Streets and Highways Code Sections 22500 et seq. and Proposition 218 estimating the costs of maintenance of improvements and the assessment proposed to be levied against the parcel.
25. The applicant shall agree to provide and improve a 15' landscape setback based on ultimate right of way upon the widening of SR 62 along the property frontage of the subject site. A landscape plan shall be submitted for review and approval.
26. 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 Engineering Department. 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.
27. Prior to the issuance of building permits, unless other timing is indicated, the applicant shall complete all street improvement plans, in conformance with all applicable Town ordinances and standards, submit and obtain approval, post securities and execute agreements. Prior to occupancy, all public improvements shall be installed in accordance with all applicable Town ordinances.
 28. Applicant shall protect all downstream properties from damages caused by alteration of the drainage patterns, i.e., concentrations or diversion of flow. Protection shall be provided by constructing adequate drainage facilities including enlarging existing facilities and/or by securing a drainage easement. A maintenance mechanism shall be in place for any private drainage facilities constructed on-site or off-site. Any grading or drainage onto private off site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected landowner.
 29. Prior to issuance of a grading permit, if any for this project, the applicant shall file and obtain, if required, a Notice of Intent from the Regional Water Quality Control Board (RWQCB) and comply with RWQCB (Colorado River Basin) requirements.
 30. The applicant shall install all required water and sewer systems necessary to serve the project.
 31. 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 City Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
 32. Prior to a Certificate of Occupancy, the applicant shall obtain all Fire Department clearances.
 33. All parking areas shall be resurfaced and re-stripped to Town standards.

Applicant's Signature _____ Date _____

TOWN OF YUCCA VALLEY

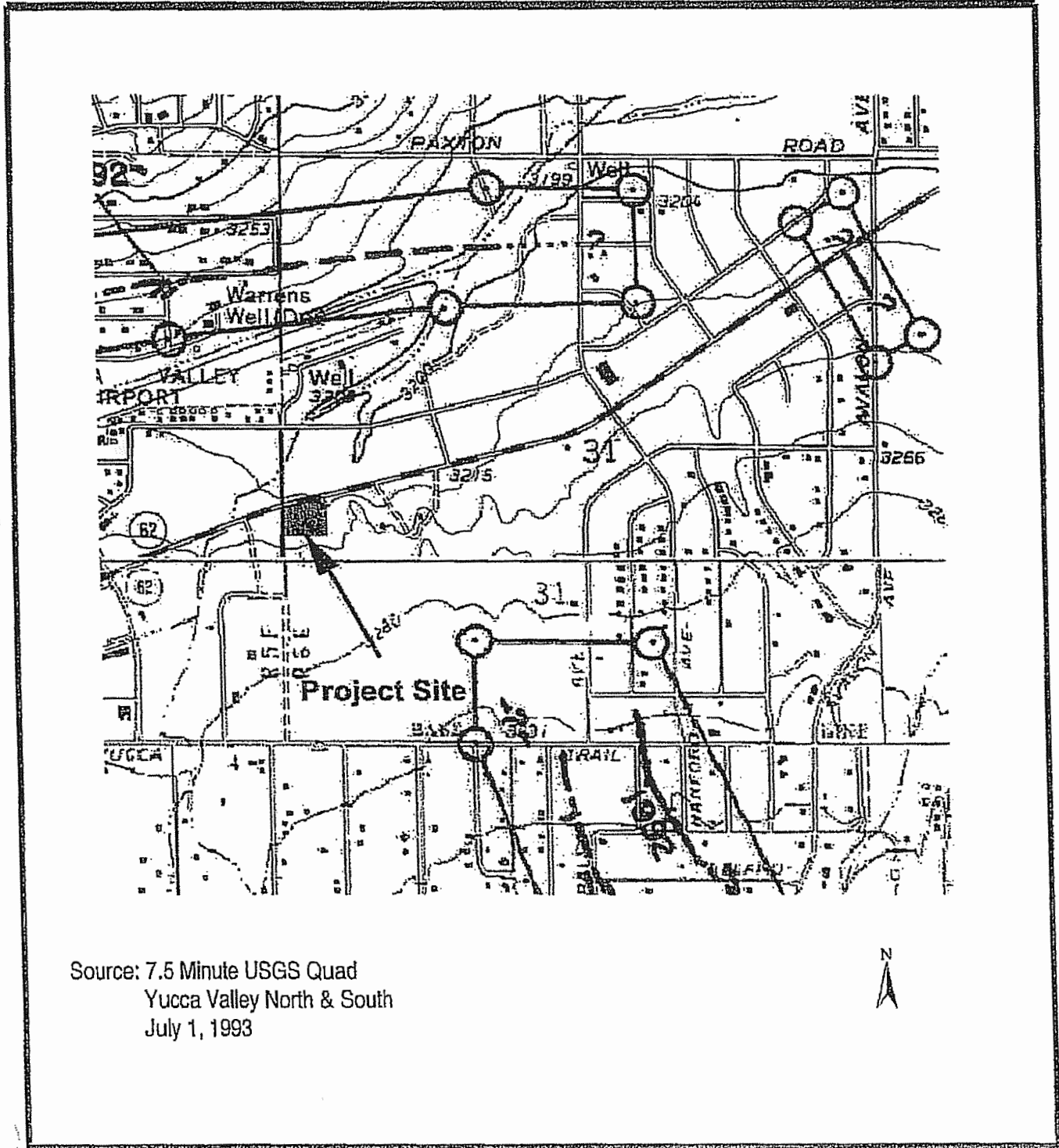
PROJECT NO.: SALSHA 06-05



ZONING AND GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

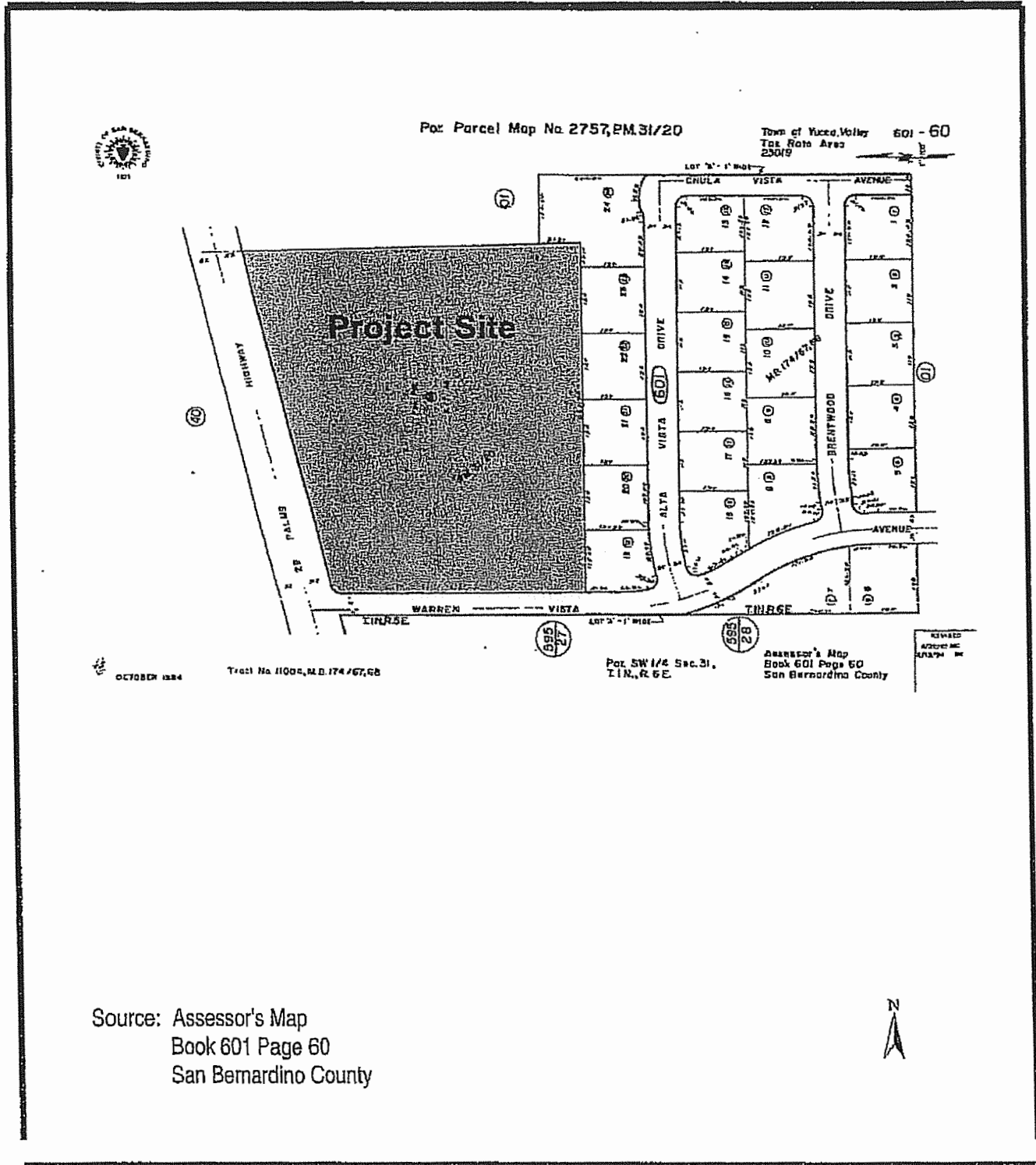
PROJECT NO.: SALSHA 06-05



SEISMIC MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: SALSHA 06-05



Source: Assessor's Map
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San Bernardino County

ASSESSOR'S PARCEL MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: SALSHA 06-05



Source:
Image 2004 AirPhotoUSA



AERIAL PHOTO

COPY

August 8, 2005

Mr. Tim Holt
Holt Architects
41-555 Cook Street, Suite 1-100
Palm Desert, CA 92211

RE: Conditional Use Permit 03-05, The Oracle project

Dear Tim:

As Lisa may have told you, I am consulting planner to the Town, and have been assigned this project. I look forward to working with you again.

As discussed with Lisa, a site plan which shows the existing footprint (including the garden center), with the proposed building overlain is required. I am trying to determine whether you are enclosing the garden center, or whether that is what is shown as the arcade on the north end of the building, and would like to illustrate it for the Planning Commission.

Since drive-throughs have been eliminated from the request, this will now be processed as a Site Plan Review. As such, our Development Code does not require a public hearing for its review. We will not require property owner's notification labels for the project.

Please also note that your plans show north in the wrong direction. The project is actually located at the southeastern corner of Warren Vista and SR 62. In the interest of conservation, I will simply point this out in my staff report, so that we do not have to reprint all the plan sets.

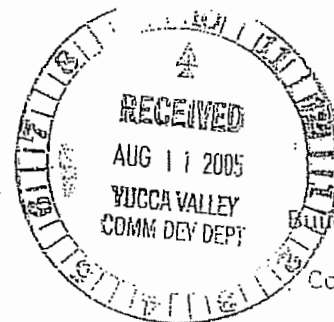
If you are able to provide the Town with the site plan overlay described above by August 15, we will be able to schedule the item for the September 6th Planning Commission meeting. Please let me know at your earliest convenience if this is possible.

Sincerely,



Nicole Sauviat Criste
Consulting Planner

Cc: File



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



The Town of
Yucca Valley

COMMUNITY DEVELOPMENT DEPARTMENT
58928 Business Center Drive • Yucca Valley, Calif. -124-34
FAX (760) 369-6575

EXPIRATION: AUGUST 2006

AUGUST 16, 2005

TOWN OF YUCCA VALLEY
58928 BUSINESS CENTER DR.
YUCCA VALLEY, CA 92284

FILE: CUP YVY05/15277
LOCATION: SR 62 & WARREN VISTA AVE – YUCCA VALLEY
PROJECT TYPE: CUP: RENOVATION OF EXISTING COMMERCIAL SPACE
PLANNER: SHANE R. STUECKLE

Dear Applicant:

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

The following information of this document sets forth the *FIRE CONDITIONS* and *GUIDELINES* which are applied to this project. Approved Approved w/conditions Not Approved

FIRE CONDITIONS:

Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]

Fire Fee. The required fire fees (~~currently \$103.00~~) shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8465. This fee is in addition to fire fees that are paid to the City of Fontana. [F-40]

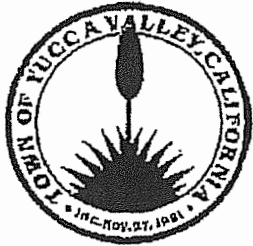
Additional Comments:

- (1) Must submit two (2) sets of Remodeling Plans;
- (2) Must submit four (4) sets of Fire Sprinkler Plans;
- (3) Must submit four (4) sets of Fire Alarm Plans.

Sincerely

DOUG CRAWFORD
Planning & Engineering Supervisor

DC:ts



Date:	<u>1/19/05</u>
By:	<u>Robert + Kirschmann</u>
Fee:	<u>\$ 3,335</u>
Case No:	<u>03-05</u>
EA No:	<u>07-05</u>

CONDITIONAL USE PERMIT

(Please Print Legibly)

Applicant SALSHA ENTERPRISE, LLC. (PREM SALHOTRA SURESH SHAH)

Address 40530 MORNING STAR RD City RANCHO MIRAGE State CA Zip 92270

Phone (760) 574-4449 Fax _____

Contact Person/Representative ROBERT H. RICHARDI Architect Phone (760) 346-0223

Address 75-090 ST. CHARLES PL. SUITE A City PALM DESERT State CA Zip 92211

Property Owner SALSHA ENTERPRISE LLC

Address _____ City _____ State _____ Zip _____

Phone _____ Fax _____

Assessor Parcel Number(s) 601-601-25 Existing Land Use K-mart center.

Property Dimensions 8.317 AC. = 362,309 SF General Plan Designation COMMERCIAL MIXED USE

Structure Square Footage 74,800 Existing Zoning COMMERCIAL MIXED USE

Proposed Project Description : Please Attach Description Letter

Owner's Signature [Signature] Date 1-14-05

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

Applicant's Signature [Signature] Date 1-14-05

February 23, 2005

Robert Ricciardi, Architect
75-090 St. Charles Pl. Ste A
Palm Desert, CA. 92211

RE: CUP-03-05 (Proposed Reuse of K-Mart Building)

Dear Mr. Ricciardi:

The purpose of this letter is just a follow up to our January 27, 2005 meeting whereby staff met with you and the applicant regarding the application that was submitted to the Town on January 19, 2005. The purpose of the meeting was to discuss the additional information the site plan needed to include before staff could begin processing the application as well provide to you some general information.

At the meeting, staff conveyed to you that the site plan needed to be fully dimensioned, right-of-way width, grades, driveway widths, and fast food drive thru lane stacking. It was also conveyed that the Town was amending the General Plan Circulation Element to modify the cross section of SR 62 from 110' right-of-way to 134' right-of-way width and that the project would be subject to a 15 foot additional dedication.

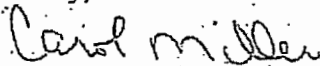
Concerns with respect to some design issues were also conveyed. This included the possible relocation of the northerly most driveway on Warren Vista to provide for a greater separation between the driveway and the Warren Vista/SR 62 intersection. Concerns with Building E building elevations were also mention since this was a critical building as seen from SR 62.

In staff's review of the scope of the project, a Traffic Impact Analysis and NPDES to show increase run-off would be required to satisfy the California Environmental Quality Act (CEQA).

Again, the purpose of this letter was follow up with our meeting on January 27, 2005 whereby the project was deemed incomplete and to offer any assistance in moving this project forward.

If you have any questions, please call me at 369-1265, ext. 304.

Sincerely,



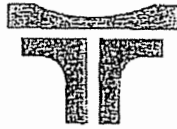
Carol Miller
Senior Planner



The Town of
Yucca Valley

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

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



ROBERT H. RICCIARDI ARCHITECT
A Professional Corporation

ARCHITECTURE ENGINEERING PLANNING INTERIOR DESIGN

January 14, 2005

TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION
57090 29 Palms Highway
Yucca Valley, Ca. 92284

Attn: Community Development Department

RE: Conditional Use Permit, CUP
APN 500-000-000
Salsha Enterprises LLC

Dear Sir/Madam:

On behalf of Salsha Enterprises LLC, and in compliance with the submittal requirements for a Conditional Use Permit application, I am providing this letter of project description and justification.

This proposed project is to seek approval of a Conditional Use Permit to change the existing 8.317 acre K-Mart site, located at 57725 29 Palms Highway, Yucca Valley, California, from a single tenant use to a multi tenant use as follows;

1. Reduce the existing vacant 87,250 sq. ft. K-Mart structure to 48,080 multi tenant commercial/office structures totaling 24,600 sq. ft.
2. To add five free standing multi-use commercial/office structures totaling 24,600 sq. ft.
3. To redesign the existing paved asphalt parking lot to accommodate the new required parking and additional trash enclosures.
4. All existing perimeter fencing and retaining walls shall remain.

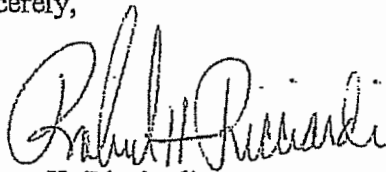
5. Landscaping to copy existing landscaping.

Findings:

1. The site for the proposed use is adequate in size and shape to accommodate the proposed commercial office complex.
2. The setbacks , parking areas, loading areas, retaining walls, landscape and other features are in compliance with zoning and development code requirements.
3. All required street improvements are already in place, as well as all off site utilities. All site access driveways and curb work from 29 Palms Highway and Warren Vista Road are in place.
4. The proposed development will not have a substantial adverse effect on abutting property, because the use will not generate excessive noise, vibration, traffic or other disturbances, for it will not generate more traffic than the approved K-Mart development.
5. The proposed use is consistent with the goals, objectives and standards of the Town of Yucca Valley General Plan and Zoning/Development Code, because the expansion of the church requires a Conditional Use Permit and meets the intent of the Draft General Plan and will comply with the requirements and conditions as set forth under the Town of Yucca Valley Development Code.

If you have any questions, please call (760) 346-2223.

Sincerely,



Robert H. Ricciardi

Town of Yucca Valley
ENVIRONMENTAL INFORMATION FORM

Environmental Case No. EA- 07-05

DATA REQUIRED FROM THE APPLICANT

GENERAL INFORMATION

1. Name and address of applicant:
Salsha Enterprises LLC
40-530 Morning Star Road
Rancho Mirage, Ca. 92270
2. Name, address and phone number of person to be contacted concerning this project:
Robert H. Ricciardi Architect
75-090 St. Charles Pl.
Palm Desert, Ca. 92211
(760) 346-2223
3. Address, Assessor Parcel Number and size of project site:
57-725 29 Palms Hwy.
Yucca Valley, Ca. 92284
APN 060-160-125-0000
4. Project type (i.e. map, CUP, SPR, etc.)
CUP
5. List and describe any other permits and other public approvals required for this project, including those required by the Town, State and Federal agencies:
City building Permits

PROJECT DESCRIPTION

6. Provide a written description of the proposed project. (Including and describe any projects which may be necessitated as a result of approving this project; i.e. water line extensions and whether the project is a phase or portion of a larger project)
See attached letter.

ENVIRONMENTAL SETTING

7. Provide a written description of the project site as it presently exists including land uses, information on topography, nature slope, soil stability, and any cultural, historical, or scenic characteristics.
The project is currently a unused K-Mart building of approx. 50,000 sq. ft. with a parking lot and related landscaping.

8. Describe the existing plant life.

NA

PROJECT IMPACTS

9. Describe the impact of the project on existing public facilities and services such as streets, schools, flood control facilities and the like.

YES NO

 X 10. Could the project be substantially affected by any natural or manmade features present on or near the project site? Examples of such features include the location and/or construction of facilities in a floodplain or natural drainage course, near an earthquake fault, immediately adjacent to a highway or in close proximity to an aircraft flight path?

 X 11. Could the project be substantially affected by any natural or manmade features present on or near the project site? Examples of such change in topography, change in scenic views or vistas from existing residential areas or public lands, change in pattern, scale or character of general area of the project?

 X 12. Could the project change groundwater quantity or quality, or alter existing drainage pattern?

 X 13. Will the project involve the application, use or disposal of potentially hazardous materials such as pesticides or high explosives during the project construction and/or following completion?

 X 14. Will the project generate substantial amounts of solid waste or litter during project construction and/or following completion?

 X 15. Will the project involve construction facilities on an existing slope of 10% or greater?

 X 16. Will significant amounts of noise be generated by the project during construction and/or following completion? Examples would include blasting during construction and machinery operation following completion?

 X 17. Will the project result in the generation of significant amounts of dust, particulate matter or chemical aerosols during construction and/or following completion?

YES NO

- X 18. Will the project significantly affect any form of fish, wildlife, or plant life in the area of the project?
- X 19. Will the project substantially increase fossil fuel consumption (electricity, natural gas, etc.)?

CERTIFICATION

I hereby certify that the statements made above and in the attached exhibits require for the initial environmental evaluation are true and correct to the best of my knowledge and belief.

Signature John H. Pukkade Architect Date 1/14/05
Applicant

PLANNING COMMISSION STAFF REPORT

To: Chairman & Planning Commission
From: Shane R. Stueckle, Deputy Town Manager
Date: October 27, 2005
For Commission Meeting: November 1, 2005

Subject: Site Plan Review, SPR-06-05
 Salsha Enterprises
 Remodeling/Reuse of Former Kmart Building

Prior Commission Review: Planning Commission meeting of September 6, 2005. Planning Commission approval of SPR-06-05.

Recommendation: That the Planning Commission makes no modifications to SPR-06-05, as approved by the Planning Commission on September 6, 2005.

Summary: The Planning Commission approved Site Plan Review, SPR-06-05 at its meeting of September 6, 2005. The applicant is requesting that certain Conditions of Approval related to right-of-way dedications and infrastructure construction in lieu fee payments be removed from the project.

- Order of Procedure:**
- Request Staff Report
 - Commission Questions of Staff
 - Request Public Comment
 - Commission Discussion
 - Motion/Second
 - Discussion on Motion
 - Call the Question

Discussion: In a meeting on September 29, 2005, the Salsha Enterprises representatives requested that Conditions of Approval #24, sub sections a and b, be eliminated from the project. At the time of the writing of this Staff Report, a written request has not been received.

The Conditional Use Permit for the former Kmart expired 6 months after the closing of the business operation. Therefore no land use entitlements have existed on the property for several years.

As indicated in the Planning Commission Staff Report of September 6, 2005, the property is located in the Commercial Mixed Use Land Use District. Based upon adopted Ordinance, because the Town has not adopted regulations specific to the C-MU zone at this time, the General Commercial standards remain in effect. The General Commercial land use district ordinance requires a Site Plan Review permit to be approved by the Town for General Retail services.

The following information outlines several sections of the Site Plan Review ordinance, and is provided to assist the Commission with the applicant's request and in evaluating appropriate land use policy implementation.

Reviewed By:	NA		
	Town Manager	Town Attorney	Mgmt Services
		Dept Head	

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

Section 83.031205, Purpose and General Plan Consistency, includes the following language:

"The Site Plan Review procedure is intended to protect and enhance the visual appeal, environment, economic stability and property values of the Town's residential, commercial, and industrial areas through the application of the provisions of this Code and General Plan. The Site Plan Review procedure allows the Town to evaluate proposed development and determine its consistency with the General Plan and applicable Town ordinance. Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated, and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter".

Section 83.031215 Authority (c) General Authority states the following:

"The Director and/or Commission are authorized to approve, approve with conditions, or deny applications for Site Plan Permits in compliance with the procedures established in this Section. In approving an application for a Site Plan Permit, the Director and/or Commission may impose conditions to ensure compliance with this Code. Conditions may include, but shall not be limited to:

- (7) Control of street improvements, other public infrastructure and related dedications;
- (9) Control of traffic circulation;

Section 83.031240 Required Findings.

- (i) That there are public facilities, services, and utilities available at the appropriate levels or that these shall be installed at the appropriate time to serve the project as they are needed;
- (j) That access to the site and circulation on and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists;
- (k) That traffic improvements and or mitigation measures are provided in a manner adequate to maintain a Level of Service C or better on arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan.

Dedications and Street Improvements, Sections 87.0201 through 87.0220 of the Development Code address in more specifics the Town's authority to require dedications and street improvements for land development projects. Because these Sections of the Code still contain language from the County of San Bernardino, all language is in effect within the Town of Yucca Valley.

87.0201 Dedication of Additional Highway Right-of-Way:

"Prior to Final Inspection of any buildings or structures in the unincorporated areas of San Bernardino County, the dedication of additional highway right-of-way may, at the discretion of the Director of Transportation and Flood Control, be required to comply with the County General Plan,

any adopted specific plan, or the provisions of any specific ordinances which has established a future right-of-way line...”

87.0205 Installation of Street Improvements.

“Prior to final inspection of any building, structure or improvement resulting in an increase or change of vehicular traffic such that the construction of street improvements are necessary for the purposes of protecting public safety and health, the installation of street improvements may, at the discretion of the Director of Transportation and Flood Control, be required in accordance with the current adopted County Standards. “Street improvements” include any or all curb and gutter, sidewalks, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade for placement of paving and other necessary improvements as determined by the Director of Transportation and Flood Control”.

87.0210 Delayed Improvements – Bonding.

“Such right-of-way dedication and installation of street improvements shall be required prior to the occupancy of the premises or commencement of above-referenced uses. Where it is impractical to install the required improvements at the time of the proposed development, an agreement in writing shall be entered into with the County Department of Transportation and Flood Control to make such improvements, and a cash deposit, a surety bond or other such form of surety as may be acceptable to the County Department of Transportation and Flood Control in an amount equal to the estimated costs of the improvements as determined by the County Engineer, shall be posted with the County Department of Transportation and Flood Control in lieu thereof, to guarantee the installation of such improvements...”

Additional language is included in the Code which allows for the waiver of requirements.

The General Plan was recently amended by the Town Council establishing the 67' half-width requirement. The additional dedication is necessary for adequate lane numbers and configuration on SR 62 in order to achieve Level of Service D. Without the additional right of way and future widening of SR 62, Level of Service D cannot be attained.

The General Plan contains the following Policy language.

Program 9.A “Require that curb, gutter and sidewalks, be installed along General Plan designated roadway when needed to address drainage control or other identified controlling factors”.

In the case of SR 62, other controlling factors include the recently adopted General Plan amendment for SR 62, in addition to the Development Code findings for Site Plan Review projects.

At the implementation level, the Planning Commission has been consistent for numerous years in requiring dedications and construction of public improvements for land development projects on SR 62. Staff recommended the related Conditions of Approval for payment of an in lieu fee vs. constructing the improvements at this time due to constructing sufficient lengths of SR 62 highway widening at one time, and not creating in/out traffic movements for small stretches on SR 62.

Waiver of both dedication and construction (including in lieu fee payments) of public improvements as a part of private land development projects places the financial burden of those improvements on the Town.

This policy issue is not new, and the Town will continue to receive requests to not require construction of public improvements and/or waiver of in lieu fee payments.

The primary policy question that the Town will continue to be requested to address is who is required to pay the costs associated with Town standards for essential, General Plan and Development Code required off-site improvements.

ORDINANCE NO. 91

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 3, CHAPTER 3, OF THE COUNTY OF SAN BERNARDINO DEVELOPMENT CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY BY ADDING A NEW ARTICLE 12 ESTABLISHING A SITE PLAN REVIEW PERMIT PROCESS

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1. Code Amended

Title 8, Division 3, Chapter 3, of the San Bernardino County Development Code as adopted by the Town of Yucca Valley is amended by adding thereto a new Article 12 to read as follows:

"Article 12. Site Plan Review Permit.

Sections:

83.031205	Purpose and General Plan Consistency
83.031210	Applicability
83.031215	Authority
83.031220	Application Submittal requirements
83.031225	Application Fee
83.031230	Investigation and Report
83.031235	Action By Review authority
83.031240	Required Findings
83.031245	Modification of Pre-Existing Site Plan Permits
83.031250	Lapse of Permits/Permit Expiration
83.031255	Extension of Time
83.031260	Suspension/Revocation
83.031265	Performance Guarantee
83.031270	Development of Property Before Final Decision

83.031205 Purpose and General Plan Consistency.

The Site Plan Review procedure is intended to protect and enhance the visual appeal, environmental, economic stability and property values of the Town's residential, commercial, and industrial areas through the application of the provisions of this Code and the General Plan. The Site Plan Review procedure allows the Town to evaluate proposed development and determine its consistency with the General Plan and applicable Town ordinances. Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated, and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter. The Site Plan Review process is

intended to implement the General Plan by creating a built environment that is consistent and compatible with the desert environment and to preserve the Town of Yucca Valley's unique character.

83.031210 Applicability.

- (a) General. A Site Plan Permit shall be required for all applicable uses and structures permitted by this Code and listed in the use charts for the various zoning districts, including the following:
 - (1) New structures, including accessory structures and uses;
 - (2) Expansion or conversion of an existing use or structure;
 - (3) Construction or conversion of a structure (s) to allow a mixed-use development;
 - (4) The enlargement of an existing structure for which a Site Plan Permit has not been issued and exceeds the standards as established in Section 83.030305, Land Use Compliance Review.

83.031215 Authority.

- (a) Level of Review:

<u>APPLICABILITY</u>	<u>LEVEL OF REVIEW</u>	<u>NOTICE REQUIREMENTS</u>
New structures, including accessory structures and uses;	Planning Commission	Pursuant to CEQA.
Expansion of an existing structure in conformance with Section 83.030305;	Land Use Compliance Review (Staff Level)	None
Expansion of an existing structure which exceeds the standards as established in Section 83.030305;	Planning Commission	Pursuant to CEQA.
Conversion of an existing structure	Director	None
Construction or conversion of a structure(s) to allow a mixed-use development.	Planning Commission	Pursuant to CEQA.

Where the authority for Site Plan Review is not specified, the Director shall determine the appropriate review authority.

(b) Referral to Next Higher Review Authority. The Director may refer an application for a Site Plan Permit to the Planning Commission or in the case of the Planning Commission, the Commission may refer an application for a Site Plan Permit to the Town Council based upon the following criteria:

- (1) Impact upon public services and facilities greater than typical for the type of project proposed;
- (2) Impact upon surrounding properties greater than typical for the type of project proposed;
- (3) Floor or site square footage greater than typically found in the type of project;
- (4) Intensity of use greater than typically found in the type of projects;
- (5) Operating Characteristics not typical of the type of project proposed.
- (6) Other factors including but not limited to public opposition to development of the project.
- (7) The need for Planning Commission and or Town Council interpretation of the General Plan and/or Development Code as related to the project.

(c) General Authority. The Director and/or Commission is authorized to approve, approve with conditions, or deny applications for Site Plan Permits in compliance with the procedures established in this Section. In approving an application for a Site Plan Permit, the Director and/or Commission may impose conditions to ensure compliance with this Code. Conditions may include, but shall not be limited to:

- (1) Requirements for special structure setbacks;
- (2) Open spaces;
- (3) Buffers;
- (4) Fences;
- (5) Walls and screening;
- (6) Control of the installation and maintenance of landscaping and erosion control measures;
- (7) Control of street improvements, other public infrastructure and related dedications;
- (8) Control of vehicular ingress and egress;

Chapter 2

DEDICATIONS AND STREET IMPROVEMENTS

Sections:

- 87.0201 Dedication of Additional Highway Right-of-Way.
- 87.0205 Installation of Street Improvements.
- 87.0210 Delayed Improvements — Bonding.
- 87.0215 Waiver of Requirements — Procedure.
- 87.0220 Office of Building and Safety Determination.

87.0201 Dedication of Additional Highway Right-of-Way.

Prior to Final Inspection of any buildings or structures in the unincorporated areas of San Bernardino County, the dedication of additional highway right-of-way may, at the discretion of the Director of Transportation and Flood Control, be required to comply with the County General Plan, any adopted specific plan, or the provisions of any specific ordinance which has established a future right-of-way line. Where none of the foregoing exist, the required dedication in the Desert Areas shall be forty-four (44) foot half-width on section lines and quarter section lines and thirty (30) foot half width on sixteenth section lines. In the Mountain Areas, a twenty (20) foot half-width from centerline shall be required. In the Valley Areas, additional right-of-way shall be required in compliance with road widths established by the County General Plan after review by the Director of Transportation and Flood Control.

87.0205 Installation of Street Improvements.

Prior to Final Inspection of any building, structure or improvement resulting in an increase or change of vehicular traffic such that the construction of street improvements are necessary for the purposes of protecting public safety and health, the installation of street improvements may, at the discretion of the Director of Transportation and Flood Control, be required in accordance with the current adopted County standards. "Street improvements" include any or all curb and gutter, sidewalks, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade for the placement of paving and other necessary improvements as determined by the Director of Transportation and Flood Control.

87.0210 Delayed Improvements — Bonding.

Such right-of-way dedication and installation of street improvements shall be required prior to the occupancy of the premises or commencement of the above-referenced uses. Where it is impractical to install the required improvements at the time of the proposed development, an agreement in writing shall be entered into with the County Department of Transportation and Flood Control to make such

improvements, and a cash deposit, a surety bond or such other form of surety as may be acceptable to the County Department of Transportation and Flood Control in an amount equal to the estimated cost of the improvements as determined by the County Engineer, shall be posted with the County Department of Transportation and Flood Control in lieu thereof, to guarantee the installation of such improvements. In the latter event, the actual installation of street improvements may be delayed until written demand therefor is made by the County. If surety bonds are submitted, they shall be furnished by a surety company authorized to write such bonds in the State of California.

87.0215 Waiver of Requirements — Procedure.

(a) Requirements for all improvements in the public right-of-way will be specified by the County Department of Transportation and Flood Control. Request for a waiver of any of these requirements may be made to the Director of Transportation and Flood Control who shall have the authority to approve modifications or reject any of the requirements.

(1) Prior to waiving or modifying any improvement requirement, the Director of Transportation and Flood Control shall find as follows:

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

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

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

(3) Appeal of Action by Director of Transportation and Flood Control. Any decision by the Director of Transportation and Flood Control pertaining to a request to waive or modify required improvements may be appealed to the Planning Commission.

87.0220 Office of Building and Safety Determination.

Before Final Inspection of any such building or structure, the Office of Building and Safety shall determine the following:

(a) That all of the required dedications have been provided.

(b) That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of acceptable surety in an amount equal to the estimated cost of the street improvements has been posted with the County Department of Transportation and Flood Control to assure the installation of said street improvements.

Planning Commission: November 6, 2007
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION
STAFF REPORT

Case: SITE PLAN REVIEW 06-05, AMENDMENT #1

Request: A REQUEST TO CONSTRUCT A RETAINING WALL ON THE SOUTH PROPERTY LINE, AND ADD PROVISIONS FOR PERMITTED USES TO AN EXISTING BUILDING (ORACLE PLAZA).

Applicant: SALSHA ENTERPRISES, LLC
40530 MORNING STAR ROAD
RANCHO MIRAGE, CA 92270

Property Owner: SALSHA ENTERPRISES, LLC
40530 MORNING STAR ROAD
RANCHO MIRAGE, CA 92270

Representative: NONE

Location: THE SOUTHEAST CORNER OF WARREN VISTA ROAD AND STATE ROUTE 62 APN:
601-601-25

Surrounding Land Use:

NORTH: SR 62, EXISTING COMMERCIAL
SOUTH: VACANT
WEST: WARREN VISTA, VACANT
EAST: VACANT

Surrounding General Plan Land Use Designations:

NORTH: CG-GENERAL COMMERCIAL
SOUTH: C-MU-COMMERCIAL MIXED USE
WEST: CG-GENERAL COMMERCIAL
EAST: C-MU-COMMERCIAL MIXED USE

Existing General Land Use Designations:

COMMERCIAL MIXED USE

Division Approvals:
Engineering _____ Building & Safety _____ Public Works _____

Surrounding Zoning Designations:

NORTH:	CG-GENERAL COMMERCIAL
SOUTH:	C-MU-COMMERCIAL MIXED USE
WEST:	CG-GENERAL COMMERCIAL
EAST:	C-MU-COMMERCIAL MIXED USE

Existing Zoning Designations:

COMMERCIAL MIXED USE

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 06-05, AMENDMENT #1: That the Planning Commission approve Site Plan Review 06-05, Amendment #1 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 requests amendment to an existing Site Plan Review to add a retaining wall along the southern property line, and to broaden the list of allowable uses to include all permitted indoor uses in the Commercial Mixed Use zone, as described under Section 84.0350, General Commercial District.

LOCATION: The parcel is located at the southeast corner of Highway 62 and Warren Vista.

<u>PROJECT SYNOPSIS:</u>	<u>SITE COVERAGE</u>
PROJECT AREA	8.32 acres or 362,309 s.f.
BUILDING FOOTPRINT	73,722 s.f. 20%
OFF-SITE IMPROVEMENTS REQ.	No. See discussion below
RIGHT-OF-WAY DEDICATION REQ.	Yes – SR 62

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: The proposed project is located in the Commercial Mixed Use designation, which allows a broad range of commercial and residential land uses. The project meets the goals and policies of the General Plan Land Use Element, as well as the Economic Development Element, and as conditioned is consistent with the Development Code.

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: Lands to the north of the project site are developed commercial parcels. Lands to the east and west of the site are vacant, as are lands to the south.

SITE CHARACTERISTICS: The site is fully developed, including a large single building, parking and landscaping areas.

BUILDING ELEVATIONS: No alteration to the outside of the building is proposed.

OFF-SITE IMPROVEMENTS: The project is conditioned to dedicate right of way and pay in lieu fees for the eventual widening of Highway 62.

MAINTENANCE ASSESSMENT DISTRICTS: No maintenance assessment district was required as part of the original project approval. The approval of this amended 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: sidewalk, curb and gutter, right-of-way landscaping, and other public improvements.

DISCUSSION: The Planning Commission approved the Site Plan Review at its meeting of September 6, 2005. The project was described by the applicant as consisting of retail and office users. The building has since been remodeled. Over a period of months, the applicant has made inquiries about various users for portions of the space. The most recent inquiry related to food service uses.

In addition, the applicant has been notified by the Fire Department that the southern end of the property is not accessible for emergency vehicles, because insufficient space is provided for fire truck access. The plan submitted included only a drive in the back. The applicant has since submitted a site plan which widens the southern area, adds a two-way drive, and parking spaces. In order to secure the land area for this project, the applicant is proposing the construction of a retaining wall, up to 22 feet in height, on the southern property line.

Each of the two requests is analyzed separately below.

Land Uses/Food Court

The applicant has enquired about a number of land uses on the site. These uses were not enumerated in the original approval for the project. In order to clarify the approval, and allow the applicant flexibility in the types of tenants which may occur on the site, a condition of approval has been added which allows the location of any indoor land use permitted with a Site Plan Review in the General Commercial land use designation. Should a use be proposed which requires a CUP under that designation, the CUP would still be required.

Of particular concern to staff are high water-using uses, such as food service. As the Commission is aware, retail and office uses do not generate large amounts of wastewater. At the time of the original approval, the Commission discussed the existing septic system on the site. There are currently two septic tanks totaling 12,000 gallons on the site. These are sufficient to support office and retail uses (please see Attachment 4, letter from Regional Water Quality Control Board, dated March 7, 2007). The applicant has stated that the food court now proposed will only include "warming kitchens." No tenant improvement plans have been provided, and no tenants identified by the applicant. Although it is possible that such an operation would occur on the site, even a coffee shop is a high water user, simply for clean up and mixing of product. In a conversation this month with Jon Rokke, author of the March letter, any food-related use on the property must be submitted to the Board for review, as additional systems may be required. A condition of approval has been added which requires that the applicant demonstrate approval by the Regional Board for all tenant improvements within the building. In this way, the Town is assured that the land uses will not either propose a use which is a high water user without providing the required improvements; or cumulatively exceed the capacity of the existing system.

Retaining Wall and Additional Parking

As stated above, the applicant is proposing an addition of a row of parking, and the widening of the drive on the south side of the property. The approved site plan showed no improvements on the south side, other than a new sidewalk. A 20 foot wide driveway was shown. The land which is part of the property, but slopes significantly to the south was not to be

involved in the project. The applicant now proposes a two way driveway (scaling at 22 feet in width), and 57 additional parking spaces in this area. In order to use this area, the applicant proposes to construct a retaining wall on the southerly property line, and back fill behind the wall.

The retaining wall is proposed to vary in height, but to be up to 22 feet at its highest point. Lands to the south are currently undeveloped, and also designated Commercial Mixed Use. A drainage V-ditch occurs along the southern property line, in an easement owned by the County of San Bernardino (the easement is not shown on the plans). The retaining wall will replace the existing natural slope with a 'keystone' wall, which will look like split-faced block (please see Attachment 5, Booklet of information provided by Doug Wall Construction). The wall will exceed the Town's standard for walls and fences, which is 6 feet. The wall will occur in an area which is likely to be either the side or rear yard of the adjacent property to the south. Although the wall will exceed the Town standard, its purpose, and the proposed design, will limit the visual impact from adjacent property. The land to the south currently has visual blockage in this area, but the appearance of the blockage will change. Staff believes that the wall can be supported, as it will ultimately be hidden behind other development. Conditions of approval have been added to address concerns relating to drainage easements on the south end of the site, and the potential displacement of existing drainage improvements. These conditions are designed to assure that the construction of the wall does not impact adjacent properties.

The Fire Department requires access driveways which are 26 feet in width for driveways. Therefore, the driveway as currently designed will not meet Fire Department standards. A condition of approval has therefore been added which gives the applicant two options: to demonstrate to the Town that the Fire Department has approved the 22 foot driveway; or to provide parallel parking and a 26 foot driveway.

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 commercial development 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 because the project represents the redevelopment of an important commercial corner, and the proposed improvements will be consistent with, and provide an aesthetic improvement to, the SR 62 commercial corridor.
3. The proposed use is consistent with the development within the Commercial Mixed Use 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 that the site is already developed, and improvements proposed are generally cosmetic.
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 points on both SR 62 and Warren Vista.
7. The proposed use will not have a substantial adverse effect on abutting property or on the permitted use thereof, insofar as the vacant state of the building currently has represented a blight on the R 62 commercial corridor, and this project will remedy that condition. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.

Attachments:

1. Standard Exhibits
2. Application materials
3. Site Plan and Elevations
4. Letter from Regional Water Quality Control Board, dated March 7, 2007.
5. Booklet of keystone wall information provided by Doug Wall Construction, 5/30/07.

CONDITIONS OF APPROVAL

Site Plan Review 06-05

Note: Conditions below are original approved conditions. Additions are shown in bold text. Deletions are struck through.

1. This Site Plan Review, SPR-06-05, an application remodel an existing 73,722 square foot building on an 8.32 acre site at the southeastern corner of SR 62 and Warren Vista. The property is identified as Assessor Parcel Number 601-601-25.
2. The applicant/owner shall agree to hold harmless, indemnify and defend, with attorneys of the Town's choice, any action brought against the Town, its Agents, Officers, 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.
4. The applicant/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.
5. All conditions of this Site Plan Review are continuing conditions. Failure of the applicant and/or operator to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property.
6. 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.

7. All exterior lighting shall comply with the Outdoor Lighting Ordinance.
8. All uses permitted with approval of a Site Plan Review under the General Commercial land use designation, Section 88.0350, may occur within the proposed project, provided that there is no increase in lot coverage, building permits are secured, and the uses cumulatively do not require any more parking than the 499 spaces provided on the site.
9. Prior to the issuance of tenant improvement permits for any use within the project, the applicant shall provide the Town with written verification that the Regional Water Quality Control Board (the Board) has approved the use as it relates to the septic system on the site. Should the Board require additional facilities for any use, the additional facilities shall be completed prior to the issuance of a certificate of occupancy for that use.
10. Prior to the issuance of building permits for the retaining wall, the applicant shall:
 - a. Provide the Town with written verification from the Fire Department that the 22 foot driveway is acceptable; or
 - b. Redesign the area to allow for a minimum 26 foot driveway and parallel parking, to Town standard.
11. Prior to the issuance of building permits for the retaining wall, the applicant shall provide the Town, for review and approval, a landscaping and irrigation plan which provides a minimum of 5% of the parking area along the south property line in landscaping.
12. The building plans for the retaining wall shall show the exact location of the San Bernardino County easement.
13. Prior to the issuance of any permit to construct the retaining wall, the applicant shall secure an encroachment permit from the County of San Bernardino, if any staging or construction work is to be undertaken within the easement. A copy of the encroachment permit shall be provided to the Town.
14. Prior to the issuance of any permit to construct the retaining wall, the applicant shall secure an encroachment permit (no more than 90 days old) from any adjoining private property owner, if any staging or construction work is to be undertaken on that property. A copy of the encroachment permit shall be provided to the Town.

15. The design of the retaining wall shall demonstrate to the Town Engineer that no soil erosion or runoff to properties on the east, south or west shall occur as a result of its construction. This shall include the current V-ditch construction located within the County easement.
- ~~16. A Deed Notice shall be placed on the property, declaring the location of the project site within the Airport Influence Area.~~
17. The applicant shall pay all fees charged by the town as required for processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time the work is undertaken and accomplished.
18. 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.
19. 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.

Any occupancies which require 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.

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.

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'.

A minimum 288 regular and 7 handicap spaces, one of which is van accessible is required for a total of 295 spaces. The maximum number of compact spaces allowed is 25% of the total required parking. The site plan proposes 442 parking spaces

20. Loading spaces shall be provided in the immediate vicinity of each of the four project entrances.
21. All garbage shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.

22. Fully enclosed trash enclosures with separate pedestrian access shall be provided at a minimum at each end of the building, and shall comply with recycling guidelines pursuant to Ordinance 42.
23. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.
24. 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.
25. All signage shall comply with the Sign Code. A Sign Program shall be submitted for Planning Division review and approval. The program shall indicate a theme, styles, types, color and placement of signs that will unify and identify the center and integrate the signs with the building design should be provided. Sign color should compliment the building color.
26. All landscape planter areas, including those within the right-of-way, shall be maintained by the applicant in substantial conformance with the approved plan.
27. 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.
28. Sewage disposal system shall be designed in conformance with San Bernardino County DEHS requirements and shall be maintained so as not to create a public nuisance.
29. Water spraying or other approved methods shall be used during any grading or pavement grinding operations to control fugitive dust. A dust mitigation plan shall be submitted to the Town Planning 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.
30. Prior to the issuance of a building permit the applicant/owner shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems accompanied by the review fee. Present desert native species on site shall be reincorporated into landscaping plan 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 the Planning Department and the Hi-Desert Water District prior to issuance of Building Permits.

31. 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.
32. Temporary power shall be established during construction. No permanent power will be issued until the Certificate of Occupancy is issued.
33. Prior to issuance of a building permit, the following conditions shall be completed to the satisfaction of the Town:
 - a. Prior to the issuance of a building permit, the applicant shall make an Irrevocable Offer of Dedication to the Town of an area 15 feet in width, extending from the westerly property boundary of the project site to the easterly property boundary of the project site and immediately adjacent to existing SR 62 right of way, for purposes of expansion of the SR 62 foot right of way to its ultimate width of 134 feet (67 feet northerly from centerline); and
 - b. The Town Engineer shall prepare a cost estimate of the cost of widening SR 62 from the western to the eastern property line in 2005 dollars. The applicant shall, prior to the issuance of a certificate of occupancy, contribute an amount equivalent to the Town Engineer's estimate, in cash, towards the ultimate widening of SR 62. No other construction costs will be assessed the applicant at the time of widening; and
 - c. The applicant agrees to enter into a maintenance agreement with the Town which shall be recorded against the property whereby the applicant, its successors and assigns, agrees to maintain at its sole cost and expense such landscaping and irrigation to standards acceptable to the Town until such time as the Town may form a maintenance assessment district under the provisions of the Lighting and Landscape Maintenance Act of 1972(Part 2, Division 15, California Streets and Highways Code, Sections 22500 et seq.) and through the provisions of Article XIII D of the California State Constitution (Proposition 218) for purposes of maintaining the landscaped and irrigated area; and
 - d. Said agreement shall provide that the applicant, its successors and assigns, agrees not to protest and agree to participate in the formation of a landscape maintenance district; and
 - e. Prior to formation of the landscape maintenance district an Engineer's Report will be prepared by an assessment engineer pursuant to California Streets and Highways Code Sections 22500 et seq. and Proposition 218 estimating the costs

of maintenance of improvements and the assessment proposed to be levied against the parcel.

34. The applicant shall agree to provide and improve a 15' landscape setback based on ultimate right of way upon the widening of SR 62 along the property frontage of the subject site. A landscape plan shall be submitted for review and approval.
35. 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 Engineering Department. 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.
36. Applicant shall protect all downstream properties from damages caused by alteration of the drainage patterns, i.e., concentrations or diversion of flow. Protection shall be provided by constructing adequate drainage facilities including enlarging existing facilities and/or by securing a drainage easement. A maintenance mechanism shall be in place for any private drainage facilities constructed on-site or off-site. Any grading or drainage onto private off site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected landowner.
37. Prior to issuance of a grading permit, if any for this project, the applicant shall file and obtain, if required, a Notice of Intent from the Regional Water Quality Control Board (RWQCB) and comply with RWQCB (Colorado River Basin) requirements.
38. The applicant shall install all required water and sewer systems necessary to serve the project.
39. 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 City Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
40. Prior to a Certificate of Occupancy, the applicant shall obtain all Fire Department clearances.
41. All parking areas shall be resurfaced and re-striped to Town standards.
42. The Town Engineer shall study traffic safety for the southern driveway access on Warren Vista and implement improvements as necessary.

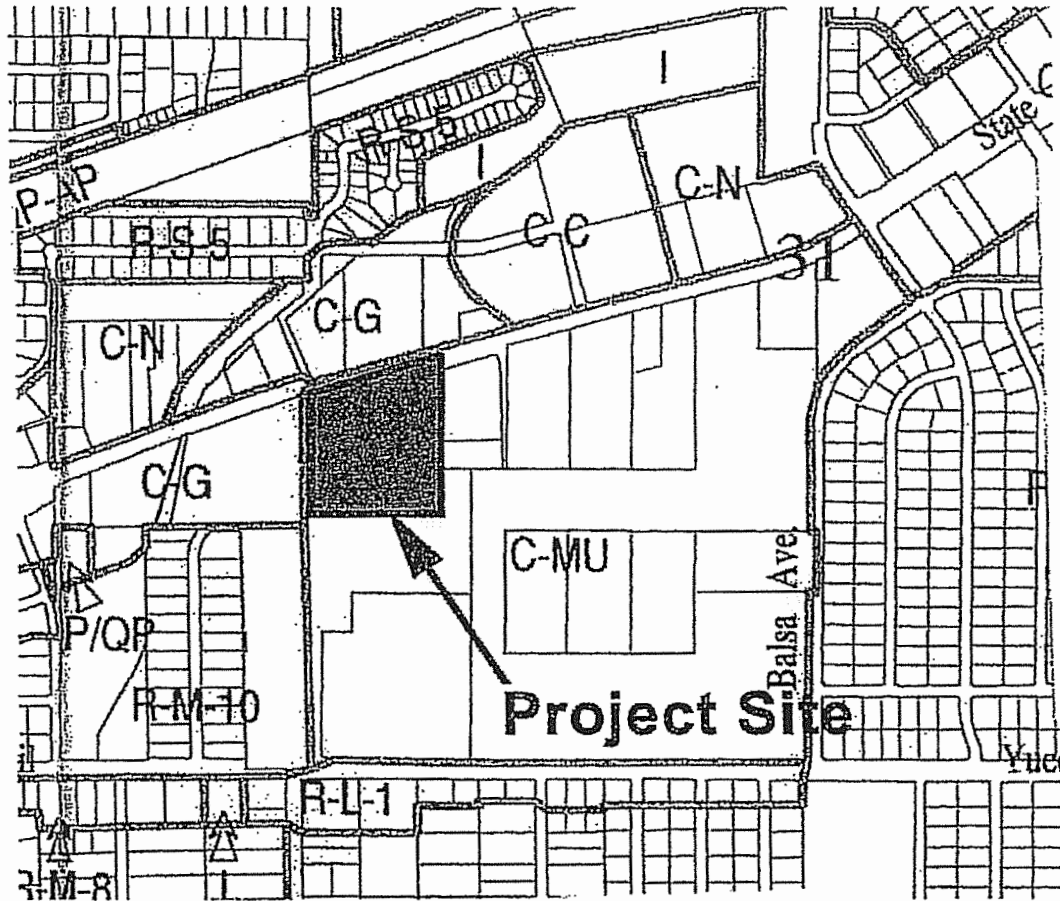
Site Plan Review 06-05, Amendment #1
Salsa Enterprises
November 6, 2007 Planning Commission Meeting

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.: SALSHA 06-05

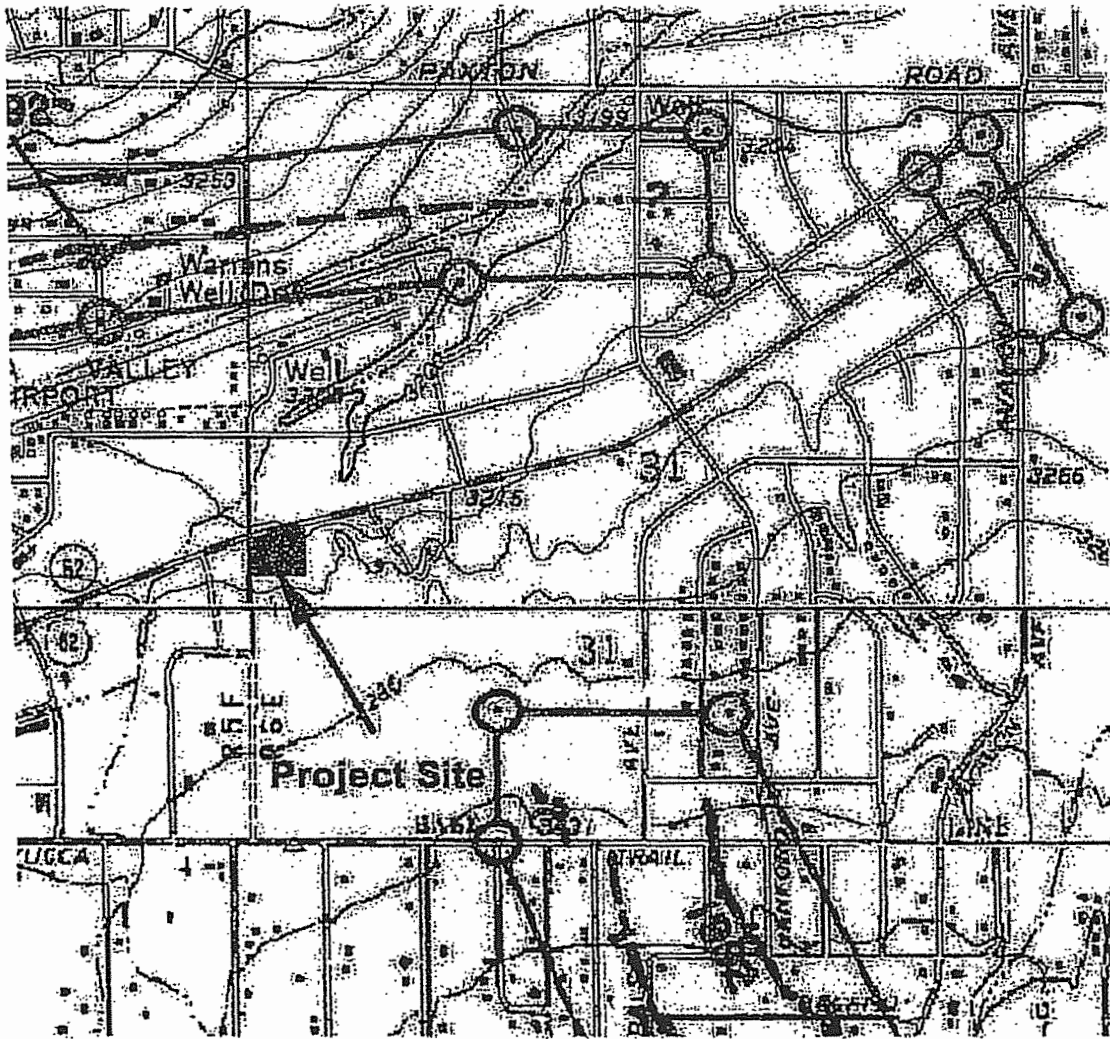


Source: OFFICAL ZONING DISTRICT MAP
Town of Yucca Valley
Adopted by Town Council: March 6, 1997
Revised March 10, 2005 Per Resolution No. 05-18

ZONING AND GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: SALSHA 06-05



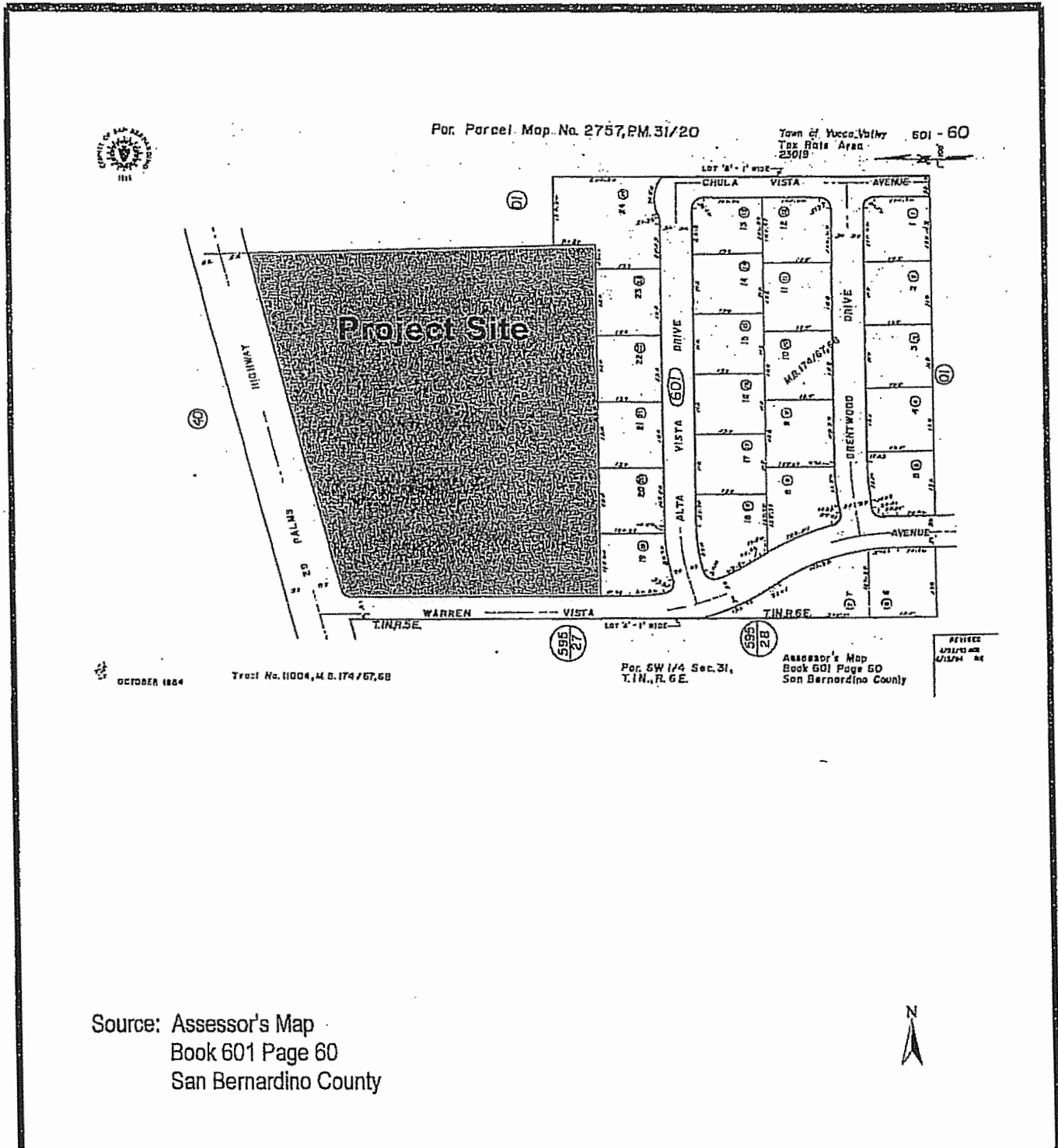
Source: 7.5 Minute USGS Quad
Yucca Valley North & South
July 1, 1993



SEISMIC MAP

TOWN OF YUCCA VALLEY

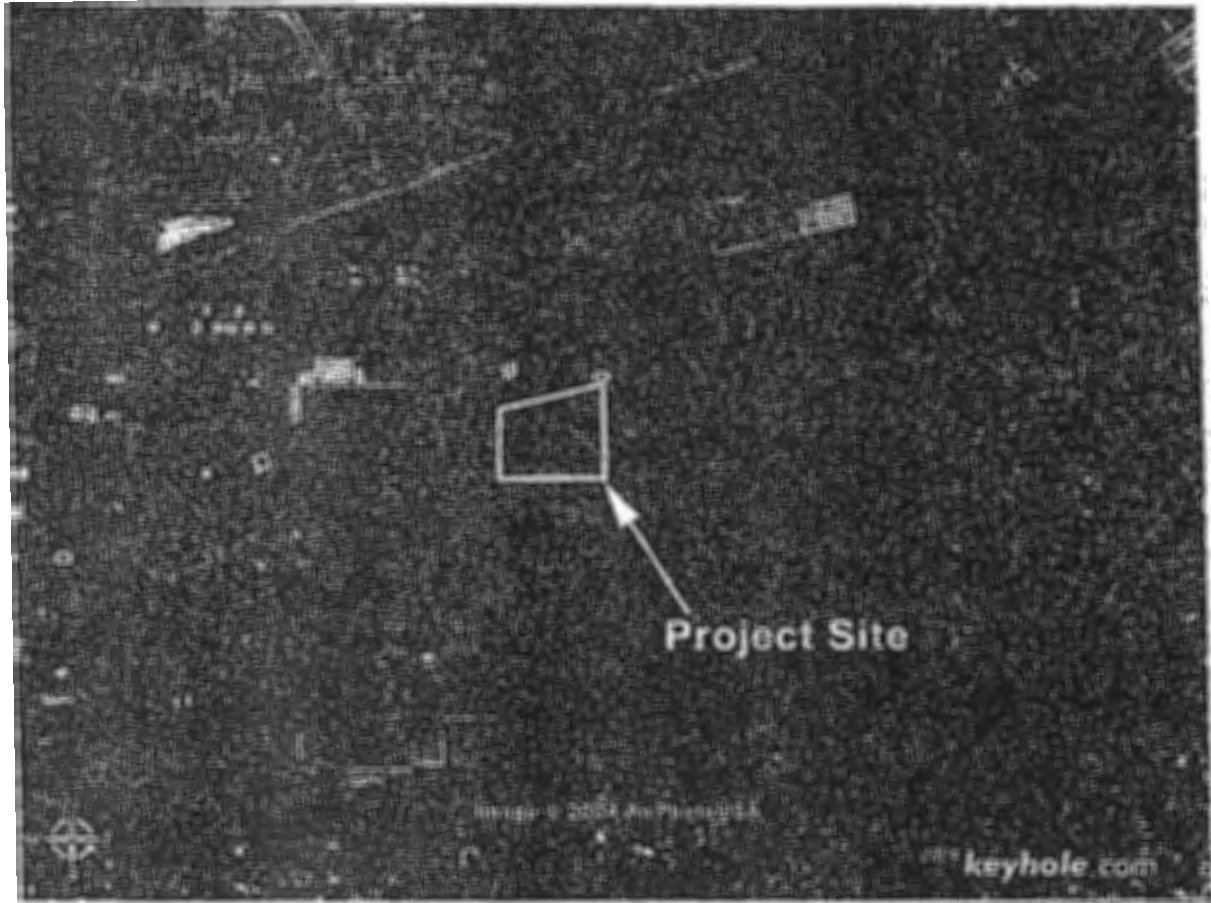
PROJECT NO.: SALSHA 06-05



ASSESSOR'S PARCEL MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: SALSHA 06-05



Source:
Image 2004 AirPhotoUSA



AERIAL PHOTO

DEPARTMENT OF PUBLIC HEALTH

COUNTY OF SAN BERNARDINO

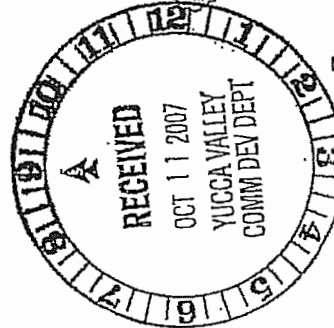


- 385 North Arrowhead Avenue - San Bernardino, CA 92415-0160 - (909) 884-4056
- 1647 East Holt Boulevard - Ontario, CA 91761 - (909) 458-9673
- 13911 Park Avenue, Suite 200 - Victorville, CA 92392 - (760) 243-3773
- San Bernardino County Vector Control Program
2355 East 5th Street - San Bernardino, CA 92415-0064 - (909) 388-4600

MARGARET D. SMITH
Interim Director of Public Health

PAULA MEARES-CONRAD
Interim Assistant Director of Public Health

DANIEL J. AVERA, REHS
Chief of Environmental Health



Also serving the cities of

Adelanto	Montclair
Apple Valley	Needles
Berkeley	Ontario
Big Bear Lake	Rancho Cucamonga
Chino	Redlands
Chino Hills	Rialto
Colton	San Bernardino
Fontana	Twentynine Palms
Grand Terrace	Upland
Hesperia	Victorville
Highland	Yucaipa
Loma Linda	Yucca Valley

October 4, 2007

Town of Yucca Valley
Attn: Nicole Criste, Contract Planner
Community Development/Public Works Department
58928 Business Center Drive
Yucca Valley, CA 92284

Subject: Site Plan Review for Oracle Plaza (SPR 06-05, APN 601-601-25)

Environmental Health Services (EHS) has reviewed the **Site Plan Review for Oracle Plaza**.

The project must connect to the Hi-Desert Water District for water.

Project may exceed septic system capacity. Submit plot plans to Environmental Health for review and approval for **wastewater disposal system**.

Submit plans to Environmental Health Plan Check for review and approval of the **food facilities**.

Thank you for the opportunity to review and comment on **Site Plan Review for Oracle Plaza**.

Julie Sica, REHS
Water/Wastewater/Land Use

MARK H. UFFER
County Administrative Officer

Board of Supervisors

BRAD MITZELFELT..... First District	DENNIS HANSBERGER..... Third District
PAUL BIANE..... Second District	GARY C. OVITT..... Fourth District
JOSIE GONZALES..... Fifth District	



California Regional Water Quality Control Board

Colorado River Basin Region



Linda S. Adams
Secretary for
Environmental Protection

73-729 Fred Waring Drive, Suite 100, Palm Desert, California 92260
(760) 346-7491 • Fax (760) 341-6820
<http://www.waterboards.ca.gov/coloradriver>

Arnold Schwarzenegger
Governor

March 7, 2007

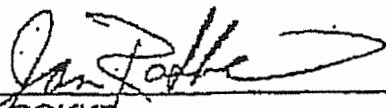
Garry Arrasmith
Town of Yucca Valley, Building and Safety Department
58928 Business Center Drive
Yucca Valley, CA 92684

SUBJECT: PROPOSED YUCCA VALLEY MALL WASTEWATER TREATMENT

As discussed in a telephone discussion with you on March 5th, Regional Board staff has met with Ms. Eileen Bruner, proponent of the Yucca Valley Mall project (old Kmart building); and approves of her proposal to use the existing 12,000-gallon septic tank system for wastewater treatment/disposal provided:

1. The septic tank only receives domestic wastewater. Industrial, medical, or restaurant wastes are not allowed.
2. The facility owner submits a Report of Waste Discharge and supporting Engineers Report to the Regional Board if:
 - a. Flows exceed 5,000 gallons per day;
 - b. Food service / restaurants occupy the facility; or,
 - c. Industrial discharges occur.

Please call me at (760) 776-8959 if you have questions regarding this matter.



JON ROKKE
Water Resources Control Engineer

JR/lab

cc: Eileen Bruner - Salsha Enterprises, LLC

File: ST GC



Date Received: 05/31/07
 By: DOLSEN
 Fee: 2242.50
 Case No: SPR-0605 AMENDMENT
 EA No:

SITE PLAN REVIEW

(Print Legibly)

Applicant: Salsha Enterprises Phone: 760 275 6680
 Address: 46530 Morningstar Rd. City Rancho Mirage State CA zip 92270
 E-mail Address: Suresh@S1@aol.com Fax: 760 340 4650
 Project Name (If Any): Town Center Mall (retaining wall)

Contact Person/Representative: Bill Butler Phone: 760 772 8446
 Address: 78450 AVENUE 41 City Bermuda Dunes State CA zip 92203
 E-mail Address: bill@dwelconst.com Fax: 760 772 9407

Property Owner: Salsha Enterprises Phone: 760 275 6680
 Address: 46530 Morningstar Rd. City Rancho Mirage State CA zip 92270
 E-Mail Address: Suresh@S1@aol.com Fax: 760 340 4650

(Parcel lot map No. 2757- SB AB 31(20))

Assessor Parcel Number(s): 601-601-025 Existing Land Use: Commercial
 Property Dimensions: 595 X 660 SQ FT General Plan Designation: Commercial
 Structure Square Footage: 9134 SQ FT Bldg Existing Zoning: Const. V-N / OCC. B
 Location: (Example: Address & Street or SW corner of Elk & Onaga or 300 ft N of Paxton on W side of Airway)

South side of property

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

Retaining wall, Food court, restaurant

Signed in attached letter of request

Owner's Signature _____ Date _____

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

Applicant's Signature: Bill Butler Date: 6-4-07

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

Town Center Mall
57-725 29 Palms Highway
Yucca Valley, CA 92284

May 31, 2007

Planning Commission
Town of Yucca Valley
Yucca Valley, California

Re: Food court in Town Center Mall

Dear Planning Commission,

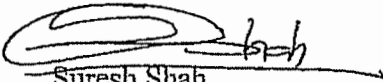
I have submitted tenant improvement plans for the food court which have been approved tentatively pending evaluation of food court tenants. My plan calls for five separate stalls ranging from 765 to 1,090 sq. ft.

Our tenant mix will consist of Subway, Coffee Beans, Hot Dog and Pizza Express, Orange Julius, and Soup Man. There may be a vending machine for ice cream. As you can see all these businesses will not be generating any grease requiring grease traps or water treatment plant. All of them are basically having **warming kitchens**. These stalls are too small to do any kind of cooking.

I request that you approve these food court plans so that we can go forward to open the mall in a timely manner.

If you have any further questions please do not hesitate to call me at (760) 275-6680. I appreciate your courtesy and cooperation in this urgent matter.

Sincerely,



Suresh Shah
President, Salsha Enterprises, LLC

2. DEVELOPMENT CODE AMENDMENT, DCA-07-05

Title 8, Division 11, Chapter 3 of County of San Bernardino Code as adopted and amended by the Town of Yucca Valley relating to dedication of land for park and recreational purposes.

With reference to the complete printed Staff Report and proposed Ordinance provided in the Commission meeting packets and preserved in the project file, Deputy Town Manager Shane Stueckle presented the staff report discussion to the Commission. Parcel Maps are exempt from the Ordinance. Fees collected on the land which is dedicated must be restricted to Park and Recreation facilities. The Town Council will determine when the facility will be constructed.

Mr. Huntington asked if consideration has been given to leaving open space in a natural condition for hiking or riding trails. Mr. Stueckle responded this ordinance is structured for "active" recreation lands for soccer, baseball, golf and like activities. The Commission could amend Section 811.0306 "CREDIT FOR PRIVATE OPEN SPACE" to add the following paragraph:

The Town may consider acceptance of passive open space, based upon preservation of the natural environment, topography, creation of useable passive open space reflective of the desert environment, consistent with the adopted General Plan.

Mr. Huntington moved that the Planning Commission recommend approval of Development Code Amendment DCA-07-05, as amended above, to the Town Council. The motion was seconded by Mr. Cooper and passed unanimously by voice vote.

**3. AMENDMENT TO SITE PLAN REVIEW SPR 06-05 – Salsha Enterprises
/Oracle Plaza**

That the Planning Commission approves Site Plan Review, SPR-06-05, as recommended and contained herein, based upon the findings contained in this Staff Report, and makes no modifications to the project as requested by the applicant for the renovation of 75,000 square feet of existing commercial space (vacant Super K-Mart at 57-725 29 Palms Hwy.) for office space.

With reference to the complete printed Staff Report provided in the Commission meeting packets and preserved in the project file, Deputy Town Manager Shane Stueckle presented the staff report discussion to the Commission. The Planning Commission reviewed and approved SPR 06-05 on September 6, 2005. The applicant is requesting reconsideration of the Conditions of Approval 24a and b which require dedication and widening of SR 62. While the Town is appreciative of this effort to rehabilitate a vacant big box structure, the off-site improvements to SR 62 are a key component of the General Plan and staff recommends against the requested changes to the approved Conditions of Approval.

Mr. Cooper stated, regarding 24b, the applicant can build the improvements, pay the fee or post a bond for the future cost of the widening and questioned the availability of other options. Mr. Stueckle responded that Assessment Districts have been considered.

Applicant Representative Tim Holt of Holt Architects stated the applicant is not requesting a change to 24a and understands the necessity of the 15 foot dedication for the future highway. The problem with 24b is the financial hardship it creates for the applicant who would like to explore alternatives with the Town. The Condition requires paving in excess of 710 feet of SR 62 and correcting a grade differential.

Applicant Ris Shah of Rancho Mirage stated Condition 24a and b originated when the project included the construction of new buildings on the corner of the property near the highway. That construction has been removed from the project. It is a simple remodel and face lift. They want to pay their fair share of the widening project when it happens.

Mr. Stueckle commented the project has changed from its original concept but the Site Plan Review process is a necessary step because the use of the building as established under the County Code expired while the building sat vacant. The Dedication and Street Improvements section of the code addresses the bonding of delayed improvements. The Commission has the discretion to change the payment of in-lieu fees to a bond or other form of surety acceptable to the Town. Forming an Assessment District is not the preferred vehicle.

Mr. Huntington commented bonding may be more expensive to the applicant when inflation is factored in. But bonding may be acceptable to the Town due to the potential size of the bond.

Mr. McKoy stated the project is something the Town needs. He is agreeable to some flexibility in the original Condition.

Mr. Cooper asked if staff has an estimate of the cost to improve 715 feet of SR 62. Staff responded not this evening. Mr. Cooper asked if it is possible to have a bond for a term certain period of time at which time the improvements will be installed or a payment made at the then estimated cost. Mr. Stueckle responded it is common to use a Development Agreement.

Mr. Willman asked if there is any Federal money available to Caltrans for this project area. Mr. Stueckle responded that Federal money is often restricted and does not include off-set for improvements which should have been made by private developers. Mr. Willman agreed that the Town needs the building to be rehabilitated. We do not have adequately sized available space for all of the businesses in Town and he would like to work with the applicant and perhaps look at a bond.

Mr. Putrino urged caution in not adhering to existing policies and long standing precedent. We will continue to have applicants who do not adequately plan for the economics of projects. He requested the Commission stay the course, accept staff's recommendation and uphold the Conditions of Approval as issued on September 6th.

Mr. Cooper stated the Commission has allowed applicants to bond on numerous projects on a case by case basis.

Mr. Stueckle suggested Condition 24 b be amended to read as follows if that is the will of the Commission:

The Town Engineer shall prepare a cost estimate of the cost of widening SR 62 from the western to the eastern property line in 2005 dollars. The applicant shall, within 90 days of the issuance of a building permit, enter into a development agreement and post sureties acceptable to the Town insuring the applicant's future construction of SR 62 improvements in accordance with the Town's adopted standard for SR 62 and within the time frame specified by the Town of Yucca Valley for construction of those improvements; and

Mr. Cooper moved that the Planning Commission make no modification to the approved Condition of Approval 24a of SPR 06-05 and that Condition 24b be amended as above. Mr. Willman seconded the motion which carried by a 4 to 1 vote with Mr. Putrino voting against the motion.

2. **SITE PLAN REVIEW SPR 06-05 – Salsha Enterprises/Oracle Plaza**

A proposal to renovate 75,000 square feet of existing commercial space (vacant Super K-Mart) for office space.

APPLICANT: Salsha Enterprises, LLC
40530 Morning Star Rd.
Rancho Mirage, CA 92270

With reference to the complete printed Staff Report provided in the Commission meeting packets and preserved in the project file, Contract Planner Nicole Criste presented the staff report discussion to the Commission. The last paragraph of Condition 10 should be corrected to read “288 regular...spaces.”

Applicant representative John Holt of Holt Architecture commented that the retaining wall behind the building is set back 30 feet from the southerly property line. The applicant requests that the existing irrigation system be rehabilitated in lieu of installing a new system. It was confirmed that the required loading zones are standard 10x20 intended for UPS sized delivery trucks and not semi trucks. Applicant requests that Condition 24(b) be amended to change “building permits” to read “certificate of occupancy”.

Ms. Criste responded Staff agrees with the change to Condition 24(b) and that the rehabilitation of the existing irrigation system is allowed by the Condition as long as that is shown in the irrigation plan.

Mr. Tom Howell of Holt Engineering requested clarification of Condition 27.

Ms. Criste recommended that Condition 27 be deleted as irrelevant to the project.

Mr. Mark Miller of Yucca Valley requested that the most southerly exit onto Warren Vista be identified as “right turn only.”

Mr. Cooper and Mr. McKoy discussed the traffic problem on Warren Vista. The addition of new Condition 33 was proposed to read: The Town Engineer shall study traffic safety for the southern driveway access on Warren Vista and implement improvements as necessary.

Mr. Banachi indicated support of the project as an aesthetically pleasing, revenue producing godsend. Mr. Cooper stated it is good project. Mr. Huntington is very pleased with the aesthetics of the project and agrees with the addition of Condition 33. Mr. McKoy congratulated the architects on the new plan for the building. Mr. Putrino supports the project and likes the new look.

Mr. Huntington moved to approve SPR-06-05 based on the findings contained within the staff report and the recommended Conditions of Approval as amended, deleted and corrected above. Mr. Cooper seconded the motion which carried unanimously by voice vote.

Mr. McKoy requested and received consensus from the Commission that there are no issues with items 1, 2 and 7, that the missing landscaping in item 3 should be relocated to just south of the paving terminus, the curbing in item 4 should be installed, the corrections being made in item 3 also remedy item 6, and that the parking lot striping in item 8 be corrected when the parking lot requires resurfacing.

Mr. Putrino moved that the Planning commission determine the project is in substantial conformance with the approved Conditions of Approval and plans except for items 3 and 4 above. The motion was seconded by Willman and passed unanimously by voice vote.

2. Site Plan Review SPR 06-05 Oracle Plaza

Applicant requests to include medical and/or professional offices in an approved retail space (old K-Mart building) and that the Planning Commission determine substantial conformance with the project as approved on September 6, 2005 located on the southwest corner of SR 62 and Warren Vista Ave. and identified as APN 601-601-25.

Mr. Willman stated that he has a conflict with this item as the applicant Dr. Sallhotra is a significant source of income through patient referrals, excused himself from the meeting and left the room.

With reference to the complete printed Staff Report provided in the Commission meeting packets and preserved in the project file, Associate Planner Robert Kirschmann presented the staff report discussion to the Commission.

Mr. McKoy opened the public hearing but since there was no wishing to address the item, closed the public hearing.

After discussion, Mr. Putrino moved that the Planning Commission find the project, including retail, medical and general office spaces, is in substantial conformance with the Planning Commission approval on September 9, 2005. Mr. Huntington seconded the motion which passed unanimously by voice vote.

3. Postponed at the request of the applicant.

4. Development code Interpretation –

Request an interpretation of Ordinance 156, Sign Regulations relating to the number of freestanding signs allowed per parcel.

With reference to the complete printed Staff Report provided in the Commission meeting packets and preserved in the project file, Associate Planner Robert Kirschmann presented the staff report discussion to the Commission.

Mr. Putrino requested and received confirmation that this scenario was not imagined or discussed during the hearings leading to passage of the Sign Code. Staff commented there are only two parcels in the Town with this unique problem.

The issues of the number of allowed signs when a business fronts on two streets, when a business is a service station and when a location is considered a business complex were discussed.

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Mr. Willman asked if there is any Federal money available to Caltrans for this project area. Mr. Stueckle responded that Federal money is often restricted and does not include off-set for improvements which should have been made by private developers. Mr. Willman agreed that the Town needs the building to be rehabilitated. We do not have adequately sized available space for all of the businesses in Town and he would like to work with the applicant and perhaps look at a bond.

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Mr. McKoy requested and received consensus from the Commission that there are no issues with items 1, 2 and 7, that the missing landscaping in item 3 should be relocated to just south of the paving terminus, the curbing in item 4 should be installed, the corrections being made in item 3 also remedy item 6, and that the parking lot striping in item 8 be corrected when the parking lot requires resurfacing.

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2. Site Plan Review SPR 06-05 Oracle Plaza

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Mr. Willman stated that he has a conflict with this item as the applicant Dr. Salhotra is a significant source of income through patient referrals, excused himself from the meeting and left the room.

With reference to the complete printed Staff Report provided in the Commission meeting packets and preserved in the project file, Associate Planner Robert Kirschmann presented the staff report discussion to the Commission.

Mr. McKoy opened the public hearing but since there was no wishing to address the item, closed the public hearing.

After discussion, Mr. Putrino moved that the Planning Commission find the project, including retail, medical and general office spaces, is in substantial conformance with the Planning Commission approval on September 9, 2005. Mr. Huntington seconded the motion which passed unanimously by voice vote.

3. Postponed at the request of the applicant.

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Request an interpretation of Ordinance 156, Sign Regulations relating to the number of freestanding signs allowed per parcel.

With reference to the complete printed Staff Report provided in the Commission meeting packets and preserved in the project file, Associate Planner Robert Kirschmann presented the staff report discussion to the Commission.

Mr. Putrino requested and received confirmation that this scenario was not imagined or discussed during the hearings leading to passage of the Sign Code. Staff commented there are only two parcels in the Town with this unique problem.

The issues of the number of allowed signs when a business fronts on two streets, when a business is a service station and when a location is considered a business complex were discussed.

Mr. Huntington asked if a percolation test had been required. Mr. Kirschmann replied no but it could be added as a COA.

Mr. Goodpaster requested and received confirmation that a requirement exists stating the septic system must be able to be duplicated at least 1 time on the property and that a second leach pit must be at least 6 feet away from the first.

Mr. Willman stated he is concerned about drainage and the slope of the property. He received confirmation that retention basins will be installed on the eastern portion of the property just outside the 10 foot public utility easement in the rear yard.

Mr. Huntington stated this lot split will create lot frontages which are not compatible with the rest of the sub-division. The intent of this sub-division was obviously ½ acre lots throughout. Other projects have been denied by the Planning Commission for similar incompatibilities. Mass grading of the property will be required as proposed with substantial cut and fill and stripping of vegetation. Because expensive retaining walls would be required the lots may never be developed. Sidewalks and gutters have not been taken into account by the engineer which would take another 10 feet off of the approach to the proposed driveways. No additional parking, as required, has been provided. The topography of this project requires a denial from the Commission.

Mr. Lombardo requested clarification of how the road serves other properties. Mr. Kirschmann stated while the private road easement exists from the cul-de-sac to Pinon Dr., the road was never completed to Pinon Dr. A neighboring property uses the private road as its only access.

Mr. McKoy stated there is concern about safety standards if the project is approved.

Mr. Huntington moved that the Planning Commission deny Parcel Map 18690 based on the Findings (for denial) contained within the staff report. The motion was seconded by Mr. Goodpaster and passed by voice vote of 4-0-1. Mr. Lombardo abstained.

4. SITE PLAN REVIEW SPR 06-05 – ORACLE PLAZA – AMENDMENT #1

A request to construct a retaining wall on the south property line, and add provisions for permitted uses to an existing building (Oracle Plaza) located on the southeast corner of Warren Vista Road and State Route 62 and identified as APN: 601-601-25.

Mr. Willman stated he has a conflict of interest in that he (has a business relationship with the applicant.) He excused himself from the meeting and left the room.

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. Since original approval of the project the applicant has made a number of requests for various uses. Staff is requesting broader approvals so that specific uses will not have to come back to the Commission every time a space in the project is leased. The Fire Dept. has informed the applicant that there is insufficient access for fire apparatus at the rear of the building and has requested that a retaining wall be constructed.

The applicant requests approval for a food court inside the building. Staff is concerned that the septic system is insufficient for a food court. The Regional Water Quality Board sent a letter dated March 7, 2007 which states restaurants are not allowed. Staff has added a COA that, when the tenant improvements for each of the 5 spaces are identified, the applicant must demonstrate the septic system is sufficient. As long as septic system capacity is proven, any use allowed in the zone is approved by this Amendment.

Regarding the retaining wall, staff is concerned that the new drive way will be 22 feet wide. The Fire Dept. requires 26 feet of width. The applicant can either secure approval of the driveway as is from the Fire Dept. or provide parallel parking along the drive way. The retaining wall exceeds current standards. If approved it will be curved split face blocks. A COA has been added for the applicant to acquire an encroachment permit from County Flood Control if an easement exists across the property. The standard COA for a Public Safety assessment district has also been added.

Mr. Goodpaster questioned the location of the wall and proximity to the "V" ditch. Ms. Criste replied a hydrology study is required but the wall may lessen flows from the north.

Mr. Huntington stated the wall will be 22 feet high and asked what provision has been made to keep people from falling off of it. Ms. Criste stated the Building Dept. will require fencing. Mr. Huntington asked if terracing would be prudent given the extreme height. There appears to be room to terrace the wall if the parking were eliminated. Ms. Criste stated the additional parking is not required for the use but is being requested by the applicant. The project is over-parked for all uses in the zone. It would be appropriate for the Commission to require terracing and remove the rear parking.

Mr. Lombardo requested and received conformation that the concern regarding the septic tanks is that they are not sufficient for the amount of waste water produced by food service operations. Ms. Criste stated the size of septic tank and additional treatment equipment will be determined by the Regional Water Quality Control Board based upon the size of the business and projected water usage.

Community Development Director Tom Best stated there is sufficient septic capacity for retail and commercial use. The Water Board is concerned about effluent quality. The Board has been requiring package treatment plants for restaurants and food service operations.

Mr. McKoy supported the concept of terracing of the wall if the rear parking is not needed.

Mr. McKoy opened the hearing to public comments.

Suresh Shah of Rancho Mirage stated he is a partner on the project. They have not leased any space in the food court because they do not have approval yet. Once it is approved they will most likely have a sandwich shop, coffee shop, ice cream shop and things like that. They are also talking to a Chinese restaurant but the restaurant would provide their own grease trap and waste facility.

They are planning to put an 18,000 s.f. fitness center in the building and need the parking in the rear for the fitness center staff. The fitness center won't come if they don't have enough parking close to the fitness center. He bought the property to the north of the

project and will have a fence put in before wall construction begins. They will have landscaping for 4 to 5 feet between the wall and the parking. The Fire Dept. has told them 24 ft will be ok.

Mr. Goodpaster asked if the proposed tenants have been approved by the Water Board or are they classified as restaurants. Mr. Shah stated these are not classified as restaurants because they are only 750 to 1,000 s.f. They will basically have warming kitchens.

Mr. Goodpaster stated the Water Board may have an issue with the water use from these shops. Mr. Shah stated the Water Board said they don't have an issue if the food and drinks are served in disposable containers.

Mr. Best stated the Town will require certification that the septic systems, whatever they may be, will be adequate for the proposed tenant mix.

Mr. Shah said the rear parking is essential to the fitness center. Ms. Criste stated a fitness center will require a CUP. If the Commission wishes to make the fitness center a permitted use, that revision should be addressed tonight. Staff is requesting approval of uses permitted by right tonight. A fitness center is not such a use.

Mr. McKoy questioned the height of the proposed fence. Mr. Shah responded 5 to 6 feet or whatever complies with Town regulations.

Mr. Shah requested that the fitness center be approved as a use tonight. Mr. McKoy stated fitness centers use water for showers and asked if that is a problem. Ms. Criste stated certification by the Water Board will be required.

Bill Butler of Palm Desert stated the construction company he works for did the improvements for the center. A wall was always planned for the project. The keystone wall is proposed because of the height. Fabric layers tie the wall together. A wrought iron fence has been discussed for the top of the wall. Parking in the rear has always been planned. The Fire Department said that 26 ft. is the standard but 24 ft. will work here.

Mr. McKoy closed the hearing to public comments.

Ms. Criste stated if the Commission wishes to allow a fitness center a COA needs to be added. A COA requiring terracing of the wall can also be added at this time. She asked that the Commission specify one or multiple terraces.

Mr. Goodpaster asked if the fitness center would require a special COA? Mr. Best replied that as long as the building was not enlarged, the Commission could approve a fitness center as an interior permitted use this evening.

Mr. Goodpaster stated the wall appears to be structurally well designed and he is ok with it if they need the additional parking but it would be nice to see the terracing.

Mr. Huntington stated he has no problem allowing the fitness center as an approved use. The structure is the structure and they have plenty of parking. Terracing is an aesthetic issue. He recommends one tier with landscaping in the tier.

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 Barberr 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 Barberr Avenue from the