

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
OCTOBER 14, 2014
6:00 p.m.

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

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PLANNING COMMISSION MEMBERS

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

AGENDA

MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 6:00 P.M., TUESDAY, OCTOBER 14, 2014

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

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

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

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

PUBLIC HEARINGS

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

Proposed amendment to Title 9, Yucca Valley Development Code adding Article7 Chapter 9.99, Definitions. This article provides the definitions for the Development Code.

The project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Development Code Regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 01-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".

RECOMMENDATION: That the Planning Commission opens the public hearing, takes public comment and recommends approval of the Article to the Town Council.

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

DEPARTMENT REPORT

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

RECOMMENDATION: That the Planning Commission approves the request for a three year extension on the project, expiring on November 06, 2017.

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

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

1. MINUTES

A request that the Planning Commission approves as submitted the minutes of the meeting held on September 23, 2014.

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

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Drozd
Commissioner Lavender
Commissioner Whitten
Vice Chairman Bridenstine
Chairman Humphreville

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, October 28, 2014.

ADJOURN

PLANNING COMMISSION STAFF REPORT

To: Chairman & Planning Commission
From: Shane Stueckle, Deputy Town Manager
Date: October 07, 2014
For Commission Meeting: October 14, 2014

Subject: Development Code Amendment, DCA-05-14
Draft Development Code Article 7, Definitions
CEQA Exemption 15061(b)(3)

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

Recommendation: That the Planning Commission:

- A. Finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town’s Development Code has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 05-14 meets the exemption criteria which states “that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”.

- B. That the Planning Commission opens the public hearing, takes public comment and recommends approval of the Article to the Town Council

Executive Summary: Article 7, Definitions, provides standard definitions for the Development Code and repeals Section 812.01005 of Title 8 of the Town of Yucca Valley Development Code

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

Order of Procedure:

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

Discussion: Article 7, Definitions, provides standard definitions for the Development Code and repeals Section 812.01005 of Title 8 of the Town of Yucca Valley Development Code. For the purposes of the Development Code, certain words, phrases and terms shall have the meaning assigned to them by Article 7, except that definitions derived from State and Federal regulations that are referenced in Article 7 shall have the meaning contained in the referenced regulations. Definitions are necessary to accompany and implement standards, that as such without definitions, would be open to interpretation.

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

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

Attachments:

Article 7, Definitions

Article 7: Definitions

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Chapter 9.99 Definitions

Sections:

- 9.99.020 – “A” Definitions
- 9.99.030 – “B” Definitions
- 9.99.040 – “C” Definitions
- 9.99.050 – “D” Definitions
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9.99.020 – “A” Definitions

Abandoned Activity: A business or activity with no reported sales or activity for a period of at least one hundred eighty (180) days . Exceptions are temporary closures for repairs, alterations or similar situations.

Abandonment: A discontinuance of any use with intent to permanently discontinue such use.

Abatement: The method of reducing the degree and intensity of violations of the Municipal Code and related public nuisances.

Abut or Adjacent: Having a common border, boundary, or lot line.

Access: A way or means of physical entry to a property or group of properties, commercial center, or other group of properties.

Access Rights: The right, claim, title or privilege of access by pedestrians or vehicles, or a public road or way.

Accessibility for the Disabled: Accessible services, structure or facilities are those which be entered and used by individuals despite handicapping conditions. Accessibility also includes responding to the needs of people with sight or hearing disabilities, in addition to those with developmental, activity, manual or mobility impairment, so that they may enjoy the full and free use of those services, structure or facilities.

Accessory Building: A subordinate building, the use of which is incidental to that of the main building or main use of the land and not designed for living or sleeping purposes. The use of an accessory building may be for either a primary or an accessory use allowed by the appropriate land use district. An accessory building shall be located on either the same parcel as the main building or main use; or shall be located on a contiguous abutting parcel that is owned by the same owner who owns the parcel which has the main building or use. An accessory building shall always exist in conjunction with and never without a legally established main building or main use that has the same common owner.

Accessory Use: A use of land, building, or portion thereof that is incidental and subordinate to the primary use of the land or building.

Acre: A measure of land containing 43,560 square feet. .

Acre, Gross: The entire acreage of a property, parcel or site, calculated to the centerline of boundary streets.

Acre, Net: The portion of a property or site not reserved or encumbered for public use.

Action: A decision on a permit application or other land use matter, made by the approval authority, including but not limited to, where applicable, appropriate findings, environmental determination, and conditions of approval.

Adaptive Reuse: The conversion of obsolete, old or historic buildings from their original or most recent use to a new use. For example, the conversion of a former hospital or school building to residential use, or the conversion of an historic single family home to office use.

Addition: A structure added to the original structure after the completion of the original structure or an extension or increase in floor area or height of a building or structure.

Administrative Office: An establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal and sales activities.

Adult Oriented Business: (See Section XXXXXXXX)

Adverse Impact: A negative consequence for the physical, social or economic environment resulting from an action or project.

Advertisement: The publication of a Public Hearing Notice in a paper of general circulation, and through other media sources, indicating the time, place and nature of a Public Hearing and location where the application and pertinent documents may be inspected.

Advertising Structure: Any structure of any kind or character erected or maintained for advertising purposes, upon which an advertising sign may be placed.

Affordable Housing: Housing that can be purchased or rented by a household with very low, low, or moderate income and based on a household's ability to make monthly payments necessary to obtain housing. Housing is considered affordable when a household pays less than 30% of its gross monthly income for housing including utilities.

Agent of Owner: A person authorized to act for the property owner.

Agriculture: The use of land for agricultural purposes, including the growing of vegetables, fruit, fiber, horticulture, pasturage, the keeping of apiaries and the necessary accessory uses for storing produce provided that the operations of any such accessory use shall be secondary to that of normal agricultural activities. Agriculture does not include animal husbandry or stockyards.

Air Pollution: Concentrations of substances found in the atmosphere that exceed naturally occurring quantities and are undesirable or harmful in some way.

Airport or Heliport: Runways and related facilities for the takeoff and landing of aircraft, including rotary-winged and ultra light aircraft. Airports also include facilities for repair, maintenance and storage of aircraft.

Airport-Related Uses: Those uses which sell products or services directly to aircraft owners, pilots or support airport operations, or are dependent on direct access to the airport runway system, or include limited industrial uses restricted to aviation related products and services.

Aisle: The traveled way by which cars enter and depart parking spaces.

Alley: Any public way or thoroughfare less than 16 feet but not less than ten feet in width which has been dedicated or deeded to the public for public use. A public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street and affording only secondary means of access to abutting property.

Alluvial Fan: A geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

Alquist-Priolo Geologic Hazard Zones Act: The purpose of this Act is to provide for public safety in hazardous fault zones. The Act requires the delineation of potential damage called "Special Studies Zones: along known active faults throughout California. It requires local governments to withhold approval of construction permits in those zones until geologic investigation has determined that the site is not threatened by surface displacement from future faulting.

Alteration: Any construction, addition, or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

Ambulance Service: Any business substantially devoted to providing emergency medical care and transportation, including incidental storage and vehicle maintenance.

Amenity: Aesthetic or other characteristics of a development that increase its desirability to the community or its marketability to the public. Amenities differ from development to development but may include recreational facilities such as swimming pools or tennis courts, security systems, views, tree preservation, gardens, or enhanced open space.

Amortization: A term used in zoning to mean the process by which nonconforming uses and structures must be discontinued or made to conform to requirements of the ordinance at the end of a specified period or time. The term itself is a variation of the real estate term by which borrowers are required to pay back a debt in regular payments over a fixed period of time, e.g., installment payments on the principal of a mortgage.

Amusement Arcade: A building or part of a building in which five (5) or more amusement devices occupying more than ten (10) percent of the public floor area are displayed and available for use by the public.

Amusement Device: A player operated electronic or electrical coin-operated game available for use in return for compensation, examples of amusement devices include pinball machines and video games.

Amusement Park: A permanent outdoor facility with rides for entertainment, as a merry-go-round, roller coaster, etc.

Ancillary Use: A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Animals, domestic: Animals of the type generally accepted as pets, including dogs, cats, rabbits, fish, birds, and the like, but not including hoofed animals, chickens, ducks, geese, pea fowl, or the like,. Domestic animals shall not include any animals, birds, or fish maintained for commercial purposes.

Animal Husbandry: Raising of animals or production of animal products, such as eggs or dairy products, on a commercial basis. Typical uses include grazing, ranching, dairy farming, and poultry farming.

Animal Keeping: The keeping of domestic animals cared for and owned by the occupants of the residential property in accordance with the provisions of Title 10 of the Yucca Valley Municipal Code.

Animal Sales and Service:

- A. **Animal Boarding:** Provision of shelter and care for domestic animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.
- B. **Animal Grooming:** Provision of bathing and trimming services for domestic animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours per animal.
- C. **Animal Hospitals:** Establishments where domestic animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed and soundproofed. Grooming and temporary (30 days) boarding of animals is included if incidental to the hospital use.
- D. **Animals Retail Sales.** Retail sales and boarding of domestic animals, provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use.

Annexation: The incorporation of a land area into an existing city or district resulting in a change in the boundaries of the city or district.

Antenna: See “Wireless Communication”.

Antenna Height: The overall vertical distance from the base or pad to the highest point of the antenna mounted on its support structure

Antenna Support Structure: A free-standing, guyed or building-mounted structure, mast, pole, tripod, or tower (including appurtenances) utilized for the purpose of supporting an antenna, antennas or dish intended for airway communication purposes

Antique Shop: Any premises used for sale or trading of antiques of which 80 percent or more are over 50 years old or have collective value. Antique shops does not include “secondhand store.”

Apartment:

- A. One or more rooms of a building used as a place to live, in a building containing at least one other unit used for the same purpose.

- B. A separate suite, not owner occupied, which includes kitchen facilities and is designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit.

Apex: The point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

Apiary: A facility for the keeping of bees.

Appeal: A request for review of a decision or determination of any provision of the Development Code.

Appeal Authority: The agency, board group or legally designated individual empowered to review the approve an appeal of an action taken by an approval authority.

Applicant: Owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code, or the agent(s) of such persons.

Approved Plan: A final plan that has been approved by the appropriate jurisdictional authority.

Approval Authority: The staff member, board, group, agency or other legally designated individual empowered to review and approve permit applications.

Area Of Shallow Flooding: A designated AO zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Arcade: Any business, use, or structure containing 6 or more coin-operated or token-operated amusement machines, or viewing machines. Any use or business with 6 or more amusement machines shall be considered an amusement center or arcade in addition to any other principal or conditional use of the land. Amusement center or arcade does not include adult motion picture theaters or adult entertainment facilities.

Arterial Street: Any street so designated in the Yucca Valley General Plan, existing or proposed.

Artist Studio: Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.

Attached: Any structure that has an interior wall or roof in common with another structure.

Automated Teller Machine (ATM): An automated device used by the public to conduct banking and financial transactions electronically (i.e., withdrawing cash from, or depositing cash or checks into, a bank, savings, credit union, credit card or similar account). Does not apply to retail point-of-sale transactions within a fully enclosed location. Also refers to machines located on properties separate from financial institutions.

Automobile Sales and Service:

- A. **General, New.** Sale of new automobiles, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts.
- B. **General, Used.** Sale of used automobiles, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts.

Automobile Service Station: A business which provides for the servicing and/or fueling of motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, motor vehicle washing, grease racks, and minor motor vehicle repairs, excluding body and fender work, engine overhauling and replacement, transmission work and other similar activities.

Automobile Storage: Lots for the storage and parking of tow-away vehicles, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles.

Automobile Washing: Washing waxing, detailing, or cleaning of automobiles or similar light vehicles including the use of mechanical automobile washers.

Automobile Wrecking (Dismantling): The wrecking or dismantling of motor vehicles or trailers, or the storage of, sale of, or dumping of dismantled or wrecked motor vehicles or their parts.

Awning: A roof-like cover that is attached to and extends from the wall of a building to provide shielding of windows and entrances from inclement weather or sun.

9.99.030 – “B” Definitions

Bakery:

- A. **Retail Bakery:** A retail sales facility which offers bakery products for direct sale to the public and which, as an accessory use, may include the preparation of products normally sold in bakeries, for sale off the premises.
- B. **Wholesale Bakery:** A bakery or other food store which devotes over 90 percent of its gross floor area to the preparation of bakery products for sale at other locations. Wholesale bakeries may offer bakery products for direct sale to the public.

Balcony: A platform that projects from the wall of a building, typically above the first level, and surrounded by a rail, balustrade, or parapet.

Bar: Premises used primarily for the dispensing of alcoholic beverages by the drink for on-site consumption.

Base Flood: A flood which has a one percent chance of being equaled or exceeded in any given year (also called the *100-year flood*).

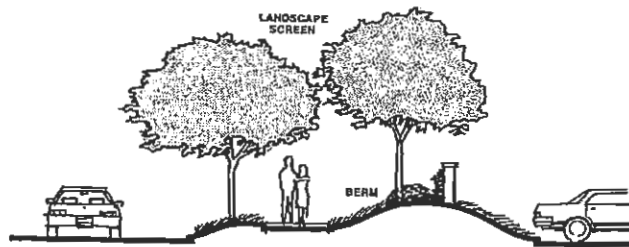
Basement: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

Bazaar: A benefit sale for a church or non-profit organization.

Bed and Breakfast: A transient lodging establishment primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals to the extent otherwise permitted by law.

Bedroom: A private room for sleeping, separated from other rooms and accessible to a bathroom without crossing another bedroom.

Berm (Landscape or earthen): A mound or embankment of earth or a mound which has been improved with landscaping.



BERM

Block: A parcel of land surrounded by public streets, highways, freeways, railroad right-of-way, flood control channels, creeks, washes, rivers or unsubdivided acreage or any combination thereof

Block Face: One complete side of a block, usually facing a public street.

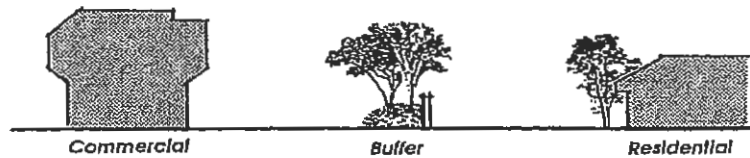
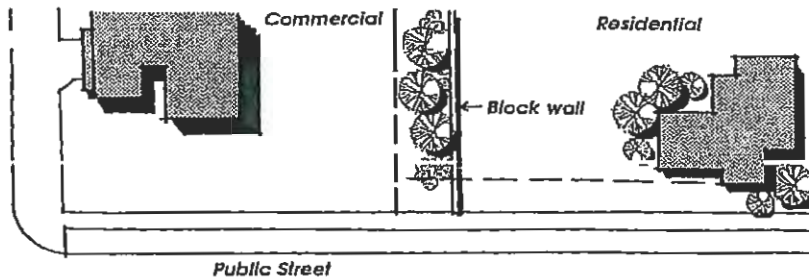
Boarding House: A dwelling with not more than five guest rooms, with not more than one person per room, where lodging and meals are provided for compensation on a weekly or greater basis, not including those facilities defined as social care facility.

Borrow Pit: Any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

Buffer Area: A strip of land established to protect one type of land use from another land use that is incompatible. A buffer includes plantings, berms, or other screens which block vision, noise, or other negative impacts of more intense uses on less intense uses.



Use a variety of techniques to buffer non-residential uses.



Buffer separation between two different uses.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Area/Building Envelope: The net portion of the lot remaining after deducting all required setbacks from the gross area of the lot.

Building Coverage: The percent of lot area which may be covered by all the footprints of buildings or structures on a lot.

Building Height: The vertical distance above a reference datum to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- A. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade; or

- B. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in paragraph A above is more than ten feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

Building Materials and Services: Retailing or wholesaling of building supplies and/or equipment and excluding the general manufacturing of such supplies or equipment. This classification includes lumber yards, tool and equipment sales establishments, and building contractor's yards, but excludes establishments devoted exclusively to retail sales of paint and hardware.

Building Permit: Written Permission issued by the Town for the construction, repair, alteration, or addition to a structure or building.

Building, Principal: A building in which the principal use is conducted.

Building Site: The ground area of a building together with all open spaces required by this Development Code.

Business Center: A development in which businesses and structures are designed as an architecturally integrated and interrelated development. Such design is independent of the number of structures, lots, or parcels making up the center.

Bus Stop Shelter: A small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers

9.99.040 – "C" Definitions

California Environmental Quality Act (CEQA): A State law requiring State and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, a Negative Declaration or Environmental Impact Report must be prepared and certified before an action is taken on the project.

Camp, Campgrounds: A site used or intended for use for temporary occupancy by campers traveling by automobiles or otherwise, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided. See also "Recreational Vehicle

Park.” Other types of camping facilities regulated by this Development Code include the following.

Canopy: A permanent roof-like structure constructed of durable material extending from part or all of a building face.

Capital Improvement: When pertaining to government, the acquisition of real property or equipment, or the construction of major projects.

Capital Improvement Program: A timetable or schedule for all future capital improvements to be carried out during a specific period and listed in order of priority, together with cost estimates and the anticipated means and sources of financing each project.

Caretaker Housing: Separate living quarters, usually including kitchen facilities, for employees living on-site, and accessory to the primary use.

Care Uses:

- A. **Child Day Care:** See “Day Care, Child.”
- B. **Day Care, Adult:** A state-licensed facility that provides nonmedical care and supervision for adult clients for periods of less than 24 hours for any client.
- C. **Day Care, Child:**
 - 1. **Child Care Home, Small Family (8 or fewer children):** Day care facilities located in single-family dwellings where an occupant of the dwelling provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a small family child care home.
 - 2. **Child Care Home, Large Family (9 to 14 children):** Day care facilities located in single-family dwellings where an occupant of the dwelling provides care and supervision for nine to 14 children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply all applicable State regulations,

and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a large family child care home.

- D. **Child Day Care, General:** See “Day Care, General” for facilities serving 15 or more children.
- E. **Day Care, General:** Establishments that provide nonmedical care for 15 or more persons on a less than a 24-hour basis, including nursery schools, preschools, and day care centers for children or adults. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a General Day Care facility. General Day Care establishments may be accessory to an industrial, commercial or institutional use, as may be allowed by Article 2 of this Development Code.

Carnival: See “Circuses and Carnivals.”

Carport: A permanent roofed structure with not more than two completely enclosed sides used or intended to be used for vehicle storage for the occupants of the premises.

Catering Services: Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

Cemetery: A spatially defined area where the remains of deceased people or animals are buried or are otherwise interred. The term "cemetery" implies that the land is specifically designated as a burial ground.

- A. **Public Cemetery:** A public cemetery is one used by the general community, a neighborhood, or a church.
- B. **Private Cemetery:** A private cemetery is one used only by a family or a small portion of the community.

Centerline, Street: The right-of-way centerline as established by the County Surveyor, the City Engineer of the California Department of Transportation (Caltrans). If no such centerline has been established or in the event the foregoing definition is not applicable, the Approval Authority shall designate the centerline.

Certificate of Occupancy: A permit issued by the Planning and Building and Safety Divisions prior to occupancy of a structure to assure that the structure is ready for occupancy with all

defects corrected and all construction debris removed and the site graded to final grade. Additionally, all on-site amenities (i.e., paving, landscaping, etc.) shall be in place prior to the issuance of the permit.

Certified Farmers Market: A location, approved by the Agricultural Commissioner of San Bernardino County, where agricultural products are sold by producers or certified produces directly to consumers.

Change of use: A conversion of use that substantially differs from the previous of a building or property.

Charitable Organization: An organization formed for the purpose of relegating resources to such needy persons.

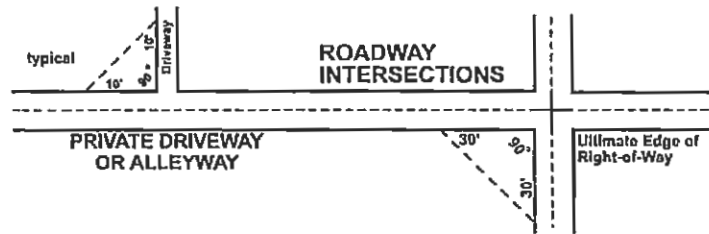
Charity: An effort or act intended to relieve that plight of individuals or groups of people in need of assistance who do not hve the ability or resources to attend to those needs.

Chemical Manufacturing/Processing: An industrial process whereby substances are produced from or converted into other substances. In the process, the composition and properties of the starting material are altered.

Church (Place of Religious Worship/Assembly): An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The Term ‘church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. A place where religious worship is held. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Associated uses (i.e., day care centers, full-time or part-time schools, or emergency housing) may be allowed but require separate discretionary approvals pursuant to the requirements of this Development Code.

Circuses and Carnivals: A temporary attraction including, but not limited to games, eating, and drinking facilities, live entertainment (but excluding adult entertainment facilities), animal exhibits, souvenir sales and rides.

Clear Sight Triangle: Triangular-shaped portion of land established at a street intersection or driveway in which no signs are placed in a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection or driveway.



CLEAR SITE TRIANGLE

Clinic: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians, dentists, psychologists, or social workers, practicing together or individually.

Clubs and Lodges (Public or Private): Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or their guests, excluding “commercial recreation and entertainment.” This classification includes union halls, social clubs and youth center.

Cluster Development: Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area .

Clustered Subdivision: A subdivision development in which building lots are sized to conform to the "footprint" of the structures and sited closer together than conventional development, usually in groups or clusters, provided that the total density does not exceed that which is permitted under conventional zoning and subdivision regulations. The additional land that remains undeveloped is preserved as open space and recreation land. Private development easements around the structures are permitted for inclusion of private landscaping, pools, spas, yards, etc.

Co-located: The locating of wireless telecommunications equipment from more than one provider on a single wireless

Commercial: A land use classification that permits facilities for the buying and selling of commodities and services.

Commercial Complex: A group of three or more commercial uses on a single parcel or contiguous parcels which function as a common commercial area including those which utilize common off-street parking or access. Commercial

Commercial Recreation and Entertainment: This classification includes, but is not limited to, theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, golf courses, miniature golf course, model courses, shooting galleries, tennis/racquetball courts, amusement centers or arcades and health/fitness clubs. Commercial recreation and entertainment does not include “adult entertainment facilities.”

Commercial Vehicle: A vehicle customarily used as part of a business for the transportation of goods or people.

Commission: The Planning Commission of the Town of Yucca Valley

Common Open Space: Land within or serving as a part of a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

Communications Equipment Building: A building housing electrical and mechanical equipment and the administrative staff necessary for the conduct of a public communications business and open only to personnel necessary for the operation and maintenance of such equipment and administrative functions.

Community Apartment: A development in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment located on the land.

Community Care Facility: Consistent with Health and Safety Code (Section 1267.8), the intermediate care facility shall include provisions for developmentally disabled habilitative nursing or congregated living.

Community Center: A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency; A building or structure owned and operated by a governmental agency use to provide a governmental service to the public.

Community Noise Equivalent Level (CNEL): A 24-hour energy equivalent level derived from a variety of single-noise events, with weighing factors of 5 and 10 dBA applied to the evening (7 p.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) periods, respectively, to allow for the greater sensitivity to noise during those hours.

Complete Application: An application form completed as specified by the rules of the governmental agency and all required accompanying documents.

Conditional Use: A use permitted in a particular zoning district upon showing that such use will comply with all the conditions and standards as specified in the zoning ordinance and authorized by the Approval Authority.

Composite Development Plan: A map or plan on file with the Building and Safety Division that reflects additional information related to the development of lots created by a Final or Parcel Map recorded after March 1, 1986. Notes on this plan or map are for informational purposes and indicate conditions and criteria that exist on the property that were known and identified as of the date of the recordation of the Final or Parcel Map. Authority for this plan is derived from California Government Code Section 66434.2.

Concerts, Open-Air Theaters: See “Sports or Entertainment Assembly.”

Conditional Use Permit: Uses which may be permitted, subject to approval of a Conditional Use Permit. Generally, conditional uses are those uses which have the potential objectionable operating characteristics or appearance which may be out of character in a particular zoning district, either of which may make those uses suitable or unsuitable for a particular site or location.

Condominium Project: A common interest development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, water, or earth, or any combination thereof, and need not be physically attached to land except by easement for access, and if necessary, support.

Congregate Care Facility: See “Residential Care Facilities (Congregate Care)”.

Conservation: The planned management, protection and use of natural resources in order to prevent the wasteful exploitation, destruction or neglect of these resources.

Consistent: Free from variation or contradiction

Construction Commencement: The start of construction of substantial site and structural improvements after a building permit has been issued, subject to determination by the Building Official.

Construction Office: A temporary structure or a portion on an existing structure used as the primary management location of construction activities.

Contiguous Property: Those properties which touch property lines of any parcel, including those properties which touch said property lines of a subject parcel when such lines are projected across public or private rights-of-way, easements roads, or streets.

Convalescent Home/ Skilled Nursing Facility: A facility licensed by the State Department of Public Health, the State Department of Social Welfare, or the County Health Department, which provides bed and ambulatory care for patients with postoperative convalescent, chronically ill, or dietary problems, and persons aged or infirmed unable to care for themselves; but not including substance abusers or persons with mental or contagious diseases or afflictions.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with same and having a gross floor area of less than 5,000 square feet.

Conversion: Changing the original use or purpose of a building to different use or purpose.

Council: The Town Council composed of the Mayor and Council members of the Town of Yucca Valley.

County: The County of San Bernardino, hereinafter referred to as County.

Court: An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two or more side by the wall of a building.

A. Court, Inner: An open area, unobstructed from the ground to the sky, which is bounded on more than three sides by the exterior walls of one or more buildings.

Court, Outer: an open area, unobstructed from the ground to the sky, which is bounded on no more than three sides by the exterior walls of one or more buildings

Covenants, Conditions, and Restrictions (CC&Rs): A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

Cul-de-sac: The turnaround at the end of a dead-end street.

Cultural Institutions: Institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification generally includes libraries, museums, and art galleries where displayed objects are not intended for sale.

Curb Cut: The lowering of a curb to permit access by vehicles, wheelchairs, carts, and pedestrians.

9.99.050 – “D” Definitions

Days: Shall always be consecutive calendar days unless otherwise stated.

Days, Business: Any day specified office, department or other agency is open to the public or normal business. This term shall normally exclude all Saturdays, Sundays, and any holiday that is recognized and observed by the specified office, department or agency.

Dedication: The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses often are made conditions for approval of a development by the Town.

Density: The number of dwelling units, households or housing structures per unit of land.

Density Bonus: An increase in the number of dwelling units over the otherwise maximum allowable residential density.

Density, Net: The number of dwelling units per acre of developable land exclusive of public and private streets, greenways, drainage, power transmission line easements, or other public and semipublic uses.

Density Transfer: The transfer of all or part of the permitted density from one parcel to another parcel.

Destination Retail: Retail businesses that generate a special purpose trip and that do not necessarily benefit from a high volume pedestrian location.

Detached: Any building or structure that does not have a wall or roof in common with any other building or structure.

Developable Land: Land that is suitable as a location for structures and that can be developed free of hazards to, disruption of, or significant impact on natural resource areas.

Developer: The legal or beneficial owner or owners of property to be developed or being developed, including the holder of an option or contract to purchase or other person(s) having enforceable proprietary interests in such property.

Development: The placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any soil or materials; change in the density or intensity of use of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity or use of water, or of access thereto; construction; reconstruction, demolition, or alteration of the size of any structure including any facility of any private, public or municipal utility; and the removal of any major vegetation. A project, as defined in Government Code Section 65931, is included in this definition.

- A. Any subdivision pursuant to the Subdivision Map Act;
- B. The division of a parcel of land into two or more parcels;
- C. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;
- D. Any mining, excavation, landfill or grading;
- E. Any use or extension of the use of land; or
- F. Any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use.

Development Agreement: An agreement entered into between the Town of Yucca Valley and a contracting party which relates to a specific real property, subject to the terms of the agreement.

Development Code: A unified text incorporating areas of regulation including administration, development review, residential districts, commercial and office districts, industrial districts, other districts, overlay districts, general standards, and other related topics.

Development Review Committee: A committee consisting of representative from various agencies whose function are to review and makes recommendations on development proposal.

Development Rights: The right to develop land by a land owner who maintains fee simple ownership over the land or by a party other than the owner who has obtained the rights to develop.

Development Plan (Planned Unit Development): A detailed, comprehensive plan of development for a Planned Development. This development unit plan applies limits and parameters for development derived from a development suitability analysis to a specific development scheme. Development plans shall include a detail description of the proposed development and its effects including, but not limited to, a written text, diagrams or maps describing the program for development and the functional arrangement of structures and uses, the effect of such arrangement upon the physical characteristics of the site, available public services, the capacity of existing circulation system and the existing and planned land use of adjacent properties. It includes a dimensioned site plan showing the location of all structures and lots in sufficient detail to permit recordation and the preparation of construction drawings.

Deviations: Authorized variances from required distances, setbacks, areas or physical improvements.

Disability: A physical or mental impairment that substantially limits one or more of the major life activities of individuals, there is a record of such an impairment, or the individual is regarded as having such an impairment. It is the intent of this definition to substantially comply with the term “disability” as defined by the Americans With Disabilities Act of 1990, as may be amended from time to time.

Discretionary Decision: An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project.

District: A zone or geographic area within the municipality within which certain zoning or development regulations apply.

Dormitory: A structure intended principally for sleeping accommodations where no individual kitchen facilities are provided, and where such structure is related to an educational or public institution or is maintained and operated by a recognized nonprofit welfare organization.

Drainage: Surface water runoff; the removal of surface water or groundwater from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

Drainage area: a geographical area, formed by topography, which collects and changes surface runoff from precipitation to natural or man made channels.

Drive-thru: Any portion of a building or development intended to allow service direct from the building through a window, kiosk, or automated delivery system to vehicle occupants. Such

facilities include but are not limited to food service windows, ready tellers, or similar service systems.

Drive-Thru Restaurant: See “Restaurant, Drive-Thru”.

Driveway: A private roadway for the exclusive use of the occupants of a property and their guests or patrons, and which provides vehicular access to parking spaces, garages, dwellings or other structures on a site.

Duplex: A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

Dwelling: A structure or portion thereof designed for residential occupancy, not including hotels or motels.

Dwelling, Attached: a dwelling joined to one or more other dwellings by common vertical walls.

Dwelling, Detached: A dwelling that is not attached to any other dwelling by any physical means

Dwelling, Multiple: A building on a single lot containing two or more dwelling units, offered for rent or lease on a monthly (or longer) basis, each of which is totally separated from the other by a wall extending from ground to roof or a ceiling and floor, extending from exterior wall to exterior wall, except for a common stairwall exterior to both (or multiple) dwelling units.

Dwelling, Townhouse: A single family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Dwelling Unit: A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities), but not more than one kitchen, which constitutes an independent housekeeping unit, occupied or intended for occupancy by one family on a long-term basis.

Dwelling Unit, Efficiency: A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

9.99.060 – “E” Definitions

Easement: A grant of one or more property rights by the property owner for use by the public, a corporation or another person or entity.

Easement, Conservation: A tool for acquiring open space with less than full fee purchase, whereby a public agency buys or is granted only certain specific rights from the land owner. These may be positive rights (providing the public with the opportunity to hunt, fish, hike, or ride over the land), or they may be restrictive rights (limiting the uses to which the land owner may devote the land to in the future).

Eating and Drinking Establishments: Businesses serving prepared food or beverages for consumption on or off the premise. Also refer to “Food and Beverage Sales”. Related eating and drinking establishment terms are defined as follows:

- A. **Accessory Food Service:** An establishment that sells food and/or beverages as an accessory use in a retail, office, or institutional structure and that does not change the character of the primary use.
- B. **Bar, Lounges, Nightclubs, Taverns (includes independent or accessory establishments):** Any establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premise license from ABC and in which persons under 21 years of age are restricted from the premises. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.
- C. **Fast Food:** A restaurant which supplies food and beverages primarily in disposable containers and which is characterized by high automobile accessibility, self-service and short stays by customers.
- D. **Outdoor Dining:** A dining area with seats and/or tables located outdoors of a sit-down restaurant, fast food, or other food service establishment. Outdoor dining is located entirely outside the walls of the contiguous structure or enclosed on one or two sides by the walls of the structure with or without a solid roof cover.
 - 1. **Limited:** Outdoor dining area encompassing up to 800 square feet of area, inclusive.
 - 2. **General:** Outdoor dining area encompassing more than 800 square feet of area.

- E. Restaurant:** An establishment engaged in the business of selling food and beverages, including alcoholic beverages, prepared on site for primarily on-site consumption. Food and beverages are served to the customer at a fixed location (i.e., booth, counter, or table). Food and beverages are ordered from individual menus. Customers typically pay for food and beverages after service and/or consumption. The sale or service of sandwiches, whether prepared in the kitchen or made elsewhere and heated up on the premises, or snack foods, shall not constitute a sit-down restaurant. For off-site consumption, see “Food and Beverage Sales”.
- F. Take-Out Service:** An establishment that offers a limited variety of food or beverages. Transactions are sales for off-site consumption. Customers are served either at a counter or service window. Incidental seating (less than 250 sq. ft. of seating area) may be provided for limited on-site consumption of food or beverages. Typical uses include bakeries, coffee stores, ice cream and frozen dessert stores, delivery-only pizza establishments, small delicatessens, and similar establishments.

Eaves: The projecting overhang at the lower edge of a roof.

Educational Institution: A college or university, supported wholly or in part by public funds or giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

Elevation: A vertical distance above or below a fixed reference level; a dimensioned drawing of the front, rear or side of a building showing features such as windows, doors and relationship of grade to floor level.

Emergency Shelter: A facility that provides immediate and short-term housing and supplemental services. Shelters come in many sizes, but an optimum size is considered to be 20 to 40 beds. Supplemental services may include food, counseling, and access to other social programs.

Emission: A discharge of pollutants in the air or water.

Encroachment: The placement or construction of a fence, building, structure or other improvement on another’s property, on a public right-of-way or into a required setback.

Entertainment, Live: A musical, theatrical, dance, cabaret, or comedy act performed by one or more persons. Any form of dancing by patrons or guests at an eating and drinking establishment or bar is live entertainment. Live entertainment does not include the term “adult entertainment facility” or “adult entertainment establishment.”

Environment: The physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.

Environmental Constraints: Environmental factors which limit or inhibit the potential for land development, including but not limited to, flood hazards, seismic hazards, air quality and water supply.

Environmental Impact: Projected long or short-term effects (adverse or beneficial) which a development project or plan may have on the natural and built environment if the project is carried out.

Equestrian Facility. A commercial facility for horses, donkeys, and/or mules. Examples include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys, and/or mules, which is instead included in “Animal Keeping.” Does not include rodeo arenas, which are under “Sports or Entertainment Assembly.”

Equipment Sales, Services and Rentals: Sales, services or rentals of equipment including, but not limited to, construction equipment and agricultural equipment.

Erosion: the wearing away of the ground surface as a result of the movement of wind or water or machine.

Erosion, Accelerated: erosion caused by a human-induced alteration of the vegetation, land surface, topography, or runoff pattern. Evidence of accelerated erosion is often indicated by exposed soils, gullies, rills, sediment deposits, or slope failures caused by human activities.

Erosion Hazard: The susceptibility of a site to erode, based on condition of slope, rock type, soil, and other site factors. Hazard may be determined based on a site-specific investigation, and such soil disturbance may be caused by wind, water or machine.

Excavation: Removal or recovery by any means of soil, rock, minerals, mineral substances, or organic substances, other than vegetation.

Exotic Animal: Any warm or cold blooded animal of the biological family Animalia, generally considered as wild, exotic, dangerous, venomous or not normally domesticated.

Expansion: The use of additional land or floor area.

Extension: An increase in the amount of time that a permit or approval may be valid.

9.99.070 – “F” Definitions

Façade: The main face or front of the building.

Fair or Festival: Temporary gathering consisting of but not limited to, carnival, a competitive exhibition of farm, new household and manufactured products, including art and craft items, with various amusements, which may include carnival rides and games, and educational displays.

Family: Any group of individuals living together based on personal relationships. Family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, nunneries, nor does it include such commercial group living arrangements as boardinghouses, lodging houses and farm labor camps.

Farmers Markets: A public market at which farmers and other vendors sell produce directly to consumers. Farmer’s Markets includes Certified Farmer’s Markets (see Definition for Certified Farmer’s Markets). Produce at Farmer’s Markets may include produce purchased from wholesalers and retailers. Farmer’s Markets shall be composed at a minimum of 80 percent business activity of fresh produce, artisan cheeses, hand-harvested honey, flowers, and other fresh, small-batch foodstuffs. The remaining 20 percent business activity at Farmers Markets may be composed of the sale of art, handcrafts, and other handmade goods.

Fast Food: See also “Eating and Drinking Establishments”.

Feasible: Capable of being done, executed or managed successfully from the standpoint of the physical and/or financial abilities of the implementer(s)

Fence: an exterior physical barrier erected to enclose, screen or separate areas.

Financial Services: A commercial land use involved with the exchange of money and services related to the financial system.

Findings: A set of conclusions which are required before specified permits, land use applications, deviations, ordinance changes or other entitlements may be granted.

Fiscal Impact Analysis: An analysis of the costs and revenues associated with impacts to a public agency of a specific development proposal.

Fitness Center: Facilities equipped and used for training and conditioning.

Flag: The symbol, insignia or display of a governmental or nonprofit organization when not displayed in connection with a commercial promotion or used as an advertising mechanism.

Flood, Flooding or Flood Water: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Area, Special (SFHA): An area having special flood risk shown on an FHBM or FIRM as Zone A, AO or AE.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map and the water surface elevation of the base flood.

Floodplain or Flood-prone area: Any land area susceptible to being inundated by water from any sources.

Floodplain Administrator: The individual appointed to administer and enforce the floodplain management regulations.

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

Floodplain Management Regulations: Chapter XXX of the Municipal Code and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as *Regulatory Floodway*.

Floodplain Encroachment: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

Floodway Fringe: That area of the floodplain on either side of the *Regulatory Floodway* where encroachment may be permitted.

Floor Area, Gross: The total enclosed area of all floors of a building, measured to the outside face of the structural members and exterior walls, including halls, stairways, mechanical equipment rooms, and habitable basements.

Floor Area, Net: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation.

Floor Area Ratio (F.A.R.): The gross floor area of a building(s) on a lot divided by the area of the lot. For example, on a site with 10,000 gross sq. ft. of land area, a Floor Area Ratio of 1.0 will allow a maximum of 10,000 sq. ft. of building floor area to be built. Similarly, an F.A.R. of 1.5 would allow 15,000 sq. ft. of floor area; an F.A.R. of 2.0 would allow 20,000 sq. ft.; and F.A.R. of 2.5 would allow 25,000 sq. ft.; and an F.A.R. of 0.5 would allow only 5,000 sq. ft. to be built. F.A.R.s shall be applied on a parcel by parcel basis as opposed to an average F.A.R. for an entire land use or zoning district.

Food and Beverage Sales: Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores and delicatessens. Establishments at which 20 percent or more of the floor area is used for the sale of prepared food for on-site or take-out consumption shall be classified as eating and drinking establishments. See also "Eating and Drinking Establishments".

Footprint, Building: The outline of a building at all of those points where it meets the ground.

Fortunetelling: A use involving the foretelling of the future in exchange for financial or other valuable consideration.

Frontage: The side of a lot abutting a street (the front lot line), except the side of a corner lot (the street side lot line). On corner lots the narrowest frontage shall be considered the front of the lot. The frontage of a non-rectangular lot or a lot located on a cul-de-sac, curved street, or dead-end street with a curved turn-around shall be measured as the chord drawn between the terminuses of the side property lines at their intersection with the street right-of-way.

Front Wall: The nearest wall of a structure to the street upon which the structure faces, but excluding cornices, canopies, eaves, or any other architectural embellishment.

Funeral Services: Establishments primarily engaged in the preparation of the deceased for burial or cremation, the temporary display of the deceased, cremations and rituals connected with the burial or cremation.

9.99.080 – “G” Definitions

Garage: An enclosed accessory building, either attached or detached, used for the private parking or temporary storage of motor vehicles and recreational vehicles for the occupants of the premises.

Garage, Private: A garage used exclusively for the parking and storage of vehicles owned by residents of nearby dwelling units and their guest, which is not operated as a commercial enterprise and is not available to the general public and which is owned, leased or cooperatively operated by such residents.

Gated Community: A residential development enclosed by a perimeter wall and secured at each entry point with a gate, typically accessible only to the residents of the development and their guests.

General Plan: The Town of Yucca Valley General Plan as adopted by the Town Council.

Glare: The effect produced by brightness sufficient to cause annoyance, discomfort or loss of visibility.

Governing Body: The local governing unit empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

Government Agency: Any department, commission, independent agency, or instrumentality of the United States, or a state, county, incorporated local municipality, authority, district, or any other agency so recognized as a governmental unit.

Government Facility: Offices and support facilities for any seat of any federal, state, county, or Town agency, or special district, providing services to the general population.

Golf Course: Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; “pro shops” for on-site sales of golfing equipment; and golf cart storage and sales facilities.

Grade: The elevation of the surface of the ground.

Grade, Adjacent Ground Elevation: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line.

Grade, Finished: The elevation of the surface of the ground after grading, construction, or landscaping activities.

Grade, Natural: The elevation of the surface of the ground before the ground elevation is altered by any grading, construction, or landscaping activities.

Grading: Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Green House: A building whose roof and sides are made largely of transparent or translucent material used for the cultivation of plants.

Ground Floor: the first floor of a building other than a cellar or basement.

Group Home: Any residential structure or unit, whether operated by an individual for profit or by a non-profit entity, which is not licensed by the State of California. For the purposes of this Development Code, Group Home is a distinct category from either Transitional Housing, Supportive Housing, community care facility or residential care facility, each of which is defined separately herein.

Guest House /Quarters: Any structure, whether attached to or detached from the main residence on a residential lot, or a lot used for residential purposes, containing living quarters for the use by temporary guests of the residents of the main residential structure on the same premises.

Gymnasium: A recreational facility providing indoor athletic activities and events.

9.99.090 – “H” Definitions

Habitable Structure: A structure which includes habitable space for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

Half Story: A story under a gable, hip or gambrel roof, plates of which are not more than two feet above the floor of such story.

Handicapped Person: A person who may be classified as having a physical impairment that manifests itself in one or more of the following ways: non-ambulatory, semi-ambulatory, visually impaired, deaf or hard of hearing, having faulty coordination, and having reduced mobility, flexibility, coordination, or perceptiveness due to age or physical or mental conditions.

Hawker: A person who engages in hawking.

Hawking: Offering merchandise for sale on the streets by outcry or by attracting the attention of person by exposing goods in a public place, or by placards, labels or signals.

Health Care Facility: A public or private facility principally engaged in providing services for health maintenance and the treatment of mental or physical conditions. This includes establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, or oxygen and other similar types of medical supplies and services.

Health Center: See “Fitness Center.”

Highest Adjacent Grade: the highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

Home Occupation: A commercial activity conducted in compliance with Section 9.08.050 of this Development Code, carried out by an occupant and conducted as an accessory use within the primary dwelling unit, an accessory structure or approved outdoor activity.

Homeless Shelter: See “Emergency Shelter”

Homeowners Association: An association of owners in a condominium, planned unit development, or residential subdivision established to provide management of property in which they own an undivided common interest.

Hookah Bar/Lounge: An establishment where patrons share flavored tobacco (Shisha-a smokable mixture of tobacco, dried fruits, molasses) or a non-tobacco based substitute from a communal Hookah (a water pipe device for smoking). A hookah is a water pipe of Middle Eastern origin that is used to smoke sweet, often flavored tobacco. The smoke is filtered through water at the base of the Hookah's pipe.

Horse Keeping: Boarding of horses owned by the occupants of the residential property. See also "Animal Keeping".

Horse Boarding: See "Animal Sales and Services, Animal Boarding/Kennels."

Horticulture: The study and practice of cultivating plants, such as growing fruit, flowers, ornamental plants, and vegetables.

- A. **Horticulture, Commercial.** The cultivation of agricultural products for retail or wholesale sales. Includes plant nurseries.
- B. **Horticulture, Private.** The cultivation (but not sale) of agricultural products for use or consumption only by property owner or tenant.
- C. **Horticulture, Public.** See "Plant Nursery."

Hospital: An institutional land use consisting of a facility licensed by the State Department of Public Health for the provision of clinical and temporary or emergency service of a medical, obstetrical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services nature to human patients, including inpatient and outpatient care.

Hotel: A facility in which guest rooms or suites are offered for compensation to the general public for lodging with or without meals and where no provision is made for cooking in any individual guest room or suite.

Human Scale: the relationship of a building or portions of a building to a human being. Harmonious relationship of the size of parts to one another and of the human figure, usually around eight (8) to ten (10) feet in size. This distance is about the limit of sensory perception of communication between people including voice inclination and facial expression. This distance

is also about the limit of an up-stretched arm reach for human beings which is another measure of human scale.

Hydrophyte: A plant that grows in and is adapted to an aquatic or very wet environment.

9.99.100 – “I” Definitions

Impact: The effect of any direct human-made actions or indirect repercussion of human-made actions on existing physical, social, or economic conditions.

Impervious Surface: Surface through which water cannot penetrate, such as roof, road, sidewalk, or paved parking lot. The amount of impervious surface increases with development and establishes the need for drainage facilities to carry the increased runoff.

Improvement: Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

Industrial: The manufacture, production and processing of consumer goods. Industrial is often divided into “heavy industrial” uses, such as construction yards, quarrying and factories; and “light industrial” uses such as research and development and less intensive warehousing and manufacturing.

Industrial Park: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space. An industrial park is designed as a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or CC&Rs.

Infill development: Development of vacant land within areas that are already largely developed.

Institutional Use:

- A. Publicly or privately owned and operated activities that are institutional in nature, such as hospitals, museums, and schools;

- B. Churches and other religious organizations; and
- C. Other nonprofit activities of a welfare, educational, or philanthropic nature that can not be considered a residential, commercial, or industrial activity.

Intensification Of Use: A change to the existing use of a property which results in a change or increase in vehicular or pedestrian traffic, an increase in parking requirements or induces additional environmental impacts, including but not limited to noise, light, glare, vibration, traffic, water quality, air quality or aesthetics.

Intensity Of Use: the numbe of dwelling units per acre for residential development and floor area ration (FAR) for nonresidential development, such as commercial, office and industrial.

Interim Housing: Shared living quarters, generally without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate needs. Interim housing includes, but is not limited to the following:

- | | |
|-------------------|--------------------|
| Homeless shelters | Emergency shelters |
| Fraternities | Sororities |
| Dormitories | Labor camps |
| Halfway houses | |

Interim housing does not include residential care facilities, family day care homes, family day care centers, convalescent hospitals, hotels, motels or single room occupancy housing.

Intermittent Stream: A stream that normally flows for at least thirty (30) days after the last major rain of the season and is dry a large part of the year.

Internet Café: a bona-fide business establishment that sells internet time, which allows customers to surf the web and use computers for personal use. An internet café can also have ancillary use of food and refreshments for patrons. Internet Cafes are not permitted to allow promotional sweepstakes or any other gambling-themed games for cash magnetic sliding cards (or similar cards), credits, monetary gifts or similar winnings or prizes (excluding California lottery sales by licensed California Lottery vendors).

Intersection: The location where two or more roadway cross at the same grade.

9.99.110 – “J” Definitions

Junk: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled or disposed of.

Junk and Salvage Facility: Primary or accessory use of structures and/or land for storage, dismantling and/or selling of cast-off, unused, scrap or salvage material of any sort, excluding vehicles (see “Automobile wrecking”).

9.99.120 – “K” Definitions

Kennels and Catteries: Facilities for the care of dogs and cats.

- A. **Commercial Kennel or Cattery:** The boarding, breeding, raising or training of five or more dogs or cats of any age not owned by the owner or occupant of the premises, and/or for commercial gain. For the purposes of this section, a commercial kennel or cattery also includes the breeding of five or more dogs or cats of any age owned by the owner or occupant of the premises for commercial gain.
- B. **Private Kennels or Cattery:** The keeping, raising, showing, or training of five to 15 dogs or cats over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the objective. All such animals shall be spayed or neutered.

Kiosk Building: An accessory building used for key shops, photo drops and the like, and generally located in a shopping center parking lot.

Kitchen or Kitchenette: Any room or part of a room which is designated, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, butler’s pantry or similar room adjacent to or connected with a kitchen.

9.99.130 – “L” Definitions

Laboratories: Establishments providing medical or dental laboratory services or establishments providing photographic, analytical, or testing services.

Landscaping: Planting, including trees, shrubs, and ground covers, suitably designed, selected, installed, and maintained so as to enhance a site or roadway permanently.

Land Use: The occupation or utilization of land area for any human activity or any purpose defined in the General Plan.

Land Use Application: A request for approval of a discretionary permit that is subject to one of the permit processes specified by this Code.

Land Use Decision: Any decision to approve, approve with conditions, modify or deny a request to develop, divide or otherwise utilize land or to alter or establish land use regulations.

Land Use District: A designation established by the General Plan containing applicable rules and regulations necessary to guide development and use of all land within the district.

Land Use Zoning District: A portion of the town within which certain uses of land and structures are defined, and regulations are specified.

Landscape Plan: A component of a development plan on which is shown, including but not limited to, proposed landscape species, proposals for protection of existing vegetation during and after construction, proposed treatment of hard and soft surfaces, proposed decorative features, grade changes, buffers and screening devices.

Legal, Non-conforming: (See *Non-conforming Lot, Non-conforming Structure or Non-conforming Use*)

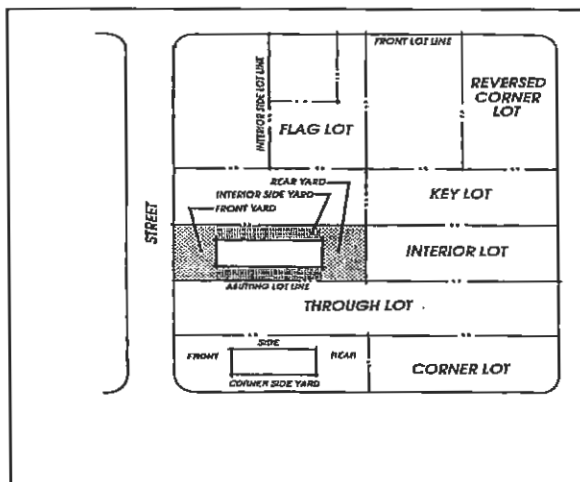
Laundry:

- A. **Limited.** An establishment to dry clean and/or wash and dry clothes and other fabrics brought in and carried away by the customer. This may include self-service or coin-operated facilities.
- B. **Unlimited.** An establishment where large quantities of clothes and other fabrics are washed and/or ironed but are collected and delivered primarily by laundry employees. Unlimited laundry does not include the term "Limited laundry."

Livestock Operations: Intensive commercial hoofed animal keeping operations including dairies, feedlots, hog ranches, etc.

Loading Space: An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

Lot: A parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon.



LOT TYPES

Lot, Corner. A lot located at the intersection of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "interior lot";

Lot, Flag. A lot having access or an easement to a public or private street by a narrow, private right-of-way;

Lot, Interior. A lot abutting only one street;

Lot, Irregular. A non-rectangular lot or rectangular lot not abutting a public street;

Lot, Key. A lot with a side line that abuts the rear line of any one (1) or more adjoining lots;

Lot, Reverse Corner. A corner lot, the rear of which abuts the side of another lot;

Lot, Substandard: A parcel of land that has less than the required minimum area or dimensions.

Lot, Through. A lot having frontage on two (2) generally parallel streets, with only one (1) primary access.

Lot Area: The total horizontal area included within the lot lines of a lot.

Lot Area, Gross: The total area within the lot lines of a parcel, including any adjacent street rights-of-way.

Lot Area, Net: The total area within the lot lines of a parcel, excluding any street rights-of-way.

Lot Coverage: That portion of the lot that is covered by buildings, sidewalks, driveways or other impervious surface.

Lot Depth: Lot depth is the horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line; in the case of a triangular or other irregularly shaped lot, the rear lot line is defined as a line within the lot having a length not less than ten feet, parallel to and most distant from the front lot line.

Lot Frontage: The portion of the lot contiguous to the street. On corner lots the narrowest frontage shall be considered the front of the lot. On a lot located on a cul-de-sac, curved street, or dead-end street with a curved turn-around, the frontage shall be measured as the chord drawn between the terminuses of the side property lines at their intersection with the street right-of-way.

Lot Line: Any boundary of a lot.

Lot Line Adjustment: The adjustment of a lot line between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where no additional parcels are created or the number of parcels reduced.

Lot Line, Front. On an interior lot, the line separating the parcel from the street right-of-way. On a corner or through lot, the lot line abutting the street providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained;

Lot Line, Interior. A lot line not intersecting a street which is not a front, rear or side lot line. For purposes of this Code setbacks from interior lot lines shall be the same as for side or street side lot lines, whichever is applicable:

Lot Line, Rear. A lot line which intersects a side lot line and which is most distant from and most closely parallel to the front lot line. In the case of a triangular or otherwise irregularly shaped lot, a line within the lot having a length not less than ten feet, parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required setbacks and other provisions of this Development Code;

Lot Line, Side. Those two lot lines which intersect the rear line of the front setback and at least one of which extends from the street right-of-way to the rear property line, the other may extend to an interior lot line.

Lot of Record: A lot that is part of a recorded subdivision or a parcel of land that has been recorded at the County recorder's office containing property tax records.

Lot Width: The horizontal distance between the side lot lines, measured at the required front setback line.

Lounge: See "Eating and Drinking Establishments."

Lowest Floor: The lowest floor of the lowest enclosed area, including basement.

9.99.140 – "M" Definitions

Maintenance and Repair Service:

- A. **Major.** Facilities providing equipment maintenance and repair services and materials storage areas. This classification includes, but is not limited to, corporation yards and equipment service centers, and excludes maintenance and repair of motor vehicles.
- B. **Minor.** Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of motor vehicles.

Manufactured Home: A factory built structure , transported in one or more sections, that meets the National Manufactured Home Construction and Safety Standards Act, commonly known as the U.S. Department of Housing and Urban Development (HUD) Code. The term manufactured home does not include a recreational vehicle.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials.

May: For the purposes of this Development Code, “may” is generally used to indicate a standard or requirement that is permitted or allowed.

Median: An island in the center of the street, highway, or other surface intended for vehicle circulation that separates opposing traffic flows.

Medical Marijuana Cooperative: Two or more persons collectively or cooperatively cultivating, using, transporting, processing, administering, delivering or making available medical marijuana, with or without compensation. The term “medical marijuana cooperative” shall include medical marijuana collective.

Medical Marijuana Dispensary: Any facility or location, including a mobile facility or delivery service whether such mobile facility or delivery service is independent from or affiliated with any fixed facility or location in the Town, where medical marijuana is made available to, distributed by, sold or supplied to one or more of the following: (1) more than a single qualified patient, (2) more than a single person with an identification card, or (3) more than a single primary caregiver. The term “medical marijuana dispensary” shall include all facilities or locations, including storefronts and offices, associated with any medical marijuana dispensary, as defined herein, that handle or process the paperwork for joining a medical marijuana or medical marijuana cooperative as defined herein, to receive financial compensation or donations for the marijuana, or give vouchers or other indicia of membership to individuals, regardless of whether marijuana is ultimately dispensed from the location or a mobile or off-site delivery source independent of the facility or location. The term “medical marijuana dispensary” shall also include a medical marijuana cooperative, and any other medical marijuana collective, operator, establishment or provider.

Micro-Climate: The climate of a small, distinct areas, such as a city street or a building’s courtyard; can be favorably altered through functional landscaping, architecture or other design features

Mini-Mall: A shopping center of from 80,000 to 150,000 square feet in size located on a site of eight to 15 acres where tenants are located on both sides of a walkway having direct pedestrian access to all establishments from the walkway. Mini-malls usually function as neighborhood

shopping centers or specialty shopping centers. Mini-malls usually do not require an anchor store.

Mini-Warehousing/Storage: See “Warehousing and Storage, Limited”.

Mining: The act or process of extracting resources, such as coal, oil, or minerals, from the earth.

Mitigate: To ameliorate, alleviate, or avoid to the extent reasonably feasible.

Mixed Use: Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A single site may include contiguous properties.

Mobile Home: A manufactured dwelling unit designed for use as a single family dwelling capable of being transported to a site on a trailer or on wheels in one or more sections and not designed to be affixed to a permanent foundation. A mobile home is not considered a building, as defined by the Uniform Building Code.

Mobile Home Park: A type of residential development, established either as a legal subdivision of land with individual mobile home pads and common areas or as a development where pads are leased or rented, for the purpose of accommodating mobile home units on individual pads as part of a coordinated development. A mobile home park may include common areas and facilities for the use of all park residents.

Modular Office: A manufactured unit not designed for use as a single family dwelling that is capable of being transported to a site on a trailer or on wheels in one or more sections and not designed to be affixed to a permanent foundation.

Motel:

- A. A hotel for motorists.
- B. A facility in which guest rooms or suites are offered to the general public for lodging with or without meals and for compensation, and where guest parking is provided in proximity to guest rooms. Quite often, provision is made for cooking in individual guest rooms or suites.

- C. A commercial land use providing short term shelter for 28 or fewer days in one or more buildings on the same lot. The buildings contain guest rooms or dwelling units or both, which are usually individually and independently accessible from outside the building. Motel includes motor lodge, tourist court, motor hotel or any other designation intended to identify the premises as providing for rental or overnight accommodation primarily to motorists.

Motor Vehicle: Any motorized vehicle designed to operate on a public street including, but not limited to, automobiles, motorcycles, trucks and recreational vehicles.

Motor Vehicle Repair

- A. **Major.** A place providing a full range of repair and maintenance services for motor vehicles, including, cylinder head replacement, valve grinding or replacement, clutch replacement or repair, replace transmission, rear end, rear axles, king pins, body work, engine or transmission removal, fuel tank repair, radiator or heater core repair or replacement, painting; or repair activities that require entry into the engine other than those specifically defined as minor automobile repair.
- B. **Minor.** A place performing the following repair and maintenance services for motor vehicles not exceeding 1 ton carrying capacity, including any of the following:
 - 1. **Tune-ups.** Major and minor tune-up involving spark plugs, points, condensers, valve adjustment, carburetor overhaul, adjustment of fuel injection systems, fuel pump and all necessary filters;
 - 2. **Lubrication.** Oil changes and filter replacement, transmission and rear end oil change;
 - 3. **Cooling system.** Remove and replace radiator; replace water pump, heater and other hoses; replace thermostats; recharge air conditioners;
 - 4. **Drive train.** Replacement of drive shaft universal bearings, center support bushing, accelerator and brake cables; minor repair of hydraulic systems; replacement of shock absorbers;

5. **Brakes.** Remove and replace shoes and brake pads; rebuild master and wheel cylinders and disc caliper; adjustment of brakes; machine work related to turning of drums or disc;
6. **Wheels.** Adjust steering box; replacement of rubber bushings in suspension; wheel balancing; wheel alignment; replacement of wheel bearings; tire changes and repair.
7. **Electrical.** Charge battery; remove, repair and replace starter, alternator and regulator; rewiring of automobile and lights; repair or replacement of gauges; installation of radios;
8. **Fuel system.** Change and repair of fuel lines; replace fuel gauge sending unit;
9. **Exhaust system.** Tail pipe and muffler replacement.

Any activity combining minor and major motor vehicle repair shall be defined as “major motor vehicle repair.”

Museum, Library, Art Gallery, Outdoor Exhibit: Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos.

9.99.150 – “N” Definitions

Nature Preserve: An area of land maintained in its natural state for the preservation of habitat or other natural resources

Nightclub. See “Eating and Drinking Establishments.”

Noise: Any sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. Noise, simply, is unwanted sound.

Noise Attenuation: Reduction of the level of a noise source using a substance, device, material, or surface, such as earth berms and/or solid concrete walls.

Nonconforming, Illegal: A structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Development Code.

Nonconforming Lot (Legal): A lot, the area, frontage or dimensions of which do not conform to the provisions of this Development Code but which did conform to applicable laws at the time it was subdivided.

Nonconforming Structure (Legal): A structure which conformed to applicable laws when constructed but does not conform to the provisions of this Development Code.

Nonconforming Use (Legal): A use complying with applicable laws when established but does not conform to the provisions of this Development Code.

Nuisance: An interference with the enjoyment and use of the property.

Nursery: An establishment in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure.

9.99.160 – “O” Definitions

Occupancy/Occupied: The residing of an individual or individuals in a dwelling unit or the storage or use of equipment, merchandise, for machinery in any building.

Off-Highway or Off-Road Vehicle Race: Any organized sporting event or rally where motorized vehicles are utilized in a contest of speed, or in a competitive trial of speed or skill or recreational event, all or a portion of which is conducted outside dedicated public rights-of-way maintained by a public agency.

Office:

- A. **Administrative Business Professional, Corporate:** Offices of or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental laboratories incidental to an office use, but excluding banks, savings and loan associations and other similar financial institutions and dental and medical offices.
- B. **Government:** An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.
- C. **Medical and Dental:** An office or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatry, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these offices, but exclude inpatient services and overnight accommodation.

Off-site: Located outside the lot lines of the lot in question.

Off-site Improvements: Improvements required as a result of the development and including, but not limited to curb, gutter, sidewalk, road widening and upgrading, stormwater facilities, and traffic improvements.

Off-site Parking: Parking provided for a specific use but located on a site other than the one on which the specific use is located.

Official Map: An Official Map is a map prepared in compliance with this Development Code and shall be substituted for a final map when it is certified, filed and bound, but not before.

Open Space (Useable): Open Areas within a multiple-family or planned residential development project which are to be used for scenic, landscaping or recreational purposes by all the residents of the project.

This does not include flood control channel right-of-way, areas devoted to parking, vehicular traffic, service areas, or slopes over 10 percent, required setbacks, and any other area which does not significantly lend itself to the overall benefit of a particular development or surrounding environment. Usable common open space shall be devoted primarily to active recreational opportunities (i.e., pool, court games, wading pools, barbecue area or other recreational facilities for the common use of all residents. Open space areas shall not have any dimension less than 25 feet, except decks or balconies, which shall not have any dimension less than 6 feet to qualify as usable open space. Decks shall not be counted as usable open space where they are used solely as a passageway and entrance to a dwelling. Where decks are private in nature or are for the general use of tenants residing on the property and do not serve principally as a passageway, such decks may be counted as usable open space when otherwise conforming with the requirements of this Chapter.

Outdoor Dining: See “Eating and Drinking Establishments”.

Outdoor Events: Activities conducted outside for public benefit and participation including but not limited to parades, concerts, rallies, sports competitions, etc.

Outdoor Facilities: Any business enterprise, temporary use, sales or service, storage or activity conducted outside an enclosed building.

Outdoor Sales: The display and sale of products and services outside of a building or structure.

Outdoor Storage: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Overlay District: A set of zoning requirements that are described in the text of the Zoning Regulations and which are imposed in addition to those requirements of the base district.

9.99.170 – “P” Definitions

Parapet: The extension of the main walls of building above the roof line.

Parcel: A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

Park: A tract of land, designated and used by the public for active and/or passive recreation:

Park and Recreation Facilities: Noncommercial parks, playgrounds, recreation facilities, and open spaces.

Parking, Commercial Lot: A business enterprise engaged in providing the service of parking space of vehicles for short-term use, typically less than 24 hours in duration.

Parking Lot: A site or a portion of a site, devoted to the temporary off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicle access to a public street.

Parking, Off-Street Loading Facilities: A site or a portion of a site, including loading berths, aisles, access drives, and landscape areas, devoted to the loading or unloading of people or materials.

Parking, Shared: Joint use of a parking area for more than one use.

Parking Space: A readily accessible area maintained exclusively for the parking of one motor vehicle. The parking space may be either within a structure or in the open and does not include driveways, ramps, loading or working areas, and conforms to dimensions and standards established in this Chapter.

Parkway: The area of a public street that lies between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping and/or passive recreational purposes.

Pawn Shop: An establishment engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property.

Peddler: A person who engages in peddling.

Peddling: Selling merchandise which is transported from place to place in the course of approaching prospective customers or selling merchandise or services from door to door.

Pedestrian Food Vendor: A person who sells or offer for sale any food or beverage from any portable box, pushcart, stand, bag, or similar container on any public street, including parkways or sidewalks within the Town.

Performance Standards: Zoning regulations that set standards of operation. Performance standards provide specific criteria limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts and visual impact of a use.

Permit: Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed with such authorization.

Permitted Use/Structure: Any use allowed in a land use district and subject to the provisions applicable to that district..

Person: Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, State of California and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee or assignee.

Personal Improvement Services: Services or facilities including, but not limited to, photography, fine arts, crafts, driving schools, beauty and hair salon, and diet centers.

Personal Service: A commercial land use providing recurrently needed services of a personal nature. Personal services generally include barber and beauty shops, seamstresses, tailors, shoe repair shops, dry cleaning (except bulk processing plants), photo processing, photo-copying, and self-service laundries.

Places of Assembly: Includes public and private institutions, such as religious uses, lodges, clubs, senior citizen centers, youth centers, community centers and YMCA/YWCA facilities.

Planned Residential Development (PRD): A type of development characterized by comprehensive planning for the project as a whole, clustering of structures to preserve usable open space and other natural features, and a mixture of housing types within the prescribed densities.

Planning Division: An administrative and professional division within the municipal structure charged with the responsibility of providing long range and short term planning services and zoning administration to the community, as established by the Town.

Plat: A map representing a tract of land showing the boundaries and location of individual properties and streets; A map of a subdivision or site plan.

Plaza: An open space which is improved and landscaped, usually surrounded by streets and buildings.

Plot: A single unit parcel of land; A parcel of land that can be identified and referenced to a recorded plat or map.

Porch: A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

Porte-cochere: A large entrance gateway into a courtyard; A kind of porch roof projecting over a driveway at an entrance.

Planned Residential Development. An area of land, controlled by a landowner, to be developed as a unified project and single entity for a group of townhouse dwellings and/or detached dwelling units, the plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage, setback or required open space to the regulations in this Development Code.

Plant Nursery: A place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates.

Playground: See "Parks and Recreation Facilities."

Pre-existing: In existence prior to the effective date of this Chapter, as amended.

Prezoning: The process or action by which cities are able to designate that portion of an unincorporated area for future annexation, with specific zoning districts which will apply, upon annexation of the property to the Town

Principal Building: A building in which the primary use of the lot on which the building is located is conducted.

Principal Use: The primary or predominant use of any lot, building or structure.

Printing and Publishing:

- A. **Limited:** The preparation of camera-ready artwork and text, photocopying, printing, and binding in a building not exceeding 1,000 square feet.
- B. **Unlimited:** The preparation of camera-ready artwork and text, photocopying, printing and binding in a building exceeding 1,000 square feet.

Private Clubs and Lodges: An association of persons, whether incorporated or unincorporated and organized for some common nonprofit purpose, but not including a group organized solely or primarily to render a service customarily carried on as a business.

Private Home Rental, Short-Term: A dwelling unit, including either a single-family detached or multi-family attached unit, owned, leased or rented on a less than 30-day basis. This definition includes a second dwelling unit on-site. This does not include the ongoing month-to-month tenancy granted to the same renter for the same unit.

Private Recreational Facilities: Facilities including, but not limited to, country clubs, tennis and swim clubs, golf courses, racquetball and handball facilities, YMCA, YWCA, and limited commercial uses which are commonly associated and directly related to these primary uses.

Professional Offices: See "Office".

Public and Semipublic Uses: A class of uses generally open to the public and maintained and supported by public or nonprofit agencies or organizations and which are of a recreational, civic, educational, religious or cultural nature.

Public Improvement: Any improvement or facility, together with the right-of-way necessary to provide transportation, drainage, utilities, or other facilities that are usually owned, operated and/or maintained by a government agency.

Public Park: A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field within the Town which is under the control, operation or management of the Town, the County or State.

Public Right-of-Way: A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public use(s).

Public Safety Facilities: Facilities for public safety and emergency services, including police and fire protection.

Public Utility Service Yard: A premises used for the office, warehouse, storage yard, or vehicle and equipment maintenance of a public utility. Public utility service yard may included microwave, radio, cable, and/or other communication equipment.

Pushcart: Any wagon, cart or similar wheeled container, not a vehicle as defined in the Vehicle Code of the State of California from which food or beverage is offered for sale to the public.

9.99.180 – “Q” Definitions

Quarry: A place where rock, ore, stone and similar materials are excavated and processed for sale or for off-site use.

Queue Line: An area for the temporary waiting of motor vehicles while obtaining a service or other activity such as a drive-thru restaurant or a car wash.

9.99.190 – “R” Definitions

Ramp: A sloping walkway, roadway or passage used to join and provide a smooth transition between two levels of different elevations; Driveways leading to parking aisles.

Reclamation: The combined process of land treatment that minimizes water degradation, air pollution, and damage to wildlife habitat, flooding, and erosion caused by either surface mining operations or adverse surface effects incidental to underground mines. Mined lands are reclaimed to a usable condition when they are readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined land and may require backfilling, grading, re-soiling, revegetation, soil compaction, stabilization or other measures. (Public Resources Code, Section 2733)

Recreation, Active: A type of recreation or activity that requires the use of organized play areas including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts and various forms of children's play equipment.

Recreation, Commercial: A commercial land use providing facilities for recreation in exchange for financial or other consideration.

Recreation, Passive: A type of recreation of activity that does not require the use of organized play areas.

Recreational Courts: Facilities developed for the purpose of playing court sports, including but not limited to tennis, paddle tennis, handball, racquetball, and other similar uses.

Recreational Vehicle: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all terrain vehicles.

Recreational Vehicle Park: An area where spaces are offered to users of recreational vehicles for occupancy on a temporary basis.

Recyclable Material: Reusable material, including but not limited to metals, glass, plastic, paper and wood, intended for reuse, remanufacture or reconstitution for the purpose of being used in an altered form.

Recycling: The process by which waste products, including automobiles, are reduced to raw materials and transformed into new products.

Recycling Facilities: This land use type includes a variety of facilities involved with the collection of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. Recyclable material includes reusable domestic containers and other materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials. This land use does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

- A. Collection Facility (small):** A facility that occupies an area of 350 square feet or less where the public may donate, redeem, or sell recyclable materials and may include:
1. A mobile unit;
 2. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet. A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund or redeemable credit slip based on total weight instead of by container.
 3. Kiosk-type units that may include permanent structures.
- B. Collection Facility (large):** A facility that occupies an area of more than 350 square feet and/or includes permanent structures where the public may donate, redeem, or sell recyclable materials.
- C. Reverse Vending Machine:** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers. The vending machines typically occupy an area of less than 50 square feet.
- D. Processing Facility:** A structure or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. Processing facilities are not allowed in the Town of Yucca Valley.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources where no processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public area.

Recycling Plant: A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products that are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Religious Assembly: See “Church (Place of Religious Worship/Assembly)”.

Religious Institution: See “Church (Place of Religious Worship/Assembly)”.

Research and Development Services: Establishments primarily engaged in industrial or scientific research, including limited product testing.

Residential: A land use category with the principal purpose of providing shelter for people on a long-term basis.

Residential Care Facilities (Congregate Care): Residential facilities in which group care, supervision and/or assistance are provided for persons who may or may not have a disability. Residential facilities do not include family day care, foster care or any medical services, including nursing services, beyond that required by the residents of the facility for sustaining the activities of daily living. Examples of residential care facilities include, but are not limited to, facilities for the following:

- A. **Elderly Residential Care Facility:** Provides 24-hour care for adults 60 years of age and older.
- B. **Adult Residential Care Facility:** Provides 24-hour care for adults who are between 18-59 years of age.
- C. **Group Home:** Provides 24-hour care for children under 18 years of age.

Resort Hotel: A group of buildings containing guest rooms and providing outdoor recreational activities.

Restaurant: See “Eating and Drinking Establishment”.

Restaurant; Drive-Thru: A use providing preparation and retail sale of food and beverages, as defined under Restaurant with the added provision of one or more drive-thru lanes for the ordering and dispensing of food and beverages to patrons remaining in their vehicles.

Retail: The exchange of goods directly to the ultimate consumer in exchange for financial or other consideration.

Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal for household consumption and rendering services incidental to the sale of such goods

Reverse Vending Machine: See “Recycling Facilities”.

Reversion of Acreage: The process by which subdivided real property may be reverted to acreage.

Review Authority: The person, committee, Commission or Council responsible for the review and/or final action on a land use entitlement or discretionary decision.

Rezoning: An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, intensity or regulation of uses allowed in a zoning district and/or on a designated parcel or land area or an amendment to procedures regarding implementation of zoning regulations.

Right-of-way: (See *Public Right-of-way*)

Riparian Lands: Riparian lands are comprised of the vegetative and wildlife areas adjacent to perennial and intermittent streams. Riparian areas are delineated by the existence of plant species normally found near fresh water.

Room, Habitable: A room meeting the requirements of the Uniform Housing Code.

Rounding of Quantities: The consideration of distances, unit density, density bonus calculations, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers; the numbers are to be rounded to the nearest highest whole number when the fraction is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5, except as otherwise may be provided in this Development Code.

Runoff: That portion of rain or snow that does not percolate into the ground and is instead discharged into streams or other bodies of water.

9.99.200 – “S” Definitions

Salvage and Wrecking Operation: A place where used motor vehicles or trailers, or portions thereof, are discarded, bought, sold, exchanged, baled, packed, disassembled, stored, displayed or handled; house-wrecking operations; used lumber or other building material yards; places for storage of salvaged building materials and structural steel materials and equipment; but not including the sale of used motor vehicles in operable condition, establishments for the sale, purchase, or storage of used furniture and household fixtures when conducted entirely within an enclosed building.

Satellite Dish Antenna: An apparatus capable of receiving or transmitting communications from a satellite.

Scale: The measurement of the relationship of the size and bulk of one object to another object.

School, Commercial: Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or art form for commercial purposes

School, Elementary and High: An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education.

School, Private: Any building or group of buildings, the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency.

School, Vocational: A technical, trade or self-improvement school providing highly specialized technical courses or a limited range of technical courses not recognized by accredited organizations

School, Secondary: Any school licensed by the State, authorized to award diplomas for secondary education.

School District: A district that serves as a unit for State financing and administration of elementary and secondary schools.

Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, trees and/or other plantings, berms or other features. Screening should include materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition.

Screening Materials: When the provisions of this code allow for, or require, the installation of fencing to screen objects located behind said fence from public view, such fencing shall consist of new solid materials or, if chain link fencing, such chain link fencing must include redwood or durable plastic/metallic slats installed and maintained in such a manner so the material being stored behind the fencing cannot be seen directly, indirectly, silhouetted or in any other manner, directly or at an oblique angle to the fence.

Second Dwelling Unit: A self contained living unit, either attached to or detached from, and in addition to, the primary residential unit of a single lot.

Secondhand Store: Any premises used for the sale or handling of used goods. Secondhand store includes establishments for the sale or trade of used clothing, furniture and appliances.

Security Quarters: A dwelling unit, commercial coach, or travel trailer utilized to provide temporary quarters to security personnel hired to guard part or all of the property on which the security quarters are located.

Senior (Senior Citizen): A person who is 55 years of age or older.

Senior Center: An assembly building intended to provide non-residential services for senior citizens.

Senior Congregate Care Housing: A structure(s) providing residence for a group of senior citizens with or without common kitchen and dining facilities with separate bedrooms and/or living quarters.

Setback: The horizontal distance between the property line and any structure.

Setback, Building: The required distance between the building and any lot line.

Setback Line: The line that establishes the area of the property within which structures or other designated uses may be erected or placed.

Shall: For the purpose of this Development Code, the word "shall" is used to indicate a requirement or standard that is mandatory.

Shopping Center: A group of two or more commercial establishments, the perimeter of which is clearly definable, developed on a continuous area of land, planned and developed as single unit and providing shared on-site parking, access, landscaping, and signage.

Should: For the purpose of this Development Code, “should” is used to indicate the preferred option.

Short-Term Private Home Rental: See “Private Home Rental, Short-Term.”

Sidewalk: A paved, surfaced or leveled area paralleling and usually separated from the street, used as a pedestrian walkway.

Sidewalk/Parking Lot Sale: A promotional sales event conducted by one or more businesses which is held outside the confines of the commercial or manufacturing structure(s) in which such business is normally conducted. Such sale involves outdoor display within a paved or concreted area on the same lot as the structure(s), of merchandise which is normally displayed within the structure(s). Sale events shall be conducted solely on private property and not encroach within public rights-of-way.

Sign: A sign that identifies, advertises or otherwise attracts attention to a product or business. Related sign terms are defined as follows:

Awning, Canopy, or Marquee Sign: Signs which are placed on or integrated into fabric awnings or other material canopies which are mounted on the exterior of a building which extend from the wall of a building to provide shielding of windows and entrances from inclement weather and the sun.

Banner, Flag, Pennant or Balloon: Any cloth, bunting, plastic, paper, vinyl, or similar material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs but not including official flags of the United States, the State of California, County of San Bernardino or Town of Yucca Valley.

Bench Sign: Copy painted on any portion of a bus stop bench.

Building Wall: The individual sides of a building.

Billboard: Any off-premise outdoor advertising sign structure which advertises products, services, or activities not conducted or performed on the same site upon which the outdoor advertising sign structure is located and governed by the Outdoor Advertising Act.

Building Face and/or Frontage: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Business Entrance Identification: A sign adjacent to, or on the entrance door of a business which names, gives the address and such other appropriate information as store hours and telephone numbers.

Cabinet: A three dimensional structure which includes a frame, borders, and sign face panel and may include internal lighting upon which the sign letters and logos are placed or etched, and is architecturally integrated with the building.

Canopy Sign: Refer to definition of a Shingle Sign

Changeable Copy Sign” A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

Channel Letter Sign: Three dimensional individually cut letters or figures, illuminated or non-illuminated, affixed to a building or sign structure.

Civic Event Sign: A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

Flashing Sign: A sign that contains an intermittent or sequential flashing light source.

Construction Sign. A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

Directional Sign: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "exit". **Directory Sign.** A sign for listing the tenants or occupants and their suite numbers of a building or center. **Double-faced Sign.** A single structure designed with the intent of providing copy on both sides. **Eaveline.** The bottom of the roof eave or parapet.

Entryway Sign: A sign which is placed on the perimeter of a recorded subdivision, townhouse project, commercial district, master planned community, hotel, motel, or guest ranch at a major street or driveway entrance to identify the name of the interior project. Such signs may flank both sides of the entrance and may include monument or landscape wall sign types.

Fascia Sign: A sign placed on a parapet type wall used as part of the face of a flat roofed building and projecting not more than one foot from the building face and may be incorporated as an architectural element of the building.

Freestanding Sign: Any sign which is supported by structures or supports that are placed on, or anchored in the ground which are independent from any building, such as a pole and monument signs.

Future Tenant Identification Sign: A temporary sign which identifies a future use of a site or building.

Grand Opening: A promotional activity used by newly established businesses, within 2 months after occupancy, to inform the public of their location and service available to the community.

Grand Opening does not mean an annual or occasional promotion of retail sales or activity by a business.

Height of Sign: The greatest vertical distance measured from the immediate adjacent roadway grade level or existing grade, to the highest element of the sign structure

Holiday Decoration Sign: Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with holidays.

Illegal Sign. Any sign erected without first obtaining a sign permit, or a sign. for which the permit has expired or been revoked.

Illuminated Sign: A sign with an artificial light source for the purpose of lighting the sign.
Institutional Sign. A sign identifying the premises of a church, school, hospital rest home, or similar institutional facility.

Kiosk. An off-premise sign used for directing people to the sales office or models of a residential subdivision project

Logo: An established identifying symbol or mark associated with a business or business entity.

Logo Sign: An established trademark or symbol identifying the use of a building.

Model Home. A single family residential structure when used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots.

Monument Sign: An independent structure supported from grade to the bottom of the sign with the appearance of having a solid base.

Moving Sign: Animated signs or signs which contain any moving elements as part of the structure but does not include reflective, shimmering devices.

Nonconforming Sign: A legally established sign which fails to conform to the regulations of this Chapter.

Off-Site Sign: Any sign which advertises or informs in any manner businesses, services, goods, persons, or events at some location other than that upon which the sign is located.

Open House Sign: A temporary sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.

Outdoor Advertising Sign Structure (Billboards): A sign, display, or devise affixed to the ground or attached to or painted or posted onto any part of a building or similar permanent structure, used for the display of an advertisement to the general public.

Pole/Pylon Sign: A two-sided sign with an overall height as allowed by Code and having one or more supports permanently attached directly into or upon the ground with the lower edge of the

sign face to be at least seven feet above grade or four feet above grade if the sign is located within a street landscape setback.

Political Sign: A temporary sign directly associated with national, state, county or local elections.

Portable Sign. A sign that is not permanently affixed to a structure or the ground, not including A-frame signs.

Projecting Sign: A sign other than a wall sign suspended from, or supported by, a building or structure and projecting outward.

Promotional Sign: A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

Real Estate Sign: An on-site sign pertaining to the sale or lease of the premises.

Roof Sign: A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof and which is wholly or partly supported by such buildings.

Shingle Sign (Canopy Sign). A sign suspended from a roof overhang of a covered porch or walkway that identifies the tenant of the adjoining space.

Sign: Any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information in the nature of advertising, for any of the following purpose: to designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or, to advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected.

Sign Area: The entire face of a sign, including any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building shall be measured by the area enclosed by straight lines not to exceed ten sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures.

Sign Program: A coordinated program of one or more signs for an individual building or building complexes with multiple tenants.

Special Event: An event such as sales, grand openings, going out of business, or other promotional events that are not part of typical business, cultural, or civic activity.

Temporary Sign: A sign intended to be displayed for a limited period of time.

Tract: A residential subdivision of contiguous lots within a recorded tract where five or more lots are concurrently undergoing construction.

Trademark: A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

Two-sided Sign: Means a freestanding sign where two identical sign faces are placed back to back on the same structure. Any other configuration is considered to be a sign with more than two faces except as allowed by the freestanding sign standards.

Vehicle Sign: A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property.

Wall Sign: A sign painted on or fastened to a wall and which does not project more than 12 inches from the building or structure.

Window Sign: Any sign that is applied or attached to a window so that it can be seen from the exterior of the structure.

Single Room Occupancy: A multiple-tenant building that houses one or two people in individual rooms (sometimes two rooms, or two rooms with a bathroom or half bathroom), or to the single room dwelling itself. SRO tenants typically share bathrooms and/or kitchens, while some SRO rooms may include kitchenettes, bathrooms, or half-baths.

Site: A parcel of land or contiguous parcels where land alterations or activities, including grading, clearing or construction are performed or proposed.

Site Plan: The development plan for one or more lots on which is shown the existing and proposed condition of the lot, including any information that may be required for an informed decision to be made by the Approval Authority.

Site Plan Review: A review process conducted in accordance with Division 3, Chapter 3 of this Title.

Slope: The land gradient described as the vertical rise divided by the horizontal run, and expressed in terms of percent.

Social Care Facility: Any facility in the general classification of boarding home for aged persons, boarding home for children, day care home for children, day nursery, nursing home or parent child boarding home. These facilities consist of a building or group of buildings used or designed for the housing of sick, demented, injured, convalescent, infirm, or well, normal healthy persons, requiring licensing or certification by regulating government agencies. This definition shall not include use of a part of any single or multiple dwelling, hotel, apartment, or motel not ordinarily intended to be occupied by these persons unless so licensed or certified by the governmental agency concerned with the administration of each specific classification.

Solar Access: the provision of direct sunlight to an area specified for solar energy collection when the sun's azimuth is within forty-five (45) degrees of true south.

Solar Energy System: Any solar collector solar device, or structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling; for domestic, recreational, therapeutic, or service water heating; for the generation of

electricity; for the production of process heat; and for the production of mechanical work. Solar energy systems include passive thermal systems, semipassive thermal systems, active thermal systems and photovoltaic systems. This category does not include parabolic mirror and devices of a similar nature.

Solar Facilities: The airspace over a parcel that provides access for a solar energy system to absorb energy from the sun.

Solar System, Active: A system that uses a mechanical device, such as pumps or fans run by electricity in addition to solar energy, to transport air or water between a solar collector and the interior of a building for heating or cooling.

Solar System, Passive: A system that distributes collected heat via direct transfer from a thermal storage medium rather than mechanical power. Passive systems rely on building design and materials to collect and store heat and to create natural ventilation for cooling.

Soliciting: The act of asking or inviting person to pay money in return for merchandise or services to be delivered in the future or asking for charitable donations.

Solicitor: A person who engages in soliciting.

Specific Plan: A detailed plan that includes the text and maps or diagrams that specifically follow a portion of the area covered by the General Plan:

- A. Land use;
- B. Distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid-waste disposal, energy, and other public facilities and services;
- C. Standards and criteria by which development will proceed; and
- D. The relationship of the Specific Plan to the adopted General Plan.

Speculative Building: A permanent structure for which the specific use or uses are not known at the time application is made for building permits.

Sports or Entertainment Assembly. A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheatres, race tracks, rodeo arenas, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.

Sports and Recreation Facility: See "Sports or Entertainment Assembly."

Square: A public open space in a developed area.

Stable, Commercial: A structure for the keeping of horses, mules or ponies which are boarded for compensation.

Stable, Private: An accessory structure for the keeping of horses or ponies for the use of occupants of the premises.

Staff: The staff of the various departments or divisions of the Town of Yucca Valley.

Standard:

- A. A rule or measurement establishing a level of quality or quantity that must be complied with or satisfied. Examples of standards might include the number of acres of park land per 1,000 population that the community will attempt to acquire and improve, or the planned traffic level of service (LOS).
- B. Requirements in a zoning ordinance that govern building and development as distinguished from use restrictions; for example, site design regulations such as minimum lot area, height limit, frontage, landscaping and floor area ratio.

Storage: A space or place where goods, materials and/or personal property is put for more than twenty-four (24) hours.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Story, First: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

Street: Any thoroughfare or public way not less than 16 feet in width which has been dedicated or deeded to the public for public use.

Street Furniture: Man-made above-ground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters and phone booths.

Street Hardware: Mechanical and utility systems within a street right-of-way such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, parking meters and the like.

Street, Private: A street that has not been accepted by the Town or other governmental agency.

Streetscape: An urban design component that concentrates on making the road system and road environment useful as a instrument in understanding and organizing the urban development. It may be defined as the sensitive placement of landscaping, signage, lighting and street furniture. Views, driver orientation, meaningful visual sequences, and the design of compatible land use edge conditions are

essential objectives of a streetscape system. The primary objective of a streetscape system is to design the major streets with a consistent landscape pattern and appropriate scale to distinguish them from the lesser streets and provide strong visual orientation for the driver.

Strip Development: Commercial or retail development, usually one store deep, that fronts a street.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. (By this definition all buildings are structures, however, not all structures are buildings.)

Subdivision: The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion of land thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes (i.e., the cultivation of food or fiber or the grazing or pasturing of livestock). Property shall be considered as contiguous units even if it separated by roads, streets, utility easement or railroad rights of way. "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code, or a community apartment project, as defined in Section 11004 of the California Business and Professions Code or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the California Business and Professions Code. A conveyance of land to or from a governmental agency, public entity, public utility, common carrier or subsidiary of a public utility for conveyance to the public utility for rights of way shall not be considered a division of land for the purpose of computing the number of parcels.

Substandard Housing Unit: A dwelling unit which is either dilapidated or unsafe or does not have adequate plumbing or heating facilities, thus endangering the health or safety of the occupant.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed seventy-five (75) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other proposed new development of a structure the cost of which equals or exceeds XXX% of the market value before the start of construction of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual work performed.

Supportive Housing: Housing with no limit on length of stay that is occupied by a target population defined as having low incomes and one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Development Disabilities Services Act (Division 4.5, commencing with Section 4500 of California Welfare and Institutions Code.) Target populations may included but are not limited to adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. As defined in this Development Code, sexual offenders, parolees, or persons on probation are not permitted to be housed in supportive housing facilities. Supportive housing is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community. See also Emergency Shelter, Single Room Occupancy, Transitional Housing.

Swap Meets: Any indoor or outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual, licensed vendors usually in compartmentalized spaces. A fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other similarly named or labeled activities, but the term does not include the usual supermarkets or department store retail operations.

Swimming Pools, Hot Tubs and Spas: Any constructed or prefabricated water-filled vessel which is not drained, cleaned, or refilled for each individual, and is used for swimming, soaking, or recreation.

9.99.210 – “T” Definitions

Take-Out Services: See “Eating and Drinking Establishments”.

Temporary Use: A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

Tentative Map: A map made for the purpose of showing the design and improvements of the proposed subdivision, to include the street pattern, lot layout, easements that are to remain, and existing and proposed subdivision. The Tentative Map need not be based upon an accurate or detailed final survey of the property. See also “Vesting Tentative Map.”

Terrace: A level, landscaped and/or surfaced area, also referred to as a patio, directly adjacent to a primary building at or within three feet of finished grade and not covered by a permanent roof.

Thrift Store: See “Secondhand Store”.

Topography: Configuration of the surface of land, including its relief and the position of natural and man-made features

Town: The Town of Yucca Valley

Townhouse; Townhome: An attached single family dwelling in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common and fire-resistant walls. Townhouses usually have separate utilities; however, in some condominium situations, common areas are serviced by utilities purchased by a homeowners' association on behalf of all members of the association.

Town of Yucca Valley General Plan: The long range and comprehensive plan for the orderly growth and development of Yucca Valley, including text, maps, and amendments, adopted by the Town Council in accordance with the laws of the State of California. Also referred to as the “General Plan.”

Transfer Station: A collection and transportation facility used by persons and route collection vehicle to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility. Transfer station may also include recycling facility.

Transient Basis: A continuous period of two (2) weeks or less.

Transit: The conveyance of persons or goods from one place to another by means of a local, public transportation system.

Transit, Public: A system of regularly-scheduled buses and/or trains available to the public on a fee-per-ride basis. Also called mass transit.

Transitional Housing: Shelter provided to the homeless for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency.

Transportation Demand Management: A strategy for reducing demand on the road system by reducing the number of vehicles using the roadways and/or increasing the number of persons per vehicle. TDM attempts to reduce the number of persons who drive alone on the roadway during the commute period and to increase the number in carpools, vanpools, buses, trains, walking and biking.

Travel Services: Office establishments providing travel information and reservations to individuals and businesses.

Trellis: An open framework or lattice used for training vines and climbing plants.

Trip: A one-way journey that proceeds from an origin to a destination via a single mode of transportation; the smallest unit of movement considered in transportation studies. Each trip has one production end (or origin, often from home, but not always) and one attraction end (destination).

Truck Depot: A facility for the temporary storage, servicing, or maintenance of trucks or buses. Truck depots may include fueling facilities, traffic routing office, restaurants, wash racks, minor facilities and related business offices and motels.

Truck Parking Permit: The Commercial Vehicle Parking Permit issued by the Town of Yucca Valley.

Truck Terminal: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

Truck Tractor: A motor vehicle designed and used primarily for drawing another vehicle and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. As used in this section "load" does not include items carried on the truck tractor in conjunction with the operation of the vehicle if the load carrying space for these items do not exceed 34 square feet.

Truck Yard: A facility used exclusively for breaking-down and assembling tractor-trailer transport, or for parking of heavy vehicles for short periods of time. Truck yard does not include facilities for the loading and unloading of materials being transported.

9.99.220 – “U” Definitions

Undevelopable: Specific areas where topographic, geologic, and/or surface soil conditions indicate a significant danger to future occupants and a liability to the Town are designated as undevelopable by the Town.

Urban Design: The attempt to give form, in terms of both beauty and function, to selected urban areas or to whole cities. Urban design is concerned with the location, mass, and design of various urban components and combines elements of urban planning architecture and landscape architecture.

Use: The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered and/or enlarged in accordance with this Development Code.

Use Initiation: The implementation of a use on a parcel or occupancy of a structure, or construction of substantial site improvements after a building permit has been issued, subject to determination by the Director.

Use, Primary: the principal or predominant use of any lot or parcel.

Usable Common Open Space: Areas that are readily accessible, practical and generally acceptable for active and/or passive recreational use. Usable common open space shall be devoted primarily to active recreational opportunities (i.e pool, court games, wading pools, barbecue area, or other recreational facilities, for the common use of all residents.

Utilities:

- A. **Major:** Generating plants, electrical substations, above-ground electrical transmission lines, microwave or cellular antennas, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation facilities, and similar facilities of public agencies or public utilities.
- B. **Minor:** Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution line and underground water and sewer lines.

9.99.230 – “V” Definitions

Variance: A deviation from any provision of the zoning requirements except for a land use activity, for a specific parcel without changing the zoning ordinance or the underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zoning district.

Vehicle: A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks. Trailers, semi trailers, and truck tractors are considered vehicles.

View Corridor: The line of sight identified as to height, width and distance of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewer's attention.

Viewshed: The area within view from a defined observation point.

Violations: The failure of a structure or other development to be fully compliant with this Code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this code is presumed to be in violation until such time as that documentation is provided.

9.99.240 – “W” Definitions

Wall: The vertical exterior surface of a building; Vertical interior surfaces that divide a buildings space into rooms.

Warehousing and Storage Facility:

- A. **Limited:** A building or group of buildings in a controlled access compound that contains individual compartmentalized stalls which are rented or leased for the storage of customer goods or wares, and which may include an on-site manager's quarters, but excludes “warehousing and storage, wholesale distribution.” Limited warehousing and storage shall also mean “Mini-warehousing.”
- B. **Wholesale Distribution:** A building or group of buildings used for storage and distribution of wholesale goods without direct public access.

Warehousing and storage does not include direct sales, offices, manufacturing, and assembly of goods or animal storage.

Watercourse: A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated ares in which substantial flood damage may occur.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for like in saturated soil conditions, commonly known as hydrophytic vegetation.

Wheel Stops: Permanent devices that block the front wheels of a vehicle in a parking stall.

Wholesale for Retail Sales: The exchange of goods not intended for direct sale to the public but intended for future distribution and resale for financial or other consideration.

Wildlands: Any area of land that is essentially unimproved, in a natural state of hydrology, vegetation and animal life, and not under cultivation.

Wind Energy System: A system that utilizes wind energy to pump a fluid or gas, or to drive a mechanical device to generate electricity. Related wind energy terms are defined as follows:

- A. **Accessory Wind Energy System:** A wind energy conversion system consisting of a wind turbine and blades, a tower, and associated control or conversion electronics, which will be used primarily to reduce onsite consumption of utility power.
- B. **System Height:** The combined height of the tower, the turbine and any blade when at the 12 o'clock position.

Wireless Communication: A broad range of telecommunication services that enable people and devices to communicate independent of location. This includes the current technologies of cellular communications and personal communications services. This excludes noncommercial antennas, radio, and television signals, and noncommercial satellite dishes. Related wireless communication terms are defined as follows:

Antenna: An antenna is any system of dishes, panels, poles, reflecting disks, rods, and wire or similar devices used for the transmission or reception of electromagnetic signals.

Antenna Height: The overall vertical distance from the base or pad to the highest point of the antenna mounted on its support structure.

Antenna Structure: An antenna structure is any structure, including mast, pole, or tower, whether ground mounted or mounted on another structure that supports an antenna or an array of antennas. The height of an antenna structure is measured to the highest point of any antenna mounted upon it or to any higher point of the antenna structure.

Cell Site: A cell site is a parcel of land that contains a Wireless Communication Facility/ies (WCFs).

Co-Location: Co-location is the placement of two or more WCF on the same site, building, or structure where each facility is operated by a different carrier, operator, or owner.

Lattice Tower: A guyed or self-supporting, three or four sided, open frame structure used to support telecommunications equipment.

Monopole. A monopole is a freestanding antenna structure with antennas attached to it that consists of a single shaft, including stealth designs (e.g., flag poles, monopalms, monopines) and has a single continuous footing designed to be self-supporting without the use of any guy wires.

Mount: A mount is the structure or surface upon which antennas are mounted. There are two types of mounts: (1) Ground mounted – mounted on the ground, including but not limited to, monopoles, and (2) structure mounted – mounted to the façade or roof of an existing structure.

Stealth and Stealthing: Stealth and stealthing is a WCF that is: (1) not easily identifiable as a WCF by a casual observer, and (2) aesthetically compatible and blends with the cell site and immediate surroundings. Stealthing may be achieved by any means or combination of means including, but not limited to, the use of camouflage, painting, screening, textures, or architectural integration with the surroundings (e.g., a bell tower within a church or a church steeple, an unobtrusive penthouse on a roof, false structure integrated into the design of existing site or structure, false rock, or false tree amongst existing or new vegetation).

WCF Support Facilities: WCF support facilities are any enclosed box, cabinet, shed, or structure located on the cell site which houses, among other things, batteries, electrical, or other equipment necessary for the operation of the WCF. This shall apply to any associated structures deemed necessary for the operation of the WCF.

Wireless Communication Facility/ies (WCFs): Wireless Communication Facility/ties (WCF/s) are any co-located, ground-mounted, roof-mounted, or stealth device or system used for transmitting and/or receiving electromagnetic signals, including, but not limited to, microwaves and radio waves for cellular technology, data transmission, e-mail, mobile services, paging systems, personal communications services, and related technologies. A WCF includes antennas, antenna structures, microwave dishes, parabolic structures; WCF support facilities that house support equipment; and other accessory development, equipment, improvements, and structures used to support the operation of the WCF.

Wireless Communication Facilities – Height: The height of wireless communication towers or poles shall be measured from natural, undisturbed ground surface below the center of the tower or pole to the top of the highest antenna or piece of equipment attached thereof. In the case of building mounted facilities, the height shall include the height of the portion of the building on which it is mounted.

Whip Antennas: An omni directional antenna that is very thin, less than two inches in diameter, and not exceeding 18 feet in height.

9.99.250 – “Y” Definitions

Yard: An open space on a parcel of land, other than a court, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code.

Yard, Front (Setback): An area extending across the full width of the lot between the front lot line or the existing or future street right-of-way and the front structural setback line.

Yard, Rear (Setback): An area extending across the full width of the lot between the rear lot line and the rear structural setback line.

Yard, Side or Street Side (Setback): An area bounded by the front and rear structural setback lines, the side lot lines or street right-of-way, and the side or street side structural setback line.

9.99.260 – “Z” Definitions

Zero Lot Line: The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.

Zoning: The division of the Town by legislative regulation into areas, districts or zones, which specify allowable uses for real property and size restrictions for structures within these areas; a program that implements the policies of the General Plan.

Zoning District: A designated section of the Town for which prescribed land use requirements and building and development standards are uniform.

Zoning, Exclusivity: Development regulations that result in the exclusion of low and moderate income families from a community.

Zoning, Inclusiveness: Regulations which increase housing choice by providing the opportunity to construct more affordable, diverse, and economical housing to meet the needs of low and moderate income families.”

Zoning Map: The map or maps that are a part of the zoning ordinance that delineate the boundaries of the zoning districts.

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Commissioners

From: Diane Olsen, Planning Technician

Date: September 29, 2014

For Commission Meeting: October 14, 2014

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

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

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

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

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

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

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

Order of Procedure:

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

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

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

of the project.

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

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

Alternatives: None recommended

Fiscal impact: N/A

Attachments:

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

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

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

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

GENERAL CONDITIONS

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

Approval:	November 6, 2007
Expiration:	November 6, 2009
First Extension Expiration:	November 6, 2011
Second Extension Expiration:	November 6, 2014
Third Extension Expiration:	November 06, 2017

- G3. The applicant shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire Marshall, Building and Safety, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.
- G4. All conditions are continuing conditions. Failure of the applicant to comply with any or all of said conditions at any time may result in the revocation of approvals and permits for the project.
- G5. No on-site or off-site work shall commence without obtaining the appropriate permits required by the Town and the appropriate utility companies. The approved permits shall be readily available on the job site for inspection by Town personnel.
- G6. The applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time work is undertaken and accomplished. Fees for entitlement prior to construction permits are based on estimated costs for similar projects. Additional fees may be incurred, depending upon the specific project. If additional fees for services are incurred, they must be paid prior to any further processing, consideration, or approval(s).
- G7. All improvements shall be inspected by the Town as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
- G8. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
- G9. During construction, the applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town staff to eliminate any site related dirt and debris within the roadways. During business activities, the applicant shall keep the public right-of-way adjacent to the property in a clean and sanitary condition.
- G10. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
- G11. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of

onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).

- G12. Each phase of a phased project shall function independently of all other phases. All improvements shall be completed for each phase to ensure that each phase functions separate from the remainder of the project, and shall include, but not be limited to, street improvements, wastewater collection, treatment and disposal, drainage and retention/detention facilities, water delivery systems, fire suppressions systems, post construction erosion and sediment control systems, all utilities necessary to serve the project, and those improvements deemed necessary by the Town. All phasing plans shall be illustrated on rough and precise grading plans, erosion and sediment control plans, all plans required for obtaining native plant plan approval, and on any other plan as deemed necessary by the Town.
- G13 A minimum of one sign shall be posted on the site at the north west corner of the site, and must contain the following information: the grading permit number, the project name, map number (if appropriate), the authorized dust controller phone number(s), the Town phone number and the Mojave Desert Air Quality Management District (MDAQMD) phone number. The signs must be obtained and installed by the developer using the format provided by the Town. The signs must be present at the pre-construction meeting or the grading permit will not be issued. The Applicant must keep the contact name and phone number active and current at all times. Failure of the contact system may be considered grounds for revocation of the permit. All signs shall be a minimum of 4' x 8' in size.
- G14. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents
- G15. The applicant shall reimburse the Town for the Town's costs incurred in monitoring the developer's compliance with the Conditions of Approval including, but not limited to, inspections and review of developer's operations and activities for compliance with all applicable dust and noise operations. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Yucca Valley Municipal Code.
- G16. Prior to the issuance of a Certificate of Occupancy in each phase of the project, all improvements shall be constructed, final inspection performed,

punch-list items completed, and all installations approved by the appropriate agency.

- G17. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original mylars submitted for Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.
- G18. Prior to any work being performed within the public right-of-way, the applicant shall provide the name, address, telephone, facsimile number, and e-mail address of the Contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work shall be supplied. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, shall be provided and such other details as may be required by the Town Engineer.
- G19. The site shall be developed in accordance with the approved plans on file with the Town of Yucca Valley, in accordance with the Conditions of Approval approved for the project, and in accordance with the General Plan and Development Code. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Town.
- G20. Prior to issuances of building permits, all site plans, grading plans, landscape and irrigation plans, drainage/flood control plans, public improvement plans, composite development plans, erosion and sediment control plans, and assessment district plans and formations shall be coordinated for consistency with this approval.
- G21. The Town Engineer may allow phased construction of the project provided that the improvements necessary to adequately serve or mitigate the impacts of each phase of development are completed prior to the issuance of a Certificate of Occupancy for that phase.
- G22. The applicant or the applicant's successor-in-interest shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust.
- G23. If archaeological, paleontological or historical resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person with appropriate expertise shall be consulted by the applicant regarding mitigation measures to preserve or record the find. Recommendations by the consultant shall be implemented as deemed necessary and feasible

by the Town before work commences in the affected area. If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains might be those of a Native American, the California Native American Heritage Commission shall be notified and appropriate measures provided by State law shall be implemented.

- G24. All street dedications shall be irrevocably offered to the public and shall continue in force until the Town accepts or abandons such offers. All dedications shall be free of all encumbrances as approved by the Town Engineer.
- G25. The final Conditions of Approval issued by the approving authority shall be photographically or electronically placed on bond (blue/black line) paper and included in the Grading and Street Improvement plan sets on 24" x 36" bond (blue/ black line) paper and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field and during construction. Plan check fees shall not be charged for sheets containing only the Conditions of Approval.
- G26. A construction-phasing plan, if phasing is proposed, for the construction of on-site public and private improvements shall be reviewed and approved by the Town Engineer prior to the approval of the project grading plan. The Town Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area the project if the improvements are needed for circulation, parking, access, or for the welfare or safety of future occupants of the development.
- G27. Violations of any condition or restriction or prohibition set forth in these conditions, including all approved construction plans, public and private, for this project and subject to the Town's overall project approval and these conditions of approval, shall subject the owner, applicant, developer or contractor(s) to the remedies as noted in the Municipal Code. In addition, the Town Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
- G28. All property corners, logs, easements, street centerlines and curve radii shall be monumented and horizontally tied to identified control points. A copy of the monumentation survey and centerline tie notes shall be provided to the Town Engineer for approval.

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

PLANNING CONDITIONS

- P1. The development of the property shall be in conformance with FEMA requirements and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to modifying existing facilities or by securing a drainage easement.
- P2. Utility undergrounding shall be in accordance with Ordinance 233, or as amended.
- P3. All exterior lighting shall comply with the Ordinance 90, Outdoor Lighting, or as modified by Town Council action and shall be illustrated on all construction plans.
- P4. Parking and on-site circulation requirements shall be provided and maintained as identified on the approved site plan. Areas reserved for access drive and/or fire lanes shall be clearly designated.
- a) A minimum of 24 parking spaces shall be provided based upon only retail and general office uses.
 - b) Any occupancy, which requires additional parking that has not been provided for through this Site Plan Review, shall not be approved until a revision is submitted for review and approval showing the additional parking.
 - c) All marking to include parking spaces, directional designation, no parking designation and fire lane designations shall be clearly defined and said marking shall be maintained in good condition at all times. The Town Traffic Engineer shall approve all signage and markings for circulation related signage.
 - d) All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines with the two lines being located an equal 9 inches on either side of the stall sidelines. All regular parking stalls be a minimum 9' x 19'.

- P5. Prior to the issuance of any permits the applicant shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by Hi-Desert Water District. The final Landscape and Irrigation Plan shall be reviewed and approved by the Planning Commission.
- P6. No signs are approved with this Permit. Sign application(s) shall be made separately for all signage on the property, and all signage, shall comply with Ordinance No. 156.
- P7. All roof top mechanical equipment is to be screened from ground and street vistas. This information shall be submitted with plan materials for building permit plan check.

ENGINEERING CONDITIONS

- E1. Twentynine Palms Highway is a State facility with an ultimate half-street right-of-way requirement of 67 feet. The applicant/owner shall dedicate the additional required ultimate half width street right-of-way for SR 62. The dedication shall conform to Caltrans requirements. To provide room for ADA required wheel chair ramp and access at the corner, the applicant shall dedicate a "corner cut-off" at the northwest corner of the property. This dedicated width shall be shown on the plans.
- E2. The applicant shall construct a 0.10 foot overlay of the existing pavement of the half street for Barberry Avenue from the south edge of the SR 62 cross gutter to the south end of the driveway adjacent to the project. If determined by the Town Engineer a 0.10 foot grind of the existing pavement may be required. A 0.08 foot (1 inch) grinding shall be completed adjacent to the gutter.

- E3. The applicant's Engineer shall provide a striping plan for Barberrry Avenue replacing the existing striping after construction of the street improvements meeting the Town Engineer's approval.
- E4. The applicant shall not begin work on the street improvements prior to the Town's approval.
- a) The applicant shall complete the improvements for Barberrry Avenue from the edge of the cross gutter to the south edge of the driveway.
 - b) The applicant shall complete all other improvements including replacement of, damaged curb and gutter, damaged sidewalk, and other damaged infrastructure on Barberrry Avenue and on SR 62 as determined by the Town.
 - c) Work within SR 62 right-of-way will require an encroachment permit from Caltrans. The applicant shall conform to the requirements of the approved encroachment permit.
 - d) The applicant shall complete the landscape improvements within the SR 62 dedicated area adjacent to the project. No structures are allowed within this area without an encroachment permit.
- E5. In lieu of an engineered drainage report the retention basin shall be sized to retain 550 cubic feet of storm water for each 1,000 square feet, and increments thereof, of impervious area proposed.
- E6. Precise Grading plans shall be submitted for review/approval by the Town. Grading plans shall include details of any retention area proposed.
- E7. Prior to issuance of a grading permit for any portion of a site, the applicant shall submit, for review and approval, an irrigation and landscaping plan or other appropriate treatment for all slope areas. After certification of final grading all manufactured slopes over the height of 3 feet shall be irrigated and landscaped unless otherwise approved by the Town.
- E8. A licensed civil engineer or land surveyor shall survey and certify that the rough grading was completed in substantial conformance with the approved Rough Grading Plans. Prior to the issuance of any building permits the project Engineer shall certify the finished lot was graded in conformance to approved plans. Certification is to be on Town of Yucca Valley supplied form(s), included with the permit package.
- E9. Prior to the issuance of a Grading Permit for the onsite areas, a Grading Plan, including Rough Grading and Precise Grading Plans, prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town prior to any grading activity. The Rough and Precise Grading Plans shall be reviewed and approved by the Town Engineer prior to issuance of grading permits. The applicant is responsible for all fees incurred by the Town.

- E10. A licensed civil engineer or land surveyor shall survey and provide pad certification for each individual lot or structure prior to issuance of building permits.
- E11. Prior to the issuance of Permits, the applicant shall comply with the recommendations of a site-specific Geotechnical and Soils Report which shall be reviewed and subject to Town approval. The report shall include recommendations for any onsite and offsite grading, foundations, compaction, structures, drainage, and existence of fault zones. It shall include recommendations for retention basins, slope stability and erosion control. The Geotechnical and Soils engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary, and opinions and recommendation covering the adequacy of the site for development. The report shall identify if the site contains any areas susceptible to landslide risk, liquefaction potential and/or subsidence potential.. The report shall identify and include the location of major geologic features, topography and drainage, distribution and general nature of rock and soils, a reasonable evaluation and prediction of the performance of any proposed cut or fill in relation to geological conditions, and the capability of soils and substrata to support structures.
- E12. All recommended approved measures identified in the Geotechnical and Soils Engineering report shall be incorporated into the project design.
- E13. When a development is constructed in phases, each phase of the development shall function independent of the others. Retention basin(s) shall be constructed and functional prior to the issuance of Building Permits for any structure within that phase of the project. The applicant shall provide on-site retention for the incrementally larger flows caused by each phase of development of the site, pursuant to a final drainage report, subject to approval by the Town Engineer.
- E14. A final drainage report, prepared by a registered Civil Engineer, shall be prepared to determine the flows exiting the site under current undeveloped conditions compared to the incrementally larger flows due to the development of the site. The retention basin size will be determined, per County of San Bernardino Flood Control methodology, such that incremental 100 year 24-hour storm volume, plus 10% minimum, 20% desired, is retained on-site.
- E15. Basin(s) shall be designed to fully dissipate storm waters within a 48 hour period.
- E16. Prior to acceptance and final construction approval, all retention/detention basins shall be certified by a civil engineer that all retention/ detention basins have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity

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

- E17. Prior to acceptance or final construction approval, all drainage systems, both public and private, shall be certified by a civil engineer that they have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity and will operate in accordance with the approved final drainage report(s) for the project.
- E18. All grading activities shall minimize dust through compliance with MDAQMD Rules 402 and 403.
- E19. Prior to issuance of a grading permit, a Fugitive Dust and Erosion and Sediment Control Plan shall be submitted and approved by the Town Engineer. The Fugitive Dust and Erosion and Sediment Control Plan shall be illustrated on all proposed phasing for construction of the project.
- E20. Prior to any work being performed in the public right-of-way, fees shall be paid and an encroachment permit shall be obtained from the Town. The applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The applicant shall be responsible for the associated costs and arrangements with each public utility.
- E21. For any import or export of material, the applicant shall provide the route of travel, estimated cubic yards of import/export, number of trucks, daily schedule, and length of time necessary to complete the import/export of materials to/from the site. No hauling of material shall occur prior to approval by the Town.
- E22. The applicant shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the applicant is required to patch the cuts to Town standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a width 4 feet beyond the edge of the trench on each side, or as determined by the Town Engineer, and replacement with full-depth asphalt concrete recommended by the Soils Engineer.
- E23. In conjunction with rough grading plan submittal for plan check, street plans prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town. The final street plans shall be reviewed and approved by the Town Engineer
- E24 .Street improvements shall be completed, approved, and certified by a civil engineer as constructed in substantial conformance with the approved plans, and accepted by the Town of Yucca Valley prior to issuance of a certificate of occupancy for any structures of the project.
- E25. The applicant shall install all water and sewer systems required to serve the project. All water and sewer systems shall be completed to the requirements of the Hi Desert Water District.

- E26. The applicant shall observe the construction of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property and other infrastructure. The applicant shall be responsible for the repair of any damage occurring to offsite infrastructure and/or property damage as determined by the Town Engineer. The applicant shall repair any such damage prior to certificate of occupancy. If the damage is such that it is not repairable within a reasonable amount of time as determined by the Town Engineer, the applicant may petition the Town Engineer for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.
- E27. The applicant shall be responsible for all improvements constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be constructed to the required standards shall be replaced. The applicant shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.
- E28. The wastewater collection and treatment system shall be maintained so as not to create a public nuisance and shall be serviced by a maintenance company approved by the Regional Water Quality Control Board. The wastewater collection and treatment system shall be approved by the Regional Water Quality Control Board and functional prior to the issuance of grading permits for the project.
- E29. All improvement plans shall be designed by a Registered Civil Engineer.
- E30. Any area which remains undeveloped for a period of more than 30 days shall be stabilized using either chemical stabilizers or a desert wildflower mix hydroseed on the affected portion of the site, or methods identified within the SWPPP, subject to Town Engineer approval.
- E31. The Applicant shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the Applicant fails or refuses to properly maintain the erosion control devices, the Town Engineer may cause emergency maintenance work to be done in order to protect potentially impacted property. All costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs shall be the responsibility of the applicant.
- E32. If construction of erosion control systems outside of the project boundaries is necessary, permission to construct such systems from the owner of such off-site property is required. Plans for the off-site system shall be included with the on-site plans submitted to the Town Engineer. The plans for the off-site erosion control system shall include permission to grade

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

- E33. Drainage easements, when required, shall be shown on the grading plan and separate legal descriptions and plats prepared delineating the location of the easements.
- E34. Private drainage easements for cross-lot drainage shall be dedicated by separate instrument and delineated on the grading plan.
- E35. A construction area traffic control plan, including temporary and final permanent striping, shall be designed by a registered Civil Engineer or Traffic Engineer for review and approval by the Town Engineer for any street construction, closure, detour or other disruption to traffic circulation.
- E36. All permanent street closures must be approved by Town Council action.
- E37. The following information regarding the presence of the Marine Corps Air Ground Combat Center (MGAGCC) shall be recorded on the title of the property, and included in the information presented to each new tenant.

“The Marine Corps Air Ground Combat Center is located in the Morongo Basin. To prepare Marines for future conflicts, the MGAGCC carries out realistic training with military munitions, both day and night. As a result, Military aircraft fly over the area, and military vehicles drive on and off the base every day. This property is located directly under two aircraft flying routes and is located approximately 13 miles from the installation boundary. Consequently, you should expect to hear military training, see low-flying military aircraft, and encounter other experiences associated with the important mission of the MCAGCC”.
- E38. Improvement plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the Town Engineer.
- E39. The applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town.
- E40. The applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property.
- E41. All street improvements shall be constructed in conjunction with the first phase.

BUILDING AND SAFETY CONDITIONS

- B1. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
- a. The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
 - b. Fire hydrants are accepted by the County Fire Department and the Hi Desert Water District. The fire hydrants associated with each phase shall be functioning prior to issuance of building permits.
- B2. The applicant shall submit three complete sets of plans and provide all plans and calculations electronically at the time of plan review.
- B3. At the time of building plan check submittal, the applicant shall provide approval from the San Bernardino County Fire Dept.
- B4. Prior to final inspection, all required improvements shall be constructed, finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.
- B5. Obtain California Regional Water Quality Control Board approval for on-site septic/ treatment system if discharge exceeds 2,500 gallons per day.
- B6. Obtain San Bernardino Environmental Health Approval for on-site septic/treatment system.
- B7. Provide required ADA access plan (parking, path of travel, building access, restroom, ADA workspace, etc.).
- B8. All plans to be stamped and wet signed by California Licensed Engineer or Architect.
- B9. All plans to comply with the California Building Codes including Green Building Code, in effect at the time of plan submittal.
- B10. Following approval of the building plans, electronic copies of all plans and documents shall be provided in an electronic format approved by the Town.

FIRE CONDITIONS

- F1. Prior to commencing any construction, the applicant shall contact the San Bernardino County Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
- F2. The applicant shall be responsible for all fees required by San Bernardino County Fire Department.
- F3. A water system approved by the San Bernardino County Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site.
- F4. This project is required to have an approved street name sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior to any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.
- F5. Prior to issuance of a Certificate of Occupancy, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with San Bernardino County Fire Department Requirements.
- F6. The applicant shall provide the San Bernardino County Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job-site.

HIGH DESERT WATER DISTRICT CONDITIONS

- H1. Water and sewer improvement plans and plan check fees shall be submitted for review and approval prior to issuance of a building permit
- H2. Landscape plans shall be submitted in accordance with Hi Desert Water District Landscape Ordinance Package if total landscape area exceeds 500 square feet and a separate landscape meter will also be required.
- H3. It is recommended that the developer schedule a meeting with HDWD to discuss project water demand and fire flow requirements in the planning stages. Water pressures in the area may be in excess of 125psi. The installation of pressure regulators on service laterals may be indicated.

- H4. Reduced pressure (RP) backflow devices may be required for all water connections.
- H5. The fire sprinkler supply service shall be separate from the domestic and landscape services.
- H6. All onsite water mains shall be private.
- H7. The proposed project is within Phase 1 Sewer Area and shall connect to the sewage collection system when constructed.
- H8. An agreement for water service shall be approved by HDWD Board of Directors prior to construction.

UNITED STATES MARINE CORPS CONDITIONS

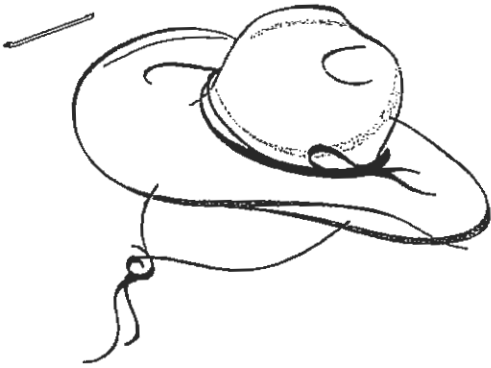
- M1. As the site is located under the Desert Bravo helicopter route the applicant should employ sound attenuating materials into the construction. This is an advisory condition only.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-COLORADO RIVER BASIN CONDITIONS

- WQ1. A National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with construction activities is required for projects disturbing one or more acres. An NPDES storm water permit is also required for projects that are part of a common plan and disturb one or more acres.
- WQ2. Waste Discharge Requirements may be required for new septic tank leach field systems, particularly for new subdivisions, grouped, or community systems in vulnerable areas.
- WQ3. General Waste Discharge Requirements maybe required if the project involves sanitary sewer systems.

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

Applicant's Signature _____ Date _____



Art Miller, Jr.
P.O. Box 820
Yucca Valley, CA 92286-0820
(760) 365-3984 home
(760) 401-3984 cell
(760) 365-0762 fax

September 15, 2014

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

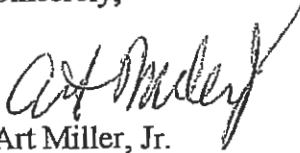
Re: Site Plan Review, SPR 02-07

Dear Mr. Stueckle,

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

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

Sincerely,



Art Miller, Jr.

Enclosure

RECEIVED

SEP 15 2014

TOWN OF YUCCA VALLEY
COM DEV

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

Case: SITE PLAN REVIEW 02-07

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

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

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

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

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

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

Surrounding General Plan Land Use Designations:
NORTH: GENERAL COMMERCIAL
SOUTH: NEIGHBORHOOD COMMERCIAL
WEST: OFFICE COMMERCIAL
EAST: NEIGHBORHOOD COMMERCIAL

Existing General Land Use Designations:

NEIGHBORHOOD COMMERCIAL

Surrounding Zoning Designations:
NORTH: GENERAL COMMERCIAL

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

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

Existing Zoning Designations:

NEIGHBORHOOD COMMERCIAL

Public Notification:

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

RECOMMENDATIONS:

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

PROJECT MANAGER: NICOLE SAUVIAT CRISTE

REVIEWED BY: TOM BEST

Appeal Information:

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

I. GENERAL INFORMATION

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

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

PROJECT SYNOPSIS:

SITE COVERAGE

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

II. PROJECT ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FINDINGS:

1. The conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare. The Conditions of Approval ensure the proposed project is in compliance with the requirements of the Town of Yucca Valley in relation to access, circulation, fire protection, building construction, and compatibility with surrounding land uses.
2. The proposed project is consistent with the goals, policies, standards and maps of the Town of Yucca Valley General Plan insofar as office space is a permitted use in the Neighborhood Commercial land use designation.
3. The proposed use is consistent with development within the Neighborhood Commercial Land Use District, with implementation of the conditions of approval.
4. The site is physically suitable for the proposed type and intensity of development insofar as the site is flat, and served by all utilities.
5. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features have been included in the proposed site plan and conditions of approval.
6. The site for the proposed use has adequate access, by providing access on Barberry Avenue.
7. The proposed use will not have a substantial adverse effect on abutting property or on the permitted use thereof, insofar as the project site is an integral part of an existing retail complex.
8. The lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

Site Plan Review 02-07

Art Miller Jr.

November 6, 2007 Planning Commission Meeting

Attachments:

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

CONDITIONS OF APPROVAL
Site Plan Review 02-07

1. This approval is for Site Plan Review 02-07, an application to allow the construction of a 6,000 square foot office building on 0.55 acres. The property is identified as Assessor Parcel Number 595-371-21.
2. The applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
3. This Site Plan Review application shall become null and void if construction has not been commenced within two (2) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council. The applicant is responsible for the initiation of an extension request.

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

6. The applicant/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.
7. All conditions are continuing conditions. Failure of the applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
8. All improvements shall be inspected by the Town's Building and Safety Division, as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
9. All garbage shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.

10. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.
11. Construction site shall be kept clean at all times. Scrap materials shall be consolidated, and a container must be provided to contain trash that can be carried away by wind.
12. Prior to the issuance of a building permit the applicant shall obtain Fire Dept. approval of the site plan and building plans. The applicant shall comply with the conditions and requirements of the Town's Fire Dept. Prior to any construction occurring on any parcel, the applicant shall contract the Fire Dept. for verification of current Fire Protection requirements. The applicant shall in particular demonstrate, in writing, that the Fire Department approves the 25 foot width of the southerly driveway from Barberry Avenue into the project site.
13. An exterior lighting plan, in conformance with Town Outdoor Lighting Ordinance, and including a photometric plan, shall be submitted to the Town for approval prior to the issuance of grading permits.
14. Prior to the issuance of a building permit certification from the appropriate school district shall be provided as required by California Government Code Section 53080 (b) that any fee charge, dedication, or other form of requirement levied by the governing board of the district pursuant to Government Code Section 53080 (a) has been satisfied.
15. A plan identifying all protected plants under the California Food and Agriculture Code as well as a Joshua Tree Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. A minimum 60 day adoption period before land disturbance in accordance with the grading plan may commence.
16. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
 - a) The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
 - b) Fire hydrants are accepted by the Fire Marshal and the Department of Public Works.
17. No signs are approved with this Site Plan Review. Sign application(s) shall be made separately for all signage (including the proposed horse) on the property.

18. Twentynine Palms Highway is a State facility with an ultimate half-street right-of-way requirement of 67 feet. The Applicant/Owner shall dedicate to Caltrans and the Town of Yucca Valley adjacent to the property the additional required ultimate half width street right-of-way for SR 62 from the existing right-of-way line to the 67 feet of width from the Highway centerline. The dedication shall conform to Caltrans requirements. To provide room for ADA required wheel chair ramp and access at the corner, the applicant shall dedicate a "corner cut-off" at the northwest corner of the property. This dedicated width shall be shown on the plans.
19. Rather than constructing the ultimate improvements for Twentynine Palms Highway including construction of one-half of the median island improvements, the Applicant shall calculate fair share costs and pay in-lieu fees that will be compensation for this portion of a future SR 62 widening project. The in-lieu fees shall be paid prior to certificate of occupancy.
20. The applicant shall landscape and maintain the area of the dedicated right-of-way.
21. The contractor shall be responsible to sweep public paved roads and parkways adjacent to the project as necessary and as requested by the Town staff to eliminate construction related dirt and debris within the roadways.
22. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
23. Utility undergrounding shall be required for all new service and distribution lines that provide direct service to the property being developed; existing service and distribution lines that are located within the boundaries being developed; existing service and distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed; existing Service and Distribution lines located along or within 10 feet of the lot lines of the property being developed; or existing service and distribution lines being relocated as a result of a project.
24. In conjunction with the preparation of street improvement plans, the applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town. The applicant shall initiate the maintenance and benefit assessment district(s) formation by submitting a landowner petition and consent form (provided by the Town of Yucca Valley) and deposit necessary fees concurrent with application for street and grading plan review and approval and said maintenance and benefit assessment district(s) shall be established concurrent with the approval of the final map in the case of subdivision of land, or prior to issuance of any certificate of occupancy where there is no subdivision of land.

Site Plan Review 02-07

Art Miller Jr.

November 6, 2007 Planning Commission Meeting

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

PRIOR TO ISSUANCE OF GRADING PERMIT

26. Prior to issuance of a Grading Permit, the Grading and Improvement Plan shall comply with the recommendations of a site-specific Geotechnical and Soils Report which shall be reviewed and subject to Town approval. The report shall include recommendations for onsite and offsite grading, foundations, compaction, structures, drainage, and existence of fault zones. Recommendations for onsite and offsite pavement structural section design, pavement mix design, and any requirement for base material beneath the concrete improvements shall be included.
27. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.
28. Prior to the issuance of a Grading Permit, a Grading Plan prepared by a recognized civil engineer professional shall be submitted by the applicant for Town review and approval. Show all easements crossing the property. No clearing or grading shall commence without issuance of a Grading Permit by the Town. The prepared Grading Plan shall conform to the approved site plan. The final Grading Plan shall be reviewed and approved by the Engineering Division prior to issuance of Grading Permits. No grading on the property may begin without an approved Grading Plan and Grading Permit. The applicant/owner is responsible for all fees incurred by the Town for review and inspection.
29. Any off-site stockpile location shall require the approval of the Town Engineer. Any stockpile in excess of 200 cubic yards shall require a Grading Plan and permit.
30. For any import or export of material, the developer's contractor shall provide for review by the Town Engineer, the route of travel, number of trucks, daily schedule, and length of time required. No hauling of material shall begin without the Town Engineer's approval.
31. All grading activities shall minimize dust through compliance with AQMD Rule 403 which requires watering during earth moving operations. Water spraying or other approved methods shall be used during any grading operations to control fugitive dust. A Dust Mitigation Plan shall be submitted to the Town Planning Department and Engineering Department prior to issuance of Grading Permits for the project. Dust control shall be in conformance with MDAQMD requirements. Graded, undeveloped and other open area shall be treated with a dust polymer as approved by the Community Development Department.

32. The developer shall comply with NPDES requirements as applicable, and employ Best Management Practices to control runoff and debris flow off of the site. Erosion control devices shall be included on the Grading Plan, and installed and maintained by the contractor to the satisfaction of the Town. Prior to rough grading, erosion control devices shall be installed at all perimeter openings and slopes. No sediments are to leave the job site. This information shall be provided as part of the grading plan subject to approval by the Town Engineer.
33. The applicant's Engineer shall submit a final Drainage Report with the engineered grading plan submittal. The Report shall include the property's tributary area, amount of property run-off and location of drainage "pick-up" points. The project shall detain the required incremental increase in runoff generated by the improvements. Calculate the required volume to be retained and include the bottom elevation, the water surface elevation, and the required freeboard for the retention basin. Provide a complete, clear, and accurate overall drainage map of the project. Reference the tributary areas in the report and show the Q's resulting from those areas on the drainage map. Include the ten year Q, the 25 year Q, the 100 year Q, the on-site and off-site drainage patterns, both the existing and the proposed.
34. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties at the time the site is developed.
35. The developer shall establish a mechanism to maintain any retention/detention basins and keep them free from brush and other debris. They shall be cleaned and scraped on a regularly scheduled maintenance program.
36. The applicant shall accept and properly dispose of all offsite drainage flowing onto or through the site.
37. Any grading or drainage onto private off-site or adjacent property shall require written permission to grade and/or permission to drain letter from the affected landowner.
38. No cross lot drainage shall be permitted without an approved private drainage easement.
39. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utilities. The approved permits shall be readily available on the job site for inspection by Town personnel.

40. Prior to any work being performed within the public right-of-way, the applicant shall pay the required fees and obtain an encroachment permit from the Department of Community Development. The applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The applicant shall be responsible for the associated costs and arrangements with each public utility. The approved permits shall be readily available on the job-site for inspection by the Town personnel.
41. Prior to any work being performed within Twentynine Palms Highway (SR 62), the applicant shall be required to process his improvement plans through Caltrans and obtain an encroachment permit from Caltrans.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

42. The Applicant's Engineer shall design the pavement section based upon the Soils Engineer's recommendation for the overlay of the half street pavement for Barberry Avenue from the south edge of the SR 62 cross gutter to the south end of the driveway adjacent to the project. The Engineer shall design the overlay of the full-width pavement section from the edge of the cross gutter at SR 62 to 10 feet south of the cross gutter. The contractor shall maintain the minimum required cross-fall from the street crown to the gutter edge.
43. All damaged curb & gutter, sidewalk, and other damaged infrastructure surrounding the site must be replaced to Town/Caltrans standards, as pertains.
44. The Applicant's Engineer shall provide a striping plan for Barberry Avenue replacing the existing striping after construction of the street improvements meeting the Town Engineer's approval.
45. The Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

46. All required improvements shall be constructed and finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.
47. The Applicant's contractor shall not begin work on the street improvements prior to the Town's approval.
 - a) The developer's contractor shall complete the improvements for Barberry Avenue from the edge of the cross gutter to the south edge of the driveway. The structural

- section determined by the Soils Engineer shall be rounded up to the nearest inch or 0.05 feet. The trenching for subsurface improvements shall conform to the Soils Engineer's requirements.
- b) The Applicant shall complete all other improvements including replacement of, damaged curb and gutter, damaged sidewalk, and other damaged infrastructure on Barberry Avenue and on SR 62 as determined by the Town.
 - c) Work within SR 62 right-of-way will require an encroachment permit from Caltrans. The Contractor shall conform to the requirements of the approved encroachment permit.
 - d) The contractor shall complete the landscape improvements within the SR 62 dedicated area adjacent to the project. No structures are allowed within this area without an encroachment permit.
48. The applicant shall install all required water and sewer systems necessary to serve the project.
49. The applicant shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the applicant is required to patch the cuts to City standards and the approval of the Town. The patching shall include a grinding of the pavement to a width four feet beyond the edge of the trench on each side, or as determined by the Town, and replacement with a full-depth asphalt concrete as recommended by the Soils Engineer. All trenching work shall be completed prior to the required street improvements.
50. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant/developer shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
51. Prior to any work being performed within the public right-of-way the applicant shall provide the name, address, telephone, facsimile number, and e-mail address of the contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, and such other details as may be required by the Town Engineer.
52. All exterior lighting shall comply with the Outdoor Lighting Ordinance and shall be illustrated on all construction plans.

Site Plan Review 02-07

Art Miller Jr.

November 6, 2007 Planning Commission Meeting

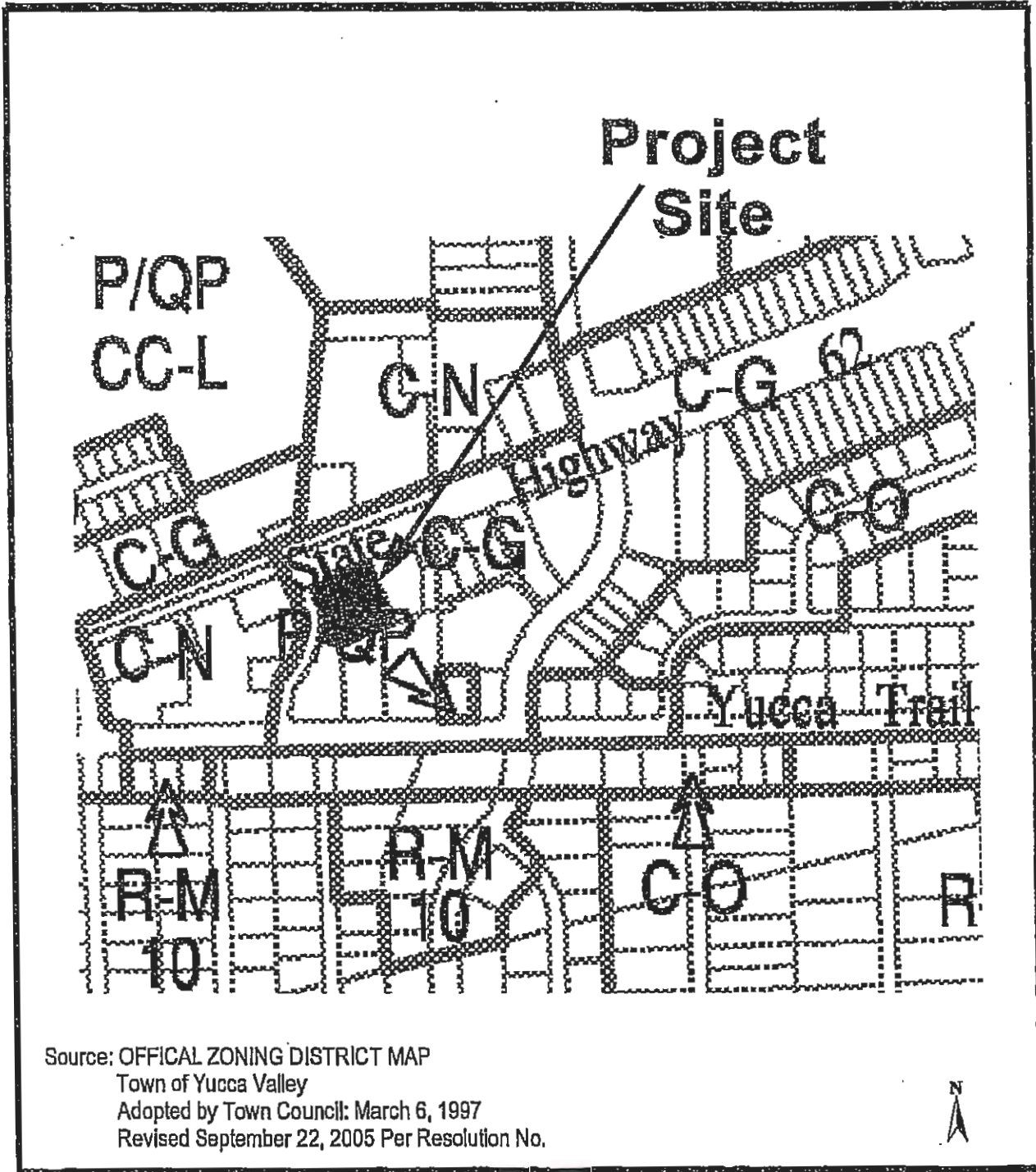
53. The applicant shall pay Development Impact Fees in place at the time of issuance of any Building Permits.

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

Applicant's Signature _____ Date _____

TOWN OF YUCCA VALLEY

PROJECT NO.: SPR 02-07 Miller

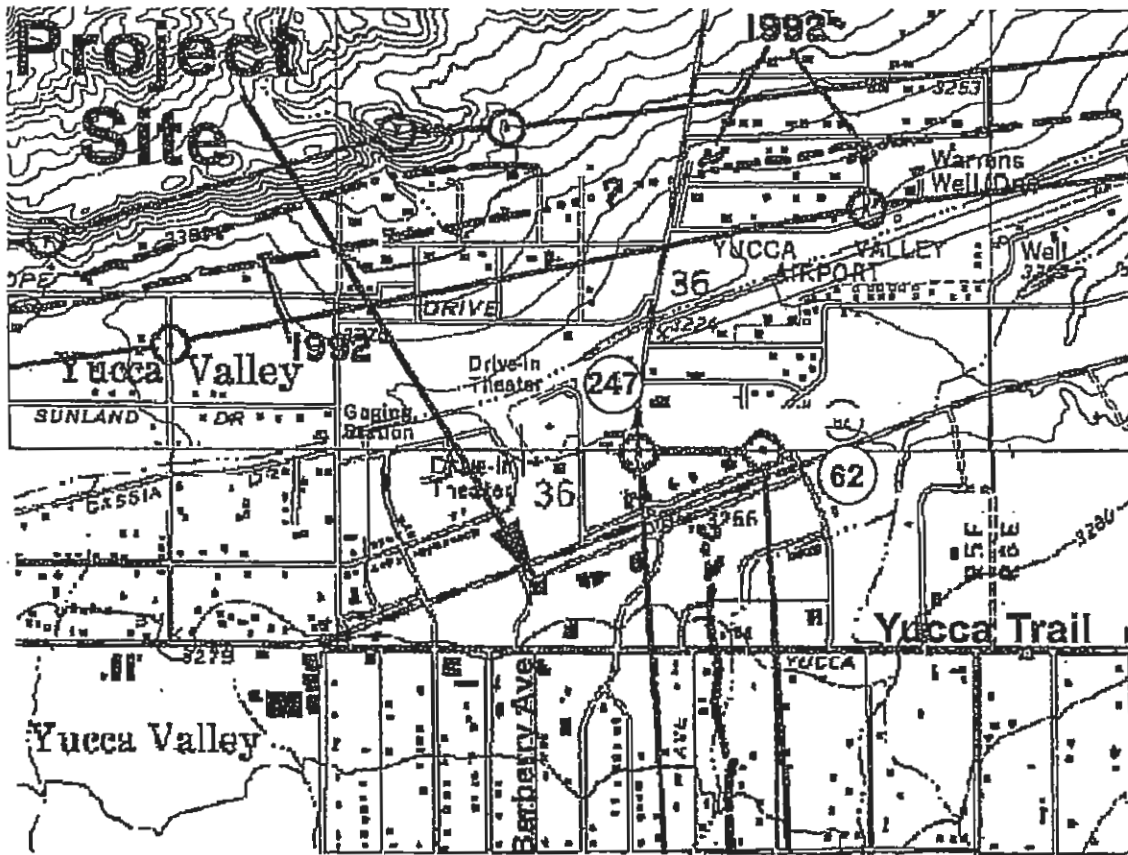


Source: OFFICAL ZONING DISTRICT MAP
Town of Yucca Valley
Adopted by Town Council: March 6, 1997
Revised September 22, 2005 Per Resolution No.

EXISTING ZONING AND GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: SPR 02-07 Miller



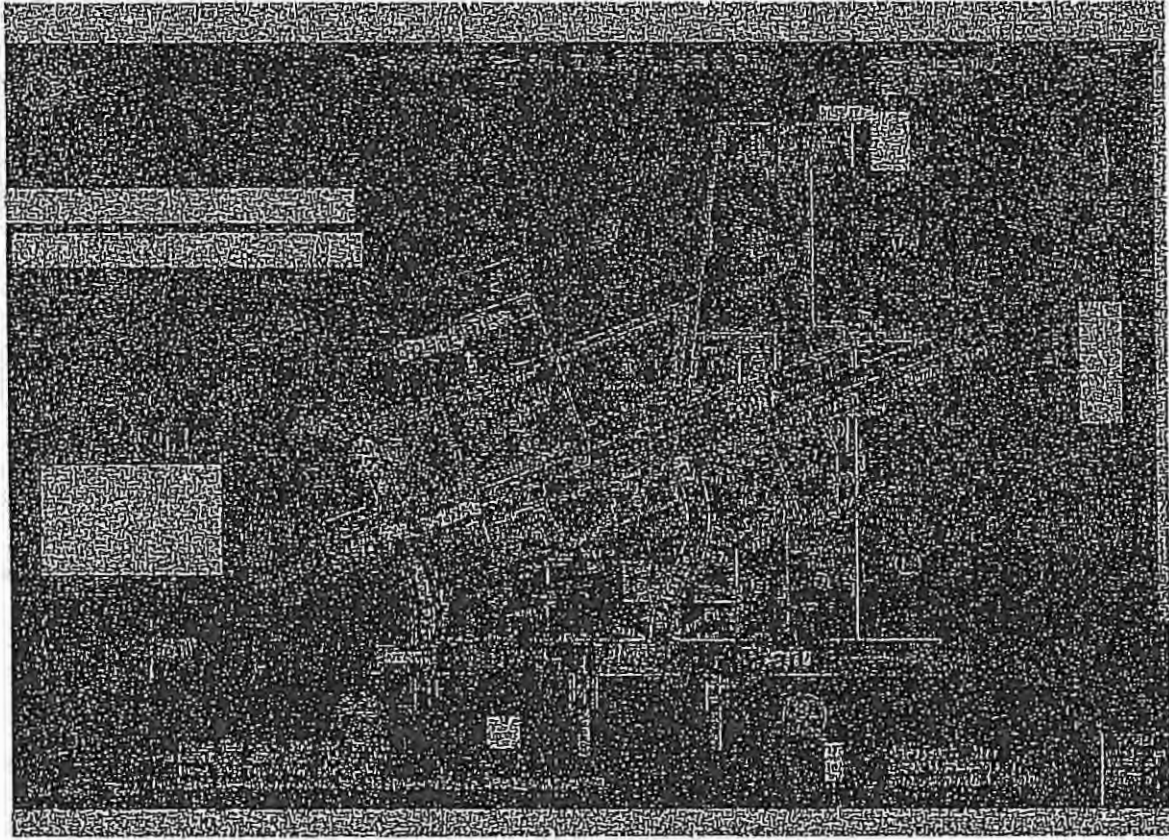
Source: USGS 7.5 Minute Quad Maps
Yucca Valley North & South CA July, 1993



USGS TOPOGRAPHY MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: SPR 02-07 Miller

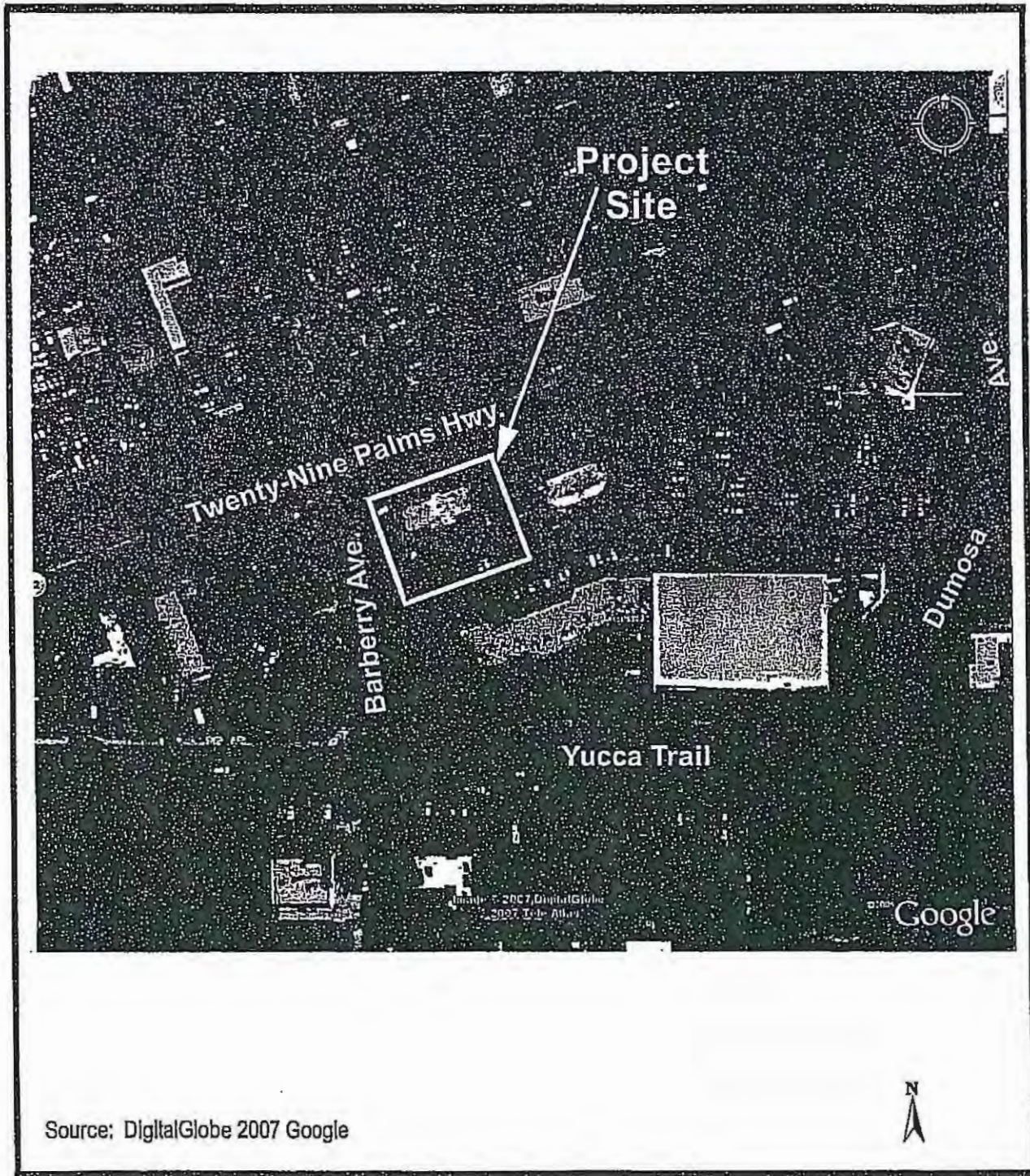


Source: Assessor's Map
Book 595, Page 37
San Bernardino County

ASSESSOR'S PARCEL MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: SPR 02-07 Miller

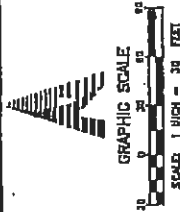


Source: DigitalGlobe 2007 Google

AERIAL

P.90
P.111

SITE/GRADING PLAN PARCEL 4 PM# 5498



PREPARED BY:
GERALD SY-GOLOB
ARCHITECT
51273 BUREAU BLVD. DR. #15
TUCUMCUM, N.M. 87301
PH: 783-3462

SITE PLAN PREPARED FOR:

THE STATE OF NEW MEXICO
COUNTY OF SAGUARO
TOWN OF TUCUMCUM

TITLE REPORT

THE STATE OF NEW MEXICO
COUNTY OF SAGUARO
TOWN OF TUCUMCUM

LEGAL DESCRIPTION

THE STATE OF NEW MEXICO
COUNTY OF SAGUARO
TOWN OF TUCUMCUM

BASIS OF BEARINGS

THE STATE OF NEW MEXICO
COUNTY OF SAGUARO
TOWN OF TUCUMCUM

FLOOD ZONE

THE STATE OF NEW MEXICO
COUNTY OF SAGUARO
TOWN OF TUCUMCUM

UTILITY COMPANIES

ATKINS ENGINEERING & ARCHITECTURE
1000 N. GARDEN AVENUE
TUCUMCUM, N.M. 87301

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NOTES

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- 2. EXISTING DRIVE
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- 9. PROPOSED DRIVE
- 10. EXISTING DRIVE

EASEMENT NOTES

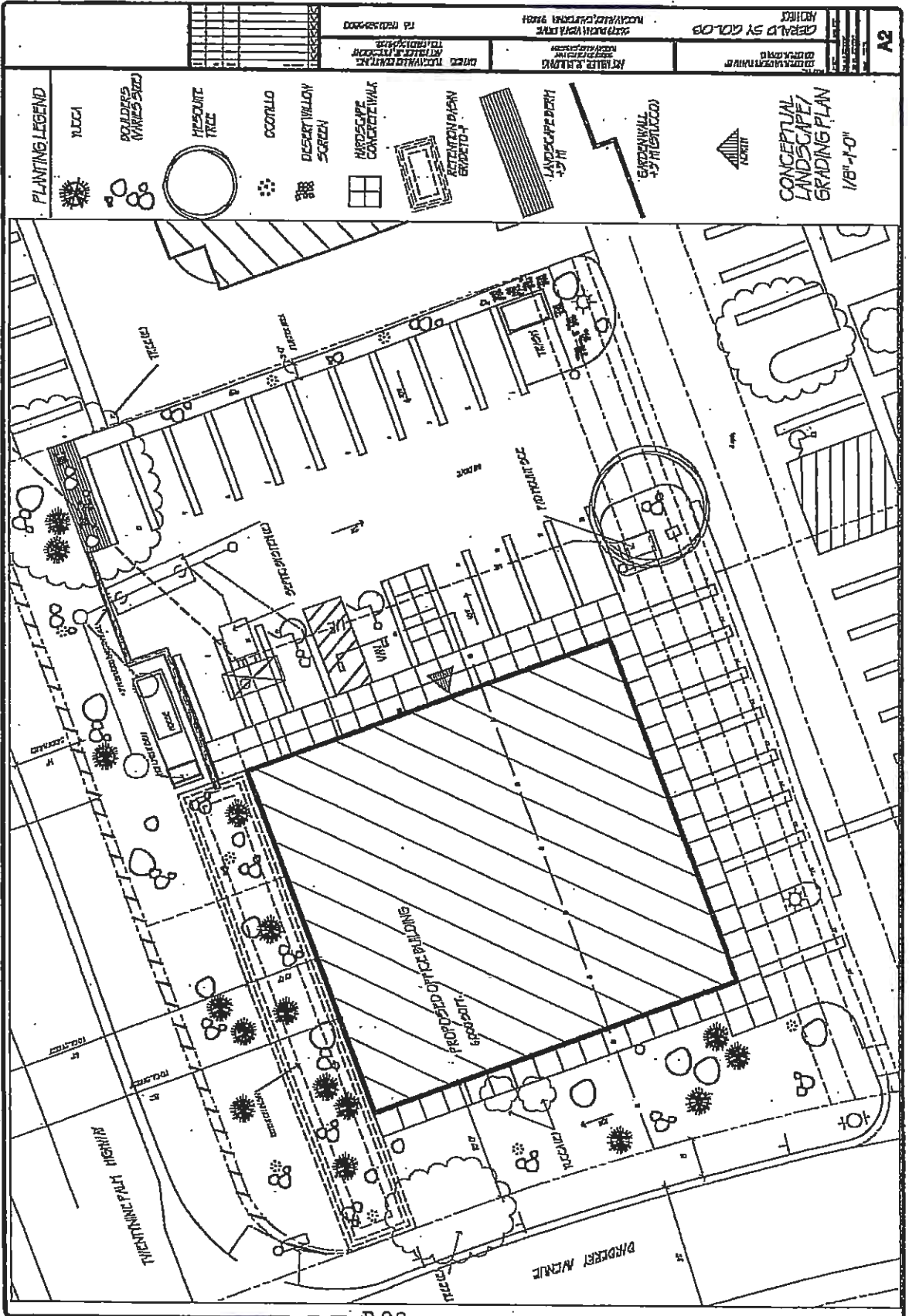
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IMPORTANT NOTES
THESE NOTES ARE SUBJECT TO THE
REVISIONS AND AMENDMENTS TO THE
PLANS AND SPECIFICATIONS WHICH MAY
BE MADE FROM TIME TO TIME BY THE
ARCHITECT WITHOUT NOTICE TO THE
OWNER.

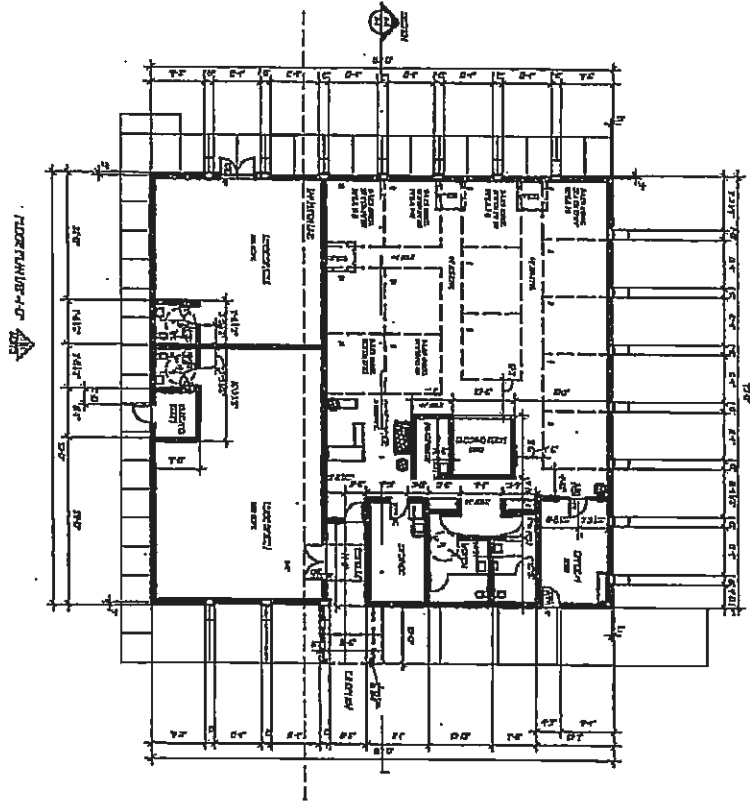
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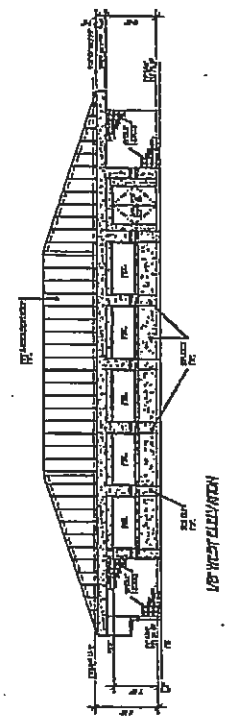
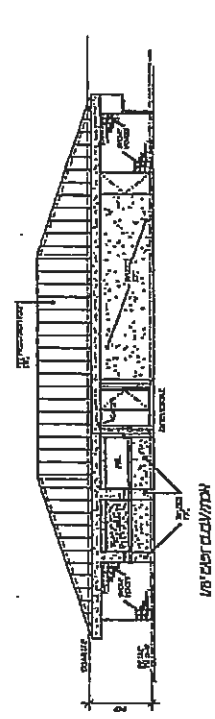
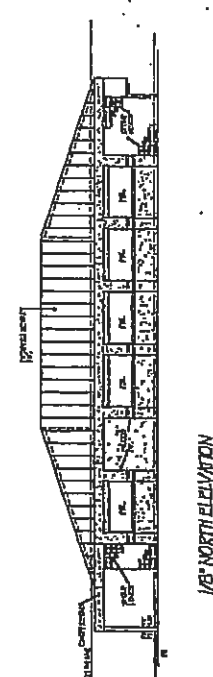
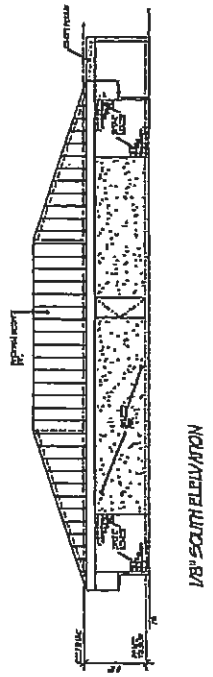
ARCHITECTS
 DEBAY SY GOLDBERG
 2000 PAVAN VENTURA DRIVE
 HOUSTON, TEXAS 77058
 TEL: 713-265-9000

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6V ARCHITECTURAL DEPARTMENT	GERALD SY GOLOD ARCHITECT	ART MULLER, R.D. BEIDERS SUPERVISOR ELECTRICAL DIVISION	DICK HADJIPIETRISILAK ATTORNEY AT LAW TECHNICAL DIVISION
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Mr. Lombardo stated he is comfortable with the wall the way it is because it is slightly angled. Mr. Huntington said it's only about 8%. Mr. McKoy commented its going to have to hold back a lot of dirt. Ms. Criste confirmed it will be pretty steep.

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

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

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

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

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

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

5. SITE PLAN REVIEW SPR 02-07 – MILLER

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

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

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

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

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

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

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

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

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

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

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

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

Mr. McKoy opened the hearing to public comments.

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

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

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

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

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

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

Mr. McKoy closed the hearing to public comments.

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

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

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

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

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

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

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

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

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

Mr. McKoy reopened the hearing to public comments.

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

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

Mr. McKoy closed the hearing to public comments.

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

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

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

COA #42 be amended to read: The Applicant shall construct the pavement section of the half street pavement for Barberry Avenue from the south edge of the SR 62 cross gutter to the south end of the driveway adjacent to the project with a 0.10 foot overlay. If required, 0.10 foot grinding shall be completed adjacent to the gutter.

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

(And allowing tile roofing to be installed.)

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

6. PARCEL MAP PM 18472 – INVERNO

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

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

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

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES**

SEPTEMBER 22, 2009

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

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

Commissioner Dennis McKoy was absent due to a family emergency.

Chairman Goodpaster led the Pledge of Allegiance.

APPROVAL OF AGENDA:

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

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

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

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

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

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

Mr. Goodpaster opened the discussion to public comments.

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

Mr. Goodpaster closed the discussion to public comments.

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

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

2. REVISION OF THE DESERT NATIVE PLANT PROTECTION ORDINANCE

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

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

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

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

Draft Ordinance		Existing ORD 140	
89.0101	Purpose and Intent.	89.0101	Purpose.
89.0102	Regulated Desert Native Plants	89.0105	Intent.
89.0103	Scope.	89.0107	Regulated Desert Native Plants
89.0104	Permit Required.	89.0110	Scope.
89.0105	Regulated Native Plant Removal Procedures for all new commercial, industrial, multifamily development projects and single family residential subdivisions	89.0115	Permit Required.
89.0106	Single-family residential infill	89.0120	Findings for Removal.
89.0107	Regulated Native Plant Adoption Program	89.0125	Plot Plan Requirements.
89.0108	Construction Standards.	89.0130	Construction Standards.
89.0109	Transplanting of Desert Native Plants.	89.0131	Transplanting of Desert Native Plants
		89.0132	Findings for the Transplanting of Desert Native Plants
		89.0133	Retention of Joshua Trees and Yuccas

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

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

Commissioner Drozd questioned if another addendum would be required if Tri Valley Little League communicates with the Foundation and another change is made.

Deputy Town Manager Stueckle advised that staff would go back and look at what the original approval was and then have to make a determination at that point.

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

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

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

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

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

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

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

Commissioner Alberg questioned the number of extensions allowed. Associate

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

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

CONSENT AGENDA

3. MINUTES

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

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

STAFF REPORTS AND COMMENTS

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

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS

- O. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity or be contrary to the adopted General Plan;
- P. That the proposed development will comply with each of the applicable provisions of this code, and applicable Town policies; except approved variances.

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

An approved Site Plan and Design Review Permit may be modified upon the request of the property owner, or by the Town. Minor Modifications may be approved by Director if it is determined that the changes would not affect the findings prescribed in Section 9.68.080, *Required Findings*, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit; including modifications to phasing schedules for the project.

9.68.100 – Lapse of Permits/Permit Expiration

- A. **Expiration.** A Site Plan and Design Review Permit approval shall expire three (3) years from the date the permit is approved unless it is otherwise conditioned or unless prior to the expiration of the three (3) years the following have occurred:
 - 1. A building permit is issued and substantial construction is diligently pursued towards completion of the project which was the subject of the Site Plan and Design Review Permit application. After construction is commenced, if work is discontinued for a period of two (2) years, the Site Plan and Design Review Permit requires review and reauthorization by the Commission; or
 - 2. A certificate of occupancy is issued for the structure which was the subject of the Site Plan and Design Review Permit application.
- B. **Phased Projects.** Projects may be built in phases if so approved by the Commission or Director pursuant to Section 9.68.090 *Minor Modifications of Previously Approved Site Plan and Design Review*.

9.68.110 – Extension of Time

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

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

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
September 23, 2014**

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

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

The Pledge of Allegiance was led by Chair Humphreville.

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

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

None

With no further individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

DEPARTMENT REPORT

1. DRAFT DEVELOPMENT CODE

Deputy Town Manager Stueckle provided the staff report. Staff provided an overview of the status of the draft Development Code and the modifications included in the current draft, as well as the draft zoning map. Staff also reviewed the changes made to the Adult Oriented Business Ordinance, including the addition of a set of standards and a permitting process. Staff had found that even when including the general commercial zone, the current standards regarding distances from the highways and residential areas would mean that the area where adult oriented businesses would be allowed to operate is extremely limited and probably would be found unconstitutional. Staff also addressed the process for the commission continuing forward with the development code.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- None

CLOSE PUBLIC COMMENTS

Commissioner Bridenstine asked staff for clarification on the accessory building development standards, which staff provided. Staff said that the accessory structure percentages applied to second dwelling units, and that the code currently allows for accessory structures in the RS zones to be up to 50% of the floor area of the primary structure, anyone wishing to exceed that limit would have to go the Commission. Staff also confirmed that the maximum lot coverage was determined by building coverage not development coverage. Staff also noted that the word "structures" in this section should be replaced with "buildings."

Commissioner Whitten said that he appreciated the work that staff has put into the development code, and that he wanted to see it go the Town Council as soon as possible. He suggested changing the zone labeling on the zoning map to match the way zones are labeled in the development code. He also addressed the issue of the adult oriented business ordinance, and suggested that reducing the required distance from the highway might allow the Town to still keep those businesses from being visible from the highway, while providing enough possible locations to allow the code to conform to First Amendment requirements. He also said he would like the language "wherever minors gather" included in language addressing locations which adult oriented businesses cannot operate near. Commissioner Whitten also asked if the code had a way to address bar or other establishments holding sexually oriented events.

Commissioner Lavender asked if the standards the Town has for mandatory distances from sensitive land uses such as schools were similar to what is in place in other communities. Staff said that they were, but they were strong standards.

Chair Humphreville asked if it was there was a way to limit advertising for adult materials to the zones allowed for adult oriented businesses. Staff said that the Town was not allowed to regulate the content of signs, but staff also stated that the Town could prohibit sign twirlers which would address the issue of the sign twirler having a sign stating "XXX." Chair Humphreville said he wouldn't support prohibiting sign twirlers.

Chair Humphreville also spoke about the maximum lot coverage percentages. He thought that the maximum lot coverage for the RL zone should be changed from 20% to 25%. There was Commission consensus that the maximum lot coverage for the RL zone should be changed to 25%.

Chair Humphreville said that he didn't think that they should hold up the completion of the Development Code while they tried to work on the sign code. He thought there was going to have to be a lot of work put in to forming a consensus. Commissioner Bridenstine agreed that they shouldn't hold up the Development code for the sign ordinance, but that the sign ordinance should be addressed separately as soon as possible. There was Commission consensus that the sign ordinance should be addressed separately rather than have it hold up the Development Code.

Chair Humphreville said that the main sticking point was how to fix the adult oriented business. Staff said that if the Commission was comfortable with the standard, the Commission could forward the Development Code including the section on adult oriented businesses with the direction that staff modify what is necessary to make it compliant. The intent was to keep it off the highway and within the standards as drafted in the code.

Commissioner Bridenstine asked about the existing adult oriented businesses. Staff clarified that despite the sign the existing business does not meet the threshold for an adult oriented business. Commissioner Whitten asked if it would under the modified ordinance. Staff said that they would potentially be effected and might have to reduce the percentage of their adult oriented merchandise to 10%.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- Susan Simmons, Yucca Valley, said that the Commission had included grandfathering language for other businesses, such and Home Occupation Permits, but wasn't including any for adult oriented businesses. She said that if you were going to offer it to some people you should offer it to everyone.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

Chair Humphreville asked staff if there was a legal requirement that the offer grandfathering. Staff said that there was no legal requirement to offer grandfathering indefinitely for adult oriented businesses, but they would be required to provide a significant amount of time for businesses to come into compliance. Staff said that would typically consist of a period of 90 or 180 days. There was Commission consensus that they should include grandfathering for existing businesses in the adult oriented business ordinance.

MOTION

Commissioner Whitten moved that the Planning Commission forward the entire Development Code to the Town Council, including Article 2 and Article 5 as recommended by staff, and that the Planning Commission receive public comment. Commissioner Bridenstine seconded and the motion passed unanimously.

PUBLIC HEARINGS

- 2. DEVELOPMENT CODE AMENDMENT, DCA 01-14
ARTICLE 2, ZONING DISTRICTS AND DEVELOPMENT STANDARDS
CEQA EXEMPTION, SECTION 15061(b)(3)**

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

MOTION

Chair Humphreville moved that the Planning Commission forward Articles 1 through 7 of the Development Code to the Town Council. It was seconded by Commissioner Bridenstine, and passed unanimously.

CONSENT AGENDA

1. MINUTES

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

PUBLIC COMMENTS

None

END PUBLIC COMMENTS

MOTION

Commissioner Whitten moved that the Commission approve as submitted the minutes of the meetings held on August 26, 2014. Commissioner Drozd seconded the motion and it passed unanimously.

STAFF REPORTS AND COMMENTS

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

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd thanked everyone for their hard work

Commissioner Whitten thanked staff for their work, and said that the sign code should be on the agenda as soon as possible

Vice Chairman Bridenstine said that she was glad that they were completing the Development Code. It was a long but worthwhile process. She also wants the Commission to address the sign ordinance.

Chair Humphreville thanked staff for their work. He said that he thinks that the draft Development Code meets the criteria presented by the Town Council, and that the new code will be clearer and easier to use.

ANNOUNCEMENTS:

The next regular meeting of the Planning Commission is scheduled for October 11, 2014 at 6:00pm.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:52.

DRAFT

Respectfully submitted,

Allison Brucker
Secretary

Approved by the Planning Commission on _____, 2014.

DRAFT