

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  
JULY 09, 2013  
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, JULY 09, 2013

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

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

### CALL TO ORDER:

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

### PLEDGE OF ALLEGIANCE

### APPROVAL OF AGENDA

**Action:** Move by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ Voice Vote \_\_\_\_\_.

### PUBLIC COMMENTS

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

**PUBLIC HEARING:**

**1. CONDITIONAL USE PERMIT, CUP 01-13 PRESCOTT CENTER**

Proposal to subdivide approximately 2.54 acres into 3 parcels and to construct two, single story buildings, including a 3,000 square foot fast food restaurant with drive thru and a 16,058 square foot building of leasable space, conceptually ranging from 1,100 to 2,800 square feet of individual lease spaces.

**RECOMMENDATION:**

**ENVIRONMENTAL ASSESSMENT, EA 02-13**

That the Planning Commission finds the project exempt under the project is exempt from CEAQ under section 15332 class 32, infill development.

**CONDITIONAL USE PERMIT, CUP 01-13:**

That the Planning Commission approves Conditional Use Permit, CUP-1-13, based upon the findings and the Conditions of Approval.

**TENTATIVE PARCEL MAP, TPM 19436**

That the Planning Commission approves Tentative Parcel Map, TPM-19435, based upon the findings and the Conditions of Approval.

**Action:** Moved by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ Voice Vote \_\_\_\_\_

**DEPARTMENT REPORT:**

**2. APPEAL, A 01-13 HUBBARD**

Appeal of Director's Approval of Home Occupation Permit, HOP 01-13, to assemble firearms that are purchased in kit form, buy and sell firearms and sell ammunition by appointment only from an existing single family residence at 8205 Keats Avenue.

Application for HOP-1-13 was withdrawn by the applicant on June 26, 2013, vacating the Director's Approval. No appealable action exists.

**RECOMMENDATION:**

That the Planning Commission receives and files the report.

**Action:** Moved by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ Voice Vote \_\_\_\_\_

**STAFF REPORTS AND COMMENTS:**

**FUTURE AGENDA ITEMS:**

**COMMISSIONER REPORTS AND REQUESTS:**

Commissioner Drozd  
Commissioner Lavender  
Commissioner Whitten  
Vice Chairman Bridenstine  
Chairman Humphreville

**ANNOUNCEMENTS:**

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, July 23, 2013.

**ADJOURN**

*Planning Commission: July 09, 2013*  
**TOWN OF YUCCA VALLEY**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**CURRENT PLANNING DIVISION STAFF REPORT**  
**PRESCOTT CENTER**

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**Case:** ENVIRONMENTAL ASSESSMENT, EA-02-13  
CONDITIONAL USE PERMIT, CUP-01-13, PRESCOTT CENTER  
TENTATIVE PARCEL MAP, TPM 19436

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**Request:** REQUEST FOR APPROVAL TO SUBDIVIDE APPROXIMATELY 2.54 ACRES GROSS INTO 3 PARCELS AND TO CONSTRUCT TWO SINGLE STORY BUILDINGS, INCLUDING A 3,000 SQUARE FOOT FAST FOOD RESTAURANT WITH DRIVE THRU AND A 16,058 SQUARE FOOT BUILDING OF LEASABLE SPACE, CONCEPTUALLY RANGING FROM 1,100 TO 2,800 SQUARE FEET OF INDIVIDUAL LEASE SPACES. A TOTAL OF 84 ONSITE PARKING SPACES ARE PROPOSED WITH DRIVE AISLES.

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**Applicant:** FORCE-GOTTLIEB  
439 N BEDFORD DRIVE  
BEVERLY HILLS, CA 90210

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**Property Owner:**  
FORCE-GOTTLIEB  
439 N BEDFORD DRIVE  
BEVERLY HILLS, CA 90210

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**Representative:**  
BILL WARNER  
NOLTE VERTICAL V  
42-829 COOK STREET, SUITE 104  
PALM DESERT, CA 92211

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**Location:** THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF TWENTYNINE PALMS HIGHWAY AND PRESCOTT AVE, AND IS FURTHER IDENTIFIED AS 58401 29 PALMS HWY AND APN: 601-611-15.

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**Existing General Plan Land Use Designation:**  
THE SITE IS DESIGNATED GENERAL COMMERCIAL (C-G)

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**Existing Zoning Designation:**  
THE SITE IS DESIGNATED GENERAL COMMERCIAL (C-G)

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Division Approvals:  
Engineering \_\_\_\_\_ Building & Safety \_\_\_\_\_ Public Works \_\_\_\_\_

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**Surrounding General Plan Land Use Designations:**

NORTH: GENERAL COMMERCIAL (C-G)  
SOUTH: RESIDENTIAL MULTI FAMILY 8 UNITS TO THE ACRE (RM-8)  
WEST: GENERAL COMMERCIAL (C-G)  
EAST: GENERAL COMMERCIAL (C-G)

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**Surrounding Zoning Designations:**

NORTH: GENERAL COMMERCIAL (C-G)  
SOUTH: RESIDENTIAL MULTI FAMILY 8 UNITS TO THE ACRE (RM-8)  
WEST: GENERAL COMMERCIAL (C-G)  
EAST: GENERAL COMMERCIAL (C-G)

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**Surrounding Land Use:**

NORTH: MINI STORAGE FACILITY  
SOUTH: SINGLE FAMILY RESIDENCES AND VACANT LOTS  
WEST: MEDICAL OFFICES  
EAST: MEDICAL OFFICES

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

THE PROJECT WAS REVIEWED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). THE PROJECT IS EXEMPT FROM CEQA UNDER SECTION 15332 CLASS 32, INFILL DEVELOPMENT.

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**OUTSIDE AGENCIES COMMENTS RECEIVED**

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT:**

A letter was provided dated May 28, 2013 indicating the MDAQMD has no comments on the application.

**SAN BERNARDINO COUNTY FIRE:**

Two letters were provided dated June 17, 2013 with attached conditions of approval.

**SAN BERNARDINO COUNTY ENVIRONMENTAL HEALTH:**

A letter was provided dated May 31, 2013 indicating that plans for food establishments shall be reviewed and approved by DEHS.

**SAN BERNARDINO COUNTY FLOOD CONTROL:**

An email was provided on May 30, 2013 indicating that any encroachment into district right of way would require a permit.

**COLORADO RIVER BASIN WATER QUALITY CONTROL BOARD:**

A letter was provided dated June 05, 2013 regarding waste discharge requirements.

**HI DESERT WATER DISTRICT**

A letter was provided to the applicant on February 11, 2013, regarding connections to the District's system and water service. A letter was also provided to the applicant on January 16, 2007 regarding providing water services to the property.

**SOUTHERN CALIFORNIA EDISON**

A letter was provided to the applicant on January 24, 201, regarding electrical services.

**SOUTHERN CALIFORNIA GAS COMPANY**

A letter was provided to the applicant on February 6, 2013, regarding natural gas service to the property.

COPIES OF ALL LETTERS ARE INCLUDED IN THE PACKET.

**RECOMMENDATIONS:**

**ENVIRONMENTAL ASSESSMENT, EA 02-13**

That the Planning Commission finds the project exempt under the project is exempt from CEQA under section 15332 class 32, infill development.

**CONDITIONAL USE PERMIT, CUP 01-13:**

That the Planning Commission approves Conditional Use Permit, CUP-1-13, based upon the findings and the Conditions of Approval.

**TENTATIVE PARCEL MAP, TPM 19436**

That the Planning Commission approves Tentative Parcel Map, TPM-19435, based upon the findings and the Conditions of Approval.

**Appeal Information:**

Actions by the Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the Town Council within 10 calendar days. Appeal Application filing and processing information may be obtained from the Planning Division of the Community Development Department. Per Section 83.030145 of the Development Code, minor modifications may be approved by the Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030140 of the Development Code, Required Findings, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit, including modifications to phasing schedules for the project.



**I. GENERAL INFORMATION**

**PROJECT DESCRIPTION.** The applicant is requesting approval to subdivide 2.54 acres gross (2.42 net after dedications) into 3 parcels and to construct two single story buildings, including a 3,000 square foot fast food restaurant with drive thru and a 16,058 square foot building of leasable space. Leasable tenant spaces would conceptually range from 1,100 to 2,800 square feet in area, albeit approval of the application would not establish area standards or requirements for the lease spaces. A total of 84 onsite parking spaces are proposed with drive aisles.

Preliminary grading plan estimates indicate 5,000 cubic yards of cut and 5,000 cubic yards of fill for site grading. All new utilities will be constructed below grade, and sewage disposal is proposed by connecting the buildings to an adjacent future public sewer system when available. An interim, private on-site conventional septic system or package treatment system is proposed until public sewers are available.

The project is proposed to be constructed in up to three phases, with all offsite improvements to be constructed in the first phase. Street improvements will be constructed on SR 62, Prescott Avenue, and Palisades Drive. Maximum building heights are proposed at approximately 27 feet. Surrounding land uses include a mix of both commercial and residential. Access is proposed from the site to SR 62, Prescott Avenue and Palisades Drive. The project applicant will be requesting authorization from Caltrans to construct a traffic signal at the intersection of SR 62 and Prescott Avenue, pursuant to the traffic study prepared for the project.

**LOCATION:** The project is located at the southeast corner of 29 Palms Highway and Prescott Ave, and is further identified as 58401 29 Palms Hwy.

APN: 601-611-15

**PROJECT SYNOPSIS:**

**SITE COVERAGE**

PROJECT AREA

2.54 acres gross

BUILDING AREA

16,058 square feet retail building  
3,000 square feet fast food  
restaurant

PHASED CONSTRUCTION:

Yes, Up to Three Phases

FLOOD ZONE

Map 8120 zone X, areas  
determined to be outside the  
0.2% annual chance floodplain

ALQUIST PRIOLO ZONE

No

OFF-SITE IMPROVEMENTS REQ.

Curb, gutter, sidewalks and median islands on 29 Palms Hwy. Curb, gutter and sidewalk along Palisade Dr. and Prescott Ave.

ASSESSMENT DISTRICTS REQ.

Yes

RIGHT-OF-WAY DEDICATION REQ.

Yes, SR 62, and Verification of appropriate dedications

UTILITY UNDERGROUNDING:

All new service lines shall be underground in conformance to Ordinance No. 169, or as amended by the Town Council

AIRPORT INFLUENCE AREA:

Located inside the Airport Influence area.

TRAILS & BIKE LANE MASTER PLAN

No facilities on or adjacent to the project.

PUBLIC FACILITY MASTER PLAN

No facilities on or adjacent to the project.

PARKS AND RECREATION MASTER PLAN

No public facilities are identified for this site.

MASTER PLAN OF DRAINAGE:

No facilities on or adjacent to the project,

EROSION AND SEDIMENT CONTROL PLAN REQUIRED

Yes

STREET LIGHTS:

One on the southeast corner of Prescott Ave and 29 Palms Hwy. One at the driveway on 29 Palms Hwy.

SPECIFIC PLAN/ PLANNED DEVELOPMENT AREA:

No

FUTURE PLANNING COMMISSION ACTION REQUIRED

None

FUTURE TOWN COUNCIL  
ACTION REQUIRED

None for the Conditional Use Permit, Final Map approval is required by the Town Council

Yes, for the Assessment District formation

## II. PROJECT ANALYSIS

**ADJACENT LAND USES:** The site is bounded by roads on the north, south, and west sides. Across SR 62 to the north is an existing mini storage facility. To the west and east are medical facilities. To the south are single family residences and vacant residential lots. Surrounding General Plan and Zoning designations are all General Commercial, except to the south of the project site, which is designated as multi-family residential, RM-8, 8 units per acre. Commercial development was anticipated and planned for on this project site with adoption of the General Plan, and the development meets and satisfies the goals, policies and implementation strategies of the General Plan. General retail and service oriented commercial uses are anticipated in these areas, and the proposed uses identified in CUP-1-13 are consistent with the desired development pattern within the Town.

**SITE CHARACTERISTICS, GRADING, SETBACKS:** In its undeveloped condition, the site slopes from the south to north, ranging in elevations of approximately 3,233.7' at the south east corner to 3,224.1' in the north center portion of the property. This undeveloped condition has a fall of approximately 9.6' over approximately 330.6' (2.8%).

In developed condition, following rough and precise grading, the site elevations range from 3,233.7' at the south east corner; 3,229.1' at the south west corner; 3,220.4' at the north west corner, and 3,221.11' at the north east corner. There will be an approximate 1' to 3' grade differential between the Prescott Center site and the medical center to the east.

Proposed pad elevations for the buildings are as follows.

Fast Food Restaurant: 3,228.7'  
Western portion of retail building: 3,229.25'  
Central portion of retail building: 3,229.75'  
Eastern portion of retail building: 3,230.25'

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

<b>Setback Area:</b>	<b>Required</b>	<b>Proposed</b>
<b>Fast Food:</b>		
SR 62, Front, Restaur. Bldg:	15'	63'
SR 62, Front, Covered Patio:	15'	37'
Prescott, West Side:	15'	27'
Interior, East Side:	10'	220'
Rear:	10'	229'
<b>Retail/Service:</b>		
SR 62, Front:	15'	186'
Prescott, West Side:	15'	49'
Interior, East Side:	10'	37'
Rear:	10'	69'

The Development Code provides for maximum 60% of the lot to be covered with building area. As proposed, the site is developed at approximately 19% lot coverage.

**PHASING:** The project may be constructed in three phases. Within Phase I, all required off-site infrastructure on SR 62, Prescott and Palisades would be constructed. The Phase I on-site boundary includes the fast food restaurant pad. Phase II includes the eastern portion of the retail/service building, and Phase III includes the western portion of the same building. As with any project, each phase must “stand on its own” in regards to access, circulation, fire protection, parking, ADA requirements and other similar standards. There is no limitation to the phasing plan, and the project may be constructed in its entirety in a single phase.

**PARCEL MAP:** Tentative Parcel Map No. 19436 proposes subdividing the 2.54 gross acres into three separate parcels as follows.

Parcel 1:	26,336 square feet	Fast Food Restaurant
Parcel 2:	55,534 square feet	Central and Eastern portion of Retail/Service
Parcel 3:	23,661 square feet	Western portion of Retail/Service

Each parcel contains the necessary on-site improvements as well as overall parking design and layout. The project is conditions to record reciprocal access and parking agreements as necessary to ensure long term shared parking when the parcels have been sold to separate owners.

## **BUILDING ELEVATIONS:**

**Fast Food Restaurant:** The proposed structure is wood framed with stucco, with the application of pre-case stone and CMU veneers, as well as prefinished metal paneling around portions of the roof line (parapet). The building has minor articulation achieved through pop-outs on both the front and rear elevations. The fast food building compliments the main building with the "towers" moved to the middle of each elevation. Prefinished metal parapet, cultured stone base, and split-faced "piers" provide various colors, wall surfaces and textures. Maximum building height at the tallest point is 23.6', with a majority of the roof line at 19'.

**Retail/Service Building:** The proposed structure is wood framed with stucco. Tall stucco "towers", capped with prefinished metal roofing, anchor the staggered (stair-stepped) wall planes of the main retail building. Split-faced CMU piers support a covered colonnade that faces the highway. Minor towers elements provide additional parapet roof line and building material variations. Maximum building height at the tallest point is 27.5', with a majority of the roof line at 20'.

**ROADWAY IMPROVEMENTS:** The proposed project is bounded by Twentynine Palms Highway on the north, Prescott Ave on the west and Palisade Dr. on the south. SR 62 will be widened to its ultimate half-width of 67' total right of way, providing for the future required three travel lanes, as well as curb, gutter and sidewalks. Interim striping improvements may include deceleration and acceleration lanes, based upon Caltrans District 8 approvals. A raised median island will be constructed on SR 62 to prevent left hand turn movements in/out of the Center. Street, curb, gutter and sidewalk (half-width improvements) will be constructed on Prescott and Palisades.

**ASSESSMENT DISTRICTS:** The approval of 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, including Prescott and Palisade sidewalks, curb and gutter, streets, drainage, street lighting, and other public improvements. In addition the project has been conditioned to agree to terms and record a non-opposition agreement for the future formation of a future public safety assessment district.

**CIRCULATION & PARKING:** On site circulation as proposed includes three points of ingress/egress, sufficient controls over left hand turn movements into/out of the facility, and on-site circulation meeting Town and Fire Department standards. Internal circulation provides access to required parking and the drive-thru restaurant stacking area. On-site circulation provides access around the south side (rear) of the retail/service building, creating the ability for drivers to exist to Palisades, thereby eliminating the requirement to use Prescott or SR 62 for ingress/egress.

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

The project satisfies the definition of a "shopping center" and as such, parking is established at 1 space per 250 square feet for the entire project, resulting in a minimum standard of 76 parking spaces being required. A total of 84 parking spaces are provided, including 4 ADA designated parking spaces.

When viewed as stand-alone commercial sites, the retail/service building requires a total of 64 parking spaces. The fast food restaurant, including the outdoor dining area, requires an estimated 36 parking spaces (based upon 40% of gross floor area allocated to dining area), for a total of 100 parking spaces.

Finally, when viewed as "mixed-use", which as currently defined does not require residential to be included in the mix, parking may be reduced by up to a maximum of 20%. This would equate to a minimum of 80 parking spaces being required, based upon evaluating the uses as stand-alone.

Staff finds the project adequately parked and consistent with the Development Code based upon both the "shopping center" and "mixed-use" calculation approaches.

**FLOOD CONTROL/DRAINAGE:** There are no regional or local flood control facilities affected by the project or proposed with the development. On site retention, pursuant to Town standards of retaining increment plus 10%, is achieved through engineered sub-surface retention basins. Additionally, two proposed catch basins with dry wells would capture run off at the northwest corner of the project site and convey small storm flows to the existing culvert under the highway. Larger storms, similar to existing conditions, will be allowed to pond on the highway before being transported north in the existing culvert.

**UTILITIES:** Water mains exist in both Prescott as well as Palisades. Hi Desert Water District will determine the necessary connection based upon required fire flows. Water connections are proposed from the 12" main in Prescott. A 2" gas main runs parallel to property lines on the south and westerly boundaries. Connections to the natural gas system are proposed both from Prescott and Palisades facilities. Electrical service is available along the southerly portion of the property, where some electrical connections will be obtained. Electrical service is also available on the west side of Prescott, where service to the fast food restaurant will be obtained.

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

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

**LANDSCAPING:** In its undeveloped state, a number of regulated native plants exist on the site. An inventory was completed by Unique Landscape Nursery and is included in the backup information to this Staff Report. A total of 40 Joshua Trees were identified in the survey, and a maximum of eight have been identified as not able to survive transplanting and relocation procedures. A total of twenty-six (26) Joshua Trees are reincorporated into the project site. This will leave approximately 6 Joshua Trees available for adoption. A total of 55, 24" box trees are incorporated into the landscaping plan, in addition to small trees, shrubs and ancillary landscape improvements. Overall, the project landscaping plan exceeds the quality of common commercial landscaping designs and concepts presented.

A final plan is required to be reviewed and approved by both the Town and Hi-Desert Water District. Approximately 20,000 square feet is landscaped, including ground cover, or approximately 18.9% of the project site.

**WALLS/FENCES:** Masonry retaining and/or garden walls are proposed in several areas. These include the along the east property line; on the south side of the property facing Palisades drive; and at the north west corner facing both Prescott and SR 62, then continuing easterly on SR 62 over a majority of the project frontage. Wall heights on the eastern property line range from 1 to 3 feet. Wall heights on the south side of the project are approximately 30" in height. Wall heights at the Prescott and SR 62 frontages include both retaining and garden walls, with retaining walls of approximately 4' in height and screening/garden walls of approximately 30" on top of the retaining wall.

**ENVIRONMENTAL CONSIDERATIONS:** The project was reviewed under the California Environmental Quality Act (CEQA). The project is exempt from CEQA under Section 15332 Class 32, Infill Development. A number of special studies were submitted with the application to support the exemption and the findings. These include the following.

- Photometric
- Air Quality
- Biology
- Hydrology
- Traffic

**GENERAL PLAN CONSIDERATION:** The project is designated General Commercial (C-G). This designation is intended to support and encourage the development of retail, service and professional service economic sector activities within the community, including smaller commercial centers, specialty retail shops and personal service businesses. This designation anticipates and encourages a wide range of retail sales, business uses and personal services oriented to the automobile customer. The proposed project is consistent with the designations in which it occurs.

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

## GENERAL LAND USE

### GOAL 1

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

## COMMERCIAL

### GOAL

A full range of commercial land uses conveniently and appropriately distributed throughout the Town, meeting the community's needs and taking full advantage of emerging development and economic opportunities.

### POLICY 1

Sufficient lands shall be designated to provide a full range of commercial services to the community and surrounding areas to meet present and future needs.

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

## **CONDITIONAL USE PERMIT FINDINGS:**

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



*The site is bounded by roads on the north, south, and west sides. Across SR 62 to the north is an existing mini storage facility. To the west and east are medical facilities. To the south are single family residences and vacant residential lots. Surrounding General Plan and Zoning designations are all General Commercial, except to the south of the project site, which is designated as multi-family residential, RM-8, 8 units per acre. Commercial based development was anticipated and planned for on this project site with adoption of the General Plan, and the development meets and satisfies the goals, policies and implementation strategies of the General Plan. General retail and service oriented commercial uses are anticipated in these areas, and the proposed uses identified in CUP-1-13 are consistent with the desired development pattern within the Town. The project is developed below the maximum lot coverage of 60%, and all set-backs for the General Commercial District are met and exceeded, as outlined in this Staff Report. The site is surrounding by public roads on three sides as well as existing commercial development on three sides, with residential on the south side of Palisades Drive.*

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

***Fast Food Restaurant:*** *The proposed structure is wood framed with stucco, with the application of pre-case stone and CMU veneers, as well as prefinished metal paneling around portions of the roof line (parapet). The building has minor articulation achieved through pop-outs on both the front and rear elevations. The fast food building compliments the main building with the "towers" moved to the middle of each elevation. Prefinished metal parapet, cultured stone base, and split-faced "piers" provide various colors, wall surfaces and textures. Maximum building height at the tallest point is 23.6', with a majority of the roof line at 19'.*

***Retail/Service Building:*** *The proposed structure is wood framed with stucco. Tall stucco "towers", capped with prefinished metal roofing, anchor the staggered (stair-stepped) wall planes of the main retail building. Split-faced CMU piers support a covered colonnade that faces the highway. Minor towers elements on the south and end elevations provide additional parapet roof line and building material variations. Both structures are consistent with the Town's Commercial Design Guidelines. Maximum building height at the tallest point is 27.5', with a majority of the roof line at 20'.*

*In its undeveloped condition, the site slopes from the south to north, ranging in elevations of approximately 3,233.7' at the south east corner to 3,224.1' in the north center portion of the property. This undeveloped condition has a fall of approximately 9.6' over approximately 330.6' (2.8%).*

*In developed condition, following rough and precise grading, the site elevations range from 3,233.7' at the south east corner; 3,229.1' at the south west corner; 3,220.4' at the north west corner, and 3,221.11' at the north east corner. There will be an approximate 1' to 3' grade differential between the Prescott Center site and the medical center to the east.*

*Proposed pad elevations for the buildings are as follows.*

*Fast Food Restaurant: 3,228.7'  
Western portion of retail building: 3,229.25'  
Central portion of retail building: 3,229.75'  
Eastern portion of retail building: 3,230.25'*

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

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

***Fast Food Restaurant:*** *The proposed structure is wood framed with stucco, with the application of pre-case stone and CMU veneers, as well as prefinished metal paneling around portions of the roof line (parapet). The building has minor articulation achieved through pop-outs on both the front and rear elevations. The fast food building compliments the main building with the "towers" moved to the middle of each elevation. Prefinished metal parapet, cultured stone base, and split-faced "piers" provide various colors, wall surfaces and textures. Maximum building height at the tallest point is 23.6', with a majority of the roof line at 19'.*

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*The project is developed below the maximum lot coverage of 60%, and all setbacks for the General Commercial District are met and exceeded, as outlined in this Staff Report. The site is surrounding by public roads on three sides as well*

*as existing commercial development on three sides, with residential on the south side of Palisades Drive.*

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

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

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

*As outlined in the staff report and in these findings, the construction materials, colors, textures, height and bulk are consistent with the Development Code standards and requirements and are consistent with surrounding development patterns.*

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

*The retail/service structure has a maximum building height at the tallest point of 27.5', with a majority of the roof line at 20'. The fast food restaurant building has a maximum building height at the tallest point is 23.6', with a majority of the roof line at 19'. These building heights are consistent with the commercial development pattern along SR 62 and as such, do not unnecessarily block views from public ways and are similar in mass and scale to the local built environment.*

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

*In its undeveloped state, a number of regulated native plants exist on the site. An inventory was completed by Unique Landscape Nursery and is included in the backup information to this Staff Report. A total of 40 Joshua Trees were identified in the survey, and a maximum of eight have been identified as not able to survive transplanting and relocation procedures. A total of twenty-six (26) Joshua Trees are reincorporated into the project site. This will leave approximately 6 Joshua Trees available for adoption. A total of 55, 24" box trees are incorporated into the landscaping plan, in addition to small trees, shrubs and ancillary landscape improvements. Overall, the project landscaping plan*

*exceeds the quality of common commercial landscaping designs and concepts presented.*

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

***Fast Food Restaurant:*** *The proposed structure is wood framed with stucco, with the application of pre-case stone and CMU veneers, as well as prefinished metal paneling around portions of the roof line (parapet). The building has minor articulation achieved through pop-outs on both the front and rear elevations. The fast food building compliments the main building with the "towers" moved to the middle of each elevation. Prefinished metal parapet, cultured stone base, and split-faced "piers" provide various colors, wall surfaces and textures. Maximum building height at the tallest point is 23.6', with a majority of the roof line at 19'.*

***Retail/Service Building:*** *The proposed structure is wood framed with stucco. Tall stucco "towers", capped with prefinished metal roofing, anchor the staggered (stair-stepped) wall planes of the main retail building. Split-faced CMU piers support a covered colonnade that faces the highway. Minor towers elements on the south and end elevations provide additional parapet roof line and building material variations. The retail/service structure has a maximum building height at the tallest point of 27.5', with a majority of the roof line at 20'.*

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

*Water mains exist in both Prescott as well as Palisades. Hi Desert Water District will determine the necessary connection based upon required fire flows. Water connections are proposed from the 12" main in Prescott. A 2" gas main runs parallel to property lines on the south and westerly boundaries. Connections to the natural gas system are proposed both from Prescott and Palisades facilities. Electrical service is available along the southerly portion of the property, where some electrical connections will be obtained. Electrical service is also available on the west side of Prescott, where service to the fast food restaurant will be obtained.*

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

*Electrical services are provided by Southern California Edison. Natural gas services are provided to by The Gas Company. The Hi-Desert Water District*

*(HDWD, District) serves the Town of Yucca Valley. Solid waste services are provided by Burrtec Inc. The Town of Yucca Valley requires mandatory solid waste services and the project will be served by Burrtec. Verizon facilities are not indicated on the schematic utility plan, but are available to the site.*

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

*On site circulation as proposed includes three points of ingress/egress, sufficient controls over left hand turn movements into/out of the facility, and on-site circulation meeting Town and Fire Department standards. Internal circulation provides access to required parking and the drive-thru restaurant stacking area. On-site circulation provides access around the south side (rear) of the retail/service building, creating the ability for drivers to exist to Palisades, thereby eliminating the requirement to use Prescott or SR 62 for ingress/egress.*

*Each parcel contains the necessary on-site improvements as well as overall parking design and layout. The project is conditions to record reciprocal access and parking agreements as necessary to ensure long term shared parking when the parcels have been sold to separate owners.*

*The project satisfies the definition of a "shopping center" and as such, parking is established at 1 space per 250 square feet for the entire project, resulting in a minimum standard of 76 parking spaces being required. A total of 84 parking spaces are provided, including 4 ADA designated parking spaces.*

*When viewed as stand-alone commercial sites, the retail/service building requires a total of 64 parking spaces. The fast food restaurant, including the outdoor dining area, requires an estimated 36 parking spaces (based upon 40% of gross floor area allocated to dining area), for a total of 100 parking spaces.*

*Finally, when viewed as "mixed-use", which as currently defined does not require residential to be included in the mix, parking may be reduced by up to a maximum of 20%. This would equate to a minimum of 80 parking spaces being required, based upon evaluating the uses as stand-alone.*

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

*The project was reviewed under the California Environmental Quality Act (CEQA). The project is exempt from CEQA under Section 15332 Class 32, Infill Development. A number of special studies were submitted with the application to support the exemption and the findings. These include the following.*

- *Photometric*

- *Air Quality*
- *Biology*
- *Hydrology*
- *Traffic*

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

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

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

*The project was reviewed under the California Environmental Quality Act (CEQA). The project is exempt from CEQA under Section 15332 Class 32, Infill Development. A number of special studies were submitted with the application to support the exemption and the findings. These include the following.*

- *Photometric*
- *Air Quality*
- *Biology*
- *Hydrology*
- *Traffic*

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

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

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

*The project was reviewed under the California Environmental Quality Act (CEQA). The project is exempt from CEQA under Section 15332 Class 32, Infill Development. A number of special studies were submitted with the application to support the exemption and the findings. These include the following.*

- *Photometric*
- *Air Quality*
- *Biology*
- *Hydrology*
- *Traffic*

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

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

*The project was reviewed under the California Environmental Quality Act (CEQA). The project is exempt from CEQA under Section 15332 Class 32, Infill Development. A number of special studies were submitted with the application to support the exemption and the findings. These include the following.*

- *Photometric*
- *Air Quality*
- *Biology*
- *Hydrology*
- *Traffic*

*No negative impacts created by the project have been identified.*

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

*The project was reviewed under the California Environmental Quality Act (CEQA). The project is exempt from CEQA under Section 15332 Class 32, Infill Development. A number of special studies were submitted with the application to support the exemption and the findings. These include the following.*

- *Photometric*
- *Air Quality*
- *Biology*
- *Hydrology*
- *Traffic*

*No negative impacts created by the project have been identified.*

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

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

**Attachments:**

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



**TOWN OF YUCCA VALLEY  
CONDITIONS OF APPROVAL  
TENTATIVE PARCEL MAP 19436  
CONDITIONAL USE PERMIT, CUP-1-13  
PRESCOTT CENTER**

This approval is for Tentative Parcel Map Number 19436, a request to subdivide an approximate 2.54 acre parcel into 3 commercial lots, and to construct two, single story buildings, including a 3,000 square foot fast food restaurant with drive thru and 16,082 square feet of leasable space, conceptually ranging from 1,100 to 2,800 square feet of individual lease spaces.

The project is located on the southeast corner of Prescott Avenue and SR 62, and identified as APN: 601-611-015.

**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 Tentative Tract Map and Conditional Use Permit shall become null and void if the tentative tract map has not recorded 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.

<b>CUP-1-13 Approval Date:</b>	<b>July 9, 2013</b>
<b>Expiration Date:</b>	<b>July 9, 2016</b>
<b>Tentative Parcel Map 19436 Approval Date:</b>	<b>July 9, 2013</b>
<b>Expiration Date:</b>	<b>July 9, 2015</b>

- G3. The applicant shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project. These include, but are not limited to, County of San Bernardino Environmental Health Services, County of San Bernardino Transportation/Flood Control, County of San Bernardino Fire Department, Yucca Valley Building and Safety, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, Colorado River Region, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town and utility company requirements.
- G4. All conditions are continuing conditions. Failure of the applicant to comply with any or all of said conditions at any time may result in the revocation of any construction permits for the project.
- G5. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utilities. The approved permits shall be readily available on the job site for inspection by Town personnel.
- G6. The applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or inspection. The fee amounts shall be those which are applicable and in effect at the time work is undertaken and accomplished. Fees for entitlement prior to construction permits are based on estimated costs for similar projects. Additional fees may be incurred, depending upon the specific project. If additional fees for services are incurred, they must be paid prior to any further processing, consideration, or approval(s).
- G7. All improvements shall be inspected by the Town as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
- G8. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
- G9. During construction, 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 of streets or other public improvements that have been accepted into the Town's maintained system
- G11. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or

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

- G12. Each phase of a phased project shall function independently of all other phases. All improvements shall be completed for each phase to ensure that each phase functions separate from the remainder of the project, and shall include, but not be limited to, street improvements, wastewater collection, treatment and disposal, drainage and retention/detention facilities, water delivery systems, fire suppressions systems, post construction erosion and sediment control systems, all utilities necessary to serve the project, and those improvements deemed necessary by the Town. All phasing plans shall be illustrated on rough and precise grading plans, erosion and sediment control plans, all plans required for obtaining native plant plan approval, and on any other plan as deemed necessary by the Town.
- G13 At least one sign per fronting street shall be posted on the site and must contain the following information: the grading permit number, the project name, map number (if appropriate), the authorized dust controller phone number(s), the Town phone number and the Mojave Desert Air Quality Management District (MDAQMD) phone number. The signs must be obtained and installed by the developer using the sample format to be provided. The signs must be present at the pre-construction meeting or the grading permit will not be issued. The Applicant must keep the contact name and phone number active and current at all times. Failure of the contact system may be considered grounds for revocation of the permit. All signs shall be a minimum of 4' x 8' in size.
- G14. The applicant shall pay Development Impact Fees in place at the time of issuance of Building Permits.
- G15. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents
- G16. 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.
- G17. Prior to the issuance of a Certificate of Occupancy for any habitable structure in each phase of the project, all improvements shall be constructed, final inspection performed, punch-list items completed, and all installations approved by the appropriate agency.

- G18. 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.
- G19. 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.
- G20. The site shall be developed in accordance with the approved plans on file with the Town of Yucca Valley, in accordance with the Conditions of Approval approved for the project, and in accordance with the General Plan and Development Code. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Town.
- G21. Prior to issuances of building permits, all site plans, grading plans, landscape and irrigation plans, drainage/flood control plans, public improvement plans, composite development plans, erosion and sediment control plans, and assessment district plans and formations shall be coordinated for consistency with this approval.
- G22. 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.
- G23. The applicant or the applicant's successor-in-interest shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust.
- G24. If archaeological, paleontological or historical resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person with appropriate expertise shall be consulted by the applicant regarding mitigation measures to preserve or record the find. Recommendations by the consultant shall be implemented as deemed necessary and feasible by the Town before work commences in the affected area. If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains might be those of a Native American, the California Native American

Heritage Commission shall be notified and appropriate measures provided by State law shall be implemented.

- G25. All street dedications shall be irrevocably offered to the public and shall continue in force until the Town accepts or abandons such offers. All dedications shall be free of all encumbrances as approved by the Town Engineer.
- G26. The street design and circulation pattern of this project shall be coordinated with adjoining developments.
- G27. The final Conditions of Approval issued by the approving authority shall be photographically or electronically placed on bond (blue/black line) paper and included in the Grading and Street Improvement plan sets on 24" x 36" bond (blue/ black line) paper and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field and during construction. Plan check fees shall not be charged for sheets containing the Conditions of Approval.
- G28. Prior to recordation of the final map, the applicant shall submit all improvement plans and final maps on compact disks in digital format acceptable to the Town Engineer.
- G29. Tract maps may be developed in phases with the approval of the Town Engineer. A construction-phasing plan for the construction of on-site public and private improvements shall be reviewed and approved by the Town Engineer prior to the recordation of the final map. Financial security shall be provided for all the improvements within the entire tract prior to final tract map recordation. The boundaries of any multiple tract map increment shall be subject to the approval of the Town Engineer. The Town Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular tract map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of future occupants of the development.
- G30. 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.

- G31. 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.
- G32. For any import or export of material, the applicant shall provide the route of travel, estimated cubic yards of import/export, number of trucks, daily schedule, and length of time necessary to complete the import/export of materials to/from the site. No hauling of material shall occur prior to approval by the Town Engineer.
- G33. Prior to issuance of a certificate of occupancy, the applicant shall submit all improvement plans, including asbuilts, on compact disks in digital format acceptable to the Town Engineer.

## **PLANNING CONDITIONS**

- P1. The development of the property shall be in conformance with FEMA requirements and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to modifying existing facilities or by securing a drainage easement.
- P2. Utility undergrounding shall be in accordance with Ordinance 169, or as amended.
- P3. All exterior lighting shall comply with the Ordinance 90, Outdoor Lighting and shall be illustrated on all construction plans.
- P4. Prior to recordation of the final map, the applicant shall pay park in-lieu fees based upon the fair market value of the amount of land which would otherwise be required for dedication, as provided in Section 811.0302(F) of Ordinance 175. This shall be a note on the final map prior to recordation.
- P5. A final plan identifying all protected plants as well as a Native Plant Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of any construction permits, including grading and utility installations, for the project. The applicant shall make every effort to relocate the regulated native plants back onsite. The adoption of native plants shall be consistent with the Native Plant Ordinance in effect at the time of grading permits.

- P6. Prior to the issuance of any permits the Applicant shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. All trees shall be a minimum of 24" boxes. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by Hi-Desert Water District. The Landscape and Irrigation review requires a separate application and a current Town fee
- P7. A reciprocal parking and access agreement shall be recorded against all parcels on the project site, ensuring shared parking and access and that development on each parcel shall comply with the General Plan and Development Code following final subdivision of the land, subject to Town Attorney and Town Engineer review and Director approval.

## **ENGINEERING CONDITIONS**

- E1. **Dedicate sufficient fee-title right of way for a 67 foot half-street wide highway on SR 62. Construct curb and gutter and sidewalk 52 feet from centerline. All improvements on SR 62 shall be processed through Caltrans for approvals. Documentation of Caltrans submittals is required at the time of application for grading, street and/or building plan-plan check. Building construction permits shall not be issued until Caltrans encroachment permits have been obtained.**
- E2. **Dedicate fee-title right of way for a 20 foot radius corner cutoff at the southeasterly corner of Prescott Avenue and SR 62.**
- E3. **Construct curb, gutter, and sidewalk 20 feet from centerline on Prescott Avenue per Town of Yucca Valley Standard Drawing 101, 200 and 220, between SR 62 and Palisades Drive**
- E4. **Construct curb and gutter and sidewalk 20 feet from centerline on Palisade Avenue per Town of Yucca Valley Standard Drawing 101, 200, 220, between Prescott Avenue to the east property line.**
- E5. **Driveways on Prescott Avenue and Palisade Avenue shall be commercial driveways per Town of Yucca Valley Standard Drawing 213. Radius type driveways shall have 15 foot minimum radius.**

- E6. **Construct a median island on SR 62, 12 feet wide, per the approved site plan. All improvements on SR 62 shall be processed through Caltrans for approvals. Documentation of Caltrans submittals is required at the time of application for grading, street and/or building plan check. If Caltrans requirements for the construction of the raised median island exceed typical improvements levels for the required off-site improvements, subject to the Director's review, the applicant shall post performance sureties or bonds in an amount acceptable to the Town Engineer, and as approved by the Director, to ensure construction of the raised median island at a future date. An alternative means of physically restricting left hand ingress and/or egress to and from SR 62 shall be required.**
- E7. **Install catch basins at the corner of Prescott Avenue and SR 62. One catch basin shall be on the Prescott side of the corner and one catch basin shall be on the SR 62 side. The catch basins shall be designed to include one dry well each. If the dry well(s) are to be located outside the street right of way an easement shall be provided on the final Parcel Map for the dry well location(s). The catch basins/drywell combination shall drain the existing storm drain on the west side of Prescott Avenue.**
- E8. **An easement shall be obtained from the property owner to the east for any improvements that may be required for construction on SR 62. The site plan indicates that grading and possibly a retaining wall may be required on the easterly parcel.**
- E9. **Install one street light at the southeast corner of Prescott Avenue and SR 62 and one street light at the driveway on SR 62 per Town of Yucca Valley Standard Drawing 300. Submittal, plan check and permitting through Southern California Edison are required. Documentation of Southern California Edison submittals is required at the time of application for grading, street and/or building plan check.**
- E10. **Street plans for SR 62 shall include provisions for a striped deceleration lane on SR 62 for entry to the driveway located on SR 62, subject to Caltrans review and approval.**
- E11. **The final parcel map shall show restricted access onto SR 62 except for the proposed driveway.**
- E12. **The Preliminary Grading Plan shows grades/elevations for the Palisades Avenue driveway that are not consistent with the Town's driveway standards. The driveway shall be designed to the Town standards or the design engineer shall provide sufficient information to the Town Engineer to ensure no storm flows from Palisades Avenue will enter the site.**
- E13. **All manufactured slopes over the height of 3 feet shall be irrigated and landscaped immediately following grading. Prior to issuance of a grading permit for any portion of the site, the Applicant shall submit, for review and approval, an irrigation and landscaping plan or other appropriate treatment for all slope areas.**



- E14. A licensed civil engineer or land surveyor shall survey and certify that the rough and/or precise 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.
- E15. Prior to the issuance of a Grading Permit for the onsite areas, Rough Grading and/or Precise Grading plans, prepared by a 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.
- E16. Prior to issuance of any **Building Permits** units a **Precise Grading Plan** shall be prepared by a professional Civil Engineer and the corresponding fees shall be paid to the Town prior to construction. The applicant is responsible for all fees incurred by the Town.
- E17. A licensed civil engineer or land surveyor shall survey and provide pad certification for each individual lot prior to issuance of building permits.
- E18. Prior to the issuance of Permits, the Applicant shall comply with the recommendations of a site-specific Geotechnical and Soils Report which shall be reviewed and subject to Town approval. The report shall include recommendations for any onsite and offsite grading, foundations, compaction, structures, drainage, and existence of fault zones. It shall include recommendations for retention basins, slope stability and erosion control. The Geotechnical and Soils engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, when necessary and opinions and recommendation covering the adequacy of sites for development. The report shall identify if the site contains any areas susceptible to landslide risk, liquefaction potential and/or subsidence potential on the project site. The report shall identify and include the location of major geologic features, topography and drainage, distribution and general nature of rock and soils, a reasonable evaluation and prediction of the performance of any proposed cut or fill in relation to geological conditions, and the capability of soils and substrata to support structures.
- E19. All recommended approved measures identified in the Geotechnical and Soils Engineering report shall be incorporated into the project design.
- E20. Retention basins or storm water construction BMPs shall be constructed and functional prior to the issuance of Building Permits for any structure within the project. The applicant shall provide on-site retention for the incrementally larger flows caused by development of the site, pursuant to a final drainage report, subject to approval by the Town Engineer.
- E21. 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%, is retained on-site.

- E22. Basin(s), whether above ground or underground shall be designed to fully dissipate storm waters within a 48 hour period.
- E23. 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.
- E24. 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.
- E25. No on-site or off-site work shall commence without obtaining the appropriate permits for the work involved from the Town. The approved permits shall be readily available on the job-site for inspection by the Town personnel.
- E26. All grading activities shall minimize dust through compliance with MDAQMD Rules 402 and 403.
- E27. 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.
- E28. 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.
- E29. Areas for construction stockpiling, equipment storage and maintenance shall be submitted to the Town Engineer for review and approval with each phase of the project.
- E30. The Applicant shall restore any pavement cuts required for installation or extension of utilities for the project within the public right-of-way. In all cases where cuts are allowed, the Applicant is required to patch the cuts to Town standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a width 4 feet beyond the edge of the trench on each

side, or as determined by the Town Engineer, and replacement with a full-depth asphalt concrete recommended by the Soils Engineer.

- E31. 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
- E32. Street improvements for each phase shall be completed, approved, and certified by a civil engineer as constructed in substantial conformance with the approved plans, and accepted by the Town of Yucca Valley prior to issuance of a certificate of occupancy for any structures for each phase of the project.
- E33. 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.
- E34. 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.
- E35. The Applicant shall be responsible for all improvements constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced. The applicant shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.
- E36. 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
- E37. **The project shall make provisions for connection to the future Phase 1 sewer system improvements.**
- E38. All improvement plans shall be designed by a Registered Civil Engineer.
- E39. With submittal of grading plans, street improvement plans, storm drain and retention/detention basin plans, and erosion and sediment control plans, the

Applicant shall cause to be formed or shall 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) and deposit necessary fees concurrent with the application for street and grading plan review and approval; and said maintenance and benefit assessment district(s) shall be established concurrent with the approval of the final map in the case of the subdivision of land, or prior to issuance of any certificate of occupancy where there is no subdivision of land. The applicant is responsible for formation costs.

- E40. 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 hydro seed on the affected portion of the site, or methods identified within the SWPPP, subject to Town Engineer approval.
- E41. Prior to the issuance of any grading permit to disturb, expose or stockpile an aggregate of more than one acre of land, an erosion and sediment control plan for the project shall be submitted to and approved by the Town Engineer and securities meeting the requirements contained herein
- E42. The Applicant shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the Applicant fails or refuses to properly maintain the erosion control devices, the Town Engineer may cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be deducted from the erosion control security posted for the project and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.
- E43. 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.
- E44. The Applicant shall submit a post construction erosion and sediment control plan which identifies and illustrates all necessary improvements to prevent the movement and or loss of any soil and sediment materials from the project site, including all individual lots for construction of habitable structures, all slope banks, and all areas of the site capable of resulting in the deposit of soils and sediments with the street or storm drain system. The post construction erosion and sediment improvements shall be certified by a civil engineer that they were

constructed in substantial conformance with the approved plans and specifications.

- E45. Prior to final map approval, the applicant shall enter into a subdivision improvement agreement with the Town of Yucca Valley. In addition to the subdivision improvement agreement, the applicant shall submit bonds including but not limited to, 100% faithful performance bond, 50% labor and materials bond, 25% guaranty/ warranty bond, monument bond and grading bond.
- E46. The engineer-of-record shall prepare bond estimates for public improvements required for the project. The estimates shall be prepared on estimating forms provided by the Town. The bond estimate shall be reviewed and approved by the Town Engineer.
- E47. Drainage easements, when required, shall be shown on the final map and noted as follows: "Drainage Easement – no buildings, obstructions or encroachments by land fills are allowed".
- E48. Prior to the approval of the improvements plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb to curb improvements, and the 100-year storm flow shall be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed.
- E49. It is understood that the tentative map correctly shows all existing easements, traveled ways and drainage courses, and that their omission may require the tentative map to be resubmitted for further consideration.
- E50. If improvements associated with this project are not initiated within the approval time period of the subdivision improvement agreement, the Town Engineer may require that plans be modified to reflect current codes and standards in effect at the time of request for an extension of time for the improvement agreement or issuance of a permit.
- E51. Private drainage easements for cross-lot drainage shall be dedicated and delineated on the final map.
- E52. 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.
- E53. All street closures must be approved by Town Council action.

- E54. The following information regarding the presence of the Marine Corps Air Ground Combat Center (MGAGCC) shall be recorded on the title of each property contained within the boundaries of the tract map.

“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”.

- E55. The Applicant shall cause to be formed or shall record a non-opposition agreement to participation in a future public safety assessment district formed by the Town. The total annual assessment upon each single family residential property shall not exceed \$.00).
- E56. 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.
- E57. In lieu of an engineered drainage report the retention basin and/or underground storage system shall be sized to retain 550 cubic feet of storm water for each 1,000 square feet, and increments thereof, of impervious area proposed (structures, driveways, parking areas, etc.).
- E58. Any grading or drainage onto private off-site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected property owner.
- E59. In conjunction with precise grading certification, all retention/detention basins shall be certified by a civil engineer that they have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity and will operate in accordance with the approved drainage reports for the project.
- E60. In conjunction with precise grading certification, all drainage systems, both public and private, shall be certified by a civil engineer that they have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity and will operate in accordance with the approved drainage reports for the project.
- E61. No on-site or off-site work shall commence without obtaining the appropriate permits for the work involved from the Town. The approved permits shall be

readily available on the job-site for inspection by the Town personnel.

- E62. All grading activities shall minimize dust through compliance with MDAQMD Rules 402 and 403.
- E63. Prior to issuance of a grading permit, a Fugitive Dust and Erosion and Sediment Control Plan shall be submitted and approved by the Town Engineer. The Fugitive Dust and Erosion and Sediment Control Plan shall illustrate all proposed phasing for construction of the project.
- E64. The Applicant shall accept and properly dispose of all off-site drainage flowing onto or through the site.
- E65. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original mylars submitted for the Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.

#### **BUILDING AND SAFETY CONDITIONS**

- B1. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
  - a. The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
  - b. Fire hydrants are accepted by the County Fire Department and the Hi Desert Water District. The fire hydrants associated with each phase shall be functioning prior to issuance of building permits.
- B2. The applicant shall submit three sets of plans to the Building and Safety Dept. for plan check and approval.
- B3. At the time of building plan check submittal, the applicant shall provide approval from the San Bernardino County Fire Dept.
- B4. Prior to final inspection, all required improvements shall be constructed and finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.

#### **FIRE CONDITIONS**

- F1. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new

construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

- F2. All Group "R", Division "3" Occupancies, single family dwellings, garages duplexes and manufactured homes, which do not have specific fire protection requirements shall require a building inspector to sign off the final inspection. A fire inspector will not be required for the final inspection.
- F3. The Applicant shall be responsible for all fees required by San Bernardino County Fire Department.
- F4. A water system approved by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Detached single family residential developments may increase the spacing between hydrants to be no more than six hundred (600) feet and no more than three hundred (300) feet (as measured along vehicle travel-ways) from the driveway on the address side of the proposed single family structure.
- F5. Prior to issuance of a Certificate of Occupancy, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with County Fire Department Requirements.
- F6. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job-site.
- F7. See attached letters from County Fire dated June 17, 2013

#### **MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT CONDITION**

- M1. The applicant shall comply with the provisions of District Rule 403, Fugitive Dust.
- M2. See attached letter from MDAQMD dated May 28, 2013.

#### **HIGH DESERT WATER DISTRICT CONDITIONS**

- H1. Water and sewer improvement plans will need to be submitted to the Water District for review and approval.
- H2. All costs for plan review, hydraulic modeling analysis, construction, testing and inspection shall be the responsibility of the Applicant.



- H3. Landscape plans should 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.
- H4. An agreement for water service shall be approved by HDWD Board of Directors prior to construction.
- H4. See attached letter dated February 11, 2013.

**UNITED STATES MARINE CORPS CONDITIONS**

- MC1. The MCAGCC requests that all future residents receive full disclosure, in writing, describing the unique aspects of living near a military installation and under an FAA designed helicopter flight path (a copy of a letter from the MCAGCC to the new residents has been provided).
- MC2. The following information regarding the presence of the Marine Corps Air Ground Combat Center (MGAGCC) shall be recorded on the title of each property contained within the boundaries of the tract map.

“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”.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-COLORADO RIVER BASIN CONDITIONS**

- WQ1. See attached letter dated June 5, 2013

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 \_\_\_\_\_



NOLTE VERTICALFIVE

May 20, 2013  
PDB026000

Shane Stueckle, Deputy Town Manager  
Town of Yucca Valley  
Community Development Department  
58928 Business Center Dr.  
Yucca Valley, CA 92284

*Hand Delivered*

**Subject: Prescott Center  
San Bernardino County APN 0601-611-15  
Conditional Use Permit & Tentative Parcel Map Applications**

Dear Shane,

On behalf of Force-Gottlieb, LLC, accompanying this letter we are submitting the above-referenced applications for review and approval.

These applications include, the "Initial Submittal Requirements" which are listed in the Town's application package, with the exception of certain items which are either not applicable or which were waived. Those items are indicated as such by notation on the attached checklists.

The project description is as follows:

Prescott Center is proposed to be a 2.4 acre commercial development on a vacant parcel which lies at the east side of Prescott Avenue, between Twentynine Palms Highway and Palisade Drive.

Two single story buildings are proposed to be constructed, including a free-standing 3,000 s.f. fast food restaurant with a drive-up service window, and a 17,642 s.f. building to serve yet to be determined, multiple businesses which are permitted uses within the current zoning district.

The project will include 85 onsite parking spaces and drive aisles which are accessed by driveways onto Twentynine Palms Highway, Prescott Avenue and Palisade Drive. The parking lot and aisles will be night-lighted by fixtures which comply with applicable Town ordinances. The perimeter of the parking area will be bounded by 15-foot wide landscaped planters as shown on the site plan.

All new utilities will be constructed below grade. Sewage disposal is proposed by connecting the buildings to an adjacent future public sewer system when available. An interim, private on-site conventional septic system or package treatment system is proposed until public sewers are available. Sewage disposal facilities will be constructed in accordance with the requirements of the San Bernardino County Environmental Health Department following clearance by the California Regional Water Quality Control Board and permitting by the Town of Yucca Valley.

Offsite, adjacent street improvements will include curb and gutter, sidewalks, supplement paving, street lights and landscaping. A traffic signal will be installed at the intersection of Twentynine Palms Highway and Prescott Avenue. Either a raised median or appropriate striping and signage with a left turn pocket will be

OFFICES NATIONWIDE

Town of Yucca Valley  
Prescott Center  
San Bernardino County APN 0601-611-15  
CUP & TPM Applications  
May 20, 2013  
Page 2 of 2

installed along the Twentynine Palms Highway frontage to restrict left turn movements at the private driveway to be located at the northeast corner of the project.

It is proposed that the project be constructed in up to three phases with all offsite improvements, all onsite rough grading and the first building elements to be constructed in the first phase. A parcel map may be recorded to create three parcels within the project.

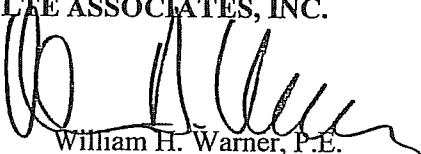
The building architecture, exterior walls and landscaping will be coordinated in style, type and color as appropriate for compatibility and uniformity, as illustrated on the preliminary architectural submittals, and as approved by the Town.


Nolte Associates will be representing Force-Gottlieb, LLC who is the property owner and project applicant. Please contact Bill Warner ([bill.warner@nv5.com](mailto:bill.warner@nv5.com)) if you have any questions, for scheduling matters or if you need any additional information. Please copy Jacki Burton ([jacki.burton@nv5.com](mailto:jacki.burton@nv5.com)) and Stephen Crevoiserat ([steve.crevoiserat@nv5.com](mailto:steve.crevoiserat@nv5.com)) on all correspondence.

Thank you for your assistance.

Sincerely,

NOLTE ASSOCIATES, INC.

By:  William H. Warner, P.E.  
Senior Project Manager

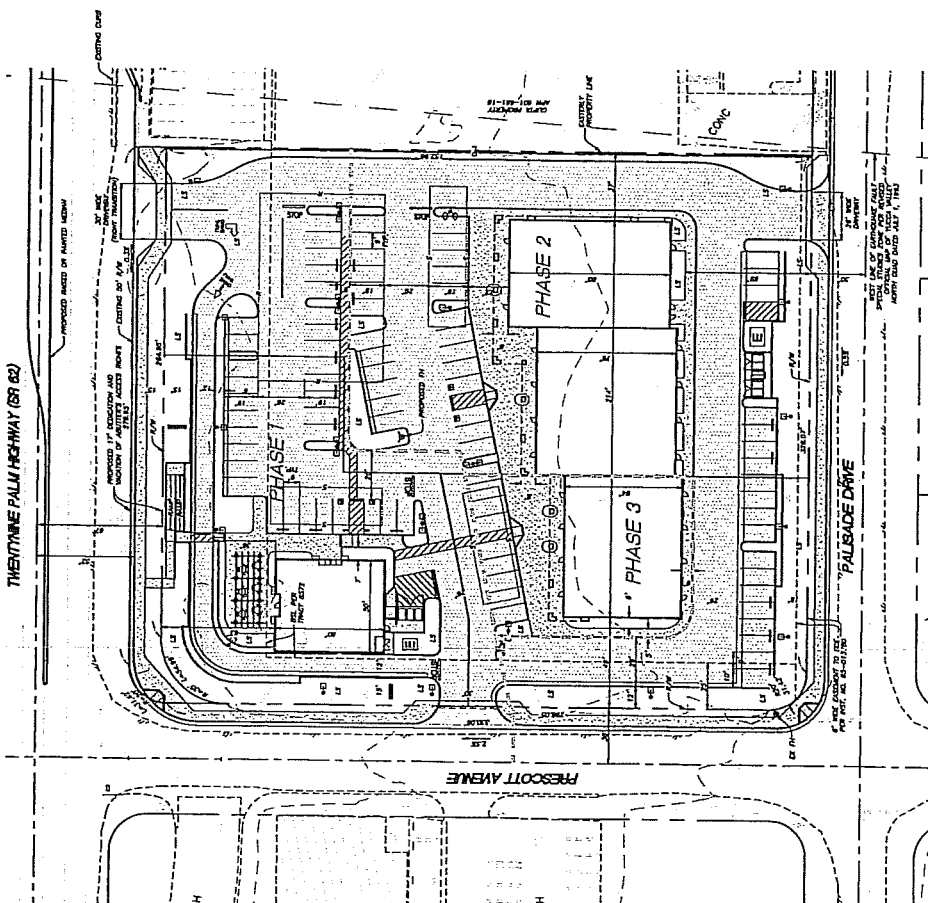
  
Stephen Crevoiserat, P.E.  
Engineering Manager

WHW/jb

Encl: TPM & CUP Applications and Submittal Requirement Checklists

ecc: Richard Gottlieb – [rgottlieb@glrealty.com](mailto:rgottlieb@glrealty.com)  
Michael Caley – [mcaleyaia@aol.com](mailto:mcaleyaia@aol.com)

THIRTYNINE PALM HIGHWAY (SB 62)



APPLICANT  
 TOWN OF YUCCA VALLEY  
 2015 W. MAIN ST.  
 YUCCA VALLEY, NV 89001

OWNER  
 SCHWENK  
 1000 W. MAIN ST.  
 YUCCA VALLEY, NV 89001

DESIGNER  
 J. L. SCHWENK  
 1000 W. MAIN ST.  
 YUCCA VALLEY, NV 89001

DATE  
 05/20/2015

LEGEND

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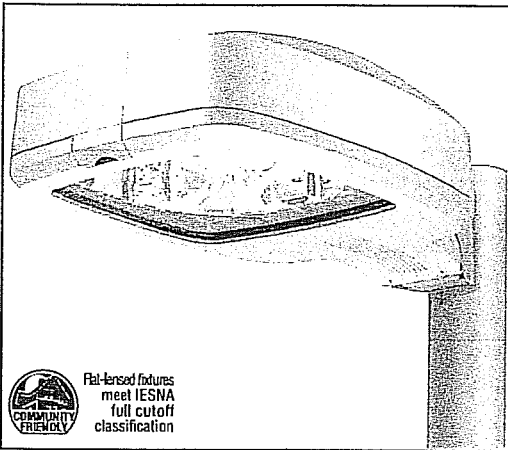






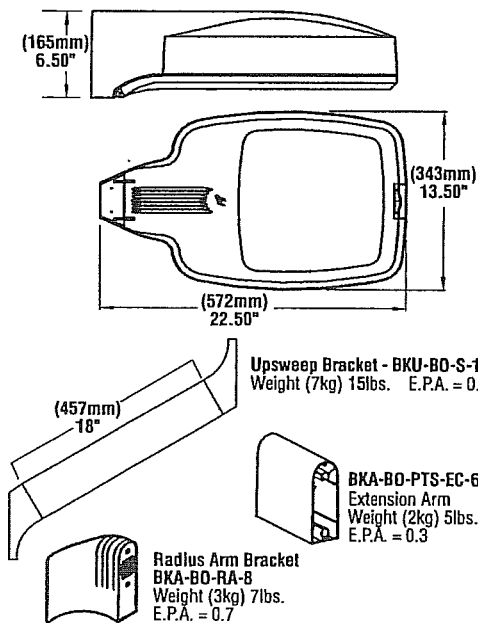


# PATRIOT SMALL (Various reflectors are protected by U.S. Patent No. 6,464,378.)



Flat-lensed fixtures meet IESNA full cutoff classification  
**COMMUNITY FRIENDLY**

## DIMENSIONS



**HOUSING** - One-piece, die-cast aluminum in a multi-radiused, rectangular shape with mounting arm cast in as an integral part of the housing. All hardware is stainless steel or electro-zinc plated steel.

**DOOR FRAME** - The Patriot Small has a one-piece, die-cast aluminum door frame which secures to the housing with a hinge bracket. An integral over-center latch allows easy tool-less access. Door frame may then be easily removed from housing. Door is provided with a catch mechanism that limits door swing. A one-piece extruded silicone gasket seals the door frame against the housing. The standard housing/door seal design prevents external contaminants from entering the fixture.

**LENS/GASKET** - The Patriot Small is available with a tempered flat clear glass lens. A one-piece extruded silicone gasket seals the lens to the die-cast aluminum door frame.

**SOCKETS** - Porcelain medium-base sockets are supplied on fixtures 150 watt HID and below. Porcelain mogul-base sockets are supplied on 175, 250, and 320 watt HID fixtures. All HID sockets are factory prewired with a disconnect plug for the ballast, and are pulse-rated.

**LIGHT SOURCES** - Pulse-Start Metal Halide, Ceramic Metal Halide, Metal Halide, and High Pressure Sodium lamps. A clear lamp is supplied as standard.

**BALLASTS** - HID high-power factor ballasts, designed for -20°F operation. Optional HID Quick Connect package includes supply wiring plus modular plugs for easy ballast wiring and a removable ballast tray.

## REFLECTORS/DISTRIBUTION PATTERNS -

The Patriot Small is available with a wide variety of reflectors, including Type II (2), Type III (3), Type V (5), and Forward Throw (FT). All reflectors are field-rotatable, enabling generous flexibility in distribution patterns, without fixture movement. Photometric data is tested in accordance with IESNA guidelines.

**BRACKETS** - Use with 5" traditional drilling pattern. The integral cast mounting arm is flat, for square pole applications. The fixture may also be mounted to round poles using the round pole adaptor accessory (RPPC), which must be ordered separately. An extruded 6" arm extension is available (but not required) for D90°, Q90°, T90° and TN120° fixture configurations. A locking nut secures two through bolts and a reinforcing plate to the pole, stabilizing it for easy fixture mounting.

**SHIELDING** - External House Side Shields are available for field installation with Types 2, 3, and FT distributions.

**FINISHES** - Each fixture is finished with LSI's DuraGrip® polyester powder coat finishing process. The DuraGrip finish withstands extreme weather changes without cracking or peeling, and is guaranteed for five full years. Standard colors include bronze, black, white, satin verde green, platinum plus, graphite and metallic silver.

**PHOTOMETRICS** - Please visit our web site at [www.lsi-industries.com](http://www.lsi-industries.com) for detailed photometric data.

## LUMINAIRE EPA CHART - Patriot Small

	Flat Glass
Single	1.1
D180°	2.1
D90°	1.6
T90°	2.7
TN120°	2.8
Q90°	3.2

Note: House Side Shield adds to fixture EPA. Consult factory.



IP65\*

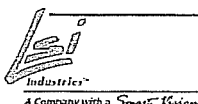
\* Lamp Compartment Only



**ARRA**  
Funding Compliant

## SHIPPING WEIGHTS - Patriot Small

Catalog Number	Est. Weight (kg/Abs.)	Length (mm/in.)	Width (mm/in.)	Height (mm/in.)
PTHS	13.2/29	622/24-1/2	394/15-1/2	203/8

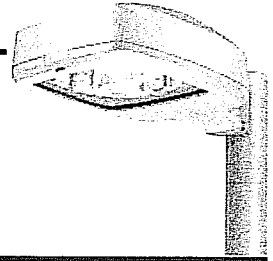


Project Name \_\_\_\_\_ Fixture Type \_\_\_\_\_

Catalog # \_\_\_\_\_

# PATRIOT SMALL

## LUMINAIRE ORDERING INFORMATION



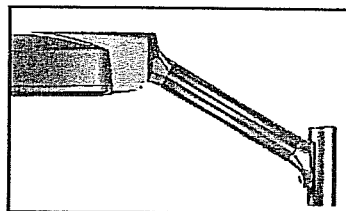
TYPICAL ORDER EXAMPLE: **PTHS 5 175 PSMH F MT MSV PCI120**

Luminaire Prefix	Distribution	Lamp Wattage	Light Source	Lens	Line Voltage	Luminaire Finish	Options
Horizontal Burn PTHS	2-Type II 3-Type III FF- Forward Throw 5 - Type V	100 150 175 250 320	PSMH - Pulse-Start Metal Halide 175, 250, 320 Watt CMH - Ceramic Metal Halide 150 Watt MH - Metal Halide 100, 150 Watt HPS - High Pressure Sodium 100, 150 Watt	F - Flat Clear Tempered Glass	480 MT - Multi Tap TT - Tri-Tap  Consult Factory for International Voltages	BRZ - Bronze BLK - Black PLP - Platinum Plus WHT - White SVG - Satin Verde Green GPT - Graphite MSV - Metallic Silver	PCI120 - Button Type Photocell PCI208 - Button Type Photocell PCI240 - Button Type Photocell PCI277 - Button Type Photocell PCI347 - Button Type Photocell QC - Quick Connect Package 1 LL - Less Lamp
<p>MT - Multi Tap consists of 120V, 208V, 240V and 277V and is prepared for highest voltage. Alternate voltages will require field adjustment.</p> <p>TT - Tri-Tap consists of 120V, 277V and 347V and is shipped standard for Canadian applications and is prepared for highest voltage. Alternate voltages will require field adjustment.</p>							

**FOOTNOTES:**

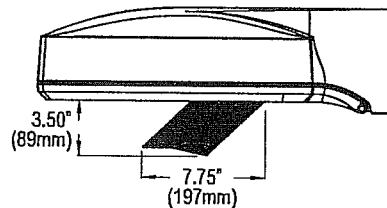
1- Quick Connect option includes removable ballast tray and modular plugs. Available on 100 through 175 watt HID fixtures only.

ACCESSORY ORDERING INFORMATION (Accessories are field installed)			
Description	Order Number	Description	Order Number
FK120 - Single Fusing	FK120+	RPPG - Round Pole Plate	141940CLR
FK277 - Single Fusing	FK277+	BKS-BO-PTS-WM-* - CLR Wall Mount Plate	263230CLR
DFK208, 240 - Double Fusing	DFK208, 240+	BKA-BO-PTS-EC-6-CLR Extension Arm	263228CLR
DFK480 - Double Fusing	DFK480+	BKA-BO-RA-8-CLR Radius Arm	169010CLR
FK347 - Single Fusing	FK347+	BKU-BO-S-19-CLR Upsweep Bracket for round and square poles	144191CLR
PTHS PLS - Polycarbonate Shield	263016	+Fusing must be located in the hand-hole of the pole.	
PTHS 2/3/FT HSS - External House Side Shield	263017BLK++	++ Black only.	

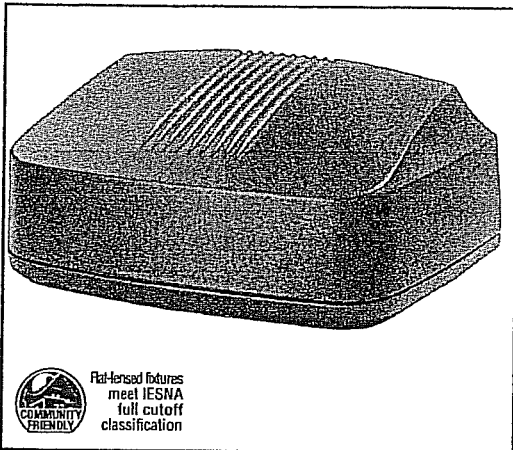


UPSWEEP BRACKET

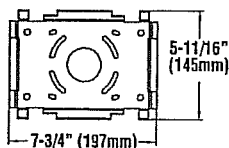
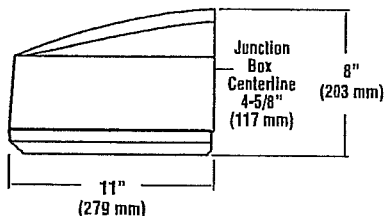
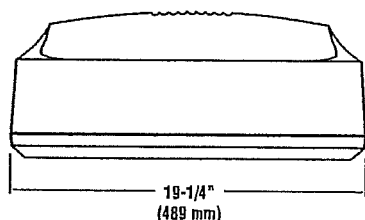
**HOUSE SIDE SHIELD  
TYPE II, III & FORWARD THROW  
(263017BLK)**



# PATRIOT WALL SCNCE (Various reflectors are protected by U.S. Patent No. 6,464,378.)



## DIMENSIONS



Universal Mounting Plate

**HOUSING** - The one-piece die-cast aluminum housing is a multi-radiused rectangular shape. All mounting hardware is stainless steel or electro-zinc plated steel.

**WALL MOUNT** - A galvanized-steel universal wall mounting plate easily mounts directly to a 4" octagonal or square junction box. An EPDM gasket is supplied to be installed between the mounting plate and junction box, sealing the junction box from entrance of water. The galvanized-steel universal plate allows the fixture to be suspended while making wiring connections. A unique clamping design securely locks the fixture to the wall mounting plate by utilizing two hex head screws. The universal plate permits the fixture to be mounted in the uplighting or downlighting position. Both positions are listed for wet locations. The standard housing/door seal design prevents external contaminants from entering the PTWS, resulting in an IP65 rating.

**DOOR FRAME** - The die-cast aluminum door frame with two black stainless steel captive fasteners allows easy access into the fixture. A one piece extruded silicone closed-cell sponge gasket seals the door frame against the housing. The door hinges open for ease of lamp and ballast maintenance.

**LENS/GASKET** - A flat clear tempered glass lens is sealed to the door frame with silicone closed-cell sponge gasketing.

**SOCKETS** - HID lampholders are glazed porcelain, medium base, 4KV pulse rated. The Compact Fluorescent fixtures feature a one-piece thermoplastic socket.

**LIGHT SOURCES** - The fixture is designed to operate with horizontal Ceramic Metal Halide, Metal Halide, High Pressure Sodium, and single or double Compact Fluorescent lamps. Lamps supplied as standard - HID (clear, shipped installed), and Compact Fluorescent (coated, 4100K; not installed).

## BALLASTS/ELECTRICAL COMPONENTS

- Electrical components are factory-mounted in housing and prewired with voltage specific leads which extend out the back of the unit through a rubber grommet. This grommet prevents the entry of insects, dust, and moisture into the fixture. The need to open the fixture to make wiring connections is eliminated, thus making installation quick and easy. UL listed HID components with high-power factor ballasts rated for -20° F starting. Compact Fluorescent ballasts are Electronic Universal Voltage (120-277V, 50/60Hz) or 347V (60Hz), 0° F starting. Compact Fluorescent fixtures with UE (Universal Electronic) voltage are available with an optional dimming ballast for multiple types of controls such as building lighting controls and occupancy sensors. Available battery back-up of BB (32° F starting temperature) and CWBB (0° F starting temperature) are 120 or 277 voltage specific for U.S. applications for 26 watt through 42 watt lamps.

**EMERGENCY OPERATION** - A variety of integral emergency options are available to comply with Life Safety Codes which require emergency lighting along the path of egress on the building's exterior, so building occupants can exit safely. Integral Emergency Battery Back-up options are available on Compact Fluorescent units. Emergency Quartz options are offered on HID units. Options for one or two 12 volt separate circuit(s), for use with up to 35 watt Halogen lamp(s) are available on both Compact Fluorescent and HID units.

## REFLECTORS/DISTRIBUTION PATTERNS

- Forward Throw (FTM, FT), Type III (3), and Wall Wash (WW) reflectors are available. All are high performance, full cut-off distribution as defined by the IESNA (downlight position only). Photometric data is tested in accordance with IESNA guidelines.

**FINISHES** - Each fixture is finished with LSI's DuraGrip® polyester-powder finishing process. The DuraGrip finish withstands extreme weather changes without cracking or peeling and is guaranteed for five full years. Standard colors include bronze, black, platinum plus, white, satin verde green, metallic silver, and graphite.

**PHOTOMETRICS** - Please visit our web site at [www.lsi-industries.com](http://www.lsi-industries.com) for detailed photometric data.

## SHIPPING WEIGHTS - Patriot Wall Sconce

Catalog Number	Est. Weight (kg/lbs.)	Length (mm/in.)	Width (mm/in.)	Height (mm/in.)
PTWS-HID	11/25	616/24.25	394/15.5	362/14.25
PTWS-CFL	9/20	616/24.25	394/15.5	362/14.25



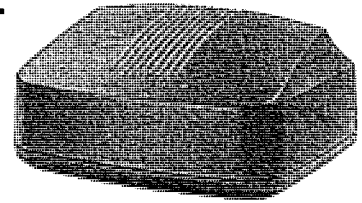
IP65

ARRA  
Funding Compliant



# PATRIOT WALL SCONCE

## LUMINAIRE ORDERING INFORMATION



TYPICAL ORDER EXAMPLE: **PTWS FTM 42 CFL2 F UE BRZ BB**

Luminaire Prefix	Distribution	Lamp Wattage	Light Source	Lens	Line Voltage	Luminaire Finish	Options
PTWS	3 - Type III FT - Forward Throw WW - Wall Wash	50	CMH - Ceramic Metal Halide 150 Watt MH - Metal Halide 70, 100 <sup>1</sup> , 150 Watt HPS - High Pressure Sodium 50 <sup>2</sup> , 70, 100, 150 Watt	F - Flat Clear Tempered Glass	120	BRZ - Bronze BLK - Black PLP - Platinum Plus WHT - White SVG - Satin Verde Green GPT - Graphite MSV - Metallic Silver	PCI120 - Button-Type Photocell PCI208 - Button-Type Photocell PCI240 - Button-Type Photocell PCI277 - Button-Type Photocell PCI347 - Button-Type Photocell DIM - CFL Control Voltage Dimming Ballast <sup>4</sup> C - Coated MH Lamp SQT - Stand-by Quartz (Time Delay) <sup>5</sup> SQN - Stand-by Quartz (Non Time Delay) <sup>5</sup> EQ - Emergency Quartz (Separate 120V Circuit - HID only) <sup>5</sup> EQ2 - Two Emergency Quartz (2 separate 120V circuits - HID only) <sup>6</sup> BB - CFL Battery Back-up <sup>7</sup> CWBB - Cold Weather Battery Back-up <sup>7</sup> EMR1 - One Emergency 12V Circuit Provision with 35 Watt Halogen Lamp <sup>8</sup> EMR1LL - One Emergency 12V Circuit Provision - Less Halogen Lamp <sup>8</sup> EMR2 - Two Emergency 12V Circuit Provisions with (2) 35 Watt Halogen Lamps <sup>8</sup> EMR2LL - Two Emergency 12V Circuit Provisions - Less Halogen Lamps <sup>8</sup> LL - Less Lamp PMA - Pole Mounting Adaptor w/fixture backplate for square poles <sup>9</sup> PMAR - Pole Mounting Adaptor w/fixture backplate for round poles <sup>9</sup>
		70			208		
		100			240		
		150			277		
					347		
					480		
	FTM - Forward Throw Medium	26	CFL - Compact Fluorescent Single 26, 32, 42, 57, 70 Watt CFL2 - Compact Fluorescent Double 26, 32, 42 Watt		UE - Universal Electronic (120-277V 50/60Hz)		
		32			347 <sup>3</sup>		
		42					
		57					
		70					
	WW - Wall Wash		CFL - Compact Fluorescent Single 26, 32, 42 Watt				

Consult Factory  
for International  
Voltages and Light  
Sources

### FOOTNOTES:

- Supplied with an HX-HPF transformer as standard. Also available with a 120/277 volt CWA transformer - consult factory.
- 50 watt is not available in 347V.
- 347 volt CFL is not available with dimming ballast (DIM) option or battery back-up (BB) option.
- CFL Dimming Control by others.
- HID lamp wattages 50 and 70 are supplied with a 50 watt, 120V quartz lamp. HID lamp wattages 100 through 175 are supplied with a 100 watt, 120V quartz lamp. EQ option is not compatible with EMR options.
- Available on 100 watt minimum HID fixtures. HID lamp wattages 100 through 175 are supplied with two 50 watt, 120V quartz lamps. Not compatible with EMR options.
- Battery Back-up available on single and double 26, 32, or 42 watt CFL units with 120 or 277 specific voltage for US applications. Please change Line Voltage of UE to 120 or 277 when ordering this option. On double units, one lamp will be energized by battery back-up. Consult Factory for specific Means of Egress job application compliance.
- Utilizes G24 socket(s). 12 volt separate circuit(s) required. Not compatible with EQ, EQ2, PMA or PMAR options.
- For single and D180 mounting configurations only. Not compatible with EQ, EQ2, and all EMR options. Use with 5" traditional drilling pattern.

ACCESSORY ORDERING INFORMATION		(Accessories are field installed)	
Description	Order Number	Description	Order Number
FK120 - Single Fusing	FK120+	DFK480 - Double Fusing	DFK480+
FK277 - Single Fusing	FK277+	FK347 - Single Fusing	FK347+
DFK208, 240 - Double Fusing	DFK208, 240+	PTWS PLS - Polycarbonate Shield	244657
PTWS SW BLK - Surface Wiring Box (black only)	356915BLK		

+ Available on HID fixture only. Fusing to be installed in a compatible junction box supplied by contractor.





# Conditional Use Permit Application

Date Received	<u>05/21/13</u>
By	<u>DOLSEN</u>
Fee	_____
Case #	<u>CUP - 01-13</u>
EA #	<u>EA - 02-13</u>

\$ 2985  
\$ 925

## General Information

**APPLICANT** Force-Gottlieb (Contact person: Richard Gottlieb) Phone 310.273.9930 Fax 310.248.2222

Mailing Address 439 N. Bedford Drive Email rgottlieb@glrealty.com

City Beverly Hills State CA Zip 90210

**REPRESENTATIVE** Nolte Vertical V/Bill Warner Phone 760.341.3101 Fax 760.341.5999

Mailing Address 42-829 Cook Street, Suite 104 Email bill.warner@nv5.com or bwarner@warnereng.com

City Palm Desert State CA ZIP 92211

**PROPERTY OWNER** Force-Gottlieb LLC Phone 310.273.9930 Fax 310.248.2222

Mailing Address 439 N. Bedford Drive Email rgottlieb@glrealty.com

City Beverly Hills State CA Zip 90210

## Project Information

Project Address 58401 29 Palms Hwy Assessor Parcel Number(s) 601-611-15

Project Location Southwest corner of 29 Palms Hwy / Prescott Ave.

Project Description: 1 - 3,000 s.f. fast food restaurant with drive through and 1 - 17,642 s.f. single-story retail building on 3± acres, with parking, landscaping and other appurtenances.

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

**Town of Yucca Valley**  
**Community Development Department**  
**Planning Division**  
**58928 Business Center Dr**  
**Yucca Valley, CA 92284**  
**760 369-6575 Fax 760 228-0084**  
**[www.yuccavalley.org](http://www.yuccavalley.org)**

1. Property boundaries, dimensions and area (also attach an 8 ½ x 11" site plan):  
600± x 400± (see attached site plan)

---

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

---

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

---

5. Existing Zoning of adjacent parcels:  
North RS2    South RM8    East CG (SP)    West CN

---

6. Existing General Plan designation of adjacent parcels:  
North RS    South RM    East CG    West C

---

7. Precisely describe existing uses adjacent to the site: North: mini-storage/vacant; South: SFR/  
vacant; West: medical offices; East: medical offices

---

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

---

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

**Yes    Maybe    No**

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

## Project Description

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

### 1. Commercial, Industrial, or Institutional Projects:

- A. Specific type of use proposed: Retail Center
- B. Gross square footage by each type of use: Retail building = (17,642 s.f.) & fast food = (3,000 s.f.)
- C. Gross square footage and number of floors of each building: single floor, areas as shown above.
- D. Estimate of employment by shift: 30
- E. Planned outdoor activities: Occasional, casual outdoor seating

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

70± % Paving, 5± % Building, 25 % Landscaping, 30 % Parking

3. Maximum height of structures 28 ft. 0 in.

4. Amount and type of off street parking proposed: 115 9'x19 spaces

5. How will drainage be accommodated? Onsite surface and subsurface conveyance and retention/detention

6. Off-site construction (public or private) required to support this project: Adjacent street improvements (curb, walks, driveways, lights, etc.) fronting site.

7. Preliminary grading plans estimate 5,000 cubic yards of cut and 5,000 cubic yards of fill

8. Description of project phasing if applicable: Up to three phases

9. Permits or public agency approvals required for this project: Town of Yucca Valley, Caltrans

10. Is this project part of a larger project previously reviewed by the Town? If yes, identify the review process and associated project title(s) N/A

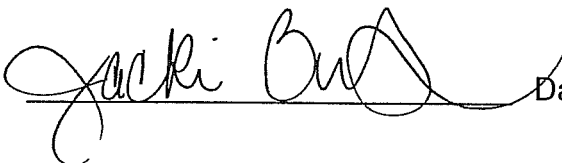
**11. During construction, will the project:** (Explain any "yes" or "maybe" responses to questions below – attach extra pages if necessary.)

**Yes Maybe No**

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

**Certification**

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

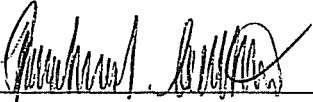
Signature:  Date: 5/20/2013

## Owner/Applicant Authorization

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

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



5-16-13

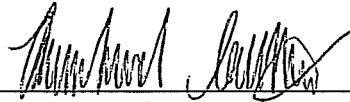
**Property Owner:** I/We certify that I/We are presently the legal owner(s) of the above described property (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all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

Nolte Associates Inc. / NV5

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

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_



5-16-13

**Agreement to Pay All Development Application Fees**

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

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

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

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

Deposit Paid: \$ 5,520.00

Applicant's Signature  Date: 5-16-13

Applicants Name Richard Gottlieb  
(Please print)

## Developer Disclosure Statement

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

Address of subject property: 58401 29 Palms Hwy

Cross street: Southwest corner of 29 Palms Hwy / Prescott Ave.

Date this Disclosure Statement is completed: \_\_\_\_\_

Name of Applicant: Force-Gottlieb LLC

The Applicant is a:

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

### Information for LLC, Partnership, Corporation

Name Force-Gottlieb LLC Phone 310.273.9930 Fax 310.248.2222

Mailing Address 439 N. Bedford Drive Email rgottlieb@glrealty.com

City Beverly Hills State CA Zip 90210

State of Registration California

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

Name Richard Gottlieb Phone 310.273.9930 Fax 310.248.2222

Mailing Address 439 N. Bedford Drive Email rgottlieb@glrealty.com

City Beverly Hills State CA Zip 90210

**Attach additional sheets if necessary**

### Agent for Service of Process

Name G & L Realty Phone 310.273.9930 Fax 310.248.2222

Mailing Address 439 N. Bedford Drive Email gottlieb@glrealty.com

City Beverly Hills State CA Zip 90210

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

Name N/A Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

The Owner is a:

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

**Information for LLC, Partnership, Corporation**

Name Force-Gottlieb LLC Phone 310.273.9930 Fax 310.248.2222  
Mailing Address 439 N. Bedford Drive Email gottlieb@glrealty.com  
City Beverly Hills State CA Zip 90210  
State of Registration California

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

Name Richard Gottlieb Phone 310.273.9930 Fax 310.248.2222  
Mailing Address 439 N. Bedford Drive Email gottlieb@glrealty.com  
City Beverly Hills State CA Zip 90210

Attach additional sheets if necessary

**Agent for Service of Process**

Name G & L Realty Phone 310.273.9930 Fax 310.248.2222  
Mailing Address 439 N. Bedford Drive Email gottlieb@glrealty.com  
City Beverly Hills State CA Zip 90210

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

Name N/A Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Email \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_





## HAZARDOUS WASTE SITE STATEMENT

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

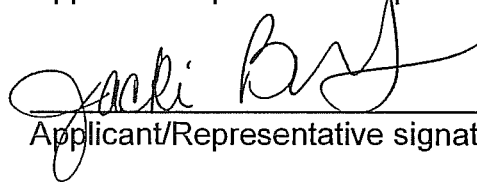
I am informed and believe that the proposed site, for which a development application has been submitted, is not within any area specified in said Section 65962.5 as a hazardous waste site.

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

Dated: 5/7/2013

Jacki Burton

\_\_\_\_\_  
Applicant/Representative printed name

  
\_\_\_\_\_  
Applicant/Representative signature



# Tract Map Application

Date Received 05/21/13  
 By D. OLSEN  
 Fee \$ 2395  
 Case # PM 19434  
 EA # EA-0213

Map # 19436  
 Parcel  
 Tract

## General Information

**APPLICANT** Force-Gottlieb (Contact person: Richard Gottlieb) Phone 310.273.9930 Fax 310.248.2222

Mailing Address 439 N. Bedford Drive Email rgottlieb@glrealty.com

City Beverly Hills State CA Zip 90210

**REPRESENTATIVE** Nolte Vertical V/Bill Warner Phone 760.341.3101 Fax 760.341.5999

Mailing Address 42-829 Cook Street, Suite 104 Email bill.warner@nv5.com or bwarnereng.com

City Palm Desert State CA ZIP 92211

**PROPERTY OWNER** Force-Gottlieb LLC Phone 310.273.9930 Fax 310.248.2222

Mailing Address 439 N. Bedford Drive Email rgottlieb@glrealty.com

City Beverly Hills State CA Zip 90210

## Project Information

Project Address 58401 29 Palms Hwy Assessor Parcel Number(s) 0601-611-15

Project Location Southwest corner of 29 Palms Hwy / Prescott Ave.

Project Description: subdivide into 3 proposed parcels for retail center

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

1. Property boundaries, dimensions and area (also attach an 8 1/2 x 11" site plan):  
353 x 299 (105,533 s.f. - 2.442 ac)

---

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

---

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

---

5. Existing Zoning of adjacent parcels:  
North RS2      South RM8      East CG (SP)      West CN

---

6. Existing General Plan designation of adjacent parcels:  
North RS      South RM      East CG      West C

---

7. Precisely describe existing uses adjacent to the site: North: mini-storage/vacant; South: SFR/ vacant; West: medical offices; East: medical offices

---

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

---

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

**Yes    Maybe    No**

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

**Project Description**

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

**1. Commercial, Industrial, or Institutional Projects:** See concurrent CUP Application (TPM Only)

- A. Specific type of use proposed: \_\_\_\_\_
- B. Gross square footage by each type of use: \_\_\_\_\_  
\_\_\_\_\_
- C. Gross square footage and number of floors of each building: \_\_\_\_\_  
\_\_\_\_\_
- D. Estimate of employment by shift: \_\_\_\_\_
- E. Planned outdoor activities: \_\_\_\_\_

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

\_\_\_\_\_ % Paving, \_\_\_\_\_ % Building, \_\_\_\_\_ % Landscaping, \_\_\_\_\_ % Parking

**3. Maximum height of structures \_\_\_\_\_ft. \_\_\_\_\_ in.**

**4. Amount and type of off street parking proposed: \_\_\_\_\_**

**5. How will drainage be accommodated? \_\_\_\_\_**  
\_\_\_\_\_  
\_\_\_\_\_

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

Adjacent street improvements (curb, walks, driveways, lights, etc.) fronting site.  
\_\_\_\_\_  
\_\_\_\_\_

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

**8. Description of project phasing if applicable: \_\_\_\_\_**  
\_\_\_\_\_

**9. Permits or public agency approvals required for this project: Town of Yucca  
and Caltrans**  
\_\_\_\_\_

**10. Is this project part of a larger project previously reviewed by the Town? If yes, identify the review process and associated project title(s) N/A**  
\_\_\_\_\_

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

**Yes Maybe No**

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

**Certification**

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

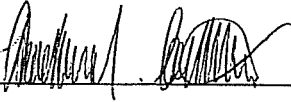
Signature: Jacki But Date: 5/20/2013

## Owner/Applicant Authorization

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

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



5-16-13

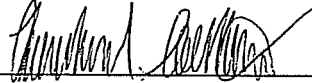
**Property Owner:** I/We certify that I/We are presently the legal owner(s) of the above described property (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all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

Nolte Associates, Inc. / NV5

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

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_



5-16-13

**Agreement to Pay All Development Application Fees**

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

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

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

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

Deposit Paid: \$ ~~2,440.00~~ 2395.<sup>00</sup>

Applicant's Signature  Date: 5-16-13

Applicants Name Richard Gottlieb  
(Please print)

## Developer Disclosure Statement

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

Address of subject property: 58401 29 Palms Hwy., Yucca Valley, CA 92284

Cross street: Southwest corner of 29 Palms Hwy / Prescott Ave.

Date this Disclosure Statement is completed: \_\_\_\_\_

Name of Applicant: Force-Gottlieb LLC

The Applicant is a:

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

### Information for LLC, Partnership, Corporation

Name Force-Gottlieb LLC Phone 310.273.9930 Fax 310.248.2222

Mailing Address 439 N. Bedford Drive Email rgottlieb@glrealty.com

City Beverly Hills State CA Zip 90210

State of Registration California

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

Name Richard Gottlieb Phone 310.273.9930 Fax 310.248.2222

Mailing Address 439 N. Bedford Drive Email rgottlieb@glrealty.com

City Beverly Hills State CA Zip 90210

**Attach additional sheets if necessary**

### Agent for Service of Process

Name G & L Realty Phone 310.273.9930 Fax 310.248.2222

Mailing Address 439 N. Bedford Drive Email rgottlieb@glrealty.com

City Beverly Hills State CA Zip 90210

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

Name N/A Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_



The Owner is a:

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

**Information for LLC, Partnership, Corporation**

Name Force-Gottlieb LLC Phone 310.273.9930 Fax 310.248.2222

Mailing Address 439 N. Bedford Drive Email rgottlieb@glrealty.com

City Beverly Hills State CA Zip 90210

State of Registration California

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

Name Richard Gottlieb Phone 310.273.9930 Fax 310.248.2222

Mailing Address 439 N. Bedford Drive Email rgottlieb@glrealty.com

City Beverly Hills State CA Zip 90210

Attach additional sheets if necessary

**Agent for Service of Process**

Name G & L Realty Phone 310.273.9930 Fax 310.248.2222

Mailing Address 439 N. Bedford Drive Email rgottlieb@glrealty.com

City Beverly Hills State CA Zip 90210

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

Name N/A Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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

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



## HAZARDOUS WASTE SITE STATEMENT

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

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

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

Dated: 5/20/2013

Jacki Burton

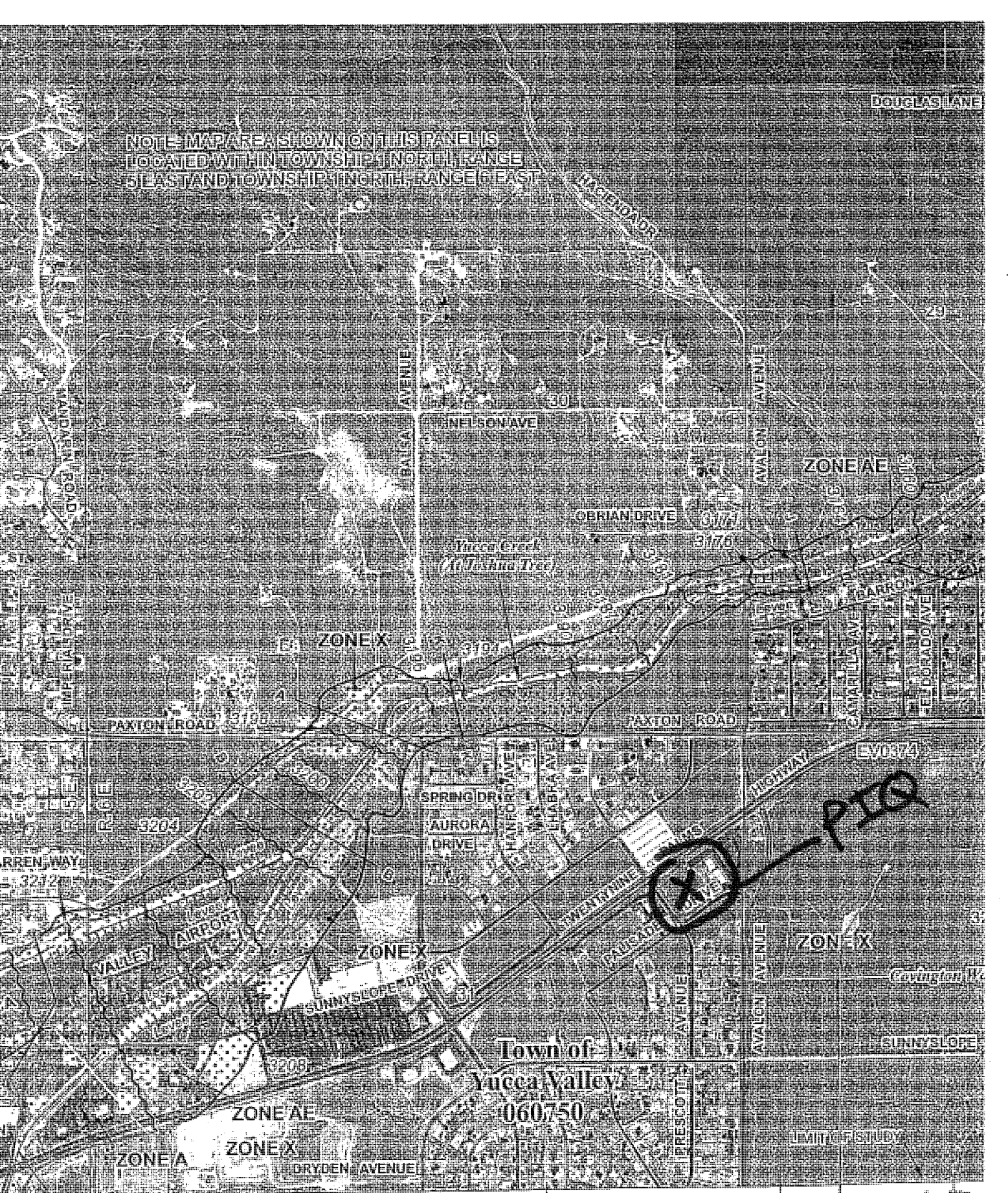
\_\_\_\_\_  
Applicant/Representative printed name



\_\_\_\_\_  
Applicant/Representative signature

DOUGLAS LANE

NOTE: MAP AREA SHOWN ON THIS PANEL IS  
LOCATED WITHIN TOWNSHIP 4 NORTH, RANGE  
5 EAST AND TOWNSHIP 4 NORTH, RANGE 6 EAST



8860 55°E  
Burnt Mountain Creek

55°E

57°E

FEMA FIRM  
8120 P.71



# UNIQUE GARDEN CENTER

56637 29 Palms Highway

P.O. Box 1707

Yucca Valley, CA 92284

Phone: (760) 365-1511

Native Plant Survey

Prescott Site APN # 0601-611-15

Prepared for G & L Realty

## Joshua Trees

- # 1 10' single
- # 2 7' single
- # 3 14' single
- # 4 10' single
- # 5 14' single dieing back adopt out or destroy
- # 6 15x15 Poor health, prune back or destroy (adopt out)
- # 7 10' single
- # 8 20' leaning cut back to 2' pup (adopt out)
- # 9 14' leaning back hoe out (adopt out)
- # 10 5' single
- # 11 01'
- # 12 12x3
- # 13 14x5
- # 14 12'x8'
- # 15 20'x5' poor shape (adopt out)
- # 16 15'x3'
- # 17 9' x2'
- # 18 18'x8'
- # 19 14'x10'
- # 20 20'x8' dbl. move as 1, or cut out 1. trunk
- # 21 15'x5' weak branching (destroy)
- # 22 16'x5' dbl
- # 23 14'x5' leaning on ground. Back hoe out (adopt out)
- # 24 06' single
- # 25 15'x8' dbl. cut out one trunk
- # 26 15'x4'
- # 27 18"
- # 28 0 dieing (destroy).
- # 29 10'x2'
- # 30 12'x2'
- # 31 15'x6' requires light pruning.
- # 32 14'x10' dbl
- # 33 22'x15' leaning needs pruning or destroy
- # 34 12'x2'
- # 35 15'x10'
- # 36 15'x6'
- # 37 18'x10'
- # 38 12"
- # 39 18'x12' requires light pruning
- # 40 12'x12' weak branching (destroy)

Additional native plant material

P.73

beaver tail



January 16, 2007

Office of Building and Safety  
Town of Yucca Valley  
58928 Business Center Dr.  
Yucca Valley, CA 92284

### Will Serve Commitment

Warner Engineering  
C/o Martha Ostrander

Legal Description: 601-611-15

This "Will Serve" commitment letter indicates the District's preliminary willingness to provide water service to the above referenced parcel subject to the terms, conditions, limitations and restrictions set forth by the District.

Water service availability is additionally subject to the following:

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

Sincerely,

Greg Snyder  
Operations Manager

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



02/11/2013

Jacki Burton  
NV5 Engineering  
42829 Cook St., Ste. 104  
Palm Desert, CA. 92211

**RE: WILL SERVE COMMITMENT - APN# 601-611-15**

Dear Ms. Burton,

This "Will Serve" commitment letter indicates the District's preliminary willingness to provide water service to the above referenced parcel subject to the terms, conditions, limitations, and restrictions set forth by the District.

Water service availability is additionally subjected to the following:

- 1) Current Board and administrative policies relating to the issuance and installation of new water services.
- 2) Hi-Desert Water District Rules and Regulations as may be amended or revised from time to time.
- 3) The submittal and approval of offsite and onsite water plans with water usage calculations if applicable.

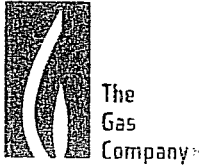
If you have any questions or concerns, please feel free to contact me by phone at (760)365-7412 or by email at [markb@hdwd.com](mailto:markb@hdwd.com).

Sincerely,

Mark Ban  
Director of Operations

RECEIVED  
FEB 13 2013  
NGLTE ASSOC.





The  
Gas  
Company

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

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

A  Sempra Energy<sup>®</sup> utility

**February 6, 2013**

**NV5 Beyond Engineering  
42829 Cook St., Suite 104  
Palm Desert, CA 92211**

**Attention: Jacki Burton**

**Re: Will Serve; Prescott Retail Center, APN 601-611-15**

**Area: Yucca Valley, California**

Thank you for inquiring about the availability of natural gas for your project. We are pleased to inform you that Southern California Gas Company has facilities in the area where the above-named project is proposed. Gas service to the project could be provided from the nearest existing, 2" M in Palisade Dr. (Cross of Prescott Ave.) The service would be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission at the time contractual arrangements are made.

This letter is not a contractual commitment to serve the proposed project, but is only provided as an informational service. The availability of natural gas service is based upon conditions of gas supply and regulatory agencies. As a public utility, Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. Our ability to serve can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affects gas supply, or the conditions under which service is available, gas service will be provided in accordance with revised conditions. This letter is also provided without considering any conditions or non-utility laws and regulations (such as environmental regulations) which could affect actual construction of a main or service line extension (for example, if hazardous wastes were encountered in the process of installing the line). Those, of course, can only be determined around the time contractual arrangements are made and construction is begun.

If you need assistance choosing the appropriate gas equipment for your project, or would like to discuss the most effective applications of energy efficiency techniques, please contact your area Project Manager at (909) 335-7629.

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

Sincerely,

Yolanda Alamillo  
Regional Pipeline Project Manager

Cc: Bill Johnson, Project Manager  
Enc./nl



Will Serve Letter Only



1/24/13

NOLTE ASSOCIATES

PARCEL# 60161115

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

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

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

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

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

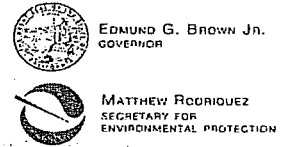
If your project will not require SCE services, please notify us so that we can update our records.

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

Sincerely,

SCE Design Representative

Enclosure: Appendix B, where applicable



Colorado River Basin Regional Water Quality Control Board

June 5, 2013

Diane Olsen
Planning Technician
Town of Yucca Valley - Community Development/Public Works Dept.
58928 Business Center Drive
Yucca Valley, CA 92284

Subject: Conditional Use Permit, CUP 01-130 Prescott Center- Tentative Parcel Map,
TPM 19436

Dear Ms. Olsen,

Following a preliminary review of this project, Regional Water Board staff has
determined that the following checked items may be relevant to this project.

- Waste Discharge Requirements or a National Pollutant Discharge Elimination System
Permit is required to discharge treated wastewater and/or sludge.
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.
Waste Discharge Requirements may be required to discharge processed or treated
wastewater. Facilities commonly requiring waste discharge requirements include: car
and truck washes; sand and gravel washing operations; concentrated animal feeding
operations; aquatic animal production facilities; manufacturing facilities; and facilities
using reclaimed wastewater for landscaping.
[X] Waste Discharge Requirements may be required for new subdivisions, commercial,
community, or grouped septic tank/seepage pit - leach field systems, particularly in
vulnerable areas.
An NPDES permit for storm water discharges associated with industrial facilities is
required due to the facilities Standard Industrial Code (SIC).

RECEIVED

JUN 2013

ELLEN WAY, CHAIR | ROBERT PERDUE, EXECUTIVE OFFICER

# DEPARTMENT OF PUBLIC HEALTH



# COUNTY OF SAN BERNARDINO

**Division of Environmental Health Services: (800) 442-2283**

- 385 North Arrowhead Avenue – San Bernardino, CA 92415-0160
- 8575 Haven Avenue, Suite 130 – Rancho Cucamonga, CA 91730-9105
- 15900 Smoke Tree, Suite 131 – Hesperia, CA 92345
- San Bernardino County Vector Control Program  
2355 East 5<sup>th</sup> Street – San Bernardino, CA 92410-5201

TRUDY RAYMUNDO  
Public Health Director

MAXWELL OHIKHUARE, M.D.  
Health Officer

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

May 31, 2013

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

Dear Ms. Olsen,

Environmental Health Services would like to submit the following comments in regards to the CUP application for the Prescott Center on APN 0601-611-15.

1. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 800-442-2283.

Please contact me if you have any questions.

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

GREGORY C. DEVEREAUX  
Chief Executive Officer

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

## Diane Olsen

---

**From:** Mish, Marty <mmish@dpw.sbcounty.gov>  
**Sent:** Thursday, May 30, 2013 7:56 AM  
**To:** Diane Olsen  
**Cc:** Ali, Mohammad  
**Subject:** FW: Town of Yucca Valley Conditional Use Permit submittal  
**Attachments:** CUP 01-13 Prescott Center application.pdf; CUP 01-13 Prescott Center.RFC plans.pdf; PermitApplication Package-7-13-12.pdf

Diane,

I have reviewed your submittal for the proposed development at the northeast corner of Prescott Avenue and Palisade Drive, and based on the information provided, it appears that there will be no impact to San Bernardino County Flood Control District right-of-way. If no encroachment onto District right-of-way is anticipated, a permit from the District will not be required. However, any encroachment onto District right-of-way for any activity would require a permit from the District. Attached is a copy of the District's permit application package for your information.

### Marty Mish

Flood Control Permit Coordinator  
Department of Public Works  
County of San Bernardino  
Phone: 909-387-8005  
Fax: 909-387-8043  
e-mail: [mmish@dpw.sbcounty.gov](mailto:mmish@dpw.sbcounty.gov)

---

**From:** Diane Olsen [<mailto:dolsen@YUCCA-VALLEY.ORG>]  
**Sent:** Tuesday, May 28, 2013 11:53 AM  
**Subject:** Town of Yucca Valley Conditional Use Permit submittal

The Town of Yucca Valley is currently reviewing a Conditional Use Permit application to subdivide 2.66 acres into 3 parcels and to construct two, single story buildings, including a 3,000 square foot fast food restaurant with drive thru and 17,642 square feet of leasable space . Attached for your review are the application materials and the site plan. Please take the time to review the attached documents and provide any comments that you may have. . Please contact me at [dolsen@yucca-valley.org](mailto:dolsen@yucca-valley.org) or 760-369-6575 x317, if you have any questions or require any additional information.

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



## Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Eldon Heaston, Executive Director

May 28, 2013

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

**Project: CUP 01-130, TPM 19436 (Prescott Center)**


Dear Ms. Olsen:

The Mojave Desert Air Quality Management District (District) has received the Request for Comments for Conditional Use Permit 01-130, TPM 19436. This is a proposal to subdivide 2.66 acres into 3 parcels and to construct 2 single-story buildings, including a 3,000 sq. ft. fast food restaurant with drive thru and 17,642 sq. ft. of leasable space.

We have reviewed the project and, based on the information available to us at this time, the District has no comments.

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

Sincerely,

  
**Alan J. De Salvio**  
Supervising Air Quality Engineer

AJD/tw

YV CUP 01-130 Prescott Center

RECEIVED

MAY 30 2013

TOWN OF YUCCA VALLEY  
PUBLIC WORKS

**SAN BERNARDINO COUNTY  
FIRE DEPARTMENT**



COUNTY OF SAN BERNARDINO  
PUBLIC AND SUPPORT  
SERVICES GROUP

MARK A. HARTWIG  
Fire Chief

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

DATE: June 17, 2013

EXPIRATION: June 2014

FORCE-GOTTLIEB LLC  
439 N BEDFORD DRIVE  
BEVERLY HILLS CA 90210

PERMIT NUMBER: F201300480  
PROJECT NUMBER:  
LOCATION: 58401 TWENTYNINE PALMS HWY - YVY  
PROJECT TYPE: CUP  
OCCUPANCY TYPE:  
APN: 0601-611-15-0000  
PROPOSAL:  
PLANNER:

Dear Applicant:

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

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

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

Page 1 of 6

Sincerely,

A handwritten signature in black ink, appearing to read "C. Markloff" with a stylized flourish at the end.

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

## FIRE CONDITIONS ATTACHMENT

DATE: 06-18-2013  
PROJECT:  
PERMIT NUMBER: F201300480  
LOCATION: 58401 TWENTYNINE PALMS  
HWY - YVY  
PARCEL: 0601-611-15-0000



### CONDITIONS

Cond: EXPNOTE

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

Cond: F01

Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F01]

Cond: F03

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

Cond: F05

Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code. [F05]

Cond: F05B

Fire Flow Test. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to either produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety. [F05B]

Cond: CON0024704

Fire Fee. The required fire fees (currently \$1,997.00) shall be paid to the San Bernardino County

## FIRE CONDITIONS ATTACHMENT

DATE: 06-18-2013  
PROJECT:  
PERMIT NUMBER: F201300480  
LOCATION: 58401 TWENTYNINE PALMS  
HWY - YVY  
PARCEL: 0601-611-15-0000



Fire Department/Community Safety Division (909) 386-8400. This fee is in addition to fire fees that are paid to the City of Yucca Valley. [F40]

Cond: CON0024703

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

Single Story Road Access Width:

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

Multi-Story Road Access Width:

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

Cond: F42

Building Plans. Not less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42]

Cond: F44

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

Cond: F52

Combustible Vegetation. Combustible vegetation shall be removed as follows:

" Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less.

" Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less. County Ordinance # 3586 [F52]

Cond: F54

Water System Commercial. A water system approved and inspected by the Fire Department is required.



**FIRE CONDITIONS ATTACHMENT**

**DATE:** 06-18-2013  
**PROJECT:**  
**PERMIT NUMBER:** F201300480  
**LOCATION:** 58401 TWENTYNINE PALMS  
HWY - YVY  
**PARCEL:** 0601-611-15-0000



The system shall be operational, prior to any combustibles being stored on the site. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred [300] feet from any portion of a structure. [F54]

Cond: F58  
Sprinkler Installation Letter. The applicant shall submit a letter to the Fire Department agreeing and committing to installation of a fire protection system prior to the building inspection for drywall and insulation. [F58]

Cond: F59  
Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacture's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. Standard 101.1 [F59]

Cond: F59A  
Roof Certification. A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design. [F59A]

Cond: F62A  
Fire Alarm. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. Standard 1007.1.1FA. [F62A]

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

Cond: F72  
Street Sign. This project is required to have an approved street 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 any combustible material being placed on the construction site. Prior

## FIRE CONDITIONS ATTACHMENT

DATE: 06-18-2013  
PROJECT:  
PERMIT NUMBER: F201300480  
LOCATION: 58401 TWENTYNINE PALMS  
HWY - YVY  
PARCEL: 0601-611-15-0000



to final inspection and occupancy of the first structure, the permanent street sign shall be installed. Standard 901.4.4 [F72]

### Cond: F80

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

### Cond: F82

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

### Cond: F85

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

### Cond: F88

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

### Cond: F89

Primary Access Paved. Prior to building permits being issued to any new structure, the primary access road shall be paved or an all weather surface and shall be installed as specified in the General Requirement conditions (Fire # F-9), including width, vertical clearance and turnouts, if required. [F89]

### Cond: F90

Secondary Access Paved. Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all weather surface and shall be installed as specified in the General Requirement conditions (Fire #F-9), including width, vertical clearance and turnouts, if required. [F90]

**FIRE CONDITIONS ATTACHMENT**

**DATE:** 06-18-2013  
**PROJECT:**  
**PERMIT NUMBER:** F201300480  
**LOCATION:** 58401 TWENTYNINE PALMS  
HWY - YVY  
**PARCEL:** 0601-611-15-0000



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

Cond: F94  
Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8400 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials. [F94]

**SAN BERNARDINO COUNTY  
FIRE DEPARTMENT**

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



**COUNTY OF SAN BERNARDINO  
PUBLIC AND SUPPORT  
SERVICES GROUP**

**MARK A. HARTWIG**  
Fire Chief

DATE: June 17, 2013

EXPIRATION: June 2014

**FORCE-GOTTLIEB LLC**  
439 N BEDFORD DRIVE  
BEVERLY HILLS CA 90210

PERMIT NUMBER: F201300481  
PROJECT NUMBER:  
LOCATION: 58401 TWENTYNINE PALMS HWY - YVY  
PROJECT TYPE: TPM  
OCCUPANCY TYPE:  
APN: 0601-611-15-0000  
PROPOSAL:  
PLANNER:

Dear Applicant:

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

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

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

Page 1 of 2

Sincerely

A handwritten signature in black ink, appearing to read "C. Markloff" with the number "157" written below it.

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

# FIRE CONDITIONS ATTACHMENT

DATE: 06-18-2013  
PROJECT:  
PERMIT NUMBER: F201300481  
LOCATION: 58401 TWENTYNINE PALMS  
HWY - YVY  
PARCEL: 0601-611-15-0000



## CONDITIONS

Cond: EXPNOTE

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

Cond: F01

Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F01]

Cond: F0

Fire staff does not have fire conditions, concerns or recommendations for this proposed project. [F0]

been stabilized, containerized and are designated for a lawfully permitted destination;

- (2) Maintenance or stabilization of berms, dikes, or surface impoundments;
- (3) Construction or maintenance of interim or temporary surface caps;
- (4) Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;
- (5) Excavation and/or offsite disposal of contaminated soils or sludges in regulated units;
- (6) Application of dust suppressants or dust binders to surface soils;
- (7) Controls for surface water run-on and run-off that meets seismic safety standards;
- (8) Pumping of leaking ponds into an enclosed container;
- (9) Construction of interim or emergency ground water treatment systems;
- (10) Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.

**Note:** Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

#### § 15331. Historical Resource Restoration/Rehabilitation.

Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

**Note:** Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

#### § 15332. In-Fill Development Projects.

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

**Note:** Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

#### § 15333. Small Habitat Restoration Projects.

Class 33 consists of projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:

- (a) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065,
- (b) There are no hazardous materials at or around the project site that may be disturbed or removed, and
- (c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. (d) Examples of small restoration projects may include, but are not limited to:
  - (1) revegetation of disturbed areas with native plant species;
  - (2) wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat;
  - (3) stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish;
  - (4) projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment.
  - (5) stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and
  - (6) culvert replacement conducted in accordance with published guidelines of the Department of Fish and Game or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.

**Note:** Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

### Article 20. Definitions

#### § 15350. General.

The definitions contained in this article apply to terms used throughout the guidelines unless a term is otherwise defined in a particular section.

**Note:** Authority cited: Section 21083, Public Resources Code. Reference: Section 21083, Public Resources Code.

#### § 15351. Applicant.

"Applicant" means a person who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement for use or financial assistance from one or more public agencies when that person applies for the governmental approval or assistance.

**Note:** Authority cited: Section 21083, Public Resources Code. Reference: Section 21065, Public Resources Code.

#### § 15352. Approval.

- (a) "Approval" means the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out

by any person. The exact date of approval of a project is a matter determined by each public agency according to its rules, regulations, and ordinances. Legislative action in regard to a project often requires approval.

- (b) With private projects, approval occurs upon the earliest commitment to issue or the issuance of a public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project.

**Note:** Authority cited: Section 21083, Public Resources Code. Reference: Sections 21061 and 21065, Public Resources Code.

#### § 15353. CEQA.

"CEQA" means the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq.

**Note:** Authority cited: Section 21083, Public Resources Code. Reference: Section 21050, Public Resources Code.

#### § 15354. Categorical Exemption.

"Categorical exemption" means an exemption from CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects will not have a significant effect on the environment.

**Note:** Authority cited: Section 21083, Public Resources Code. Reference: Sections 21080(b)(10) and 21084, Public Resources Code.

#### § 15355. Cumulative Impacts.

"Cumulative impacts" refer to two or more individual impacts which, when considered together, are compound or which compound or increase other environmental impacts.

- (a) The individual effects may be changes resulting from a single project or a number of separate projects.
- (b) The cumulative impact from several projects is a change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts result from individually minor but collectively significant projects taking place over a period of time.

**Note:** Authority cited: Section 21083, Public Resources Code. Reference: Section 21083(b), Public Resources Code; *Whitman v. Board of Supervisors*, 88 Cal. App. 3d 397.

#### § 15356. Decision-Making Body.

"Decision-making body" means any person or group of people within a public agency, permitted by law to approve or disapprove the project at issue.

**Note:** Authority cited: Section 21083, Public Resources Code. Reference: Section 21003(b), Public Resources Code; *Kleist v. City of Glendale* (1976) 56 Cal. App. 4th 397.

#### § 15357. Discretionary Project.

"Discretionary project" means a project which requires the exercise of judgment or deliberation when

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**INTER**

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**OFFICE**

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**MEMO**

**To:** Chairman & Planning Commission  
**From:** Shane R. Stueckle, Deputy Town Manager  
**Subject:** Appeal, A-01-13, Hubbard  
Home Occupation Permit, HOP-1-13, Mintz  
**Date:** July 9, 2013 Planning Commission Meeting

**Recommendation:**

That the Planning Commission receives and files the report.

**Background:**

At the Planning Commission meeting of June 11, 2013, the Planning Commission continued Appeal, A-01-13, Hubbard, to the meeting of July 9, 2013.

Since the Commission's action of June 11, 2013, the application for HOP-1-13, Mintz, has been withdrawn by the applicant. As such, the Director's Decision is voided, and there is no appealable action.

June 27, 2013

Luke Mintz  
8205 Keats Ave  
Yucca Valley, CA 92284

**RE: HOME OCCUPATION PERMIT, HOP 01-13**

Dear Mr. Mintz:

The Town of Yucca Valley has received your e-mail dated June 26, 2013 regarding Home Occupation Permit, HOP 01-13 (e-mail copy attached). Please consider this letter as notification that your application for a Home Occupation Permit has been officially withdrawn.

Should you have any question or require additional information, please contact staff at your convenience at 760-369-6575, x 317

Best Regards,



DIANE OLSEN  
Planning Technician



Yucca Valley



## Diane Olsen

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**From:** Shane Stueckle  
**Sent:** Wednesday, June 26, 2013 11:04 AM  
**To:** Diane Olsen  
**Subject:** FW: Appeal Staff Report

Fyi

SRS

**From:** Shane Stueckle  
**Sent:** Wednesday, June 26, 2013 11:01 AM  
**To:** 'Luke Mintz'  
**Subject:** RE: Appeal Staff Report

Thank you for replying.]

We will follow up in writing.

Have a great day.

Best Regards,

SRS

**From:** Luke Mintz [<mailto:luke.mintz@gmail.com>]  
**Sent:** Wednesday, June 26, 2013 10:55 AM  
**To:** Shane Stueckle  
**Subject:** RE: Appeal Staff Report

Hello shane sorry I missed your call I do wish to withdraw my home occupation permit thankyou.

On Jun 24, 2013 8:09 AM, "Shane Stueckle" <[ssmueckle@yucca-valley.org](mailto:ssmueckle@yucca-valley.org)> wrote:

Mr. Mintz: I am touching base with you to ascertain if you have made a decision regarding your Home Occupation Permit Application. Please let myself or Diane Olsen know at your earliest convenience.

Best Regards,

SRS

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**From:** Luke Mintz [mailto:[luke.mintz@gmail.com](mailto:luke.mintz@gmail.com)]  
**Sent:** Friday, June 14, 2013 7:23 AM  
**To:** Shane Stueckle  
**Subject:** RE: Appeal Staff Report

I am planning to withdraw my application for HOP 1-13 and try to open a small business in Twentynine palms instead. I would like to store some firearms related to that business at my home address and was wondering if I need to have any kind of permit from the town to do so? There will be no business of any kind conducted at my home address. If I do not need a permit or license of any kind to do so I would like an official letter from the city stating so. Thank you.

June 27, 2013

Frank Hubbard  
8243 Keats Ave  
Yucca Valley, CA 92284

**RE: APPEAL, A 01-13**

Dear Mr. Hubbard:

Home Occupation Permit, HOP 01-13 has been officially withdrawn. Because the application has been officially withdrawn, the Directors Decision is no longer in effect, and there is no decision to appeal.

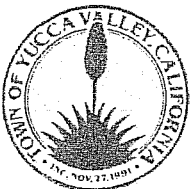
The item will remain on the Planning Commission agenda for the meeting of July 09, 2013, but only as an informational item to the Planning Commission regarding the withdrawal of the Home Occupation Permit application. No additional action may be taken.

Should you have any question or require additional information, please contact staff at your convenience at 760-369-6575, x 317

Best Regards,



DIANE OLSEN  
Planning Technician



**Yucca Valley**

COMMUNITY DEVELOPMENT DEPARTMENT  
700 E. Highway 95  
Yucca Valley, CA 92284

## PLANNING COMMISSION STAFF REPORT

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

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

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

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

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

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

### Order of Procedure:

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

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

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

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

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

**84.0615 (a) PURPOSE AND INTENT:**

*The purpose and intent of this Section is to establish regulations allowing for the operation of certain business activities in single and multi-family residential neighborhoods. The standards and requirements are intended to ensure that home based business operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated within residential neighborhoods. It is the intent of this Section to allow for commercial uses that are accessory and incidental to the primary purpose of residential homes, which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit. Home Occupation permits may be allowed in multi-family zoning and in multi-family units, including duplexes, tri-plexes, and apartment units.*

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

**84.0615 (d) (3)**

**Exempt Home Occupations:** *Telecommuting and internet or electronic based businesses, or other similar activities that are transparent inside the residential structure, and do not involve customer to site, employees, or any structural alteration are exempt from permitting requirements.*

**84.0615 (e) (1-17)**

**Director's Approval, No Hearing Required:**

*Subject to the authority and discretion of the Director, Home occupations that meet the following standards, after appropriate application and subject to a field investigation, may be permitted without notice or a hearing. Alternatively, the Director may schedule a hearing or forward the matter to the Planning Commission for action. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this subsection.*

*(1) There is no visible or external evidence of the home occupation. The dwelling was not built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;*

*(2) There are no displays, for sale, or advertising signs on the premises;*

*(3) There are no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;*

*(4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;*

*(5) The home occupation does not encroach into any required parking, setback, or open space area;*

*(6) Outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises shall not be visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;*

*(7) There is complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;*

*(8) No pedestrian or vehicular traffic is generated in excess of that customarily associated with a residential use and the neighborhood in which it is located;*

*(9) The Home Occupation has a current business registration certificate;*

*(10) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use has been obtained prior to the submittal for a Home Occupation Permit;*

*(11) The garage has not and shall not be altered externally;*

*(12) The Home Occupation does not create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;*

*(13) There are no sales of products on the premises.*

*(14) No customers or clientele may visit the residence.*

*(15) All employees shall be members of the resident family and shall reside on the premises.*

*(16) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation.*

*(17) No employees and no vehicle parking, other than that normally associated with a single family residential structure, is provided.*

**84.0615 (f) (1-5)**

**Director's Approval, Hearing Required:**

*(f) Home occupation permit applications meeting the following standards shall be subject to notice and hearing. The Community Development Director is the review authority, and the Director may forward the application to the Planning Commission for consideration.*

*(1) There may be sales of products on the premises.*

*(2) Customers may visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for business activities shall not exceed 10 trips per day in all Land use Districts.*

*(3) All employees of the home occupation, except one (1), shall be members of the resident family and shall reside on the premises provided all the required findings can be made, in all RS land use districts. All employees of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises provided all the required findings can be made in all RL land use districts. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on-site.*

*(4) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation in all RS land use districts. Up to thirty-five percent (35%) or five hundred (500) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the use in all RL land use districts.*

*(5) Operating hours of a home occupation shall be between the hours of 7:00 a.m. and 8:00 p.m.*

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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**Property Owner:**  
SAME

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**Representative:**  
SAME

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

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

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

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

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

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

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**Surrounding Land Use:**

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

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**Public Notification**

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

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**RECOMMENDATIONS:**

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

Project Planner: Diane Olsen, Planning Technician

Reviewed By: Shane Stueckle, Deputy Town Manager

**Appeal Information:**

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

**I. GENERAL INFORMATION**

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

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

**PROJECT SYNOPSIS:**

**SITE COVERAGE**

PROJECT AREA:

0.48 Acres

BUILDING AREA:

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

FLOOD ZONE:

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

ALQUIST PRIOLO ZONE:

Yes

**II. PROJECT ANALYSIS**

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

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

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

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

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

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

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

The applicant is proposing the following:

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

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

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

1. Rifles
2. Handguns

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

**PUBLIC COMMENT:**

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

**FINDINGS:**

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

1. That the proposed use is not prohibited.

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

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

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

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

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

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

*There are no specific plans for the proposed location.*

5. That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the Development Code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

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

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

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

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



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

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

1. This Home Occupation Permit approval is valid for a period of one year. Applicant is responsible for the initiation of a request for renewal.  
Approval Date: April 26, 2013  
Expiration Date: April 26, 2014
2. There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted.
3. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve Applicant of his obligations under this condition.
4. The Applicant/owner shall ascertain and comply with requirements of all Federal, State, County, Town and local agencies and obtain any and all necessary approval and permits that are applicable to the project. These include, but are not limited to ATF, CA Dept. of Justice, Environmental Health Services, Transportation/Flood Control, Fire Department, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.

5. All conditions are continuing conditions. Failure of the Applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
6. There shall be no displays, sale or advertising signs on the premises.
7. There shall be no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage.
8. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs.
9. The Home Occupation shall not encroach into any required parking, setback, or open space area.
10. There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited.
11. There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises.
12. No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located.
13. No home occupation shall be initiated until a current business registration certificate is obtained.
14. A Home Occupation Permit is not transferable.
15. The garage shall not be altered externally.
16. No use shall create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances.
17. Customers conducting business at 8205 Keats Avenue shall be limited to a maximum of ten (10) per month.

18. Hours of operation shall be limited to:  
8 AM to 3:30 PM on Saturdays and;  
8 AM to 11:30 AM on Mondays.
19. Applicant shall submit a copy of Federal Firearms License prior to the commencement of any business operation.
20. Applicant shall submit proof, on a quarterly basis, of an active commercially monitored alarm system contract.
21. All doors and windows which provide ingress/egress to the structure, including the garage, shall be equipped door/window break security monitoring equipment, including the garage vehicle door. This is also to include the door separating the garage from the living quarters.
22. The living quarters shall be equipped with glass break security monitoring equipment.
23. Applicant's home address shall not be used in any type of advertising or business promotion.
24. All employees shall be members of the resident family and shall reside on the premises.
25. Up to twenty-five percent (25%) or two hundred fifty (250) square feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation.
26. No employees and no vehicle parking, other than that normally associated with a single family residential structure, shall be permitted.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

ORDINANCE NO. 178

AN ORDINANCE OF THE TOWN COUNCIL OF  
THE TOWN OF YUCCA VALLEY, CALIFORNIA,  
AMENDING TITLE 8, DIVISION 4, CHAPTER 6  
SECTION 84.0615 OF THE SAN BERNARDINO  
COUNTY CODE AS ADOPTED AND AMENDED BY  
THE TOWN OF YUCCA VALLEY RELATING TO  
HOME OCCUPATIONS (DCA-06-05)

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

SECTION 1. Development Code Amended.

1.1 Title 8, Division 4, Chapter 6 Section 84.0615 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read in its entirety as follows:

"84.0615

**Home Occupations**

84.0615

(a) **PURPOSE AND INTENT:**

The purpose and intent of this Section is to establish regulations allowing for the operation of certain business activities in single and multi-family residential neighborhoods. The standards and requirements are intended to ensure that home based business operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated within residential neighborhoods. It is the intent of this Section to allow for commercial uses that are accessory and incidental to the primary purpose of residential homes, which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit. Home Occupation permits may be allowed in multi-family zoning and in multi-family units, including duplexes, tri-plexes, and apartment units.

(b) No person shall engage in a home occupation without first obtaining a special use permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt.

(c) The Director of the Community Development Department, or his designee, shall review all applications for a Home Occupation Permit to determine if the proposed use meets all of the standards of subsection 84.0615 (j). If all standards are met after complying with the notice provisions of this subsection, the Community Development Director shall make the following findings prior to issuance of the permit:

- (1) That the proposed use is not prohibited;
  - (2) That the proposed use will comply with all applicable standards;
  - (3) That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;
  - (4) That the proposed use will be consistent with any applicable specific plan.
  - (5) That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the development code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.
- (d)
- (1) In accordance with Section 83.010330 *Notice of Pending land Use Decision*, notice shall be given, except that such notice will be given at least fifteen (15) days prior to the scheduled hearing date. If no response has been received by the Town five (5) days prior to the scheduled hearing date and the applicant has no objections to the conditions of approval, the Community Development Director may elect not to hold a formal hearing.
  - (2) Home Occupation Permits are subject to review by the Community Development Director annually, or as a result of any written complaint.
  - (3) Telecommuting and internet or electronic based businesses, or other similar activities that are transparent inside the residential structure, and do not involve customer to site, employees, or any structural alteration are exempt from permitting requirements.
- (e) Subject to the authority and discretion of the Director, Home occupations that meet the following standards, after appropriate application and subject to a field investigation, may be permitted without notice or a hearing. Alternatively, the Director may schedule a hearing or forward the matter to the Planning Commission for action. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this subsection.
- (1) There is no visible or external evidence of the home occupation. The dwelling was not built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;

- (2) There are no displays, for sale, or advertising signs on the premises;
- (3) There are no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;
- (4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;
- (5) The home occupation does not encroach into any required parking, setback, or open space area;
- (6) Outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises shall not be visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
- (7) There is complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;
- (8) No pedestrian or vehicular traffic is generated in excess of that customarily associated with a residential use and the neighborhood in which it is located;
- (9) The Home Occupation has a current business registration certificate;
- (10) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use has been obtained prior to the submittal for a Home Occupation Permit;
- (11) The garage has not and shall not be altered externally;
- (12) The Home Occupation does not create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;
- (13) There are no sales of products on the premises.
- (14) No customers or clientele may visit the residence.
- (15) All employees shall be members of the resident family and shall reside on the premises.
- (16) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation.
- (17) No employees and no vehicle parking, other than that normally associated with a single family residential structure, is provided.

- (f) Home occupation permit applications meeting the following standards shall be subject to notice and hearing. The Community Development Director is the review authority, and the Director may forward the application to the Planning Commission for consideration.
- (1) There may be sales of products on the premises.
  - (2) Customers may visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for business activities shall not exceed 10 trips per day in all Land use Districts.
  - (3) All employees of the home occupation, except one (1), shall be members of the resident family and shall reside on the premises provided all the required findings can be made, in all RS land use districts. All employees of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises provided all the required findings can be made in all RL land use districts. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on-site.
  - (4) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation in all RS land use districts. Up to thirty-five percent (35%) or five hundred (500) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the use in all RL land use districts.
  - (5) Operating hours of a home occupation shall be between the hours of 7:00 a.m. and 8:00 p.m.
- (g) **Prohibited Home Occupations.** The following uses are not incidental to or compatible with residential activities and therefore shall not be allowed as home occupations:
- (1) Animal hospitals;
  - (2) Automotive and other vehicle repair (body or mechanical), upholstery, painting, or storage;
  - (3) Junk yards;
  - (4) Medical and dental offices, clinics, and laboratories;
  - (5) Mini-storage;
  - (6) Storage of equipment, materials, and other accessories to the construction trades;
  - (7) Welding and machining.
  - (8) Cabinet shop.

- (9) Uses which may include the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions.
- (h) The Home Occupation Permit may be revoked by the Community Development Director if any one of the following findings can be made that there exists a violation of a condition; regulation or limitation of the permit and said violation is not corrected within ten (10) days after a notice of violation is served on the violator or after repeated violations. The permit shall not be revoked without notice of hearing ten days in advance of the hearing for consideration of permit revocation. The Director may schedule the revocation hearing for consideration by the Planning Commission.
- (1) That the permitted home occupation use has changed in kind, extent or intensity from the use which received an approved Home Occupation Permit;
  - (2) That the use has become detrimental to the public health, safety, welfare or traffic, or constitutes a nuisance;
  - (3) That the use for which the permit was granted has ceased or was suspended for six (6) or more consecutive calendar months;
  - (4) That the use is not being conducted in a manner consistent with applicable operating standards described in Section 84.0618 *Operating Standards*, of this Chapter;
  - (5) That the permit was obtained by misrepresentation or fraud;
  - (6) That one (1) or more of the conditions of the Home Occupation Permit have not been met;
  - (7) That the property owner or tenant fails to permit entry onto the premises to allow periodic inspections by representatives of the Town at any reasonable time;
  - (8) That the home occupation is in violation of any statute, law, ordinance, or regulation;
  - (9) That two (2) or more valid complaints from at least two (2) different parties have been filed against the home occupation within any six (6) month period, and it is found that the use is causing harm or unreasonable annoyance or is otherwise detrimental to other property or its use in the area.
  - (10) That the applicant has not obtained a current business registration certificate from the Town.
  - (11) That the proposed use altered the character of the neighborhood and/or induced physical or socioeconomic changes to the neighborhood that are not consistent with the goals and objectives of the General Plan, that are not consistent with the development code, and that create characteristics more closely associated with commercial, office or industrial land use activities.



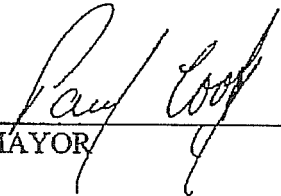
- 1
- (i) **Appeal.** Any affected person may appeal a decision of the Director of Community Development to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Community Development Director shall schedule the matter on the agenda for the next possible regular Planning Commission meeting. The Planning Commission may affirm, revise or modify the action appealed from the Town staff. Any decision of the Planning Commission may be appealed to the Town Council within ten (10) days following the Commission action.
- (j) **General Standards.** All home occupations shall comply with all of the following operating standards at all times:
- (1) There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;
  - (2) There shall be no displays, sale, or advertising signs on the premises;
  - (3) There shall be no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;
  - (4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;
  - (5) The home occupation shall not encroach into any required parking, setback, or open space area;
  - (6) There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
  - (7) There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;
  - (8) No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located;
  - (9) No home occupation shall be initiated until a current business registration certificate is obtained;
  - (10) A Home Occupation Permit shall not be transferable;

- (11) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal for a Home Occupation Permit;
- (12) The garage shall not be altered externally;
- (13) No use shall create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;
- (14) The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this Chapter.

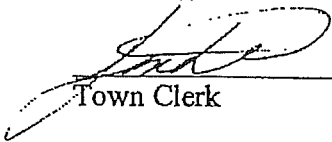
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

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

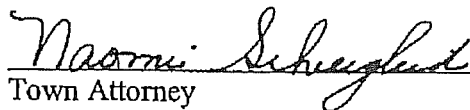
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 5th day of January, 2006.

  
 \_\_\_\_\_  
 MAYOR

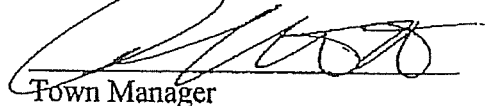
ATTEST:

  
 \_\_\_\_\_  
 Town Clerk

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Town Attorney

APPROVED AS TO CONTENT:

  
 \_\_\_\_\_  
 Town Manager

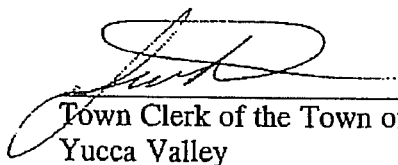
STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 178 as duly and regularly introduced at a meeting of the Town Council on the 8<sup>th</sup> day of December, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 5<sup>th</sup> day of January, 2006, by the following vote, to wit:

- Ayes: Council Members Leone, Luckino, Mayes, Neeb and Mayor Cook
- Noes: None
- Abstain: None
- Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 17<sup>th</sup> day of January, 2006.

(SEAL)

  
Town Clerk of the Town of  
Yucca Valley

## Home Occupation Permit Hearing

HOP 01-13

8205 Keats Ave

04-15-2013

9:00 AM

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

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

Deputy Town Manager Shane Stueckle opened the permit hearing.

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

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

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

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

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

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

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

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

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

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

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

Monica Hubbard is concerned about security

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

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

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

William Wood questioned the cost of the license.

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

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

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

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

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

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

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

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

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

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

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

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

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

Chris Anderson questioned the reason for approval of previous application.

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

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

Shane Stueckle discussed issues related to the application.

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

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

Chris Anderson questioned whether an application has ever been denied

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

Frank Hubbard and Shane Stueckle discussed notification of decision

Chris Anderson questioned timeline for approval of FFL

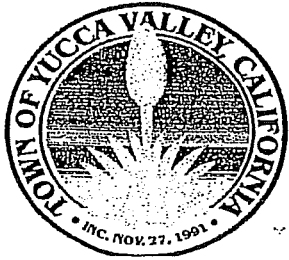
Luke Mintz – has a home inspection in two weeks for FFL, must have Town license to apply for State License, which takes 60 to 90 days.

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

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

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

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



# Appeal Application and Information Sheet

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

## General Information

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

REPRESENTATIVE \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

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

## Project Information

Project Address 8205 Keats Ave. Assessor Parcel Number(s) 588-356-05

Project Location \_\_\_\_\_

Project Description: Assemble and Sell Firearms

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

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

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

Town of Yucca Valley  
 Community Development Department  
 Planning Division

58928 Business Center Dr.  
 Yucca Valley, CA 92284  
 760-369-6575 Fax: 760-369-0084

**Owner/Applicant Authorization**

**Applicant/Representative:** I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. All documents, maps, reports, etc., submitted with this application are deemed to be public records. I/We further understand that the Town might not approve the application as submitted, or might set conditions of approval. Further, I understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Property Owner/ Authorized Agent:** I/We certify that I/We are presently the legal owner(s) of the above described property (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all of the above information is true and accurate. I/We understand that I/We are responsible for ensuring compliance with conditions of approval I hereby authorize the Town of Yucca Valley and or/its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements including compliance with applicable Town Code Requirements. Further, I understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records.

Signed: Frank J. Hufford

Dated: 5/6/2013

**Agreement to Pay All Development Application Fees**

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

Further, I understand that if I do not submit the required additional deposit to the Town within 15 business days from the date of the letter, staff may stop processing of the application and/ or not schedule the project for action by the Planning Commission or Town Council.

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

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

Deposit Paid: \$ \_\_\_\_\_

Applicant's Signature \_\_\_\_\_ Date: \_\_\_\_\_

Applicants Name \_\_\_\_\_  
(Please print)



May 6, 2013

Frank J. Hubbard

Yucca Valley, CA 92284-6180

H

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

Dear Planning Commission:

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

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

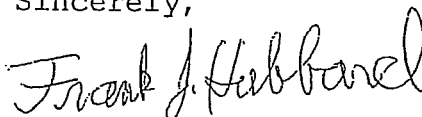
Most of my neighbors appeared at the hearing on 4/15. The concerns expressed were: Negative impact on property values, increased crime (Guns are a popular target for thieves.), safety of our children, negative impact on 2 nearby day care centers and increased traffic on our street. The overwhelming opposition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

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

A gun shop does not belong in a residential neighborhood.

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

Sincerely,



Frank J. Hubbard

Nalini Maharaj(resident supporting the the appeal as well)

Yucca Valley, 92284

May 03. 2013

The planning Commission

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

Dear Sir/Madam

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

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

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

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

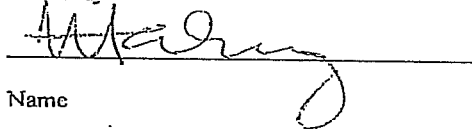
- A Valid federal firearm license,
- A valid Sellers permit issued by the State Board of Equalization
- A Certificate of Eligibility issued by the department of Justice
- A valid listing on the DOJ Centralized list of Firearms Dealers, Etc

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

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

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

Sincerely

A handwritten signature in black ink, appearing to read "M. Mintz", is written over a horizontal line. The signature is cursive and somewhat stylized.

Name

And on behalf all residents

April 26, 2013

Luke Mintz  
8205 Keats Ave  
Yucca Valley, CA 92284

**RE: HOME OCCUPATION PERMIT, HOP 01-13**

Dear Mr. Mintz:

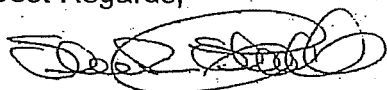
The Town received your application for Home Occupation Permit on March 18, 2013. Your application was approved on April 26, 2013, subject to compliance with the attached Conditions of Approval. Please note that there is a ten day appeal period prior to final approval of the permit.

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

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

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

Best Regards,



SHANE R. STUECKLE  
Deputy Town Manager

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



The Town of  
**Yucca Valley**

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

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

LUKE MINTZ  
8205 KEATS AVE  
YUCCA VALLEY, CA 92284

PERMIT - HOP 01-13

TYPE OF PERMIT - HOME OCCUPATION PERMIT

LOCATION - 8205 KEATS AVENUE

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

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

**MUST COMPLY WILL ALL CONDITIONS OF APPROVAL**

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



SHANE R. STUECKLE  
Deputy Town Manager

**POST IN A CONSPICUOUS PLACE**



The Town of  
**Yucca Valley**

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

P. 129  
P. 34

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

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

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

1. This Home Occupation Permit approval is valid for a period of one year. Applicant is responsible for the initiation of a request for renewal.  
Approval Date: April 26, 2013  
Expiration Date: April 26, 2014
2. There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted.
3. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve Applicant of his obligations under this condition.
4. The Applicant/owner shall ascertain and comply with requirements of all Federal, State, County, Town and local agencies and obtain any and all necessary approval and permits that are applicable to the project. These include, but are not limited to ATF, CA Dept. of Justice, Environmental Health Services, Transportation/Flood Control, Fire Department, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.

5. All conditions are continuing conditions. Failure of the Applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
6. There shall be no displays, sale or advertising signs on the premises.
7. There shall be no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage.
8. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs.
9. The Home Occupation shall not encroach into any required parking, setback, or open space area.
10. There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited.
11. There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises.
12. No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located.
13. No home occupation shall be initiated until a current business registration certificate is obtained.
14. A Home Occupation Permit is not transferable.
15. The garage shall not be altered externally.
16. No use shall create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances.
17. Customers conducting business at 8205 Keats Avenue shall be limited to a maximum of ten (10) per month.

18. Hours of operation shall be limited to:  
8 AM to 3:30 PM on Saturdays and;  
8 AM to 11:30 AM on Mondays.
19. Applicant shall submit a copy of Federal Firearms License prior to the commencement of any business operation.
20. Applicant shall submit proof, on a quarterly basis, of an active commercially monitored alarm system contract.
21. All doors and windows which provide ingress/egress to the structure, including the garage, shall be equipped door/window break security monitoring equipment, including the garage vehicle door. This is also to include the door separating the garage from the living quarters.
22. The living quarters shall be equipped with glass break security monitoring equipment.
23. Applicant's home address shall not be used in any type of advertising or business promotion.
24. All employees shall be members of the resident family and shall reside on the premises.
25. Up to twenty-five percent (25%) or two hundred fifty (250) square feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation.
26. No employees and no vehicle parking, other than that normally associated with a single family residential structure, shall be permitted.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



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

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

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

---

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

---

Property Owner:  
SAME

---

Representative:  
SAME

---

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

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

---

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

---

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

---

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

---

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

---

Surrounding Land Use:

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

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Public Notification

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

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RECOMMENDATIONS:

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

Project Planner: Diane Olsen, Planning Technician

Reviewed By: Shane Stueckle, Deputy Town Manager

Appeal Information:

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

## I. GENERAL INFORMATION

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

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

### **PROJECT SYNOPSIS:**

PROJECT AREA:

### **SITE COVERAGE**

0.48 Acres

BUILDING AREA:

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

FLOOD ZONE:

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

ALQUIST PRIOLO ZONE:

Yes

## II. PROJECT ANALYSIS

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

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

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

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

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

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

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

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

The applicant is proposing the following:

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

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

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

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

1. Rifles
2. Handguns

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

**PUBLIC COMMENT:**

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

**FINDINGS:**

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

1. That the proposed use is not prohibited.

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

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

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

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

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

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

*There are no specific plans for the proposed location.*

5. That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the Development Code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

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

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

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

Attachments:

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



# Home Occupation Permit Application

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

New       Renewal

### General Information

APPLICANT Luke Mintz Phone \_\_\_\_\_

Mailing Address 8205 Keats Ave Email \_\_\_\_\_

City Yucca Valley State Ca Zip 92284

REPRESENTATIVE Same Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

PROPERTY OWNER Same Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### Project Information

Business Name Lukes Firearms Assessor Parcel Number(s) 0588-356-05-000

Business Address 8205 Keats Ave Yucca Valley, Ca, 92284

Type of business The sale of firearms and ammunition

Type of Advertising to be uses yellow pages and word of mouth

Applicant Signature [Signature]

Property Owner Signature [Signature]



Please provide detailed responses to the following:

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

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

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

One fire proof gun safe and various hand tools.

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

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

How are contacts made with clients or customers?

Over the phone.

Square feet of area used for storage and work area:

approximately 72 sqft

Total square feet of residence, including garage:

2,830 sqft

Brief summary of business being conducted:

The Man Primarily the sale of firearms and ammunition also the occasional manufacture of a firearm no more than 10 per year.

Robert Kirschmann

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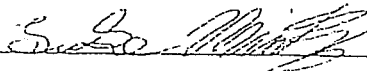
From:  
Sent: Tuesday, March 19, 2013 8:42 PM  
To: Robert Kirschmann  
Subject: description

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

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

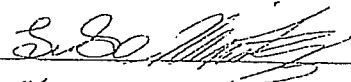
**Owner/Applicant Authorization**

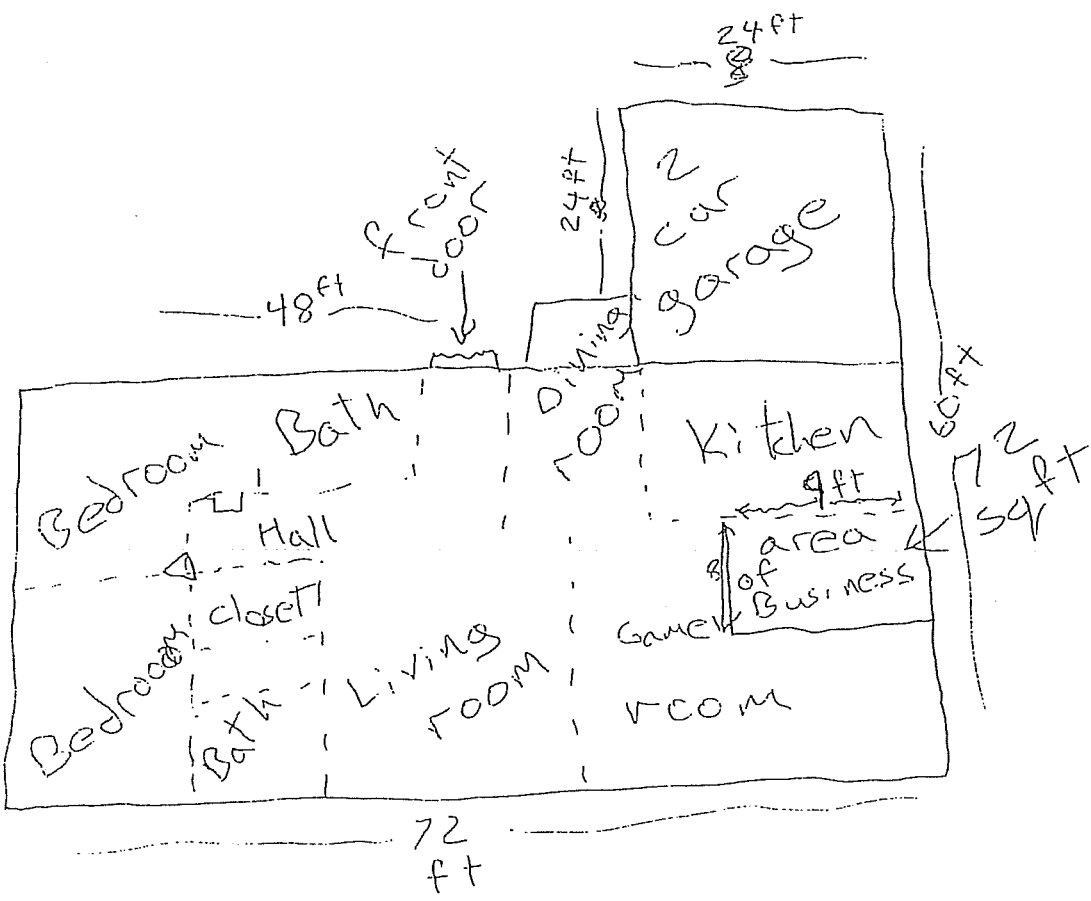
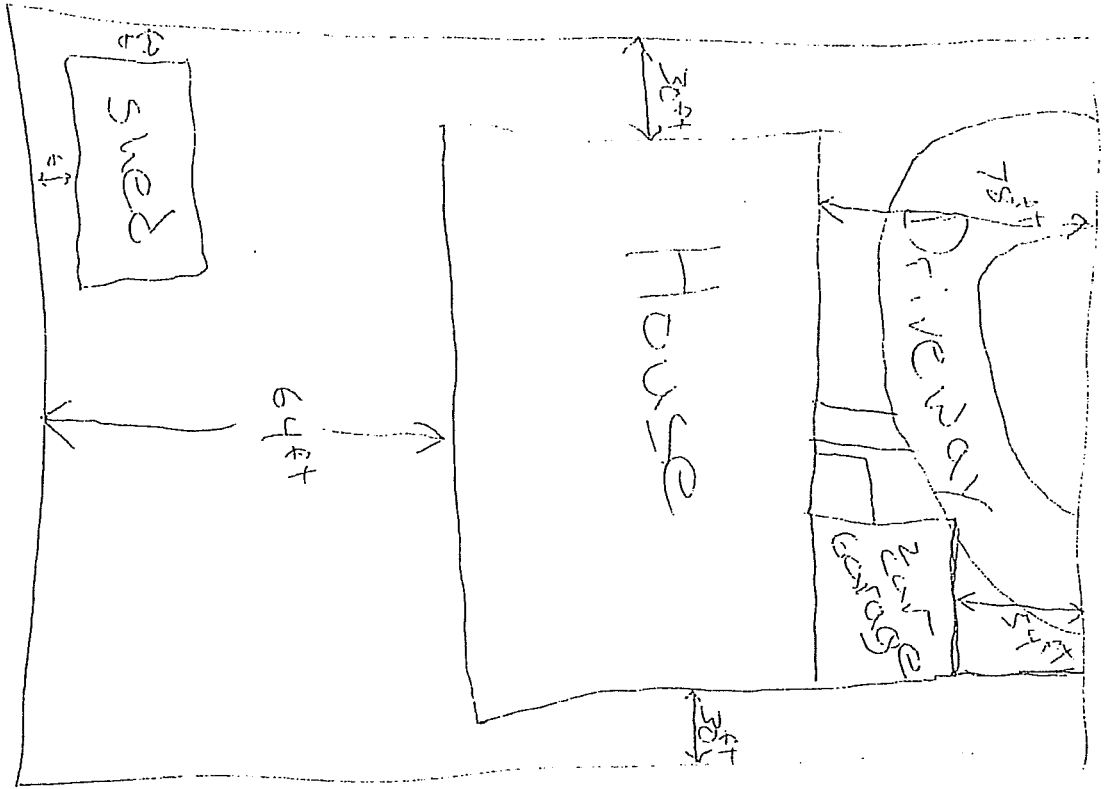
**Applicant/Representative:** I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. I/We further understand that the Town may not approve the application as submitted, and may set conditions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

Signed:   
Date: 3-18-13

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

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

Signed:   
Dated: 3-18-13  
LM



# Application for Federal Firearms License

**For ATF Use Only**

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

Luke Minto

2. Trade or Business Name, if any

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

4. Name of County in Which Business is Located

Santa Bernate County

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

8205 Keats Ave, Yucca Valley, Ca  
92254

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

7. Contact Numbers (Include Area Code)

Business Phone (760) 587-7136

Fax Number

Cell Phone

24 Hour Emergency # (If different)

8. Applicant's Business is (Select one)

Individually Owned     A Partnership     A Corporation     Other (Specify)

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

We assemble and sale of firearms.

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

Yes     No

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

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

12. Method of Payment (Check one)

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

Credit/Debit Card Number (No dashes)

Name as Printed on Your Credit/Debit Card

Expiration Date (Month & year)

Address:

City:

State:

Zip Code:

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

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

Total Application Fees:  
\$

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

Signature of Cardholder

Date

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

Time	Sun	Mon	Tues	Wed	Thu	Fri	Sat
Open	6:30	6:30	close	close	close	close	close
Close	6:30	11:30	close	close	close	close	close

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

14a. Present Federal Firearms License Number

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

Dutary Branch

6. Applicant's Business Premises Are

Owned  Leased/Rentel  Military

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

Name and Address of Property Owner (If applicable)

Telephone Number of Property Owner (If applicable)

17. Indicate Type of Business Premises

- |   |  |
|---|--|
| <input type="checkbox"/> Zoned Commercial | <input type="checkbox"/> Zoned Residential                 |
| <input type="checkbox"/> Store Front      | <input checked="" type="checkbox"/> Single Family Dwelling |
| <input type="checkbox"/> Office           | <input type="checkbox"/> Condominium/Apartment             |
| <input type="checkbox"/> Rod & Gun Club   | <input type="checkbox"/> Hotel/Motel                       |
| <input type="checkbox"/> Military Base    | <input type="checkbox"/> Public Housing                    |
| <input type="checkbox"/> Other (Specify)  |  |

8. Do You Intend To Make a Profit from Your Business?

Yes  No (If no, do not submit application)

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

9. Do You Intend To Sell Firearms Only at Gun Shows?

Yes (If yes, do not submit application)  No

10. Do You Intend to Use Your License Only to Acquire Personal Firearms?

Yes (If yes, do not submit application.)  No

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

18. Name of Previous Business

21. Federal Firearms License Number

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

Full Name	Position and Social Security Number (Social Security Number is Voluntary)	Home Address <i>Please provide every address you have had in the last 5 years.</i>	Country of Citizenship <i>List more than one, if applicable. Nonimmigrant aliens must complete all information in item #23.</i>	Place of Birth <i>(City, State, or Foreign Country)</i>	Date of Birth	Race and Ethnicity <i>(Please check one or more boxes)</i>	Sex	Residence Telephone No.
Mike Johnson	owner	8205. Kato Ave, Yuba Valley, Ca 92284	USA	Barak, Ca		<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input checked="" type="checkbox"/> White	M	
						<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White		

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Name of Chief Law Enforcement Officer (CLEO)

Christian Beaswell

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

3665 29 Palms Hwy, Desert Willow, CA 91223

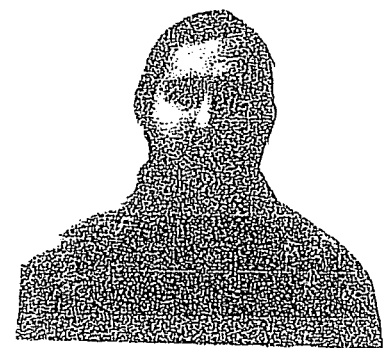
Certification: Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined this application and the documents submitted in support thereof, and to the best of my knowledge and belief, they are true, correct and complete. This signature, when presented by a duly authorized representative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

[Signature]

Signature

2-11-13

Date



ATF Use Only

Application is  Approved  Denied

Reasons for Denial of Application

Signature of Licensing Official

Date

Information for the Chief Law Enforcement Officer

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



April 3, 2013

Chris and Tasha Anderson

Yucca Valley, CA 92284

Community Development Department  
Town Planning Division  
58925 Business Center Drive  
Yucca Valley, CA 92284

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

To Whom It May Concern:

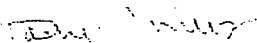
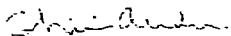
We live on the street adjacent to the Mintz residence at 8205 Keats Ave in Yucca Valley. We purchased our home on Keats Avenue two years ago. It took our family nearly two years to find a home that we loved. We chose our house on Keats Ave mainly because it is a nice area to raise our family and the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

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

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

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

Respectfully



Chris and Tasha Anderson

Dr. Joel S. Resnick, DPM

Yucca Valley, CA 92284

(MAILING ADDRESS BELOW)

Del Mar, CA 92014

4/2/2013

Planning Department (Attn: Diane)

58928 Business Center Dr.

Yucca Valley, CA 92284

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

To Whom It May Concern:

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

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

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

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

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

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

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

William Woods  
Att. Retired

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

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

Commissioners Present: Alberg, Graham, Humphreville and Chair Lombardo

Pledge of Allegiance was led by Chair Lombardo

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

None

**PUBLIC HEARINGS**

**1. HOME OCCUPATION PERMIT, HOP 01-11 ZORAWICKI**

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

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

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

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

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

**DEPARTMENT REPORTS:**

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

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

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

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

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

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

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

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

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

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

Commissioner Alberg shared the other Commissioners concern regarding lot size.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CONSENT AGENDA

None

## FUTURE AGENDA ITEMS

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

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



**STAFF REPORTS AND COMMENTS**

None

**COMMISSIONER REPORTS AND REQUESTS**

Commissioner Alberg – None

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

Commissioner Humphreville – None

Chairman Lombardo – None

**ANNOUNCEMENTS**

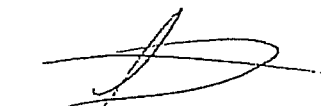
Time, date and place for the next Planning Commission Meeting.

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

**ADJOURNMENT**

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

Respectfully submitted,

  
Jamie Anderson  
Town Clerk

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

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

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

---

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

---

Property Owner:  
SAME

---

Representative:  
SAME

---

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

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

---

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

---

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

---

---

Surrounding Zoning/General Plan Land Use Designation:

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

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Notice of Exemption:

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

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Public Notification

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

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RECOMMENDATIONS:

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

Project Manager: Diane Olsen, Planning Technician

Reviewed By: Robert Kirschmann, Associate Planner

Appeal Information:

Actions by the Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the Town Council within 10 calendar days. Appeal filing and processing information may be obtained from the Planning Division of the Community Development Department. Per Section 83.030145 of the Development Code, minor modifications may be approved by the Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030140 of the Development Code, Required Findings, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit, including modifications to phasing schedules for the project.

## I. GENERAL INFORMATION

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

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

### PROJECT SYNOPSIS:

### SITE COVERAGE

PROJECT AREA:

5 Acres

BUILDING AREA:

Existing Residence	1,750 sq ft
Storage Shed	100 sq ft
Total Existing	1,850 sq ft

FLOOD ZONE:

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

ALQUIST PRIOLO ZONE:

No

## II. PROJECT ANALYSIS

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

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

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

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

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

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

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

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

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

The applicant is proposing the following:

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

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

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

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

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

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

#### PUBLIC COMMENT:

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

#### FINDINGS:

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

1. That the proposed use is not permitted.

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

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

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

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

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

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

*There are no specific plans for the proposed location.*

5. That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the Development Code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

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

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



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

Attachments:

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

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

**GENERAL CONDITIONS**

1. This Home Occupation Permit, HOP 01-11 is a proposal to assemble firearms that are purchased in kit form and to buy and sell firearms to the public. The property is located at 55990 Skyline Ranch Rd and is further identified as assessor's parcel number 596-021-05.  
Approval Date: March 22, 2011  
Expiration Date: March 22, 2012
2. There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted.
3. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve Applicant of his obligations under this condition.
4. The Applicant/owner shall ascertain and comply with requirements of all Federal, State, County, Town and local agencies and obtain any and all

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

5. All conditions are continuing conditions. Failure of the Applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
6. There shall be no displays, sale or advertising signs on the premises.
7. There shall be no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage.
8. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs.
9. The Home Occupation shall not encroach into any required parking, setback, or open space area.
10. There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited.
11. There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises.

12. No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located.
13. No home occupation shall be initiated until a current business registration certificate is obtained.
14. A Home Occupation Permit shall not be transferable.
15. The garage shall not be altered externally.
16. No use shall create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances.
17. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this Chapter.
18. Customers shall be limited to a maximum of three per day.
19. Hours of operation shall be limited to 3 PM to 6 PM.
20. Applicant shall submit a copy of Federal Firearms License prior to the commencement of any business operation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

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

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

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

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**Property Owner:**  
SAME

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**Representative:**  
SAME

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

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

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

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

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

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## I. GENERAL INFORMATION

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

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

### **PROJECT SYNOPSIS:**

PROJECT AREA:

BUILDING AREA:

FLOOD ZONE:

ALQUIST PRIOLO ZONE:

### **SITE COVERAGE**

0.4 Acres

Existing Residence	1,768 sq ft
Attached Garage	846 sq ft
<u>Total Existing</u>	<u>2,614 sq ft</u>
Area used for HOP:	150 sq ft

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

No

## II. PROJECT ANALYSIS

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

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

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

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

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

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

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

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

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

The applicant is proposing the following:

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

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

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

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



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

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

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

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

**PUBLIC COMMENT:**

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

**FINDINGS:**

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

1. That the proposed use is not prohibited.

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

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

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

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

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

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

*There are no specific plans for the proposed location.*

5. That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the Development Code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

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

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

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

Attachments:

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

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

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

**GENERAL CONDITIONS**

1. This Home Occupation Permit approval is valid for a period of one year. Applicant is responsible for the initiation of a request for renewal.  
Approval Date: June 21, 2011  
Expiration Date: June 21, 2012
2. There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted.
3. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such

- action but such participation shall not relieve Applicant of his obligations under this condition.
4. The Applicant/owner shall ascertain and comply with requirements of all Federal, State, County, Town and local agencies and obtain any and all necessary approval and permits that are applicable to the project. These include, but are not limited to ATF, CA Dept. of Justice, Environmental Health Services, Transportation/Flood Control, Fire Department, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.
  5. All conditions are continuing conditions. Failure of the Applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
  6. There shall be no displays, sale or advertising signs on the premises.
  7. There shall be no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage.
  8. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs.
  9. The Home Occupation shall not encroach into any required parking, setback, or open space area.
  10. There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited.
  11. There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances.

Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises.

12. No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located.
13. No home occupation shall be initiated until a current business registration certificate is obtained.
14. A Home Occupation Permit shall not be transferable.
15. The garage shall not be altered externally.
16. No use shall create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances.
17. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this Chapter.
18. Customers shall be limited to a maximum of five per day.
19. Hours of operation shall be limited to 9 AM to 8 PM.
20. Applicant shall submit a copy of Federal Firearms License prior to the commencement of any business operation.
21. Prior to issuance of Home Occupation Permit, applicant shall provide documentation that fees have been paid to the San Bernardino County Fire Dept.
22. The applicant shall be limited to the storage of one pound of black powder and twenty pounds of smokeless powder stored at the residence.
23. Applicant shall be required to have an explosives magazine for the storage of any black powder stored at the residence.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

