

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
April 26, 2011
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

*Robert Lombardo, Chairman
Merl Abel, Commissioner
Mike Alberg, Commissioner
Michael Hildebrand, Commissioner
Tim Humphreville, Commissioner*

AGENDA

REGULAR MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 6:00 P.M., TUESDAY, APRIL 26, 2011

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: Merl Abel, Commissioner
Mike Alberg, Commissioner
Michael Hildebrand, Commissioner
Tim Humphreville, Commissioner
Robert Lombardo, Chairman

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Action: Move by _____ 2nd by _____ Voice Vote _____.

PUBLIC COMMENTS

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

PUBLIC HEARINGS:

1. CONDITIONAL USE PERMIT, CUP 02-11 NIELSON

A request to install two 20' tall towers, each with three (3), five (5) foot tall wind turbines installed on each tower.

Recommendation: That the Planning Commission continues the public hearing to the meeting of May 24, 2011.

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

DEPARTMENT REPORTS:

2. REQUEST FOR DEFERRAL OF CONDITIONS OF APPROVAL FOR CUP 01-08 & TPM 19103, WARREN VISTA CENTER

A request to allow a Certificate of Occupancy to be issued prior to the establishment of Assessment Districts and prior to the relocation of the traffic signal at SR 62 & Warren Vista and the construction of the Cal-Trans required median island.

Recommendation: That the Planning Commission approve the Applicant's request to defer the Conditions of Approval as identified in this Staff Report, and directs staff to return to the Planning Commission with a project status report at the June 14, 2011, Planning Commission meeting.

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

CONSENT AGENDA:

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

4. MINUTES –

A request that the Planning Commission approve as submitted the minutes of the regular meeting held on April 12, 2011.

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

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

May 10, 2011

CUP 03-11, S 01-11, EA 01-11 Senior Housing Project
Wind Energy Conversion Systems (WECS) Ordinance
Minor Permit Processing

May 24, 2011

Conditional Use Permit, CUP 02-11 Nielson Wind Turbines

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Abel
Commissioner Alberg
Commissioner Hildebrand
Commissioner Humphreville
Chairman Lombardo

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, May 10, 2011 at 6:00 p.m.

ADJOURN

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Commissioners
From: Robert Kirschmann, Associate Planner
Date: April 18, 2011
For Commission Meeting: April 26, 2011

Subject: Request for Deferral of Conditions of Approval for CUP 01-08 & TPM 19103, Warren Vista Center
Request to allow a Certificate of Occupancy to be issued prior to the establishment of Assessment Districts and prior to the relocation of the traffic signal at SR 62 & Warren Vista and construction of the Cal-trans required median island

Prior Commission Review: The Planning Commission approved the Conditional Use Permit and Tentative Parcel Map 19103 at their meeting of January 06, 2009.

Recommendation: That the Planning Commission approve the Applicant's request to defer the Conditions of Approval as identified in this Staff Report, and directs staff to return to the Planning Commission with a Project status report at the June 14, 2011, Planning Commission meeting.

Executive Summary: The Conditional Use Permit allows the construction of 75,846 square feet of retail space in multiple buildings on an 8.81 acre site. The Conditional Use Permit is required for drive-through facilities. This project includes a drive-through for the Rite Aid building. A Tentative Parcel Map, TPM 19103 was also approved for the subdivision of the 8.81 acres into five parcels, generally consistent with the location of the buildings on the site. The project is located on the southwest corner of 29 Palms Hwy and Warren Vista Ave.

The January 6, 2009 Planning Commission Staff Report and backup material, as well as a copy of the Final Conditions of Approval, are attached to this Staff Report.

Order of Procedure:

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

Discussion:

The Planning Commission approved the Conditional Use Permit and Tentative Parcel Map at their meeting of January 06, 2009.

The Rite Aid phase of the project is nearing completion and the applicant is anticipating the training of employees and stocking of merchandise in the middle of May 2011, and is anticipating opening the business in mid June of 2011. The applicant is requesting to commence operation prior to the establishment of the assessment districts and completion of the public improvements, as conditioned by the Planning Commission. The conditions that the applicant is requesting to defer include conditions 15, 16, 33, 35, 67 and 71. These conditions relate to the formation of assessment districts, the relocation of the traffic signal on SR62 and Warren Vista Ave and the completion of the Cal-trans required median island. The Conditions read as follows:

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

A separate agreement shall be required guaranteeing the formation of the Districts. The anticipated schedule for formal district formation is difficult to determine at this point because the Final Map has not yet been resubmitted in the plan check process to the Town. Submittal and approval of the Final Map by the Town Engineer is necessary to initiate the formation process. The Engineer of Record has not provided a date of resubmittal at the time of finalizing this Staff Report. It has been indicated that this should take place shortly. Once the Town receives the Map and it is approved by the Town Engineer, the formation process requires approximately 120 days.

- 16, The Applicant shall form a public safety assessment district on the properties subject to Town Council adoption of a fiscal impact model.

This program/policy has not been implemented by the Town, and therefore no action is necessary on this Condition.

33. Construct curb and gutter and sidewalk on State Route 62 per the Town of Yucca Valley "proposed State Route 62 realignment section". Construct a median curb on State Route 62 per Caltrans standards along the project frontage as required by Caltrans in their letter dated February 13, 2008.

The applicant projects completion of the median island around May 15, 2011 and completion of all SR62 improvements around May 30, 2011.

35. Relocate the existing traffic signal at the intersection of State Route 62 and Warren Vista Drive to accommodate the widened highway section.

The applicant projects the traffic signal relocation will be completed by approximately April 29, 2011.

67. The traffic signal at the intersection of SR 62 and Warren Vista Drive shall be relocated prior to the issuance of the first certificate of occupancy.

This condition, similar to above is expected to be satisfied by April 29, 2011.

71. Prior to the issuance of a Certificate of Occupancy all improvements shall be constructed, final inspection performed, punch-list items completed, and all installations approved by the appropriate agency.

The applicant projects completion of all public improvements and all on-site improvements to support this phase around May 30, 2011.

The above dates are based upon the Contractor's schedule for the project and included in the letter dated April 20, 2011.

No written authorization from Cal-trans has been provided. Staff made contact with both the Head of Encroachment Permits, and the Project Inspector. Both stated that the certificate of occupancy can be issued, and the building occupied prior to completion of the required Caltrans improvements.

Warren Vista Avenue and Alta Vista Drive have improvements that are at or near completion including curb, gutter, sidewalk, paving and landscaping. The majority of the perimeter and onsite landscaping has also been completed.

There are Conditions of Approval that require the payment of fees for certain public improvements (62/247 Signal and Warren Vista/Yucca Trail Signal). These and all fees must be paid prior to issuance of the Certificate of Occupancy.

There are no amendments to the Conditions of Approval created by the recommended action. The recommended action allows for the Rite Aid to open while deferring the completion of off-site improvements and assessment district formation. A separate agreement is required to guarantee assessment district formation, and the Certificate of Occupancy will not be issued by the Town until the agreement is finalized and approved.

Alternatives: Deny the applicant's request not allowing the business to open until such time as all Conditions of Approval, as approved by the Planning Commission, have been satisfied.-

Fiscal impact: N/A

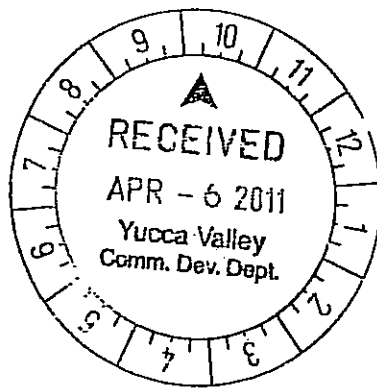
Attachments:

1. Applicant's requests dated April 6, and 20 2011
2. Final Signed Conditions of Approval
3. Planning Commission Staff report and Minutes from January 6, 2009

COPY

NOLTE
BEYOND ENGINEERING

Hand Delivered



April 6, 2011
YVB017700

Robert Kirschmann
Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284

Subject: Warren Vista Center
CUP 01-08 and TPM 19103

Dear Robert:

We hereby request that the following Conditions of Approval (COA) for the above-referenced items be amended as follows:

COA #'s 15 and 16: To allow a certificate of occupancy to be issued on the Rite Aid building prior to the establishment of the Districts.

COA #'s 33, 35 and 37: If allowed by Caltrans, to allow a certificate of occupancy to be issued on the Rite Aid building prior to the relocation of the traffic signal at SR 62 and Warren Vista Avenue.

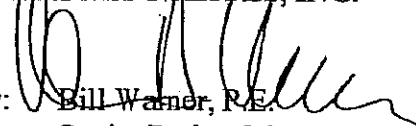
We understand that the Planning Commission will need to review and take action regarding this request. Please place consideration of this request on the Commission's agenda as soon as possible.

Attached is a copy of a plan which depicts the developer's parking lot and landscaping phasing plan. Please review and approve or provide comments on this plan. If it is appropriate to do so, please include this plan for review by the Commission, also.

Please contact me if you have any questions or need any additional information.

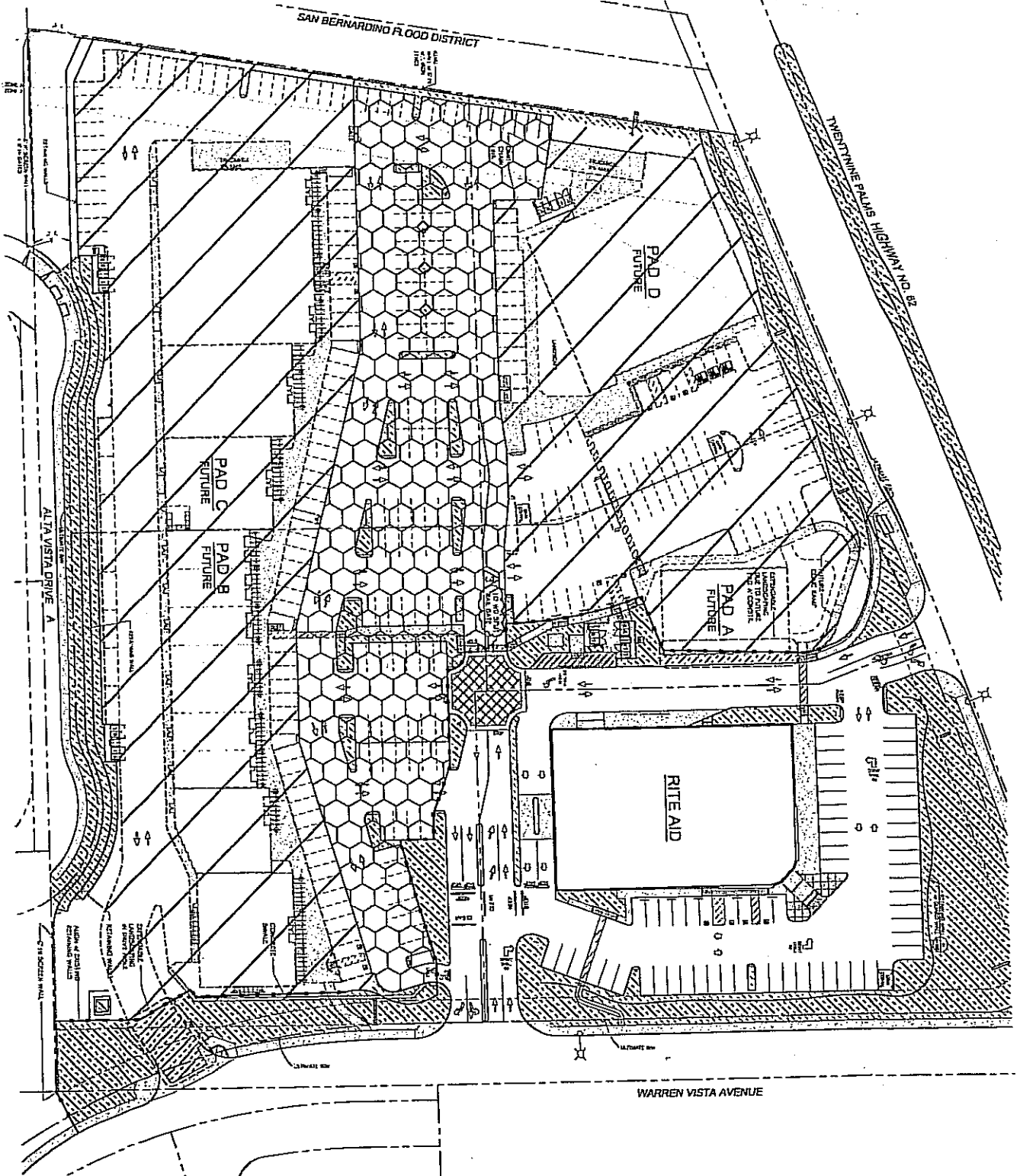
Sincerely,

NOLTE ASSOCIATES, INC.

By:  Bill Warner, P.E.
Senior Project Manager







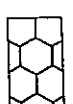
ecc: Richard Gottlieb – rgottlieb@glrealty.com

NOLTE ASSOCIATES, INC.
73-185 HIGHWAY 111, SUITE A
PALM DESERT, CA 92260
760.341.3101 TEL 760.341.5999 FAX
WWW.NOLTE.COM



WARREN VISTA AVENUE

LEGEND

-  LANDSCAPING IN CONSTRUCTION W/ RITE-AID PHASE ONE CONSTRUCTION
-  EXPENDABLE LANDSCAPING DUE TO FUTURE CONSTRUCTION (AT WARREN VISTA SOUTH DRIVEWAY)
-  FUTURE CONSTRUCTION / IMPROVEMENTS
-  10' WIDE SPLIT RAIL GATE (TO MATCH FENCE) W/ LOCK(S)
-  SPLIT RAIL WOOD FENCE W/ POSTS AT 6' O.C. MAX. (SPRINK BOTH HORIZ. RAILS TO POSTS, TYP.)
-  EXISTING CMU WALL
-  PAVING REVISION (NONCONFORM) 1.5-1.0' PROVIDE PAVING SECTION CONSISTENT BASE AND 1 1/2" THICK FRESH LIFT OF ASPHALT PAVING

**PROPOSED REVISION
PHASE ONE LANDSCAPING
& PAVING SITE PLAN
WARREN VISTA CENTER, YUCCA VALLEY**

DATE: 3-31-11 REV 3
 -BASE-18-14-18-REV-2
 -PAVE-11-5-18-REV-1-
 -BASE-18-14-18-
 SCALE: 1"=80'

April 20, 2011
 YVB017700

Robert Kirschmann
Town of Yucca Valley
 58928 Business Center Drive
 Yucca Valley, CA 92284

Hand Delivered

Subject: Warren Vista Center
 CUP 01-08 and TPM 19103

Dear Robert:

We hereby request that the following Conditions of Approval (COA) for the above-referenced items be amended as follows:

COA #'s 15 and 16: To allow a certificate of occupancy to be issued on the Rite Aid (RA) building prior to the establishment of the Districts.

COA #'s 33, 35 and 67: If allowed by Caltrans, to allow a Certificate of Occupancy (CofO) to be issued on the Rite Aid building prior to the relocation of the traffic signal at SR 62 and Warren Vista Avenue.

Note: The following dates have been provided by the General Contractor:

April 29, 2011	RA drive, SR62 widening completed, and signal relocation/operational
May 15, 2011	Completion of SR 62 median
May 30, 2011	Completion of all SR62 improvements

While it is currently expected that the traffic signal will be relocated and operational before the RA CofO, we request modification of the relevant COA's to accommodate unforeseen delays.

We understand that the Planning Commission will need to review and take action regarding this request. Please place consideration of this request on the Commission's agenda as soon as possible.

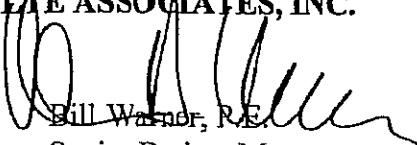
Attached is a copy of a plan which depicts the developer's parking lot and landscaping phasing plan. Please review and approve or provide comments on this plan. If it is appropriate to do so, please include this plan for review by the Commission, also.

Warren Vista Center
Yucca Valley, Ca
April 20, 2011
Page 2 of 2

Please contact me if you have any questions or need any additional information.

Sincerely,

NOLTE ASSOCIATES, INC.

By:  Bill Warner, P.E.
Senior Project Manager

WHW/jb

ecc: Richard Gottlieb – rgottlieb@glrealty.com

COPY

CONDITIONAL USE PERMIT 01-08, TPM 19103, EA 06-08
January 6, 2009 Planning Commission Meeting

FINAL CONDITIONS OF APPROVAL
Conditional Use Permit 01-08, Tentative Parcel Map 19103

1. This approval is for Conditional Use Permit 01-08 and Tentative Parcel Map 19103, an application to allow the construction of a 75,846 square feet of commercial space on a 8.81 acre site, in two phases. Phase I will include the Rite Aid drug store, the Fresh and Easy grocery store, and the western portion of Building B, containing approximately 53,381 square feet. Phase II will include Building A, the restaurant, and the eastern portion of Building B, containing a total of approximately 22,465 square feet. The property is identified as Assessor Parcel Number 595-271-26.
2. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve Applicant of his obligations under this condition.
3. This Conditional Use Permit and Tentative Parcel Map shall become null and void if substantially construction has not been completed, or the map has been recorded, respectively, within two (2) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council, in conformance with the Town of Yucca Valley Development Code regulations. The Applicant is responsible for the initiation of an extension request.

Approval date: January 6, 2009
Expiration date: January 6, 2011

4. The Applicant/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire 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.

Page 1 of 10

Applicant's Initials:

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. 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.
7. The Applicant shall pay all fees charged by the Town as required for processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time the work is undertaken and accomplished. 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).
8. The developer 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.
9. All improvements shall be inspected by the Town's Building and Safety Division, as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
10. Site shall be kept clean at all times. Scrap materials shall be consolidated, and a container must be provided to contain trash that can be carried away by wind during construction.
11. At the time of permit issuance the Applicant shall be responsible for the payment of fees associated with electronic file storage of documents.
12. The Applicant shall pay Development Impact Fees in place at the time of issuance of Building Permits prior to pre-final inspection.
13. A plan identifying all protected plants as well as a Joshua Tree Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. A minimum 60 day adoption period before land disturbance in accordance with the grading plan may commence.

14. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
 - a) The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
 - b) Fire hydrants are accepted by the Fire Marshal and the Department of Public Works.

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

16. The Applicant shall form a public safety assessment district on the properties subject to Town Council adoption of a fiscal impact model.

17. Utility undergrounding shall be required for all new service and distribution lines that provide direct service to the property being developed; existing service and distribution lines that are located within the boundaries being developed that provide direct service to the property being developed; existing service and distribution lines between the street frontage property line and the centerline of the adjacent streets of the property that provide direct service to the property being developed; existing Service and Distribution lines located along or within 10 feet of the lot lines of the property that provide direct service to the property being developed; or existing service and distribution lines being relocated as a result of a project.

18. **All Mitigation Measures included in Environmental Assessment 06-08 are incorporated into these conditions by reference.**

19. In conjunction with the submittal of building plans, a final landscaping and irrigation plan shall be submitted for review and approval. All landscaping shall be on an automated landscaping irrigation system.

20. Landscaping shall be maintained in perpetuity. Any dead plant(s) shall be replaced within 30 days.

21. All roof mounted equipment shall be screened from view from all surrounding streets and property.
22. Reciprocal access and parking easements shall be recorded on all lots within the Parcel Map.
23. A cart corral shall be provided for the Rite Aid parking area, and two cart corrals shall be provided for the Fresh and Easy parking area.
24. The inside westbound lane at the Warren Vista project access, parallel to the RiteAid drive through lanes, shall be converted to a left turn lane into the southern parking lot, if approved by a qualified traffic engineer.
25. The striping of Warren Vista shall include a left turn pocket for northbound traffic at the project entry.
26. The architecture of the Rite Aid building shall be modified to be consistent with the architecture of the Rite Aid recently completed in the City of Banning – it shall include stone veneer, arches and contrasting trim, and similar features on all four sides of the structure.
27. All signage shall comply with the Towns Sign Code, Ordinance 156.
28. All the perimeter landscaping, all retaining walls, and all parking areas and driveways shall be completed prior to the issuance of the first certificate of occupancy.
29. Any area which remains un-built shall be stabilized with either a chemical stabilization agent or a desert wildflower mix. These areas shall also be blocked from vehicular access by bollards or similar decorative means. Chain link fencing shall not be permitted.
30. All retaining walls shall be constructed of decorative block, or similar aesthetically pleasing material. The lower southern boundary wall may be colored concrete block. The southerly two thirds of the western wall, along the Wash, may be colored concrete and wrought iron fencing.
31. Dedicate, or show there exists, sufficient right of way for the “proposed State Route 62 realignment section” per Town standards. This standard requires 67 feet of dedication from centerline of the highway to the right of way. Dedicate, or show there exists, sufficient right of way for a Major Collector street on Warren Vista Avenue per Town of Yucca Valley standard 103. Dedicate, or

- show there exists, sufficient right of way for a Rural Local Road per Town Standards on Alta Vista Drive including required knuckles on the street.
32. Construct curb and gutter and sidewalk 30 feet from centerline on Warren Vista Avenue per Town of Yucca Valley Standard Drawing 103 and 220. Any existing pavement on Warren Vista Avenue shall be removed and replaced to centerline.
 33. Construct curb and gutter and sidewalk on State Route 62 per the Town of Yucca Valley "proposed State Route 62 realignment section". Construct a median curb on State Route 62 per Caltrans standards along the project frontage as required by Caltrans in their letter dated February 13, 2008.
 34. Construct curb and gutter 20 feet from centerline per Town of Yucca Valley Standard Drawing No. 101 on Alta Vista Drive as well as any improvements required for the knuckles. Any existing pavement on Alta Vista Drive shall be removed and replaced to centerline.
 35. Relocate the existing traffic signal at the intersection of State Route 62 and Warren Vista Drive to accommodate the widened highway section.
 36. The project proponent shall contribute his/her fair share to improvements at SR62/SR247, prior to the issuance of a Certificate of Occupancy for the first building of the proposed project.
 37. The Fresh and Easy pad elevation is approximately eight feet above the adjacent highway elevation. If possible this pad should be lowered two to three feet.
 38. A note on the grading plan indicates a 100 foot setback from the Flood Control District east right of way may be required. Prior to submittal of a final grading plan approvals for the site plan from San Bernardino County Flood Control District shall be submitted to the Town.
 39. The applicant shall pay their fair share for all improvements related to the West Burnt Mountain wash as approved by future Town Council Policy or by the Town Manager.
 40. Extend the existing box culvert where West Burnt Mountain Wash crosses under SR 62 such that the ultimate street section for SR 62 can be accommodated. Extend the existing box culvert where West Burnt Mountain Wash crosses under SR 62 to the ultimate southerly side of sidewalk.
 41. Install street lights along the project frontage with SR 62 per Town of Yucca Valley Standard Drawing No. 300.

42. **Install street lights at the project entrances on Warren Vista Drive per Town of Yucca Valley Standard Drawing No. 302.**
43. **The applicant shall pay their fair share for the installation of a traffic sign at Warren Vista and Yucca Trail. The amount shall be determined by a fair share analysis completed by the projects engineer and approved by the Town Engineer.**
44. During construction, the Contractor 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 his business activities, the Applicant shall keep the public right-of-way adjacent to his property in a clean and sanitary condition.
45. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
46. Prior to the issuance of a Grading Permit for the onsite paved areas, a Grading Plan prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town prior to any grading activity. The final Grading Plan shall be reviewed and approved by the Engineering Division prior to issuance of grading permits. The applicant/owner is responsible for all fees incurred by the Town. Prior to Certificate of Occupancy, the Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.
47. 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.
48. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.
49. Developer shall comply with NPDES requirements as applicable. The Applicant shall install devices on his property to keep erodible material, rocks, and gravel on the site. To eliminate any site related dirt and debris within the roadways, the Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town Staff.
50. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. Adequate provision shall

be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.

51. A retention basin and/or underground storage system shall be constructed and functional prior to the issuance of certificate of occupancy for the any lot within the project. The applicant shall provide on-site retention for the incrementally larger flows caused by development of the site.

A 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 the post development 100 year peak flow exiting the site shall be 10% less than the current 25 year peak flow from the site.

Basin(s) shall be designed to fully dissipate storm waters within a 72 hour period.

A pre-filtration system shall be installed for all drain lines connected to an underground storage system to collect sediment and hydrocarbon material prior to discharge into the underground system.

The inlets into the existing San Bernardino County Flood Control District facility to the west of the site shall be submitted to the County for approval.

52. 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.
53. 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.
54. All grading activities shall minimize dust through compliance with AQMD Rule 403.
55. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official.
56. A Notice of Intent to comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002) is required for the proposed development via the California Regional Water Quality Control Board (phone no. 760-346-7491). A copy of the executed letter issuing a Waste Discharge Identification number shall be provided to the Town prior to issuance of a grading permit.

57. 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.
58. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the Applicant/ Developer shall retain a qualified licensed land surveyor or civil Engineer to reset those monuments per Town Standards and file the necessary information with the County Surveyor's office as required by law (AB 1414).
59. All improvement plans shall be designed by a Registered Civil Engineer.
60. Any and all graffiti shall be removed within twenty-four (24) hours of discovery or notification by the Town.
61. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
62. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

63. The Applicant shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the Applicant is required to patch the cuts to Town standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a width 4 feet beyond the edge of the trench on each side, or as determined by the Town Engineer, and replacement with a full-depth asphalt concrete recommended by the Soils Engineer.
64. Prior to the issuance of a certificate of occupancy 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 Engineering Division. The applicant/owner is responsible for all fees incurred by the Town. Prior to Certificate of Occupancy, the Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.

65. Street improvements shall be completed prior to issuance of a certificate of occupancy.
66. The retention basin and/or underground storage system shall be constructed and functional prior to the issuance of certificate of occupancy for the project.
67. **The traffic signal at the intersection of SR 62 and Warren Vista Drive shall be relocated prior to the issuance of the first certificate of occupancy.**
68. The Applicant shall submit written proof to the Building Official that the Applicant has complied with all conditions of approval or comments, as required, from the High Desert Water District, and Colorado Regional Water Quality Control Board. Applicant shall comply with applicable requirements of NPDES (Non-Point Pollution Discharge Elimination System).
69. The Applicant shall construct the replacement of any identified damaged curb and gutter, sidewalk, drive approach, asphalt concrete pavement, meter boxes, and other infrastructure that may be required by the Town Engineer or another Agency.
70. The Applicant shall install all water and sewer systems required to serve the project. The location of the proposed septic system(s) shall be shown on the project grading plan(s).
71. Prior to the issuance of a Certificate of Occupancy all improvements shall be constructed, final inspection performed, punch-list items completed, and all installations approved by the appropriate agency.
72. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the Applicant/ Developer shall retain a qualified licensed land surveyor or civil Engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
73. The Developer and his Contractor(s) 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 Developer shall be responsible for the repair of any damage occurring to offsite infrastructure and/or property damage as determined by the Town Engineer. The Developer 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 Developer may petition the Town Engineer for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.

74. The Developer and his Contractor(s) shall be responsible for all improvements that he has constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced by the Developer. The Developer 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.
75. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. Soil testing for the subsurface disposal system shall meet the requirements of the Department of Environmental Health Services. Applicant shall submit a minimum of three (3) copies of percolation reports for the project site and an appropriate fee to DEHS for review and approval, a copy of the cover sheet with an approval stamp to Building and Safety Division at the time of building permit application, and two (2) copies of the approved percolation report to the Building and Safety Division at the time of construction plan check. **The location of the septic system shall be shown on the project grading plans.**
76. All exterior lighting shall comply with the Outdoor Lighting Ordinance and shall be illustrated on all construction plans.
77. The applicant shall pay in-lieu fees for the project's fair share costs of the Bike Lane within Warren Vista.

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 2-10-09

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES**

JANUARY 6, 2009

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

Commissioners present: Chair Dennis McKoy, Commissioners Shannon Goodpaster, Robert Lombardo and Steve Willman

Chairman McKoy led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mr. Willman moved approval of the agenda, which motion was seconded by Mr. Goodpaster and passed unanimously by voice vote.

PUBLIC COMMENTS:

Margo Sturges of Yucca Valley stated she has a copy of the Official Zoning Map dated September 22, 2005 and she is looking for a notation in the legend for a "No Build" zone. She questioned the legal definition and how it is used by the Town of Yucca Valley. She doesn't see any parcels having that designation.

She is also an advocate for the handicapped and disabled. She asked that the words "or more" be added to conditions of approval for the required number of handicapped parking spaces. This would let builders and developers know it's ok to have more than are required.

Robert Sturges of Yucca Valley asked how the development fees are calculated for developments; specifically is there a minimum and maximum. He also asked if the Town waives impact fees. He would like to know how much has been collected for drainage and run-off problems and where the money will come from for this and other infrastructure needs. He asked where he could get information about this issue.

Mr. McKoy closed Public Comments.

PUBLIC HEARINGS:

1. CONDITIONAL USE PERMIT CUP 01-08 – WARREN VISTA CENTER

A request for approval of a Conditional Use Permit to allow the construction of 75,846 square feet of retail space in multiple buildings which include a free standing Rite Aid and Fresh & Easy grocery store, as well as flood control improvements, parking and landscaping areas, on a 8.81 acre site. A Tentative Parcel Map is also proposed, to divide the 8.81 acres into five parcels. The project is located on the southwest corner of SR62 at Warren Vista Ave. and is identified as APN 595-271-26.

Deputy Town Manager Shane Stueckle commented 2 pages of "Proposed Revisions to Conditions of Approval" have been provided to the Commissioners, copies of which are preserved in the meeting and project files.

The first revision addresses the Sign Program as proposed in COA 25. Staff recommends that this condition be modified to read: *All signage shall comply with the Town Sign Code, Ordinance 156.* Staff requests that the Commission take no formal action on the Sign Program this evening. There are outstanding questions staff needs to discuss with the applicant's sign company representative before final action is taken.

COA 29 pertains to outdoor sales. There are no recommended changes but staff requests the Commission have a policy discussion about outdoor sales. Additional information may be required from the applicant during that discussion regarding the intent and how the applicant envisions the uses and length of time the parking area will be used. The appearance of SR62 has recently been a high priority for the Town Council.

COA 38 addresses the West Burnt Mountain Wash. The original recommendation was to construct the improvements. The Town Council has been holding policy discussions on how and at what level improvements will be imposed on private development projects that abut regional Master Plan facilities. That Council discussion will continue in February. Staff considered equity and fairness issues and recommends that this condition be modified as follows: *"The applicant shall pay its fair share for all improvements related to the West Burnt Mountain wash as approved by future Town Council Policy or by the Town Manager."*

Staff recommends that COA 39 be modified as follows: *"Extend the existing box culvert where West Burnt Mountain Wash crosses under SR 62 to the ultimate southerly side of sidewalk."* This is a minor clarification of the width of the reconstruction of the box culvert under SR62.

The most significant change to the staff report contained in the meeting packet regards the request for a policy discussion concerning COA 42 regarding a traffic signal on the corner of Warren Vista and Yucca Trail. A number of issues were discussed today with the Town Engineer and contract engineering staff relating to this project as well as typical operating issues including traffic flow on SR 62 and traffic volumes. The result of those conversations is that staff recommends this evening that the signal not be constructed by this development project and that COA 42 be modified to read: *The applicant shall pay its fair share for the installation of a traffic sign at Warren Vista and Yucca Trail. The amount shall be determined by a fair share analysis completed by the project's engineer and approved by the Town Engineer.*

One of the primary issues is traffic signals proposed as part of other cumulative projects at the intersections of Joshua Lane and Yucca Trail, Palomar and Yucca Trail and the upgraded signal at SR 62 and SR 247. A signal at Warren Vista and Yucca Trail today may create more traffic problems there than it would solve.

A discussion by the Commission is also requested regarding the level of material used for the block wall along the rear portion of the project.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Contract Planner Nicole Criste presented the

project discussion to the meeting. The project proposes multiple buildings, most of which are located along the SR62 frontage.

The applicant has requested approval of a Conditional Use Permit to allow the construction of 75,846 square feet of retail space in multiple buildings, as well as flood control improvements, parking and landscaping areas, on an 8.81 acre site. The buildings proposed include a 17,340 square foot drugstore on the northeastern portion of the site; a 13,983 square foot grocery store on the northwestern portion of the site; a 4,760 square foot restaurant building between these two buildings; and a 39,763 square foot multi-tenant retail space along the southern boundary of the site. The bulk of the parking areas are located in the center of the site and will accommodate 332 parking spaces. The project proposes 2 phases. The first will contain the drug store, the grocery store and the west ½ of building B (along the south boundary line). Phase 2 will include building A, a small building in the middle, and the east ½ of building B.

The project is conditioned to complete all of the ancillary improvements including perimeter landscaping, driveways and parking lots as part of phase 1. The remaining pads are conditioned to be chemically treated or seeded to prevent erosion and to be blocked from vehicle access.

Access will be provided from SR 62 and Warren Vista and both will be improved to the ultimate rights-of-way. Alta Vista Dr. on the south side will also be improved with curb, gutter and sidewalks. Landscaping is proposed to be drought tolerant and will include the vast majority of Joshua Trees (93) on the site.

Rite-Aid proposes a very modernistic architecture. A COA has been included to modify the architecture to more closely resemble a recent Rite-Aid constructed in Banning which more closely matches the Town standards. Pictures are included in the meeting packet. The Banning architecture includes some stone veneer, a stucco finish and cornices which staff believes are more appropriate for the location along the SR 62 corridor.

The Fresh & Easy grocery store architecture is very contemporary which includes a lot of glass and a trellis system on all sides. The building is finished on all sides which is an important feature given its prominence on the site and visibility. Building B is of similar contemporary architecture including a system of trellises and is consistent with the Fresh & Easy building and the Town design guidelines.

Rite Aid proposes an outdoor sales area in the parking lot. Staff assumes the Rite Aid will be open 24 hours a day and is concerned that materials will stay outside, possibly behind some sort of fencing, for the entire period. That will not be attractive on that corner. The current COA limits outdoor sales to daytime hours and to the entry area of the store.

As discussed by Mr. Stueckle, staff requests that no decision on the sign program be made this evening. The parcel map proposes to divide the parcel into 5 pieces. A COA is included requiring the Final Map to include access and parking cross lot agreements. The project was reviewed under CEQA and staff determined there is the potential for significant impact which can be mitigated. A Mitigated Negative Declaration is proposed. The findings for approval can be made and staff recommends approval.

Mr. Lombardo questioned the traffic signal at Warren Vista and Yucca Trail. Mr. Stueckle replied the applicant would pay its fair share dollars based upon an analysis by its traffic engineer and approved by the Town Engineer. Those funds are deposited with the Town and when the signal is built that fair share would be used. Signals at SR 62 and SR 247, Joshua Lane and Yucca Trail and Palomar and Yucca Trail would all be constructed simultaneously.

Mr. Willman noted septic systems are proposed and he questioned why a treatment plant is not required. Ms. Criste replied the project will install dry sewers and that the need for a treatment plant is determined by the Regional Water Quality Control Board based upon expected daily discharge.

Mr. Willman noted cart corrals are required for Rite Aid but are not shown on the plans. Ms. Criste replied there is a COA for that requirement.

Mr. Willman questioned the loading zones. Ms. Criste replied there is a loading zone on the west side of the Rite Aid. Mr. Willman asked where the loading zone would be for the future building on pad A. Ms. Criste replied the ultimate design for that would be tied to the building plans when they are submitted. Mr. Willman stated he is concerned about that because there is only a 28 foot driveway between Rite Aid and pad A. Ms. Criste replied staff concurs and staff would not support a loading zone on that side of pad A.

Mr. Willman stated the driveway coming in from Warren Vista begins as two lanes and appears to narrow to a single lane at the intersection of the drive from SR 62. There appears to be enough room to have a left turn lane there into the rest of the project. He is concerned about stacking in the driveway south of the Rite Aid building without a left turn only lane. Ms. Criste replied a COA can be added for a left turn lane there into the southerly parking lot.

Mr. Goodpaster asked if any use for the outdoor sales area has been identified. Ms. Criste replied none as yet and suggested querying applicant.

Mr. Goodpaster discussed COA 28 and commented colored block would not be acceptable as the commission is looking for a split face or slump stone.

Mr. McKoy commented going north on Warren Vista without a left turn lane is an accident waiting to happen. Ms. Criste replied the layout for the intersection is directly across from the Town Center drive and there is some distance to the curve so the site line from SR 62 is relatively clear.

Mr. Willman requested and received confirmation that Alta Vista will not continue all the way to Warren Vista.

Mr. McKoy opened the public hearing.

Applicant representative Bill Warner of Nolte Associates commented they are very appreciative of staff's efforts on the project. It is a very difficult site to develop because of the tremendous cost of the off-site improvements which include cost sharing for traffic signals on SR 62 at SR 247 and Warren Vista at Yucca Trail, the flood channel and paving on SR 62, Warren Vista and Alta Vista. It looks like it can work with the COA as proposed now.

There is a minor vacation of right-of-way at the southeast corner of the project where the curve on Warren Vista continues through. It is separate from an old right-of way that exists over part of the site. The applicant anticipates a vacation of a small sliver of right-of-way when the parcel map records. Sale of alcoholic beverages for off site consumption is also proposed for both Rite Aid and Fresh & Easy and also potentially in some of the retail stores in the strip mall. The applicant knows permits will be required from Alcoholic Beverage Control. Other tenants will seek permission from the Town when appropriate.

COA 18 regards incorporating by reference the Mitigation Measures contained in the environmental assessment. The proposed COA recommended by staff tonight may require a modification to the environmental conditions. One of the EA COA requires improvement of the channel; the applicant proposes that the mitigation be contribution to the channel. Another EA COA addresses the signal at Warren Vista and Yucca Trail which may be revised tonight. The issue is only one of consistency for the COA. The developer agrees with the revised COA.

The possible need for a sewage treatment plant has been discussed at length with the developer. Based on what the developer currently knows about the MOU between the Town and the Regional Board it appears septic systems will be allowed for the uses they know about now. The developer has also opted to install dry sewers with laterals now so as not to disturb the parking lot later because it is in the Phase I area of the sewer system.

The drive entrance was discussed at some length at the DRC. The traffic engineer weighed in on the counts and lengths of pockets on site. The applicant believes they are adequate based on what the traffic engineer said. If it is the Commission's desire to extend the one left turn pocket further west, they ask that a COA be imposed for the traffic engineer to take another look at it and determine if it is necessary. He doesn't recall that this particular issue was addressed but he did look at the macro issue of the whole driveway.

Regarding the left turn from Warren Vista, the curb face to curb face width on Warren Vista at the main entrance would be 60 feet, an 80 foot right-of-way with 10 foot parkways on both sides. There would be plenty of room for a left turn pocket if it is necessary, to act as a safeguard against rear-end collisions, if that is a concern. They can easily get a left turn pocket with the north and south bound lanes that are required.

Mr. Willman commented there appears to be a huge difference in parking lot elevations.

Mr. Warner replied this is a 12 foot difference between Alta Vista and the south drive behind the project and a 20+ foot total drop south to north on the site to SR62. Two walls are proposed behind the project, one stepped in to distribute the 12 foot drop.

Mr. Willman questioned the location of handicapped parking requesting that it be distributed to provide access to all the buildings.

Mr. Warner replied the project will comply with ADA which requires that handicapped parking be in the closest practicable location to the uses. They would not be permitted to place handicapped slots across the driveway. There will be spaces scattered throughout.

Developer Richard Gottlieb stated it is an exciting project for the center of Town. It is an ideal site to offer a good mix of tenants for a typical neighborhood center. The developer has a signed lease with Rite Aid but not from Fresh & Easy. Fresh & Easy wants the entitlements in place first. A representative from Fresh & Easy is in attendance which demonstrates its commitment to the project.

Regarding outside seasonal sales area, Rite Aid stated it proposes the same level of outside sales as it has at the current location across SR62. Additional outside uses would only be for specific holidays, possibly Christmas trees, pumpkins at Halloween and possibly tents for the 4th of July. The applicant is requesting the flexibility at the new store. Most of the time outdoor sales would be located immediately outside of the store in the walkway area. Because the site is elevated with a 3 foot wall to hide the cars it won't be as visible as you might think from the street.

This site offers great access. In and out on Warren Vista is a double lane and the entrance from SR62 is a double lane. The intersection as designed offers very good flow through the whole center. Regarding the loading zones, the ingress from SR 62 is important to the center. To avoid that ever getting clogged up, there is a truck loading area for Rite-Aid and the garbage and storage pallet loading for Rite Aid and Pad A. There would never be a reason for a truck to stop in that lane because of the elevation difference between that lane and Pad A. A truck would have to come around to the front of pad A.

The project is over parked by 28 spaces and a maximum of 14 spaces would be used for the seasonal sales area at any one time. Some of the spaces are identified for the specific use of Rite Aid.

Mr. Goodpaster stated the hours of operation of the outside sales area need clarification.

Mr. Gottlieb replied the request is for authorization to leave the material outside during operating hours, limiting it to an hour after opening to an hour before close. In the case of trees that wouldn't be possible, but trees have never been sold so it may not be an issue. Chain link fencing will never be utilized.

Mr. Goodpaster stated it would have to be clarified by staff because as the COA is written material cannot be kept outside all night.

Ms. Criste commented the COA says that they will have to comply with code with the following changes: outdoor sales can only be conducted between 8:00 am and 9:00 pm and that all sales material must be brought into the store between 9:00 pm and 8:00 am. It also states that outdoor sales can only be conducted on the sidewalks and not in the parking area. Rite Aid does not currently do any significant outdoor sales. Technically a Temporary Use Permit would be required for outdoor sales. Trees or pumpkins could not be moved.

Mr. Gottlieb stated that would be acceptable but it would be preferable that the COA state during business hours, perhaps only during specific holiday times.

Mr. Goodpaster noted that is a fundamental change from the Development Code.

Mr. Gottlieb replied Rite Aid has said the COA would be acceptable as written but they would like as much flexibility as possible.

Ms. Criste stated the issues of concern are that Rite Aid could be open 24 hours a day and the stalls they propose using are right on the highway. Staff would not like to see sales tables and merchandise in the parking lot all night. Rite Aid can always apply for a Special Use or Temporary Use permit for extended outdoor sales.

Architect Michael Caley commented the retaining wall material was discussed by the DRC. An exhibit is in the meeting packet defining which wall faces would have decorative block treatment. He understood that the walls facing the back delivery area, which are 12 feet lower than the street, could be a smooth colored block. Standard grey precision (cinder) block is not proposed to be used. Also, the block on the slope facing the channel could be smooth precision block. Staff's definition tonight which states that colored block would be considered to be "untreated" is moving away from the original definition. They request that the Commission consider and approve the use of smooth, but always colored, block for walls that face on dirt away from the public. All walls facing the public would always be split face or decorative.

Mr. Willman commented the wall of the channel will be seen from SR62 and requires some decorative treatment.

Mr. Caley replied it will be a colored block consistent with the building but the applicant would be willing to use intermittent split face block. They will work with staff to come up with a design. Wrought iron will also be installed on top of the channel wall for public safety.

Mr. Gottlieb stated the block walls at the back of the project will only be 2 to 3 feet high with wrought iron on the top.

Mr. McKoy stated consistency is important in the desert colors.

Margo Sturges of Yucca Valley noted a lot of work has gone into the project and there are 332 parking spaces but none of them are shaded. She would like to know what Rite Aid will do with the current building. Do they have a new tenant for it? She thinks a light signal on SR62 is necessary. She agrees that the lane merging in the driveway is a problem. She asked where RV's would park. Everyone is looking forward to a Fresh & Easy.

Robert Sturges questioned where the water would drain. He doesn't understand where the drainage ditch is going. The site plan references the San Bernardino Flood District and he didn't know that the Flood Control District was in Town. He has a letter from the District stating they are not responsible for flood control in Town. He has a letter from the Town saying they are not responsible for flood control. Where is all the water run-off going to go?

Mr. Goodpaster asked if staff's recommendation to use the Banning design was acceptable to Rite Aid.

Mr. Warner stated Mr. Gottlieb spoke with Rite Aid today and they agree with it.

Mr. Lombardo asked if the split stone on the Rite Aid store would tie in with the rest of the development.

Ms. Criste replied the design will be reviewed by staff but the stone and the color of the stone will be consistent with the rest of the center. Staff believes the stone will be more consistent than the originally proposed metal panels.

Mr. Warner commented they would like to be sure that the future issuance of a Temporary Use Permit isn't constrained by the COA. Space has been provided on the site plan for a package treatment plant if it is required. Regarding shaded parking, quite a few islands are provided in the parking lot where trees will be planted. The canopy can develop quickly enough so that there is a fair amount of shading within the first 5 years. The project is not designed for covered parking. Regarding RV parking, none is specifically designated. RV drivers ordinarily use two connected spaces and pull through them. The Development code does not require RV Parking. Regarding the flood control channel, it is a County maintained flood control channel. There are flood control issues between the Town and the Country, but certain of the facilities, like this one, are presently maintained by the County. Only 3 acres of this site will drain into that channel and it will be reduced by at least 10% by the detention pond. The remaining 6 acres will drain into a detention basin at the NE corner of the site and then drain into a storm drain that goes under SR62 and then north into another County flood control channel.

Sanford Berlove of Yucca Valley asked why the original design for the Rite Aid is not acceptable. The Banning store looks like a bomb shelter. The Fresh & Easy design is more modern than the original Rite Aid design.

Mr. McKoy closed public hearing.

Mc. Criste stated staff needs direction on a couple of issues including the outdoor sales. Regarding the reference to the Environmental Assessment and COA 18; that COA should remain. However, the Commission will need to make findings to approve the Environmental Assessment. The motion will need to include a statement that the Commission finds that the payment of the fair share for the signal at Warren Vista is an adequate substitute Mitigation to lower the impacts to an acceptable level. There is no need for a statement regarding hydrology because there is no mitigation measure. The project is adjacent to a County Master Plan Facility. The project proposes to discharge into that facility and will be required to make certain improvements to keep the site safe and to pay its fair share for the ultimate improvement. The facility is currently, and will ultimately be, maintained by the District. Staff's recommendation for Rite Aid is that the alternate design be considered by the Commission.

Mr. McKoy questioned outdoor sales by the Big 5 store. Mr. Kirschmann replied no special permit is required for sidewalk sales. If parking spaces will be used it is necessary to obtain a Special License. Parking lot sales fall under the Special Use section of the code, as well as fairs, concerts, carnivals, etc., and are limited to a maximum of 10 days per year. The Temporary Use Permit section of the Development Code allows a maximum of 30 days for events like Christmas tree lots and pumpkin patches.

Mr. Stueckle stated he believes he heard the Commission wants to apply the same standards to this business operation as are applied to other businesses. So the outdoor

sales activity would be limited to those uses permitted under the Special Events and Temporary Use Permit codes. That allows for the holiday events as well as special events in the parking lot.

Ms. Criste commented if Mr. Stueckle correctly stated the Commission's intent, then COA 29 can be eliminated.

Consensus of the Commission was to remove COA 29.

Mr. Willman stated there is adequate area in the project for RV parking in the pull through stalls provided. The whole west side of the project has multiple open parking areas. The other commissioners agreed.

Consensus of the Commission was that the project is well designed on a difficult site and to support approval.

Mr. Stueckle read into the record the Findings for the Mitigation Measures for the record if the PC so moves as follows:

The traffic signal at Warren Vista and Yucca Trail is not warranted at the current time. The project is projected to generate approximately 15.67% of total vehicular trips at the intersection based upon cumulative project analysis and the development and operation of all projects included in the cumulative analysis. The construction of the traffic signal at the current time would assist peak hour turning movements at the intersection but may cause unnecessary delays in east and west bound traffic flows outside of peak hours. Traffic accident historical data indicates the following accidents: 2008 = 1; 2007 = 1; 2006 = 1; 2005 = 1; 2004 = 0. Therefore the current intersection operates in an efficient methodology of traffic safety and turning movements. Traffic signal warrants, based upon cumulative project analysis, will be constructed at the intersections of Joshua Lane and Yucca Trail, Yucca Trail and Palomar and SR 62 and SR 247. Staff identifies that construction of the above referenced signals simultaneously with the signal at Warren Vista and Yucca Trail will provide a more efficient and safe coordinated traffic control system. Therefore payment of fair share mitigation fees is adequate to mitigate project impacts at the intersection of Warren Vista and Yucca Trail.

Mr. Goodpaster moved that the Planning Commission approve Environmental Assessment 06-08 with the inclusion of the Findings regarding the Mitigation Measures as stated above by Mr. Stueckle and direct staff to file a Mitigated Negative Declaration. Mr. Willman seconded the motion which passed unanimously by voice vote.

Mr. Goodpaster moved that the Planning Commission approve Conditional Use Permit 01-08 and Tentative Parcel Map 19103, based on the findings in the staff report, and the amended conditions of approval as follows:

COA 25 is modified to read: All signage shall comply with the Towns Sign Code, Ordinance 156.

COA 28 is modified to delete the 2nd sentence which is replaced with; "The lower south wall may be colored block. The wall along the wash may be a combination of block and wrought iron."

COA 29 is deleted.

COA 38 is amended to read: The applicant shall pay its fair share for all improvements related to the West Burnt Mountain wash as approved by future Town Council Policy or by the Town Manager.

COA 39 is amended to read: Extend the existing box culvert where West Burnt Mountain Wash crosses under SR 62 to the ultimate southerly side of sidewalk.

COA 42 is amended to read: The applicant shall pay its fair share for the installation of a traffic sign at Warren Vista and Yucca Trail. The amount shall be determined by a fair share analysis completed by the projects engineer and approved by the Town Engineer.

Two new COA are added:

1. The left lane at Rite Aid is to be considered for a left turn lane into the southern parking lot based on traffic analysis.
2. A left turn pocket shall be provided for north bound traffic to east bound traffic on Warren Vista.

Mr. Willman seconded the motion which passed unanimously by voice vote.

CONSENT AGENDA: MINUTES - None

STAFF REPORTS AND COMMENTS: None

COMMISSIONER REPORTS AND REQUESTS: None

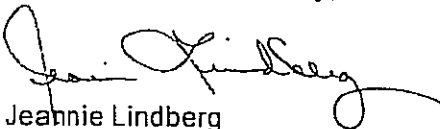
ANNOUNCEMENTS:

Mr. McKoy announced that the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, January 20, 2009 at 7:00 p.m.

ADJOURN

The meeting adjourned at 8:45 p.m.

Respectfully submitted by,



Jeannie Lindberg
Administrative Assistant III

Planning Commission: January 6, 2009
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION
STAFF REPORT WARREN VISTA CENTER

COPY

Case: CONDITIONAL USE PERMIT, CUP- 01-08
 TENTATIVE PARCEL MAP, TPM- 19103
 ENVIRONMENTAL ASSESSMENT, EA- 06-08

Request: A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE
 CONSTRUCTION OF 75,846 SQUARE FEET OF RETAIL SPACE IN
 MULTIPLE BUILDINGS ON A 8.81 ACRE SITE. THE CONDITIONAL USE
 PERMIT IS REQUIRED FOR DRIVE-THROUGH FACILITIES A
 TENTATIVE PARCEL MAP IS ALSO PROPOSED, TO DIVIDE THE 8.81
 ACRES INTO FIVE PARCELS, GENERALLY CONSISTENT WITH THE
 LOCATION OF THE VARIOUS BUILDINGS ON THE SITE.

Applicant: G & L YUCCA VALLEY LLC
 439 N. BEDFORD DRIVE
 BEVERLY HILLS, CA 90210

Property Owner:
 G & L YUCCA VALLEY LLC
 439 N. BEDFORD DRIVE
 BEVERLY HILLS, CA 90210

Representative:
 NOLTE ASSOCIATES
 7245 JOSHUA LANE
 YUCCA VALLEY, CA 92284

Location: THE SOUTHWEST CORNER OF HIGHWAY 62 AND WARREN VISTA,
 APN: 595-271-26.

Surrounding Land Use:
 NORTH: HIGHWAY 62, EXISTING COMMERCIAL DEVELOPMENT (Vons
 Center
 SOUTH: ALTA VISTA DRIVE, EXISTING SINGLE FAMILY AND DUPLEX
 DEVELOPMENT
 WEST: VACANT
 EAST: WARREN VISTA, EXISTING COMMERCIAL DEVELOPMENT
 (Town Center Mall/Former K-Mart)

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

Surrounding General Plan Land Use Designations:

NORTH: GENERAL COMMERCIAL
SOUTH: RESIDENTIAL MULTI FAMILY (10 UNITS PER ACRE)
WEST: GENERAL COMMERCIAL
EAST: COMMERCIAL MIXED USE

Existing General Plan Land Use Designation:

THE SITE IS DESIGNATED GENERAL COMMERCIAL

Surrounding Zoning Designations:

NORTH: GENERAL COMMERCIAL
SOUTH: RESIDENTIAL MULTI-FAMILY (10 UNITS PER ACRE)
WEST: GENERAL COMMERCIAL
EAST: COMMERCIAL MIXED USE

Existing Zoning Designation:

THE SITE IS ZONED GENERAL COMMERCIAL

Public Notification:

PURSUANT TO SECTION 83.010330, LEGAL NOTICE IS REQUIRED TO BE GIVEN TO ALL PROPERTY OWNERS WITHIN A THREE (300) HUNDRED FOOT RADIUS OF THE EXTERIOR BOUNDARIES OF THE SUBJECT SITE. AS REQUIRED, THIS PROJECT NOTICE WAS MAILED TO ALL PROPERTY OWNERS WITHIN A 300-FOOT RADIUS OF THE PROJECT SITE ON DECEMBER 17, 2008 AND PUBLISHED ON DECEMBER 27, 2008. PROPERTY OWNERS WITHIN 300 FEET WERE NOTIFIED. THERE HAS BEEN NO RESPONSE TO THE PUBLIC NOTICE FROM THE PROPERTY OWNERS AT THE WRITING OF THIS STAFF REPORT.

RECOMMENDATIONS:

ENVIROBNMENTAL ASSESSMENT, EA-06-08: That the Planning Commission approve Environmental Assessment 06-08, and direct staff to file a Mitigated Negative Declaration.

CONDITIONAL USE PERMIT, CUP-01-08: That the Planning Commission approve Conditional Use Permit 01-08, based on the findings in the staff report, and the conditions of approval.

TENTATIVE PARCEL MAP, TPM- 19103: That the Planning Commission approve Tentative Parcel Map 19103, based on the findings in the staff report, and the conditions of approval.

PROJECT MANAGER: NICOLE SAUVIAT CRISTE

REVIEWED BY: SHANE STUECKLE

Appeal Information:

Actions by the Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the Town Council within 10 calendar days. Appeal filing and processing information may be obtained from the Planning Section of the Community Development Department. Town Staff cannot modify Planning Commission Actions except for substantial conformance determinations.

I. GENERAL INFORMATION

PROJECT DESCRIPTION: The applicant has requested approval of a Conditional Use Permit to allow the construction of 75,846 square feet of retail space in multiple buildings, as well as flood control improvements, parking and landscaping areas, on a 8.81 acre site. The buildings proposed include a 17,340 square foot drugstore on the northeastern portion of the site; a 13,983 square foot grocery store on the northwestern portion of the site; a 4,760 square foot restaurant building between these two buildings; and a 39,763 square foot multi-tenant retail space along the southern boundary of the site. Parking areas will accommodate 332 parking spaces. An on-site sewage treatment plant may be required, but septic systems are currently proposed. The applicant also proposes two outdoor sales areas at the drugstore: one on the northern side of the building, and one on the east side of the building; both in the parking lot. On-site alcohol sales for off-site consumption are anticipated at both the drug and grocery store. Drive-through facilities are proposed for the drugstore. Access to the project will be provided on both Highway 62 and Warren Vista Avenue.

A Tentative Parcel Map is also proposed, to divide the 8.81 acres into five parcels, generally consistent with the location of the various buildings on the site.

LOCATION: The project site is located at the southwest corner of Highway 62 and Warren Vista.

PROJECT SYNOPSIS:

PROJECT AREA

BUILDING AREA

PHASED CONSTRUCTION:

SITE COVERAGE

8.81 acres

17,340 Square Foot Drugstore
13,983 Square Foot Grocery Store
4,760 Square Foot Restaurant
39,763 Square Foot Multi-Tenant
Retail Building
YES, Two-Phase Project; 53,381
Square feet in phase I, including
Drug Store, Grocery Store, and
western portion of Building B;

	22,465 Square Feet in Phase II, including restaurant and eastern portion of Building B.
FLOOD ZONE	Zone A and X
ALQUIST PRJOLO ZONE	No
OFF-SITE IMPROVEMENTS REQ.	Yes, Highway 62 complete half-width, Warren Vista and Alta Vista, complete half width
ASSESSMENT DISTRICTS	Yes, street and drainage, landscape and lighting, and public safety assessment districts
RIGHT-OF-WAY DEDICATION REQ.	Yes, Highway 62, Warren Vista and Alta Vista
UTILITY UNDERGROUNDING:	There are no existing overhead utilities present on the site; all new utilities to be underground.
AIRPORT INFLUENCE AREA:	Safety Review Area 3, Horizontal Surface Area, Deed Notice Area
TRAILS & BIKE LANE MASTER PLAN	Yes, Warren Vista, Bike Lane
PUBLIC FACILITY MASTER PLAN	No facilities; Public Facility Development Impact Fees apply
PARKS AND RECREATION MASTER PLAN	No facilities; No Park/Recreation Public Facility Development Impact Fees are established for commercial development.
MASTER PLAN OF DRAINAGE:	Improvements required to Burnt Mt. Channel
STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIRED:	Yes
REDEVELOPMENT PROJECT AREA:	Yes, consistent with Redevelopment Implementation Plan

STREET LIGHTS:

Yes, SR 62 & Warren Vista

FUTURE PLANNING COMMISSION
ACTION REQUIRED

Yes, approval of Architecture for Building A; Potential review of Sign Program required.

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: The project is designated General Commercial. This land use designation is intended to allow a wide range of commercial land uses. The proposed project is consistent with the land use designation in which it occurs.

ENVIRONMENTAL CONSIDERATIONS: The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to Implement same. The Town determined that the proposed project will have significant impacts on the environment, but that the mitigation measures required in the Initial Study will reduce these impacts to less than significant levels. A Mitigated Negative Declaration is proposed.

ADJACENT LAND USES: The project site is located in the Town's primary commercial core. Existing commercial development occurs along Highway 62, surrounding the proposed project on two sides. Single family and duplex residences occur to the south of the site. Westerly of the site is vacant and undeveloped land.

SITE CHARACTERISTICS: The project site slopes down from the south to the north. The Burnt Mountain Channel, a County Master Plan of Drainage facility, is partially developed and occurs along the western boundary of the site. The site has been traversed by vehicles over the years to access the residential neighborhood to the south of the project site. A number of dirt paths or trails occur on the site.

BUILDING ELEVATIONS: The Applicant proposes a mix of architectural styles for the buildings on the site. The building design is further discussed below.

ROADWAY IMPROVEMENTS: The proposed project will be required to improve both Highway 62 and Warren Vista to their ultimate half width along the frontage of the property. This will include a half-width of the roadways, as well as curb, gutter and sidewalk and streelights. Alta Vista, a local road which occurs at the southern boundary of the site, will also be improved to include curb, gutter and sidewalk. Warren Vista between SR 62 is designated to include a Bike Lane in the Town's Trails and Bike Lane Master Plan. The project is conditioned to pay an in-lieu fee for the future construction of the Bike Lane. Please see the discussion at the end of this Staff Report regarding the potential traffic signal at Yucca Trail and Warren Vista.

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, curb and gutter, landscaping, lighting, and other public improvements. In the case of this project, the maintenance district would include Warren Vista and Alta Vista. The districts to be formed include Street & Drainage, Landscaping and Lighting, and Public Safety Assessment Districts for Police and Fire Services.

DISCUSSION: The applications before the Commission consist of a Conditional Use Permit, a Tentative Parcel Map, and a Sign Program. The project proposes the construction of 75,846 square feet of retail space in multiple buildings, as well as flood control improvements, parking and landscaping areas, on a 8.81 acre site. The buildings include a 17,340 square foot drugstore on the northeastern portion of the site; a 13,983 square foot grocery store on the northwestern portion of the site; a 4,760 square foot restaurant building (Building A) between these two buildings; and a 39,763 square foot multi-tenant retail space (Building B) along the southern boundary of the site. Parking areas will accommodate 332 parking spaces. An on-site sewage treatment plant may be required, but septic systems are currently proposed. On-site alcohol sales, for off-site consumption are anticipated at both the drug and grocery store. It is not known at this time whether the restaurant in Building A will provide on-site alcohol sales and consumption.

Site Plan: The proposed project will consist of retail and restaurant buildings along the Highway 62 frontage of the site, and a strip commercial building along the southern boundary.

The majority of the parking field will occur in the center of the site. The parking provided is sufficient to accommodate the uses, although the tenants for Buildings A and B have not been identified. The project is conditioned to record reciprocal access and parking easements.

The project is proposed in two phases. Phase 1 will include the Rite Aid Drug Store, the Fresh and Easy Grocery Store, and the west half of Building B (Multi-tenant retail). Phase 2 will include Building A (Restaurant) and the east half of Building B (Multi-tenant retail). The project is conditioned to complete all perimeter landscaping, retaining walls and parking and driveways in Phase 1. The vacant pads for Building A and the east side of Building B are conditioned to be stabilized and blocked from vehicle access.

Access to the site is proposed from both Highway 62 and Warren Vista. The Highway 62 access shall be right-in-right-out, as a median will be constructed on Highway 62. The roadway will also be improved to its full 67 foot half width along the entire project frontage. Access from Warren Vista will allow full turn access. This portion of Warren Vista is straight, and although the grade changes somewhat, sight distances are adequate to allow all turns. The access is proposed to align with the access for the Town Center project, immediately to the east.

Because of the grade change on the site, retaining walls are proposed on the south boundary line, and the northeast portion of the site. The retaining walls on the south side of the property will result in the project buildings being at a lower elevation than the residential development to the south, thereby lowering the potential visual impacts for the residents, but elevated above Highway 62. The grade of Alta Vista is proposed at an elevation of approximately 3255 feet above sea level, while the pads of Building B will be at an elevation of 3244 feet above sea level, or 11 feet lower. The pad elevation of the Drugstore is proposed at an elevation of 3237 feet above sea level, while Highway 62 occurs at an elevation of approximately 3228 feet above sea level, or a difference of 9 feet. The project is required to screen roof mounted equipment from view on all sides, and particularly from the residential area to the south.

The project proposes to discharge storm water into the adjacent Burnt Mountain Wash. The Wash is a master planned facility, which is partially improved. The project will be required to improve the channel to County of San Bernardino standards, and is also required, in the

Mitigated Negative Declaration, to secure all necessary State and/or federal permits for any alteration to the Wash.

The project landscaping will incorporate the Joshua trees which occur on the site, the majority of which (93) are proposed to be relocated on site. The project landscaping has also been augmented to provide greater tree cover along the south boundary, for screening to the residential lands to the south. The landscape plan consists of drought tolerant plantings, and will require final approval by both the Town and the High Desert Water District.

Grocery Store: The grocery store is proposed to be a Fresh and Easy Market. The architecture of the building is contemporary, and provides attractive treatment on all sides, which will be critical given the highly exposed location. The building materials are consistent and complementary with the materials proposed for Building B, which is also proposed in a contemporary style. The store's access will be on the south side of the building. The loading dock is proposed adjacent to the Wash, will be partially screened by the building itself, and also located at a lower elevation, 4 feet lower than the store pad height. The project is conditioned to provide two cart corrals for the grocery store.

Drug Store: The drug store, proposed to be a Rite Aid, is designed in a very modern, unadorned style, with metal panel construction. Staff finds that the building architecture may be inconsistent with the Commercial Design Guidelines developed for the Town's major arterial corridors. With the recent reconstruction of the former K-Mart building, and the renovations that have occurred within the Vons Center in the past, consideration should be given to revisions to the architecture of the Rite Aid building. Rite Aid recently completed a building in the City of Banning which is the same building envelope, but is designed with stone veneer, stucco finish and mouldings (please see attached pictures of building under construction). Staff believes that the building design in Banning is more consistent with the architectural style envisioned in the Commercial Design Guidelines, and has conditioned the architecture to be modified to that style. The Commission should discuss this policy issued prior to taking final action on the project.

The loading area for the building is located on the main access drive from Highway 62. However, deliveries to a drug store are more limited than those for a grocery, and the area will be

striped and marked to limit conflict with vehicles. A drive-through pharmacy is also proposed for the building, which has been located in such a manner as to minimize vehicular conflict.

The applicant also proposes two outdoor sales areas at the drugstore: one on the northern side of the building, and one on the east side of the building; both in the parking lot (shown on the site plan as "SSA"). Given the extremely visible corner on which the Rite Aid will be located, seasonal sales, which would remain outdoors behind temporary fences for extended periods, are not appropriate. Outdoor sales has therefore been limited to that allowed in the Development Code, with the addition of restricted hours, and a prohibition on parking lot sales, in the conditions of approval. Buildings A and B: The architecture for Building A has not been detailed, and it is expected that it will be provided to the Commission as an amendment to the Conditional Use Permit at a later date. The architecture for Building B has been detailed, and consists of a long building with storefronts on the north side, screened by a trellis system. The architectural style is contemporary, and consistent and complementary to the Fresh and Easy building. Because of the grade differential with the residential area to the south, staff believes that the lower level of architectural detail on the south side of the building, will not be a visual blight, particularly when combined with the landscaping proposed along the perimeter.

Tentative Parcel Map: A Tentative Parcel Map is also proposed, to divide the 8.81 acres into five parcels, generally consistent with the location of the various buildings on the site, and their associated parking. The map is conditioned to include reciprocal access and parking easements, to assure that the center continues to operate in a unified fashion.

Sign Program: Shopping Centers are required to prepare a "master plan" of their signage, which establishes the sign program for the entire center. In this case, the Sign Program consists of monument signage along the perimeter of the site, and individual signage plans for each of the major tenants. The corporate imagery for Rite Aid and Fresh and Easy has been proposed, and no coordinated program has been established for the interior of the center. Although the Development Code is not explicit, the purpose of a sign program is to provide some unification of design. With the exception on the perimeter monument signage, no such unification has been attempted here, and in fact, three different sign companies have contributed to the program.

Much of the proposed signage exceeds the Sign Ordinance limits. A categorical analysis is included below, based on the signage site plan attached.

Monument Signage: The project is permitted 120 square feet of monument signage on Highway 62, and 132 square feet of monument signage on Warren Vista, or 252 square feet in total. The project includes five monument signs – two 97.7 square foot monument signs (QF1 and QF2) at the corner of Highway 62 and Warren Vista, and at the entry on Warren Vista, respectively; and three 24.5 square foot monument signs for the Fresh and Easy, Building A and Rite Aid, all on Highway 62. This results in a total of 268.9 square feet of signage, and exceeds the Town's standards.

Fresh and Easy Signage: This building is allowed two wall signs per side, totaling 120 square feet per side. The sign program proposes one wall sign per side, ranging in size from 61.9 square feet to 118.7 square feet. The signage is consistent with the corporate signage for the business, and meets the Town's standards.

Building B Signage: The tenants in Building B will be allowed signage on the north and south side of the building. The wall signage is consistent with the Town's standards, using channel letters and a maximum of 80% of the leased space frontage as the maximum area. However, the signage proposed for the south side of the building will not be visible off-site, as the building will be below the surrounding grade, and the landscaping proposed will screen the area. Signage on the south side has been prohibited.

Rite Aid Signage: The signage proposed for Rite Aid exceeds all Town standards. As shown on the signage plan, 14 signs are proposed, totaling 256.5 square feet. The Rite Aid is allowed two wall signs per side to a maximum of 110 square feet on the north and south sides, and 170 square feet on the west and east sides. Although the proposed signage does not exceed the total allowable, the number of signs is far in excess of the Town's standards. Staff therefore recommends that the following signs be eliminated: 6, 7, 8, and either the freestanding drive-through signs (15 and 16) or the wall mounted drive through signs (9 and 10). With these reductions, the two large corporate identity signs will remain, the Pharmacy sign over the door will remain, and directional signage will be maintained. The signage on the drive through lanes exceeds the number allowed in the Town's standards, but as it is required for traffic safety, staff

feels it should be retained. Alternatively, the Planning Commission may desire the applicant to return to the Planning Commission with a revised Sign Program for the Center prior to final action.

Traffic Study: The Town requires traffic studies for larger projects, including both commercial and residential. The project does not meet the thresholds established by San Bernardino Associated Governments to require preparation of a Congestion Management Program (CMP) traffic study. Although the Town has not established a policy as to when traffic studies are required based upon project size, be it a commercial or residential development projects, the Town relies on the expertise of the Town Engineer and planning staff to determine when projects require traffic studies.

A Traffic Study was prepared for the project, based upon a cumulative project analysis. A cumulative analysis includes not only the project under consideration, but also other traffic generated by projects previously approved by the Town, but not necessarily constructed. Based upon the cumulative project analysis, when this project is added to projected trip generation of other approved projects, a traffic signal is warranted at the intersection of Warren Vista and Yucca Trail. Improvements to the intersection of SR 62 and SR 247 are also warranted, with and without the proposed project. Again, this is based upon a cumulative project analysis. The traffic study indicates that the project contributes approximately 15.76% of total trips to the intersection.

The Town relies on the recommendations of the Traffic Study, prepared by a qualified traffic engineer, to make recommendations regarding the improvements required for each project. For example, Home Depot was required to contribute to future improvements at the intersection of SR 62 and SR 247. SuperWalmart was required to contribute financially to certain intersections, and was also required to construct intersections improvements at other locations.

Based upon a cumulative project analysis, it is common practice for agencies to require the project to construct the improvements, and to enter into a reimbursement agreement. Through this methodology, improvements are constructed and the project is reimbursed as future development pays their fair share towards improvements. The following mitigation measure is included in the Initial Study for the proposed project, and should be included in the conditions of approval.

Install a traffic signal at the intersection of Warren Vista Drive and Yucca Trail. The Town and the applicant shall enter into a reimbursement agreement which provides for the reimbursement of the design and installation cost beyond that determined to be the applicant's fair share. The applicant's traffic engineer shall determine the fair share reimbursement formula for this project.

The traffic signal at the intersection of Warren Vista Drive and Yucca Trail shall be installed, and operational, prior to the issuance of the first certificate of occupancy

Other agencies only require the fair share contribution, and those agencies construct the public improvements at a time deemed appropriate. Finally, agencies may use both methods, based upon local conditions and circumstances.

If the Commission wishes to omit the condition of approval and mitigation measure, the Commission will need to provide findings explaining how the impacts of the project will be otherwise mitigated. Staff will be pleased to assist the Commission in whichever direction the Commission wishes to act.

CONDITIONAL USE PERMIT FINDINGS:

1. The site for the proposed project is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, landscaping and other features pertaining to the application.
2. The site for the proposed use has adequate access, insofar as access is provided on both the Highway and Warren Vista.
3. The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof, insofar as it is consistent with the General Commercial land uses existing and potentially occurring in the area, and has been designed to avoid impacts to the residential lands to the south.
4. The proposed use is consistent with the goals, policies, standards and maps of the General Plan, insofar as the General Plan allows a broad range of commercial land uses in the General Commercial designation.
5. The conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.
6. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

TENTATIVE PARCEL MAP FINDINGS:

1. The proposed subdivision is consistent with the General Plan insofar as the lots proposed are of sufficient size to meet the requirements of the General Commercial land use designation.
2. The site is physically suitable for the type and proposed density of development, insofar as the land contains sufficient area to allow development of a commercial center consistent with the requirements of the Development Code.
3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat, insofar as the Initial Study identified and imposes mitigation to reduce these impacts to less than significant levels.
4. The design of the subdivision or type of improvements are not likely to cause serious public health problems, insofar as the lots are of sufficient size, and the installation and maintenance of septic tanks or on-site sewage treatment will be regulated by the Regional Water Quality Control Board to ensure safe implementation.
5. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
6. The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities, insofar as buildings can be oriented to facilitate natural cooling and heating.

Attachments:

1. Initial Study
2. Standard Exhibits
3. Application materials
4. Site Plan & Elevations (Michael Caley Site Plan, Elevations of Rite Aid, Fresh and Easy and Building B)
5. Landscaping Plan
6. Tentative Parcel Map 19103
7. Sign Program with Labeled Signage Site Plan

CONDITIONS OF APPROVAL
Conditional Use Permit 01-08, Tentative Parcel Map 19103

1. This approval is for Conditional Use Permit 01-08 and Tentative Parcel Map 19103, an application to allow the construction of a 75,846 square feet of commercial space on a 8.81 acre site, in two phases. Phase I will include the Rite Aid drug store, the Fresh and Easy grocery store, and the western portion of Building B, containing approximately 53,381 square feet. Phase II will include Building A, the restaurant, and the eastern portion of Building B, containing a total of approximately 22,465 square feet. The property is identified as Assessor Parcel Number 595-271-26.
2. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve Applicant of his obligations under this condition.
3. This Conditional Use Permit and Tentative Parcel Map shall become null and void if substantially construction has not been completed, or the map has been recorded, respectively, within two (2) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council, in conformance with the Town of Yucca Valley Development Code regulations. The Applicant is responsible for the initiation of an extension request.

Approval date: January 6, 2009
Expiration date: January 6, 2011
4. The Applicant/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire 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. 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.
7. The Applicant shall pay all fees charged by the Town as required for processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time the work is undertaken and accomplished. 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).
8. The developer 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.
9. All improvements shall be inspected by the Town's Building and Safety Division, as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
10. Site shall be kept clean at all times. Scrap materials shall be consolidated, and a container must be provided to contain trash that can be carried away by wind during construction.
11. At the time of permit issuance the Applicant shall be responsible for the payment of fees associated with electronic file storage of documents.
12. The Applicant shall pay Development Impact Fees in place at the time of issuance of Building Permits prior to pre-final inspection.
13. A plan identifying all protected plants as well as a Joshua Tree Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. A minimum 60 day adoption period before land disturbance in accordance with the grading plan may commence.

14. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
 - a) The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
 - b) Fire hydrants are accepted by the Fire Marshal and the Department of Public Works.
15. In conjunction with the preparation of improvement plans, the Applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town. The Applicant shall initiate the maintenance and benefit assessment district(s) formation by submitting a landowner petition and consent form (provided by the Town of Yucca Valley) and deposit necessary fees concurrent with application for street and grading plan review and approval and said maintenance and benefit assessment district(s) shall be established concurrent with the approval of the final map in the case of subdivision of land, or prior to issuance of any certificate of occupancy where there is no subdivision of land.
16. The Applicant shall form a public safety assessment district on the properties subject to Town Council adoption of a fiscal impact model.
17. Utility undergrounding shall be required for all new service and distribution lines that provide direct service to the property being developed; existing service and distribution lines that are located within the boundaries being developed that provide direct service to the property being developed; existing service and distribution lines between the street frontage property line and the centerline of the adjacent streets of the property that provide direct service to the property being developed; existing Service and Distribution lines located along or within 10 feet of the lot lines of the property that provide direct service to the property being developed; or existing service and distribution lines being relocated as a result of a project.
18. **All Mitigation Measures included in Environmental Assessment 06-08 are incorporated into these conditions by reference.**
19. In conjunction with the submittal of building plans, a final landscaping and irrigation plan shall be submitted for review and approval. All landscaping shall be on an automated landscaping irrigation system.
20. Landscaping shall be maintained in perpetuity. Any dead plant(s) shall be replaced within 30 days.

21. All roof mounted equipment shall be screened from view from all surrounding streets and property.
22. Reciprocal access and parking easements shall be recorded on all lots within the Parcel Map.
23. A cart corral shall be provided for the Rite Aid parking area, and two cart corrals shall be provided for the Fresh and Easy parking area.
24. The architecture of the Rite Aid building shall be modified to be consistent with the architecture of the Rite Aid recently completed in the City of Banning – it shall include stone veneer, arches and contrasting trim, and similar features on all four sides of the structure.
25. The sign program shall be modified as follows:
 - a. Monument signage shall not exceed 252 square feet in total.
 - b. No signage shall be permitted on the south side of Building B.
 - c. Signage for Rite Aid shall be reduced as follows: 6, 7, 8, and either the freestanding drive-through signs (15 and 16) or the wall mounted drive through signs (9 and 10).
26. All the perimeter landscaping, all retaining walls, and all parking areas and driveways shall be completed prior to the issuance of the first certificate of occupancy.
27. Any area which remains un-built shall be stabilized with either a chemical stabilization agent or a desert wildflower mix. These areas shall also be blocked from vehicular access by bollards or similar decorative means. Chain link fencing shall not be permitted.
28. All retaining walls shall be constructed of decorative block, or similar aesthetically pleasing material. No untreated cinder block shall be permitted.
29. Outdoor sales shall be limited to those permitted in the General Commercial land use designation, except as follows: Outdoor sales may only be conducted between the hours of 8 AM and 9 PM. All sales materials must be brought inside the store from 9 PM to 8 AM. Outdoor sales must be conducted on sidewalks or entryways, and are not permitted in any parking lot areas.
30. Dedicate, or show there exists, sufficient right of way for the “proposed State Route 62 realignment section” per Town standards. This standard requires 67 feet of dedication from centerline of the highway to the right of way. Dedicate, or show there exists, sufficient right of way for a Major Collector street on

- Warren Vista Avenue per Town of Yucca Valley standard 103. Dedicate, or show there exists, sufficient right of way for a Rural Local Road per Town Standards on Alta Vista Drive including required knuckles on the street.
31. Construct curb and gutter and sidewalk 30 feet from centerline on Warren Vista Avenue per Town of Yucca Valley Standard Drawing 103 and 220. Any existing pavement on Warren Vista Avenue shall be removed and replaced to centerline.
 32. Construct curb and gutter and sidewalk on State Route 62 per the Town of Yucca Valley "proposed State Route 62 realignment section". Construct a median curb on State Route 62 per Caltrans standards along the project frontage as required by Caltrans in their letter dated February 13, 2008.
 33. Construct curb and gutter 20 feet from centerline per Town of Yucca Valley Standard Drawing No. 101 on Alta Vista Drive as well as any improvements required for the knuckles. Any existing pavement on Alta Vista Drive shall be removed and replaced to centerline.
 34. Relocate the existing traffic signal at the intersection of State Route 62 and Warren Vista Drive to accommodate the widened highway section.
 35. The project proponent shall contribute his/her fair share to improvements at SR 62/SR247, prior to the issuance of a Certificate of Occupancy for the first building of the proposed project.
 36. The Fresh and Easy pad elevation is approximately eight feet above the adjacent highway elevation. If possible this pad should be lowered two to three feet.
 37. A note on the grading plan indicates a 100 foot setback from the Flood Control District east right of way may be required. Prior to submittal of a final grading plan approvals for the site plan from San Bernardino County Flood Control District shall be submitted to the Town.
 38. The West Burnt Mountain Wash along the project's westerly boundary shall be improved per the Town of Yucca Valley Master Plan of Drainage. The plans for the wash shall be submitted to San Bernardino County for their review and approval prior to the issuance of building permits.
 39. Extend the existing box culvert where West Burnt Mountain Wash crosses under SR 62 such that the ultimate street section for SR 62 can be accommodated. The extension shall go to the ultimate southerly right of way of SR 62 (67 feet from centerline).

40. Install street lights along the project frontage with SR 62 per Town of Yucca Valley Standard Drawing No. 300.
41. Install street lights at the project entrances on Warren Vista Drive per Town of Yucca Valley Standard Drawing No. 302.
42. Install a traffic signal at the intersection of Warren Vista Drive and Yucca Trail. The Town and the applicant shall enter into a reimbursement agreement which provides for the reimbursement of the design and installation cost beyond that determined to be the applicant's fair share. The applicant's traffic engineer shall determine the fair share reimbursement formula for this project.
43. During construction, the Contractor 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 his business activities, the Applicant shall keep the public right-of-way adjacent to his property in a clean and sanitary condition.
44. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
45. Prior to the issuance of a Grading Permit for the onsite paved areas, a Grading Plan prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town prior to any grading activity. The final Grading Plan shall be reviewed and approved by the Engineering Division prior to issuance of grading permits. The applicant/owner is responsible for all fees incurred by the Town. Prior to Certificate of Occupancy, the Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.
46. 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.
47. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.
48. Developer shall comply with NPDES requirements as applicable. The Applicant shall install devices on his property to keep erodible material, rocks, and gravel on the site. To eliminate any site related dirt and debris within the roadways, the Applicant

shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town Staff.

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

50. A retention basin **and/or underground storage system** shall be constructed and functional prior to the issuance of certificate of occupancy for the any lot within the project. The applicant shall provide on-site retention for the incrementally larger flows caused by development of the site.

A 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 the post development 100 year peak flow exiting the site shall be 10% less than the current 25 year peak flow from the site.

Basin(s) shall be designed to fully dissipate storm waters within a 72 hour period.

A pre-filtration system shall be installed for all drain lines connected to an underground storage system to collect sediment and hydrocarbon material prior to discharge into the underground system.

The inlets into the existing San Bernardino County Flood Control District facility to the west of the site shall be submitted to the County for approval.

51. 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.

52. 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.

53. All grading activities shall minimize dust through compliance with AQMD Rule 403.

54. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official.

55. A Notice of Intent to comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002) is required for the proposed development via the California Regional Water Quality Control Board (phone no. 760-346-7491). A copy of the executed letter issuing a Waste Discharge Identification number shall be provided to the Town prior to issuance of a grading permit.
56. 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.
57. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the Applicant/ Developer shall retain a qualified licensed land surveyor or civil Engineer to reset those monuments per Town Standards and file the necessary information with the County Surveyor's office as required by law (AB 1414).
58. All improvement plans shall be designed by a Registered Civil Engineer.
59. Any and all graffiti shall be removed within twenty-four (24) hours of discovery or notification by the Town.
60. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
61. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

62. The Applicant shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the Applicant is required to patch the cuts to Town standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a width 4 feet beyond the edge of the trench on each side, or as determined by the Town Engineer, and replacement with a full-depth asphalt concrete recommended by the Soils Engineer.
63. Prior to the issuance of a certificate of occupancy 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 Engineering Division. The applicant/owner is responsible for all fees incurred by the Town. Prior to Certificate of Occupancy, the Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.

64. Street improvements shall be completed prior to issuance of a certificate of occupancy.
65. The retention basin and/or underground storage system shall be constructed and functional prior to the issuance of certificate of occupancy for the project.
66. The traffic signal at the intersection of SR 62 and Warren Vista Drive shall be relocated prior to the issuance of the first certificate of occupancy.
67. The Applicant shall submit written proof to the Building Official that the Applicant has complied with all conditions of approval or comments, as required, from the High Desert Water District, and Colorado Regional Water Quality Control Board. Applicant shall comply with applicable requirements of NPDES (Non-Point Pollution Discharge Elimination System).
68. The Applicant shall construct the replacement of any identified damaged curb and gutter, sidewalk, drive approach, asphalt concrete pavement, meter boxes, and other infrastructure that may be required by the Town Engineer or another Agency.
69. The Applicant shall install all water and sewer systems required to serve the project. The location of the proposed septic system(s) shall be shown on the project grading plan(s).
70. Prior to the issuance of a Certificate of Occupancy all improvements shall be constructed, final inspection performed, punch-list items completed, and all installations approved by the appropriate agency.
71. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the Applicant/ Developer shall retain a qualified licensed land surveyor or civil Engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
72. The Developer and his Contractor(s) 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 Developer shall be responsible for the repair of any damage occurring to offsite infrastructure and/or property damage as determined by the Town Engineer. The Developer 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 Developer may petition the Town Engineer for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.

73. The Developer and his Contractor(s) shall be responsible for all improvements that he has constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced by the Developer. The Developer 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.
74. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. Soil testing for the subsurface disposal system shall meet the requirements of the Department of Environmental Health Services. Applicant shall submit a minimum of three (3) copies of percolation reports for the project site and an appropriate fee to DEHS for review and approval, a copy of the cover sheet with an approval stamp to Building and Safety Division at the time of building permit application, and two (2) copies of the approved percolation report to the Building and Safety Division at the time of construction plan check. **The location of the septic system shall be shown on the project grading plans.**
75. All exterior lighting shall comply with the Outdoor Lighting Ordinance and shall be illustrated on all construction plans.
76. The applicant shall pay in-lieu fees for the project's fair share costs of the Bike Lane within Warren Vista.

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 _____

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION,
CONDITIONAL USE PERMIT 01-08, TENTATIVE PARCEL MAP 19103**

TO: Responsible and Trustee Agencies/Interested Organizations and Individuals

FROM: Town of Yucca Valley

The Town of Yucca Valley (Town), in its capacity as the Lead Agency for this project under CEQA, evaluated the potential environmental impacts of the project under CEQA. The Town has determined through the preparation of an Initial Study that although the project has the potential to result in significant environmental effects, these impacts will not be significant in this case because the mitigation measures described in the detailed Initial Study have been added to the project. The Initial Study meets the requirements of the State of California CEQA, the State CEQA Guidelines, and the Town of Yucca Valley Guidelines for the Implementation of CEQA. A Mitigated Negative Declaration will be prepared.

This notice constitutes a Notice of Intent (NOI) to adopt the aforementioned Mitigated Negative Declaration.

Project Location/ Description:

The southwest corner of Highway 62 and Warren Vista Avenue, APN: 595-271-26.

A Conditional Use Permit to allow the construction of 75,846 square feet of retail space in multiple buildings, as well as flood control improvements, parking and landscaping areas, on a 8.81 acre site.

A Tentative Parcel Map is also proposed, to divide the 8.81 acres into five parcels, generally consistent with the location of the various buildings on the site.

Other permits: None

Toxic Sites: No listed toxic sites are present on the project site.

Public Hearing: The Planning Commission public hearing for this item has been tentatively set for January 6, 2009, beginning at 7:00 p.m. at the Yucca Valley Community Center, 57090 29 Palms Highway, Yucca Valley, CA 92284.

Public Review: The Initial Study and related documents are available for public review daily. Members of the public may view these documents at the Planning Department, 58928 Business

Center Drive, Yucca Valley, CA 92284, and submit written comments at or prior to the Planning Commission hearing.

If any group challenges the action in court, issues raised may be limited to only those issues raised at the public hearing described in this notice or in written correspondence at, or prior to the Planning Commission hearing.

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Nicole Sauviat Criste, Consulting Planner, at 760-320-9040.

Comment Period: Based on the time limits defined by CEQA, your response should be sent at the earliest possible date. The public comment period on this project is from **December 18, 2008** to **January 6, 2009**. All comments and any questions should be directed to:

Ms. Nicole Sauviat Criste
Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284
(760) 369-1265

Note to Press: Publish on Wednesday December 17, 2008

Dated: December 15, 2008

Environmental Checklist Form

1. Project title: Conditional Use Permit 01-08, Tentative Parcel Map 19103, Warren Vista Center
2. Lead agency name and address: Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284
3. Contact person and phone number: Nicole Sauviat Criste, Consulting Planner
760-320-9040
4. Project location: The southwest corner of Highway 62 and Warren Vista Avenue, APN: 595-271-26.
5. Project sponsor's name and address: G & L Yucca Valley LLC
439 N. Bedford Drive
Beverly Hills, CA 90210
6. General Plan designation: General Commercial
7. Zoning: General Commercial
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

A Conditional Use Permit to allow the construction of 75,846 square feet of retail space in multiple buildings, as well as flood control improvements, parking and landscaping areas, on a 8.81 acre site. The buildings proposed include a 17,340 square foot drugstore on the northeastern portion of the site; a 13,983 square foot grocery store on the northwestern portion of the site; a 4,760 square foot restaurant building between these two buildings; and a 39,763 square foot multi-tenant retail space along the southern boundary of the site. Parking areas will accommodate 332 parking spaces. An on-site sewage treatment plant may be required, but septic systems are currently proposed. The applicant also proposes two outdoor sales areas at the drugstore: one on the northern side of the building, and one on the east side of the building; both in the parking lot. On-site alcohol sales are anticipated at both the drug and grocery store.

Access to the project will be provided on both Highway 62 and Warren Vista Avenue.

A Tentative Parcel Map is also proposed, to divide the 8.81 acres into five parcels, generally consistent with the location of the various buildings on the site.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

North: General Commercial; Highway 62, existing commercial development

South: Medium Density Residential (10 units/acre); Alta Vista Drive, existing single family and duplex development

West: General Commercial; vacant lands

East: Commercial Mixed Use; existing commercial center and vacant lands

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

Regional Water Quality Control Board
High Desert Water District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

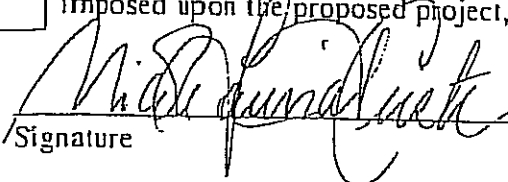
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture Resources	<input checked="" type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology /Soils
<input type="checkbox"/>	Hazards & Hazardous Materials	<input type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	Land Use / Planning
<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing
<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation	<input checked="" type="checkbox"/>	Transportation/Traffic
<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

12/15/08
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information-sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? (General Plan Exhibit 3.13)				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Aerial photograph)				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Application materials, site inspection)				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Application materials)			X	

I. a)-d)

The proposed project will include the construction of single story commercial structures on Highway 62. Highway 62 is the Town's primary commercial corridor, and the proposed project is consistent with the style and intensity of other projects along this roadway. Properties to the south are developed for residential development, and have views to the north and south of the foothills surrounding Town. Views to the south will be unaffected by the proposed project. Views to the north will not be significantly impacted, as the project site occurs at an elevation which is approximately 10 feet below the grade of the closest residence. As such, the buildings within the project, which are proposed to a height of 26'6" in this area, will extend only 16 feet above the grade of the closest house. With distance, the views from the residences toward the north will not be significantly impacted by the proposed project.

There are no historic structures on the property. The property contains a number of Joshua trees, which will be subject to protection under the Town's Native Plant Ordinance. The landscaping plan for the proposed project includes the relocation of 93 trees within the site, which will preserve the locally significant resource in place to a great extent.

The proposed project includes parking lot lighting, which will be required to conform to the requirements of the Town's lighting ordinance. The ordinance prohibits light spillage from one property to adjacent properties. The proposed project's lighting plan will be reviewed to assure consistency with the ordinance requirements, prior to the issuance of building permits. This requirement will assure that impacts associated with light and glare will be reduced to less than significant levels.

Impacts associated with aesthetics are expected to be less than significant.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES: Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (General Plan Land Use Element, site inspection)				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Zoning Map)				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (General Plan Land Use Map, site inspection)				X

II. a)-c) The proposed project site is not in agriculture. There are no lands in the vicinity in agriculture. There are no Williamson Act contracts either on the property or on nearby properties. There are no lands which might be converted from agriculture in the vicinity of the project site. There will be no impacts associated with agricultural resources as a result of implementation of the proposed project.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
III. AIR QUALITY: Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? (Project description, MDAQMD CEQA and Federal Conformity Guidelines, SCAQMD CEQA Air Quality Handbook)				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Project description, MDAQMD CEQA and Federal Conformity Guidelines, SCAQMD CEQA Air Quality Handbook)		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Project description, MDAQMD CEQA and Federal Conformity Guidelines, SCAQMD CEQA Air Quality Handbook)		X		
d) Expose sensitive receptors to substantial pollutant concentrations? (Project Description, Aerial Photo, site inspection)				X
e) Create objectionable odors affecting a substantial number of people? (Project Description, Aerial Photo, site inspection)				X

III. a), b) & c) The proposed project occurs under the jurisdiction of the Mojave Desert Air Quality Management District. The District has developed its air quality management plans on the basis of local jurisdictional General Plans. The proposed project is consistent with the commercial development envisioned in the General Commercial designation. As a result, the proposed project is expected to be consistent with the District's plans.

The proposed project will generate air quality impacts during the construction phase, and in its long term operation. Emissions associated with each phase are described below.

Construction Impacts

The grading and construction of the site will result in emissions of fugitive dust and chemical pollutants associated with the grading equipment on the site. Table 1 below illustrates the fugitive dust emissions. Table 2 provides the chemical emissions associated with grading equipment.

Table 1
Fugitive Dust Potential
(pounds per day)

Total Acres to be Disturbed at Buildout*	Factor (lbs./day/acre)	Total Potential Dust Generation (lbs./day)
20.6	8.81	181.5

Source: Table A9-9, "CEQA Air Quality Handbook," prepared by South Coast Air Quality Management District, April 1993.

As shown in Table 1, the grading of the site will generate 181.5 pounds of fugitive dust per day. The MDAQMD's threshold for fugitive dust emissions is 82 pounds per day. The proposed project will therefore exceed the District's thresholds, which represents a potentially significant impact which requires mitigation.

Table 2
Grading - Related Exhaust Emissions Summary
(pounds per day)

	CO	NOx	ROG	SOx	PM ₁₀	PM _{2.5}	CO ₂
Equipment Emissions	35.13	79.70	10.49	0.10	3.22	2.87	7,689.60
Workers' Vehicle Emissions	2.60	2.04	0.34	0.00	0.08	0.07	435.13
Total Construction Emissions	37.73	81.73	10.83	0.10	3.30	2.93	8,124.73
MDAQMD Thresholds of Significance	548.00	137.0	137.0	137.0	82.0	35.0	N/A

As shown in Table 2, equipment exhaust emissions during grading are expected to fall below the MDAQMD thresholds, and impacts will therefore be less than significant.

Table 3 illustrates the emissions during construction of the proposed building. As the project is proposed in phases, it has been assumed that each building would be built consecutively, not concurrently. As shown in the Table, MDAQMD thresholds will not be exceeded, and impacts are expected to be less than significant.

Table 3
Aggregate Construction - Related Emissions Summary
 (pounds per day)

	CO	NOx	ROG	SOx	PM10	PM2.5	CO2
Equipment Emissions	23.06	41.16	5.83	0.05	2.46	2.19	4,755.20
Workers' Vehicle Emissions	8.67	6.79	1.14	0.01	0.28	0.23	1,450.43
Asphalt Paving Emissions	-	-	2.10	-	-	-	-
Architectural Coatings Emissions	-	-	-	-	-	-	-
Total Construction Emissions	31.73	47.95	55.31	0.07	2.73	2.41	6,205.63
MDAQMD Thresholds of Significance	548.00	137.0	137.0	137.0	82.0	35.0	N/A

Operational Impacts

Table 4 illustrates the emissions expected during the life of the project, based on the vehicle trips projected. The traffic study prepared for the proposed project concluded that the project will generate 5,700 average daily trips¹. For purposes of this analysis, it has been assumed that each vehicle trip is a length of 15 miles. These trips will generate the following emissions, which will not exceed MDAQMD thresholds.

Table 4
Daily Exhaust Emissions at Project Buildout
 (pounds per day)

Pollutant	Total Miles Traveled per Day = 85,500						CO2
	CO	NOx	ROG	SOx	PM10	PM2.5	
Passenger Vehicles	482.46	46.64	53.00	0.90	7.87	5.14	92,736.81
Delivery Trucks	18.48	20.06	2.76	0.05	0.80	0.65	4,841.60
Total Pounds per Day	500.94	66.69	55.76	0.94	8.67	5.78	97,578
MDAQMD Thresholds of Significance	548.0	137.0	137.0	137.0	82.0	35.0	N/A

Source: EMFAC 2007 (Version 2.3) Emissions Factors for On-Road Passenger Vehicles & Delivery Trucks. Passenger Vehicles are < 8500 lbs, and Delivery Trucks are > 8500 lbs. Passenger vehicles are assumed to be traveled by 98% of the total trips and delivery trucks represent 2% of total miles traveled.

¹ "A PN 595-271-26 Town of Yucca Valley" letter report by Weston Pringle & Associates, dated May 17, 2008.

Mitigation Measures

As described above, the proposed project will exceed thresholds of significance for fugitive dust during the grading process. In order to assure that impacts associated with fugitive dust are reduced to less than significant levels, the following mitigation measures shall be implemented:

1. No more than 5 acres shall be actively graded during any one day.
2. No grading shall be permitted when winds exceed 25 mph.
3. The project proponent shall prepare a fugitive dust control plan and submit same to the Town Engineer for approval prior to the issuance of any ground disturbing activity permit on the site. The fugitive dust plan shall include dust control methods to be used during the grading process which reduce dust emissions to 82 pounds per day or less. These methods include:

Table 5
Fugitive Dust Control Methods

Daily PM ₁₀ Reduction	
Apply Soil Stabilizers to Inactive Areas	30%
Replace Ground Cover in Disturbed Areas Quickly	15%
Water Exposed Surfaces 2 Times Daily	34%
Water Exposed Surfaces 3 Times Daily	50%

With implementation of these mitigation measures, impacts associated with air emissions will be reduced to less than significant levels.

- III. d) & e) The development of the proposed project will not result in either objectionable odors or pollutant concentrations.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? ("Focused Survey for the Desert Tortoise ..." Circle Mountain, 2008)		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? ("Focused Survey for the Desert Tortoise ..." Circle Mountain, 2008)		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ("Focused Survey for the Desert Tortoise ..." Circle Mountain, 2008)				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ("Focused Survey for the Desert Tortoise ..." Circle Mountain, 2008)			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (General Plan p. IV-1 ff.)			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan ("Focused Survey for the Desert Tortoise ..." Circle Mountain, 2008)			X	

IV. a)-f)

The property has been surveyed for biological resources². The biological survey describes the site as containing creosote bush scrub with a Joshua tree over-story. The survey was conducted according to protocol for Desert Tortoise, but the species was not identified on the site, or on surrounding lands. The survey concludes, however, that the species has been identified in the general area, and could occur on the site at the time that grading is to occur. The taking of the species under these circumstances would represent a potentially significant impact, which requires mitigation.

The survey also determined that the site is not suitable for the occurrence of western burrowing owl, prairie falcon or loggerhead shrike, which are special status species. No impacts are expected to these species as a result of the implementation of the proposed project.

The study identified native plants protected under the Town's Ordinance, as did the native plant plan submitted by the applicant. The plants on the site include Joshua trees, Mojave yuccas, as well as Beavertail and Hedgehog cactus. The protection of these plants will require the tagging, preservation or relocation of plants which may be impacted by the proposed project. This Town requirement will assure that impacts to protected Native plants are less than significant.

There are no wetlands on the site. The Burnt Mountain channel, a partially improved channel which occurs on the western boundary of the site, is proposed to be used for release of on-site storm water. In addition, the project will be required to improve the channel to its ultimate design under the Master Plan of Drainage. The wash is a blue line stream, and will require review by the California Department of Fish and Game to determine the level of impact which the project will have on waters of the State. The unimproved, incised channel at the southwestern end of the property was determined by the project biologist not to be a water of the State. In order to assure that the impacts associated with the channel are reduced to less than significant levels, mitigation measures must be implemented.

Since the proposed project has the potential to impact desert tortoise, or to waters of the State, the following mitigation measures shall be implemented:

1. Less than 30 days prior to issuance of a grading permit for any portion of the project site, a protocol compliant desert tortoise survey shall be prepared by a qualified biologist, and submitted to the Town for review and approval. Should tortoise be identified at that time, the project biologist shall identify mitigation measures necessary to assure no take of the species.
2. The applicant shall submit a 1602 Agreement application to the California Department of Fish and Game, and either secure such an Agreement and provide a copy to the Town, or secure a written confirmation from the Department that no such agreement is necessary and provide this confirmation to the Town, prior to any ground disturbing activities in or adjacent to the Burnt Mountain channel.

Implementation of this mitigation measure will reduce potential impacts to biological resources to a less than significant level.

² "Focused Resurvey for Desert Tortoise and Western Burrowing Owl and General Biological Resource Assessment for a 8.8 acre site.," prepared by Circle Mountain Biological Consultants, April, 2008. Also, letter report relating to waters of the State, dated 13 October, 2008, by same author.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5? (General Plan Archaeological Sensitivity Map)				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5? (General Plan Archaeological Sensitivity Map)		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (General Plan EIR)				X
d) Disturb any human remains, including those interred outside of formal cemeteries? (Aerial photos)				X

V. a)-d) The proposed project does not occur in an area of sensitivity for archaeological resources. There are no structures on the site, and no historic resources are expected to occur. However, it is always possible that such resources could be identified once grading is initiated on the property. This represents a potentially significant impact which requires mitigation.

The soils on and in the vicinity of the project site are not of the appropriate type, nor are they of sufficient age, to harbor paleontological resources. No impact is expected.

The project site is not known to have been a burial site. California law requires that any remains unearthed on the site be immediately reported to law enforcement agencies, and that the coroner examine the remains, and dispose of them in an appropriate manner. This requirement of state law will assure that there are no impacts to human remains on the site.

In order to assure that impacts to archaeological resources are reduced to less than significant levels, the following mitigation measure shall be implemented.

1. Should archaeological resources be unearthed during site excavation or grading, all work on the site shall stop until such time as a qualified archaeologist has reviewed the potential resource, and determined a mitigation plan. The archaeologist shall be empowered to stop or redirect activities on the site. Following the completion of excavation and grading, should resources be identified, a report shall be filed with the Town documenting the identified resource(s), the actions taken, and the results. The report shall be supplied to the Town within 30 days of completion of grading activities.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Alquist-Priolo Maps)			X	
ii) Strong seismic ground shaking? (General Plan p. V-9 ff.)			X	
iii) Seismic-related ground failure, including liquefaction? (General Plan p. V-9 ff.)				X
iv) Landslides? (General Plan Exhibit V-2)			X	
b) Result in substantial soil erosion or the loss of topsoil? (General Plan p. V-9 ff.)			X	
d) Be located on expansive soil, as defined in Table J 8-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (General Plan Exhibit V-2)				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (General Plan Exhibit V-2)				X

VI. a)-e) The proposed project is not located in an Alquist-Priolo Earthquake Fault Zone. An Alquist Priolo Fault Zone occurs immediately west of the project site. As a result, the site, as with the rest of the Town, is expected to experience strong seismic ground shaking during a seismic event. The Town's building department implements the provisions of the Uniform Building Code associated with seismic areas, and will implement those standards when each building is proposed within the project. These standards are designed to mitigate potential impacts associated with seismic ground shaking to less than significant levels.

The site is not located in an area subject to liquefaction, due to the depth the groundwater and soil types in the area.

The site slopes from an elevation of approximately 3,250 feet above sea level at its southern boundary, to an elevation of approximately 3,225 feet above sea level at its northeastern corner. The project site plan includes retaining walls at the north and south boundaries to compensate for the grade differential. These retaining walls will be required to be constructed to Uniform Building Code standards for seismic zones, which will reduce potential impacts associated with slopes to a less than significant level.

The site will be subject to winds, as is the Town in general. The Air Quality section, above, includes dust control requirements designed to assure that wind erosion will be less than significant during project development.

Water erosion impacts will occur during site grading and construction. The Town will require the implementation of NPDES requirements, including the preparation of a SWPPP, which will include Best Management Practices for the control of storm water. These requirements will assure that impacts associated with water erosion will be reduced to less than significant levels.

Soils in this area are not expansive. Percolation testing will be required prior to the installation of septic tanks. The Regional Water Quality Control Board will be responsible for reviewing and approving project plans. Should the effluent generated by the project exceed their daily thresholds, the project will be required to install an on-site sanitary sewer system, and dry sewer lines for the future connection of the project to the planned wastewater treatment plant being constructed by the High Desert Water District. These requirements will assure that impacts associated with septic tanks are less than significant.

Overall impacts associated with geotechnical and soils impacts are expected to be less than significant.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS --Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Application materials)			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Application materials)			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Application materials)			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (San Bernardino County Hazardous Materials Listing)				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (General Plan land use map)				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (General Plan land use map)				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (General Plan p. V-32 ff.)				X
h) Expose people or structures to a				X

significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (General Plan land use map)				
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VII. a)-h) The proposed project will include commercial businesses which may store small quantities of chemicals for cleaning and maintenance of equipment. Should a business which stores chemicals for sale be proposed for one of the spaces in the southernmost building, or should the quantities stored in the drug store or supermarket reach mandated thresholds, these businesses will be required to maintain data with both the Fire Department and the Department of Environmental Health, and will also be required to meet County and State standards for storage and transport of these materials. These agencies will approve plans and perform inspections as needed to assure compliance. These requirements will assure that the proposed project's impacts related to hazards and hazardous materials will be less than significant.

The project site is located less than 1/2 mile south of the Yucca Valley Airport. The buildings proposed on the site, however, do not exceed the height limitations imposed by the FAA for structures in proximity to airports. Impacts are expected to be less than significant.

The proposed project occurs in the center of Town, and will not be subject to hazards from wildland fires.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements? (General Plan p. V-14 ff.)			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (General Plan EIR p. III-52 ff.)			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? ("Drainage Study," Hacker Engineering, October 2007)			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? ("Drainage Study," Hacker Engineering, October 2007)			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? ("Drainage Study," Hacker Engineering, October 2007)				X
f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance				X

Rate Map or other flood hazard delineation map? (Application materials)				
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Application materials)			X	

VIII. a) -g) The High Desert Water District will provide domestic water to the proposed project. The District has facilities and water supplies available to serve the proposed project, within the limits of the annual permit issuance requirements imposed upon it. Commercial development is a relatively low water user, and demand is not expected to be significant. The project's landscaping plan will also be required to be of drought tolerant, low water using materials, which will also help to reduce water demand from the project site.

The Regional Water Quality Control Board will be responsible for reviewing and approving project plans. Should the effluent generated by the project exceed their daily thresholds, the project will be required to install an on-site sanitary sewer system, and dry sewer lines for the future connection of the project to the planned wastewater treatment plant being constructed by the High Desert Water District. These requirements will assure that impacts associated with groundwater pollution are less than significant.

The proposed project will include the improvement of the adjacent storm water channel to its ultimate build out, which is designed to convey the 100 year storm. The proposed project includes on site storm control devices, and proposes release of storm water to the adjacent channel. These plans will be reviewed by the Town and the County Flood Control District, which will ultimately approve these plans prior to their implementation. The Town Engineer will also review grading and improvement plans to assure that the proposed project does not impact downstream properties. These requirements will assure that impacts associated with flood control will be less than significant.

The western portion of the project site is located in a flood zone, due to its adjacency to the Burnt Mountain channel. The supermarket will be required by the Town Engineer to be located above the base flood elevation, to assure that the building is not flooded in a storm event. This requirement will assure that impacts associated with the flood zone are less than significant.

Overall impacts associated with hydrology and water resources are expected to be less than significant.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community? (Aerial photo)				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (General Plan Land Use Element)				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (General Plan EIR, p.III-66 ff.)				X

IX. a)-c) The development of this vacant site will not divide an established community.

The proposed project is consistent with the General Plan land use designation of General Commercial, which currently occurs on the property. The project has been designed to meet or exceed Development Code standards in the General Commercial zone. No impacts are expected to occur as a result of implementation of the proposed project.

No habitat conservation plan is currently implemented in Town.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (General Plan p. IV-29)				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (General Plan p. IV-29)				X

X. a) & b) No mineral resources are known within the Town boundaries.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
XI. NOISE Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (General Plan p. V-26)			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (General Plan p. V-26, project description)				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan p. V-26)			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan p. V-26)			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (General Plan land use map)			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (General Plan land use map)				X

XI. a)-f) The proposed project includes commercial development on 8.8 acres. Commercial development is not a sensitive receptor, and the noise levels on the project site are not expected to exceed the Town's standards for such development. The project is surrounded on three sides by commercial development, or commercially designated lands. Therefore, impacts on these lands are expected to be less than significant. On the south boundary of the site, however, lands are developed for residential land uses. This area will be subject to higher noise levels during the construction process. Noise from the project will also affect these homes once the project is complete. However, the location of the buildings will be below the sight line of the homes, which will act as a noise buffer, and reduce noise levels. In addition, the homes are located across a residential

street, which will provide a distance buffer; and none of the homes have back yards adjacent to the proposed project. The noise contours for this area of Town do not show the properties in this area as being subject to noise levels in excess of the Town's standards in the long term. It is therefore expected that impacts associated with noise will be less than significant.

The proposed project is located less than ½ mile south of the airport. The 70 dBA noise contours for the airport, however, do not extend to the project site, and will therefore not impact the site. Impacts are expected to be less than significant.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING – Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (General Plan, p. III-1 ff., application materials)				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (General Plan, p. III-1 ff., application materials)				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (General Plan, p. III-1 ff., application materials)				X

XII. a)-c) The development of the proposed project will include new jobs for the community. However, given the small size of the project, and the limited number of jobs to be created, the jobs are likely to be filled by existing Town residents, and new residents who would be moving to the area through normal growth patterns. The site is located in a fully developed area of Town, and will not be extending infrastructure which could indirectly induce growth. No impacts associated with population and housing are expected.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection? (General Plan p. VI-6 ff.)			X	
Police protection? (General Plan p. VI-6 ff.)			X	
Schools? (General Plan p. VI-6 ff.)			X	
Parks? (General Plan p. VI-6 ff.)				X
Other public facilities? (General Plan p. VI-6 ff.)			X	

XIII. a) The proposed project will be served by the County Sheriff and Fire Department, under Town contract. Build out of the project will result in increased sales and property tax which will offset the costs of added police and fire services, as well as the costs of general government. The project will also be required to participate in the Town's public safety assessment district.

The project will be required to pay the mandated school fees in place at the time of issuance of building permits.

The development of a commercial project is not expected to have any impact on parks.

Overall, impacts to public services are expected to be less than significant.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
XIV. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Application materials)				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Application materials)				X

XIV. a) & b) Commercial development is not expected to have any impact on recreational facilities.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (General Plan EIR, p. III-7)		X		
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (General Plan EIR, p. III-7)			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (No air traffic involved in project)				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Tentative Tract Map 18312)				X
e) Result in inadequate emergency access? (Tentative Tract Map 18312)				X
f) Result in inadequate parking capacity? (Tentative Tract Map 18312)				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Project description)				X

XV. a)-g) A traffic study was prepared for the proposed project³. The study determined that the proposed project would generate 5,700 average daily trips. The study considered impacts to three intersections: Highway 62 at Warren Vista; Highway 62 at Highway 247; and Warren Vista at Yucca Trail. The study found that all three intersections are operating at Level of Service (LOS) C or better during the AM and PM peak hours. The study

3 "APN 595-271-26 Town of Yucca Valley" letter report by Weston Pringle & Associates, dated May 17, 2008.

estimated traffic conditions in the opening year of the proposed project (2010), and found that without the project, the SR62/SR247 intersection and the Yucca Trail/Warren Vista intersection will operate at LOS E or F in the peak hour, without improvements. The study then analyzed these intersections with the addition of the proposed project, and cumulative projects approved in the area, but not yet constructed or under construction. The study found that with the addition of the project, signal warrants would be met at the intersection of Yucca Trail and Warren Vista, and that the installation of the signal would improve conditions to acceptable LOS. The Town's LOS standard is LOS D or better. Therefore, in order to mitigate the impact at the intersection of Warren Vista and Yucca Trail, a traffic signal is required, unless the signal is installed by other parties prior to project construction, in which case the proposed project would be responsible for their fair share of this improvement.

The study also found that the intersection of SR62/SR247 will not operate at acceptable levels, with or without the project, and that the project's responsibility, or fair share of these improvements is 3.42% in the morning peak hour, and 8.15% in the evening peak hour. The payment of the fair share fee will mitigate the project's impacts on this intersection.

The proposed project is designed to include sufficient parking, and the access drives through the site have been changed as part of design revisions to improve on-site circulation. These project design features will assure that impacts associated with parking and unsafe design are less than significant.

The site is located on Highway 62, at the corner of Warren Vista, two main roads through Town. The project will therefore be easily accessible in emergencies. In addition, the project is not modifying the Town's streets, so will not impact emergency access to other properties.

The proposed project will have no impact on air traffic. The project site is located on SR 62, which currently has transit service. The project will therefore be easily accessible for transit services.

In order to assure that impacts associated with traffic and circulation are reduced to less than significant levels, the following mitigation measures shall be implemented.

1. The project proponent shall install a traffic signal at Warren Vista and Yucca Trail, to the satisfaction of the Town Engineer, prior to receipt of a Certificate of Occupancy for the first building of the proposed project. A reimbursement agreement shall be implemented to assure that the project proponent is reimbursed for those costs other than his/her fair share for this signal. Alternatively, should the signal be installed by others, at an earlier time, the project proponent shall contribute his/her fair share to that traffic signal.
2. The project proponent shall contribute his/her fair share to improvements at SR62/SR247, prior to the issuance of a Certificate of Occupancy for the first building of the proposed project.

With implementation of these mitigation measures, impacts associated with the proposed project will be reduced to less than significant levels.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (General Plan EIR p. III-105 ff.)				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (General Plan EIR p. III-105 ff.)				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (General Plan EIR p. III-105 ff.)				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (General Plan EIR p. III-105 ff.)				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (General Plan EIR p. III-105 ff.)				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (General Plan EIR p. III-105 ff.)				X
g) Comply with federal, state, and local statutes and regulations related to solid waste? (General Plan EIR p. III-105 ff.)				X

XVI. a)-g) Utilities are available at or near the project site. Each of the utility providers charges connection and service fees which are designed to include the need for additional facilities as growth occurs. The proposed project will be required to pay these fees.

The Town's solid waste franchisee is responsible for implementing recycling techniques to reduce the impacts to area landfills. Impacts associated with public utilities are expected to be insignificant.

	Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

- XVII. a) The project site has the potential to impact biological and cultural resources, as described in this Initial Study. Mitigation measures included in this document, however, reduce the potential impacts to less than significant levels.
- XVII. b) The proposed project supports the long term goals of the General Plan by providing a variety of commercial opportunities for Town residents.
- XVII. c) The construction of the proposed project is consistent with the General Plan General Commercial land use designation, and will not have considerable cumulative impacts.
- XVII. d) The proposed project will significantly impact human beings in the areas of air quality and traffic. However, mitigation measures included in this document will reduce these impacts to less than significant levels.

XVIII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) **Earlier analyses used.** Identify earlier analyses and state where they are available for review.

Not applicable.

b) **Impacts adequately addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Not applicable.

c) **Mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Not applicable.

Morongo Unified School Dist.
Environmental Review
5715 Utah Trail
29 Plans, CA 92277

1284E 022 03 1017 318 7

The Gas Company
Environmental Review
1981 W. Logonia Ave.,
Redlands, CA 92374

1284E 022 03 1017 319 6

Mojave Desert Air Quality Mgmt.
District
Environmental Review
15428 Civic Dr., Suite 200
Victorville, CA 92392

1284E 022 03 1017 320 3

Hi-Desen Water District
Marty Stockstell
Environmental Review
55439 29 Palms Highway
Yucca Valley, CA 92284

1284E 022 03 1017 321 2

S. B. County Public Works Flood
Control Planning Div
Environmental Review
825 E. 3rd Street, #122
San Bernardino, CA 92415

1284E 022 03 1017 322 1

Captain Williams, Yucca Valley Chief
of Police
Morongo Basin Station
6527 White Feather Road
Joshua Tree, CA 92252

1284E 022 03 1017 323 0

CA. Regional Water Qlty. Control
Board, C. Springer, Env. Review
Colorado River Basin
73-720 Fred Waring Dr. #100
Palm Desert, CA 92260

1284E 022 03 1017 324 9

CA LTRANS
Linda Grimes, Chief
IGR-CEQA Review
464 W. Fourth St. 6th Fl. -MS726
San Bernardino, CA 92401

1284E 022 03 1017 325 8

Southern California Edison
Environmental Review
6999 Old Woman Springs Rd.
Yucca Valley, CA 92284

1284E 022 03 1017 326 7

U. S. Postal Service
Postmaster
Environmental Review
57280 Yucca Trail

Verizon
Larry Moore, Env. Review
295 N. Sunrise Way
Palm Springs, CA 92262-5295

1284E 022 03 1017 328 5

S.B. County Fire, Fire Prevention
Doug Crawford, Pl. & Eng. Div.
Environmental Review
620 South E Street
San Bernardino, CA 92415

1284E 022 03 1017 329 4

Yucca Valley Fire District
Paul Summers, Div. Chief
Environmental Review
57485 Aviation Drive. #A
Yucca Valley, CA 92284

1284E 022 03 1017 330 1

SB County Environmental Health
Environmental Review
385 N. Arrowhead Ave.,
San Bernardino, CA 92415-

1284E 022 03 1017 331 0

Waste Management
Environmental Review
4878 Newton Road
Yucca Valley, CA 92284

1284E 022 03 1017 332 9

Morongo Basin Transit Auth.
Michael Tree, Gen. Mgr.
Environmental Review
62405 Verbena Road
Joshua Tree, CA 92252

1284E 022 03 1017 333 8

S.B. Cty. Land Use Services
Michael Hays, Dir., Planning
Environmental Review
385 N. Arrowhead - 1st Floor
San Bernardino, CA 92415

1284E 022 03 1017 334 7

SB Co. Board of Supervisors
Bruce Davis, Field Rep.
3rd District - Env. Review
57407 29 Palms Hwy., Ste F
Yucca Valley, CA 92284

1284E 022 03 1017 335 6

City of Twentynine Palms
Community Dev. Director
Environmental Review
6136 Adobe Road
Twentynine Palms, CA 92277

1284E 022 03 1017 336 5

San Bernardino Associated
Governments
Environmental Review
1170 W. 3rd Street, 2nd Floor

Joshua Tree National Park
Curt Sauer, Superintendent
Environmental Review
74485 National Park Dr.
Twentynine Palms, CA 92277

1284E 022 03 1017 338 3

Copper Mountain Community College
Environmental Review
6162 Rotary Way
Joshua Tree, CA 92252

1284E 022 03 1017 339 2

Yucca Valley Airport Dist.
Bob Dunn, Manager
P. O. Box 2527
Yucca Valley, CA 92286

Pri. Mail # 0308 0929 0000
0466 0962

California Highway Patrol
Ron Jones
Environmental Review
63683 29 Palms Highway
Joshua Tree, CA 92252

1284E 022 03 1017 340 9

Marine Corp. Air Cornbat
Center Twentynine Palms
Chief of Staff, Env. Rev.
Building # 1554
Twentynine Palms, CA 92277

1284E 022 03 1017 341 8

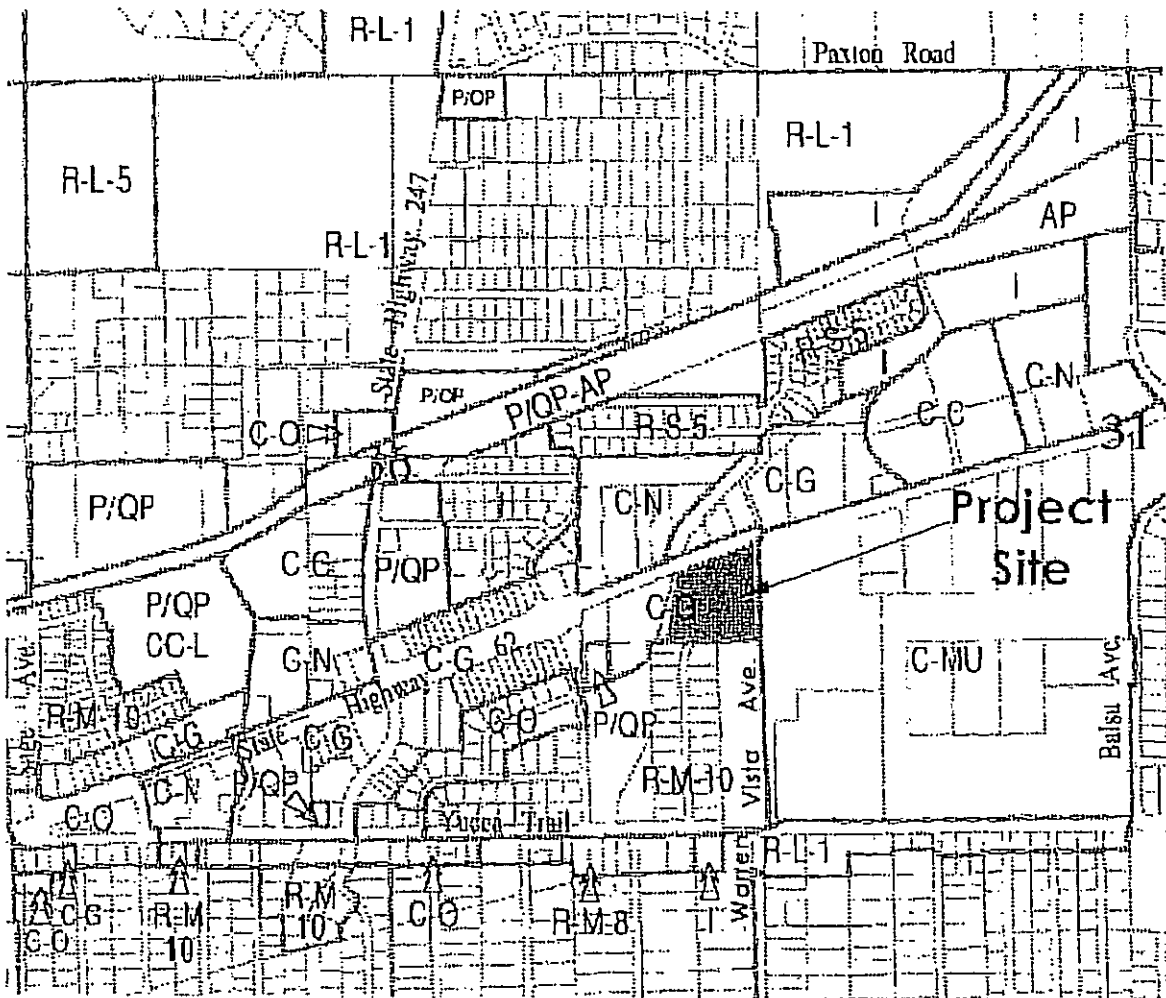
Mr. Britt Wilson, Proj. Mgr.
Cultural Resources Coordinator
Morongo Band of Mission Indians
49750 Seminole Drive
Cabazon, CA 92230

1284E 022 03 1017 342 7

Ms. Liz Ramos
San Bernardino County Clerk
385 N. Arrowhead Ave., 2nd Fl.
San Bernardino, CA 92415
FED EX: 8664 6476 3847

TOWN OF YUCCA VALLEY

PROJECT NO.: CUP 01-08 Warren Vista Center

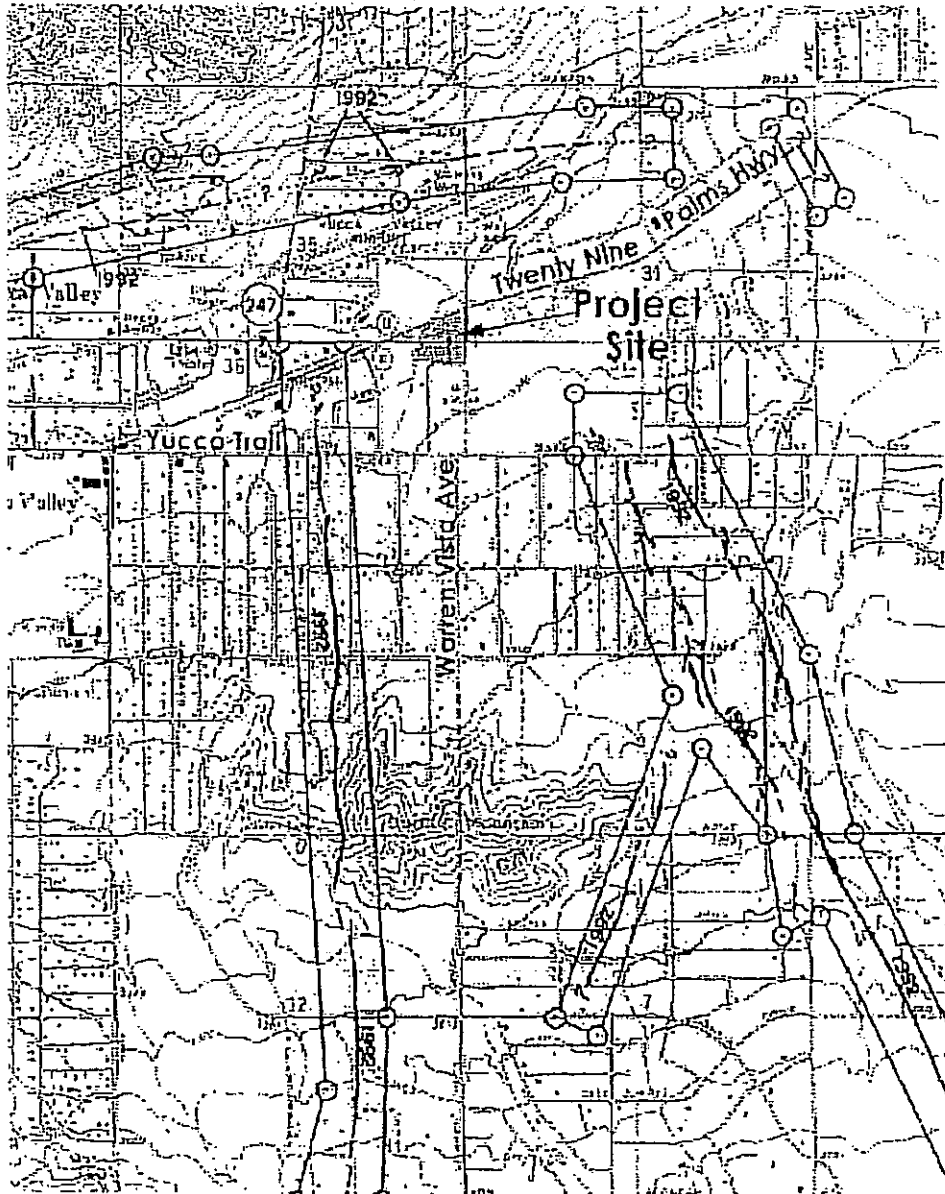


Source: OFFICAL ZONING DISTRICT MAP
Town of Yucca Valley
Adopted by Town Council: March 6, 1997
Revised September 22, 2005 Per Resolution No.



TOWN OF YUCCA VALLEY

PROJECT NO.: CUP 01-08 Warren Vista Center

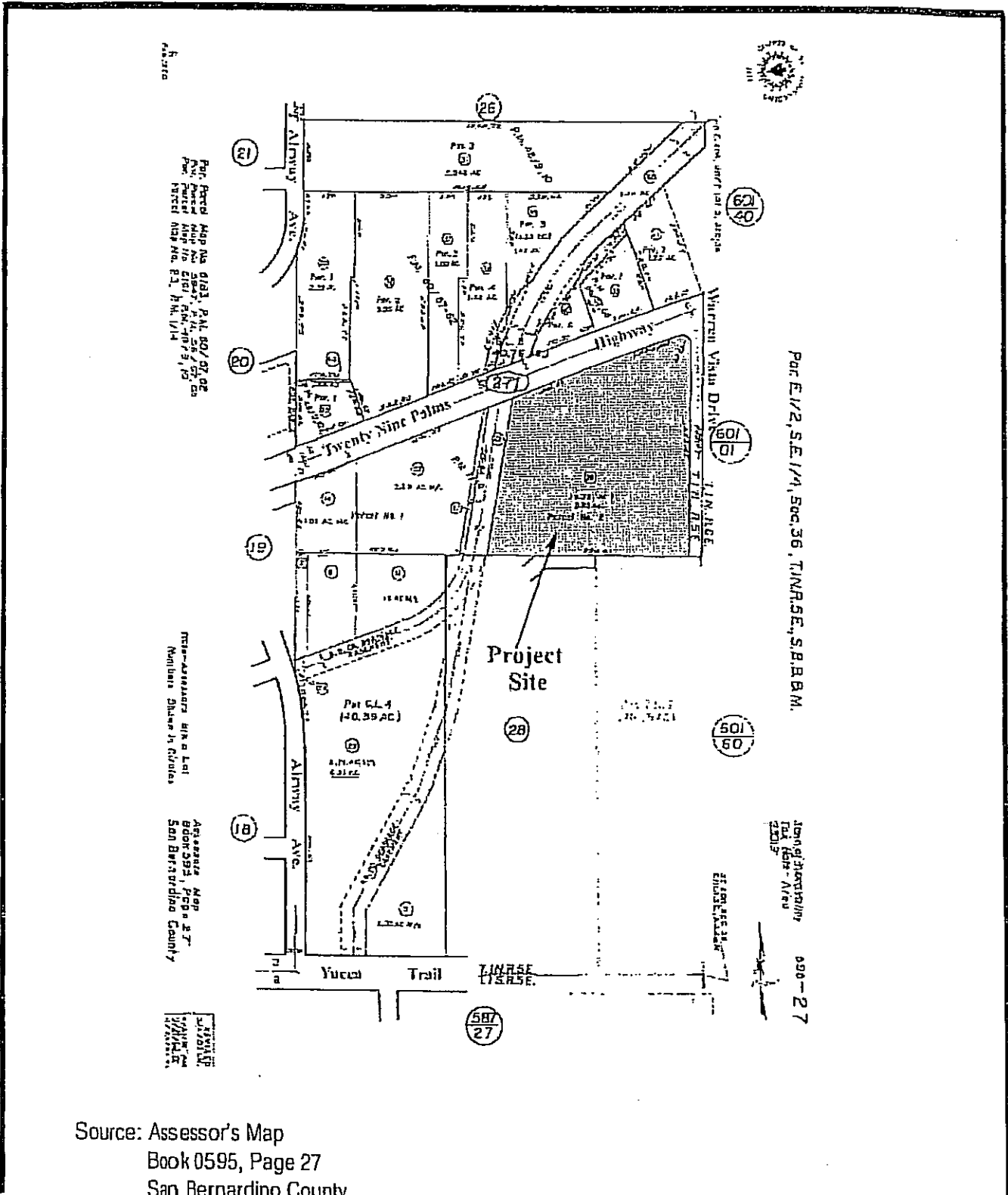


Source: USGS 7.5 Minute Quad Maps
Yucca Valley North and South CA July 1, 1993



TOWN OF YUCCA VALLEY

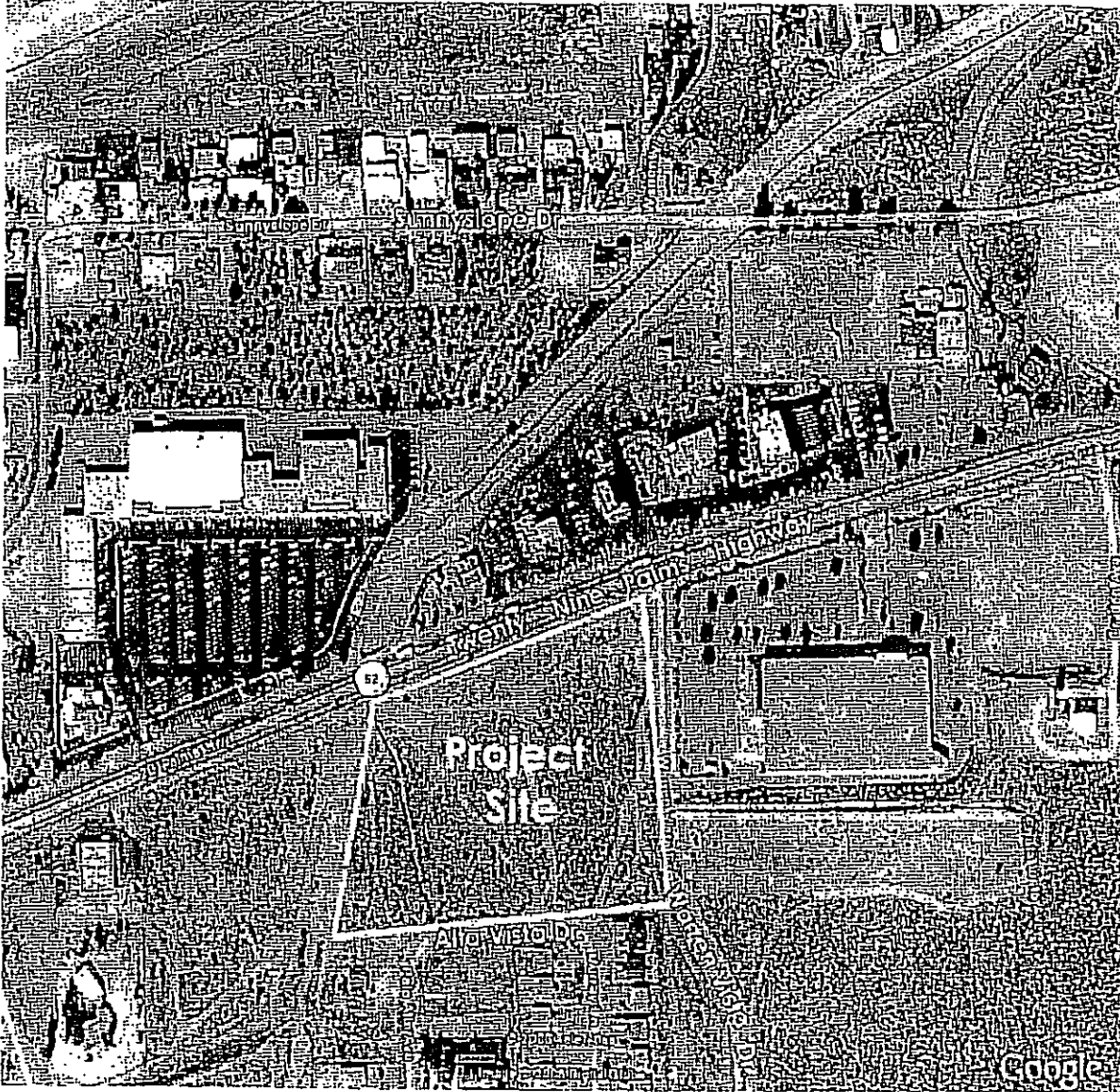
PROJECT NO.: CUP 01-08 Warren Vista Center



ASSESSOR'S PARCEL MAP

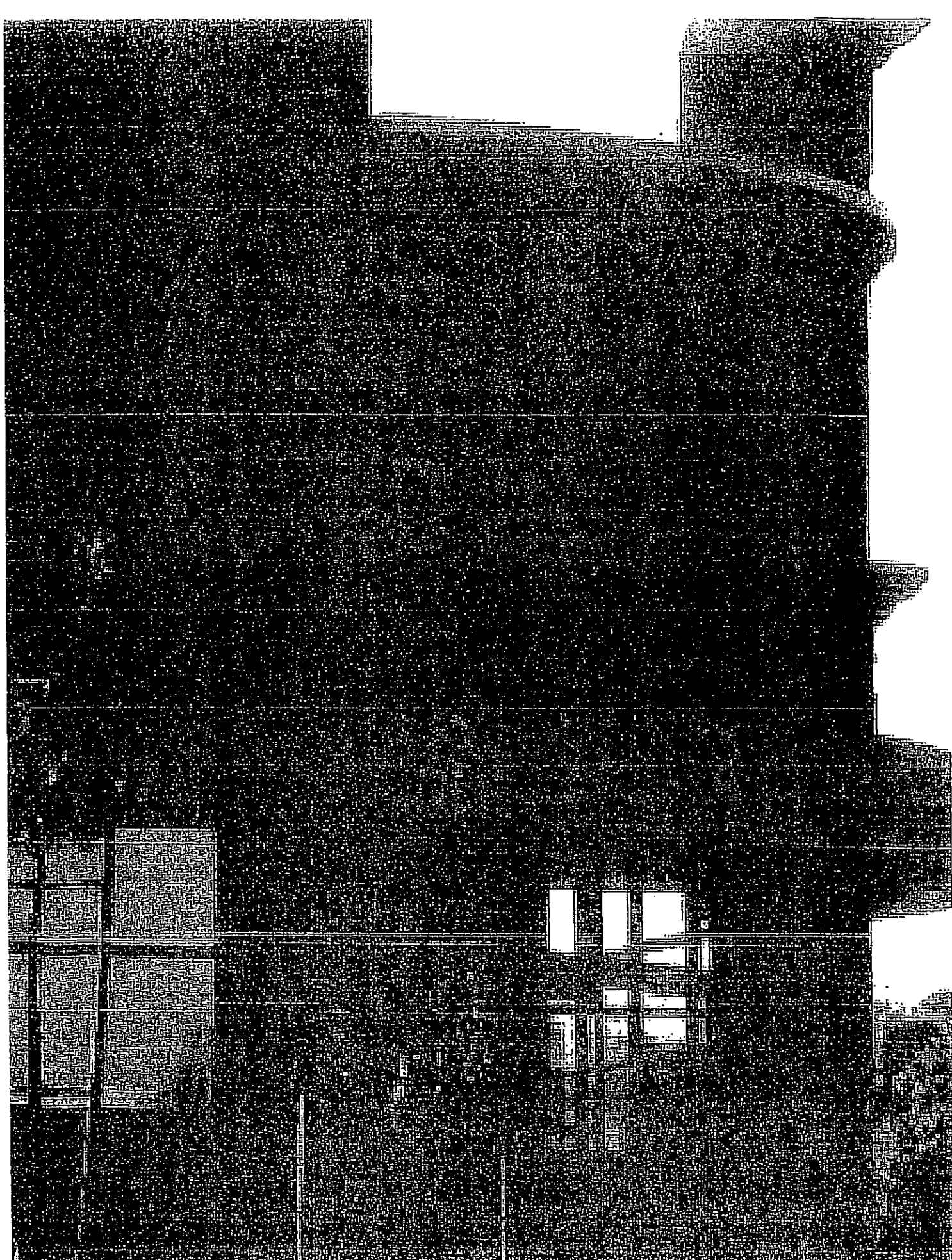
TOWN OF YUCCA VALLEY

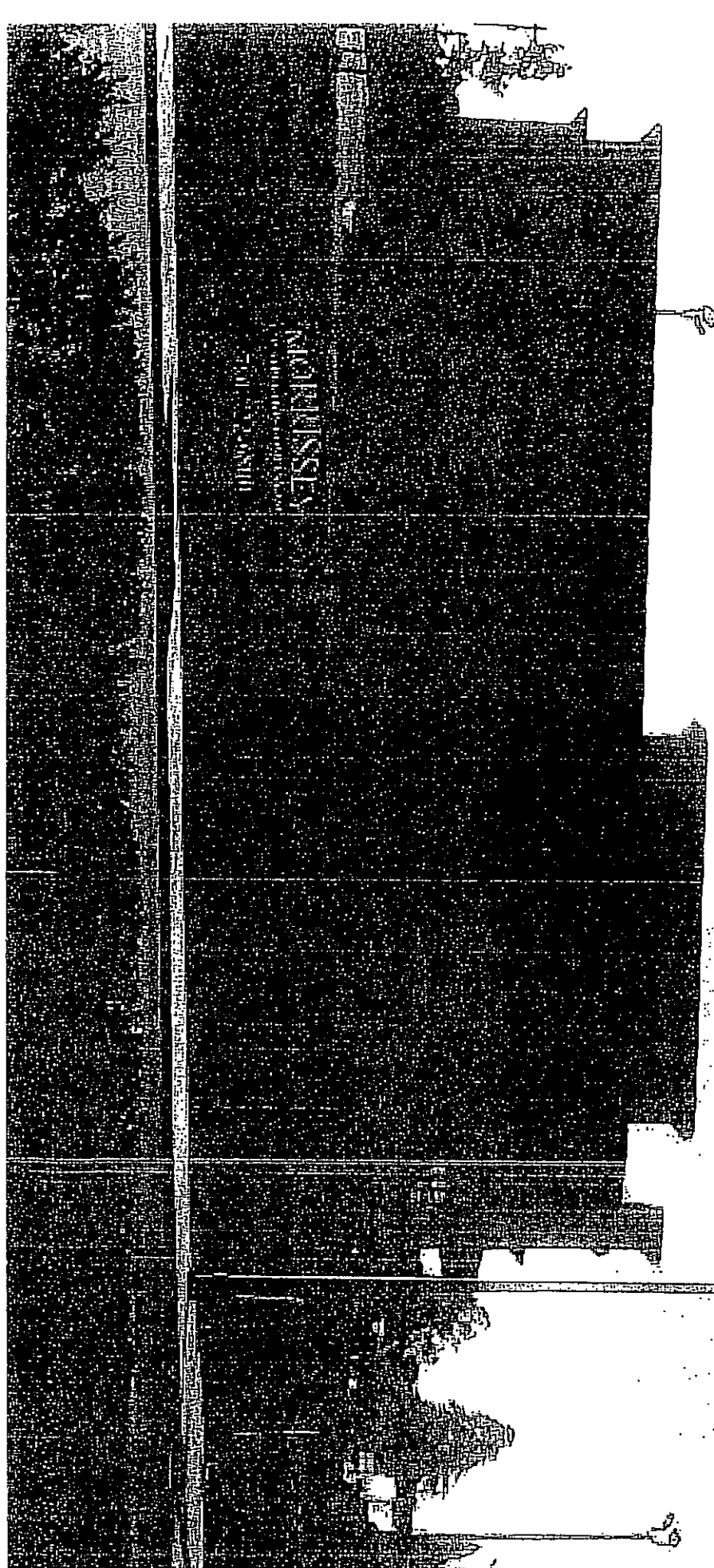
PROJECT NO.: CUP 01-08 Warren Vista Center



Source: DigitalGlobe 2008 Google









Date: 7/9/08
 Case No. C-901-08 Fee 4835
 Case No. HS 02-08 Fee 805
 Case No. LR 12-08 Fee 805
 EA No. 16-08 Fee 925
 Case No. TS 02-08 Fee 805

- CONDITIONAL USE PERMIT
- SITE PLAN REVIEW
- PLANNED DEVELOPMENT
- ENVIRONMENTAL ASSESSMENT
- TRACT MAP PM 191632,500
- PARCEL MAP
- GENERAL PLAN AMENDMENT

(Please Print Legibly)

Applicant G & L Yucca Valley LLC. / Richard Gottlieb

Address 439 N. Bedford Drive City Beverly Hills State CA Zip 90210

Phone (310) 273-9930 Fax (310) 248-2222 Cell (310) 795-8358

E-mail Address rgottlieb@elrealty.com

Project Name (if any): Warren Vista Center

Contact Person/Representative William Warner / Nolte Associates, Inc.

Address 7245 Joshua Lane City Yucca Valley State CA Zip 92284

Phone (760) 365-7638 Fax (760) 365-2146 Cell _____

E-mail Address bill.warner@nolte.com

Property Owner G & L Yucca Valley LLC Phone (310) 273-9930

Address 439 N. Bedford Drive City Beverly Hills State CA Zip 90210

E-Mail Address rgottlieb@elrealty.com Fax (310) 248-2222

Assessor Parcel Number(s) 0595-271-26 Tract Map # 19103 Lot # N/A

Property Dimensions Irregular; 600' W x 560'D +/- Existing Land Use Vacant Land

Structure Square Footage 75,000 +/- sq ft General Plan Designation/Zoning C-G

Location: (Example: Address & Street or SW corner of Elk & Onaga or 300 ft N of Paxton on W side of Airway)
Southwest corner of SR 62 & Warren Vista Avenue

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

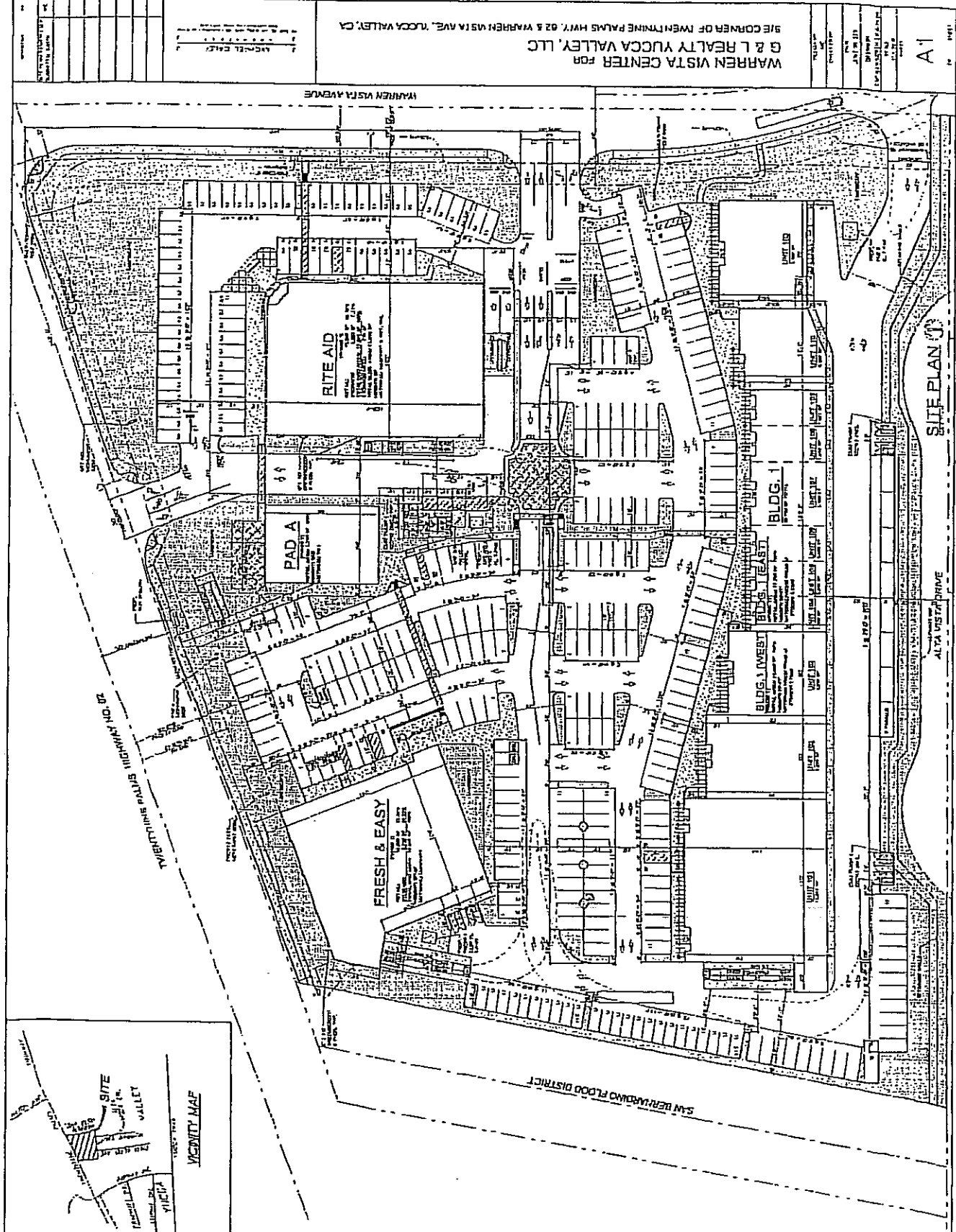
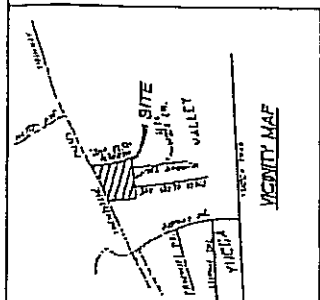
Conditional Use Permit for a proposed 8.8 acre +/- shopping center with approximately 75,336 sq ft of retail / Restaurant space, 394 parking spaces. Stormwater retention facilities and street improvements. Access to the site is proposed at SR 62 and Warren Vista Avenue. Package sewer treatment plant, if required.

Owner's Signature [Signature] Date 7-3-08

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

Applicant's Signature [Signature] Date 7-3-08

SITE SUMMARY	
1. PROJECT NAME	WARREN VISTA CENTER FOR G & L REALTY YUCCA VALLEY, LLC
2. PROJECT ADDRESS	916 CORNER OF TWENTYNINE PALMS HWY. & WARREN VISTA AVE., YUCCA VALLEY, CA
3. PROJECT OWNER	G & L REALTY YUCCA VALLEY, LLC
4. PROJECT CONTACT	WARREN VISTA CENTER FOR G & L REALTY YUCCA VALLEY, LLC
5. PROJECT PHONE	
6. PROJECT FAX	
7. PROJECT EMAIL	
8. PROJECT WEBSITE	
9. PROJECT STATUS	
10. PROJECT PHASE	
11. PROJECT DATE	
12. PROJECT PERIOD	
13. PROJECT BUDGET	
14. PROJECT COST	
15. PROJECT VALUE	
16. PROJECT RISK	
17. PROJECT COMPLIANCE	
18. PROJECT LEGAL	
19. PROJECT FINANCIAL	
20. PROJECT OPERATIONAL	



July 7, 2008
YV0706014

Robert Kirschmann
Associate Planner
Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284

**SUBJECT: G & L, Yucca Valley, LLC - Warren Vista Center
San Bernardino County APN 595-271-26
Yucca Valley, CA**

Dear Robert:

On behalf of our clients, G & L, Yucca Valley, LLC and Richard Gottlieb, and in compliance with the submittal requirements for the entitlement applications, we are providing this letter with both the project description and justification.

This applicant is seeking approval of the Conditional Use Permit and Tentative Parcel Map application for the project described below:

The project description is as follows:

Development of 75,846 s.f. of retail space on five proposed parcels, in up to 2 phases within 5 buildings, together with 333 parking spaces, hardscape, landscaping, onsite stormwater retention facilities and an onsite package sewage treatment plant (if required), as well as contiguous, offsite street improvements.

The phase one project site is currently vacant and partially occupied by vegetation, such as low brush and weeds, with several Cholla cactus, and approximately 155 Joshua Trees.

The concurrently filed Tentative Parcel Map indicates a small portion of Warren Vista Avenue to be vacated.

The site is adequate in size and shape to accommodate the anticipated use and all yards, open spaces, setbacks, walls, fences, parking areas, loading areas, landscaping and other features, which are in compliance with zoning and development code requirements pursuant to the Development Code and General Plan.

Approval of the Site Plan is justified as follows:

FINDINGS

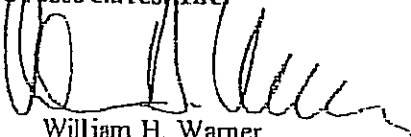
The site is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls, fences, parking areas, landscaping and other features because the site plan and these features were designed in compliance with the Development Code (General Commercial District) (i.e. meets or exceeds the criteria set-forth therein).

- a) The site has adequate access since it has three driveways proposed onto public, maintained streets, which each provide two directions of travel, to and from the site.
- b) The proposed land-use will not have a substantial adverse affect on the surrounding property since sufficient landscaping and screening is provided along the south side of the site.

If you have any questions or comments or need any additional information, please contact me.

Sincerely,

Nolte Associates, Inc.



By: William H. Warner
Professional Engineer

WHW/jb

ecc: G & L Yucca Valley, LLC - Richard Gottlieb - rgottlieb@elrealty.com

ENVIRONMENTAL SETTING

1. Property boundaries, dimensions and area (also attach an 8 1/2" x 11" site plan):
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 land
5. Zoning of adjacent parcel:

North <u>C-G</u>	South <u>RM-10</u>	East <u>C-MU</u>	West <u>C-G</u>
------------------	--------------------	------------------	-----------------
6. Existing General Plan designation of adjacent parcels:

North <u>C-G</u>	South <u>RM-10</u>	East <u>C-MU</u>	West <u>C-G</u>
------------------	--------------------	------------------	-----------------
7. Precisely describe existing uses adjacent to the site:
West - drainage channel/vacant; North - SR 62 & Von's shopping center; East - Warren Vista & Town Center Mall; South Palo Alto Ave. & apartments
8. Describe the plant cover found on the site, including the number and type of all protected plants:
See Desert Tortoise Survey (prepared by Circle Mountain, dated April 2008)

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

- | Yes | Maybe | No | |
|-------------------------------------|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Is the Site on filled or slopes of 10% or more or in a canyon? (A geological and/or soils Investigation report is required with this application.) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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.) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 11. Is the site within a resource area as identified on the archaeological and historical resource General Plan map? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 12. Does the site contain any unique natural, ecological, or scenic resources? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 13. Do any drainage swales or channels border or cross the site?
Comment: <u>SBCFCD channel at west side of property</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 14. Has a traffic study been prepared? (If yes, a copy of the study is to accompany this application.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 15. Is the site in a flood plain? (See appropriate Federal Insurance Rate Map) |

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: Shopping center

B. Gross square footage by each type of use: Gross building area: 75,846 s.f.

C. Gross square footage and number of floors of each building: Fresh & Easy – 13,983 s.f.; Pad A – 4,760 s.f.; Rite Aid – 18,026 s.f. Pad B – 39,673 s.f. All bldgs have 1 floor

D. Estimate of employment by shift: Rite Aid – 10 / Fresh & Easy – 8 / Pad A – 3 / Pad B – 16

E. Planned outdoor activities: Possible outdoor seating associated w/tenant businesses

2. Percentage of project site covered by:

51.34 % Paving, 22.33 % Building, 19.43 % Landscaping, 8.4 % Parking

3. Maximum height of structures 35 ft. 0 in.

4. Amount and type of off street parking proposed: 333 paved onsite parking spaces

5. How will drainage be accommodated? Surface and subsurface drains to SBCFCD channel and to Warren Vista storm drain

6. Off-site construction (public or private) required to support this project: SR 62 & Warren Vista widening and transitions: channel improvements

7. Preliminary grading plans estimate 44,000 cubic yards of cut and 11,000 cubic yards of fill

8. Description of project phasing if applicable: One infrastructure and two building phases

9. Permits or public agency approvals required for this project: Caltrans, San Bernardino County Flood Control, CRWQB Waste Discharge, Town of Yucca Valley, MBTA

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? (Dust during construction only)
- 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: 7/7/08

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

Pledge of Allegiance was led by Chair Lombardo.

Deputy Town Clerk Kim administered the Oath of Office to all of the Planning Commissioners.

Commissioners present: Abel, Alberg, Hildebrand, Humphreville and Chair Lombardo

Commissioner Alberg excused himself from the meeting due to a family matter.

APPROVAL OF AGENDA

Commissioner Humphreville moved that the Agenda be approved, which motion was seconded by Commissioner Abel. Motion carried 4-0 on a voice vote with Commissioner Alberg absent.

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

1. CONDITIONAL USE PERMIT, CUP 01-11 T-MOBILE HUTCHINS

Commissioner Humphreville recused himself due to him having earned income from Hutchins Motor Sports in the past year and left the dais.

A request to construct a roof mounted cellular tower consisting of nine panel antennas, 6 TMA antennas and 2 GPS antennas behind an extended parapet wall with four (4) equipment cabinets on the ground behind a block wall.

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 along with PowerPoint® presentation projected on the screen.

Chair Lombardo opened the Public Hearing.

Barbara Saito, Applicant, thanked Associate Planner Kirschmann for a good staff report inclusive of what they are doing commenting that the design is for the one carrier T-Mobile and is to be utilized by T-Mobile creating more comprehensive coverage in the area for the capacity necessary in the area.

There being no one else wishing to speak, Chair Lombardo closed the Public Hearing.

Commissioner Abel moved to recommend that the project is categorically exempt from CEQA under Section 15332, Class 32, Infill Development and recommend approval of Conditional Use Permit, CUP 01-11 to the Town Council, based on the findings in the staff report, and the Conditions of Approval.

Motion was seconded by Commissioner Hildebrand. Motion carried 3-0-1-1 on a voice vote with Commissioner Humphreville abstaining and Commissioner Alberg absent.

Commissioner Humphreville returned to the dais.

2. TENTATIVE PARCEL MAP, TPM 19288 STEVENS

A request to subdivide a 30,056 square foot (.69 acre) parcel into three (3) 8,160 square foot (.19 acre) parcels with previously constructed single family homes in the residential single family, five (5) units per acre land use designation.

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 along with PowerPoint® presentation projected on the screen stating that the applicant believed he had purchased 3 separate legal lots as the San Bernardino County Assessor's map showed three separate parcels. The parcels shown on the tax assessor map were drawn for tax purposes but never subdivided in accordance with the California subdivision Map Act.

Deputy Town Manager Stueckle stated that this application is based upon consistency with the general plan and development code where under the County it is considered a non-maintained public road with no required improvements and based upon Staff's analysis the Town does not foresee it requiring that the Town maintain the road in the near future.

Chair Lombardo opened the Public Hearing.

Bill Warner, Applicant's Representative requested approval of the parcel map to subdivide the lot into 3 separate legal sellable parcels based upon the findings in the staff report and the Conditions of Approval.

There being no one else wishing to speak, Chair Lombardo closed the Public Hearing.

Commissioner Humphreville moved to determine that the project is categorically exempt from CEQA under Section 15332, Class 32, Infill Development and approve Tentative Parcel Map, TPM 19288 Stevens based on the findings in the staff report, and the Conditions of Approval.

The motion was seconded by Commissioner Abel. Motion carried 4-0 on a voice vote with Commissioner Alberg absent.

DEPARTMENT REPORTS:

3. ASSIGNMENT OF TWO COMMISSIONERS TO PARTICIPATE IN THE AFFORDABLE SENIOR HOUSING PROJECT AD HOC COMMITTEE

A request that the Planning Commission designate two Commissioners to participate in the Affordable Senior Housing Project Ad Hoc Committee.

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.

Deputy Town Manager Stueckle stating that the Redevelopment Agency has the legal obligation to preserve and construct affordable housing units as part of the agency's program provided an overview of the project with the preliminary site plans and elevations that have been developed and where there has been an extensive progress made up to this point this evening. He summarized the preliminary work that has been done with the selection process and entering into an Exclusive Negotiating Agreement (ENA) with National Community Renaissance of California (CORE) informing the Commission would have the opportunity to tour similar quality affordable senior housing projects that the staff has already visited and requested two volunteer Commissioners to be on the Affordable Senior Housing Project Ad Hoc Committee.

Chair Lombardo asked for volunteers. Commissioners Abel and Humphreville volunteered to be on the Affordable Senior Housing Project ad hoc committee.

Commissioner Hildebrand moved to approve Commissioners Abel and Humphreville to be on the Affordable Senior Housing Project ad hoc committee.

The motion was seconded by Commissioner Abel. Motion carried 4-0 on a voice vote with Commissioner Alberg absent.

CONSENT AGENDA:

4. MINUTES –

Commissioner Humphreville moved that the Planning Commission approve as submitted the minutes of the Regular Planning Commission Meeting held on March 8, 2011 and March 22, 2011. The motion was seconded by Commissioner Abel. Motion carried 4-0 on a voice vote with Commissioner Alberg absent.

STAFF REPORTS AND COMMENTS:

None

FUTURE AGENDA ITEMS:

Associate Planner Kirschmann stated Conditional Use Permit, CUP 02-11 Nielson Wind Turbines will be on the April 26, 2011 agenda.

Deputy Town Manager Stueckle stated that the Draft Wind Energy Conversion Systems Ordinance will be scheduled for a Public Hearing for the first meeting in May, 2011.

Chair Lombardo requested if possible to tour a site of wind turbines to better understand the subject.

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Abel – None

Commissioner Alberg – None

Commissioner Hildebrand – None

Commissioner Humphreville – welcomed new commissioners Abel and Hildebrand and commented how nice it is having a full commission.

Chair Lombardo – thanked former Commissioner Graham for his service.

ANNOUNCEMENTS:

Chair Lombardo announced that the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, April 26, 2011 at 6:00 p.m.

ADJOURNMENT

The meeting adjourned at 6:35 p.m.

Respectfully submitted by,

Christine E. Kim, CMC
Deputy Town Clerk