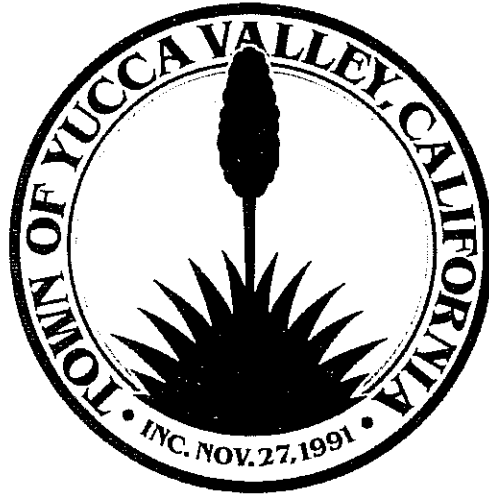


TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING



*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
JUNE 14, 2011
6:00 p.m.**

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

*** * * ***

PLANNING COMMISSION MEMBERS

*Robert Lombardo, Chairman
Mike Alberg, Commissioner
Vickie, Bridenstine, Commissioner
Michael Hildebrand, Commissioner
Tim Humphreville, Commissioner*

AGENDA

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

SWEARING IN OF NEW PLANNING COMMISSION MEMBER

ROLL CALL: Mike Alberg, Commissioner
Vickie Bridenstine, 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 01-11 NEILSON

A request for approval to install two 25' tall towers, one with three, five foot tall wind turbines and one with two five foot tall wind turbines. The applicant proposed to place the towers in the rear of the property, 40' from the rear property line and 68' from the eastern property line. The towers will be approximately 30' in overall height, less than the maximum permitted in this land use district but taller than the surrounding trees and homes.

Recommendation: That the Planning Commission directs the applicant to modify the application to reflect wind turbines more appropriately sized and located for the RS-5 land use district.

Alternative A: That the Planning Commission directs staff to return to the Planning Commission with the necessary findings for approval of the application as submitted

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

PERMIT HEARING:

2. LAND USE COMPLIANCE REVIEW, LUCR 02-11 MCDONALDS

A request for approval to install a new point of order drive thru and complete exterior remodel at the existing McDonald's restaurant.

Recommendation: That the Planning Commission finds the project is categorically exempt from CEQA under section 15332, class 32, in-fill development and approves Land Use Compliance Review, LUCR 02-11, based upon the Conditions of Approval contained within this staff report.

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

DEPARTMENT REPORTS:

3. CONDITIONAL USE PERMIT, CUP 01-08 AND TENTATIVE PARCEL MAP, TPM 1903, WARREN VISTA CENTER

Update for the Planning Commission on: the 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.

Recommendation: That the Planning Commission receive and file the report

4. MINOR PERMIT APPLICATION PROCES – REVIEW AND DISCUSSION

A request from staff that the Commission discuss and provide feedback on minor permit processing.

Recommendation: That the Planning Commission:

1. Review, discuss, and provide feedback and comment on timeframes for Minor Permit Applications;
2. Review, discuss and provide feedback and comment on the process and information provided through the Minor Permit Application process;
3. Review, discuss and provide feedback and comment on the approval authority for Minor Permit Applications

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.

3. MINUTES–

NONE

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

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Alberg
Commissioner Bridenstine
Commissioner Hildebrand
Commissioner Humphreville
Chairman Lombardo

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, June 28, 2011 at 6:00 p.m.

ADJOURN

Planning Commission: June 14, 2011
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION STAFF REPORT
NIELSON WIND TURBINES

Case: CONDITIONAL USE PERMIT, CUP 02-11 NIELSON WIND TURBINES
CATEGORICAL EXEMPTION FROM CEQA, SECTION 15332, CLASS
32, INFILL DEVELOPMENT

Request: A REQUEST TO INSTALL TWO 30' TALL TOWERS, ONE WITH THREE
(3), FIVE (5) FOOT TALL WIND TURBINES AND ONE (1) WITH TWO (2)
FIVE (5) FOOT TALL WIND TURBINES INSTALLED ON THE TOWERS.

Applicant: ANDY CANADA
P.O. BOX 1073
YUCCA VALLEY, CA 92286

Property Owner:
HEIDI NIELSEN
56742 ANTELOPE TRAIL
YUCCA VALLEY, CA 92284

Representative:
ANDY CANADA
P.O. BOX 1073
YUCCA VALLEY, CA 92286

Location: THE PROJECT IS LOCATED AT 56742 ANTELOPE TRAIL, EAST OF
GRAND AVENUE AND IDENTIFIED AS APN 595-102-03.

Existing General Plan Land Use Designation:
THE SITE IS DESIGNATED SINGLE FAMILY RESIDENTIAL FIVE (5)
UNITS PER ACRE (RS-5).

Existing Zoning Designation:
THE SITE IS DESIGNATED SINGLE FAMILY RESIDENTIAL FIVE (5)
UNITS PER ACRE (RS-5).

Surrounding General Plan Land Use Designations:
NORTH: SINGLE FAMILY RESIDENTIAL FIVE (5) UNITS PER ACRE (RS-5)
SOUTH: COMMERCIAL MIXED USE (C-MU) ACROSS ANTELOPE TRAIL
WEST: SINGLE FAMILY RESIDENTIAL FIVE (5) UNITS PER ACRE (RS-5)
EAST: SINGLE FAMILY RESIDENTIAL FIVE (5) UNITS PER ACRE (RS-5)

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

Surrounding Zoning Designations:

NORTH: SINGLE FAMILY RESIDENTIAL FIVE (5) UNITS PER ACRE (RS-5)
SOUTH: COMMERCIAL MIXED USE (C-MU) ACROSS ANTELOPE TRAIL
WEST: SINGLE FAMILY RESIDENTIAL FIVE (5) UNITS PER ACRE (RS-5)
EAST: SINGLE FAMILY RESIDENTIAL FIVE (5) UNITS PER ACRE (RS-5)

Surrounding Land Use:

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

Public Notification:

PURSUANT TO SECTION 83.030115, 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. THIS PROJECT WAS POSTED ON **TUESDAY APRIL 7, 2011 AND PUBLISHED ON APRIL 9, 2011**. AT THE MEETING APRIL 26, 2011 THE PLANNING COMMISSION CONTINUED THE ITEM TO THEIR REGULAR MEETING OF MAY 24, 2011. THE ITEM WAS AGAIN CONTINUED AT THE MEETING OF MAY 24, 2022 TO JUNE 14, 2011. THERE HAS BEEN NO WRITTEN RESPONSES RECIEVED AS OF THE WRITING OF THIS STAFF REPORT.

RECOMMENDATION:

CONDITIONAL USE PERMIT, CUP 02-11: THAT THE PLANNING COMMISSION REVIEWS THE PROPOSAL FOR CONSISTENCY WITH THE DEVELOPMENT CODE.

Project manager: Robert Kirschmann

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 Division of the Community Development Department. Per Section 83.030145 of the Development Code, minor modifications may be approved by the Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030140 of the Development Code, Required Findings, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit, including modifications to phasing schedules for the project.

I. GENERAL INFORMATION

PROJECT DESCRIPTION: A request to install two 30' tall towers, one with three (3), five (5) foot tall wind turbines and one (1) with two (2) five (5) foot tall wind turbines installed on the towers.

LOCATION: The project is located at 56742 Antelope Trail, east of Grand Avenue and identified as APN 595-102-03.

PROJECT SYNOPSIS:

SITE COVERAGE

PROJECT AREA

1.2 acres

BUILDING AREA

No new buildings are proposed
Existing single family home and garage is approximately 2, 247 square feet. There are two storage buildings one at 320 square feet, the other at 418 square feet.

PHASED CONSTRUCTION:

No

FLOOD ZONE

Map 8860 Zone X, area outside the floodplain

ALQUIST PRIOLO ZONE

No

OFF-SITE IMPROVEMENTS REQ.

No off-site improvements are recommended

ASSESSMENT DISTRICTS REQ.

No

RIGHT-OF-WAY DEDICATION REQ.

Not recommended

UTILITY UNDERGROUNDING:

All new service lines shall be underground in conformance to Ordinance 169

AIRPORT INFLUENCE AREA:

Located within the horizontal surface and safety review area 3 of the airport

TRAILS & BIKE LANE MASTER PLAN

No facilities on or adjacent to the project

PUBLIC FACILITY MASTER PLAN	No facilities on or adjacent to the project.
PARKS AND RECREATION MASTER PLAN	No facilities on or adjacent to the project
MASTER PLAN OF DRAINAGE:	No facilities on or adjacent to the project
STATE OF CALIFORNIA STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIRED:	No, less than 1 acre disturbed
REDEVELOPMENT PROJECT AREA:	Yes
STREET LIGHTS:	None recommended
SPECIFIC PLAN/ PLANNED DEVELOPMENT AREA:	No
FUTURE PLANNING COMMISSION ACTION REQUIRED	No
FUTURE TOWN COUNCIL ACTION REQUIRED	No

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: The proposed project is located in the Residential Single Family, 5 units per acre land use designation. Section 84.0410 (19) Additional Uses allows for "Development of natural resources including, but not limited to: mineral deposits, extractions, natural vegetation and energy sources, together with the necessary buildings, apparatus or appurtenances incidental thereto." Therefore, under existing requirements in place the proposed project is subject to the review and approval of a Conditional Use Permit.

Policy 2 of the Energy Resources section of the General Plan's Open Space, Mineral, Energy and Conservation element states "Support efforts to develop alternative energy technologies which have a minimum adverse impacts on the environment" The use, therefore, is consistent with the General Plan, and the land use is compatible with surrounding development.

ENVIRONMENTAL CONSIDERATIONS: The project is exempt from the California Environmental Quality Act under Section 15332, class 32, Infill Development.

ADJACENT LAND USES: The project site is located in an area that consists of single family residences and scattered vacant lots.

SITE CHARACTERISTICS: The site is developed with an approximately 2,247 square foot residence and two (2) sheds, 320 square feet and 418 square feet. The lot is flat, graded with some desert native vegetation occurring onsite.

BUILDING ELEVATIONS: No new buildings are proposed. The proposal is to install two 30' tall towers, one with three (3), five (5) foot tall wind turbines and one (1) with two (2) five (5) foot tall wind turbines installed on the towers. The applicant has provided the proposed elevations for the structures.

ROADWAY IMPROVEMENTS: No roadway improvements are recommended as part of this project.

ASSESSMENT DISTRICTS: No assessment districts are recommended as part of this project.

DISCUSSION: The Town does not have any specific regulations for the installation of wind generators. An ordinance is currently being drafted to provide standards and direction for these types of structures. Since there are no standards in place, the Town is following section 84.0410 (19) which states: "Development of natural resources including, but not limited to: mineral deposits, extractions, natural vegetation and energy sources, together with the necessary buildings, apparatus or appurtenances incidental thereto." Therefore, the project can be reviewed through the Conditional Use Permit process.

The Residential Single Family Land Use district sets standards for the height, setbacks, and numbers of structures that can be constructed on a lot. The following chart identifies some of the standards and those proposed with this project:

	RS Land Use District Standards	Proposed Standards
Lot size	7,200 square feet	1.12 acre
Front Setback	25'	Existing, >25'
Side Setbacks	5'/10'	86'/98'
Rear Setback	15'	40'
Maximum structure height	35'	30'
Maximum accessory structure height	20'	30'
Maximum detached structures	2	2 existing, 2 proposed

The Single Family Residential Land Use District allows for a maximum height of 35'. However, the Accessory Structure Regulations further restricts the maximum height of detached structures to 20'. The Development Code defines a structure as: "That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. (By this definition all buildings are structures, however, not all structures are buildings". This means that the proposed towers are considered structures but not a building. The towers would then be subject to the Accessory Structure Regulations.

Section 84.0325(d) states: "Residential accessory structures include any of those customarily related to a residence, including garages, greenhouses, storage sheds, studios, barns, workshops, and similar structures. There are no structures that are not buildings included in this list, such as wind mills, water tanks, etc. An interpretation could be made that this section should be worded Accessory Building Regulations and not Accessory Structures.

Does the Planning Commission feel that this section is only intended to apply to buildings and not structures?

If the project is not required to meet the accessory structure requirements, then as proposed meets the requirements of the Development Code. If it is required to comply then a variance would be required for the height of the structure, as well as the number of detached structures on the site. The site is developed with two detached storage sheds.

CONDITIONAL USE PERMIT FINDINGS FOR APPROVAL:

- (a) The location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;
The proposed wind turbines will be located in the rear of the property. The height will not exceed the height which is permitted within Residential Land Use Districts. The project further will help to support Policy 2 of the General Plan by providing for the opportunity to develop alternative energy resources. The proposed wind turbines are consistent with General Plan policies.

- (b) The location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;
The proposed wind turbines will be located in the rear of the property. The height will not exceed the height which is permitted within Residential Land Use Districts. The proposed wind turbines are compatible with the site and surrounding sites, structures and streetscapes.

- (c) The proposed development produces compatible transitions in the scale, bulk, coverage, density and character of the development between adjacent land uses;
The proposed wind turbines are comparable in height to other residences both existing and that could be constructed in the future. The maximum height permitted in the Residential Single Family Land Use District is 35'. The wind turbines are proposed at and overall height of 30'. The wind turbines are compatible with the surrounding development.
- (d) The building site and architectural design is accomplished in an energy efficient manner;
No new buildings are proposed as part of this request. The project includes two 30' tall towers, one with three (3), five (5) foot tall wind turbines and one (1) with two (2) five (5) foot tall wind turbines installed on the towers. The structures are designed to help increase the use of renewable energy resources.
- (e) The materials, textures and details of the proposed construction, to the extent feasible, are compatible and consistent with the adjacent and neighboring structures;
The Development Code contains no specific standards for wind turbines, including materials. There are no other wind mills constructed within the vicinity of the proposed project, however a similar request could be submitted for other properties in Town.
- (f) The development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;
The applicant has located the towers in the rear of the property, 40' from the rear property line and 68' from the eastern property line. The towers will be approximately 30' in overall height, less than the maximum permitted in this land use district and slightly taller than the surrounding trees and homes.
- (g) That the amount, location, and design of open space and landscaping conforms to the requirements of the Development Code, enhances the visual appeal and is compatible with the design and functions of the structure(s), site and surrounding area;
The RS Land Use District allows for up to 40% lot coverage. The total lot coverage for this property is six (6) percent. The applicant is proposing two towers on the property. The site is well within the lot coverage requirements. There are no other requirements for open space or landscaping in the Development Code for Single family residences.
- (h) The quality in architectural design is maintained in order to enhance the visual desert environment of the Town and to protect the economic value of existing structures;

The applicant has presented the proposed elevations. They include two towers, one with three turbines and one with two turbines. They have been placed in the rear of the property to help screen them from public view.

- (i) There are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;
Utility services required to facilitate this development such as water and electric are currently on the site and accessible to the proposed development. Agreements with Southern California Edison will need to be completed by the applicant with the utility.
- (j) That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;
No changes are requested or required to the circulation as a result of this proposal.
- (k) That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;
The project will have no traffic impact of change the capacity/ physical character of the surrounding streets.
- (l) That traffic improvements and/or mitigation measures have been applied or required in a manner adequate to maintain a Level of Service C or better on arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan;
No traffic improvements or mitigation measures are required for this project.
- (m) There will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;
The proposed towers will be constructed on an existing developed parcel containing a 2,247 square foot residence and garage, a 410 square foot detached structure and a 320 square foot structure. According to the US Department of Energy the "overall impact on birds is extremely low (<1 of 30,000) compared to other human-related causes, such as buildings, communication towers, traffic, and house cats". Therefore, based upon the fact the site is already developed and the impact to birds would be extremely low there are no significant impacts expected on the environmental quality and natural resources.
- (n) There are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;

The proposal is exempt from the California Environmental Quality Act (CEQA) Section, 15332, Class 32 Infill Development. There are no anticipated effects to the environment.

- (o) The impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be considered to be detrimental to the public health, safety and welfare of the community or be materially injurious to properties and/or improvements within the immediate vicinity or be contrary to the General Plan; and
There are no anticipated issues resulting from the approval of this project that would be detrimental to the public health, safety and welfare of the community.
- (p) The proposed development will comply with each of the applicable provisions of the Development Code, and applicable Town policies, except approved variances.
The project, as conditioned will comply with applicable provisions of the Development Code and Town Policies. No variances are proposed.

Attachments:

1. Standard Exhibits
2. Application materials
3. Site Plans & Elevations
4. Notice of Hearing
5. Notice of Exemption
6. Ordinance 136, Residential Land Use Districts
7. Ordinance 211 Additional Uses

**TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS OF APPROVAL
NIELSON WIND TURBINES**

A request to install two 30' tall towers, one with three (3), five (5) foot tall wind turbines and one (1) with two (2) five (5) foot tall wind turbines installed on the towers. The project is located at 56742 Antelope Trail, east of Grand Avenue and identified as APN 595-102-03.

GENERAL CONDITIONS

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

**Approval Date: June 14, 2011
Expiration Date: June 14, 2014**

- G3. The applicant shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-

Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.

- G4. 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.
- G5. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utilities. The approved permits shall be readily available on the job site for inspection by Town personnel.
- G6. The applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time work is undertaken and accomplished. Fees for entitlement prior to construction permits are based on estimated costs for similar projects. Additional fees may be incurred, depending upon the specific project. If additional fees for services are incurred, they must be paid prior to any further processing, consideration, or approval(s).
- G7. All improvements shall be inspected by the Town as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
- G8. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
- G9. During construction, the applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town staff to eliminate any site related dirt and debris within the roadways. During business activities, the applicant shall keep the public right-of-way adjacent to the property in a clean and sanitary condition.
- G10. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
- G11. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).

PLANNING CONDITIONS

- P1. In accordance with Ordinance 169, utility undergrounding shall be required for all new service and distribution lines that provide direct service to the property being developed; existing service and distribution lines that are located within the boundaries being developed; existing service and distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed; existing Service and Distribution lines located on adjacent properties along or within 10 feet of the lot lines of the property being developed; or existing service and distribution lines being relocated as a result of a project.
- P2. All exterior lighting shall comply with the Ordinance 90, Outdoor Lighting and shall be illustrated on all construction plans.
- P3. **The noise generated by the proposed wind turbines shall not exceed 60dB at property line except under extreme weather conditions.**

ENGINEERING CONDITIONS

- E1. Prior to any work being performed within the public right-of-way, the applicant shall pay the required fees and obtain an encroachment permit from the Department of Community Development. The applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The applicant shall be responsible for the associated costs and arrangements with each public utility.
- E2. Prior to any work being performed within the public right-of-way, the applicant shall provide the name, address, telephone, facsimile number, and e-mail address of the contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work shall be supplied. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, and such other details as may be required by the Town Engineer shall be provided.
- E4. The applicant shall restore any pavement cuts required for installation or extension of utilities for the project within the public right-of-way. In all cases where cuts are allowed, the applicant is required to patch the cuts to City standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a width 5 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.
- E5. The applicant shall observe the construction of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing

improvements, adjacent property, and other infrastructure. The applicant shall be responsible for the repair of any damage occurring to offsite infrastructure as determined by the Town Engineer. The applicant shall repair any such damage prior to certificate of occupancy. If the damage is such that it cannot be repaired within a reasonable amount of time as determined by the Town Engineer, the applicant may petition the Town Engineer for additional conditions that may allow the time, amount of surety, or other requirements to repair the damage.

BUILDING AND SAFETY CONDITIONS

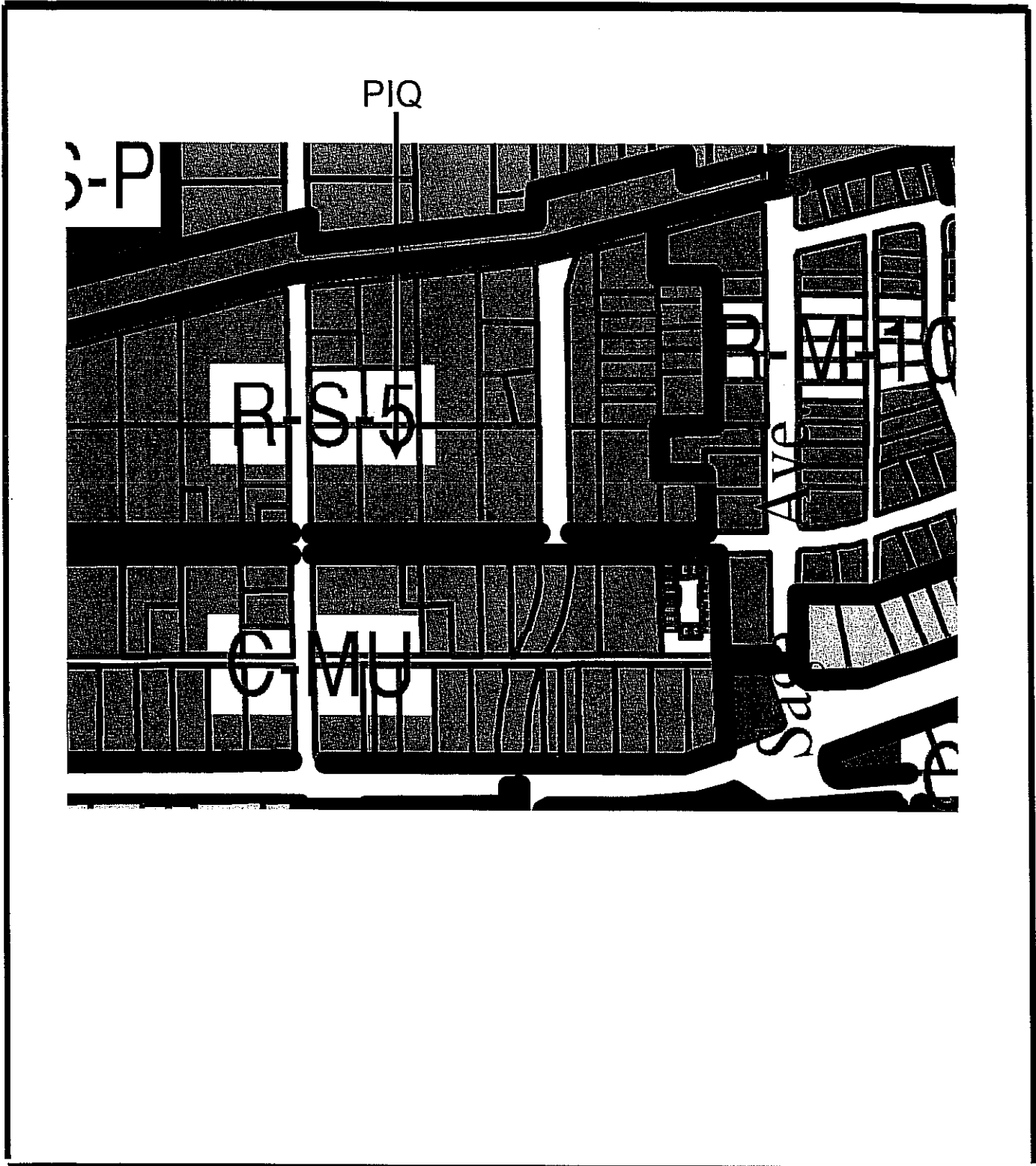
- B1. The applicant shall submit three sets of plans to the Building and Safety Dept. for plan check and approval prior to the installation of any equipment.
- B2. At the time of building plan check submittal, the applicant shall provide approval from the San Bernardino County Fire Dept.
- B3. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents.
- B4. Prior to final inspection, all required improvements shall be constructed and finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.

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

Applicant's Signature _____ Date _____

TOWN OF YUCCA VALLEY

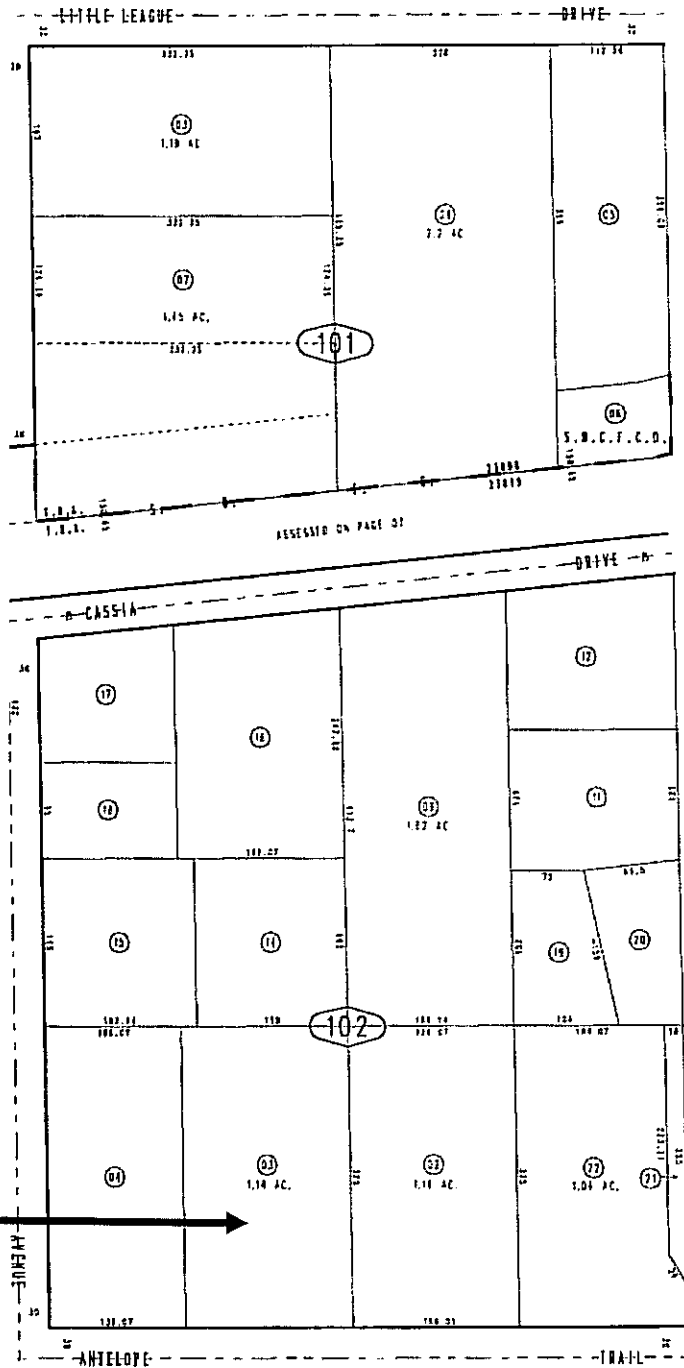
PROJECT NO.: CONDITIONAL USE PERMIT, CUP 02-11 NEILSON



ZONING AND GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: CONDITIONAL USE PERMIT, CUP 02-11 NEILSON



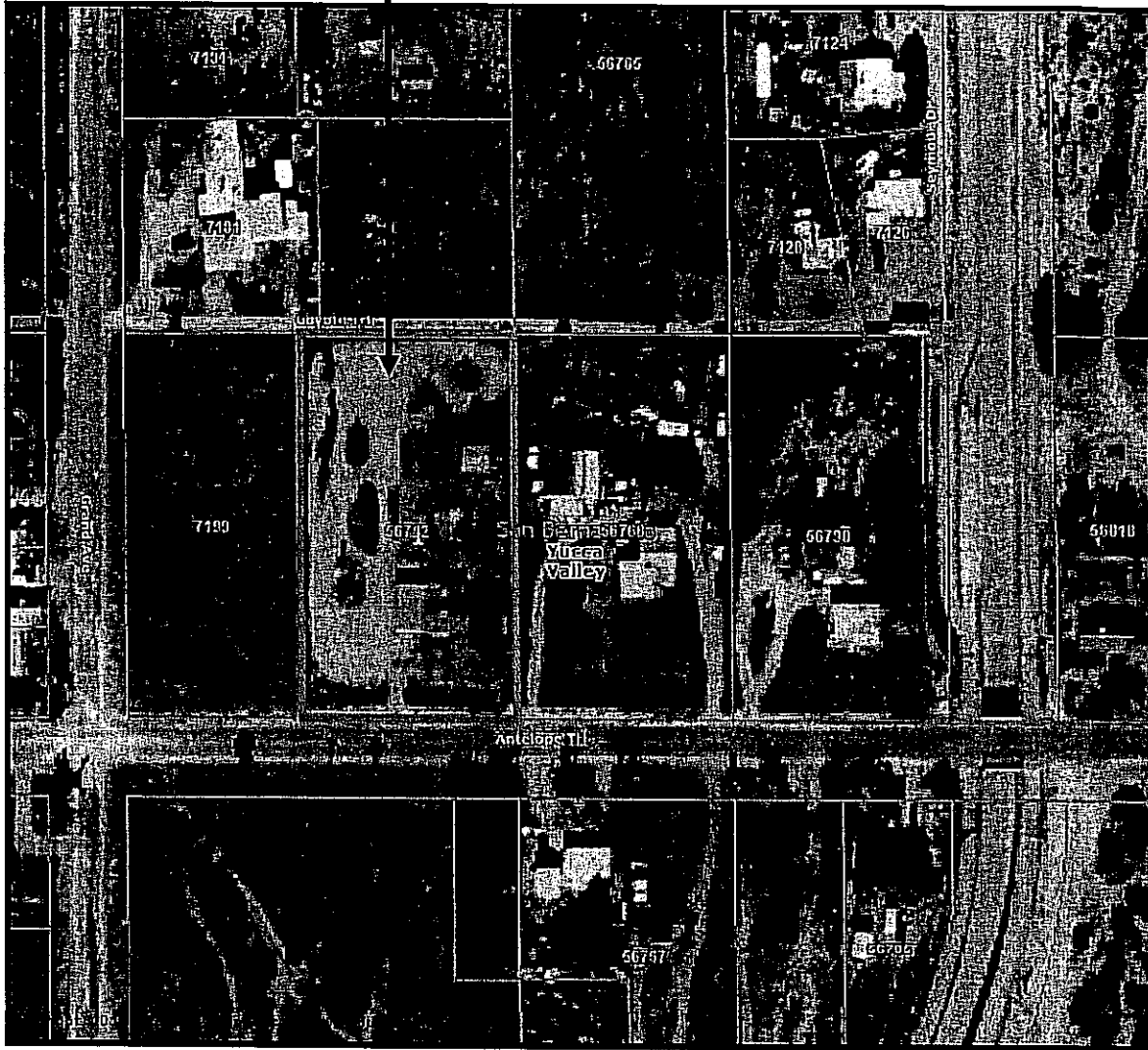
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ASSESSORS PARCEL MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: CONDITIONAL USE PERMIT, CUP 02-11 NEILSON

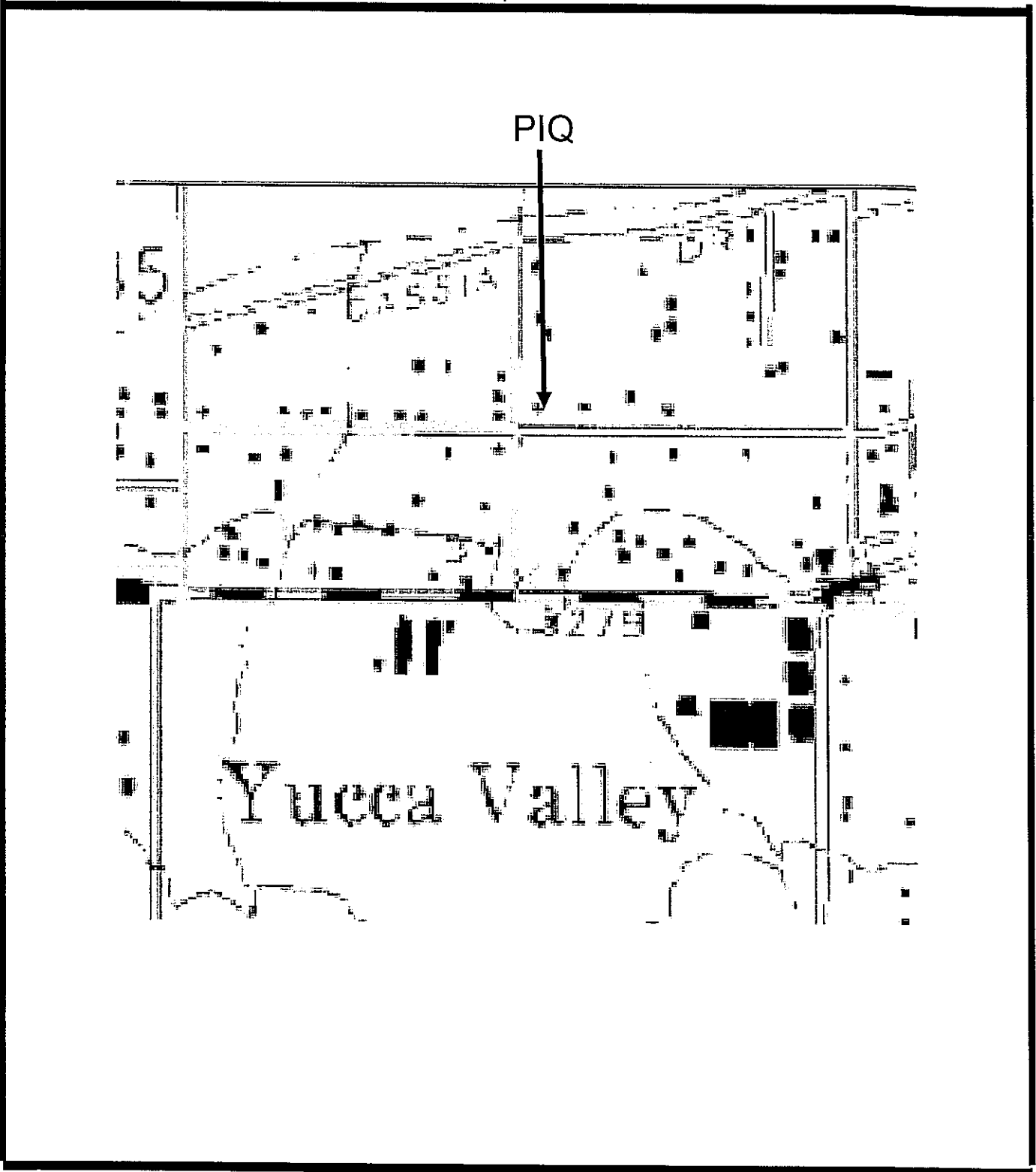
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AERIAL PHOTO

TOWN OF YUCCA VALLEY

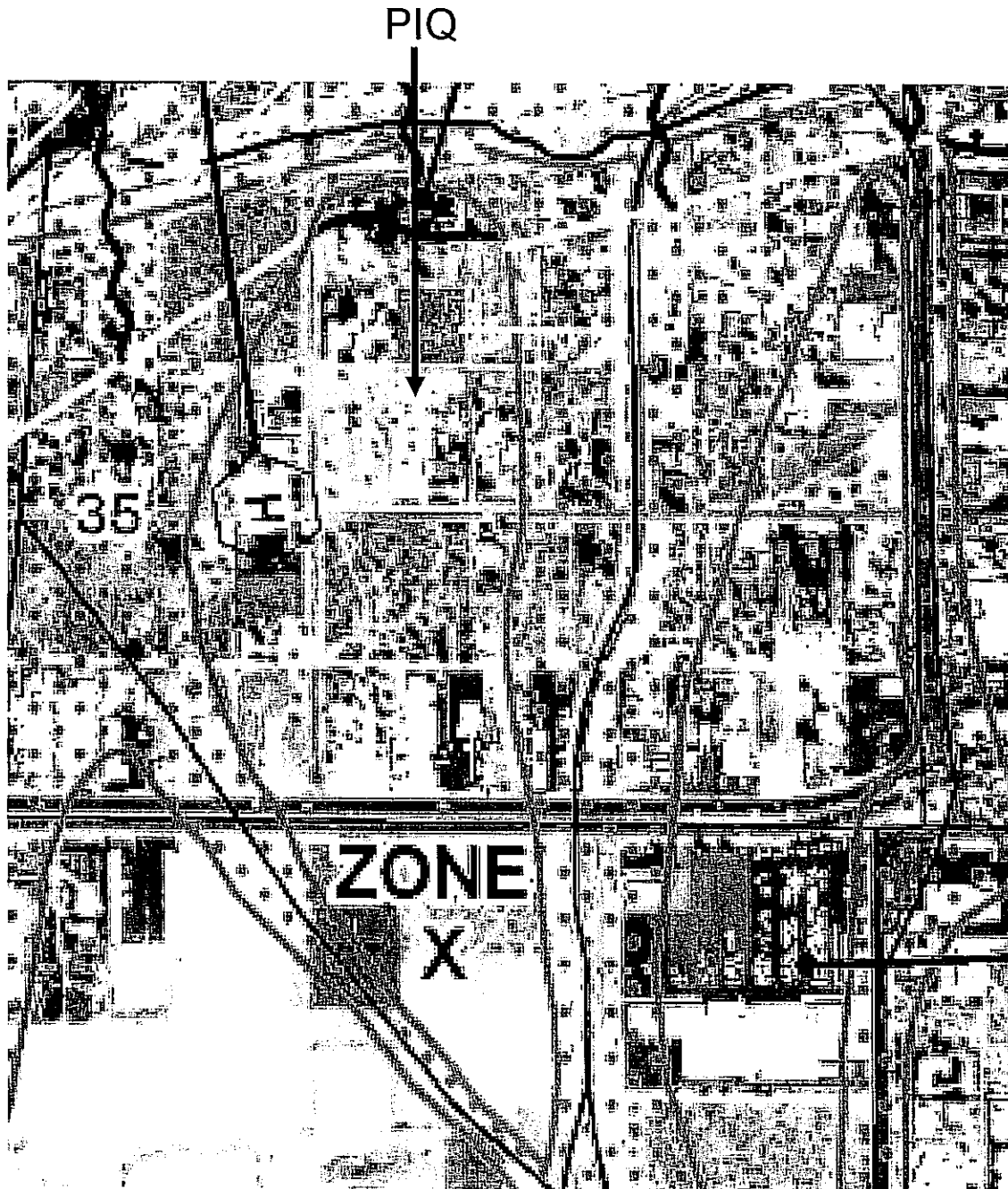
PROJECT NO.: CONDITIONAL USE PERMIT, CUP 02-11 NEILSON



ALQUIST-PRIOLO MAP
YUCCA VALLEY SOUTH

TOWN OF YUCCA VALLEY

PROJECT NO.: CONDITIONAL USE PERMIT, CUP 02-11 NEILSON



FEMA MAP 8860



Date:	<u>3/29/11</u>	Fee:	<u>\$300</u>
Case No.:	<u>CDP 02-11</u>	Fee:	_____
Case No.:	_____	Fee:	_____
Case No.:	_____	Fee:	_____
EA No.:	_____	Fee:	_____

- | | |
|--|---|
| <input checked="" type="checkbox"/> CONDITIONAL USE PERMIT | <input type="checkbox"/> TRACT MAP |
| <input type="checkbox"/> SITE PLAN REVIEW | <input type="checkbox"/> PARCEL MAP |
| <input type="checkbox"/> PLANNED DEVELOPMENT | <input type="checkbox"/> GENERAL PLAN AMENDMENT |
| <input type="checkbox"/> ENVIRONMENTAL ASSESSMENT | <input type="checkbox"/> REZONING |

(Please Print Legibly)

Applicant ANDY CANADA
 Address P.O. BOX 1073 City YUCCA VAL State CA Zip 92284
 Phone 760 218-4337 Fax _____ Cell SAME
 E-mail Address CANADAANDY@HOTMAIL.COM
 Project Name (if any): NIELSEN WIND TURBINES

Contact Person/Representative SAME
 Address _____ City _____ State _____ Zip _____
 Phone _____ Fax _____ Cell _____
 E-mail Address _____

Property Owner HEIDI NIELSEN Phone _____
 Address 56742 ANTELOPE TR City YUCCA VAL State CA Zip 92284
 E-Mail Address _____ Fax _____

Assessor Parcel Number(s) 0595-102-03 Tract Map # _____ Lot # _____
 Property Dimensions 166.07 x 325 Existing Land Use RES.
 Structure Square Footage 2,985 General Plan Designation/Zoning RS-5
 Location: (Example: Address & Street or SW corner of Elk & Onaga or 300 ft N of Paxton on W side of Airway)
56742 ANTELOPE TR.

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.
INSTALL 2 TOWERS APPROX. 20 FT. TALL WITH 3 WIND TURBINES APPROX. 5 FT. TALL ON EACH TOWER.

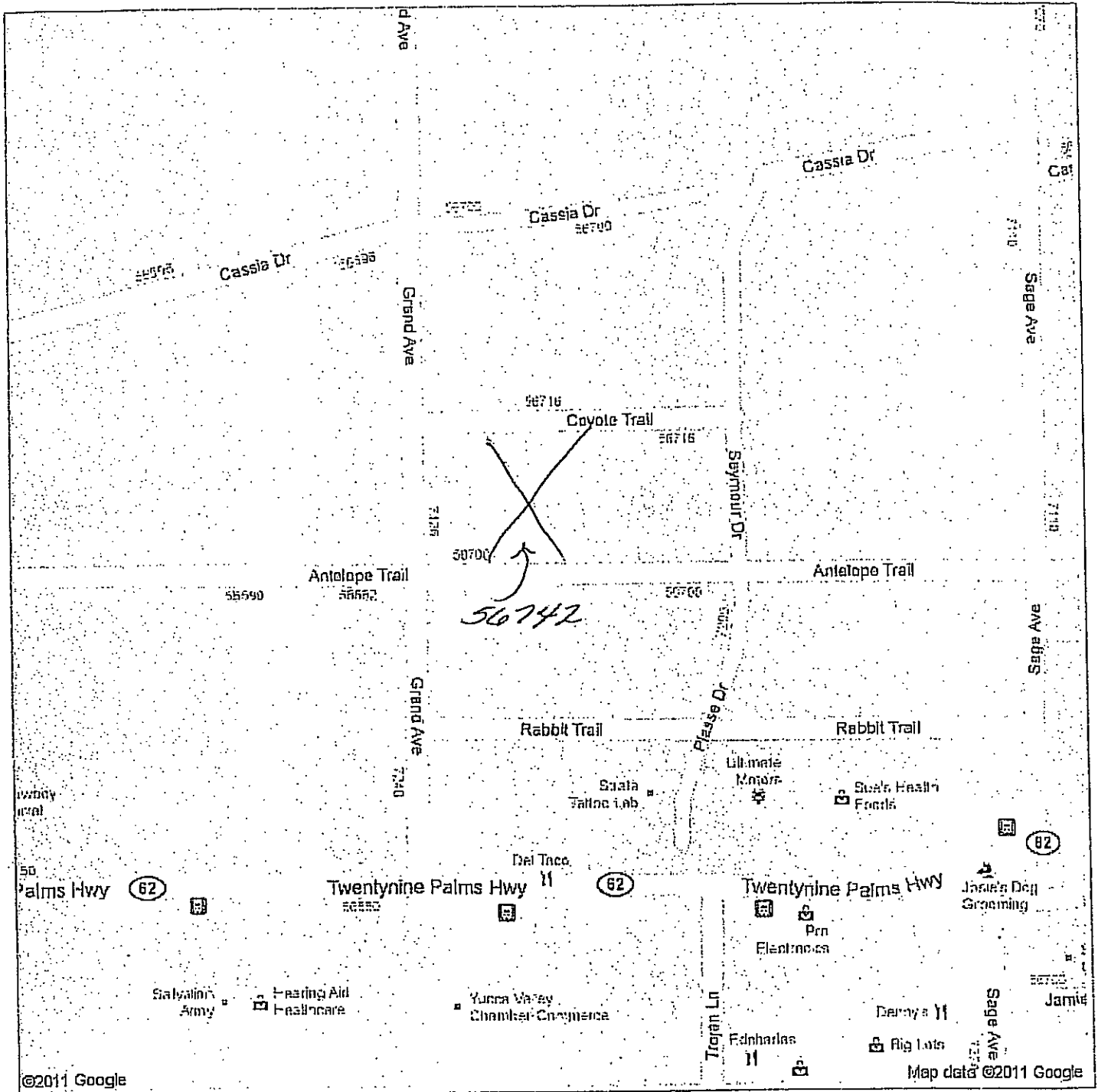
Owner's Signature [Signature] Date 3-26-11

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 3-26-11

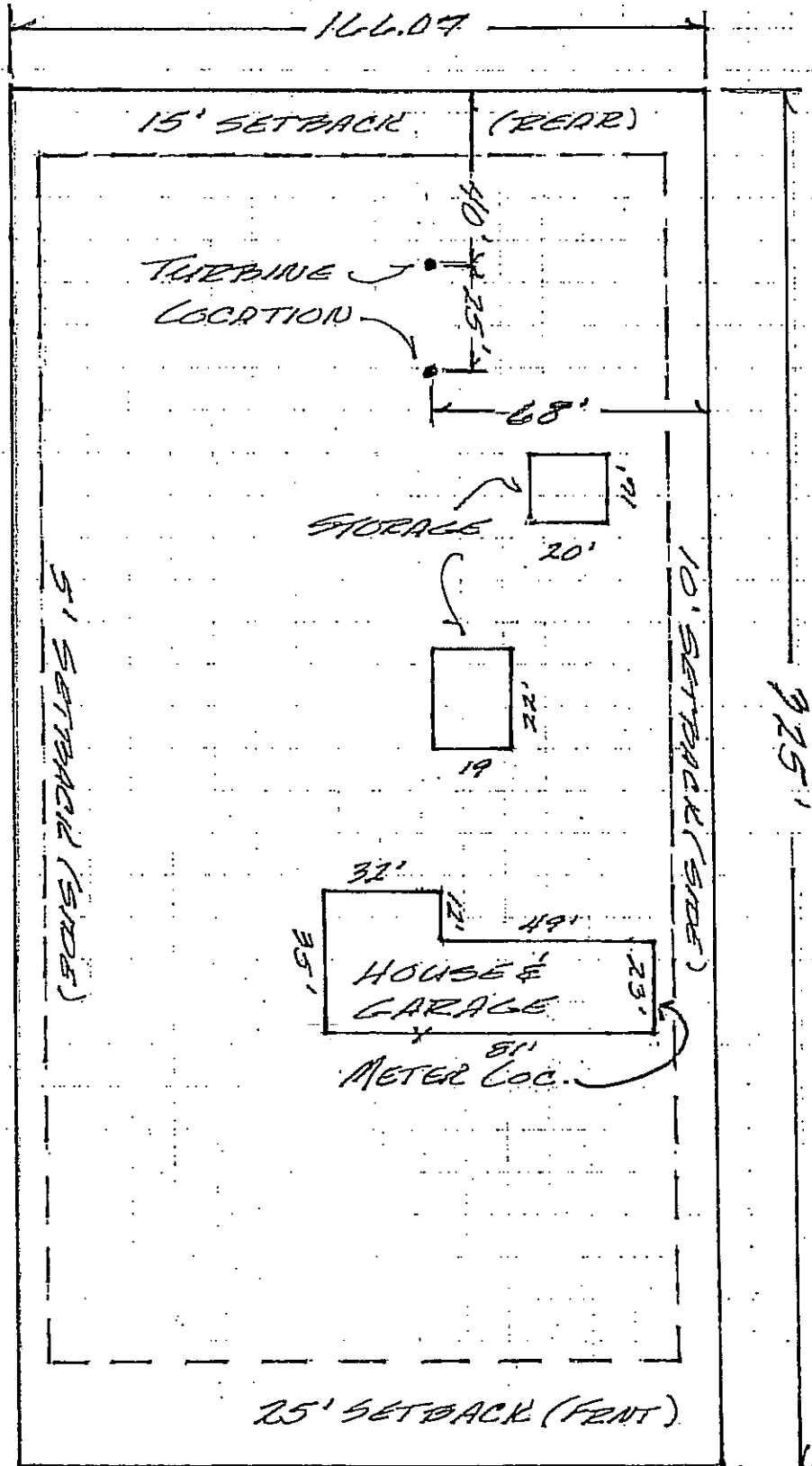
Get Google Maps on your phone

Text the word "GMAPS" to 466453



56742 Antelope Trail, Yucca Valley, CA

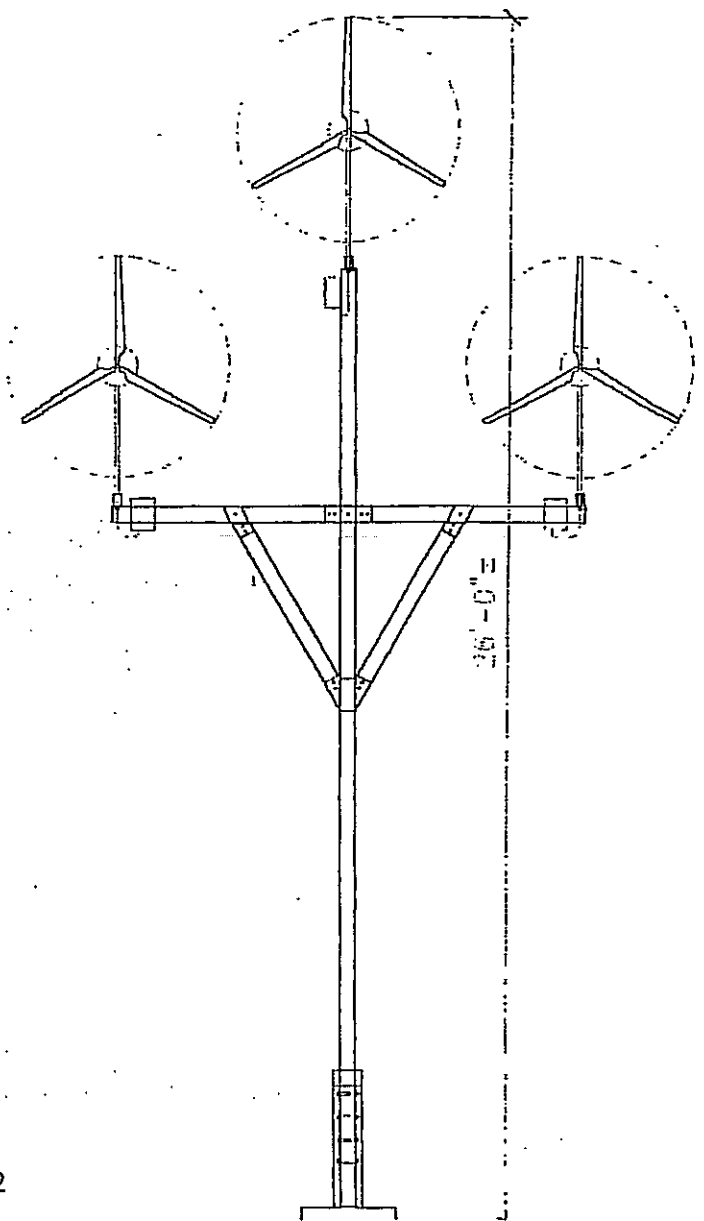
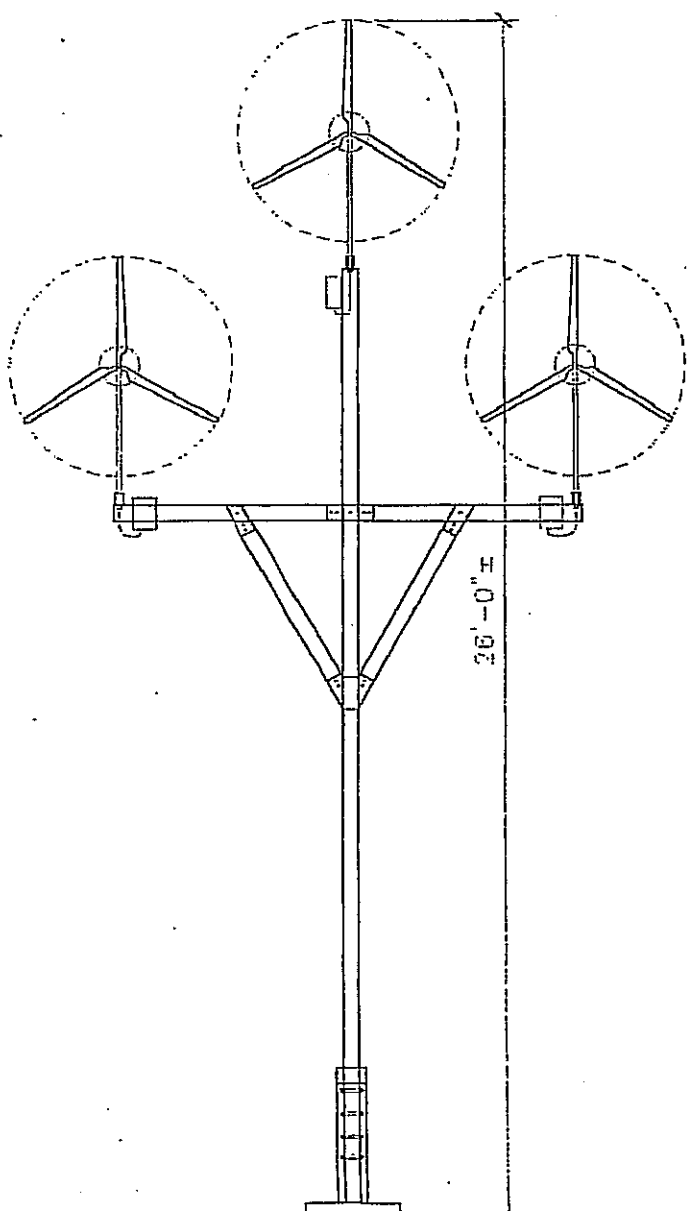
PLOT PLAN



NEW WIND TURBINES FOR:
 HENRI NIELSEN
 SCOTT ANTELOPE TR.
 YUCCA VALLEY, CA 92584

APR 595-102-03
 SCALE - 1" = 40'

ANTELOPE TR.



**TOWN OF YUCCA VALLEY
DEVELOPMENT APPLICATION
DEVELOPER DISCLOSURE STATEMENT**

This portion of the Application must be fully completed and signed by the Applicant. If not fully completed and signed, the Application will be deemed incomplete. Additionally, this portion of the Application must be fully completed and signed by the Applicant and filed with the Planning Department again not less than five nor more than ten days prior to the hearing before the Planning Commission and not less than five nor more than ten days prior to the hearing before the City Council, if any.

1. Address of subject property: 56742 Antelope Tr.

Cross street: GRAND AVE

2. Date this Disclosure Statement is completed: 3-28-11

3. Name of Applicant: ANDY CANADA

A. If Applicant is a limited liability company ("LLC"), please state:

- 1) Full name of LLC
- 2) Address of LLC
- 3) State of registration
- 4) Name and address of managing member(s)
- 5) Name and address of agent for service of process

B. If Applicant is a partnership, please state:

- 1) Full name of partnership
- 2) Address of partnership
- 3) State of registration
- 4) Name and address of general partners
- 5) Name and address of agent for service of process

C. If Applicant is a corporation, please state:

- 1) Full name of corporation
- 2) Address of corporation
- 3) State of incorporation
- 4) Name and address of officers of corporation
- 5) Name and address of shareholder with fifty percent (50%) or more of the shares of the corporation, if any

- 6) If no shareholder has fifty percent (50%) or more of the corporation's share, name and address of controlling shareholder
- 7) Name and address of agent for service of process

4. Name of each Owner of the subject property: Heidi Nielsen

A. If Owner is a limited liability company ("LLC"), please state:

- 1) Full name of LLC
- 2) Address of LLC
- 3) State of registration
- 4) Name and address of managing member(s)
- 5) Name and address of agent for service of process

B. If Owner is a partnership, please state:

- 1) Full name of partnership
- 2) Address of partnership
- 3) State of registration
- 4) Name and address of general partners
- 5) Name and address of agent for service of process

C. If Owner is a corporation, please state:

- 1) Full name of corporation
- 2) Address of corporation
- 3) State of incorporation
- 4) Name and address of officers of corporation
- 5) Name and address of shareholder with fifty percent (50%) or more of the shares of the corporation, if any
- 6) If no shareholder has fifty percent (50%) or more of the corporation's
- 7) Name and address of agent for service of process

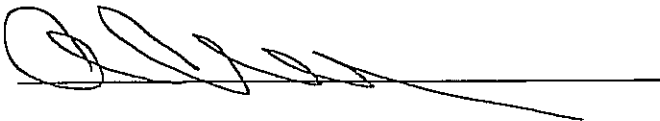
5. If the subject property is in escrow to be conveyed to another party or is the subject of a purchase and sale agreement, state the name of each person in escrow to purchase the subject property or a party to the purchase and sale agreement ("Party in Escrow"): _____

- A. If the Party in Escrow is a limited liability company ("LLC"), please state:
- 1) Full name of LLC
 - 2) Address of LLC
 - 3) State of registration
 - 4) Name and address of managing member(s)
 - 5) Name and address of agent for service of process
- B. If Party in Escrow is a partnership, please state:
- 1) Full name of partnership
 - 2) Address of partnership
 - 3) State of registration
 - 4) Name and address of general partners
 - 5) Name and address of agent for service of process
- C. If Party in Escrow is a corporation, please state:
- 1) Full name of corporation
 - 2) Address of corporation
 - 3) State of incorporation
 - 4) Name and address of officers of corporation
 - 5) Name and address of shareholder with fifty percent (50%) or more of the shares of the corporation, if any
 - 6) If no shareholder has fifty percent (50%) or more of the corporation's share, name and address of controlling shareholder
 - 7) Name and address of agent for service of process

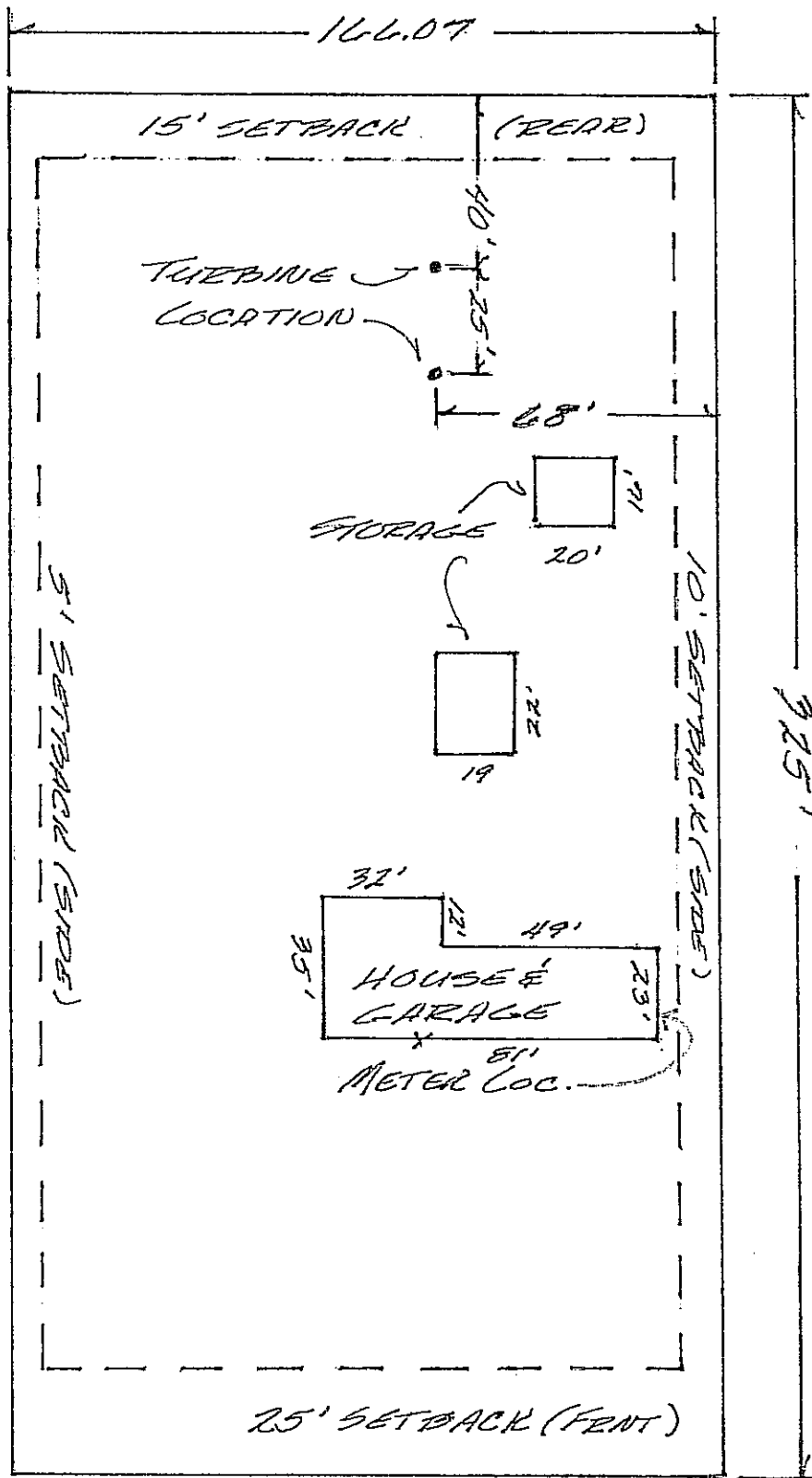
6. For any deeds of trust or other liens on the property (other than real property tax liens) please state the following:

- A. Name of beneficiary of the deed of trust or lien *Heidi Nielsen*
- B. Date of the deed of trust or lien.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on the date and location set forth below



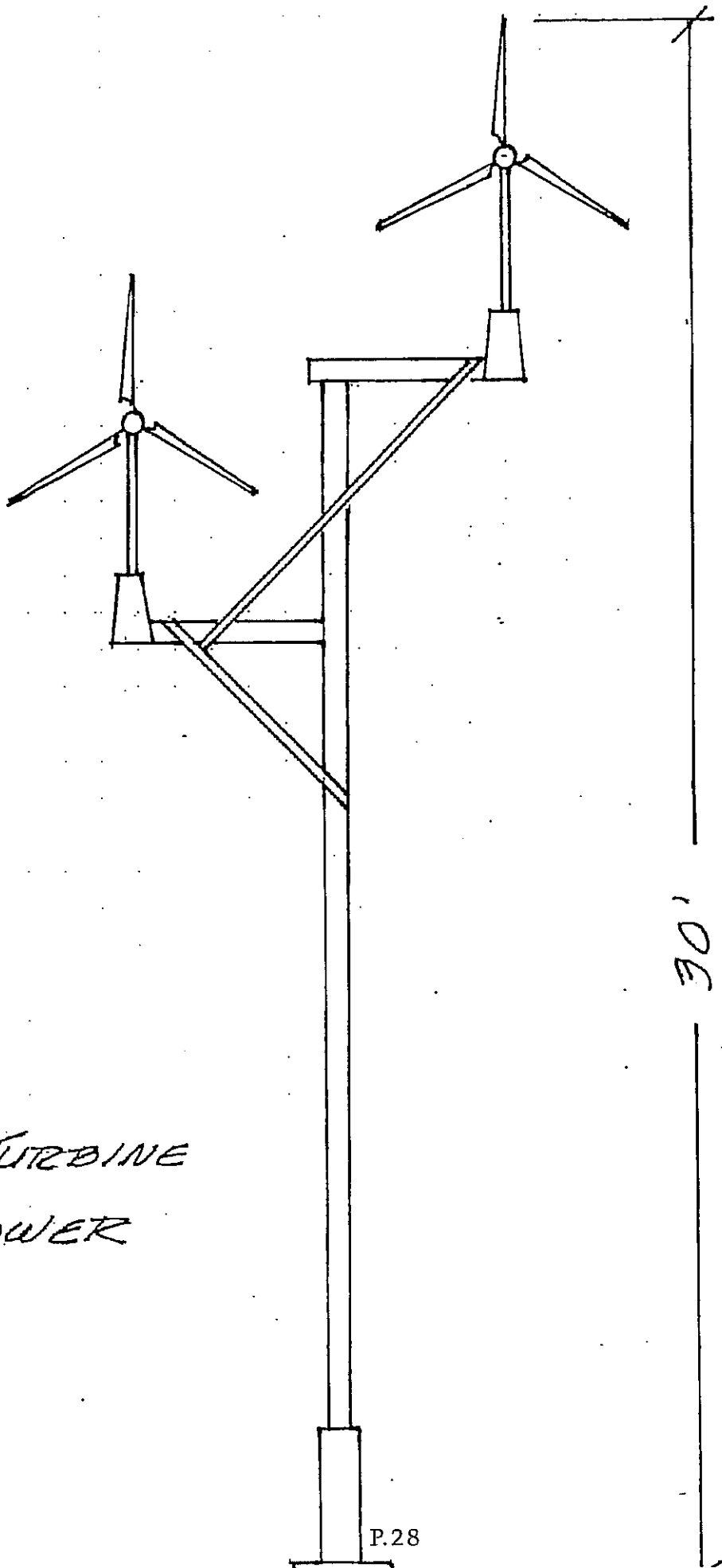
Name: *ANDY CANADA*
Title: *Contractor*
Date of signing: *3-28-11*



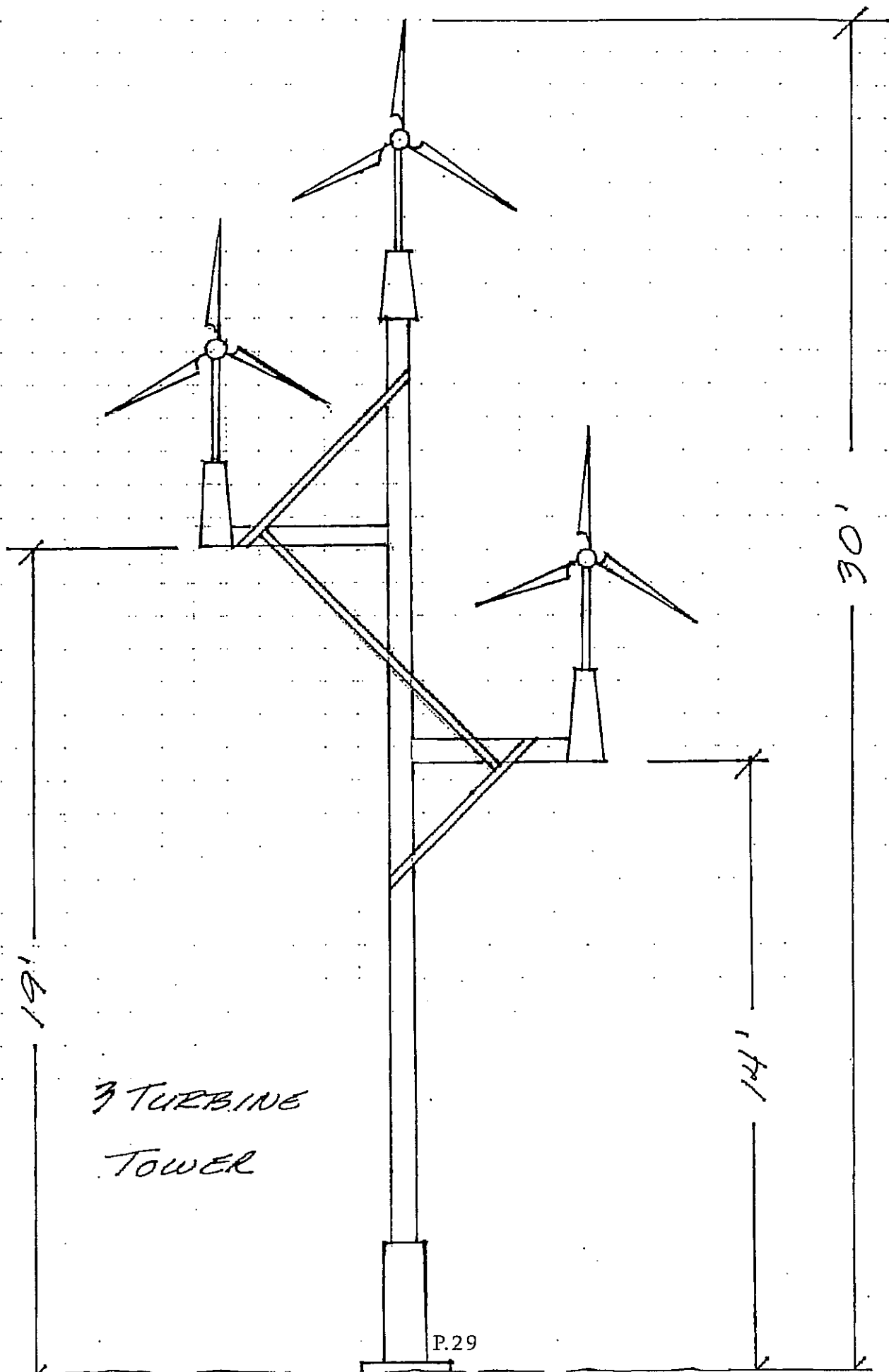
NEW WIND TURBINES FOR:
 HENRI NIELSEN
 SCOTTS ANTICOPE TR.
 YUCCA VALLEY, OR 97254

APN 595-107-03
 SCALE - 1" = 40'

ANTECOPE TR.



2 TURBINE
TOWER



3 TURBINE
TOWER

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

TUESDAY, APRIL 26, 2011, BEGINNING AT 6:00 P.M.

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

CASE NUMBER: Conditional Use Permit, CUP 02-11 Nielson Wind Turbines

APPLICANT: Andy Canada
P.O. Box 1073
Yucca Valley, CA 92286

PROPOSAL: Proposal to construct two 20' tall towers, each with three (3), five (5) foot tall wind turbines installed on each tower.

LOCATION: 56742 Antelope Trail, east of Grand Avenue and identified as APN 595-102-03

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

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

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

Publish Date: Posted on April 7, 2011 and published on April 9, 2011.

April 7, 2011
Date

/s/Janet Anderson
Janet Anderson
Town Clerk

Notice of Exemption

Form D

To: [] Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044
[] County Clerk
County of San Bernardino
385 N. Arrowhead, 2nd Flr.
San Bernardino, CA. 92415

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

Project Title: Conditional Use Permit, CUP 02-11

Project Location - Specific:

The project is located at 56742 Antelope Trail, east of Grand Ave and is identified as APN 595-102-03.

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

Description of Project:

A request to install two 30' tall towers, one with three (3), five (5) foot tall wind turbines and one (1) with two (2) five (5) foot tall wind turbines installed on the towers.

Name of Public Agency Approving Project: Town of Yucca Valley

Name of Person or Agency Carrying Out Project: Andy Canada

Exempt Status: (check one)

- [] Ministerial (Sec. 21080(b)(1); 15268);
[] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[] Categorical Exemption. State type and section number: Section 15332, class 32, Infill Development
[] Statutory Exemptions. State code number:

Reasons why project is exempt:

The project is exempt from CEQA due to the fact that the project is located on a site that is currently developed with a single family residence.

Lead Agency
Contact Person: Robert Kirschmann Area Code/Telephone/Extension: (760) 369-6575

If filed by applicant:

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

Signature: Date: Title:

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

Revised May 1999

ORDINANCE NO. 136

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 3, SECTIONS 84.0305 (RESOURCE CONSERVATION), 84.0310 (AGRICULTURE), 84.0320 (RURAL LIVING-RL), 84.0325 (SINGLE FAMILY RESIDENTIAL) OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY RELATING TO PERMITTED LAND USES IN THE HILLSIDE RESERVE DISTRICT, RURAL RESIDENTIAL DISTRICT, AND SINGLE RESIDENTIAL DISTRICT (DCA-02-02).

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

SECTION 1. Development Code Amended.

1.1 Section 84.0305 of Title 8, Division 4, Chapter 3 of the Development Code of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read as follows:

“Sections: 84.0305 Hillside Reserve (R-HR) District.

The Hillside Reserve (R-HR) District shall be located as specified by the Town of Yucca Valley General Plan.

- (a) **GENERAL PROVISIONS:** The specific purposes of the Hillside Reserve District regulations are to:
- (1) Provide for limited single-family residential development within hillside areas and similarly constrained areas and provide the greatest potential for open space preservation and managed animal keeping;
 - (2) Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;
 - (3) Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment; and
 - (4) Insure the provision of public services and facilities needed to accommodate planned population densities.
- (b) **USE CLASSIFICATIONS:** In the following schedule, the letter “P” designate use classifications permitted in the RL District, the letters “PD” designate use classification allowed on approval of a Planned Residential Development, the letters “LSP” designate use classification allowed on approval of a Livestock Permit, the letters “CUP” designate use classification allowed on approval of a Conditional Use Permit.

Hillside Reserve (R-HR)		P	Permitted
Use Classification		CUP	Conditional Use Permit
		PD	Planned Residential Development
		LSP	Livestock Permit
Use	Zoning District	Additional Use Regulations	
	20 ac		

Residential:			
Family Day Care Homes:			
Large	CUP		Refer to Additional Uses Section of Development Code
Small	P		
Home Occupations	HOP		Refer to HOP Section of Development Code
Institutional Uses	CUP		Refer to Additional Uses Section of Development Code
Manufactured Housing	P		Refer to Single Residential Design Standard Section of the Development Code
Planned Residential Dev.	PD		
Single family dwellings	P		Refer to Single Residential Design Standard Section of the Development Code
Mobile Home Parks	CUP		Not to exceed the underlying land use density on minimum parcel size of forty (40) acres
Second Dwellings	CUP		Refer to Accessory Uses Section of Development Code
Animal raising of densities greater than those specified by Section 84.0560	LSP		
Commercial Kennels & Catteries	CUP		Two (2) acres minimum parcel size
Row, Field, Tree, and Nursery crop cultivation	P		

- (c) **DEVELOPMENT STANDARDS:** The following schedule prescribes development regulations for the Hillside Reserve District:

Hillside Reserve (R-HR) Property Development Regulations		
Use	Zoning District	
Lot Size (acres)	20	Lot area measured in gross acres
Minimum Lot Frontage	150	
Maximum Lot Dimensions (Width to depth ratio)	1:4	
Yards (setbacks):		
Front	75'	(1), (2)
Side	75'	
Arterial/Collector Street Side	75'	
Local Street Side	75'	
Rear	75'	
Maximum Structure Height:	35	
Maximum Lot Coverage	None Required	
Maximum Housing Density (D.U./Acre)	1/20	
Minimum District Size (Acres)	100	

- (1) The setbacks delineated in this table shall be the standard unless a different setback is delineated on said Final Map, Parcel Map, or Composite Development Plan.
- (2) Reduced setbacks may be allowed pursuant to Section 87.0510 unless otherwise stated in this Section.

- (d) **ACCESSORY STRUCTURES REGULATIONS:** Residential accessory structures include any of those customarily related to a residence, including garages, greenhouses, storage sheds, studios, barns, workshops, and similar structures.

- (1) Any new accessory building requiring a building permit shall be subject to the following standards:

- (A) Any accessory structure shall be architecturally compatible with the primary structure.
 - (B) Any single accessory building, excluding any authorized dependant housing or second unit as approved under a Conditional Use Permit, shall not have a floor area in excess of fifty (50%) percent of the footprint of the primary building nor shall the cumulative floor area of all accessory buildings have a floor area in excess of one hundred (100%) percent of the footprint of the primary building.
 - (C) Lots in the R-HR land use district which are 10 acres in size or greater are exempt from any area requirements for accessory structures.
 - (D) All building setback standards of the land use district shall apply.
 - (E) Any accessory structure must be on the same parcel as the primary building.
 - (F) The maximum height of any accessory structure shall not exceed 20 feet.
 - (G) The maximum number of detached accessory structures shall be two, regardless of any requirement for a building permit.
- (2) USE OF CARGO CONTAINERS: As storage for construction clean-up or construction material, a cargo container used as a temporary storage device may be located anywhere on the property, except in the "clear sight triangle" during the duration of the construction activity associated with an active building permit subject to the approval of a Temporary Use Permit."

1.2 Section 84.0310 of Title 8, Division 4, Chapter 3 of the Development Code of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby repealed.

1.3 Section 84.0320 of Title 8, Division 4, Chapter 3 of the Development Code of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read as follows:

“Section: 84.0320 Rural Living (RL) District.

The Rural Living (RL) District shall be located as specified by the Town of Yucca Valley General Plan.

- (a) **GENERAL PROVISIONS:** The specific purposes of the Rural Living District regulations are to:
- (1) Provide appropriately located areas for single family dwellings that are consistent with the General Plan and the standards of public health and safety established by the Yucca Valley Municipal Code;
 - (2) Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;
 - (3) Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment; and
 - (4) Insure the provisions of public services and facilities needed to accommodate planned population densities.
- (b) **USE CLASSIFICATIONS:** In the following schedule, the letter “P” designate use classifications permitted in the RL District, the letters “PD” designate use classification allowed on approval of a Planned Development, the letters “LSP” designate use classification allowed on approval of a Livestock Permit, the letters “CUP” designate use classification allowed on approval of a Conditional Use Permit.

R-L (Rural Living) Use Classification		P - Permitted CUP - Conditional Use Permit PD - Planned Residential Development LSP - Livestock Permit
Use	Zoning District R-L-1, 2.5, 5, 10, 20 ac	Additional Use Regulations

Residential:

Family Day Care Homes: Large Small	CUP P	Refer to Additional Uses Section of Development Code
Home Occupations	HOP	Refer to HOP Section of Development Code
Institutional Uses	CUP	Refer to Additional Uses Section of Development Code
Manufactured Housing	P	Refer to Single Residential Design Standard Section of the Development Code
Planned Residential Dev.	PD	
Single Family Dwellings	P	Refer to Single Residential Design Standard Section of the Development Code
Second Dwellings	CUP	Refer to Accessory Uses Section of Development Code
Mobile Home Parks	CUP	Not to exceed the underlying land use density on minimum parcel size of twenty (20) acres
Animal raising of densities greater than those specified by Section 84.0560	LSP	
Commercial Kennels & Catteries	CUP	Two (2) acre minimum parcel size

Row, field, tree, and nursery
crop cultivation

P

Any structure associated with
this activity is limited to 10,000
Sq. Ft. on parcels of 5 acres or
less.

- (c) **DEVELOPMENT STANDARDS:** The following schedule prescribes development regulations for the Rural Living Residential District:

Rural Living (RL) Property Development Regulations		
Use	Zoning District	
	RL-1, 2.5, 5, 10, 20 ac	
Lot Size (acres)	see map suffix	Lot area measured in gross acres
Minimum Lot Dimension (width/Depth in ft.)	150/150	
Maximum Lot Dimensions (Width to depth ratio)		
Less than 10 ac	1:4	
Greater than 10 ac	1:3	
Yards (setbacks):		
Front	50'	(1), (2)
Side	15'	
Arterial/Collector Street Side	50'	
Local Street Side	25'	
Rear	15	
Maximum Structure Height:	35	
Maximum Lot Coverage	20%	
Minimum District Size (Acres)	30	

(1) The setbacks delineated in this table shall be the standard unless a different setback is delineated on said Final Map, Parcel Map, or Composite Development Plan.

(2) Reduced setbacks may be allowed pursuant to Section 87.0510 unless otherwise stated in this Section.

- (d) **ACCESSORY STRUCTURES REGULATIONS:** Residential accessory structures include any of those customarily related to a residence, including garages, greenhouses, storage sheds, studios, barns, workshops, and similar structures.

(1) Any new accessory building requiring a building permit shall be subject to the following standards:

- (A) Any accessory structure shall be architecturally compatible with the primary structure.
 - (B) Any accessory building, excluding any authorized dependant housing or second unit as approved under a Conditional Use Permit, shall not have a floor area in excess of fifty (50%) percent of the footprint of the primary building nor shall the cumulative floor area of accessory buildings have a floor area in excess of one hundred (100%) percent of the footprint of the primary building.
 - (C) Lots in the RL land use district which are ten (10) acres in size or greater are exempt from the area requirements for accessory structures.
 - (D) All building setback standards of the land use district shall apply.
 - (E) Any accessory structure must be on the same parcel as the primary building.
 - (F) The maximum number of detached accessory structures shall be two, regardless of any requirement of a building permit.
 - (G) The maximum height of any accessory structure shall not exceed 20 feet.
- (2) USE OF CARGO CONTAINERS: As storage for construction clean-up or construction material, a cargo container used as a temporary storage device may be located anywhere on the property, except in the "clear sight triangle" during the duration of the construction activity associated with an active building permit subject to the approval of a Temporary Use Permit."

Section 84.0325 of Title 8, Division 4, Chapter 3 of the Development Code of the San Bernardino County code as adopted and amended by the Town of Yucca Valley is further amended to read as follows:

“Sections: 84.0325 Single Residential District (RS).

The Single Residential (RS) District shall be located as specified by the Town of Yucca Valley General Plan.

- (a) **GENERAL PROVISIONS:** The specific purposes of the Single Residential District regulations are to:
- (1) Provide appropriately located areas for single family dwellings that are consistent with the General Plan and the standards of public health and safety established by the Yucca Valley Municipal Code;
 - (2) Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;
 - (3) Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment; and
 - (4) Insure the provisions of public services and facilities needed to accommodate planned population densities.
- (b) **USE CLASSIFICATIONS:** In the following schedule, the letter “P” designate use classifications permitted in the RS District, the letters “PD” designate use classification allowed on approval of a Planned Development, the letters “LSP” designate use classification allowed on approval of a Livestock Permit, the letters “CUP” designate use classification allowed on approval of a Conditional Use Permit.

RS (Single Residential) Use Classification		P CUP PD LSP	Permitted Conditional Use Permit Planned Residential Development Livestock Permit
Use	Zoning District	Additional Use Regulations	
	RS 2, 3, 5, 6		
Residential:			
Family Day Care Homes:			Refer to Additional Uses Section of Development Code
Large	CUP		
Small	P		
Home Occupations	HOP		Refer to HOP Section of Development Code
Institutional Uses	CUP		Refer to Additional Uses Section of Development Code
Manufactured Housing	P		Refer to Single Residential Design Standard Section (88.0101) of the Development Code
Planned Residential Dev.	PD		
Single Family Dwellings	P		
Second Dwellings	CUP		Refer to Accessory Uses Section of Development Code
Mobile Home Parks	CUP		Not to exceed the underlying land use density on minimum parcel size of ten (10) acres
Animal raising of densities greater than those specified by Section 84.0560	LSP		
Row, Field, Tree, and Nursery Crop Cultivation	P		Any structure associated with this activity is limited to 10,000 sq. Ft. on parcels of 5 acres or less.

- (c) **DEVELOPMENT STANDARDS:** The following schedule prescribes development regulations for the Single Residential District:

Single Residential (RS) Property Development Regulations		
Use	Zoning District	
	RS-2, S/5, 5	
Lot Size (square feet)	7,200 map suffix will modify	Lot area measured in net square feet
Minimum Lot Dimension (width/Depth in ft.)		
Less than 1 acre	60/100	
Greater than 1 acre	150/150	
Maximum Lot Dimensions (Width to depth ratio)		
Less than 10 ac	1:4	
Greater than 10 ac	1:3	
Yards (setbacks):		(1), (2), (3)
Front	25	
Side	5 & 10	
Arterial Street Side	25	
Local Street Side	15	
Rear	15	
Maximum Structure Height:	35	
Maximum Lot Coverage	40%	
Minimum District Size (Acres)	10	

-
- (1) The setbacks delineated in this table shall be the standard unless a different setback is delineated on said Final Map, Parcel Map, or Composite Development Plan.
 - (2) Reduced setbacks may be allowed pursuant to Section 87.0510 unless otherwise stated in this Section.
 - (3) A Final or parcel map may establish front yard setbacks no less than twenty-two (22) feet provided the average setback of all parcels is at least twenty-five (25).

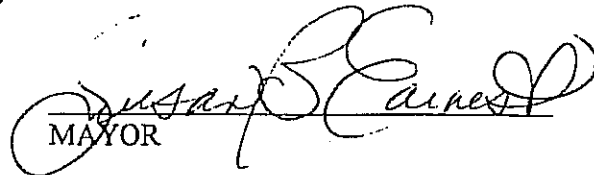
- (d) **ACCESSORY STRUCTURES REGULATIONS:** Residential accessory structures include any of those customarily related to a residence, including garages, greenhouses, storage sheds, studios, barns, workshops, and similar structures.
- (1) Any new accessory building requiring a building permit shall be subject to the following standards:
- (A) Any accessory building shall be architecturally compatible with the primary structure.
- (B) Any accessory building, excluding any authorized dependant housing or second unit as approved under a Conditional Use Permit, shall not have a floor area in excess of fifty (50%) percent of the footprint of the primary building not to exceed 750 square-feet.
- (C) Any accessory building shall meet the minimum building setback standards of the land use district but that an accessory structure not requiring a building permit may encroach up to 3 feet from the rear property line.
- (D) The maximum number of detached accessory structures:
- (1) Any RS lot having less than 20,000 square-feet in area shall be limited to one accessory structure.
- (1) Any RS lot greater in size than 20,000 square-feet shall be limited to two accessory structures.
- (E) Any accessory structure must be on the same parcel as the primary structure.
- (F) The maximum height of any accessory structure shall not exceed 20 feet.
- (2) **USE OF CARGO CONTAINERS:** As storage for construction clean-up or construction material, a cargo container used as temporary storage device may be located anywhere on the property, except in the "clear sight triangle" during the duration of an active building permit subject to the approval of a Temporary Use Permit."

SECTION 2. All prior enactment's of the Town including ordinances or portions of ordinances adopted, or incorporated by reference which are in conflict with this ordinance including chapter 5 of Division 4, of Title 8 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley are hereby repealed, effective upon the date upon which this ordinance becomes effective and operative.

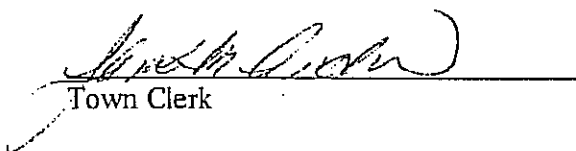
SECTION 3. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

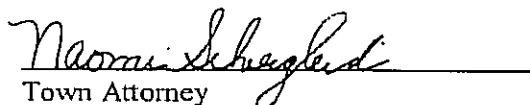
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 6th day of February, 2003.


MAYOR

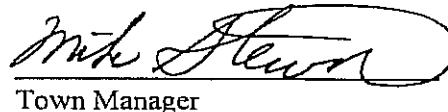
ATTEST:


Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

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STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 136 as duly and regularly introduced at a meeting of the Town Council on the 16th day of January, 2003, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 6th day of February, 2003, by the following vote, to wit:

Ayes: Council Members Cook, Leone, Mayes, Neeb and Mayor Earnest

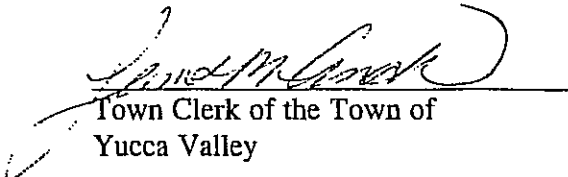
Noes: ~~None~~

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 7th day of February, 2003.

(SEAL)


Town Clerk of the Town of
Yucca Valley

ORDINANCE NO. 211

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 4, SECTION 84.0410 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO SWAP MEETS

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

SECTION 1. Code Amended

Title 8, Division 4, Chapter 4, Section 84.0410 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

“Chapter 4

ADDITIONAL USES

Sections:

84.0410 List of Additional Uses

84.0401 List of Additional Uses.

- (a) The following uses shall be allowed in any official land use district subject to the reviews specified by Sections 84.0401 and 84.0405.
- (1) Temporary and permanent government facilities and enterprises (Federal, State, and Local) where buildings and/or property are publicly owned or leased.
 - (2) Temporary support facilities associated with highway construction and other public facilities including, but not limited to, batch plants and equipment storage yards.
 - (3) Transportation facilities principally involved in the movement of people together with the necessary buildings, apparatus, or appurtenances incidental thereto, including but not limited to, airports, heliports, train stations, bus station and car pool facilities.
 - (4) Institutional uses including but not limited to schools, colleges, and universities, conference centers, hospitals, churches, rehabilitation centers and organizational camps.
 - (5) Museums, art galleries, and libraries.

- (6) Planetarium, aquariums, zoos, botanical gardens and arboretums.
- (7) Historic and monument sites.
- (8) Cemeteries, including pet cemeteries, subject to Design Standards and the mapping requirements specified by this Title. A Conditional Use Permit and a Tentative Tract Map filed concurrently shall be required.
- (9) Social care facilities with seven (7) or more clients.
- (10) Solid waste disposal sites, rubbish incinerators, and recycling centers. (Recycling centers are limited to certain land use districts as described in Section 84.0625 of this Division).
- (11) Sewer plants and sewage disposal sites.
- (12) Electrical generating stations.
- (13) Public utilities and public service uses or structures including but not limited to: reservoirs, pumping plants, electrical substations, repeater huts, towers and satellite receiving stations. A multiple site network may be submitted as one project.
- (14) Radio and television stations and towers.
- (15) Racetracks or stadiums.
- (16) Campgrounds not exceeding a density of four (4) sites per acre.
- (17) Sports-oriented recreational uses requiring remote locations including but not limited to: rifle, pistol and archery ranges, sky diving jump sites, off-road and recreational vehicle parks, marinas, golf courses, hunting and fishing clubs, ski resorts and recreational camps.
- (18) Gas pressure control stations, water treatment plants, (purification), water storage tanks, gas production plants, petroleum pipeline and pressure control stations.
- (19) Development of natural resources including, but not limited to: mineral deposits, extractions, natural vegetation and energy sources, together with the necessary buildings, apparatus or appurtenances incidental thereto.
- (20) Correctional institutions.
- (21) Bail bond operation located within one (1) mile of a correctional institution.
- (22) Arenas, field houses, auditoriums, rodeo facilities.

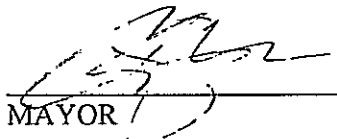
- (23) Recreation and community centers, gymnasiums, athletic clubs.
 - (24) Wildlife and nature preserves, lakes, general recreation, leisure and ornamental parks open to the general public.
 - (25) Emergency and transitional shelters for the homeless.
- (b) Subject to the requirements of an approved Conditional Use Permit, swapmeets may be allowed within the CG-General Commercial, CS-Service Commercial, and I-Industrial land use districts subject to the following conditions and requirements:
- (1) **Definition: "Swap Meet"** means any outdoor place, location, or activity that is generally held on weekends on an on-going basis where new or used goods or secondhand personal property is offered for sale or exchange to the general public by three or more individuals or licensed vendors, usually in compartmentalized spaces, each typically occupying no more than 150 square-feet per vendor on the same or adjoining properties. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operation, when all activities are conducted indoor.
 - (2) **Location Standards:** No swap meets shall be allowed on any land that is adjacent to or abutting either SR 62 or SR 247 unless the sales activity is a minimum of 400 feet from any property line adjacent to either highway. In a General Commercial (CG) land use district, any sales activity, excluding parking shall be a minimum of 200 feet from any parcel zoned Office Commercial, Neighborhood Commercial, Mixed-Use Commercial, or Single Family Residential. Any sales activity in Service Commercial (CS), excluding parking shall be a minimum of 200 feet from any parcel zoned Office Commercial, Neighborhood Commercial, Mixed-Use Commercial, or Single Family Residential.
 - (3) **Design Standards:**
 - (A) Permanent restroom facilities shall be provided in accordance with Building Code and San Bernardino County Health Department requirements.
 - (B) The sales area shall be distinctly defined in either the form of fencing or vegetation or in manner as approved by the Town and landscape screening shall be encouraged.
 - (C) Parking and parking lot landscaping shall be provided in accordance with Parking Code. Additional landscaping will be required along all street right-of-way.

- (D) Minimum parcel size shall be five acres.
- (E) No direct access to a swap meet will be permitted from either SR 62 or SR 247, but shall be restricted to non highway streets.

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

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

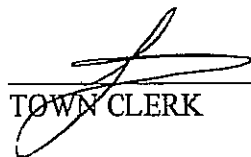
APPROVED AND ADOPTED by the Town Council and signed by the Mayor attested by the Town Clerk this 18th day of May, 2010.



MAYOR

ATTEST:

APPROVED AS TO FORM:



TOWN CLERK



TOWN ATTORNEY

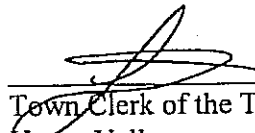
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 211 as duly and regularly introduced at a meeting of the Town Council on the 4th day of May, 2010, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 18th day of May, 2010, by the following vote, to wit:

Ayes: Council Members Huntington, Luckino, Neeb, and Mayor Mayes
Noes: None
Abstain: Council Member Herbel
Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 19th day of May, 2010.

(SEAL)



Town Clerk of the Town of
Yucca Valley

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
APRIL 26, 2011**

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

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

Pledge of Allegiance was led by Chair Lombardo.

APPROVAL OF AGENDA

Commissioner Alberg moved to approve the April 26, 2011 Agenda. Motion was seconded by Commissioner Humphreville. Motion carried 5-0 on a voice vote.

PUBLIC COMMENTS: None

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.

Associate Planner Kirschmann requested that the Public Hearing item be continued to the meeting of May 24, 2011. Staff was notified on April 20, 2011 that the request would be modified and new plans submitted. Staff received new plans on April 25, 2011.

Chair Lombardo opened the Public Hearing.

Aaron Hickson, Yucca Valley, spoke in opposition commenting that it is unsafe for birds, a fire hazard, and not wanting to see five wind turbines looking out of his property.

Sibylle Hickson, Yucca Valley, spoke in opposition commenting that it would be an eyesore, noisy and that it would lower her property value.

Dana Collins, Joshua Tree, spoke in opposition commenting solar energy would be a better alternative.

Vi Saffle, Yucca Valley, spoke in opposition commenting that it should not be in Yucca Valley.

John Saffle, Yucca Valley, spoke in opposition commenting on undergrounding utilities.

Andy Canada, Yucca Valley, applicant, spoke in favor commenting on energy savings.

Jon Wright, Yucca Valley, spoke in favor commenting on energy savings.

Olivia de Haulleville, Yucca Valley, spoke in favor commenting on being ecologically minded.

Melinda Allen, Joshua Tree, spoke in favor commenting on energy savings.

Davin Loeper, Yucca Mesa, spoke in favor commenting on sustainable energy.

Chair Lombardo continued the Public Hearing to May 24, 2011.

Commissioner Alberg moved to recommend Public Hearing item Conditional Use Permit, CUP 02-11 Nielson, be continued to the meeting of May 24, 2011.

Motion was seconded by Commissioner Humphreville. Motion carried 5-0 on a 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.

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 summarizing that the project was approved by the commission at the meeting of January 6, 2009, stating that Rite Aid is nearing completion expecting to stock shelves in mid May-June asking for deferral of Conditions of Approval conditions 15, 16, 33, 35, 67, and 71 relating to street improvements and the formation of assessment districts with the estimation of improvements to be completed prior to the opening of the store to the public.

Bill Warner, Applicant's Representative, requested approval of the deferral of Conditions of Approval based upon the findings in the staff report commenting that Rite Aid is completing the street improvements as scheduled nicely but wanted to request some leeway to allow for fixturing, to train staff, and other possible preparatory activities inside the building prior to opening for Certificate of Occupancy and the timeframe required for the establishment of the assessment district.

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

Commissioner Abel moved to approve the Applicant's request to defer the Conditions of Approval for CUP 01-08 & TPM 19103, Warren Vista Center as identified in the staff report and directed staff to return with a project status report at the June 14, 2011, Planning Commission meeting.

The motion was seconded by Commissioner Hildebrand. Motion carried 5-0 on a voice vote.

CONSENT AGENDA:

3. MINUTES –

Commissioner Alberg moved that the Planning Commission approve as submitted the minutes of the Regular Planning Commission Meeting held on April 12, 2011. The motion was seconded by Commissioner Abel. Motion carried 5-0 on a voice vote.

STAFF REPORTS AND COMMENTS:

Deputy Town Manager Stueckle advised the commission of Council Member Mayes' resignation and the schedule conflict of the Special Town Council meeting to be held on Tuesday, May 10, 2011, to discuss the said vacancy.

It was suggested that Planning Commission adjourn the regular meeting of May 10, 2011, due to lack of a quorum and schedule a special meeting to be held on Thursday, May 12, 2011 at 6:00 p.m.

FUTURE AGENDA ITEMS:

Deputy Town Manager Stueckle stated-May 10th items will be moved to the Special Planning Commission meeting of May 12, 2011, and the Conditional Use Permit, CUP 02-11 Nielson Wind Turbines item is scheduled for May 24, 2011 meeting.

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Abel – commented on staff's excellent job on the Senior Housing Project.

Commissioner Alberg – None

Commissioner Hildebrand – None

Commissioner Humphreville – commented on Senior Housing Project meeting

attended with fellow subcommittee member Commissioner Abel.

Chair Lombardo – None

ANNOUNCEMENTS:

Chair Lombardo announced that there will not be a regular meeting of the Yucca Valley Planning Commission on Tuesday, May 10, 2011 at 6:00 p.m.

ADJOURNMENT

The meeting adjourned at 6:49 p.m.

Respectfully submitted by,

Christine E. Kim, CMC
Deputy Town Clerk

Planning Commission: June 14, 2011
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION STAFF REPORT
MCDONALD'S

Case: LAND USE COMPLIANCE REVIEW, LUCR 02-11
CATEGORICAL EXEMPTION FROM CEQA, SECTION 15332, CLASS
32, INFILL DEVELOPMENT

Request: A REQUEST FOR APPROVAL TO INSTALL A NEW POINT OF ORDER
DRIVE THRU AND COMPLETE EXTERIOR REMODEL AT THE
EXISTING MCDONALD'S RESTAURANT.

Applicant:
UNDERWOOD ASSOCIATES
RON UNDERWOOD
12832 VALLEY VIEW STREET #207
GARDEN GROVE, CA 92845

Property Owner:
MCDONALD'S USA, LLC
3800 KILROY AIRPORT WAY # 200
LONG BEACH, CA 90806

Representative:
UNDERWOOD ASSOCIATES
RON UNDERWOOD
12832 VALLEY VIEW STREET #207
GARDEN GROVE, CA 92845

Location: THE PROJECT IS LOCATED AT THE EXISTING MCDONALD'S
RESTAURANT, 57626 TWENTYNINE PALMS HIGHWAY AND IS
IDENTIFIED AS APN 595-271-33

Existing General Plan Land Use Designation:
THE SITE IS DESIGNATED GENERAL COMMERCIAL (CG)

Existing Zoning Designation:
THE SITE IS DESIGNATED GENERAL COMMERCIAL (CG)

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

Surrounding General Plan Land Use Designations:

NORTH: COMMERCIAL NEIGHBORHOOD (CN)
SOUTH: COMMERCIAL MIXED USE (C-MU) ACROSS 29 PALMS
HIGHWAY
WEST: COMMERCIAL NEIGHBORHOOD (CN) GENERAL
COMMERCIAL (CG)
EAST: GENERAL COMMERCIAL (CG)

Surrounding Zoning Designations:

NORTH: COMMERCIAL NEIGHBORHOOD (CN)
SOUTH: COMMERCIAL MIXED USE (C-MU) ACROSS 29 PALMS
HIGHWAY
WEST: COMMERCIAL NEIGHBORHOOD (CN) GENERAL
COMMERCIAL (CG)
EAST: GENERAL COMMERCIAL (CG)

Surrounding Land Use:

NORTH: VACANT LAND
SOUTH: TOWN CENTER MALL, NEW RITE AID BUILDING (WARREN
VISTA CENTER) ACROSS 29 PALMS HIGHWAY
WEST: DEL TACO, STARBUCKS
EAST: TACO BELL/ VONS SHOPPING CENTER, EXISTING RITE AID

Public Notification:

PURSUANT TO SECTION 83.030305(c) NOTICE IS NOT REQUIRED FOR PROJECTS WHICH MEET THE REQUIRMENTS OF THE LAND USE COMPLIANCE REVIEW UNLESS NOTICE IS REQUIRED UNDER CEQA. THE PROJECT IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW UNDER CEQA AND THEREFORE NO NOTIFICATION IS REQUIRED.

Recommendation:

LAND USE COMPLIANCE REVIEW, LUCR 02-11: THAT THE PLANNING COMMISSION FINDS THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA UNDER SECTION 15332, CLASS 32, IN-FILL DEVELOPMENT AND APPROVES LAND USE COMPLIANCE REVIEW, LUCR-2-11, BASED UPON THE CONDITIONS OF APPROVAL CONTAINED WITHIN THIS STAFF REPORT.

Project Planner: Robert Kirschmann

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 Division of the Community Development Department. Per Section 83.030145 of the Development Code, minor modifications may be approved by the Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030140 of the Development Code, Required Findings, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit, including modifications to phasing schedules for the project.

I. GENERAL INFORMATION

PROJECT DESCRIPTION: A request for approval to install a new point of order drive thru and complete exterior remodel at the existing McDonald's restaurant.

LOCATION: The project is located at, 57626 Twentynine Palms Highway and is identified as APN 595-271-33.

PROJECT SYNOPSIS:

SITE COVERAGE

PROJECT AREA	.91 acre
BUILDING AREA	No new buildings or expansions are proposed Existing building is approx 4,000 square feet
PHASED CONSTRUCTION:	No
FLOOD ZONE	Map 8120 Zone A, located in a flood zone
ALQUIST PRIOLO ZONE	No
OFF-SITE IMPROVEMENTS REQ.	No new offsite improvements are recommended
ASSESSMENT DISTRICTS REQ.	No
RIGHT-OF-WAY DEDICATION REQ.	NA
UTILITY UNDERGROUNDING:	Any new service lines shall be underground in conformance to Ordinance 169
AIRPORT INFLUENCE AREA:	Located within the transitional surface and safety review area 3 of the airport
TRAILS & BIKE LANE MASTER PLAN	No facilities on or adjacent to the project
PUBLIC FACILITY MASTER PLAN	No facilities on or adjacent to the project.

PARKS AND RECREATION MASTER PLAN	No facilities on or adjacent to the project
MASTER PLAN OF DRAINAGE:	The Burnt Mountain Wash is north of the project site
STATE OF CALIFORNIA STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIRED:	No, less than 1 acre disturbed
REDEVELOPMENT PROJECT AREA:	Yes
STREET LIGHTS:	Not Required
SPECIFIC PLAN/ PLANNED DEVELOPMENT AREA:	No
FUTURE PLANNING COMMISSION ACTION REQUIRED	No
FUTURE TOWN COUNCIL ACTION REQUIRED	No

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: The site is currently developed with a McDonald's restaurant, Play Place and drive thru. The site, as currently developed and proposed is consistent with the General Plan.

The site is located in the General Commercial land use designation. Table III-1, General Commercial of the General Plan confirms that this designation is appropriate for free-standing retail buildings and restaurants.

ENVIRONMENTAL CONSIDERATIONS: The project is exempt from the California Environmental Quality Act under Section 15332, Class 32, Infill Development.

SURROUNDING LAND USES: The project site is located at the existing McDonald's Restaurant. To the north is Burnt Mountain wash and vacant land. To the east and west are existing commercial buildings including Del Taco and Starbucks to the east and Taco Bell to the west. South, across Twentynine Palms Highway are Town Center Mall and the New Rite Aid building (Warren Vista Center).

SURROUNDING GENERAL PLAN LAND USE AND ZONING DESIGNATIONS: The existing restaurant is consistent with the General Plan and Zoning designations. The subject site and properties to the east and south are all designated General

Commercial. The area to the west and north are designated Commercial Neighborhood.

SITE CHARACTERISTICS: The site is developed with a 4,000 square foot McDonalds building including a Play Place, drive thru, parking and landscaping. The site sits below grade, and slopes from the south to the north. Access is from SR 62, from a number of alternative driveways accessing the commercial uses that are in proximity to the restaurant. A signalized driveway is located to the east at the intersection of Warren Vista and SR62 (Between Del Taco and Starbucks). A secondary driveway occurs to the west between McDonalds and Taco Bell at SR62. There is also a driveway to the north of the restaurants the moves traffic east and west between the Von's shopping Center and Sear's building.

Existing restaurant parking is located along the south and east and west sides of the existing building/site, and the drive-thru is located along the north and west sides of the existing building/site. After the remodel and reconfiguration of the driveway and trash enclosure there will be 37 parking stalls on the parcel. This does not take into consideration that additional shared parking between McDonald's and Del Taco (41 spaces).

Building Department records indicated that the existing restaurant was constructed in 1981, and therefore has limited on-site landscaping as well as no on-site retention for capturing the incremental increase in storm waters created by the development of the site. No native vegetation exists on the project site.

The site is located in a Federal Emergency Management Agency (FEMA) Designated Flood Zone A. No elevation certificate has been located for the original building and it is believed that the construction took place prior to the hazards being mapped. Ordinance 201, the Flood Plain Management Ordinance implements FEMA requirements and establishes regulations for development in the various designated flood zones. The Ordinance establishes how much of an improvement can be made to a property before the building is to be elevated or wet flood proofed. The Ordinance defines a substantial improvement as "any construction, rehabilitation, addition, or other improvements of a structure, the cost of which exceeds 50% of the market value of the structure before the 'start of construction' of the improvement" In conversation with the project architect it is not anticipated that the project will exceed this amount. Documentation will be required to be provided prior to the issuance of a building permit. A condition of approval requiring this has been included.

There are two major components to the proposed project. These include the addition of a new point of order drive thru and a complete exterior remodel.

EXTERIOR REMODEL/BUILDING ELEVATIONS: McDonalds nationally has been re-branding the building exteriors. The red roofs commonly seen at the restaurants are being replaced and updated with new parapet walls, awnings, trellis, brand walls and updated colors.

The proposed elevations for this restaurant provide both vertical and horizontal relief. Architectural treatments include new parapet walls, awnings, brand walls, arches and trellis. The proposed color pallet includes: Alexandra Beige, Monroe Bisque, Snow White, Yellow canopies, natural metal and aluminum. The elevations are a combination of modern (aluminum trellis/ arch) and south west type features (flat parapet walls, brown/beige color). The building architecture is attractive and staff finds that it conforms to the standards set forth in the Town's Commercial Design Guidelines.

Some recently remodeled restaurants have included stone, or tile into the architecture of the building. Staff is including photographs of some stores where different types of materials have been worked into the design. There may be some benefits to the architectural elements by the addition of stone or tile to the facelift as currently proposed.

The existing building is approximately 22' 6" in height at the highest point (Play Place roof line). Following the exterior reconstruction, the maximum structure height will remain at 22'6" but will vary from the 22' 6" down to 18', which are consistent with the Development Code Standards. Maximum structure height allowed in the General Commercial Land Use District is 40'.

MENU BOARD/DRIVE THRU: The site is currently developed with one drive-thru lane and one menu board/ordering station.

At the Corporate level, McDonalds has been updating their restaurant architectural theme and adding the additional drive thru ordering station. The addition of the new menu board/ordering station will help facilitate quicker movement of vehicles through the line. The additional ordering station will also increase the amount of vehicle stacking provided to a minimum of 13 vehicles. The changes will not impact any of the surrounding driveway widths.

The change will result in the relocation of the trash enclosure to just north of the Play Place. The location will provide screening from Twentynine-Palms Highway. Staff has included a Condition that requires the enclosure to meet or exceed the Town standard and to be architecturally treated to be compatible with the proposed remodel.

SIGNAGE: The elevations show proposed signage, not no formal submittal for signage has been made. All signage is required to be brought into Compliance as a result of the approval of the LUCR. Staff as been working with the applicant's sign company and have been told it is likely that a variance for signage will be requested in the future.

ROADWAY IMPROVEMENTS: No roadway improvements are recommended as part of this project.

ASSESSMENT DISTRICTS: No assessment districts are recommended as part of this project.

PARKING: The site currently provides 37 parking spaces for the business operation. Under current Development Code Standards, a total of 40 parking spaces are required to be provided. However, there is an additional 41 shared parking stalls between McDonalds and Del Taco. No additional square footage is proposed with this approval.

DISCUSSION: This application is not proposing any expansion of the footprint. The project includes an exterior remodel and the addition of a drive thru menu board lane. The application is subject to a Land Use Compliance Review, and can typically be reviewed and approved at the Staff level. However, staff felt that as this is a significant remodel and included an additional drive thru lane that the Planning Commission should have the opportunity to review and comment.

The elevations, as discussed above provide both vertical and horizontal relief and meet the requirements of the Commercial Design Guidelines.

Attachments:

1. Standard Exhibits
2. Application materials
3. Site Plan & Elevations
4. Optional stone material/color
5. Photographs of other McDonalds

**TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS OF APPROVAL
MCDONALD'S**

A request for approval to install a new point of order drive thru and complete exterior remodel at the existing McDonald's restaurant. The project is located at the existing McDonald's restaurant, 57626 Twentynine Palms Highway and is identified as APN 595-271-33

GENERAL CONDITIONS

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

**Approval Date: June 14, 2011
Expiration Date: June 14, 2014**

- G3. The applicant shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project. These include, but are not limited to, County of San Bernardino Environmental Health Services, County of San Bernardino Transportation/Flood Control, County of San Bernardino Fire Department, Yucca Valley Building and Safety, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, Colorado River Region, the Federal Emergency Management Agency,

MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.

- G4. All conditions are continuing conditions. Failure of the applicant to comply with any or all of said conditions at any time may result in the revocation of any construction permits for the project.
- G5. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utilities. The approved permits shall be readily available on the job site for inspection by Town personnel.
- G6. The applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or inspections. The fee amounts shall be those which are applicable and in effect at the time work is undertaken and accomplished. Fees for entitlement prior to construction permits are based on estimated costs for similar projects. Additional fees may be incurred, depending upon the specific project. If additional fees for services are incurred, they must be paid prior to any further processing, consideration, or approval(s).
- G7. All improvements shall be inspected by the Town as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
- G8. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
- G9. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way of streets or other public improvements that have been accepted into the Town's maintained system
- G10. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents
- G11. The Applicant shall reimburse the Town for the Town's costs incurred in monitoring the developer's compliance with the Conditions of Approval including, but not limited to, inspections and review of developer's operations and activities for compliance with all applicable dust and noise operations. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Yucca Valley Municipal Code.
- G12. Prior to Final Inspection for any habitable structure in each phase of the project, all improvements shall be constructed, final inspection performed, punch-list items completed, and all installations approved by the appropriate agency.

- G13. 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.
- G14. For any import or export of material, the Project proponent shall provide the following for review by the Town Engineer: the route of travel, number of trucks, daily schedule, and length of time required. No hauling of material shall begin without the Town Engineer's approval.
- G15. The site shall be developed in accordance with the approved plans on file with the Town of Yucca Valley, in accordance with the Conditions of Approval approved for the project, and in accordance with the General Plan and Development Code. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Town.
- G16. Prior to issuances of building permits, all site plans, grading plans, landscape and irrigation plans, drainage/flood control plans, public improvement plans, erosion and sediment control plans, shall be coordinated for consistency with this approval.
- G17. Prior to Final Inspection, the applicant shall submit all improvement plans on compact disks in digital format acceptable to the Town Engineer.
- G18. Violations of any condition or restriction or prohibition set forth in these conditions, including all approved construction plans, public and private, for this project and subject to the Town's overall project approval and these conditions of approval, shall subject the owner, applicant, developer or contractor(s) to the remedies as noted in the Municipal Code. In addition, the Town Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

PLANNING CONDITIONS

- P1. 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. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to modifying existing facilities or by securing a drainage easement.

- P2. Prior to issuance of a building permit the applicant shall provide documentation that the cost of the improvements do not exceed 50% of the market value of the structure before the start of construction.**
- P3. In accordance with Ordinance 169, utility undergrounding shall be required for all new service and distribution lines that provide direct service to the property being developed; existing service and distribution lines that are located within the boundaries being developed; existing service and distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed; existing Service and Distribution lines located on adjacent properties along or within 10 feet of the lot lines of the property being developed; or existing service and distribution lines being relocated as a result of a project.
- P4. All exterior lighting shall comply with the Ordinance 90, Outdoor Lighting and shall be illustrated on all construction plans.
- P5. All signage shall be brought into compliance with Ordinance 156.**
- P6. Prior to the issuance of any permits the applicant/owner shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall include ground cover materials. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. **Landscaping shall also be provided in the front planter adjacent to SR62.** The Landscape Plan shall be approved by Hi-Desert Water District. The Landscape and Irrigation review requires a separate application and a current Town fee of \$685. **The final Landscape and Irrigation Plan shall be reviewed and approved by the Planning Commission prior to the issuance of any permits.**
- P7. **The trash enclosure shall be designed to meet or exceed Town standards and shall be architecturally compatible to the proposed remodel.**

ENGINEERING CONDITIONS

- E1. **The Applicant's engineer shall provide a signed and stamped letter certifying that the proposed improvements will not adversely affect the floodway. Pursuant to the Town's Floodplain Ordinance, not causing an adverse affect means the cumulative effect of the proposed development when combined with all other all other existing and anticipated development will not increase the water surface elevation of the base flood one foot or more. As part of the Floodplain Ordinance the Flood Plain Administrator is required to notify state and federal agencies of**

development within the floodplain if the Base Flood Elevation is changed due to physical alterations. The Applicants engineer shall be responsible to provide backup information, if requested by such state and federal agencies, supporting his certification.

- E2. Prior to the issuance of a Grading Permit, 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 rough and precise Grading Plans shall be reviewed and approved by the Town Engineer 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.
- E3. The rough grading shall be certified by a civil engineer that it was completed in substantial conformance with the approved rough Grading Plans. Prior to the issuance of any building permits the project Engineer shall certify the finished lot was graded in conformance to approved plans.
- E4. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.
- E5. 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.
- E6. 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.
- E7. All grading activities shall minimize dust through compliance with MDAQMD Rules 402 and 403.
- E8. The Applicant shall accept and properly dispose of all off-site drainage flowing onto or through the site.
- E9. The Applicant shall observe the construction of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property and other infrastructure. The applicant shall be responsible for the repair of any damage occurring to offsite infrastructure and/or property damage as determined by the Town Engineer. The applicant shall repair any such damage prior to certificate of occupancy. If the damage is such that it is not repairable within a reasonable amount of time as determined by the Town Engineer, the applicant may petition the Town Engineer for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.
- E10. The grading plan shall be designed by a Registered Civil Engineer
- E11. The Applicant shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the Applicant fails

or refuses to properly maintain the erosion control devices, the Town official may cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be deducted from the erosion control security posted for the project and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.

- E12. If the Applicant fails or refuses to properly maintain the erosion control devices, the Town Engineer may cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be deducted from the erosion control security posted for the project and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.
- E13. If construction of erosion control systems outside of the project boundaries is necessary, permission to construct such systems from the owner of such off-site property is required. Plans for the off-site system shall be included with the on-site plans submitted to the Town Engineer. The plans for the off-site erosion control system shall include permission to grade and maintain the erosion control system from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities.
- E14. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original mylars submitted for the Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.

BUILDING AND SAFETY CONDITIONS

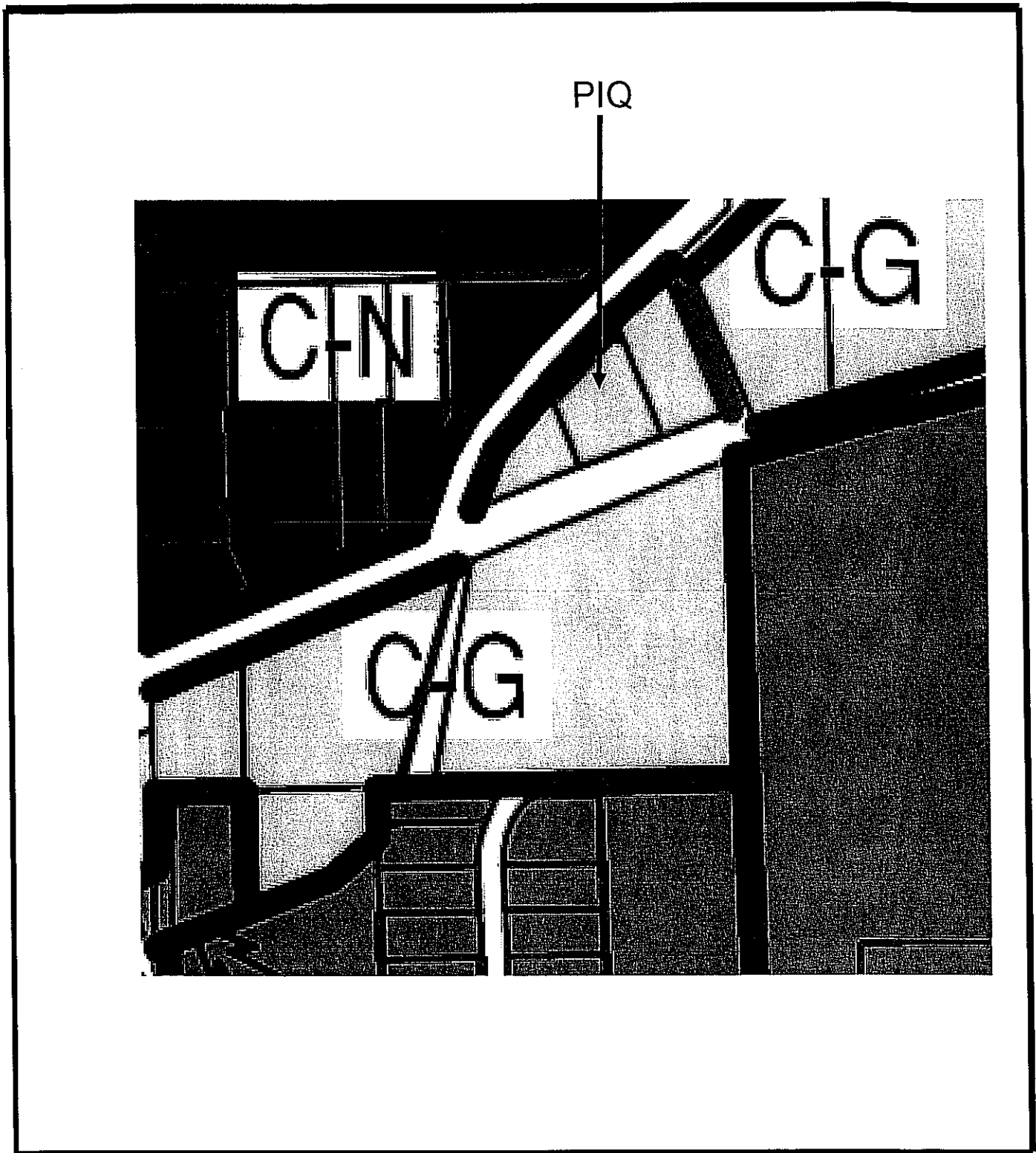
- B1. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
- a. The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
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

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

Applicant's Signature _____ Date _____

TOWN OF YUCCA VALLEY

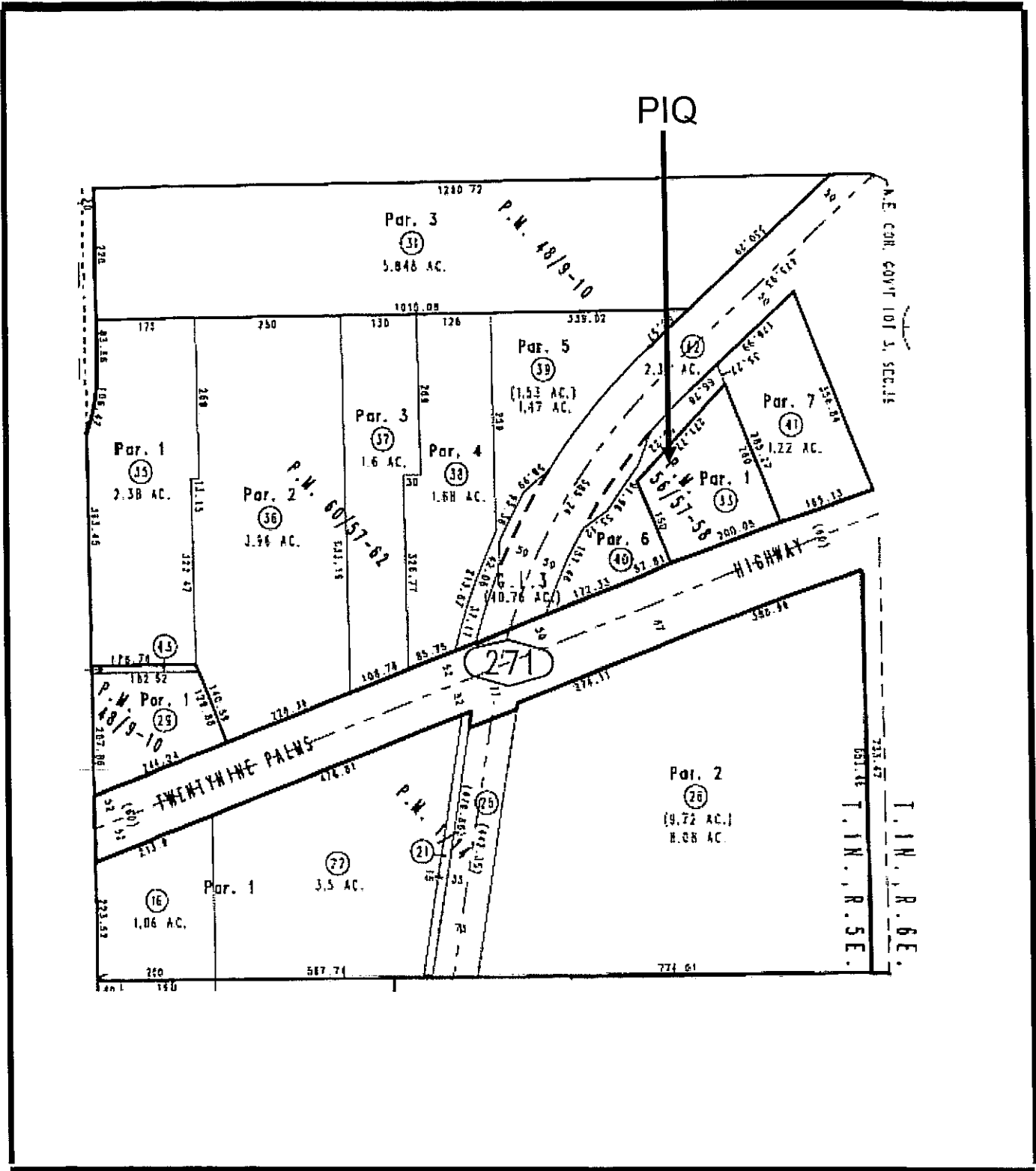
PROJECT NO.: LAND USE COMPLIANCE REVIEW, LUCR 02-11 MCDONALDS



ZONING AND GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: LAND USE COMPLIANCE REVIEW, LUCR 02-11 MCDONALDS



ASSESSORS PARCEL MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: LAND USE COMPLIANCE REVIEW, LUCR 02-11 MCDONALDS

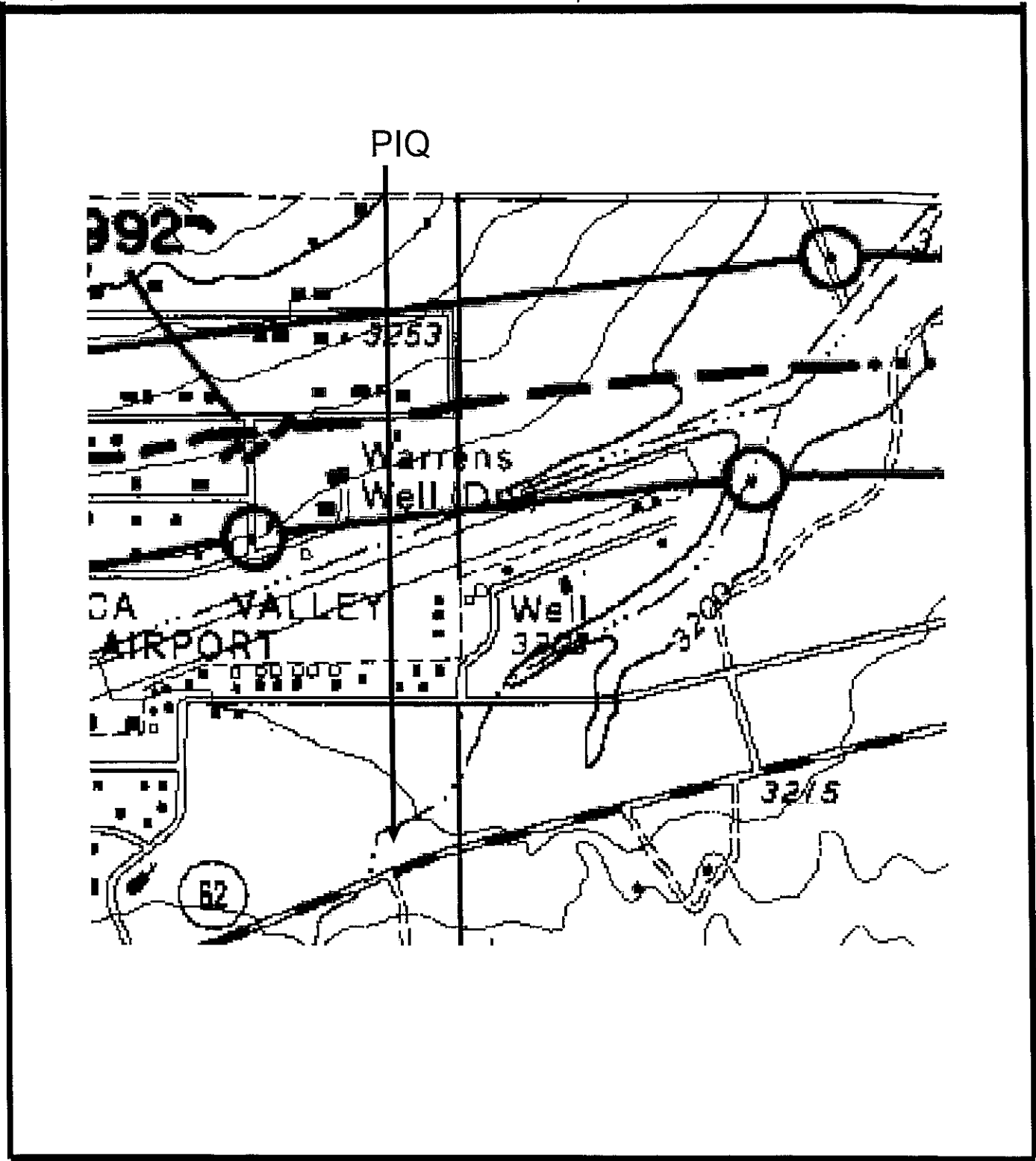
PIQ



AERIAL PHOTO

TOWN OF YUCCA VALLEY

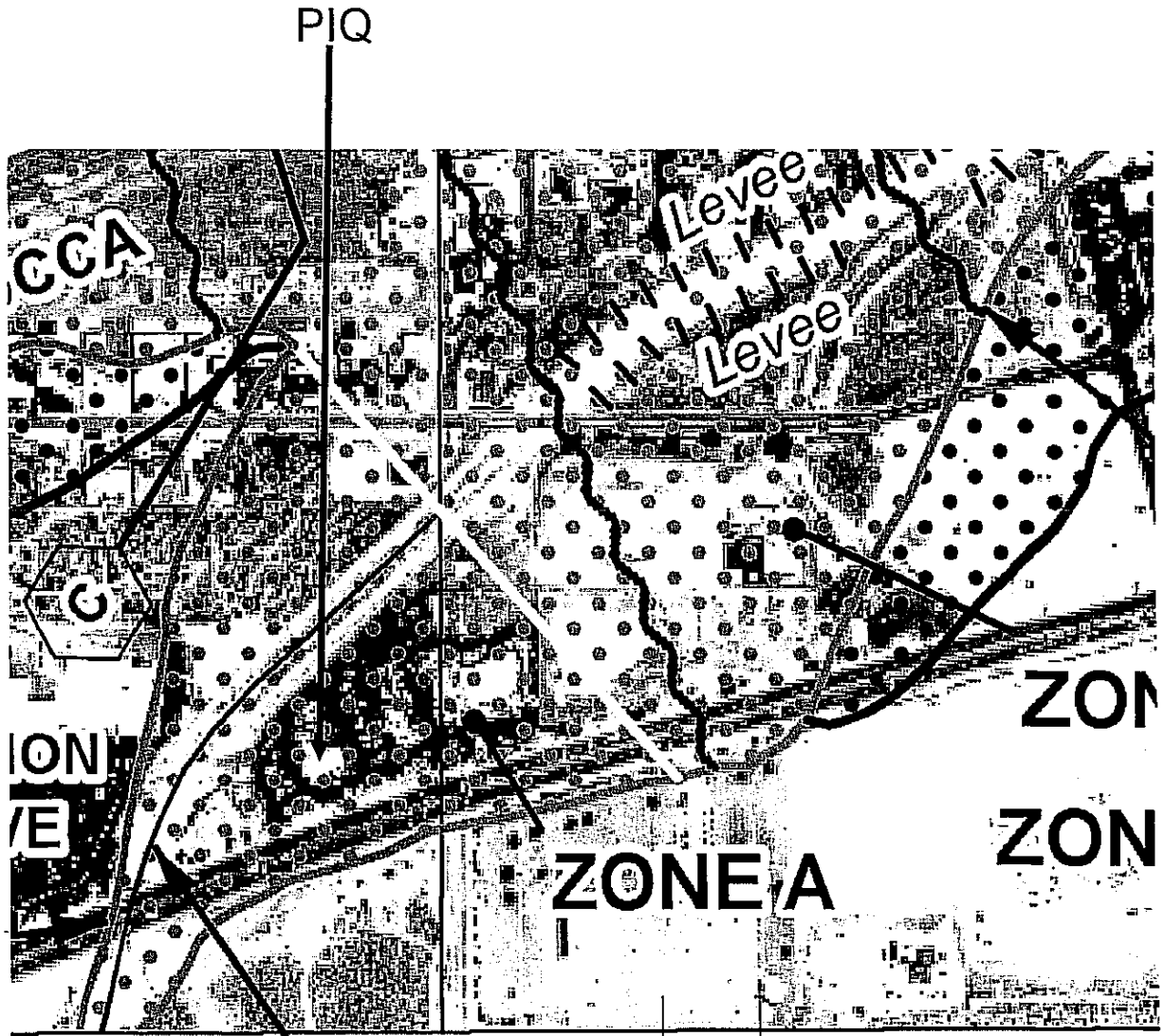
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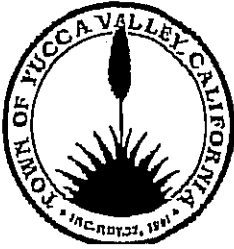
ALQUIST-PRIOLO MAP
YUCCA VALLEY NORTH

TOWN OF YUCCA VALLEY

PROJECT NO.: LAND USE COMPLIANCE REVIEW, LUCR 02-11 MCDONALDS



FEMA MAP 8860



Date Received	5-12-11
By	R. [Signature]
Fee	\$840
Case #	LU CR 08-11

LAND USE COMPLIANCE REVIEW APPLICATION

Applicant UNDERWOOD ASSOCIATES % MCDONALD'S USA, LLC Phone 949-701-0888

Address 12832 VALLEY VIEW ST. #207 City GARDEN GROVE State CA Zip 92845

Contact Person/Representative REN UNDERWOOD Phone _____

Address _____ City _____ State _____ Zip _____

Property Owner MCDONALD'S USA, LLC Phone _____

Address 3800 KILROY AIRPORT WAY #200 City LONG BEACH State CA Zip 90806

Assessor Parcel Number(s) _____

Existing Structure Square Footage 4,000 SF

Proposed Square Footage 4,000 SF

Proposed: Project Description, Zoning, Land Use

① Extension FACE LIFT PER ATTACHED COLOR ELEVATIONS

② ADD 2nd PT. OF ORDER @ EXISTING DRIVE - MAIN LANE

(NOTE: Please attach a description letter as necessary)

Owner's Signature [Signature] 5/12/11 Date

Area Comm. Mgr
(562) 841-6299

BICKEL UNDERWOOD

JAMES S. BICKEL JR. ARCHITECT
A CALIFORNIA CORPORATION

TRANSMITTAL

Date: May 19, 2011

To: Robert Kirschmann, Associate Planner
57090 Twentynine Palms Hwy
Yucca Valley, CA 92284
(760) 369-7207 ext. 328

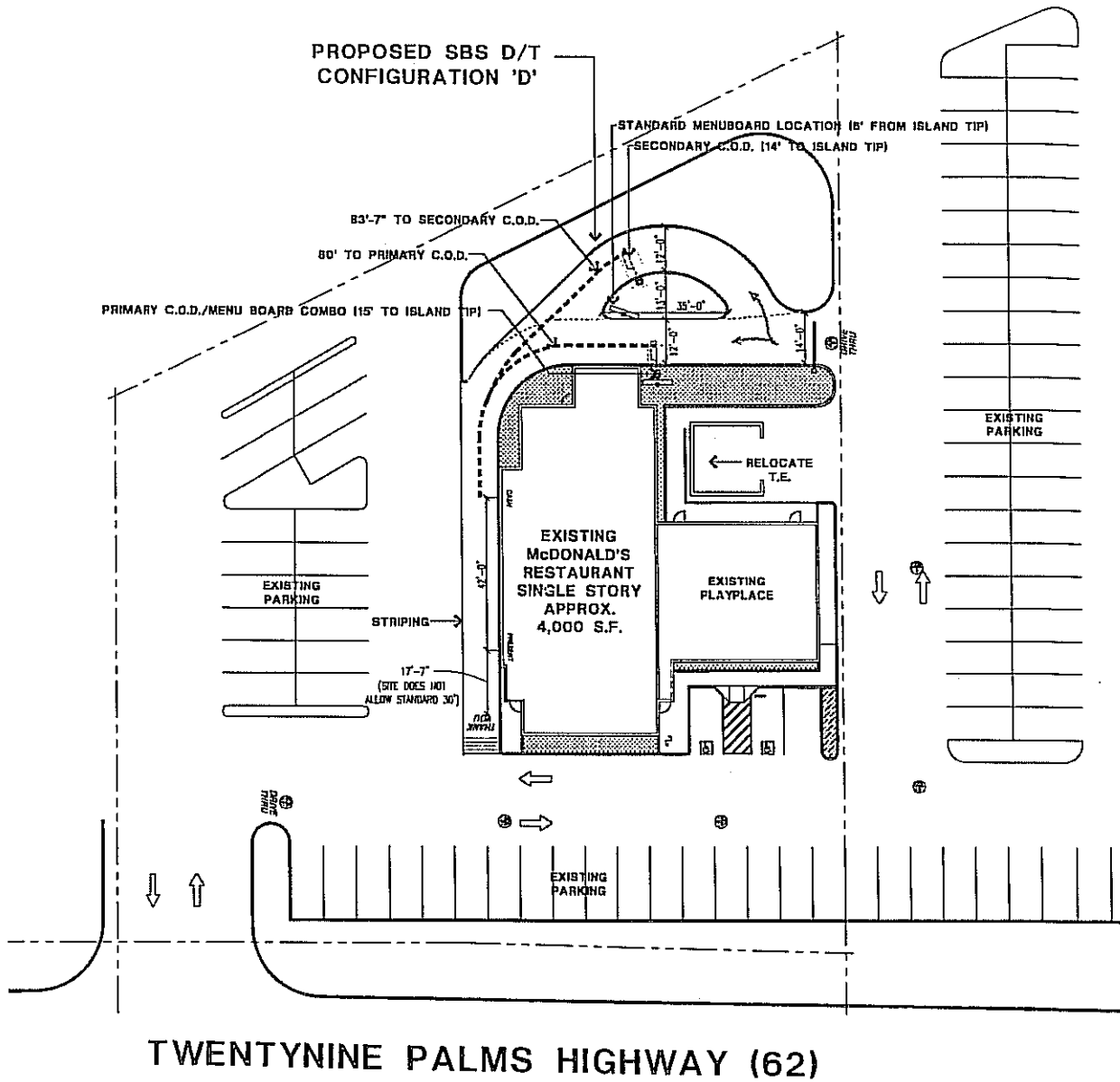
Project: McDonald's 004-1033
Project No: BU 11430.

Enclosed please find the following for your review:

- Three (3) sets of full size design drawings (site plan, floor plan, and elevations)
- Ten (10) sets of 11x17 design drawings (site plan, floor plan, and color elevations)
- Plan Check Fee

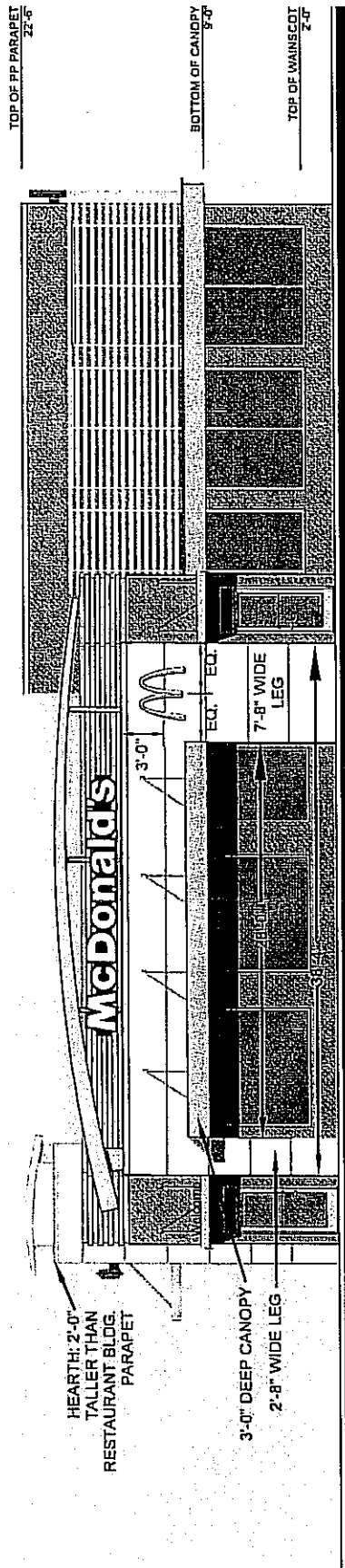
Best Regards,

Ron Underwood

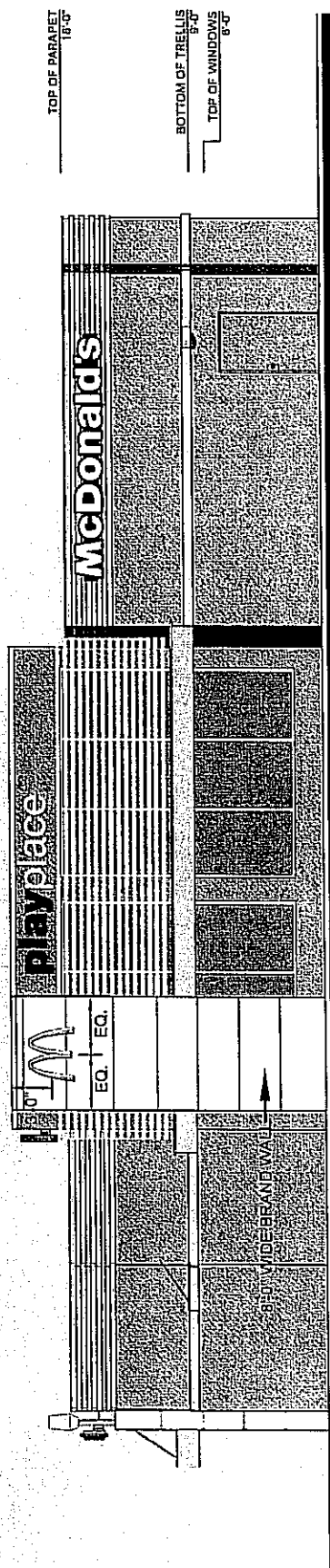


TWENTYNINE PALMS HIGHWAY (62)

57626 Twentynine Palms Highway
 Yucca Valley, CA
 004-1033

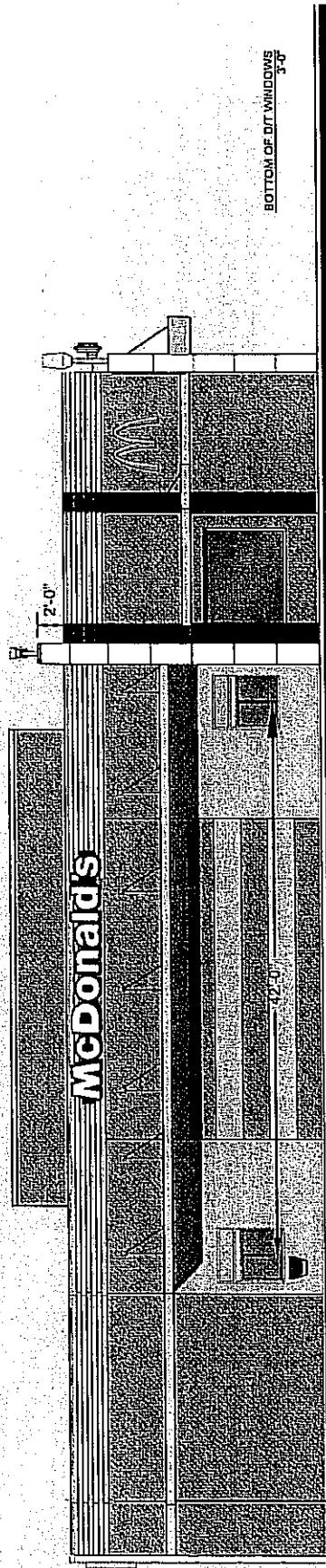


South - Entry Elevation



East - Non-D/T Elevation

57626 Twentynine Palms Highway
 Yuca Valley, CA
 004-1033









BOTTOM OF D/T WINDOWS
 3'-0"

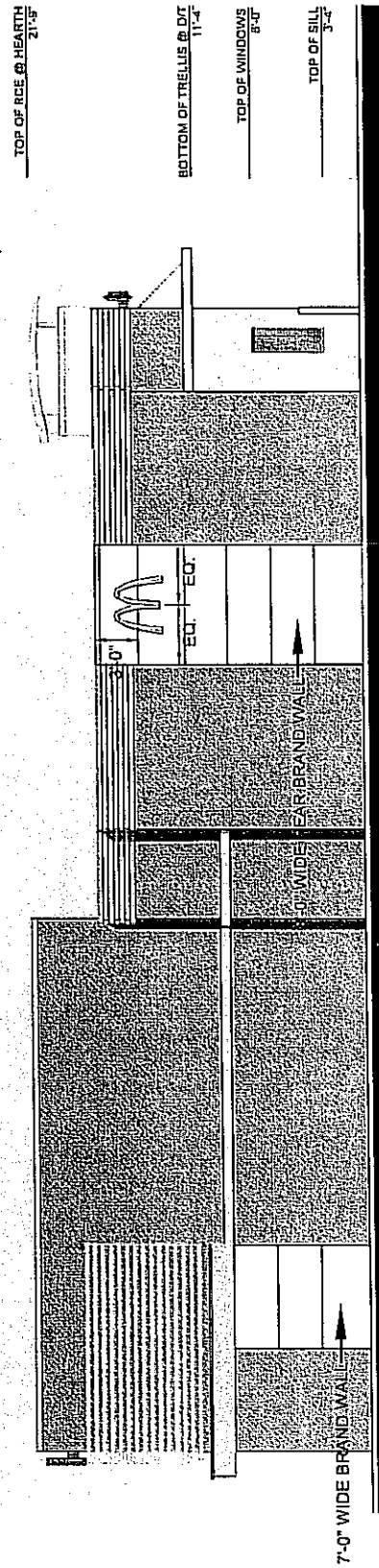
P. 80

West - D/T Elevation

Khaki Color Scheme

Materials Legend

-  Alexandria Beige
-  Monroe Blisque
-  Snow White
-  Canopies (Metal)
-  Aluminum Trellis
-  Metal (Coping)



TOP OF RICE @ HEARTH
 2'-5"

BOTTOM OF TRELLIS @ D/T
 11'-4"

TOP OF WINDOWS
 8'-0"

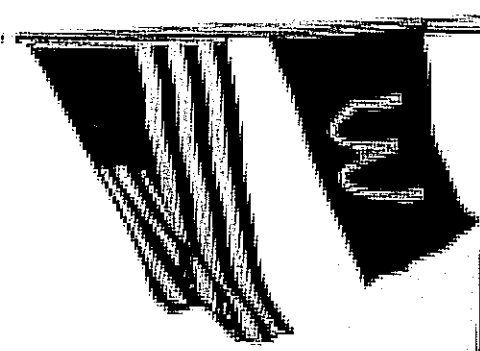
TOP OF SILL
 3'-4"

North - Rear Elevation

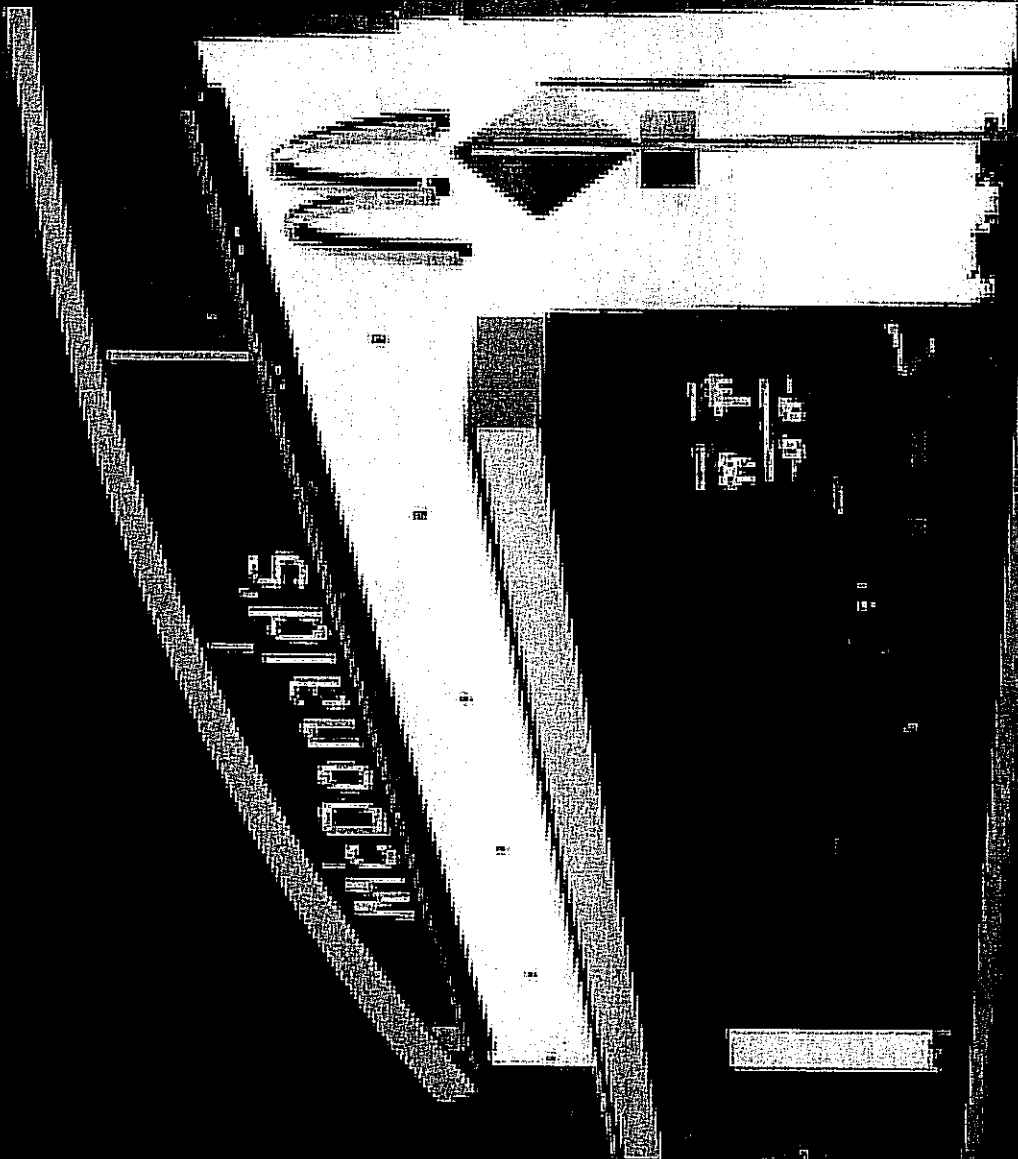
McDonald's

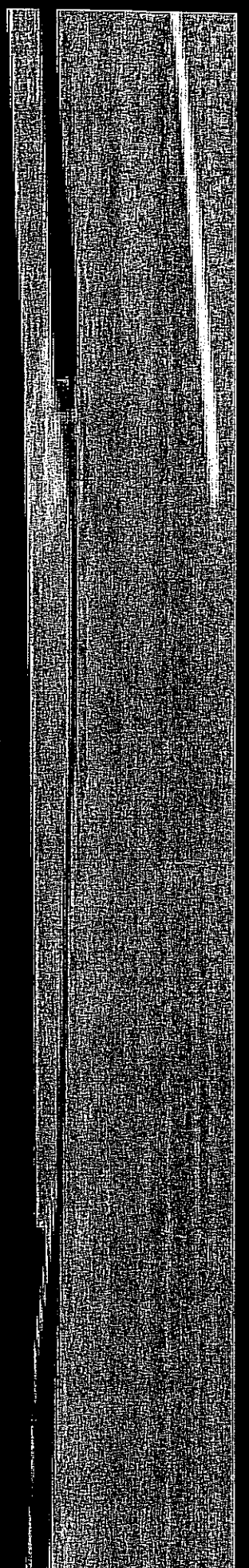
McDonald's

P.81



McDonald's
SPECIALS





PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Commissioners
From: Robert Kirschmann, Associate Planner
Date: June 7, 2011
For Commission Meeting: June 14, 2011

Subject: Update for the Planning Commission on:
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. At the April 26, 2011 meeting the Commission approved the Applicant's request to defer the Conditions of Approval #15, 16, 33, 35, 67 and 71.

Recommendation: That the Planning Commission receive and file the report.

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. Also included is the Staff report and minutes from the April 26, 2011 Planning Commission meeting.

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. At the meeting of April 26, 2011 the Commission approved deferral of Conditions #s 15, 16, 33, 35, 67 and 71. The recommendation request that staff return to the June 14, 2011 Planning Commission meeting to provide an update on the progress.

Below are the Conditions that were requested to be differed, the applicant's original estimated completion dates and the progress on that Condition.

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

At the Town Council meeting of June 7, 2011 the Council adopted two resolutions which are necessary to form the Community Facilities District. The action also included setting the Public Hearing for August 2, 2011.

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 projected completion of the median island around May 15, 2011 and completion of all SR62 improvements around May 30, 2011. The median island is complete, including landscaping and irrigation. The paving of SR62 has been completed. Final approval from Cal-trans is currently being sought by the applicant and should be received within the next few weeks.

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. The signal has been relocated and is operational.

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. The signal has been relocated and is operational.

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. Due to some unforeseen delays it is anticipated that the improvements will be completed including Cal-trans final approval during the week of June 13, 2011

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. The applicant anticipates calling for a final inspection during the week of June 13, 2011.

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 fees have been paid.

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.

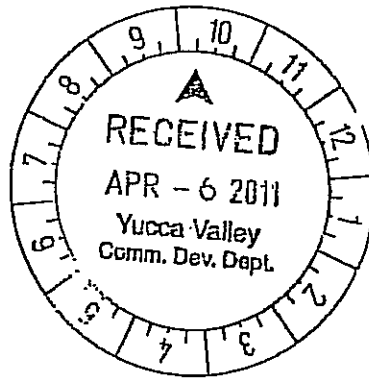
Fiscal impact: N/A

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 April 26, 2011
4. Planning Commission Staff Report and Minutes from January 6, 2009

April 6, 2011
YVB017700

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



NOLTE
BEYOND ENGINEERING

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 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,

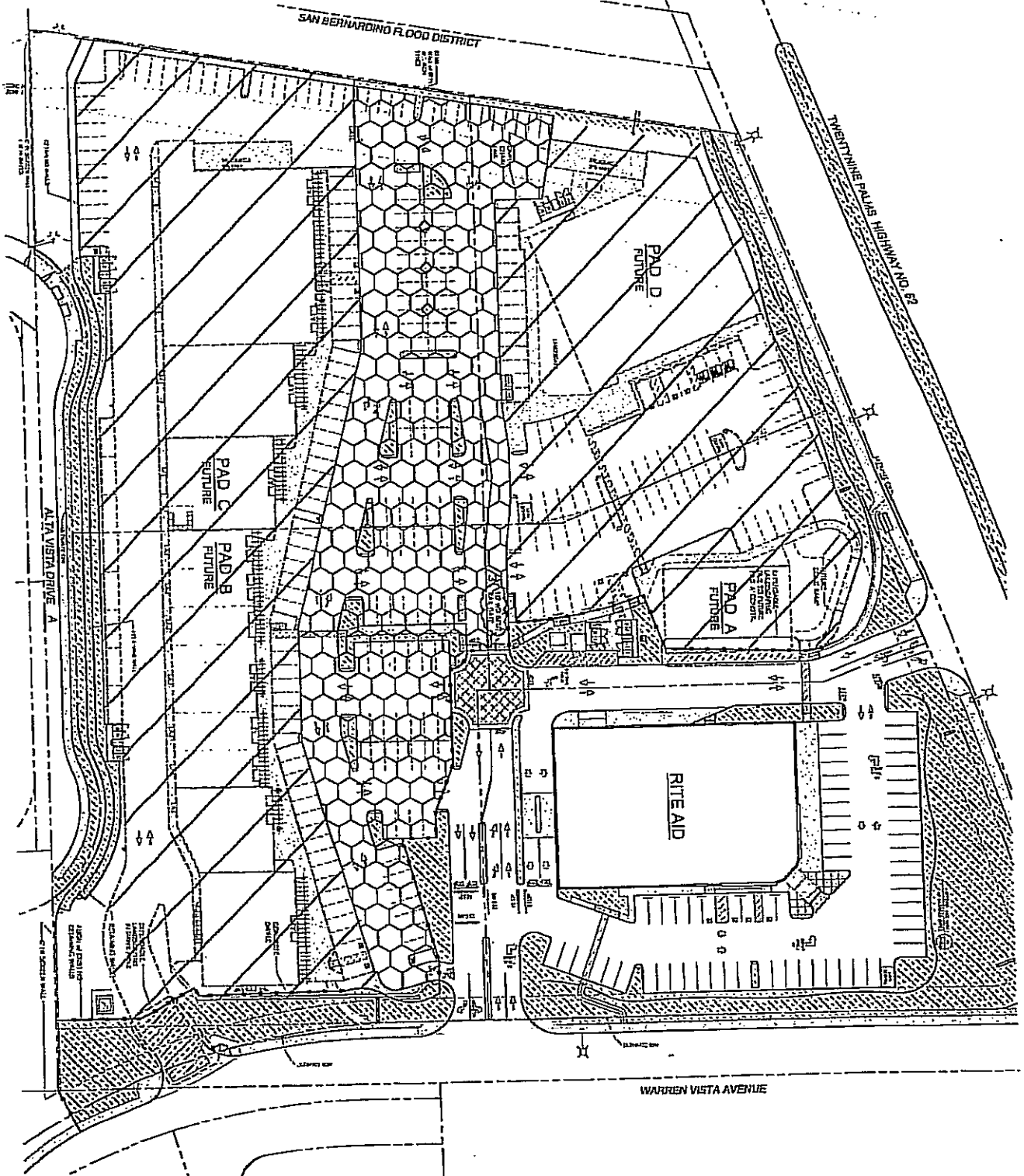
NOLTE ASSOCIATES, INC.

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

Ⓢ This document was sent electronically to help reduce paper waste.










WARREN VISTA AVENUE

ALTI VISTA DRIVE A

SAN BERNARDINO FLOOD DISTRICT

THIRTYNINE PALMS HIGHWAY 106 B2

LEGEND

-  LANDSCAPING (IN CONSTRUCTION W/ RITE-AID PHASE ONE CONSTRUCTION)
-  ENVIRONMENTAL LANDSCAPING DUE TO FUTURE CONSTRUCTION (AT WARREN VISTA SOUTH DRIVEWAY)
-  FUTURE CONSTRUCTION / IMPROVEMENTS
-  12" WIDE SPLIT RAIL GATE (NO MATCH FENCE W/ LOCKS)
-  SPLIT RAIL WOOD FENCE W/ POSTS AT 8' P.C. MAX. SPRIE BOTH HORIZ. RAIS TO POSTS, TYP.
-  EXISTING CMU WALL
-  PAVING REVISION (HORIZONTAL) 1.5-1.0 THICK FINEST LIFT OF ASPHALT PAVING (AND 1/8" THICK FINISH LIFT OF ASPHALT PAVING)

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

DATE: 3-31-11 REV. 3
 DATE: 12-14-10 REV. 2
 DATE: 11-24-10 REV. 1
 DATE: 10-18-10
 SCALE: 1"=80'

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.

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

John Saffle, Yucca Valley, spoke in opposition commenting on undergrounding utilities.

Andy Canada, Yucca Valley, applicant, spoke in favor commenting on energy savings.

Jon Wright, Yucca Valley, spoke in favor commenting on energy savings.

Olivia de Haulleville, Yucca Valley, spoke in favor commenting on being ecologically minded.

Melinda Allen, Joshua Tree, spoke in favor commenting on energy savings.

Davin Loeper, Yucca Mesa, spoke in favor commenting on sustainable energy.

Chair Lombardo continued the Public Hearing to May 24, 2011.

Commissioner Alberg moved to recommend Public Hearing item Conditional Use Permit, CUP 02-11 Nielson, be continued to the meeting of May 24, 2011.

Motion was seconded by Commissioner Humphreville. Motion carried 5-0 on a 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.

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 summarizing that the project was approved by the commission at the meeting of January 6, 2009, stating that Rite Aid is nearing completion expecting to stock shelves in mid May-June asking for deferral of Conditions of Approval conditions 15, 16, 33, 35, 67, and 71 relating to street improvements and the formation of assessment districts with the estimation of improvements to be completed prior to the opening of the store to the public.

Bill Warner, Applicant's Representative, requested approval of the deferral of Conditions of Approval based upon the findings in the staff report commenting that Rite Aid is completing the street improvements as scheduled nicely but wanted to request some leeway to allow for fixturing, to train staff, and other possible preparatory activities inside the building prior to opening for Certificate of Occupancy and the timeframe required for the establishment of the assessment district.

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

Commissioner Abel moved to approve the Applicant's request to defer the Conditions of Approval for CUP 01-08 & TPM 19103, Warren Vista Center as identified in the staff report and directed staff to return with a project status report at the June 14, 2011, Planning Commission meeting.

The motion was seconded by Commissioner Hildebrand. Motion carried 5-0 on a voice vote.

CONSENT AGENDA:

3. MINUTES –

Commissioner Alberg moved that the Planning Commission approve as submitted the minutes of the Regular Planning Commission Meeting held on April 12, 2011. The motion was seconded by Commissioner Abel. Motion carried 5-0 on a voice vote.

STAFF REPORTS AND COMMENTS:

Deputy Town Manager Stueckle advised the commission of Council Member Mayes' resignation and the schedule conflict of the Special Town Council meeting to be held on Tuesday, May 10, 2011, to discuss the said vacancy.

It was suggested that Planning Commission adjourn the regular meeting of May 10, 2011, due to lack of a quorum and schedule a special meeting to be held on Thursday, May 12, 2011 at 6:00 p.m.

FUTURE AGENDA ITEMS:

Deputy Town Manager Stueckle stated May 10th items will be moved to the Special Planning Commission meeting of May 12, 2011, and the Conditional Use Permit, CUP 02-11 Nielson Wind Turbines item is scheduled for May 24, 2011 meeting.

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Abel – commented on staff's excellent job on the Senior Housing Project.

Commissioner Alberg – None

Commissioner Hildebrand – None

Commissioner Humphreville – commented on Senior Housing Project meeting

attended with fellow subcommittee member Commissioner Abel.

Chair Lombardo – None

ANNOUNCEMENTS:

Chair Lombardo announced that there will not be a regular meeting of the Yucca Valley Planning Commission on Tuesday, May 10, 2011 at 6:00 p.m.

ADJOURNMENT

The meeting adjourned at 6:49 p.m.

Respectfully submitted by,

Christine E. Kim, CMC
Deputy Town Clerk

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

**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.

Ms. 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

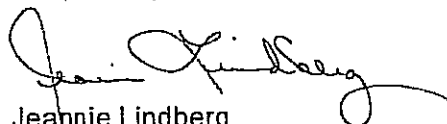
ANNOUNCEMENTS:

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

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:

ENVIRONMENTAL 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:

SITE COVERAGE

PROJECT AREA

8.81 acres

BUILDING AREA

17,340 Square Foot Drugstore
13,983 Square Foot Grocery Store
4,760 Square Foot Restaurant
39,763 Square Foot Multi-Tenant
Retail Building

PHASED CONSTRUCTION:

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 PRIOLO 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 SR62/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 _____

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Planning Commission
From: Diane Olsen, Planning Technician
Date: May 11, 2011
For Commission Meeting: June 14, 2011

Subject: Minor Permit Application Process Follow up and Overview

Prior Commission Review: The Planning Commission discussed this item at the meeting of February 08, 2011. Several questions were raised by the Planning Commission at that meeting, therefore staff is returning this item to provide those answers, and to provide an overview to the newly appointed Commissioners.

Recommendation: That the Planning Commission receives the report and provides feedback to staff regarding timelines for the processing of minor permits.

Executive Summary: At the Planning Commission meeting of February 8, 2011 questions were raised which required further investigation by Staff. Staff is returning to the Commission to answer these questions, as well as provide an overview to the newly appointed Commissioners.

The Development Code establishes requirements for several different types of permits that are approved at the staff level. These permits are issued by the Planning Technician, and if possible, are issued over the counter at the time of permit application. Certain permits, such as Sign Permit, Home Occupation Permit or Massage License may require additional time due to the requirements for a building permit, Department of Justice fingerprint clearance, or the requirement for a permit hearing. Minor permit actions at staff level may be appealed to the Planning Commission.

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 following information outlines permit application and processing information for what are commonly termed "minor permits". Minor permits discussed in this

Reviewed By:

Town Manager

Town Attorney

Mgmt Services

Dept Head

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

staff report include the following:

Address Requests	Commercial Building Color Changes
Film Permits	Native Plant Permits
Sign Permits	Peddling, Hawking, and Soliciting
Massage Technician Permits	Massage Establishment
Livestock Permit	Temporary Sign Permits
Temporary Special Event Permit	Home Occupation Permit
Public Convenience or Necessity	Bed & Breakfast Special Use Permit
Kennel Permit Special Use Permit	Exotic Animal Special Use Permit

The types of minor permits that the Town processes, a description of the types of activities that are regulated, requirements for submittal, and the time frames associated with the application are discussed below.

ADDRESS REQUESTS, ALL PROPERTIES:

Properties are assigned addresses in conjunction with the initial construction on the property. Vacant properties do not have addresses assigned, unless requested on an individual case by case basis.

Staff verifies the addresses of adjacent property based upon information from the County Assessors Offices and assigns the appropriate address. The assigned address is provided to the applicant, all utility companies, San Bernardino County Fire, Assessor's office and to the Registrar of Voters. The application is commonly processed over the counter.

If the property in question takes access from a private driveway or private roadway, the property will be addressed based upon the name of the dedicated street and not the name of the private driveway or private roadway.

COMMERICAL DESIGN GUIDELINES AND COLOR CHANGES:

Commercial Design Guidelines Color Changes implement the Commercial Design Guidelines, adopted and approved by the Town Council through Resolution 10-06 on March 02, 2010.

If the owner of a commercial property is proposing to change the exterior color of a commercial structure, an application for Exterior Color Change and color swatches are submitted to the Planning Division. This process allows Planning Staff to review the submitted color samples and determine consistency with the Commercial Design Guidelines. This application is commonly reviewed and approved over the counter.

FILM PERMIT APPLICATIONS:

Film Permit applications implement Ordinance No. 85, adopted by the Town Council on March 19, 1998.

Anyone proposing to use explosives or combustibles or proposing to close off any streets during the process of filming must obtain a Film Permit from the Planning Division. The submittal includes a completed application form, a location map, and a certificate of insurance with an endorsement naming the Town as an additional insured. If the applicant is proposing to close off any portion of 29 Palms Hwy, approval from Cal Trans will be required. The Planning Division will review the proposal and obtain necessary approvals from agencies such as the Fire Dept, or the Sheriff's Dept. The timeframe for the processing of this application can vary from one to five working days or more based upon receiving approvals from other agencies.

NATIVE PLANT PERMIT APPLICATIONS:

Native Plant permit applications implement Ordinance No. 140, adopted by the Town Council on June 09, 2003.

The removal, transplanting or trimming of any regulated native plant requires the issuance of a Native Plant Permit. These permits are commonly issued over the counter, provided that the applicant has submitted photos of the plant in question or a site plan clearly demonstrating that the plant qualifies for removal. If no photos are provided, an inspection of the property will be conducted within 24 hours of the request and the permit will be mailed to the applicant.

SIGN PERMIT APPLICATIONS:

Sign permit applications implement Ordinance No. 156, adopted by the Town Council on September 02, 2004.

Whenever a new, additional, or replacement sign is proposed, a Sign Permit is required from the Planning Division to verify compliance with Ordinance 156. Prior to submittal of a sign permit application, staff is frequently contacted by the sign company to obtain the sign standards of the Ordinance. At this time, staff will request electronic copies of the plans to conduct a cursory review to provide preliminary information on number, size and placement of signs in accordance with the Ordinance.

When the formal application is submitted, it is reviewed for consistency with the Sign Ordinance. If the project does not meet the requirements set forth in the Ordinance, a letter will be provided to the applicant. Once the corrected plans are returned from the applicant, planning staff will again review the submittal and mail the approved permit to the applicant.

As a note, building permits are also required for the installation of permanent signs to verify compliance with the California Building Codes and to ensure that the sign is installed safely. The Plan Check process can take up to ten days business. The applicant is encouraged to submit Plans to both Building and Safety concurrently to save the most time, however many applicants prefer to submit separately.

TEMPORARY SIGN PERMITS:

Temporary Sign permit applications implement Ordinance No. 156, adopted by the Town Council on September 02, 2004.

The installation of a temporary sign requires a Temporary Sign Permit. Temporary signs include wall banners, b-wing banners, and freestanding signs identifying a new subdivision. The submittal includes a completed application and a drawing of the proposed sign. The submittal is reviewed for consistency with the Sign Ordinance. If the applicant submits the necessary information, this permit can be issued over the counter.

For the placement of political signs prior to an election, a Political Sign Permit is required. The applicant will submit the completed application along with a map of the general locations that the signs will be placed. This permit is issued over the counter and is valid forty five days prior to an election and expires fifteen days after the election.

The Sign Ordinance will be reviewed as part of the Development Code update process.

SPECIAL LICENSE PERMIT APPLICATIONS:

Certain activities, such as the sale of firewood, fruits and vegetables or flowers, the operation of an ice cream truck, or door to door sales require the issuance of Special License Permit. These permits are issued for a period of one year.

PEDDLING/HAWKING SPECIAL LICENSE:

Peddling and Hawking permit applications implement Ordinance No. 99, adopted by the Town Council on November 19, 1998.

Peddling is defined as any person traveling from place to place, conveying goods for sale. Hawking is defined as any person in a stationary location offering goods for sale. Soliciting is defined as any person traveling from place to place taking orders for merchandise to be delivered at a later date or asking for donations by any means.

Provided the applicant has the necessary information at submittal, including a completed application, a copy of the state sales tax permit, photographs of applicant and property owner permission, the permit can be issued over the counter.

TEMPORARY SPECIAL EVENT, SPECIAL LICENSE:

Temporary Special Event permit applications implement Ordinance No. 210, adopted by the Town Council on May 18, 2010.

To hold an event such as a carnival or parking lot sale requires the issuance of a Special License Permit for a temporary special event. With the exception of a Farmers Market, these events are limited to a ten day time period. The applicant must submit the application, the required fees, a site plan of the proposed event and insurance documents listing the Town of Yucca Valley as additional insured. If this information is provided with the application submittal, the permit can be issued over the counter. Occasionally an event will require an additional approval from another agency, such as Cal-Trans for highway closures or San Bernardino County Fire Department for carnivals, which may add additional time to the permit approval process.

MASSAGE PERMITS:

Massage establishment permit applications, massage technician permit applications and outcall massage permit applications implement Ordinance No. 96, adopted by the Town Council on November 05, 1998. To operate a massage establishment, to work as a massage technician or to work as an outcall technician requires the approval of a Special License Permit. These permits are issued for a period of one year.

On September 27, 2008, the State of California passed SB 731 which established standards and permitting requirements for massage licensing. SB 731 allows for a Massage technician to apply to the State and obtain one license. That license is good for any jurisdictions within the state. If the applicant provides a copy of the state license, a massage technician license from the Town is not required.

Section 4612(b) (4) of the State law does not allow for Massage Establishments to be treated differently from other professional or personal service businesses in terms of land use and zoning regulations. Therefore, since the Town has no special permit requirements for professional or personal service businesses, such as doctors, lawyers, salons, no additional requirements can be imposed on a massage establishment and the Town can not require a land use permit such as a Conditional Use Permit or Land Use Compliance Review, etc for massage establishments. The Town does have the authority to require a permit for a massage establishment to insure compliance with health and safety regulations.

At the meeting of February 08, 2011 questions were raised regarding the authority to regulate the business hours of massage establishments and to require the display of the State license. Pursuant to Section 4612(b)(2)(B) of California Senate Bill, SB 731 "*Nothing in this section shall preclude a city, county or city and county from including in a local*

ordinance a provision that requires a business described in paragraph (1) to file copies or provide other evidence of the certificates held by the persons who are providing massage services at the business". This section would allow the Town of Yucca Valley the authority to require the display of the massage license from the State for the Town of Yucca Valley. There is no language in SB 731 regarding the restricting of hours for massage establishments. However, a response from the California Massage Therapy Council states that cities may regulate the hours of massage establishments. In addition, in researching the ordinances of other cities, several of those jurisdictions do have restricted hours as part of their regulations.

MESSAGE ESTABLISHMENTS:

To obtain a massage establishment permit, the applicant would submit a completed application to the Town. A field inspection would then be conducted for compliance with the Ordinance. If the establishment meets all the required Conditions, a permit is issued. If there are corrections to be made based upon the inspection, a re-inspection would be conducted after those violations have been rectified.

Currently, there are seven massage establishments located on 29 Palms Hwy. Five of those establishments are licensed either by the Town of Yucca Valley or the State of California. The Code Compliance Division has recently made contact at the remaining two locations to have the establishments come into compliance with Town codes.

MESSAGE TECHNICIAN and OUTCALL MESSAGE TECHNICIAN:

If the applicant chooses to obtain a massage technician or outcall technician permit from the Town of Yucca Valley, a Special License Permit is required. This permit requires a completed application, the submittal of transcripts from an accredited school, livescan fingerprints, medical clearance, and photographs of the applicant. The timeframe for the processing of this application will vary based upon the Town obtaining fingerprint results from the Dept. of Justice, which can take up to thirty days.

An outcall technician is one who travels to the client's location for the purpose of conducting massage

TEMPORARY USE PERMITS:

Temporary use permit applications implement Section 84.0701 of the Development Code adopted from the County upon incorporation.

For the use of a cargo container during construction, for the operation of a model home sales office, for the use of an RV as a residence during construction or for the use of an RV as a construction office during construction a Temporary Use Permit is required. The

submittal consists of a completed application along with the required fees, vehicle registration (if required), site plan for model homes, etc. Temporary Use Permits are only issued in conjunction with an active building permit and are approved at the time of permit issuance. Temporary use permits are issued for a period of one year or for the duration of an active building permit.

At the previous meeting a question was raised in regards to issuing permits and waiving fees for Temporary Use Permits in the case of an emergency such as a fire or flood on the property. These topics can be addressed during Development Code update.

COMMERICAL ALCOHOL SALES, PUBLIC CONVENIENCE AND NECESSITY:

For the sale of alcohol at a commercial location, the issuance of a public Convenience and Necessity (PCN) may be required. The applicant will apply with the Department of Alcohol Beverage Control (ABC) for a license to sell alcoholic beverages. The **ABC** will determine if there is an over concentration of licenses in the Town of Yucca Valley and if a PCN will be required. If a PCN is required, the applicant will submit the application to the Town along with the required fees. These applications are reviewed and forwarded to the Sheriff Department for comments. If the Sheriff's Department does not have any comments or concerns, the application is forwarded to the Town Council for review. If the Town Council finds that it is a matter of Public Convenience and Necessity, a letter is sent to ABC stating that determination. Regardless of the determination made by Town Council, the ABC retains the authority to issue or deny the license for alcohol sales.

This requirement is established in the Alcoholic Beverage Control Act, Section 23958.4. This allows jurisdictions up to 90 days to review the application and determine if the request is a public convenience or necessity.

The permits that are discussed below will require additional processing time as these applications may require a public notice and hearing.

HOME OCCUPATION PERMITS:

Home Occupation permit applications implement Ordinance No. 178, adopted by the Town Council on December 08, 2005

If an applicant proposes to operate a business from a residential location, a Home Occupation permit may be required. There are different levels of Home Occupation Permits. For telecommuting and internet based businesses, which are transparent inside the residence, no permit is necessary. For businesses that have no sales of merchandise at the site or no customers visiting the residence, the permit can be issued without a permit hearing. The applicant will submit the completed application and a field inspection of the property will be conducted.

If the applicant is proposing the sale of merchandise at the location and/or customers will be visiting the site, a permit hearing is required as part of the process. The applicant must submit a completed application and a three hundred foot radius mailing list. The radius mailing list is a list of all property owners and mailing addresses within three hundred feet of the subject property. A notice of hearing is sent to these property owners to advise them of the potential business to be conducted in the area. If the Planning Division does not receive any response in opposition or support from the surrounding property owners five days prior to the hearing, staff may elect not to hold the hearing and the permit is approved. If there are concerns, or issues raised a hearing will be held. As a result of the hearing the project can be approved, approved in an alternate form, forwarded to the Planning Commission, or denied. Staff decisions may be appealed to the Planning Commission. Home Occupation Permits are issued for a period of one year.

LIVESTOCK PERMIT:

Livestock permit applications implement Ordinance 89, Section 84.0560(o) adopted by the Town Council on April 02, 1998.

Ordinance 89, Accessory Animal Raising identifies the types of animals that are permitted at a residentially zoned property based upon lot size and zoning. If an applicant wishes to exceed the number permitted or to have a different type of animal than what is permitted, a Livestock Permit is required. Pursuant to Development Code Section 84.0560(o), a Livestock permit is processed in the same manner as a Home Occupation Permit, which requires noticing and a permit hearing. The applicant must submit a completed application and a three hundred foot radius mailing list. A notice of hearing is sent to these property owners to advise them of the potential animals or number of animals that may be residing in the neighborhood. If the Planning Division does not receive any response in opposition or support from the surrounding property owners five days prior to the hearing, staff may elect not to hold the hearing and the permit is approved. If there are concerns, or issues raised a hearing will held. As a result of the hearing, the project can be approved, approved in an alternate form, forwarded to the Planning Commission, or denied. Staff decisions may be appealed to the Planning Commission.

SPECIAL USE PERMITS

The classification of Special Use Permit consists of several types of permits, Bed and Breakfast, Private Kennel and Exotic Animals. Special Use Permits are issued for a period of one year.

BED & BREAKFAST, SPECIAL USE PERMITS;

Bed and Breakfast permits implement Section 84.0620 of the Development Code as

adopted from the County upon incorporation. To operate a Bed and Breakfast utilizing one or two bedrooms of a single family residence requires the issuance of a Special Use Permit.

If the applicant wishes to use more than two bedrooms of the residence for the Bed and Breakfast, a Conditional Use Permit is also required. The applicant would then be required to comply with the applicable portions of the Conditional Use Permit Application.

PRIVATE KENNEL, SPECIAL USE PERMITS:

Ordinance 89, Accessory Animal Raising, determines the number of dogs that are permitted in a residential zone. To exceed the allowable number of dogs requires the issuance a Special Use Permit.

EXOTIC ANIMALS:

The exotic animal permit implements Ordinance 128, adopted by the Town Council on April 18, 2002. Exotic animals are defined as any animal of the classes Aves, Mammalia, Amphibia, Osteichtyes, Monorhina, Reptilia, Crustacea or Gastropoda that are restricted by the State. The keeping or maintaining of up to two exotic animals requires the issuance of a Special Use Permit. The keeping of more than two exotic animals requires the approval of a Conditional Use Permit.

For the issuance of a Special Use Permit, the applicant is required to submit a complete application, five copies of a site plan and/or floor plan, and a 300' radius packet. The application is reviewed for consistency with the Development Code. A staff report is prepared. A notice of hearing is sent to surrounding property owners at least ten days prior to the scheduled hearing. The hearing is held to allow surrounding property owners a chance to express their support or objection to the request. The hearing officer can approve the project, deny the project or forward the project to the Planning Commission for further review. If the project is approved, there is a ten day appeal period, and then a permit is issued to the applicant. If the project is denied, the applicant can appeal the decision to the Planning Commission.

SUMMARY:

As discussed above, the processing of minor permit applications is conducted by Planning Staff and many permits are issued over the counter. The approval of minor permits typically takes approximately one to five business days, but can vary if additional information is required from the applicant or if approval from an outside agency is required. The Development Code mandates the submittal requirements and the procedure for processing of the applications.

With the current economic climate, the level of activity in regards to minor permits has been reduced. This has provided the ability to review and approve the majority of minor permits over the counter or within a few hours. However, staff reductions have resulted in the planning technician spending as much as fifty percent of work hours as primary office support for the Building & Safety Division. This will impact the ability to approve some minor permits over the counter, particularly when permit levels begin to increase.

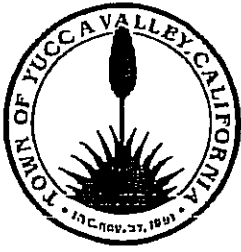
Historically, the activity level of minor permit issuance has been such that review and approval could take up to five working days. Should the level of activity increase, the time for processing permits will likely return to up to five business days.

Alternatives: NA

Fiscal impact: NA

Attachments:

- | | |
|---|------------------------------------|
| Request for Application | Section 84.0701 Temporary Uses |
| Exterior Color Change Application | Home Occupation Permit Application |
| Film Permit Application | Ordinance 178, Home Occupations |
| Ordinance 85, Filming Permits | Livestock Permit Application |
| Native Plant Permit Application | Ordinance 89, Accessory Animal |
| Ordinance 140, Desert Native Plant | Raising |
| Protection | Public Convenience & Necessity |
| Sign Permit Application | Application |
| Sign Permit –Political Application | Massage License Application |
| Sign Permit –Temporary Application | Ordinance 96, Massage Services and |
| Ordinance 156, Sign Regulations | Establishment |
| Peddling Hawking Soliciting Application | Special Use Permit Application |
| Ordinance 99, Peddling, Hawking, | Section 84.0620 Bed and Breakfast |
| Soliciting | Section 84.0630 Private Kennels |
| Temp Special Event Application | Ordinance 128, Exotic Animals |
| Ordinance 210, Temporary Special | Planning Fee Schedule |
| Event Permit | California Senate Bill 731 |
| Temp Use Permit Application | |



Date Received _____
By _____

ADDRESS REQUEST

(Print Legibly)

NEW ADDRESS CHANGE OF ADDRESS VERIFICATION OF ADDRESS

Please allow a minimum of five working days

Issuance of an address is based upon several factors and criteria. This may include verification of surrounding addresses, street names, block numbers and coordination with other agencies. Completion of the form is recommended but is not an indication that a change of address will be issued. The address request will be processed as efficiently as possible based upon the above factors. If there are any questions or discrepancies, you will be notified. If you have any questions, please feel free to contact staff at your convenience.

Applicant _____

Current Mailing Address _____

City _____ State _____ Zip _____

Phone _____

PROPERTY INFORMATION

Parcel Number _____

Tract Number _____ Lot Number _____

Driveway Entrance Street _____

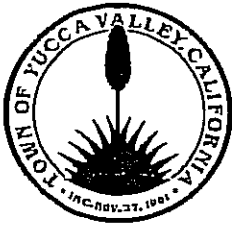
Reason For Request _____

Previous/Erroneous Address _____

Signature _____

New Assigned Address _____

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



Date Received _____
By _____
Case # _____

COMMERCIAL BUILDING EXTERIOR COLOR CHANGE REQUEST FORM

Business Name _____

Address _____

Applicant _____ Phone _____

Address _____

City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address _____

City _____ State _____ Zip _____

Assessor Parcel Number(s) _____

Name of Color(s) of Building Siding _____

Name of Color of Building Trim _____

Applicant's Signature _____ Date _____

Property Owner's Signature _____ Date _____

- Submittal Requirements:**
- Request form
 - Color samples of the proposed color scheme

COMMUNITY DEVELOPMENT DEPARTMENT FILM PERMIT INFORMATION OUTLINE

This Outline provides you with information on how to apply for a filming permit. We hope that the information packet will be beneficial in instructing you on what information is required and what steps must be taken to review your application. The more thorough and complete the application packet that is submitted to the Town, the better we are able to serve you and help you achieve your goals in a timely manner.

Included are the Filming Permit application and Rules and Regulations. The Application Process Steps are listed to illustrate how your application will be processed. Should you have any questions, please contact the Community Development Department.

DESCRIPTION

A Filming Permit is required for the purpose of taking commercial motion pictures, television pictures, or commercial still photography where the activity involves the use of explosives or combustibles, or other equipment which has the possibility of impacting property or requires police or fire services or where a separate permit is required by the Town or another public agency. Exemptions to this requirement would include the news media, family use, and charitable filming that qualify under Internal Revenue Code.

PERMIT PROCESS

To initiate the process, a **completed application form, location map, and certificate of insurance with endorsement must be submitted.** Action to approve or deny the Filming Permit application is normally taken by the Community Development Director or designee.

Depending on the complexity, the processing of the film permit generally varies from one (1) to five (5) working days. If such activity interferes with traffic or involves potential public safety hazards, an application may take up to the five working days.

Upon a determination by the Community Development Director that the filming meets all Town requirements and has received approvals from applicable Town agencies, an approval letter with conditions of approval will be mailed to the applicant.

RULES AND REGULATIONS:

- A. **Change of Date:** Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.
- B. **Conditions of Approvals:** The conditions of approval will be based upon the following criteria:
 - 1. The health and safety of all persons;
 - 2. Avoidance of undue disruption of all persons within the affected area;
 - 3. The safety of property within the town; and
 - 4. Traffic congestion at particular locations within the town.

APPLICATION AND ISSUANCE:

- A. **Applications:** The following information shall be included in the application:
 - 1. The name of the property owner, the address and telephone number of the place at which the activity is to be conducted.
 - 2. The specific location at such address or place;
 - 3. The inclusive hours and dates such activity will transpire;
 - 4. A general statement of the character or nature of the proposed filming activity;
 - 5. The name, address and telephone number of the person or persons in charge of such filming activity;
 - 6. The exact number of personnel to be involved;
 - 7. Use of any animals or pyrotechnics, and

8. The exact amount/type of vehicles/equipment to be involved.
9. Property owner authorization.

C. **Fees:** See Attached Fee Schedule

D. **Reimbursement for Personnel:** The production company shall reimburse the town for any personnel provided to the company (i.e. police, fire, traffic) for the purpose of assisting the production.

LIABILITY PROVISIONS:

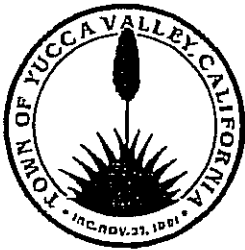
A. **Liability Insurance:** Before a permit is issued, a certificate of insurance with an endorsement will be required in the amount of \$1,000,000.00 naming the town as a coinsured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The town officers and employees shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the town. **The cancellation policy shall read as follows:** Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will mail 30 days written notice to the certificate holder named at left. A copy of the certificate will remain on file.

B. **Worker's Compensation Insurance:** An applicant shall conform to all applicable federal and State requirements for Worker's Compensation Insurance for all persons operating under a permit.

C. **Hold Harmless Agreement:** An applicant shall execute a hold harmless agreement as provided by the town prior to the issuance of a permit.

CLEAN UP:

The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the clean up of trash and debris. The area used shall be cleaned of trash and debris upon completion of the filming at the scene and restored to the original condition before leaving the site.



Date Received	_____
By	_____
Fee	_____
Case #	_____

FILM PERMIT APPLICATION

(Print Legibly)

Company _____ Phone _____

Address _____ City _____ State _____ Zip _____

Contact Person/Representative _____ Phone _____

Address _____ City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address _____ City _____ State _____ Zip _____

Location of event. Please indicate which Town road(s) you will utilize during the event.

(Include a location map) _____

Property Owner Signature _____

Total # Personnel: _____ Total # Vehicles/Equip.: _____ Other: _____

Pyrotechnics: _____ Special Effects Permit #: _____

Pyrotechnician: _____ License #: _____

Police required _____ Fire required _____ Other required: _____

Approvals: Police _____ Fire _____ Other _____

Please attach a list of filming dates including a brief description of filming activities, preparation and cleanup.

Prior to issuance of permit, a certificate of insurance must be filed with the Town Planning Department, showing coverage of at least \$1,000,000 Public Liability Insurance. This certificate with an endorsement must list the **Town of Yucca Valley as additionally named insured.** Permittee agrees to indemnify Town, its officers, agents and employees against and hold them harmless of and from all claims and liabilities of any kind arising out of, in connection with or resulting from negligence on part of Permittee, its officers, agents, contractors and employees in connection with work undertaken under this permit, and defend Town and its officers, commissions, agents and employees from any suits or actions at law or in equity for damages, and pay all court costs and counsel fees.

**Town of Yucca Valley
Community Development/Public Works Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 P.15860 228-0084**

ORDINANCE NO. 85

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING
TITLE 8, DIVISION 4, CHAPTER 6 (SPECIAL USES) OF
THE YUCCA VALLEY DEVELOPMENT CODE BY
ADDING A NEW SECTION, 84.0632, RELATED TO THE
PROCESSING OF FILMING PERMITS**

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

SECTION 1. Development Code Amended

A new Section 84.0632 is hereby added to Chapter 6 (Special Uses) of Division 4 of Title 8 of the County of San Bernardino Development Code as adopted by the Town of Yucca Valley to read as follows:

"84.0632 Filming Permits

(A) **PERMIT REQUIREMENT:** No person shall use any public or private property, facility or residence within the Town of Yucca Valley for the purpose of taking commercial motion picture or television pictures or commercial still photography where the activity involves the use of explosives or combustibles, or other equipment which has the possibility of impacting property or requires police or fire services or where a separate permit is required by the Town or another public agency without first applying for and receiving a permit to do so from the Director of Community Development or his/her designee.

(B) **INTERPRETATIONS:** The Community Development Director and/or his/her designee shall determine the classification or type of filming taking place, pursuant to this chapter. The Director may at his/her discretion determine the applicability of this chapter to filming activity, and may waive the requirement for obtaining a filming permit based upon the filming activity and the lack of impact upon the subject and surrounding properties and upon public property. Where the Director waives the permit process, the waiver shall be given in letter form.

(C) SUBMITTAL:

(1) An application for a film permit shall be filed with the Community Development Department. The following information shall be included in the application:

- (a) The name, address and telephone number of the applicant or duly authorized representative.
- (b) The name of the owner, address or assessors parcel number of the site at which the activity is to be conducted.

(c) The type of production.

(d) The date (s), time (s), brief description of filming activity, and exact location including preparation and clean up where the activity is to take place.

(e) The number of individuals in cast and crew.

(f) A description of types and number of vehicles to be utilized.

(g) If an applicant intends to use either wild animals, chemicals, explosives, or fire, or intends to engage in any other hazardous activity.

(2) The charge for the permit shall be that set from time to time by resolution of the Town Council. In addition, the applicant shall reimburse the Town for the actual cost of providing any necessary personnel, including but not limited to, police and fire personnel to the applicant for the purpose of assisting the production.

(D) PROCESSING:

(1) The processing of a complete Film Permit application will generally vary from one (1) to five (5) working days, depending on the complexity. If such activities interferes with traffic or involves potential public safety hazards, an application may take up to five working days.

(2) Each application for a Film Permit shall be analyzed at staff level to assure that the application is consistent with this Chapter and any other applicable Town standards or policies. If such activities interferes with traffic or involves potential public safety hazards the application shall be forwarded to the appropriate agencies for comment.

(3) At the completion of the Planning Section's review, a permit shall be issued including a listing of conditions necessary to assure the preservation of public health, safety and welfare.

(E) RULES AND REGULATIONS:

(1) Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.

(2) Conditions of Approvals: The conditions of approval will be based upon the following criteria:

(a) The health, safety, and welfare of all persons;

(b) Avoidance of undue disruption of all persons within the affected area;

- (c) The safety of property within the Town;
- (d) Traffic congestion at particular locations within the Town; and
- (e) Compliance with all other applicable agency regulations.

(3) Additional Regulations: From time to time, the Community Development Director may recommend, and the Town Council may adopt by resolution, as deemed necessary, rules and regulations to implement the provisions of this section. Such rules and regulations shall have the force of law and failure to comply shall be considered a violation of the provisions of this section. The rules and regulations to be adopted shall be implemented with the following intent:

(a) Maintain the health and safety of persons and property within the Town:

(b) Avoid undue disruption of persons and traffic within the affected areas of Town.

(F) INSURANCE REQUIREMENTS:

(1) Before any permit is issued the applicant shall provide the Town with evidence of a policy of liability insurance issued by an admitted insurer in the amount of not less than \$1,000,000. The policy shall name the applicant and the Town of Yucca Valley, its officers, agents, and employees, as co-insured for protection against any loss, claims, liability, injury, and damage of any nature arising out of or in any way connected to the filming conducted by the applicant, and the insurance coverage shall be primary and not contributing with any other insurance of the Town. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the Town. A copy of the certificate will remain on file.

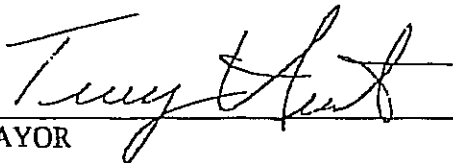
(2) The applicant shall enter into a hold harmless and indemnification agreement provided by the Town prior to the issuance of any permit.

(3) To ensure cleanup and restoration of the site, an applicant may be required to post a deposit at the time the application is submitted. Upon the completion of filming and inspection of the site by the Town, the deposit may be returned to the applicant.”

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

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

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 19th day of March, 1998.

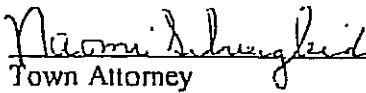

MAYOR

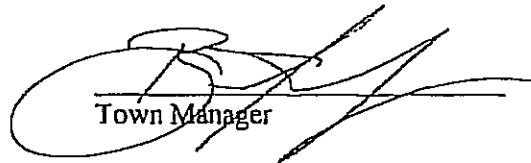
ATTEST:


Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


Town Attorney


Town Manager

F:\COMMONORDINANCE\CA0-197.013
March 5, 1998 TC

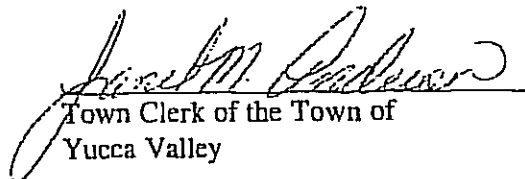
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the Town Council on the 5th day of March, 1998, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 19th day of March, 1998, by the following vote, to wit:

Ayes: Council Members Crouter, Hockett, Leone, Loveless and Mayor Hunt
Noes: None
Absent: None
Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 24th day of March, 1998.

(SEAL)


Town Clerk of the Town of
Yucca Valley

TOWN OF YUCCA VALLEY COMMUNITY DEVELOPMENT DEPARTMENT NATIVE PLANT PERMIT APPLICATION INFORMATION OUTLINE

This outline provides you with information on how to apply for a native plant permit. We hope that the information will be beneficial in instructing you on what information is required and what steps must be taken to review your application. The more thorough and complete the application submitted to the Town, the better we are able to serve you and help you achieve your goals.

Included is the **NATIVE PLANT APPLICATION**. Should you have any questions, please contact the Community Development/Public Works Department at (760) 369-6575. The Community Development/Public Works Department is located at 58928 Business Center Dr. off of Indio and Yucca Trail, north of the Monterey Business Center.

DESCRIPTION

A Native Plant Permit (NPP) is required any time that a native plant is to be trimmed, relocated or removed. Protected native plants are: **Yuccas, Joshua Trees, California Juniper, Pinon Pine, Manzanita, Desert Willow, Palo Verde, Cresote** (greater than 10' in diameter), and **Mesquites** (2" or larger in diameter or 6' in height).

Findings for Removal

Unless exempt, the removal of protected native plants shall be based on the one or more of the following findings:

- The location of the plant or its drip line interferes with an allowed structure, sewage disposal area, paved area or other approved improvements;
- The location of the plant or its drip line interferes with planned street improvements or an approved access;
- Hazardous to pedestrian or vehicular travel or safety;
- The plants interferes with or is causing extensive damage to utility services, facilities, roadways, sidewalks, curbs, gutters, pavement, sewer lines;
- The condition or location of the plant is adjacent to and in such close proximity to an existing or proposed structure that the plant has or will sustain significant damage;
- No other alternative exists for the development of the land when the removal of specimen size Joshua Trees is requested. Specimen size trees are defined as meeting 1 or more of the following criteria:
 1. A circumference measurement equal to or greater than fifty (50) inches measured at 4 feet above grade.
 2. Total tree height of 15' or greater.
 3. Trees possessing a bark-like trunk.

A cluster of 10 or more individual trees, of any size, growing in close proximity to each other.

Process for obtaining a native plant permit:

To remove or trim one tree:

1. Obtain an application from the Community Development Department located at 58928 Business Center Drive.
2. Completely fill out the entire application.
3. On the back of the application is a plot plan. Please clearly indicate the footprint of your home, any accessory structures, property lines and all native plants. Please provide a North arrow and street names. Please provide the measurements of the property lines and the measurements of the native plant from any structures.
4. Provide photographic evidence of all the native plants on the site
5. After you have all the required information gathered please submit the application to the Community Development Department.
6. The Community Development Department has 5 working days to process your application.
7. Once Staff has determined the application to be complete and the request to be consistent with the Native Plant Ordinance then your application with an approval, approval with modifications, or a denial will be mailed to the applicants address.

For removal when building a new residence:

1. Obtain an application from the Community Development Department located at 58928 Business Center Drive.
2. Completely fill out the entire application.
3. On the back of the application is a plot plan. Please clearly indicate the footprint of your home, any accessory structures, property lines and all native plants. Please provide a North arrow and street names. Please provide the measurements of the property lines and the measurements of the native plant from any structures.
4. Indicate on your site plan which plants are to be removed and which plants will be protected in place.
5. Provide photographic evidence of all the native plants on the site.
6. After you have all the required information gathered please submit the application to the Community Development Department.
7. If the application is part of a building permit for new construction the process will take approximately 10 days. The building and native plant applications will be processed at the same time.
8. The area of ground disturbance will need to be staked out before a pre-site can be conducted.
9. Once Staff has determined the application to be complete and the request to be consistent with the Native Plant Ordinance then your application with an approval, approval with modifications, or a denial will be mailed to the applicants address

Date Received _____
 By _____
 Case # _____

**NATIVE PLANT PERMIT
 REQUEST FORM**

(PLEASE ALLOW UP TO FIVE WORKING DAYS)
 (FOR NEW CONSTRUCTION INCLUDE WITH BUILDING PLANS)

PROPERTY OWNER _____ PHONE _____
 MAILING ADDRESS _____
 CONTACT PERSON _____ PHONE _____
 MAILING ADDRESS _____
 LOCATION OF PLANTS (street address) _____

TYPE OF PLANT	# OF PLANTS BEING DESTROYED	# BEING RELOCATED (ON-SITE OR OFF SITE) CIRCLE ONE	# BEING PROTECTED IN PLACE	# BEING TRIMMED	HEIGHT	DIAMETER
YUCCA						
JOSHUA TREE						
CRESOTE						
JUNIPER						
PINON PINE						
MANZANITA						
MESQUITE						
PALO VERDE						
DESERT WILLOW						

PLEASE ATTACH ADDITIONAL SHEETS IF NECESSARY

REASON FOR RELOCATION or REMOVAL _____

PROPERTY OWNER SIGNATURE _____ DATE _____

Staff Use Only:
 Issuance Date: _____ Issued By: _____

Approved as Shown on Plot Plan _____ Denied _____

Reason for Denial _____

Approved with Modifications (As noted on Plot Plan) _____

PLOT PLAN

NAME _____ PHONE _____

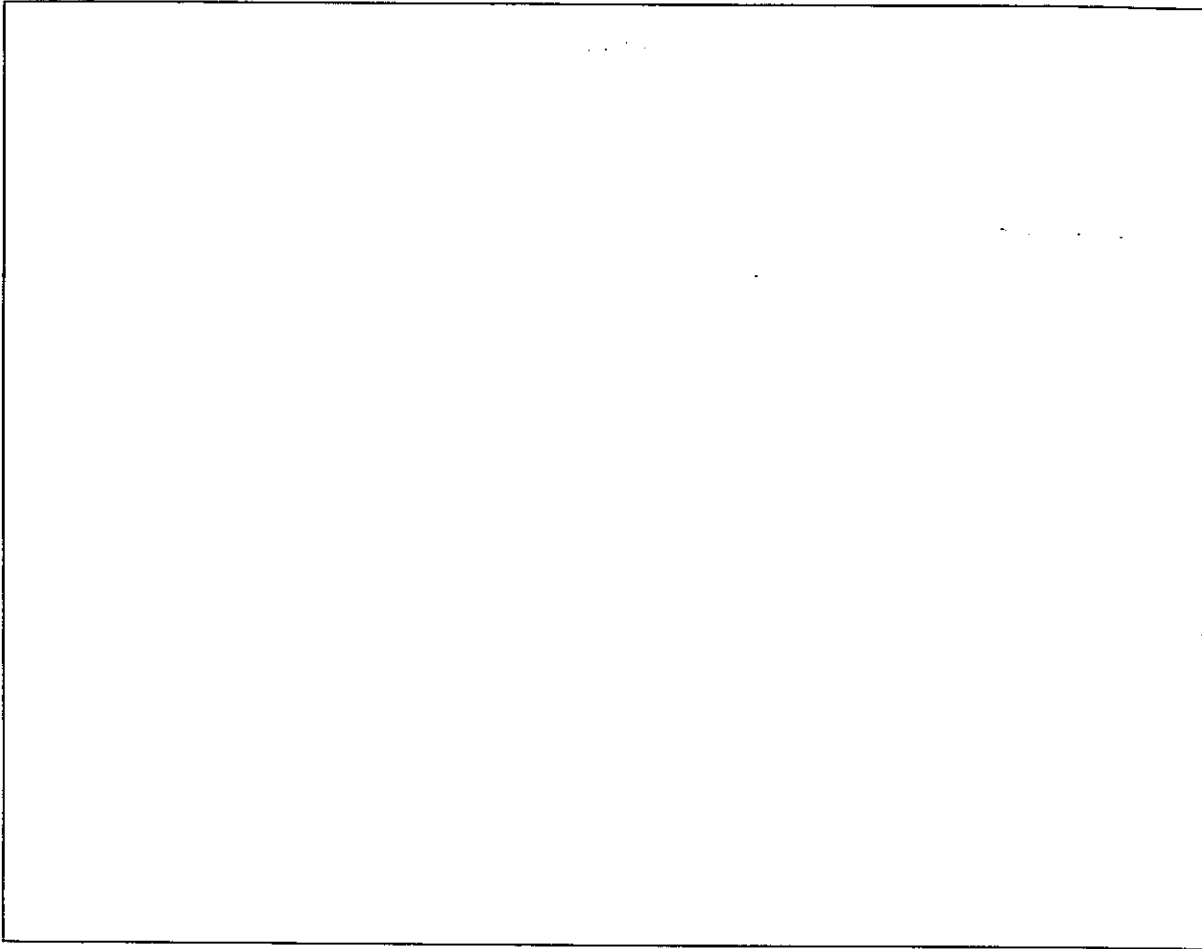
PROJECT ADDRESS _____

TRACT/PARCEL MAP # _____ LOT # _____

ASSESSOR'S PARCEL NO. _____

PROVIDE NORTH ARROW

REAR PROPERTY LINE



FRONT PROPERTY LINE

STREET

IF YOUR LOT IS NOT RECTANGLE, PLEASE DRAW CORRECT DIMENSIONS AND SHAPE

ORDINANCE NO. 140

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 9 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO PLANT PROTECTION AND MANAGEMENT. (DCA-06-01)

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

SECTION 1. Code Amended

Title 8, Division 9 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows

"DIVISION 9. PLANT PROTECTION AND MANAGEMENT

Chapters:

- 1. Desert Native Plant Protection.**
- 2. Riparian Plant Conservation.**
- 3. Enforcement**

Chapter 1

DESERT NATIVE PLANT PROTECTION

Sections:

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

89.0101 Purpose.

The Town finds that it is in the public interest to promote the continued health of this Town's abundant and diverse plant resources, by providing regulations and guidelines for the management of the plant resources in the Town of Yucca Valley on property or combinations of property under private or public ownership for the following purposes:

- (a) To promote and sustain the health, vigor and productivity of plant life and aesthetic values within the Town through appropriate management techniques;

- (b) To conserve the native plant life heritage for the benefit of all, including future generations;
- (c) To protect native trees and plants from indiscriminate removal, and to regulate such activity;
- (d) To provide a uniform standard for appropriate removal of native trees and plants in public and private places and streets to promote conservation of these valuable natural resources;
- (e) To protect and maintain water productivity and quality in local watersheds;
- (f) To preserve habitats for rare, endangered and threatened plants and to conserve limited or otherwise natural communities and habitat..

89.0105 Intent.

It is the stated intent and desire of the Town of Yucca Valley to recognize and preserve native plants unique to Yucca Valley and the special contribution that Joshua Trees and Yuccas have made to the desert environment. In conformance with this recognition, no existing regulated native plant shall be disturbed, moved (transplanted or otherwise), removed or destroyed unless such disturbance, move, removal or destruction is first reviewed and approved by the Town of Yucca Valley. The Community Development Director, or his/her designee, shall be responsible for review and approval of any request to disturb, move (transplant or otherwise), remove or destroy any existing protected native plant located on any property in the Town of Yucca Valley. Forms for such review shall be available within the Planning Section of the Community Development Department.

Further, while it is the intent and desire of the Town to preserve and protect all Joshua Trees and Yuccas, this intent and desire shall be balanced against the community's need for growth and the development rights of individual property owners. To achieve this preservation and protection, while protecting both the property rights of property owners and the community's desert environment, anyone submitting an application to disturb, move, remove or destroy an existing Joshua Tree or Yucca shall use all reasonable means to retain and preserve such Tree(s) in its native (present) location in considering and presenting said Native Plant Permit application.

The Native Plant Permit application shall take into consideration lot configuration, potential property development (building envelope), onsite circulation and all associated and related infrastructure needed to support construction within the buildable envelope.

A person(s) submitting an application for a discretionary review or for any subdivision of land within the Town of Yucca Valley upon which protected native plants are present, shall use all reasonable means available to retain and preserve the plants in its native (present) location in considering and presenting said application or subdivision request with regard to lot location and configuration, potential property development (buildable envelope), circulation system and all associated and related infrastructure.

89.0107 Regulated Desert Native Plants.

- (a) The following desert native plants are subject to the regulations specified by this Division. In all cases the botanical names shall govern the interpretation of this chapter. The

following desert native plants, or any part thereof except the fruit, shall not be removed except under a permit issued by the Community Development Director

- (1) All species of the genus *Prosopis* (mesquites) with stems two (2) inches or greater in diameter or six (6) feet or greater in height.
- (2) All species of yuccas. Those commonly found in Yucca Valley:
 - (A) Mohave Yucca (*Yucca schidigera*)
 - (B) Our Lord's Candle (*Yucca whipplei*)
- (3) Creosote Rings, ten (10) feet or greater in diameter.
- (4) All Joshua Trees.
- (5) California juniper (*Juniperus californica*)
- (6) Desert Willow (*Chilopsis linearis*)
- (7) Pinon Pine (*Pinus monophylla*)
- (8) Palo Verde (*Cercidium*)
- (9) Manzanita (*Arctostaphylos*)
- (10) All plants protected or regulated by the California Desert Native Plants Act (i.e., California Food and Agricultural Code 80001 et. seq.) shall be required to comply with the provisions of those statutes prior to the issuance of any Town development permit or land use application approval. The Community Development Director is responsible for the issuance of the required permit.

89.0110 Scope.

- (a) The provisions of this Division shall apply to all private land within the Town of Yucca Valley and to public lands owned by the Town except as specified by the provisions of this Division.
- (b) **Exceptions:**
 - (1) Removal from lands owned by the United States Government, State of California or local governmental entity, excluding Special Districts.
 - (2) Removal required by other codes, ordinances or laws of Town of Yucca Valley, County of San Bernardino, the State of California or the United States.
 - (3) Removal of native trees and plants which are an immediate threat to the public health, safety or welfare and require emergency removal to prevent probable damage to a structure or injury to people or fenced animals.
 - (4) Removal as part of a bona fide agricultural activity as determined by the Town that is:
 - (A) Conducted under a land conservation contract; and or
 - (B) An existing agricultural activity; and or
 - (C) A proposed bona fide agricultural activity if the Community Development Director or their designee is given thirty (30) days written notice of the removal describing the location of the land and the nature of the proposed activity. The Community Development Director or designee, shall notify the landowner in writing prior to the lapse of the thirty (30) day period if, in the opinion of the Community Development Director or designee the activity is not a bona fide agricultural activity or else the activity shall be deemed bona fide.

A bona fide agricultural activity is one that is served by a water distribution system adequate for the proper operation of such activity.

89.0115 Permit Required.

A removal permit shall be required for the removal of any native tree or plant as regulated in Section 89.0107.

- (a) Disturbing, moving (transplanting or otherwise), removal or destruction of an existing Regulated Desert Native Plant shall be subject to the provision of this Chapter.
- (b) A land use application, a building permit and all other development permits (e.g., grading, mobilehome setdowns, etc.), shall consider and include a review of any proposed native tree or plant removal.
- (c) The reviewing authority may require certification from an appropriate tree expert or desert native plant expert that such tree removals are appropriate, supportive of a healthy environment and are in compliance with the provisions of this Chapter.
- (d) The Building Official or Community Development Director shall require a preconstruction inspection prior to approval of development permits.
- (e) The Reviewing Authority shall specify the expiration date for all other tree and/or plant removal permits.

89.0120 Findings for Removal.

The Reviewing Authority shall authorize the removal of a native tree or plant subject to provisions of this chapter only if the following findings are made:

- (a) The removal of the native tree or plant does not have a significant adverse impact on any proposed mitigation measures, soil retention, soil erosion and sediment control measures, scenic routes, flood and surface runoff and wildlife habitats.
- (b) The removal of the native tree or plant is justified for one (1) of the following reasons:
 - (1) The location of the native tree or plant and/or its dripline interferes with an allowed structure, sewage disposal area, paved area or other approved improvement or ground disturbing activity.
 - (2) The location of the native tree or plant and/ or its dripline interferes with the planned improvement of a street or development of an approved access to the subject or adjoining private property.
 - (3) The location of the native tree or plant is hazardous to pedestrian or vehicular travel or safety as determined by the Town Engineer.
 - (4) The native tree or plant or its presence interferes with or is causing extensive damage to utility services or facilities, roadways, sidewalks, curbs, gutters, pavement, sewer line(s), drainage or flood control improvements, foundations, existing structures or municipal improvements.

- (5) The condition or location of the native plant or tree is adjacent to and in such close proximity to an existing structure that the native plant or tree has or will sustain significant damage.
- (6) The location of the native plant or tree is located in and within 20 feet of the building footprint and within the proposed driveway.

89.0125 Plot Plan Requirements. Prior to the issuance of a native tree or plant removal permit a plot plan shall be approved by the Community Development Department for each site indicating exactly which trees or plants are authorized to be removed or relocated.

89.0130 Construction Standards. During construction and prior to final inspection under a development permit, the following standards shall apply unless otherwise approved in writing by a Desert Native Plant Expert¹:

- (a) Native tree trunks and plants shall not be enclosed within roof lines or decking.
- (b) Utilities, construction signs, or other hardware shall not be attached so as to penetrate or abrade any live native tree or plant.
- (c) Grade Alterations. There shall be no grade alterations which buries any portion of a native tree or plant or significantly undercuts the root system within the dripline.
- (d) "Trap Fencing" shall be utilized to prevent compaction damage to the root zone; installed a minimum of twenty-five (25) percent beyond the dripline.

89.0131 Transplanting of Desert Native Plants.

- (a) The commercial harvesting of desert native plants shall be prohibited. The Community Development Department shall be responsible for the issuance of the Native Plant Permit required by the State or Town for the transplanting of desert plants.
 - (1) Written permission must be obtained from and signed by the owner of the property on which the plants are located. A copy of the document granting such permission shall be submitted to the Community Development Director prior to issuance of the permit.
 - (2) Transplanting approved by the Town of Yucca Valley must be initiated and completed under the supervision of a Desert Native Plant Expert. Approval of such transplant must take into consideration the time of year, the plant's original and transplanted physical orientation, prevailing wind direction, soil type of the original and transplanted locations, and other related attributes which may affect the successful transplantation of the Joshua Tree(s) and Yuccas in question as determined by the Town and the retained Desert Native Plant Expert.

¹ A Desert native Plant Expert is one of the following:

- a. State of California Agricultural Biologist, or
- b. State of California Registered Forester, or
- c. I.S.A Certified Arborist, or
- d. County Certified Plant Expert, or
- e. Others approved by the Community Development Director.

Joshua Trees and Yuccas that are proposed to be removed shall be transplanted or stockpiled for future transplanting wherever possible. In the instance of stockpiling and/or transplanting the permittee has submitted and has had the approval of a Joshua Tree and Yucca maintenance plan prepared by a Desert Native Plant Expert. This plan shall include a schedule for maintenance and a statement by the Desert Native Plant Expert that this maintenance plan and schedule will be implemented under his/her supervision. The schedule shall include the requirement that a maintenance report is required at the end of the project or at six (6) month intervals, evidence to the satisfaction of the Planning Section that the Desert Native Plant Expert has supervised the scheduled maintenance to the extent that all transplanted and stockpiled plants have been maintained in such a manner to insure the highest practicable survival rate. In the event that this report is not satisfactory, a tree and plant replacement plan and implementation schedule prepared by a Desert Native Plant Expert may be required by the Planning Section of the Community Development Department.

89.0132 Findings for the Transplanting of Desert Native Plants.

The Town shall only authorize the transplanting of protected desert native plants subject to the provisions of this Chapter only if one (1) or more of the following findings are made:

- (a) The desert native plants are to be transplanted in a manner approved by the Community Development Director or other reviewing authority.
- (b) The desert native plant is to be transplanted to another property within the same plant habitat under the supervision of a Desert Native Plant Expert and the removal of such plant will not adversely affect the desert environment on the subject site.
- (c) Any desert native plant on the site which is determined by the Community Development Director or other reviewing authority as requiring transplanting will be transplanted or stockpiled for transplanting in accordance with methods approved by the Community Development Director. A Desert Native Plant Expert shall supervise and manage any required transplanting of desert native plants.

89.0133 Retention of Joshua Trees and Yuccas.

- (a) It is acknowledged that community development may be more appropriately served if some existing Joshua Trees and Yuccas are allowed to be relocated. The following shall be the minimum criteria for the preservation of Joshua Trees and Yuccas in its native (present) location. While Joshua Trees and Yuccas that do not conform to the following criteria must be preserved, they may be transplanted to another location on the same property or may be made available for adoption through the Town's Joshua Tree Preservation and Adoption Program. A Joshua Tree(s) that conforms to the following shall be preserved in place unless its removal, transplantation or destruction is approved as prescribed within this Section of the ordinance.
- (b) For any Joshua Tree(s) that conform to the criteria listed below, for which the property owner/applicant has made a request for a Building Permit, application for a discretionary review or application for a subdivision of land within the Town of Yucca Valley, said owner/applicant shall submit, as part of the application for approval, documentation of

their best efforts to retain and preserve all Joshua Tree(s) within the limits of the development or subdivision in its native (present) location. Such documentation of best effort shall include how alternative lot configurations (including building envelopes on lots with existing Tree(s), circulation, physical or environmental constraints of the site, allow no alternative subdivision configuration which would retain and preserve the Tree(s) in its native (present) location.

- (1) A Joshua Tree that is known, by historic record, including pictures or written description, to be at least forty (40) years old.
- (2) A Joshua Tree which has a width of at least fifteen (15) feet as measured from the furthest point of outstretched branches (measured parallel to the ground).
- (3) A Joshua Tree which is at least fifteen (15) feet in height as measured from the base of the trunk to the highest point of the Tree.
- (4) A Joshua Tree which has a trunk measuring at least twelve (12) inches in diameter as measured four (4) feet from the ground.

- (c) **Adoption Program.** In the Town's effort to retain and preserve, in place, existing Joshua Trees and Yuccas, the Planning Section of the Town of Yucca Valley shall establish and maintain a Joshua Tree and Yucca Preservation and Adoption Program. This Program shall be a listing, available to the public, of locations where individuals have applied to disturb, move (transplant or otherwise), remove or destroy an existing Joshua Tree(s). The Program shall include the name of the property owner, the address of the property containing the Joshua Tree(s) and Yuccas, a mailing address for the property owner, a daytime contact phone number, the number of Trees disturbed, moved, removed or destroyed, and the approximate size, physical characteristics and physical condition of the available Tree(s) as of the date the Tree(s) was listed on the program. The Program shall also list a date that each individual Tree was disturbed, moved, removed or destroyed.

No Joshua Tree(s) or Yucca shall be approved for transplantation more than once in any ten (10) year period. Although no Joshua Tree(s) may be approved for transplantation more than once in any ten (10) year period, the Planning Commission may, at the time of a discretionary review, approve an interim location, for up to one (1) year for storing Joshua Tree(s) and Yucca(s) to allow for a phased development of a project or property.

The Program shall also include, reviewed and updated annually, a list of the names, mailing addresses and daytime contact phone number of individuals who have expressed a desire to receive transplantable Joshua Tree(s) or Yucca(s).

- (d) **Definition of Disturbance.** A protected native plant shall be determined to be disturbed by any human activity that changes the environmental setting of or around an existing native plant to the extent that the amount of sun or water the plant traditionally receives, the direction or amount of wind against and around the plant, introduces, directly or indirectly, substances which may be harmful or unhealthy for the Tree, interferes with the plant's potential for growth and reproduction or causes direct physical contact/damage to the plant

- (e) **Deviation.** In the event that the documentation of the best effort to preserve an existing specimen size Yucca(s) or Joshua Tree(s) in its native (present) location within a proposed commercial or industrial project demonstrates that the plants cannot be retained and preserved in place unless a required development standard applicable to the underlying zoning designation is modified or reduced, the Planning Commission may allow for minor deviations to a development standard specifically to allow the retention of specimen Joshua Tree and Yuccas in its native (present) location:

Chapter 2

RIPARIAN PLANT CONSERVATION

Sections:

89.0201 Purpose.

89.0205 Scope.

89.0210 Subject Areas and Plants

89.0201 Purpose. The Town finds that it is in the public interest to promote healthy and abundant riparian habitats. Riparian habitats are located along the sides of canyon bottoms, streams and rivers, providing watershed protection as well as control transmission and storage of natural water supplies. Riparian areas provide a unique wildlife habitat and contribute to an attractive environment. Riparian areas also provide natural soil erosion and sedimentation control protecting stream banks subject to erosion and undercutting. In addition riparian areas provide sufficient shade to reduce temperature and evaporation and the growth of algae in streams. The provisions of this Chapter are designed to augment and coordinate with the responsibilities of the California Department of Fish and Game.

89.0205 Scope

(a) The provisions of this Chapter shall apply to all riparian areas growing on private land within the Town of Yucca Valley and to riparian areas growing on public land owned by the County of San Bernardino, Town of Yucca Valley, or State of California, except as specified by Chapter 1.

(b) **EXCEPTIONS.**

The provisions of this Chapter are not applicable to emergency Flood Control District operations.

89.0210 Subject Areas and Plants

Except as otherwise provided or excepted by the provisions of this Chapter, the removal of any vegetation within two hundred (200)-feet of the bank of a stream indicated as a blue line on United States Geological Survey Quadrangle topographic maps or in an area indicated as a protected riparian area on an overlay map or Specific Plan, shall be subject to a native plant permit in accordance with the procedures detailed by Chapter 1 of this Division for each respective regional area and shall be subject to environmental review. Any necessary conditions of approval for removal of riparian vegetation may be imposed in addition to and in combination with any conditions imposed pursuant to this Division.

Chapter 3

ENFORCEMENT

Sections:

- 89.0340 Enforcement.
- 89.0345 Penalties

89.0340 Enforcement.

- (a) The provisions of this Division shall be enforced by any authorized member of the Building and Safety, Code Compliance, or Planning Sections of the Community Development Department
- (b) **Extension of Time.** If any of the land governed by this Division shall be subject to snow, flooding, or other condition which shall render compliance with the provisions of this Division within the specified time periods impractical because of inaccessibility, an enforcement officer may extend the period of time for compliance.
- (c) A peace officer or any authorized enforcement officer may, in the enforcement of this chapter, make arrests without warrant for a violation of this Chapter, which he or she may witness, and may confiscate regulated native trees or plants, or parts thereof which are unlawfully harvested, possessed, sold, or otherwise obtained in violation of this Chapter. Also any designated enforcement officer is hereby authorized and directed to enter in or upon any premises or other place, train, vehicle, or other means of transportation within the Town of Yucca Valley which is suspected of containing or having present therein or thereon native plants in violation of this Division in order to examine permits and to otherwise enforce the provisions of this Chapter.
- (d) When any power or authority is given by any provision of this Chapter to any person, it may be exercised by any deputy, inspector, or agent duly authorized by that person. Any person in whom the enforcement of any provision of this Chapter is vested has the power of a peace officer as to that enforcement, which shall include state or federal agencies with which cooperative agreements have been made by the Town to enforce the provisions of this Chapter.
- (d) No person shall remove or damage all or part of any native tree or plant on another property without first obtaining notarized written permission from the landowner and any required Town permit. Also it is unlawful for any person to falsify any document offered as evidence of permission to enter upon the property of another to harvest all or parts of a native tree or plant, whether it be alive or dead.
- (f) No person, except as provided in this Chapter, shall destroy, dig up or mutilate or have in his or her possession any regulated native plant or tree, or the living or dead parts of such unless the plant or tree was disturbed under a valid Town permit. Any such person shall exhibit the permit, upon request for inspection by any duly authorized Town Code Compliance Officer or any peace officer.

- (g) No person, except as provided in this Chapter, shall commence with a disturbance of land (e.g., grading or land clearing) without first obtaining approval to assure that said disturbance will not result in the removal or harm of any regulated native trees or plants. Said approval may be in the form of a development permit, or a tree removal permit issued by the appropriate authority.

89.0345 Penalties. Penalties shall include the following and any other penalties specified by individual Chapters of this Division.

- (a) **ILLEGAL REMOVED NATIVE TREE OR DESERT NATIVE PLANT FINE.** In addition to other penalties and fees imposed by this Code or other law, any person, firm, or corporation convicted of a violation of the provisions of this Division shall be guilty of a misdemeanor upon conviction. Where one (1) or more plants or trees are removed in violation of the provisions of this Division, the removal of each separate plant or tree shall be a new and separate offense. The penalty for such offense shall be a fine of not less than five hundred dollars (\$500) nor more than one thousand (\$1,000) or six months in jail or both. Payment of any penalty herein provided shall relieve a person, firm or corporation from the responsibility of correcting the conditions resulting from the violation.

- (b) **ILLEGALLY REMOVED NATIVE TREE OR DESERT NATIVE PLANT REPLACEMENT REQUIREMENT.**

- (1) In addition to other penalties imposed by this Code or other law, any person, firm, or corporation convicted of violating the provisions of this Division regarding improper removal of regulated native trees and plants shall be required to retain as appropriate, a tree or Desert Native Plant expert to develop and implement a replacement program. Such expert shall determine the appropriate number, size, species, location and planting conditions for replacement plants or trees in sufficient quantities to revegetate the illegally disturbed area.

If it is inappropriate to revegetate the illegally disturbed area, another appropriate location (e.g. public parks) may be substituted at the direction of the court.

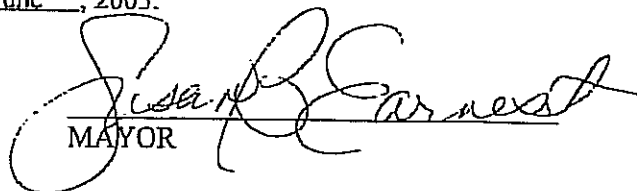
- (2) The violator shall post a bond in an amount sufficient to remove and reinstall plant/tree materials that were planted as a part of such a replacement program and failed within two (2) years.

- (c) **REVOCATION OF PERMITS.** Upon conviction of a violation of this Division, all native trees and desert native plant removal permits issued to the person, firm, or corporation convicted shall be revoked and no new or additional removal permits shall be issued to the permittee for a period of one (1) year from the date of conviction, and the permittee shall be required to surrender any permits to the Community Development Director.”


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

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

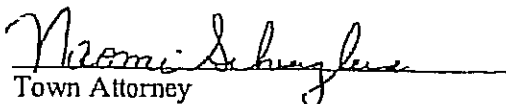
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 5th day of June, 2003.


MAYOR

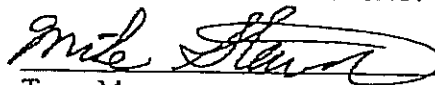
ATTEST:


Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

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STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 140 as duly and regularly introduced at a meeting of the Town Council on the 15th day of May, 2003, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 5th day of June, 2003, by the following vote, to wit:

Ayes: Council Members Cook, Leone, Mayes, Neeb and Mayor Earnest

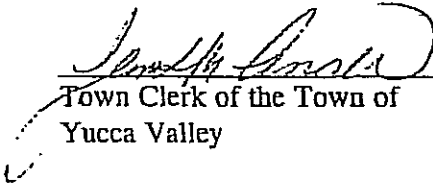
Noes: None

Absent: None

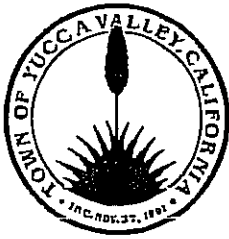
Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 9th day of June, 2003.

(SEAL)



Town Clerk of the Town of
Yucca Valley



Date Received _____
By _____
Fee _____
Case # _____

SIGN PERMIT

Business Name _____

Address _____

Applicant _____ Phone _____

Address _____ City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address _____ City _____ State _____ Zip _____

Contractor _____ Phone _____

Contractor's State License # _____

Assessor Parcel Number(s) _____ Existing Land Use _____

Is there more than one business on the property? _____

Total building frontage in feet of subject business _____ Total street frontage of property: _____

Measurement of proposed sign(s) _____

Square footage of all existing signage to remain _____

Colors by paint manufacturer and ID Number _____

Sign material _____

Lighting _____

Applicants Signature _____ Date _____

Property Owners Signature _____ Date _____

This application does not constitute application for a building permit. A separate building permit application must be submitted to the Building Division.

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

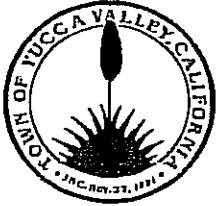
Attach an Accurate Sketch, Drawn to Scale, of

1. Sign Location on Plot Plan
2. Elevation of Building Showing Sign Placement Thereof
3. Elevation of Sign (Sketched to Scale and Colored to Indicate Finished Look)
4. One Perspective, from Ground Level, at a Point 100 Feet in All Directions from the Project Site

Submittal Requirements

- A. **Plot Plan**
 - Scaled drawings.
 - Location of signs with setback dimensions from property line and right-of-way (s).
 - Dimensions of signs (height, length, width and total square feet).
 - Building location in relation to adjacent streets; dimension, building, frontage.

- B. **Elevation**
 - Building with signs in perspective from ground level.
 - Color rendition to show finished look.



Date Received	_____
By	_____
Fee	_____
Case #	_____

TEMPORARY SIGN PERMIT

(Print Legibly)

BANNERS, FLAGS, PENNANTS or A-FRAME to be displayed on private property at:

Business Name _____

Business Address _____

Applicant _____ Phone _____

Mailing Address _____

City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address _____

City _____ State _____ Zip _____

Assessor Parcel Number(s) _____

Existing Land Use _____

Type of Temporary Sign: _____

Display to be placed on the above property on the following dates:

From: _____ To: _____

Said display shall be removed entirely on or before the last date specified above.

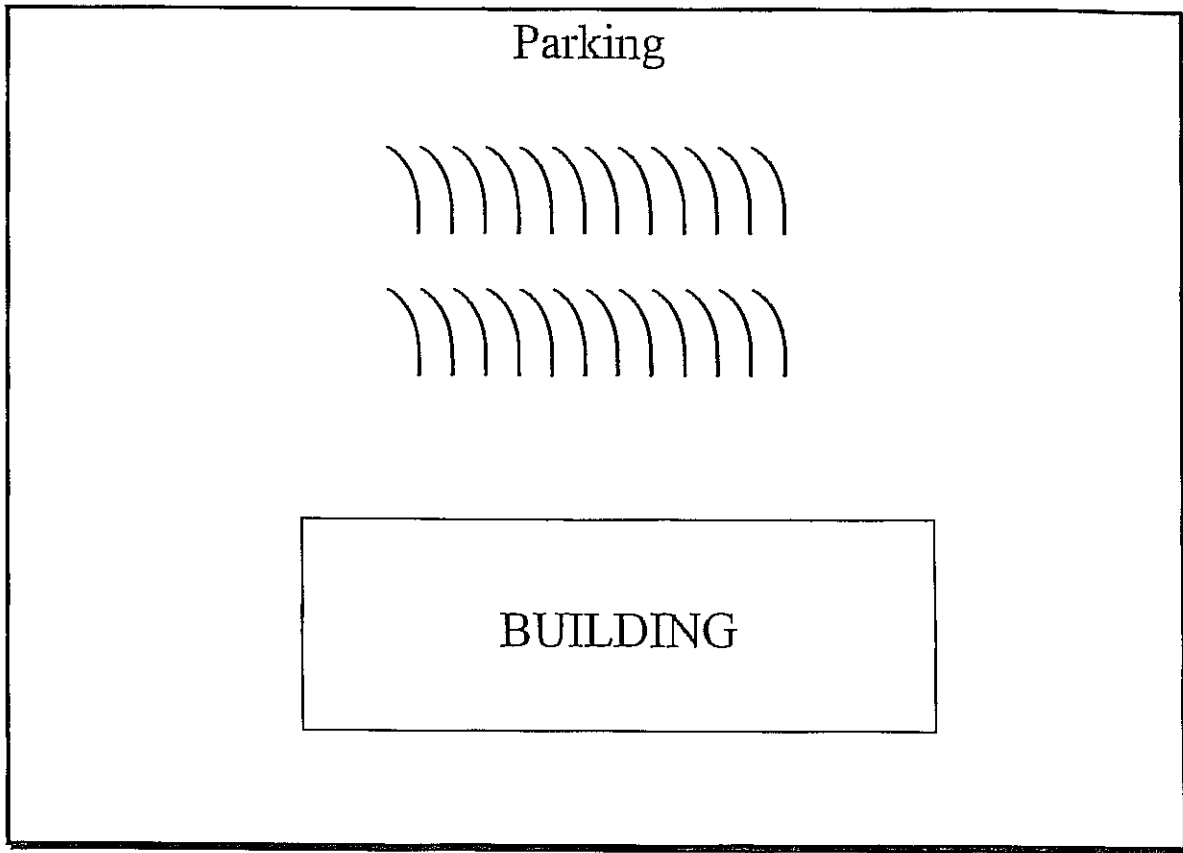
Applicant's Signature _____ Date _____

Property Owner Signature _____ Date _____

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

Please provide a description of the proposed special sign that includes size, number, location and color:

Please indicate on the diagram below where the sign will be placed on your property:



STREET FRONTAGE

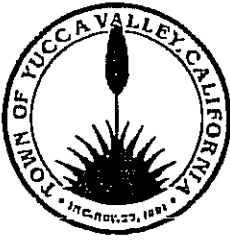
TOWN OF YUCCA VALLEY POLITICAL SIGN PERMIT APPLICATION

A political sign is defined as any sign that indicates any one or a combination of the following:

1. The name and/or picture of an individual seeking election or appointment to a public office; or
2. Relates to a forthcoming public election or referendum.

The ordinance makes several general provisions with which each candidate must comply:

1. A permit is required prior to the placement of political advertising signs in the Town of Yucca Valley.
2. A map must accompany the application showing the number of signs and locations where all signs are to be placed in the Town of Yucca Valley. Lots containing a residential structure shall be limited to one sign per candidate or issue. Signs posted on vacant lots must have property owner's consent.
3. Signs shall not be displayed more than forty-five (45) days prior to an election, and shall be removed within fifteen (15) days after the same election.
4. Maximum area of a political sign, not to include legal billboards, shall be eight (8) square feet in residential areas and thirty-two (32) square feet in all other areas.
5. Temporary political signs shall not be erected within any street intersection, clear sight triangle or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
6. Political signs shall not be nailed or affixed to any tree, fence post, or public utility pole and shall not be located in the public right-of-way, parkway or on publicly owned land.
7. Political signs which have adhesive backing shall not be affixed directly to any structure. Such a sign with adhesive backing shall first be affixed to a temporary backing of wood, paper or plastic for support which can be easily removed from its posted location.



Date Received	_____
By	_____
Fee	_____
Case #	_____

POLITICAL SIGN PERMIT

Candidate _____ Phone _____

Candidacy For _____

Address _____ City _____ State _____ Zip _____

Contact Person/Representative _____ Phone _____

Address _____ City _____ State _____ Zip _____

Election Date: _____

Dates signs will be displayed: From: _____ To: _____

Location(s) where signs will be displayed (approximate):

Include a map showing the location of the signs.

Permit expires fifteen (15) days after election date.

I hereby affirm that I understand the regulations of the Town of Yucca Valley relating to the posting of political signs. I further understand that all signs which do not conform to the applicable regulations are subject to removal without notification by the Town and the assessment of appropriate fines.

Applicant's signature _____ Date _____

For Department Use Only

Map Submitted _____ Date Approved _____ Approved by: _____

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

ORDINANCE NO. 156

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 7, CHAPTER 7 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY RELATING TO SIGN REGULATIONS (DCA-03-03)

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

SECTION 1. MUNICIPAL CODE AMENDED.

Title 8, Division 7, Chapter 7 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is further amended to read in its entirety as follows:

**"Chapter 7
Sign Regulations**

Sections	87.0710	Purpose and Intent
	87.0720	Definitions
	87.0730	Applicability
	87.0740	Administration
	87.0750	Sign Permits Required
	87.0760	Design Merit Sign Permit
	87.0770	Landmark Sign Permit
	87.0780	Prohibited Signs
	87.0790	Exempt Signs
	87.07100	Sign Program
	87.07110	General Design Standards
	87.07120	Signs in Residential, Open Space, & Public/Quasi Public Districts
	87.07122	Signs in Commercial Districts
	87.07124	Signs in Industrial Districts
	87.07128	Signs in Specific Plan Overlay
	87.07130	Temporary Signs
	87.07140	Off-Site Signs and Billboards
	87.07145	Off-Site Signs on Public Property
	87.07146	Public Facility Directional Signs
	87.07147	Wall Murals
	87.07150	Abandoned Signs
	87.07160	Construction and Maintenance
	87.07170	Nonconforming Signs
	87.07190	Enforcement

Section 87.0710 PURPOSE AND INTENT

The purpose and intent of this Chapter is to protect the general public health, safety, welfare, viewsheds and other aesthetic values of the community by ensuring that signage is clear, consistent and compatible with surrounding neighborhoods and the rural desert character of the Town; assure the implementation of community design standards consistent with the General Plan; promote the community's appearance by regulating the design, character, location, type, quality of materials, scale, color, illumination, and maintenance of signs; place limits on the use of signs which provide direction and aid orientation for businesses and activities; promote signs that identify uses and premises without confusion; reduce possible traffic and safety hazards through good signage. It is the further intent of this Chapter to establish flexibility based upon individual circumstances which includes building location in relation to adjacent structures, public rights-of-way, compatibility with surrounding development and visibility of the business location to the general public.

Section 87.0720 DEFINITIONS

Abandoned Sign. Any sign and supporting structures located on a property or premises which is vacant and unoccupied for a period of ninety (90) days or more which no longer advertises or identifies an ongoing business, product, or service available on the business premises where the display is located, or a sign which is damaged, in disrepair, or vandalized and not repaired within ninety (90) days of the date of the damaging event.

Advertising Statuary: A statue or other three dimensional structure in the form of an object that identifies, advertises, or otherwise directs attention to a product or business.

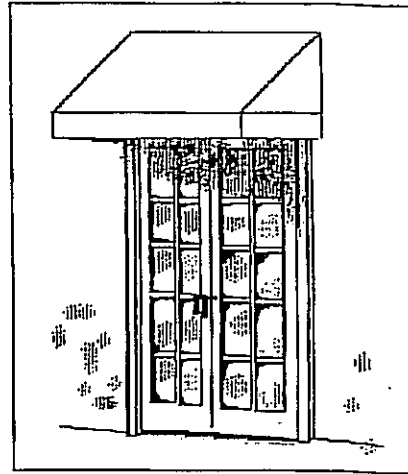
Address Sign. The numeric reference of a structure or use to a street, included as part of a wall or monument sign.

A-Frame Sign. A free standing sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A".

Anchor Tenant. A shopping center key tenant, usually the largest or one of the largest tenants located within the shopping center, which serves to attract customers to the center through its size, product line, name, and reputation. The term anchor tenant is interchangeable with the term major tenant.

Animated or Moving Sign. Any permanently constructed monument, freestanding, or wall sign which uses movement, lighting, or special materials to depict action or create a special effect or scene.

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



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

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

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

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

Building Wall: The individual sides of a building.

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

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

Canopy Sign. Refer to definition of a Shingle Sign

Center: A center contains businesses and buildings designed as an integrated and interrelated development sharing such elements as architecture, access, and parking. Such design is independent of the number of structures, lots or parcels making up the center.

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



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

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

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

Commercial Complex. A group of three (3) or more commercial uses on a single parcel or contiguous parcels which function as a common commercial area including those which utilize common off-street parking or access.

Commercial Sign. A sign that identifies, advertises or otherwise attracts attention to a product or business.

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

Directional Sign. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "exit".

Directory Sign. A sign for listing the tenants or occupants and their suite numbers of a building or center.

Double-faced Sign. A single structure designed with the intent of providing copy on both sides.

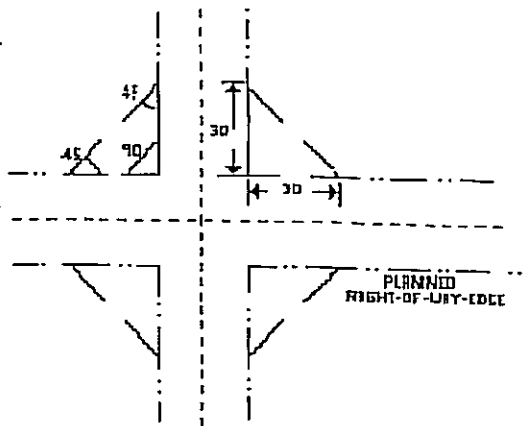
Eaveline. The bottom of the roof eave or parapet.

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

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

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

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



signs.

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

Grand Opening. A promotional activity used by newly established businesses, within 2 months after occupancy, to inform the public of their location and service available to the community. Grand Opening does not mean an annual or occasional promotion of retail sales or activity by a business.

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

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

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

Illuminated Sign. A sign with an artificial light source for the purpose of lighting the sign.

Institutional Sign. A sign identifying the premises of a church, school, hospital rest home, or similar institutional facility.

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

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

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

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

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

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

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

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

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

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

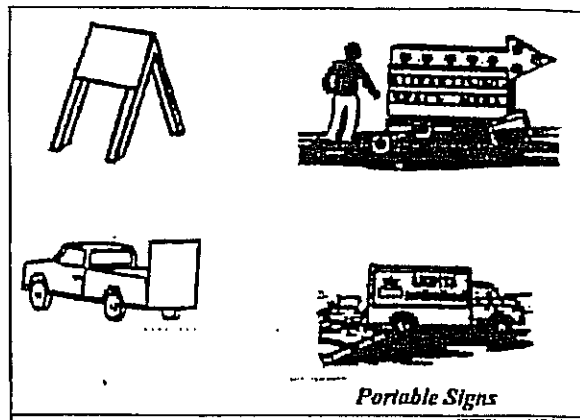
Pole/ Pylon Sign: A two-sided sign with an overall height as allowed by Code and having one or more supports permanently attached directly into or upon the ground with the lower edge of the sign face to be at least seven (7) feet above grade or four (4) feet above grade if the sign is located within a street landscape setback.

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

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

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

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



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

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

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

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

Sign Area. The entire face of a sign, including any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building shall be

measured by the area enclosed by straight lines not to exceed ten (10) sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures.

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

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

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

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

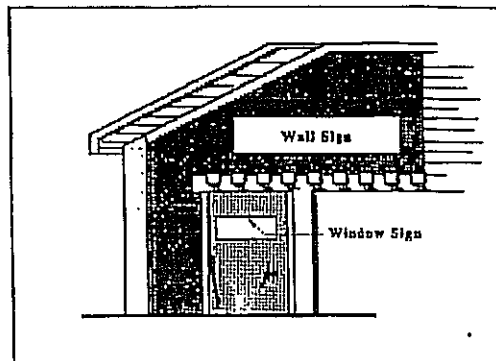
Trademark. A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

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

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

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

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



Section 87.0730 APPLICABILITY.

This Chapter shall apply to all signage proposed within the community. No signs shall be erected or maintained in any land use district established, except those signs specifically enumerated in this Chapter. The number and area of signs as outlined in this Chapter are intended to be maximum standards. In addition to the standards set forth herein, consideration shall be given to a sign's relationship to the need that it serves, and the overall appearance of the subject property as well as the surrounding community. Compatible design, simplicity, and sign effectiveness are to be used in establishing guidelines for sign approval, but shall not limit maximum standards for signs.

Section 87.0740 ADMINISTRATION

a. **Administration**

The Director of the Community Development Department is authorized by the Town Council to administer and enforce the provisions of this Chapter, unless otherwise provided in this Chapter. The Director may designate a representative to act in his/her place.

b. **Application and Fees.**

1. Applications for sign permits shall be made on forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms.
2. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
3. Political Signs are exempt from payment of fees.
4. Any fees shall be doubled for signs that are erected or placed prior to issuance of a sign permit or any required building and electrical permits.

c. **Interpretation**

1. This Chapter shall be interpreted in a manner which best fulfills the intent of its provisions.
2. Questions arising from the application of the Chapter shall be interpreted by the Director. If any inconsistency still exists in the interpretation, an appeal application shall be referred to the Planning Commission for their determination.

d. **Appeals**

1. Any decision or determination of the Director may be appealed within ten (10) days to the Planning Commission. Appeals shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town of Yucca Valley fee schedule.
2. Any decision of the Planning Commission may be appealed to the Town Council in accordance with the Appeal provisions provided by the Development Code.

Section 87.0750 SIGN PERMIT REQUIRED

- a. No exterior sign shall be erected, placed, displayed, or dimensionally altered, without registration and the prior issuance of a Sign Permit by the Planning Division, unless exempted by *Section 87.0790 Exempt Signs*. Temporary Sign Permits are required for those designated under *Section 87.07130 Temporary Signs*. Sign Permits are not required for change of sign face/ copy, minor maintenance or minor repairs to existing legally erected signs. Building and/or electrical permits may also be required from the Building Division.
- b. The Director of the Community Development Department shall review all applications for consistency with this Chapter. The Director shall approve, or approve subject to modifications and/or conditions and consequently issue a sign permit, or deny the sign application.

- c. Signs shall be erected in conformance with the provisions of this Code and any applicable specific plan, master sign program, and any conditions of approval of the Sign Permit.
- d. Any proposed sign design that does not conform to the standards of this Chapter shall be subject to the variance provisions of this Development Code. The provisions of *Section 83.030905, Variance* shall apply. The Planning Commission may grant a sign variance based on findings, and it may be granted when property has special circumstances such as size, shape, topography, location or surroundings that deprive the property owner of privileges enjoyed by other property owners in the vicinity under identical zoning classifications. Applications for a variance shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town.

Section 87.0760 DESIGN MERIT SIGN PERMITS

The purpose of these provisions shall apply to permanent signs to provide flexibility in sign regulation and to encourage exceptional quality in sign design and construction. The provisions are intended to implement the goals and objectives of the Town’s General Plan; to encourage and promote designs which relate to and are harmonious with the rural desert character, and which enhance the quality of life of the Town.

- a. **Application and Fees** . Design Merit Sign Permits shall be made on Conditional Use Permit (CUP) application forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms, including information which will enable the required findings to be made. Applications shall clearly demonstrate exceptional design and construction quality in order to be considered for Design Merit Sign Permits. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
- b. The Planning Commission shall review all applications for a Design Merit Sign Permit for consistency with the review criteria described in *Subsection (d)*, below, as well as consistency with all other standards and guidelines in this Chapter. Review shall include focus on the overall integration and relationship of the proposed sign with the buildings and site and the integration of all elements relating to the sign to achieve the purpose of this Section for exceptional quality that is harmonious with the desert character. Consideration may include size, color, materials, illumination, location, as well as all other elements of creative sign design and construction. Signs that do not clearly demonstrate exceptional quality in design, use of materials, and craftsmanship shall not be considered for any increase in size or height as allowable by this Section.
- c. **Allowable Sign Area and Height.**
 The following increases in sign area and height may be allowed when consistent with the purpose, criteria and findings of Design Merit Sign Permits.
 - 1. Freestanding signs in Commercial and Industrial land use districts.
 - A. Freestanding signs for single and multi-tenant buildings and sites that are allowed pursuant to *Sections 87.07122 and 87.07124* of this Chapter.
 - 1. Up to a maximum of twenty-five (25) percent increase in area may be allowed.
 - 2. Up to a maximum of fifty (50) percent increase in height for

freestanding signs may be allowed for signs.

d. **Review Criteria**

1. The General Design Standards included in *Sections 87.07122* and *87.07124* are minimum requirements that apply to all signs. Each Design Merit Sign Permit application shall be reviewed by the Planning Commission to determine how exceptional design and material beyond these minimum standards have been incorporated into the proposed sign and whether these elements have been successfully integrated to create a sign that is consistent with the purposes of this Section, which represents exceptional quality, enhances community design and is harmonious with the desert character because it:
 - A. Evokes a special relationship to the structure and uses located on site by incorporating elements of the structural architecture and/or natural features of the site, without dominating the site;
 - B. Makes use of high quality and/or natural or indigenous building materials including, but not limited to rock, adobe, timber, carved wood and incised lettering in stone;
 - C. Identifies the site or use without intensive sign copy (text) by use of graphic imagery and/or logo or utilizes reverse channel lettering or opaque sign field (background) with illuminated routed copy.
 - D. Sign structure is incorporated with landscape treatments including landscape planters, rockscapes, xeriscapes or similar creative landscape elements.
 2. Treatments more specific to wall signs that may qualify for the Design Merit Permit include:
 - A. Graphic or logo sign only (without text or type face)
 - B. Reverse channel lettering on opaque background;
 - C. Base-relief lettering.
- e. Prior to approving a Conditional Use Permit application for a Design Merit Sign Permit, the Planning Commission shall find and justify that all of the following are true:
1. The proposed sign exhibits exceptional design quality and incorporates high quality materials that enhance the overall development and appearance of the site and will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic;
 2. The proposed sign is well integrated with the buildings and other elements of the property and is harmonious with the surrounding desert character;
 3. The proposed sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;

4. The proposed sign is consistent with the goals, policies and standards of the Town's General Plan and any applicable specific plan;
5. That granting the Design Merit Sign Permit is based upon its distinct quality and does not constitute a granting of special privileges beyond those provided for by criteria provided in *Subsection d* above and by *Sections 87.07122* and *87.07124* of the Development Code.

Section 87.0770 LANDMARK SIGN PERMIT

The purpose of these provisions shall apply to existing permanent signs to provide flexibility in sign regulation that provide landmark value to the community as well as structural sign support. Landmark signs shall evoke a ready reference and connection to the local history of the Town or symbolic landmark. Typical examples include western settlement themes associated with ranching, prospecting, mining, adobes, or extensions of similar architectural landmarks.

- a. **Application and Fees** . Landmark Sign Permits shall be made on Conditional Use Permit application forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms, including information which will enable the required findings to be made. Applications shall clearly demonstrate the landmark quality and features of the proposed sign in order to be considered for the Landmark Sign Permit. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
- b. The Planning Commission shall review all applications for the Landmark Sign Permit for consistency with the review criteria and finding described below, as well as reference and connection to the local history or symbolic landmark of the Town. Review shall include consideration of size, color, materials, illumination, location, as well as all other elements of creative sign design and construction.
- c. **Review Criteria.** The following criteria will be used to provide guidance during the Town's review. A landmark sign should meet one or more of the following criteria:
 1. The sign shall be at least 25 years or older.
 2. The sign shall exhibit a creative or unique sign design, creative or unique graphics, or construction
 3. The sign structure advertises the original business center name or business name.
 4. The sign display signs must be clean, neatly painted, free from corrosion, cracks, and broken surfaces. The sign shall also have no malfunctioning lights or missing sign copy.
- d. **Findings.** Prior to approving a Conditional Use Permit application for a "Landmark Sign Permit", the Planning Commission shall find and justify that all of the following are true:
 1. The sign is distinct from other signs in the Town in that it clearly provides a reference and connection to the local history of the Town or a local symbolic landmark.

2. The sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;
3. The sign is consistent with the goals, policies and standards of the Town's General Plan and any applicable plan;
4. That granting of the Landmark Sign Permit is based upon its distinct quality.
5. The sign and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion.

Section 87.0780 PROHIBITED SIGNS

Unless otherwise determined by the Director, the following signs are inconsistent with the sign standards set forth in this Chapter, and are therefore prohibited:

- Abandoned signs and supporting structures
- Chalkboards or blackboards
- Permanent sale or come-on signs
- Portable signs (except A-frame)
- Roof signs
- Signs painted on fences or roofs
- Large balloons or other large inflatable devices
- Signs that are affixed to vehicles that are purposely parked and serve as an advertisement device.
- Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.
- Signs which incorporate in any manner any flashing, moving, or intermittent lighting.
- Animated or moving signs or signs which contain any moving parts.
- Banners and Flags (see *Section 87.0130 Temporary Signs*)

Section 87.0790 EXEMPT SIGNS

The following non-illuminated signs shall be permitted without the requirements of a sign permit obtained from the Director of Community Development Department subject to limitations provided in this Chapter or as otherwise provided by State law:

- a. **Exempt Residential Signs:**
 1. One (1) residential building identification sign, used to identify individual residences, not exceeding 2 square feet in area displaying the name of the owner, occupant, or specific property name.
 2. Address numbers shall be placed upon existing and on newly constructed primary dwelling units. Numbers shall be a minimum of 4 inches in height and shall be contrasting in color to the background. Numerals shall be illuminated during hours of darkness.

3. One (1) double faced real estate advertising sign, for sale, lease or rent of a single-family residence and residential lots:
 - A. Such sign shall not exceed nine (9) square feet in area and six (6) feet in height.
 - B. Such sign shall be situated within the property line and in no event shall encroach upon public right-of-way. Such sign shall remain only during the period of time that the premises are being offered for sale, lease or rent and in any event shall be removed fifteen (15) days after the property is sold or the lease is terminated. Property is deemed to be sold upon the close of escrow, upon transfer of legal title, or upon execution of an installment sale, contract, whichever occurs first.
 - C. Open House signs, for the purpose of selling a single house or condominium and not exceeding nine (9) square feet in area and six (6) feet in height, are permitted for directing prospective buyers to property offered for sale.
 - D. Three (3) Open House banners per dwelling unit are allowed on the lot where the open house is conducted with a maximum sign area of sixteen (16) square feet each, for a period not to exceed three (3) days.
4. Until such time as a formal kiosk program is implemented by the Town Council, temporary off-site weekend directional signs shall be permitted for purposes of providing direction subject to the following regulations:
 - A. Maximum area of a directional sign shall not exceed three (3) square-feet nor shall the maximum height of any part of the sign exceed height of three (3) feet.
 - B. Signs shall only be posted on weekends between 3:00 p.m. on Friday and 8:00 a.m. on Monday, or between 3:00 p.m. on the day preceding a holiday occurring on Friday and 8:00 a.m. on the following Monday, or between 3:00 p.m. Friday and 8:00 a.m. on the following Tuesday following a holiday occurring on a Monday.
 - C. Signs shall be posted in the right-of-way.
 - D. There shall be no more than one (1) sign per direction of traffic at any intersection.
 - E. Signs shall be at least five hundred (500) feet from any other sign for the residential development, except at intersections. Signs shall not be within twenty (20) feet of a sign for any other residential development and shall in no way obscure, obstruct, detract, or interfere with any traffic or safety sign.
 - F. Signs left within the right-of-way beyond the time specified in *Subsection (B)* above will be removed by Town forces and any costs for removal will be billed to the project developer

b. **Exempt Commercial Signs:**

1. Window signs not exceeding three (3) square feet and limited to business identification, hours of operation, and emergency information.
2. Non-illuminated real estate signs for the initial sale, rental, or lease of commercial and industrial premises subject to the following:

One (1) sign per street frontage not to exceed 32 square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight (8) feet in overall height and shall be removed upon sale, lease or rental of the premises or 24 months, whichever comes first. Thereafter, one sign per premise not to exceed 16 square feet in size and eight (8) feet in height is permitted for the sale, lease or rent of the premise.
3. Identification signs on construction sites. Such signs shall be limited to one directory or pictorial display sign per street frontage or entrance, up to a maximum of two signs, identifying all contractors and other parties (including lender, realtor, subcontractors, etc.). Each sign shall not exceed 32 square feet in area and eight (8) feet in height. Each sign shall be removed prior to issuance of a Certificate of Occupancy.
4. One (1) building identification sign, used to identify individual buildings, not exceeding two (2) square feet in area displaying only the name of the owner or occupant.
5. Address numbers shall be placed upon existing and on newly constructed primary buildings. Number height shall be in accordance with the Fire Department requirements. Numerals shall be illuminated during hours of darkness.
6. Vacant commercial parcels may have real estate freestanding signs which do not exceed a maximum of eight (8) feet in height with a maximum of two (2) signs not to exceed an area of sixteen (16) square feet each, not to exceed a combined total of 32 square-feet.
7. Signs located within a structure and not visible from the outside of the building or not so located as to be conspicuously visible from the outside.
8. Memorial signs and plaques installed by a civic organization provided they shall not encroach upon public right-of-ways.
9. Official and legal notices issued by a court or governmental agency.
10. Official flags of the United States, the State of California, County of San Bernardino, Town of Yucca Valley, and nationally or internationally recognized organizations.
11. Official traffic, fire and police related signs, temporary traffic-control signs used

during construction, utility facilities, substructure location, identification signs, markers required to protect said facilities, and other signs and markers required by the Town, Caltrans, or other public agency.

12. Holiday decorations, in season, displayed for an aggregate period not exceeding sixty (60) days in any one (1) calendar year.
13. Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs showing notices required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided that all of the following conditions exist:
 - A. The signs number no more than four.
 - B. No such sign projects beyond any property line.
 - C. No such sign shall exceed an area per face of three square feet.
 - D. Signs may be double-faced.
14. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law.
15. Agricultural signs, either wall or freestanding types, non-illuminated, and not exceeding four square feet for lots two acres or less and 16 square feet for lots greater than two acres, identifying only the agricultural products grown on the premises. The number of such signs shall be one per street frontage or a maximum of two, with wall signs to be located below the roofline and freestanding signs to be no higher than eight (8) feet.
16. Directional signs to aid vehicle or pedestrian traffic provided that such signs are located on-site, have a maximum area that does not exceed three (3) square feet, have a maximum overall height of four (4) feet above grade, and are mounted on a monument or decorative pole. Such signs may be located in a required setback provided that a minimum distance of five (5) feet from any property line is maintained. Directional signs may display an arrow or other directional symbol and/or words, including but not limited to "parking", "enter", "exit", "do not enter", "drive-through", and other similar messages.
17. Notices or signs required to be posted by law.
18. Signs located within recreational facilities such as baseball fields, stadiums and other similar facilities that advertise local businesses and other sponsors for sporting activities.
19. Official Town signs which incorporate reflective, shimmering discs, or similar elements.

Section 87.07100 SIGN PROGRAM

- a. **Sign Program Required.** A sign program shall be developed for all new commercial, office, and industrial centers. The purpose of the program is to integrate signs with building and landscaping design to encourage a unified architectural statement. This shall be achieved by:
- The use of the same background color, and allowing signs of up to three (3) different colors per multi-tenant center.
 - The use of the same type of cabinet supports, or method of mounting for signs, and the same type of construction material for components, such as sign copy, cabinets, returns, and supports.
 - Utilizing the same form of sign illumination.
 - Logos may be permitted and are not subject to the color restrictions specified in the program and serve as supplementary advertising devices to the sign(s).
- b. **Application Requirements.** In addition to any application form and fee, the following information is required for review of a sign program:
- 1 Site plan, to scale, indicating the location of all existing and proposed freestanding signs with sign area dimensions, colors, material, letter type, letter height, and method of illumination;
 2. Building elevation(s), to scale, with sign location shown and dimensioned;
 3. Sign details indicating sign area, dimensions, color, materials, letter style, letter height, and method of illumination.
- c. **Design Guidelines.** The following guidelines are encouraged in developing a sign program.
1. A theme, styles, types, color or placement of signs that will unify and identify the center and integrate the signs with the building design should be provided. Consideration should be given to the different types of tenants (e.g. major and minor) and placement locations consistent with the architectural design;
 2. Sign color should compliment the building color. In general, the number of primary colors on any sign shall be limited to no more than two with secondary colors used for accent or shadow detail. Variations in color may be used as long as the remaining components of the program remain consistent with the overall program;
 3. The same type of cabinet supports or method of mounting for signs of the same type shall be used;
 4. The same type of construction material for same components, such as monument sign bases, panels, cabinets, and supports shall be used;
 5. Consideration should be provided for logos or trademarks.
- D. **Approval.** The Director shall have the authority to approve, conditionally approve, or deny a sign program based on the findings that the proposed sign program is in compliance with the

purpose of this Section.

Section 87.07110 GENERAL DESIGN STANDARDS:

The purpose of this Section is to assist professional sign designers and the general public in understanding the Town's goals and objectives for achieving high quality, efficient signage within the Town. These standards will be used to encourage a high degree of sign quality while providing flexibility necessary for creativity on the part of sign designers. The criteria and standards in this section apply to all sign proposals. The standards should be followed unless the purpose of this Chapter can better be achieved through other design techniques.

a. **Computations** The following methods shall be used to measure sign height and sign area.

1. **Sign Height**

A. **Pole Sign**

1. The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.
2. Where the finished grade level is above or below street level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.

B. **Monument Sign**

1. The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.
2. Where the finished grade level is above street level, and/or a planter or retaining wall exists, the height shall be the vertical distance measured from finished grade to the highest point of the sign structure.
3. Where the finished grade level is below street grade level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.

2. **Sign Area**

The entire surface area within a single continuous perimeter, not to exceed ten (10) sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures, face of building and incidental parts shall constitute sign area. Signs placed back to back shall be taken as the area of one face if the two faces are of equal area or of the area of the larger face if the two are of unequal area.

c. **Sign Copy**

1. Letter size shall be proportional to the background and overall sign size.
2. Graphics consistent with the nature of the product to be advertised are encouraged. However, these shall be considered as part of the sign area.

3. Logos are encouraged but are considered part of the sign area.
4. Signs which incorporate electronic message boards shall be subject to review and approval by the Planning Commission.
5. Electronic message areas shall not exceed 25% of the total sign area of the sign structure it is attached to.

d. **Materials**

1. All signs, except those provided for under Temporary Signs shall be permanent in nature and should reflect the architectural design of structures and natural features of the site by containing unifying features and materials.
2. High quality and natural materials, such as exterior grade building materials are encouraged.
3. Freestanding/monument signs shall incorporate lighting, colors, planters, or other architectural treatment to enhance the visual element of the installed sign.
4. Poles or other supporting structures for freestanding signs shall incorporate architectural treatments, landscape planters, or similar structural enhancements.

e. **Illumination**

1. **Preservation of the Night Sky**
 - A. All signs shall comply with *Chapter 8.70* of Title 8 of the Yucca Valley Municipal Code relating to Regulations for Outdoor Lighting.
 - B. Off-white shades shall be encouraged for sign background color in lieu of pure white.
 - C. The use of dark background coloring and lighter shades for lettering is highly encouraged.
2. **Neon Signs**
 - A. **Exterior Signs:** Neon tubing may be permitted as a material in exterior signs subject to the following:
 1. Exterior neon signs shall be permitted only in commercial zones.
 2. Within shopping centers, neon signs may be allowed as a part of a sign program.
 - B. **Interior Neon Signs:** Neon tubing may be permitted as a sign material for interior window signs subject to the following:
 1. Permitted in commercial zones only.
 2. No more than two (2) neon window signs shall be permitted per

business.

e. Clear Sight Triangles

All signs shall comply with the provisions of the Development Code regarding clear sight triangles which includes the following:

1. There shall be no monument signs allowed within a clear sight triangle.
2. There shall be no more than two (2) posts or columns, each with a width or diameter no greater than twelve (12) inches, within a clear sight triangle.
3. When a freestanding sign is located within a clear sight triangle, the lower edge of the sign face shall be at least eight (8) feet above grade.

Section 87.07120 SIGNS IN RESIDENTIAL, OPEN SPACE, PUBLIC/ QUASI PUBLIC DISTRICTS

No sign, outdoor advertising structure, or display of any kind shall be permitted in Residential, Open Space, and Public and Quasi Public land use districts, except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. On Site Subdivision, Mobile Home Park and Multi-Family Identification.

1. One (1) monument sign per each public street frontage, not to exceed two (2) such signs with a maximum of twenty-four (24) square feet in area each, and six (6) feet in height. The sign shall be set back a minimum of five (5) feet from any property line.
2. Sign copy shall be limited to the name of complex, address, and complex manager's phone number.
3. One directory sign per vehicle entrance to multi-residential developments of 12 or more units or mobile home parks, not to exceed four (4) feet in height and 24 square feet in sign area to be located within required front yard or street side yard.

b. Signs for Non-Residential Uses

Non-residential uses located in Residential, Open Space, or Public and Quasi Public land use districts such as institutional uses including churches, schools, funeral homes, cemeteries, recreational uses, and agriculture related signs may be permitted. More than one sign may be allowed provided that the maximum cumulative sign area is not exceeded.

1. One (1) monument sign per each public street frontage, not to exceed two (2) such signs with a maximum of twenty-four (24) square feet in area each, and six (6) feet in height and may not extend above a wall or fence. The sign shall be set back a minimum of five (5) feet from any property line.
2. Non- illuminated wall signs may be permitted a cumulative sign area per building frontage of one (1) square foot per each one (1) foot of building frontage with a maximum of two (2) signs. Wall signs shall not be located above an eave, roof line or

parapet.

3. **Signs for Cemeteries or Memorial Parks.** Entryway signs not to exceed twenty-four (24) square-feet in area mounted on decorative driveway entryway wall/fencing.

Section 87.07122. SIGN IN COMMERCIAL DISTRICTS

No sign, outdoor advertising structure, or display of any kind shall be permitted in Commercial District except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **Single Tenant Building**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one (1) square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs on parcels with 150 feet of frontage and greater shall be based on one (1) square-foot per five (5) linear feet of street frontage on which the sign is located. No single sign shall exceed sixty (60) square-feet in area.
- B. A maximum 30 square foot freestanding sign is allowed on any parcel with less than 149 feet of street frontage.
- C. Maximum height of a monument sign shall not exceed eight (8) feet or a maximum height for a pole sign not to exceed twelve (12) feet with the lower edge of the sign face to be at least seven (7) feet above grade or 4 foot clearance if located within a landscape setback.
- D. Any single sign 25 square-feet in area or less in area may be designed with sign faces placed at angles provided they do not exceed 45 degrees and not be considered a multi-faced sign.

3. **Shingle Signs** Small suspended signs may be permitted subject to the following:

- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or projects not more than three (3) feet from building face.
- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

4. **Projecting Signs** A projecting sign may be permitted subject to the following:
- A. In lieu of a permitted building wall sign, a double faced projecting sign may be installed and placed at angles provided they do not exceed 60 degrees, provided such sign does not exceed the size allowance.
 - B. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building and projects not more than three (3) feet from building face and does not extend above the roof line.

b. **Commercial Complexes & Multiple Tenant Buildings**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one (1) square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.
- B. Subject to the approval of a sign program, the property owner may apportion the sign area to individual uses or overall building, or certain identification, provided that the total cumulative sign area is not exceeded.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-feet per five (5) linear feet of street frontage on which the sign is located.
- B. No single sign shall exceed three hundred (300) square-feet in area.
- C. Any single sign 25 square-feet in area or less in area may be designed with sign faces placed at angles provided they do not exceed 45 degrees and not be considered a multi-faced sign.
- D. Maximum height of freestanding signs shall comply with the following:

Road Designation Per Circulation Element of General Plan	Net Center Area	Max. Sign Height
Highway	15 acres or more	25 feet pole or pylon
Highway	8 to 14.99 acres	15 feet pole or pylon
Highway	Less than 8 acres	In accordance with Sec. 87.07122
Arterial	Any size	In accordance with Sec. 87.07122
Collector or Other	Any size	In accordance with

- E. Freestanding building pads located adjacent to a highway or street may be permitted a monument sign not to exceed 25 square-feet.
 - F. All freestanding signs shall reflect high quality, enhance community design and be harmonious with the desert character through the following:
 - 1. Evokes a special relationship to the structures and uses located on the site by incorporating elements of the structural architectural and/or natural features of the site;
 - 2. Makes use of high quality and/or natural building materials, including but not limited to, rock, adobe, timber, carved wood and incised lettering in stone;
 - 3. Identifies the site or use without extensive sign copy (text) by use of graphic imagery and/or logo.
3. **Shingle Signs.** Small projecting or suspended signs may be permitted subject to the following:
- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or projects not more than three (3) feet from building face.
 - B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.
- c. **Pedestrian Sidewalk (A-Frame) Sign.**
- A. One pedestrian (A-frame) sign per tenant, not to exceed 2'x3' or 6 square-feet for each side of sign area shall be permitted when placed on the sidewalk adjacent to the business and in no case shall be lined along the street frontage and within any right-of-way.
 - B. The sign shall be appropriately anchored with a bolt system or other methods to ensure the sign is properly secured and the sign is not left out overnight at any time.
 - C. The sign shall not be located in a landscape planter or a location which may create an impediment to pedestrian, disabled, or emergency access.
 - D. Balloons, banners, flags, lights, or other similar items shall not be attached to or made a part of the sign.
- d. **Window Sign**
 Windows with permanent and/or temporary signage are allowed if they do not cover more than 50% cumulative total of permanent and temporary signage of the individual window

surface and shall be removed upon non-occupancy.

e. **Service Station-Identification**

1. **Freestanding Signs:**

A. On-premises/Price Freestanding Sign. One maximum thirty (30) square-foot, including price advertising as required by State law sign per street frontage.

B. Service stations, whether situated on an independent parcel, or incorporated as part of a commercial, industrial or office complex, shall have independent freestanding sign rights.

2. **Building and Pump Island Canopy Signs**

A. Building wall and canopy signs shall be limited to two signs totaling no more than thirty-six (36) square-feet in combined display area. For service stations with multiple tenants, one additional building wall sign shall be allowed for each use, with a maximum combined sign area limit of fifty (50) square-feet.

3. **Pump Island Signs**

A. One (1) non-illuminated wall or ground sign for each pump island, not to exceed a total of four (4) per station, with a maximum sign area of two (2) square feet per face. Special service signs shall be limited to such items as self serve, full serve, air, water, cashier, and shall be non-illuminated. Price signs must meet requirements of the California Business and Professions Code.

f. **Drive-through Restaurant Menu Boards.** In addition to the provisions for freestanding commercial business under *Subsection (b)(2)* of this Section, fast food restaurant with drive-thru or walk up facilities may be allowed up to two (2) menu or reader boards with a maximum area of twenty-five (25) square-feet each. Any pictures, photographs, representations, or logos within the perimeter of the board shall be included in the computation of maximum area for such boards.

Section 87.07124 SIGNS IN INDUSTRIAL DISTRICTS. No sign, outdoor advertising structure, or display of any kind shall be permitted in an Industrial District, except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **Single Tenant Building**

1. **Wall Signs**

A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does

not exceed the allowable square-footage.

2. **Freestanding Signs**
 - A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
 - B. No single sign shall exceed sixty (60) square-feet in area.
 - C. Maximum height of a Monument sign shall not exceed eight (8) feet or maximum height for a pole sign shall not exceed twelve (12) feet.
3. **Shingle Signs** Small suspended signs may be permitted subject to the following:
 - A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy
 - B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

b. **Industrial Complexes & Multiple Tenant Buildings**

1. **Wall Signs**
 - A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.
 - B. Subject to the approval of a sign program, the property owner may apportion the sign area to individual uses or overall building, or certain identification, provided that the total cumulative sign area is not exceeded.
2. **Freestanding Signs**
 - A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
 - B. No single sign shall exceed two hundred (200) square-feet in area.
 - C. Maximum height of a Monument sign shall not exceed eight (8) feet or maximum height for a pole sign shall not exceed twelve (12) feet.
3. **Shingle Signs** Small projecting or suspended signs may be permitted subject to the following:
 - A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or

projects not more than three (3) feet from building face.

- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

Section 87.07128 SIGNS IN SPECIFIC PLAN (SP) DISTRICTS

Sign Programs for special or unique uses as a part of a specific plan may be approved containing standards other than provided in this Chapter except that the provisions of Section 87.07100 *Sign Program* shall apply.

Section 87.07130 TEMPORARY SIGNS. Temporary signs shall not be installed prior to the issuance of a Temporary Sign Permit.

a. Special Events (Charitable Community Events)

- 1. **(Charitable Events) Temporary Special Event Signs for Charitable Community Events** (charitable events, fund raising sales and other similar community events) may be permitted as a means of publicizing an event for a limited, specified period subject to the following restrictions:
 - A. Signs shall be removed promptly at the end of the special event or the display period but not to exceed 30 days, which ever occurs first.
 - B. One (1) banner located on a building wall shall be allowed for non-profit, religious, charitable or fraternal organizations when used for the temporary advertising of special events, provided it does not exceed sixty (60) square feet.
 - C. Where no building exists, one (1) thirty-two (32) square-foot banner detached from any building is allowed, provided it is announcing a charity or community event and is being displayed on the property in which the community or charity event is to take place.
 - D. Provided consent of the property owner is granted in writing, a nonprofit, religious, charitable (501c3) or fraternal organization may display one "A" frame off-site temporary directional sign along either SR 62 or SR 247 for no more than three (3) events annually to advertise a charitable event, provided:
 - 1. The sign is neither located within the public right-of-way or creates a visual obstruction for drivers of vehicles.
 - 2. The sign complies with *Section 87.07122(b)(4)* of this code and may be displayed for the duration of the charitable community event.
- 2. **Civic Community Events: Temporary Special Event Signs for Civic Community Events** (holiday parades, festivals, and other similar civic events) where the Town is either a sponsor or co-sponsor of the event may be permitted as a means of publicizing an event for a limited specified period subject to the following restrictions:
 - A. Signs shall be removed promptly at the end of the special event or the display period which ever occurs first but not exceed 30 days.

- B. Up to six (6) building wall mounted banners shall be allowed for civic organizations when used for temporary advertising special civic events provided each banner does not exceed one hundred (100) square feet and consent of the property owner is granted in writing.
- C. One 60 square-foot freestanding banner is limited to the site in which the event is to take place and cannot be located within the public right-of-way or create a visual obstruction for drivers of vehicles. Except that provided consent of the property owner is granted in writing, one (1) temporary banner not exceeding sixty 60 square-feet may be installed at each Town entryway along SR 62 to 30 days prior to the event and removed promptly at the end of the special event.

b. **Subdivisions and Model Home Signs (Temporary)**

The following shall apply to tracts and model home signs except for signs within developments with an adopted sign program, pursuant to *Section 87.07100*.

1. **On-site Freestanding Signs**

Freestanding signs shall be limited to one sign per street frontage and shall be located 10 feet from any street right-of-way on the project site. All signs shall be removed within 30 days after the sale/rental of the last unit in the project/subdivision. Refer to *Section 87.07140(b) & (c)* for regulations pertaining to off-site subdivision signs.

- A. For subdivisions up to 5 acres, one (1) sign is allowed, not to exceed a maximum sign area of 16 square feet, and not to exceed a maximum sign height of eight (8) feet.
- B. For subdivisions 5 to 40 acres, two (2) signs are allowed, not to exceed a maximum sign area of 16 square feet, and not to exceed a maximum sign height of eight (8) feet.
- C. For subdivisions more than 40 acres, two (2) signs are allowed, with a maximum of 32 square feet of sign area each, and eight (8) feet in height.

c. **Temporary Commercial and Industrial Signs.** Temporary commercial and industrial signs to publicize sales, new merchandise, close-outs, grand openings or other similar events may be permitted subject to the following restrictions:

- 1. A permit may be issued for temporary signs provided that a permit may not be issued to an applicant unless a period of time has elapsed which is two (2) times the length of time that the previous sign was permitted.
- 2. Temporary window signs may be permitted on outside facing windows if the cumulative total of any permanent and temporary signage (excluding open/close signs) does not cover more than 50% of the individual window surface.
- 3. Special event signs may include search lights, beacons, and small balloons; however, the display of such devices shall be limited to 2 days or less or the duration of the event.

4. One thirty two (32) square-foot, 8 foot-high non-illuminated freestanding sign per street frontage located on the subject property advertising a future facility/business or tenant provide the temporary sign is located ten (10) feet from any right-of-way and the sign is removed upon occupancy of the building.
5. **Banners and Flags:**
 - A. No banners, flags, pennants, hulas, streamers shall be displayed without a permit.
 - B. One banner not exceeding sixty (60) square-feet shall be permitted to advertise a special event provided the banner is attached to the space advertising the special event in accordance with the time frames specified above. However, in lieu of a building wall banner, one-thirty-two (32) square foot of sign area may be permitted for a maximum of thirty (30) calendar days that may be located on the property to advertise seasonal sale items such as pumpkins or Christmas trees.
 - C. The business owner/applicant shall immediately remove any banner, flag, pennant, hula and streamers determined to be tattered, torn, faded, no longer tightly attached to the building, abandoned, or non-maintained.
 - D. Pennants, hulas, streamers and other similar devices shall be limited to fleet services (i.e. car lots). The strings on which pennants, hulas, streamers and other such devices are hung, where permitted, shall be limited in length to not more than one and one half (1/2) times the street frontage of the property or tenant/building frontage.
 - E. Banners, flags, pennants, hulas and streamers shall not be displayed above the roof line of the building.
 - F. One maximum fifty (50) square-foot banner identifying the name of a new business may be displayed for no more than ninety (90) days.
- d. **Political Signs (Temporary)**
 Temporary political signs are exempt from Temporary Sign Permit fees, and are permitted on private property in all land use districts subject to the following limitations:
 1. Signs shall not be displayed more than forty-five (45) days prior to an election, and shall be removed within fifteen (15) days after the same election.
 2. Political signs shall have a maximum area of eight (8) square feet in residential land use districts and thirty-two (32) square feet in all other land use districts.
 3. Such signs shall not be erected within any street intersection, clear sight triangle or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

4. Such signs shall not be nailed or affixed to any tree, fence post or public utility pole and shall not be located in the public right-of-way or publicly owned land.
5. Such political signs shall be affixed in such a manner that they can be easily removed.

Section 87.07140 OFF-SITE SIGNS AND BILLBOARDS

a. Billboards

No new off-site advertising sign structures shall be located within the Town. Any owner of an existing permitted off-site billboard sign may replace such sign on the same site with another off-site billboard sign when located in the commercial land use districts subject to obtaining a Conditional Use Permit in accordance with the provisions of *Chapter 83.03105*. The following conditions shall apply:

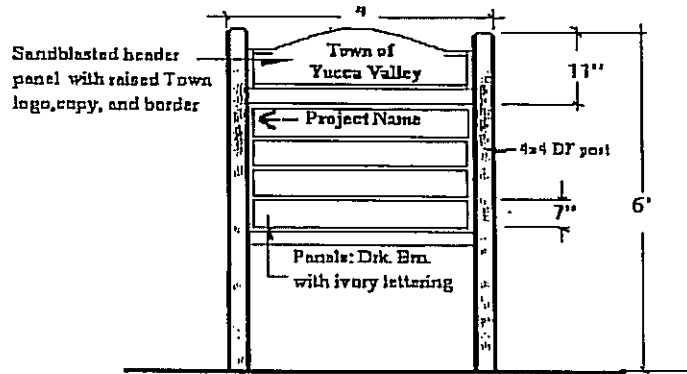
1. The advertising display area of the replacement sign shall not exceed the display area of the existing sign or signs to be replaced and in no event shall it be greater than 200 square feet per face with a maximum of two faces. Display area does not include decor or pole covers.
2. Any upgraded billboard sign located along a designated Scenic Highway Corridor shall be maintained at the same existing height. It shall be located so that no materials or structural feature, except poles or pilasters, shall extend into the cross visibility area between ground level and lower edge of the billboard sign.
3. Any upgraded billboard sign located along a designated Scenic Highway Corridor shall be treated so as to screen the billboard lighting from public view. The color and materials shall be subject to approval pursuant to the provisions of this Section.
4. The sign structure shall be located no closer than ten (10) feet to any property line.
5. Under no circumstances shall more than one new sign be erected to replace one sign removed.
6. The replaced sign(s) shall be removed prior to the use of the replacement sign.
7. The sign and structure shall be continuously maintained in an attractive, clean, and safe condition pursuant to this Section.
8. The sign structure shall not constitute a traffic hazard because of sign shape or its location in relationship to an official public traffic sign or signal.
9. The sign structure shall not contain any flashing or blinking light material, or mechanically activated or animated devices.
10. The sign structure shall be located in such a manner that it does not block the view of any on-site advertising sign on the same or adjoining parcels.

b. Off-Site Residential Subdivision Directional Signs

The following shall regulate and establish a standardized program of off-site residential and subdivision directional kiosk signs for the Town. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where five or more structures or dwelling units are concurrently undergoing construction.

1. **Kiosk Signs.**

A. The panel and sign structure design shall be in accordance with Fig 10.



RESIDENTIAL KIOSK DIRECTIONAL SIGN
Single Panel Signs

Figure 10

- B. A kiosk sign structure shall be located no less than 300 feet from an existing or previously approved Kiosk site, except in the case of signs on different corners of an intersection.
- C. The placement of each kiosk sign structure requires review and approval by the Community Development Director.
- D. All kiosk signs shall be placed on private property with written consent of the property owner or on Town right-of-way pursuant to issuance of a Town of Yucca Valley encroachment permit.
- E. A kiosk sign location plan shall be prepared, showing the site of each kiosk directional sign, and shall be approved by the Director prior to the issuance of a Sign Permit.
- F. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the kiosk signs as originally approved. No other non-permitted directional signs, such as posters or trailer signs, may be used.
- G. All non-conforming subdivision kiosk directional signs associated with the subdivision must be removed prior to the placement of directional kiosk sign(s).
- H. Kiosk signs, or attached project directional signage, shall be removed when

the subdivision is sold out. The entity administering the program will be responsible for removal of panels and structures no longer needed.

1. All kiosk sign structures shall conform with the following standard regulations:
 1. No more than one panel per development per side of a kiosk sign is permitted.
 2. Double sided kiosk signs are permitted.
 3. Kiosk sign panels may only contain the name of the subdivision, a directional arrow, and one sign copy color as indicated Figure 10.
 4. Kiosk sign structures with different size structures for major and local streets shall be considered by the Director or his/her designee. Design, size and height of kiosk structures and panels shall require approval of the Community Development Director.

- c. **Interim Temporary Off-Site Residential and Subdivision Signs.** Until such time as a Kiosk program is implemented by the Town Council, temporary off-site residential and residential subdivision signs shall be allowed subject to the approval of a Temporary Sign permit. Signs shall be of quality or near quality in composition normally associated with professionally manufactured signs.

Temporary off-site residential and subdivision signs shall be permitted subject to the following regulations:

1. **Residential Subdivision Signs:** For subdivisions as defined in this subsection, all signs shall conform to the following standards:
 - A. A maximum of four (4) off-site signs per subdivision shall be permitted.
 - B. The maximum area of any sign shall not exceed thirty-two (32) square-feet and no dimension shall exceed eight (8) feet.
 - C. The maximum height of any part of the sign shall not exceed eight (8) feet.
 - D. Signs shall be located a minimum of five hundred (500) feet from any other sign for the same subdivision and at least one hundred (100) feet from any other subdivision sign, except at intersections.
 - E. Signs shall not be located within any clear sight triangle as required by this Code.
 - F. Signs shall not be located closer than five (5) feet from the edge of the planned or ultimate right-of-way of any street.
 - G. Such off-site signs shall be permitted only on vacant property with written authorization from the property owner.

- H. No flags or banners shall be permitted for off-site sign.
 - I. Temporary Sign Permits shall be valid for twelve (12) months. Permits shall be renewed every twelve (12) months.
 - J. At the completion or build out of a subdivision all signs shall be promptly removed.
 - K. If after one hundred eighty (180) days no construction activity has occurred, all signs shall be promptly removed.
2. **Residential (Non Subdivision) Signs:** For residential development all signs shall conform to the following standards:
- A. A maximum of four (4) off-site signs per residence under construction shall be permitted.
 - B. The maximum area of any sign shall not exceed four (4) square-feet and no dimension shall exceed two (2) feet.
 - C. The maximum height of any part of the sign shall not exceed four (4) feet.
 - D. Signs shall be located a minimum of five hundred (500) feet from any other sign for the residence under construction and at least one hundred (100) feet from any other residential sign, except at intersections.
 - E. Signs shall not be located within any clear sight triangle as required by this Code.
 - F. Signs shall not be located closer than five (5) feet from the edge of the planned or ultimate right-of-way of any street.
 - G. Such off-site signs shall be permitted only on vacant property with the property owners written authorization.
 - H. No flags or banners shall be permitted for off-site sign.
 - I. Temporary Sign Permits shall be valid for twelve (12) months. Permits shall be renewed every twelve (12) months.
 - J. Such sign shall remain only during the period of time that the residence is being offered for sale and in any event shall be removed ten (10) days after the property is sold. Property shall be deemed sold upon the close of escrow or upon transfer of legal title, whichever occurs first.

Section 87.07145 OFF-SITE SIGNS ON PUBLIC PROPERTY

Private advertising signs may be placed on structures in the public right of way, such as bus shelters, if there is a licensing agreement approved by the Town Council authorizing such off-site signs on public property. An application for a sign permit must be approved prior to the construction of off-site signs on public property; and the applicant and the owner of the sign shall comply with the

provisions of *Section 87.07160* regarding sign construction and maintenance standards.

Section 87.07146 PUBLIC AND INSTITUTIONAL FACILITY DIRECTIONAL SIGNS

a. Intent

It is the intent of this section to establish criteria for those signs used to identify public facilities that are either public service integrated and Town owned or acknowledged through joint partnership agreements and institutional uses.

Public and institutional facilities signs play an important role in guiding and directing citizens and visitors to public and institutional facilities within the Town. Additionally, it is important with current sign issues on SR62 and on local roads that the installation of directional signs does not create additional sign clutter following installation. It is the intent of this section to establish guidelines for primary Town owned and operated public facilities and institutional facilities. Prior to consideration of approval for installation of the directional signs, the Traffic Commission and Town Council shall carefully consider the use of the public facility and institutional facility and the need for directional signing both along the state highway and/or on local roads.

b. Justification: A Directional Sign for the purposes of identifying site location is warranted when any of the following facility criteria are met:

1. The facility is public service integrated, i.e. official Federal, State, County of San Bernardino, Town of Yucca Valley facilities, as well as regionally and community significant park facilities, and institutional facility.
2. The facility is owned or operated by the Town of Yucca Valley.
3. The facility is involved in a current joint partnership agreement with the Town.

c. Appearance:

1. Signs to be installed along State Highways:
 - A. All signs installed along State highways shall conform to the height, size and color requirements as stipulated in the *CalTrans Traffic Manual*.
2. Signs to be installed along roads within Town right-of-way:
 - A. All signs shall be constructed of aluminum alloy material and include an engineering grade, smooth reflective sheeting or reflective baked enamel finish.
 - B. Sign shape shall be rectangular with a maximum horizontal length of 36 inches and a maximum vertical length of 24 inches.
 - C. Sign color shall be a blue reflective background with reflective white lettering and symbol. Public park identification signs shall be the Federal Standard of brown background with reflective white lettering.
 - D. Sign post shall have "break-away" capability and be either a singular square steel tube, steel u-post or wooden material.

- E. Sign height, once installed, shall not exceed 80 inches and shall be a minimum of 48 inches high.
- d. **Location:**
- 1. Signs installed along State Highways:
 - A. All signs proposed along State Highways shall conform to the installation requirements pursuant to the CalTrans *Traffic Manual*.
 - 2. Signs installed along roads within Town right-of-way:
 - A. Signs installations shall be limited to only those streets that are included in the Town's maintained road system.
 - B. Sign placement shall be determined by the Town's Engineering Division.
 - C. The number of signs installed for a specific facility shall be determined by the Town's Engineering Division.
 - D. Maintenance of the signs shall become the responsibility of the Town.
- e. **Approval:**
- 1. All directional Signs:
 - A. All public facility directional signs shall be approved by the Town Traffic Commission prior to installation.

Section 87.07147 WALL MURAL DESIGN CRITERIA

- a. **Criteria**
- 1. **Maximum Number of Murals Per Site:** One (1) mural per structure may be approved by the Planning Commission. In unique circumstances whereby the design of the mural(s) and structure are enhanced by additional murals, the Planning Commission may allow for more than one mural per structure.
 - 2. **Advertisement Value:** Words and/or images may not generally be incorporated within the proposed mural which specifically identifies or reflects the business, products and/or services provided by the business occupying the structure.
 - 3. **Design Theme:** Desert-Western, compatible with the building design and surrounding properties.
 - 4. **Sign Area:** Wall mural signs shall not be calculated as business advertising signage and is not subject to the maximum wall sign area ratio. Murals can occupy an entire single wall on which the mural is applied.
 - 5. **Color Scheme:** The colors used in the mural signs shall be complimentary and harmonious with the exterior colors of the building and consistent with the Desert-Western concept and surrounding properties. Florescent colors would not be considered in keeping with the Desert-Western concept.

6. **Permitting Process:** All Wall Mural applications shall be processed through the Design Merit Program process.
7. **Findings:** Prior to approving a Wall Mural application, the Planning Commission shall find and justify that all of the following are true:
 - A. The proposed mural exhibits exceptional design quality and incorporates high quality material that enhance the overall development and appearance of the site and will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic;
 - B. The proposed mural is well integrated with the buildings and other elements of the property and is harmonious with the surrounding desert character;
 - C. The proposed mural, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;
 - D. The proposed mural is consistent with the goals, policies and standards of the Town's General Plan and applicable specific plans;
 - E. That the granting the Wall Mural Permit is based upon its distinct quality and does not constitute a granting of special privileges beyond those provided for by criteria provided above.

Section 87.07150 ABANDONED SIGNS

- a. A sign or sign structure that is nonconforming shall be removed by the owner or lessee of the premises upon which the sign or structure is located when for a period not less than 90 days the business or product identified in the sign is no longer conducted on the premises, the structure upon which the sign is displayed is abandoned, or the advertising is no longer displayed on the sign structure. If the owner or lessee fails to remove the sign, the Director shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the Director may have the sign removed at the owner's expense.
- b. Any legal, conforming structural supports for an abandoned sign may remain, if installed with a blank sign face and supporting structures are maintained.

Section 87.07160 CONSTRUCTION AND MAINTENANCE

- a. Every sign, and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and Town regulations and the Uniform Building Code.
- b. Every sign, including those specifically exempt from the provisions of this Chapter with respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other non-maintained or damaged portion of a sign shall be repaired or

replaced within 30 calendar days following notification by the Town. Failure to do so may result in the sign being adjudged a nuisance and abated in accordance with Section 87.07190 et seq. of this code.

Section 87.07170 NONCONFORMING SIGNS

- a. **Purpose and Intent.** The requirements of this Section are intended to recognize that the eventual elimination of signs that do not comply with the provisions of this Chapter is as important as the prohibition of new signs that would violate these standards.
- b. Any sign legally existing on the effective date of this Ordinance that does not comply with the regulations of this Chapter shall be deemed to be a nonconforming sign.
- c. A legally established sign which fails to conform to this Chapter shall be allowed as a continued use until such time any of the following occurs first:
 1. Structurally altered so as to extend its useful life.
 2. Expanded, moved, or relocated.
 3. Re-established after damage or destruction of more than 50% and the destruction is other than facial copy replacement and the display is not repaired within 30 days of the date of its destruction.
 4. There is a change in ownership of the property, inheritance by a member of a deceased owner's family shall not be deemed to constitute a change of ownership;
 5. The business or land use activity is discontinued or sold;
 6. The property is subdivided or the real property upon which the sign is located is severed from the real property upon which the business or primary use of the entire parcel is located, by lease, lease-back, or any other arrangement, method or device which would otherwise circumvent the intent of this section;
 7. A Conditional Use Permit, Site Plan Review, or Land Use Compliance Review is granted for the property or use of the property;
 8. A Sign Permit is issued permitting installation or construction of a new or additional sign on the property;
 9. Whenever there is a change in ownership or tenancy of any business or tenant space within a shopping center, new wall signage and/or freestanding sign conforming to the requirements of this Chapter that identifies such change is permitted although nonconforming signs exist within the center. However, no change of sign copy to identify such change in ownership or tenancy shall be permitted on any nonconforming sign.

Section 87.07190 ENFORCEMENT

- a. **Stop Work Orders.** The issuance of a sign permit shall not construe a waiver of any provisions of this Chapter or any other ordinance of the Town. The Building Official, or other designated person, is authorized to issue a stop work order for any sign or advertising display installation which is being erected or displayed in violation of this Chapter, or any other ordinance of the Town.
- b. **Revocation.** Upon failure of the holder or applicant to comply with the provision of this Chapter or the conditions of approval of the sign permit, the Director is authorized and empowered to revoke any permit with a written statement of the reasons for revocation.
- c. **Public Nuisances.**
 1. The following signs and advertising displays are hereby declared to be public nuisances:
 - A. Signs and advertising displays illegally erected, placed or encroaching on or over any public right-of-way;
 - B. Any sign or advertising display declared to be hazardous or unsafe by the Director, the Building Official, or any other Town designated person.
 2. A Town enforcement officer may, without notice, move, remove, and/or dispose of a sign or advertising structure that has been declared a public nuisance in accordance with *Subsection (a)* above. In addition, an enforcement officer may authorize any work required to correct a hazardous or unsafe condition.
 3. A Town enforcement officer shall charge the costs of processing, moving, removing, disposing, correcting, storing, repairing or working on a sign or sign structure to any one of all of the following, each of which shall be jointly and individually liable for said expenses.
 - A. The permittee; and/or
 - B. The owner of the sign; and/or
 - C. The owner of the premises on which the sign is located.
 4. The charge for expenses shall be in addition to any penalty for the violation and recovery of the sign does not necessarily cancel the penalty.
 5. Signs made of paper, cardboard, lightweight wood or inexpensive plastic or similar materials which are removed, may be discarded immediately. All other removed signs shall be held thirty (30) days by the Town, during which period it may be recovered by the owner paying the Town for costs of removal, storage, and processing. If not recovered within the allowed thirty (30) day period, the sign and structure is hereby declared abandoned and title thereto shall vest to the Town.
- d. **Abatement of Signs.** The Community Development Director shall order the abatement, abate, or cause to be abated any temporary or permanent sign erected, placed or displayed in

violation of this Chapter in accordance with the following:

1. **Notice**
 - A. A written notice shall be sent or delivered to the owner of the sign or advertising display, or his representative, ordering abatement of the illegal or obsolete display, except as noted above. Temporary signs or advertising displays shall be ordered to be removed or abated immediately. Signs other than temporary signs or advertising displays shall be ordered to be abated within ten (10) days.
 - B. Subsequent to or in lieu of the notice to abate, the Director may cause to be mailed by registered or certified mail written notice to the owner of the sign, at the last known address or to the owner of the property as shown on the latest assessment roll, or to the occupant of the property at the property address. The notice shall describe the sign and specify the violation involved, and indicate that the sign will be removed if the violation is not corrected within ten (10) days.
- e. **Appeal**

The owner may, within the ten (10) day period, appeal the notice to the Town Council. Appeals shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town fee schedule. There shall be a stay of abatement until a decision is rendered by the Town Council.
- f. **Abatement**

After the expiration of the ten (10) day notice period, the enforcement officer may enter the property and abate the sign or advertising display. The Town may also contract for the abatement.
- g. **Assessments**

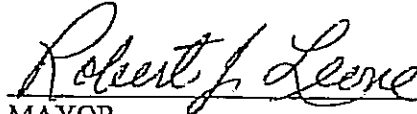
The Town may order a special assessment and place a lien against the property for reimbursement of all costs in accordance with *Chapter 6.04* of the Town of Yucca Valley Municipal Code.
- h. **Alternatives**

Nothing in this Chapter shall be deemed to prevent the Town Council from ordering the Town Attorney to abate the alleged nuisance or to obtain any other appropriate remedy in addition to, as an alternative to, or in conjunction with the procedures authorized by this Chapter. Nor shall the implementation of this Chapter be deemed to prevent appropriate authorities from commencing a criminal action based upon the conditions constituting the alleged nuisance."

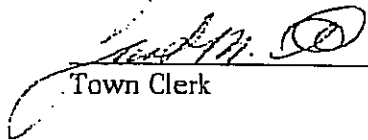
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section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

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption. Section 87.07170(c)(4) and (5) shall become operative October 2, 2006.

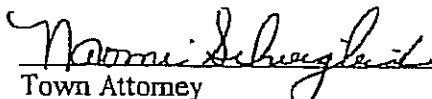
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 2nd day of September, 2004.


MAYOR

ATTEST:


Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 156 as duly and regularly introduced at a meeting of the Town Council on the 19th day of August, 2004, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 2nd day of September, 2004, by the following vote, to wit:

Ayes: Council Members Cook, Earnest, Mayes, Neeb and Mayor Leone

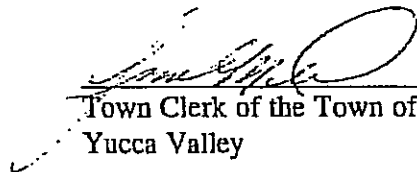
Noes: None

Absent: None

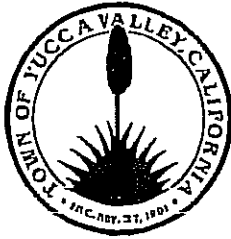
Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 7th day of September, 2004.

(SEAL)



Town Clerk of the Town of
Yucca Valley



Date Received	_____
By	_____
Fee	_____
Case #	_____

**SPECIAL LICENSE
SECOND HAND DEALER
PEDDLING, HAWKING & SOLICITING**

(Please check one)

JUNK DEALER PAWNBROKER SECONDHAND DEALER
PEDDLER HAWKER SOLICITER

NEW RENEWAL (Pawnbroker/Secondhand Dealer)

(Please Type or Print Legibly. You may attach additional sheets if necessary.)

APPLICANT _____ PHONE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

DRIVERS LICENSE # _____ STATE _____

CONTACT PERSON _____ PHONE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

BUSINESS NAME (dba or Fictitious Name) _____ PHONE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PROPERTY OWNER _____ PHONE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PROPERTY OWNER'S SIGNATURE _____ DATE _____

RESALE NO. (Board of Equalization) _____ HEALTH PERMIT NO. _____

UNDER PENALTY OF PERJURY, I DECLARE THAT ALL INFORMATION ON THIS APPLICATION IS TO THE BEST OF MY KNOWLEDGE AND BELIEVE TRUE AND CORRECT STATEMENT OF FACT. I UNDERSTAND THAT IN ADDITION TO OBTAINING A PERMIT/ LICENSE, I MUST COMPLY WITH ALL OTHER CITY, COUNTY, STATE AND FEDERAL LAWS, REGULATIONS AND ORDINANCES. **NOTE:** THIS APPLICATION DOES NOT CONSTITUTE A LICENSE. THE APPLICATION WILL BE REVIEWED AND DETERMINATION WILL BE BASED UPON PROVIDED INFORMATION. A RENEWAL APPLICATION MUST BE SUBMITTED ANNUALLY.

APPLICANT SIGNATURE _____ DATE _____

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

EMPLOYEES WORKING UNDER THIS PERMIT:

NAME _____ DRIVERS LICENSE # _____

NAME _____ DRIVERS LICENSE # _____

(If additional space is needed attach a separate sheet of paper)

SUPPLIER OF GOODS TO BE SOLD _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

DESCRIPTION OF MERCHANDISE OR SERVICE THAT APPLICANT PROPOSES TO
HAWK, PEDDLE, SOLICIT, OR SELL

LOCATION(S) WHERE GOODS WILL BE SOLD, INCLUDE ASSESSOR PARCEL
NUMBERS _____

DATES AND TIMES THAT APPLICANT PROPOSES TO HAWK , PEDDLE, SOLICIT, OR
SELL _____

Attachments: In addition to completing the application form, the following information must be attached for review.

- License and application fee.
- Copy of any court judgement rendered against the applicant
- Copy of State Sales Tax Permit
- Two photographs at least two by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner taken within sixty days immediately prior to the date of the filing of the application.

A license issued by the Town of Yucca Valley will authorize the licensee to peddle, hawk or solicit in the locations and during the time designated in this application only, and when there is no interference with the free flow of vehicle traffic or obstruction of pedestrian traffic. The licensed person shall be permitted to do the licensed activity only during daylight hours. There shall be no licensed activity until the license is actually issued. Licensees shall comply with all applicable State law, including California Business and Professions Code Section 17510 et seq., and Health and Safety laws.

ORDINANCE NO. 99

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING CHAPTER 5 OF DIVISION 1, TITLE 4 RELATING TO PEDDLING AND SOLICITING AND HAWKING OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO PEDDLING, HAWKING, AND SOLICITING

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

SECTION 1. MUNICIPAL CODE AMENDED.

Chapter 5 of Division 1 of Title 4 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

**“CHAPTER 5
Peddling, Hawking, and Soliciting**

Sections

- 41.051 Definitions
- 41.052 License Required
- 41.053 Application For Permit
- 41.054 Regulations For Hawking
- 41.055 Permit- Expiration Date
- 41.056 Permits Not Transferable
- 41.057 Exemptions
- 41.058 Revocation Of Permit
- 41.059 Refusal To Leave Unlawful
- 41.060 Penalties

41.051 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively described to them by this section.

"Canvasser" or "Solicitor" means any person traveling either by foot, wagon, automobile, motor truck or other type of conveyance, from place to place, from house to house, from business to business, from street to street, taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales, or not. Asking for donations by any means (approaching people or setting a can/device for people to place donations in).

"Peddler" means any person traveling by foot, wagon, automotive vehicle or any other type of conveyance from place to place, from house to house, from business to business or from street to street carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same

for sale or making sales and delivering articles to purchasers to offer the same for sale from a wagon, automotive vehicle or other vehicle or conveyance.

“**Hawking**” means any person offering merchandise for sale near a public street by outcry or by attracting the attention of persons by exposing goods in a public place.

“**Transient Merchant**”, “**Itinerant Merchant**” or “**Itinerant Vendor**” means any person who establishes himself or herself in business with the intention and determination to remain in business for a short period of time only, and who, for such limited period, engages or occupies a building for the exhibition and sale of goods or wares.

“**Tax Exempt Organization**” means any organization qualifying for tax exempt status under Sections 23701 (a), 23701(b), 23701(d), 23701 (e), 23701(f), 23701(g) or 23701(l) of the California Revenue and Taxation Code.

41.052 License Required

No solicitor, canvasser, peddler, hawker, transient merchant, itinerant merchant or itinerant vendor shall engage in such business within the town without first obtaining a license therefor in compliance with the provisions of this chapter. An application for the resale of food items will not be considered without evidence of a current health permit as issued by San Bernardino County Dept. of Environmental Health.

41.053 Application for Permit

(a) Any person required by this chapter to have a permit shall submit a written application together with the appropriate fees to the Town of Yucca Valley Community Development Department. Said application shall be verified and shall contain the following:

1. The name, address and telephone number of the applicant.
2. The supplier of goods to be sold.
3. A copy of the State Sales Tax Permit (California Revenue and Taxation Code 6066) for the applicant's activities attached to the application.
4. A description of every type of merchandise or service that the applicant proposes to hawk, peddle, or solicit.
5. A designation of the location the applicant proposes to hawk, peddle or solicit and dates and times of the same.
6. The applicant shall file with his application two photographs taken within sixty days immediately prior to the date of the filing of the application; said pictures shall be two by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.

41.054 Regulations for Hawking

(a) To be considered “Hawking” and not a “Swap Meet” no more than two permits will be issued per parcel or shopping center.

(b) Hawking permits shall only be issued when there is a minimum distance of one-half mile

between approved hawking sights.

(c) The hawking of merchandise shall be limited to the sale of flowers, fruits and vegetables, firewood.

41.055 Permit- Expiration date and Display of Permit

(a) Permits shall be issued for a one (1) year period. Upon expiration, the permittee may apply for a new permit in the same manner as a new application.

(b) Upon the issuance of a permit, each permittee will be given a badge that identifies the permittee's name, drivers license number, and permit number. The permittee is required to wear/display such badge during the time the activity for which the permit was issued is taking place.

41.056 Permits Not Transferable

No permit authorized by this chapter shall be transferable to, or used by, a person not named in the permit as the person to whom it was issued.

41.057 Exemption - Religious, Non-profit Organizations, Charitable Exemption

No permit shall be required by:

(a) Any person intending to peddle or solicit or hawk goods, wares, services or merchandise or solicit for the purpose of raising funds for a recognized religious, non-profit organization, or charitable organization, or solicit charitable donations.

(b) Any person having a fixed place of business within the Town of Yucca Valley shall not be required to obtain a permit otherwise required by this Chapter.

(c) Any home based business within the Town of Yucca Valley that has obtained a home base permit issued by the Town of Yucca Valley shall not be required to obtain a permit otherwise required by this Chapter.

(d) Persons invited to call upon private residences by the owner or occupant thereof.

(e) Persons licensed and regulated by the State pursuant to Sections 12000 et seq. Of the Business and Professions Code of the State.

(f) Persons selling or soliciting sales of a daily or weekly newspaper as defined in Section 6040.5 of the Government Code of the State.

(g) Persons soliciting or canvassing for or against any candidate for public office or any ballot measure.

41.058 Revocation of Permit.

Any permit issued under this Chapter shall be revocable for good cause after a hearing before the Town Council. If a permit is revoked, no fee paid shall be refunded to the applicant.

41.059 Refusal to leave unlawful.

It is unlawful for a peddler or solicitor or person distributing literature, or merchandise of any kind, to refuse to leave any residence, dwelling, apartment, business, or other private property or public place within the town when requested to leave by owner, occupant, resident, manager, or other person in control thereof.

41.060 Penalties.

Any person violating or causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor.”

SECTION 2. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 3. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this ____ day of _____, 1998.

MAYOR

ATTEST:

Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Town Attorney

Town Manager

F:\COMMON\COMMON\MORDINANC\ORD99.WPD



Date Received	_____
By	_____
Fee	_____
Case #	_____

SPECIAL LICENSE PERMIT

TEMPORARY SPECIAL EVENT

(Please Check All That Apply)

CARNIVAL <input type="checkbox"/>	OUTDOOR FESTIVAL <input type="checkbox"/>	CIRCUS <input type="checkbox"/>
FAIR <input type="checkbox"/>	CONCERT <input type="checkbox"/>	PARKING LOT SALE <input type="checkbox"/>
OTHER <input type="checkbox"/>		

(Please Type or Print Legibly)

APPLICANT _____	PHONE _____		
ADDRESS _____	CITY _____	STATE _____	ZIP _____
CONTACT PERSON/REPRESENTATIVE _____	PHONE _____		
ADDRESS _____	CITY _____	STATE _____	ZIP _____
BUSINESS NAME (dba or Fictitious Name) _____	PHONE _____		
ADDRESS _____	CITY _____	STATE _____	ZIP _____
PROPERTY OWNER _____	PHONE _____		
ADDRESS _____	CITY _____	STATE _____	ZIP _____
OWNER'S SIGNATURE _____	DATE _____		

EVENT INFORMATION

DATE(S) OF EVENT _____

HOURS OF EVENT _____

LOCATION OF EVENT _____

ASSESSORS PARCEL NUMBER(S) _____

DESCRIPTION OF EVENT _____

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

EXPECTED NUMBER OF PERSONS ATTENDING EACH DAY _____

WILL YOU BE SELLING / SERVING FOOD OR BEVERAGES? IF YES, WHAT TYPES?

HOW ARE YOU PROPOSING TO SET UP / PREPARE FOR THE EVENT?

HOW ARE YOU PROPOSING TO CLEAN-UP THE SITE AND HANDLE TRASH DISPOSAL?

UNDER PENALTY OF PERJURY, I DECLARE THAT ALL INFORMATION ON THIS APPLICATION IS TO THE BEST OF MY KNOWLEDGE AND BELIEVE TRUE AND CORRECT STATEMENT OF FACT. I UNDERSTAND THAT IN ADDITION TO OBTAINING A PERMIT/ LICENSE, I MUST COMPLY WITH ALL OTHER CITY, COUNTY, STATE AND FEDERAL LAWS, REGULATIONS AND ORDINANCES.

NOTE: THIS APPLICATION DOES NOT CONSTITUTE A LICENSE. THE APPLICATION WILL BE REVIEWED AND DETERMINATION WILL BE BASED UPON PROVIDED INFORMATION. A RENEWAL APPLICATION MUST BE SUBMITTED ANNUALLY.

APPLICANT SIGNATURE _____ DATE _____

Attachments: In addition to completing the application form, the following information must be attached for review.

1. INSURANCE REQUIREMENTS

Before any permit is issued for a circus, large concert, parade, carnival or similar type of event, the applicant shall provide the Town with evidence of a policy of liability insurance with an endorsement issued by an admitted insurer in an amount of not less than \$1,000,000. The policy shall name the applicant and the Town of Yucca Valley, its officers, agents, and employees, as co-insured for protection against any loss, claims, liability, injury, and damage of any nature arising out of or in any way connected to the temporary special event conducted by the applicant. The insurance coverage shall be primary and not contributing with any other insurance of the Town. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the Town. The cancellation policy shall read as follows: "Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will mail 30 days written notice to the certificate holder named to the left [The Town of Yucca Valley]." A copy of the certificate shall remain on file.

The applicant shall enter into a hold harmless and indemnification agreement provided by the Town prior to the issuance of any permit.

2. SITE PLAN

For all events that will be held outdoors, such as carnivals, fairs, parades, festivals, parking lot sales, and concerts, the applicant shall provide a site plan of the event. The site plan should include all buildings/enclosures, stages, tents, vendor areas, parking provisions, access drives, and setbacks from streets/highways.

ORDINANCE NO. 210

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING CHAPTER 15 OF DIVISION 1, TITLE 4 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO SPECIAL EVENTS

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

SECTION 1. Code Amended

Chapter 15 of Division 1 of Title 4 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

“Chapter 15

TEMPORARY SPECIAL EVENT PERMIT

Sections:

41.151	Intent.
41.1510	Temporary Special Event Permit
41.1515	Permit Required.
41.1520	Submittal
41.1525	Processing
41.1530	Insurance Requirements.
41.1540	Rules and Regulations
41.1545	Appeals.
41.1550	Referral By The Planning Division
41.1555	Permits/Licenses Nontransferable.
41.1560	Posting.
41.1569	Requests for Law Enforcement Services at Special Events.

41.151 Intent.

The intent of this ordinance is to provide discretionary approvals for certain “temporary special events” as defined in this Chapter to be allowed in certain zones in addition to those uses which are specifically permitted in their respective zone. Temporary special uses shall be established by Special Event Permit granted by the Planning Division pursuant to the procedures contained in this Chapter.

41.1510 Temporary Special Events Permitted.

- (a) Temporary special events shall be permitted with a Temporary Special Event permit

as specified below which indicate each temporary special event permitted, the zones in which the use is allowed, the maximum number of days each use is allowed and the maximum number of occurrences in each calendar year:

Permitted Special Events (With a Special Event permit)	Land Use District Permitted	Maximum Number of Days Per Event	Maximum Number of Events Per Calendar Year
Church tent revival meetings	All Land Use Districts	10	1
Circus, carnival	All "C", "I", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	10	2
Fair, concerts, parades, exhibits, festivals, art shows, car shows, street fairs or similar events	All "C", "I", and Public/Quasi Public, all land use districts in Old Town Specific Plan Area	10	12
Farmers Markets	All "C", "I", and Public/Quasi Public, all land use districts in Old Town Specific Plan Area	Two days per week	Permit is valid for one year

(b) Where uncertainty exists regarding the interpretation of any provision of this Chapter or its application to specific special event which may not be listed, the Planning Division shall determine the intent of the provision and or determine whether the proposed event is consistent with the provisions of this Chapter.

(c) Multiple Temporary Special Events maybe combined into a single permit, however Certified Farmers Markets shall comply with the California Code Of Regulations, section 1392 and obtain all required permits from the County of San Bernardino.

41.1515 Permit Required.

Except as otherwise provided by the Town of Yucca Valley or state law, no person or entity shall operate, maintain, conduct, advertise, or provide admission for any temporary special event within the Town of Yucca Valley without possessing an unexpired, unsuspended and unrevoked permit from the Community Development Department for each such temporary special event.

41.1520 Submittal.

(a) An application for a temporary special event shall be filed with the Community Development Department. The following information shall be included in the application:

- (1) The name, address, and telephone number of the applicant or representative.
- (2) The signature of the property owner, address or assessors parcel number of the site at which the activity is to be conducted, authorizing the application to be filed.
- (3) A written description specifying the date (s) of the event is to be held and a brief description of the activity, including the proposal for the preparation and clean up of the site where the activity is to take place.

(b) The charge for the permit shall be set from time to time by resolution of the Town Council. In addition, the applicant shall reimburse the Town for the actual cost of providing any necessary personnel, including but not limited to, police and fire personnel to the applicant for the purpose of assisting in the event.

41.1525 Processing:

Upon the receipt of a completed application and all related fees, the following will occur:

- (a) The processing of a complete Temporary Special Event Permit application will generally vary from one (1) to five (5) working days, depending on the complexity. If such activities interfere with traffic or involve potential public safety hazards, an application may take more than five working days to allow for inter-departmental or agency notification.
- (b) Each application for a Temporary Special Event Permit shall be analyzed at staff level to assure that the application is consistent with this Chapter and any other applicable Town standards or policies. If such activities interfere with traffic or involve potential public safety hazards the application shall be forwarded to the appropriate agencies for comment.

(c) At the completion of the Planning Section's review, a permit may be issued by the Planning Division including a listing of conditions necessary to assure the preservation of public health, safety and welfare.

41.1530 Insurance Requirements.

(a) Before any permit is issued for a church tent revival meeting, circus, large concert, parade, carnival, fair, exhibit, festival, art show, car show, street fair, farmers, market or similar type of event, the applicant shall provide the Town with evidence of a policy of liability insurance issued by an admitted insurer in an amount of not less than \$1,000,000.

The policy shall name the applicant and the Town of Yucca Valley, its officers, agents, and employees, as co-insured for protection against any loss, claims, liability, injury, and damage of any nature arising out of or in any way connected to the temporary special event conducted by the applicant. The insurance coverage shall be primary and not contributing with any other insurance of the Town. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the Town. A copy of the certificate shall remain on file.

(b) The applicant shall enter into a hold harmless and indemnification agreement provided by the Town prior to the issuance of any permit.

(c) To ensure cleanup and restoration of the site, an applicant may be required to post a deposit at the time the application is submitted. Upon the completion of the event and inspection of the site by the Town, the deposit may be returned to the applicant if the cleanup and restoration of the site has been determined by the Town to be sufficient.

41.1540 Rules and Regulations.

(a) Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.

(b) Conditions of Approvals: The conditions of approval shall be based upon the following criteria:

- (1) The health, safety, and welfare of all persons;
- (2) Avoidance of undue disruption of all persons within the affected area;
- (3) The safety of property within the Town;
- (4) Compliance with all other applicable agency regulations.

(5) If an event is held within a parking area, the event shall not substantially alter the existing circulation pattern of the site or impact traffic movement with adjacent or surrounding public roadways.

(6) The event shall not obstruct any existing handicap accessible parking space. Sidewalks shall be maintained at a minimum width of 4 feet to provide for handicap access.

(7) Where an activity takes places within an unimproved (dirt) area, some form of dust control will need to be provided as approved by the Town.

(c) Additional Regulations: From time to time, the Planning Division may recommend, as deemed necessary, rules and regulations to implement the provisions of this section. Such rules and regulations shall have the force of law and failure to comply shall be considered a violation of the provisions of this section. The rules and regulations to be adopted shall be implemented with the following intent:

(1) Maintain the health and safety of persons and property within the Town:

(2) Avoid undue disruption of persons and traffic within the affected areas of Town.

41.1545 Appeals.

Any person aggrieved or affected by a decision of the Community Development Director in denying a Temporary Special Event Permit may appeal to the Planning Commission in writing within ten days after notice of the decision is given.

Any person aggrieved or affected by a decision of the Planning Commission in denying a Temporary Special Event Permit may appeal to the Town Council in writing within ten days after notice of the decision is given. The decision of the Town Council shall be final.

41.1550 Referral by the Planning Division

If in the judgment of the Planning Division, a proposed temporary special event may have a substantial adverse impact on public health, safety or welfare, may elect not to approve a Temporary Special Event Permit and may refer the application for disposition by the Town Council at its next regularly scheduled meeting.

41.1555 Permits/Licenses Nontransferable.

Any permit issued pursuant to this chapter is not transferable to any other person, organization or place.

41.1560 Posting.

Every permit required by these regulations shall be conspicuously posted upon the premises of the temporary special event.

41.1569 Requests for Law Enforcement Services at Special Events.

Any person or entity required to obtain a permit in accordance with the provisions of this chapter may request law enforcement services to preserve the peace at special events. Such application shall be made to the Sheriff's Department and shall be in writing, stating the name and address of the applicant, the place where the special event is to be held, the estimated number of persons to be present and the purpose of the special event. Upon receipt of said application, the Sheriff's Department shall determine whether law enforcement services are necessary to preserve the peace, and if the Sheriff's Department so determines, and if the services will not reduce the normal and regular on-going service that the County would otherwise provide, the Sheriff's Department shall contract with the applicant to provide the services at an amount to include all costs to the Town of Yucca Valley.

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

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


APPROVED AND ADOPTED by the Town Council and signed by the Mayor attested by the Town Clerk this 18th day of May, 2010.



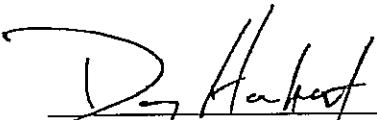
MAYOR

ATTEST:

APPROVED AS TO FORM:



TOWN CLERK



TOWN ATTORNEY


STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 210 as duly and regularly introduced at a meeting of the Town Council on the 4th day of May, 2010, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 18th day of May, 2010, by the following vote, to wit:

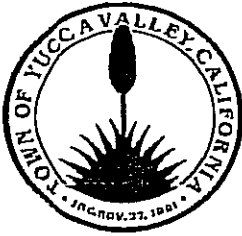
Ayes: Council Members Huntington, Luckino, Neeb, and Mayor Mayes
Noes: None
Abstain: Council Member Herbel
Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 19th day of May, 2010.

(SEAL)



Town Clerk of the Town of
Yucca Valley



Date Received	_____
By	_____
Fee	_____
Case #	_____

TEMPORARY USE PERMIT

APPLICATION TYPE (check one)

Non Residential

_____ Temporary Construction Office _____ Temporary Business Office _____ Other

Residential

_____ Temporary While Building Permanent Residence _____ Temporary Residence for Security

Applicant _____ Phone _____

Address _____ City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address _____ City _____ State _____ Zip _____

Assessor Parcel Number(s) _____

Location of Property _____

Number of Occupants _____ Ages of Children _____

Description of Trailer

Manufactured Home(MH) Recreational Vehicle Commercial Coach

Mobile Office Vehicle(MOV) Other

Year _____ Make _____ Model _____

Dimensions _____ Square Footage _____ Number of Bedrooms _____

Serial Number _____ OR Housing Seal Number _____

Applicant's Signature _____ Date _____

Property Owner's Signature _____ Date _____

Chapter 7

TEMPORARY USES

Sections:

84.0701	General Provisions.
84.0705	Temporary Residential Quarters.
84.0710	Temporary Nonresidential Quarters.
84.0715	Temporary Construction Office Quarters.
84.0720	Temporary Real Estate Model Home/Sales Office.
84.0725	Temporary On-Your-Lot Builder Model Home/Sales Office.
84.0735	Temporary Signs.
84.0740	Temporary Transportable Treatment Unit.

84.0701 General Provisions.

(a) The uses described in this Chapter shall be permitted in any Land Use District subject to the issuance of a Temporary Use Permit (T.U.P.) in accordance with the provisions of Division 3 and as otherwise specified by this Chapter. In order to establish such a use, a person must submit a permit application and remit the appropriate fees to the Department of Environmental Health Services or the Office of Building and Safety and then obtain approval of the permit and any allowed extension thereof.

(b) Permit and permit extension actions may be appealed or referred to the next succeeding reviewing authority as specified by Division 3 of the Development Code. Such appeals shall consider compliance of the proposed action with the provisions of this chapter.

(c) All temporary uses shall be subject to the following, where applicable:

(1) The valid Temporary Use Permit issued by the Director of Environmental Health Services or Building Official shall be prominently displayed in a manner so as to be visible at all times from the exterior of the structure or vehicle so permitted and subject to inspection.

(2) The structure or vehicle so permitted shall provide evidence of approval by the State Division of Housing as prescribed in the California Health and Safety Code or the Federal Department of Housing and Urban Development.

(3) Installation of a structure or vehicle so permitted shall comply with all the requirements and regulations of the Development Code, Office of Building and Safety, and the Department of Environmental Health Services and applicable state and federal regulations.

(4) The owner of the use requiring the Temporary Use Permit shall submit a letter to the Reviewing Authority setting forth in detail the primary use or the use to which the structure or vehicle is to be put, the length of time such temporary use will be required, together with a statement of such future plans as will eliminate the necessity for the temporary use.

(5) A temporary occupancy use shall be located on the same parcel or on a contiguous parcel under the same ownership or control as the primary construction project, property being protected, or other primary use for which the Temporary Use Permit was requested and approved.

(d) A Temporary Use Permit may be issued for the interim operation of any use requiring a Conditional Use Permit for a period of time not to exceed one year, provided such permit does not authorize the construction or establishment of any new permanent structures and the Planning Agency makes the findings required for approval of a Conditional Use Permit. The Temporary Use Permit application shall be filed concurrently with an application for Conditional Use Permit, where appropriate.

(e) A Temporary Use Permit may be issued for the interim operation of an exterior storage area or short-term exterior sales display area for a period of time not to exceed thirty (30) days in any land use district.

84.0705 Temporary Residential Quarters.

Manufactured home: and self-contained recreational vehicles may be used for temporary residential quarters, subject to a Temporary Use Permit (T.U.P.) issued in accordance with the provisions of Division 3. Such temporary residential quarters shall be allowed only in the following instances:

(a) Temporary residential quarters for individuals involved in the construction of the first permanent dwelling unit on the same parcel. Such a T.U.P. shall be valid only if there is a current and valid Building Permit issued by the Building Official or a valid Mobilehome Setdown Permit issued by the Department of Environmental Health Services for the permanent dwelling unit.

(b) Temporary residential quarters for security personnel engaged in the short-term protection of a legally established and permitted commercial, commercial agricultural, industrial or institutional use; or for construction projects which have current and valid permits issued by the Office of Building and Safety.

T.U.P.'s for temporary security quarters or extension thereof, shall not be granted for any period of time to exceed five (5) years from the date the original T.U.P. was issued. If security quarters are needed for a longer term than three years, a caretaker's residence should be established in accordance with the provisions of the applicable land use district.

(c) The provisions of this Section shall not be construed to limit the authority of a public school, pursuant to law, to provide a manufactured home on school property for the purpose of housing a person or persons employed by the district as a watchman or caretaker of school property on a twenty-four (24) hour basis.

(d) Any permit issued pursuant to this Section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which the use has been approved or the expiration of the time for which the approval has been granted.

84.0710 Temporary Nonresidential Quarters.

(a) Manufactured homes, commercial coaches, self-contained recreational vehicles, mobile office vehicles, and appropriate structures constructed in accordance with the Uniform Building Code may be used for temporary nonresidential quarters, subject to the issuance of a Temporary Use Permit in accordance with the provisions of Division 3. Such temporary nonresidential quarters may be used to provide temporary office, retail, meeting assembly, wholesale, manufacturing and/or storage space for commercial, commercial agricultural, industrial, or institutional uses for a specified temporary period of time. Such quarters shall only be an interim substitute until permanent structures can be constructed or repaired, or until a short-term need has been satisfied.

(b) The Building Official shall determine through the Land Use Compliance Review that the proposed use has adequate access, circulation, parking, fencing, lighting, signage, landscaping and appropriate buffering from abutting uses as required by this Code and the applicable land use district.

(c) A T.U.P. for temporary nonresidential quarters and extension(s) thereof, shall not be granted for any period of time to exceed five (5) years from the date the original T.U.P. was issued.

84.0715 Temporary Construction Office Quarters.

Manufactured homes, commercial coaches, self-contained recreational vehicles, mobile office vehicles, and appropriate structures constructed in accordance with the Uniform Building Code may be used for temporary construction office quarters subject to a Temporary Use Permit (T.U.P.).

Any permit issued pursuant to this Section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which this use has been approved, or the expiration of the time for which the approval has been granted.

84.0720 Temporary Real Estate Model Home/Sales Office.

(a) Dwelling units may be used for temporary real estate model home/sales offices located in residential developments and subdivisions subject to the issuance of a Temporary Use Permit.

(b) Said model home sales office may be used only for conducting the necessary activities related to the initial sale or initial lease of the land or structure located within the residential development or subdivision in which the sales office is located, or such adjacent residential developments or subdivisions that are a part of or a continuation of the same development.

(c) At least one (1) model home shall be fully landscaped with drought tolerant xeriscape materials.

84.0725 Temporary On-Your-Lot Builder Model Home/Sales Office.

Single family dwelling units may be used for temporary on-your-lot builder model homes/sales offices subject to a Temporary Use Permit and the provisions of this Chapter, including the following:

(a) Intent. The provisions of this section are intended to regulate the use of a single family dwelling unit when used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots. These provisions are not intended to allow a permanent or temporary real estate office involved in real estate sales other than those involving lots sold in conjunction with the construction services being offered.

(b) Findings. Prior to the issuance of a Temporary Use Permit, the reviewing authority shall find and justify the following to be true:

The proposed On-Your-Lot Builder Model Home/Sales Office structure is located fronting on a roadway designated by the General Plan Circulation map as either a Major Divided Highway, Major Arterial, Major Highway, Secondary Highway, Desert Major, Desert Secondary, Mountain Expressway, Mountain Major or Mountain Secondary.

(c) Conditions. Prior to approving the request for or request to extend a Temporary Use Permit for an On-Your-Lot Builder model home/sales office, the proposed use shall comply with the following:

(1) The On-Your-Lot Builder Model Home/Sales Office shall be used only for the sale of construction services to build single family residential dwelling units on vacant lots and related real estate sales. All real estate sales shall be limited to the sale of vacant lots in conjunction with the sale construction services for the same lot. All real estate sales shall be an accessory and subordinate use to the primary use of construction service or sales.

(2) Only one (1) accessory freestanding or monument sign shall be permitted and it shall neither exceed thirty-two (32) square feet nor twelve (12) feet in height. Such a sign shall only be permitted on the same lot as the model home/sales office and shall be kept in good repair at all times. A freestanding sign shall maintain a minimum clearance of eight (8) feet between the bottom edge of the sign and the ground. The leading edge of such a sign shall be no closer than one (1) foot from the planned right-of-way. All signs shall comply with the provisions of Development Code Division 7, Chapter 8, that are not in conflict with this subsection.

(3) Also, each site shall be allowed to have a maximum of four (4) flags that are each a maximum twelve (12) square feet in area and a maximum twelve (12) feet in height. Such flags shall be maintained in good repair at all times. For the purpose of this Section, this shall mean no weathered, faded or tattered flags are allowed.

(4) One (1) "open house sign" no larger than twenty-four inches by eighteen inches (24" x 18") on poles no higher than four feet (4') may be displayed. Also, no more than two pennants may be displayed. Pennants shall be no greater than two feet by three feet (2' x 3') mounted on poles no higher than four feet (4'). Hours of open house sign and pennant flag displays shall be no earlier than sunrise and no later than sunset.

(5) Other than as allowed by this Section, moveable or portable signs, off-site directional signs, plastic banners, balloons, streamers, propellers, or other similar apparatus which are primarily placed and intended to attract the attention of the general public shall not be permitted.

(6) An annual inspection by the Department of Environmental Health Services shall be made in order to ensure compliance with any conditions of approval.

(7) A minimum of two (2) paved and two (2) other alternate parking spaces shall be provided. The Director of Environmental Health Services shall approve alternate parking spaces subject to surfacing requirements and possible alternate locations (e.g., on-street parking) where it is deemed necessary and appropriate.

(8) The model home shall be fully landscaped with drought tolerant xeriscape materials.

(9) A Bond shall be required to ensure removal of any signs or flags and to reconvert, where necessary, any garage conversion.

(10) A Temporary Use Permit for other On-Your-Lot Builder Model Home/Sales Office may be transferred to another party. Such a transfer shall not entitle the new owner to use such a permit for a longer time period than five (5) years from the issuance of the original permit. Department of Environmental Health Services shall be notified of any transfer of ownership.

(11) Agreement to Terminate a Temporary Use. Prior to the issuance of the permit for the first year and as a condition of that permit approval, the permittee shall enter into an agreement with the County, which shall be recorded in the official records of the County by the County Recorder. The agreement will establish the responsibility of the permittee to comply with the provisions of this Chapter. This will include acknowledgement that the permittee shall terminate the model home/sales office no later than five (5) years from the date of the initial permit and restore the structure to a use allowed by the current land use district on the subject property.

(d) Existing Uses. All existing On-Your-Lot Builder Model Home/Sales Offices shall be required to obtain a Temporary Use Permit for their use. Such permits together with approved annual extensions will allow these uses to continue for an additional five (5) years from the effective date of this Section, without penalty, provided such uses comply with the provisions and conditions established by or under the authority granted by this section.

84.0735 Temporary Signs.

Temporary Signs shall be allowed subject to a Temporary Use Permit (T.U.P.) issued in accordance with the provisions of Division 7, Chapter 7, regarding Temporary Signs.

84.0740 Temporary Transportable Treatment Unit.

Temporary Transportable Treatment Unit (TTTU) may be used for treating hazardous waste or groundwater contamination subject to a Temporary Use Permit (T.U.P.) issued in accordance with the provisions of Division 3. Such temporary transportable treatment units shall be allowed only in the following instances:

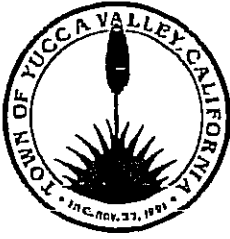
(a) The site where a TTTU will be located and operated complies with the siting criteria and procedures identified in the San Bernardino County Hazardous Waste Management Plan, or

(b) The Director of Environmental Health Services shall determine through the Land Use Compliance Review that the proposed TTTU use will not create additional health risks as demonstrated by a site specific health risk assessment.

(c) Any permit issued pursuant to this section in conjunction with a TTTU shall become invalid upon violation of a permitting requirement or completion of the project or the expiration of the time for which the approval has been granted.

(d) An annual inspection by the Department of Environmental Health Services shall be made in order to ensure compliance with any conditions of approval.

(e) A T.U.P. for a temporary transportable treatment unit and extension(s) thereof, shall not be granted for any period of time to exceed five (5) years from the date the original T.U.P. was issued.



Date Received	_____
By	_____
Fee	_____
Case #	_____

HOME OCCUPATION PERMIT APPLICATION

(Print Legibly)

APPLICANT'S NAME _____

ADDRESS _____

TELEPHONE _____

NAME OF BUSINESS (if applicable) _____

ASSESSOR PARCEL NO. _____

REPRESENTATIVE (if other than applicant) _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

GENERAL LOCATION OF PROPERTY: (Include street address, property location from nearest street or intersection, and indicate which side of street the property is on).

PROPERTY OWNER _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

(Attach written permission from property owner, if applicable).

TYPE OF BUSINESS

NUMBER OF PEOPLE INVOLVED IN THE BUSINESS AND RELATIONSHIP TO OWNER:

TYPE OF ADVERTISING TO BE USED: _____

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

HOME OCCUPATION PERMIT APPLICATION INFORMATION

1. APPROXIMATE VOLUME, UNITS SOLD, NUMBER OF CUSTOMERS RECEIVED PER DAY, YEAR, OR OTHER TIME INCREMENTS

2. DESCRIPTION OF EQUIPMENT USED (HORSEPOWER, VOLTAGE, ETC.)

3. MATERIALS USED AND THEIR MANNER OF DELIVERY TO HOME OCCUPATION LOCATION:

4. HOW ARE CONTACTS MADE WITH CLIENTS OR CUSTOMERS?

5. SQUARE FEET OF AREA USED FOR STORAGE AND WORK AREA, AND TOTAL SQUARE FEET OF RESIDENCE, INCLUDING GARAGE:

6. BRIEF SUMMARY OF BUSINESS BEING CONDUCTED:

7. PROPERTY OWNERS LIST - WITH YOUR APPLICATION YOU MUST PROVIDE A LIST (ON AVERY LABELS, 33 PER 8½ X 11" PAGE) OF ALL PROPERTY OWNERS AND MAILING ADDRESSES WITHIN 300 FEET OF THE EXTERIOR BOUNDARIES OF THE PROPERTY IN QUESTION. THIS LIST WILL BE USED FOR PUBLIC NOTIFICATION (See Attachment "A").

I CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND THAT I HAVE READ AND UNDERSTAND AND WILL ABIDE BY SAN BERNARDINO COUNTY CODE, SECTION 84.0615 (HOME OCCUPATIONS) AS AMENDED BY ORDINANCE NO 178.

I UNDERSTAND THAT MY PERMIT MAY BE VOIDED FOR NON-COMPLIANCE WITH THE CONDITIONS SET FORTH IN THE APPROVAL.

SIGNATURE

DATE

SIGNATURE

DATE

ORDINANCE NO. 178

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

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

SECTION 1. Development Code Amended.

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

"84.0615

Home Occupations

84.0615

(a) **PURPOSE AND INTENT:**

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

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

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

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

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

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

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

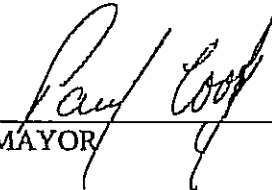
- (i) **Appeal.** Any affected person may appeal a decision of the Director of Community Development to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Community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

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

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

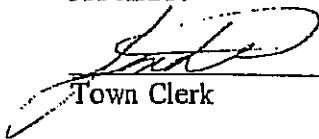
SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

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



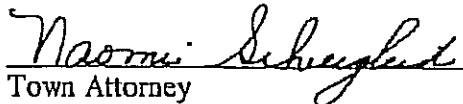
 MAYOR

ATTEST:



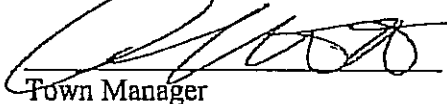
 Town Clerk

APPROVED AS TO FORM:



 Town Attorney

APPROVED AS TO CONTENT:



 Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

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

Ayes: Council Members Leone, Luckino, Mayes, Neeb and Mayor Cook

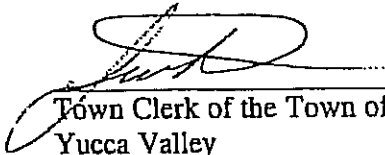
Noes: None

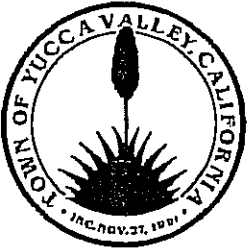
Abstain: None

Absent: None

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

(SEAL)


Town Clerk of the Town of
Yucca Valley



Date Received	_____
By	_____
Fee	_____
Case #	_____

LIVESTOCK PERMIT

Applicant (Print) _____

Address _____

City _____ State _____ Zip _____

Phone Number _____

Contact Person/Representative _____

Address _____

City _____ State _____ Zip _____

Phone Number _____

Property Owner (Print) _____

Address _____

City _____ State _____ Zip _____

Phone Number _____ Fax Number _____

Applicant Signature _____ Date _____

Property Owner Signature _____ Date _____

Filing Fee: See Attached Fee Schedule. Each Livestock Permit is valid for 12 months following its approval date. Prior to the permit expiring, the applicant should file a renewal. Certain types of animal keeping activities may require annual inspections. In addition, whenever a valid complaint is made against a permit holder, the Town may reinspect the property for possible code and conditions of approval violations.

Submittal Requirements:

- Application
- Filing Fee
- One copy of a site plan showing the animal keeping activity on the property.
- PROPERTY OWNERS LIST - with your application you must provide a (on labels, 33 per 82 x 11" page) of all property owners and their addresses within 300 feet of the exterior boundaries of the property in question. This list will be used for public notification (see attachment "A").

HOW TO PREPARE A 300 FOOT RADIUS MAILING LIST

All LSP Applications require the applicant to submit a list of residents and property owners that live and/or own property within a 300-foot radius of the property in question. This process is required by the State of California to notify residents and property owners in the immediate vicinity. Staff will send public notices to these individuals informing them of the proposed project and scheduled public hearings. (Please refer to the attached map)

Step 1 : Where to Look?

Obtain the appropriate page(s) from the Assessor's Parcel Book.

Example: If your Assessor's Parcel Number (APN) is 587-132-04, you would look in book number 587, page 13, block number 132, parcel number 4.

Step 2: Determining the Radius

To measure the 300-foot radius, measure 300 feet from property lines (**Not from the center of the property**). The measuring scale is usually located on the page. The measurement should extend from all four sides and four corners.

Example: As illustrated on the attached map, measure 300 feet from every side of the property line. Hence, the radius extends to adjacent streets and blocks.

Step 3: Obtaining Addresses

Once you have determined the 300-foot radius, you must identify the owners of those properties that are encompassed by the radius. You will then list the APNs as shown within the radius. You can obtain the corresponding names and addresses of the property owners at the San Bernardino County Assessor's Office or a Title Insurance Company. There may be a fee for this service through a title company. The list of property owners must be on Avery labels, 33 per 82" x 11" page. This will be used for public notification.

Example: Assessor's Parcel Number
Any Name
Any Street
Any Town, State 00000

Step 4: Notices

Submit your mailing list with the LSP Application and staff will send public hearing notices to these individuals.

ORDINANCE NO. 89

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING SECTION 84.0560 OF TITLE 8 RELATING TO ACCESSORY ANIMAL RAISING OF THE COUNTY OF SAN BERNARDINO DEVELOPMENT CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY

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

SECTION 1. Development Code Amended

A. Section 84.0560 Accessory Animal Raising of the County of San Bernardino Development Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

"84.0560 Accessory Animal Raising

(a) This section establishes regulations to allow animal raising as an accessory use to a primary single dwelling unit for all properties which allow for the keeping of animals unless specified otherwise. Combinations of the animal types are allowed, provided:

(1) The total number in each category is not exceeded.

(2) Where a density ratio of animals per lot area is specified, the lot area or portion thereof shall be allocated only once to accessory animal raising use. Lot area used to qualify one animal type shall not be reused to allow another animal type.

(3) Animal types which are limited only by a maximum number per lot are allowed in addition to any other accessory animal raising use.

(4) For the purpose of this section, lots with attached multiple residential structures shall be limited to those animals allowed to subsections 84.0560(n)(1) and (2) for lots less than 7,200 square feet.

(b) All animal raising land uses shall comply with public health laws regarding proper care and maximum number of animals.

(c) Each animal raising land use includes all structures necessary to maintain and care for such animals (e.g., barn, corral, stable, pens and coops). Such structures shall comply with all development standards including those specified by the land use district and this section.

(d) Animal Separation

(1) Equine

(A) Equine shall be maintained in a fenced area at all times.

(B) Setbacks

From neighbor's livable dwelling or buildable setback line 70'

From neighbor's livable dwelling or buildable setback line for those properties located within the large animal overlay district which do not have property lines contiguous to the boundaries of the large animal overlay district 45'

Front property line 10'

Rear property line, if adjacent to other privately held property 10'

Rear property line, if alleyway or dedicated flood-control right of-way 0'

Side property lines 5'

(2) Cattle, Buffalo, Sheep, Goats, Llamas and Camelids

(A) Each individual cattle and/or buffalo kept on private property under the provisions of this ordinance shall be provided with a minimum of 400 square feet in a fenced area.

(B) Setbacks

From neighbor's livable dwelling or buildable setback line	100'
Front property line	10'
Rear property line, if adjacent to other privately held property	10'
Rear property line, if alleyway or dedicated flood control right of way	0'
Side property lines	5'

(C) All goats shall be provided with adequate shelter to protect them from the elements.

(D) Fencing shall be adequate to maintain livestock on the property at all times.

(3) Pigs

(A) Pigs shall be maintained in a fenced area at all times. Fencing shall be adequate to maintain the animal on the property at all times.

(B) Setbacks

From neighbor's livable dwelling or buildable setback line	100'
Front property line	10'
Rear property line, if adjacent to other privately held property	10'
Rear property line, if alleyway or dedicated flood control right of way	0'
Side property lines	5'

(C) Adequate cooling systems shall be required

for the keeping of pigs, in addition to providing adequate shelter from the elements.

(4) Animal Enclosure. Animals may be maintained by a fence at least five (5) feet high and made of either chain link, wood with horizontal members no less than six (6) inches apart, solid masonry or other appropriate screening and confining materials. Such a fence may be located on an interior side or rear lot line and fifteen (15) feet from a side street right of way.

(A) No barbed wire fencing shall be allowed within the incorporated Town boundaries that is specific to livestock keeping pursuant to these regulations.

(B) Fences which are adjoining and running parallel to private or public streets or bridle trails shall be a minimum of five (5) feet in height with posts spaced not more than ten (10) feet apart.

(C) Animals shall be properly caged or housed in their corrals, barns, pens or other enclosures. All corrals, pens, coops, lofts, exercise areas or similar structures shall be fenced or otherwise enclosed to adequately confine the animal(s).

(5) All animals shall be kept no closer than one hundred (100) feet from a domestic water well.

(e) Accessory animal raising of densities greater than, or of animal types different from, those specified by this section shall require a Livestock Permit, except where a Special Use Permit is required. The Livestock Permit shall follow the application and review process as required for Home Occupation/Cottage Industry Permit.

(f) Newborn Animal Exception. Offspring of allowed adult animals shall not be counted in determining the number of adult animals on a given parcel, if such offspring do not exceed the following age limitations for accessory animal keeping.

(1) Accessory Animal Keeping

Dogs/Cats	4 calendar months
Emu/Ostriches	12 calendar months
Equine	12 calendar months

Sheep	60 days
Goats	60 days
Bovine	6 calendar months (300 lb. Max)
Buffalo	6 calendar months
Swine	60 days
Llama/Camelid	12 calendar months

(2) Offspring of nonallowed adult animals shall be counted as adult animals, notwithstanding their age at any particular time.

(3) The total number of offspring shall not exceed fifty percent (50%) of the number of adult animals maintained on the parcel(s) unless authorized by approval of a discretionary Livestock Permit except for offspring of dogs and cats.

(4) Bovine offspring up to 300 pounds or six months old, may be substituted for equine off-spring in all single family residential land use districts where large animal keeping is allowed.

(g) **Confined Animals.** Animals which are normally maintained in aquariums, terrariums, bird cages or similar devices, each of which does not exceed fifty (50) cubic feet and where such devices are maintained within an enclosed building, shall be allowed as an accessory animal raising use. The maximum number or density limitations for these animal types shall comply with public health regulations.

(h) The occupant of the premises on which any livestock is kept shall keep and maintain the animal(s) and premises in such a manner as not to be detrimental to the health, safety or welfare of any person on any adjoining property or of the general public, nor be materially detrimental to the use, enjoyment or value of property of other persons in the vicinity of the premises. Such maintenance shall be at least sufficient to keep dust, odors and flies from having an adverse effect on any other property. The following techniques are recommended to meet the maintenance standard specified by this section and shall be utilized if no other alternative techniques sufficient to meet that standard are utilized.

(1) Sprinkler system or other control methods adequate to control dust in corrals, turn out areas, and riding rings shall be installed and utilized as necessary on the premises.

(2) Lime, sand or other appropriate materials shall be utilized on the premises to eliminate odor problems.

(3) Chemical spray and/or bait and other approved measures to control flies shall be utilized as frequently as necessary for vector control.

(i) Any and all contiguous parcels which are included in calculating maximum animal densities shall be merged into one legal parcel.

(j) Livestock keeping areas shall be maintained in a clean and sanitary condition at all times.

(k) Standing surface water, refuse and manure shall not be permitted to accumulate in piles that are not able to dry out. In all cases of livestock keeping, manure shall be spread to dry daily and shall not be allowed to accumulate to create a nuisance to surrounding properties.

(l) Other sections of this chapter notwithstanding, no person shall keep or permit to remain on any premises within the Town any animal that habitually disturbs the peace and quiet of the inhabitants of a neighborhood by howling, barking, crying, baying or making other noise.

(m) Buildings housing farm animals, all animal enclosures, and all pasture areas shall be maintained free from litter, garbage and the accumulation of weeds or manure. Premises shall be maintained in a neat and sanitary manner. All animal raising shall comply with public health laws regarding proper care of animals. If animals are not maintained in compliance with these standards or are otherwise allowed to become a nuisance, the Town shall initiate enforcement proceedings.

(n) Commercial Animal Keeping. Commercial animal keeping for equine and other large animals is permitted within all single family residential land use districts subject to the standards and provisions as identified in the Development Code. Commercial uses include, but shall not be limited to, boarding, training, breeding and other similar uses related to the keeping of equine and other large animals which do not belong to the property owner or lessee and for those similar uses which generate additional traffic, noise and similar or associated

impacts within the vicinity of the proposed site.

(1) The densities established for commercial animal keeping shall be the same as those densities for those single family residential land use districts located within the Livestock Overlay District map, as accessory to the residential use.

(2) Minimum Parcel Size. One acre is established as the minimum parcel size for the commercial keeping of large animals, except for buffalo, bulls and boars. A minimum of five (5) acres is required for the keeping of buffalo, bulls and boars.

(o) Required Permits. Prior to the establishment of any commercial livestock keeping activity, the property owner or lessee shall first obtain a Livestock Permit from the Community Development Department. The Livestock Permit shall follow the application and review process as required for Home Occupation/Cottage Industry Permit.

(p) Allowed accessory small animal raising in residential districts.

Animal Type	Single Residential (RS)	Multi-family Residential (RM)	Rural Living (RL) & Hillside Reserve (R-HR)
Dogs/cats	< 7200 sf. 2 dogs & 2 cats/lot 7200 sf. 3 dogs & 3 cats/lot 10000 sf. 4 dogs & 4 cats/lot 20000 sf. *5 dogs & 5 cats/lot * Five (5) or more dogs and cats require a Special Use Permit (SUP).	2 animals allowed (1 dog / 1 cat, 2 dogs, 2 cats) More dogs and/or cats requires a Special Use Permit (SUP)	< 2 Acres RS standards apply > 2 Acres 1 ea. addnl. 20,000 sf. (Max. 8) More dogs or cats require a Special Use Permit (SUP)
Pot-bellied pigs	< 20,000 sq.ft. 1 allowed in lieu of 1 dog >20,000 sq.ft. 2 allowed in lieu of 2 dogs (Female or neutered male only)	Not allowed	2 per first acre* 1 ea. addnl. acre (Max. 8) * If the parcel contains less than one acre, the RS standards shall apply.
Fowl/Rabbits	10 fowl for first 20,000 sq. ft. 5 fowl for ea. addnl. 10,000 sq. ft. (Max. 25 fowl) 5 rabbits per 20,000 sq.ft. min. 2 rabbits for ea. addnl. 10,000 sq. ft. (max. 10 rabbits)	No fowl allowed Max. 2 rabbits	10 fowl for first 20,000 s. f. 5 fowl for ea. addnl. 10,000 sq. ft. (Max. 25 fowl) 5 rabbits per 20,000 sf. 2 rabbits for ea. addnl. 10,000 sq. ft. (Max. 40 rabbits)
Male Fowl	1 per 20,000 sq.ft. min. (max. 2)	Not allowed	1 per first 20,000 sq.ft. (Max. 2)

(n) Allowed accessory large animal raising in single family residential districts not included within large animal overlay district.

Animal Type	Minimum Parcel Size	Maximum Density Or Number
(4) Sheep and/or goat (female)	7,200 sq. ft. 7,200 sq. ft.	1/lot 1/5,000 sq. ft.
Goat (male)	20,000 sq. ft.	1/lot

(Cumulative total of sheep and goats is 9 per lot.)

(5)	Equine	20,000 sq. ft. with 60 ft. minimum frontage	1/10,000 sq. ft. Maximum 9
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(Cumulative total of all large domesticated animals is 9 per lot.)

(6)	Cattle	20,000 sq. ft. with 60 ft. minimum frontage	1/10,000 sq. ft. Maximum 9
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(7)	Llamas and camelids	20,000 sq. ft.	1/10,000 sq. ft. Maximum 9
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(8)	<u>Emus and Ostriches</u>	<u>1 acre. Min. in RL & R-HR</u>	<u>2 pair per acre or 1 male, 3 females. Max. 4 on first acre. 2 addnl. for every 10,000 sf after first acre. Max. 9 without Over9requiresLivestock Permit.</u>
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(r) **Animals Not Classified.** Any animal not specifically classified within this chapter shall be classified by the Director based upon a determination of what it is most similar to and as to the probable impact on the health, safety or general welfare of the community and the neighborhood."

84.0570 Large Animal Overlay District

(a) A person may keep or maintain livestock as identified in this chapter on any parcel zoned for single family residential purposes only as specifically authorized by the provisions of this chapter and as identified on the Livestock Overlay District Map, subject to the following parcel size restrictions.

<u>Livestock</u>	<u>Minimum Parcel Size</u>
Equine	20,000 square feet
Sheep	7,200 square feet
Goats	7,200 square feet
Billy goat (male breeding goat)	20,000 square feet
Cattle	20,000 square feet
Bulls (Special Permit)	5 acres
Buffalo (Special Permit)	

required)	5 acres
Pig	1 acre
Boar (Special Permit)	5 acres
Emus & Ostriches	1 acre
Llamas & Camelids	20,000 square feet

(b) Livestock Permitted. The following types of livestock are allowed within the single family residential land use districts as identified within the Livestock Overlay District Map. Equine, cattle, buffalo, pigs, sheep, goats (female and neutered males), billy goats (male breeding goats), emus, ostriches, and llamas and camelids may be allowed under the provisions of this chapter.

(c) The following animal densities are established for those single family residential land use districts located within the Livestock Overlay District, as accessory to the residential use. The following density standards apply to properties within the Livestock Overlay District map. Where a density ratio of animals per lot area is specified, the lot area or portion thereof shall be allocated only once to accessory animal raising use. Lot area used to qualify one animal type shall not be reused to allow another animal type.

<u>Livestock Type</u>	<u>Livestock Densities</u>	<u>Maximum Number of non-exempted animals without livestock permit</u>
Equine	4 equine on the first 20,000 square feet, 1 animal for each additional 10,000 square feet	23
Sheep	6 animals on the first 20,000 square feet, 1 animal for each additional 10,000 square feet	12
Goats	6 animals on the first 20,000 square feet, 1 animal for each additional 10,000 square feet	12
Billy goats (male)	1 animal on the first	3

breeding goats)	20,000 square feet, 1 additional animal for each additional 10,000 square feet	
Cattle	4 animals per 20,000 square feet, 1 additional animal for each additional 10,000 square feet	23
Bulls (Special Permit required)	4 animals on minimum 5 acres, with no additional animals allowed	4
Buffalo (Special Permit required)	2 animals per 5 acres, 1 additional animal for each additional 5 acres	2
Pigs	1 animal per 1 acre, 1 additional animal for each additional 10,000 square feet	4
Boars (Special Permit)	4 animals per 5 acres, with no additional animals allowed unless approved under Special Permit	4
Llamas and camelids	4 animals per 20,000 square feet, 1 additional animal for each additional 10,000 square feet	23
<u>Emus and Ostriches</u>	<u>1 acre Min. in RL & R-HR</u>	<u>2 pair per acre or 1 male, 3 females. Max. 4 on first acre. 2 addnl. for every 10,000 sf after first acre</u> <u>Max. 28 without permit. Over 28 requires Livestock Permit.</u>

(d) Exempted Animals. Offspring of allowed adult animals shall not be counted in determining the number of adult animals on a given parcel, if such offspring do not exceed the following age limitations for accessory and commercial animal keeping.

(1) Accessory and Commercial Animal Keeping

Equine

12 calendar months

Sheep	60 days
Goats	60 days
Bovine	6 months, 300 pounds
Buffalo	6 months
Swine	60 days
Llama/Camelid	12 months

(2) Offspring of nonpermitted adult animals shall be counted as adult animals, notwithstanding their age at any particular time.

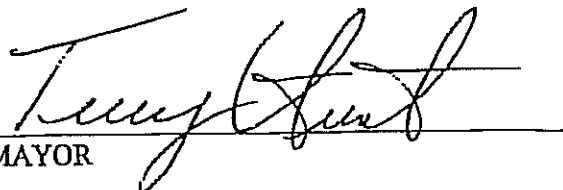
(3) The total number of offspring shall not exceed fifty percent (50%) of the number of adult animals maintained on the parcel(s) unless authorized by approval of a discretionary Livestock Permit.”

SECTION 2. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

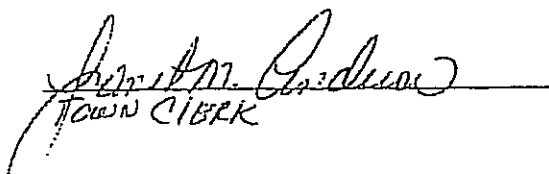
SECTION 3. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 1st day of April, 1998.

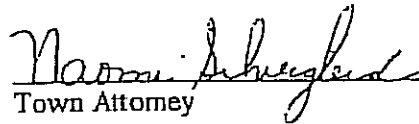

MAYOR

ATTEST:


TOWN CLERK

Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

FACOMMOMORDINANCIDCA0897.IC
March 13, 1998

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the Town Council on the 19th day of March, 1998, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 2nd day of April, 1998, by the following vote, to wit:

Ayes: Council Members Hockett, Leone, and Loveless

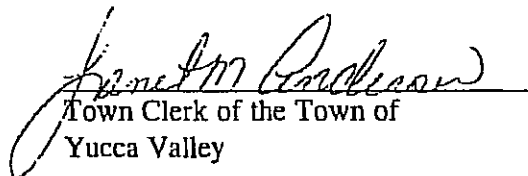
Noes: Council Member Crouter and Mayor Hunt

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 6th day of April, 1998.

(SEAL)


Town Clerk of the Town of
Yucca Valley

PUBLIC CONVENIENCE or NECESSITY INFORMATION FORM

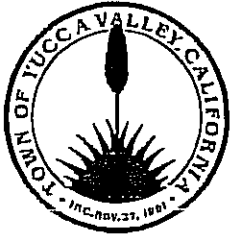
According to the Department of Alcoholic Beverage Control (ABC), you have applied for a license to sell alcoholic beverages at a premise that is located in an area where there is an over-concentration of alcoholic beverage licenses and/or higher than average crime rate. Therefore, ABC may deny your application unless the Town of Yucca Valley makes a determination that public convenience or necessity will be served by your proposed project.

To assist the Town of Yucca Valley in making this determination, the applicant must complete the attached application form as well as provide a **typed detailed letter** stating how public convenience or necessity would be served by issuance of the applied license. This letter should include, but not limited to, the following:

1. Describe how the issuance of the license and/or operation of the business **will not** contribute to or aggravate an existing crime problem in the area.
2. Describe how your business will provide products and/or services that are different **and** unique to the area that existing businesses selling alcohol within the immediate area do **not** provide.
3. Attach any documentation regarding over-concentration you received from ABC.

Filing Fee: See Attached Fee Schedule. The filing fee is required at the time the request is submitted to the Town. Should the request be denied, no refund will be given.

Once an application is submitted and deemed complete, Planning staff will forward the request to the Sheriff=s Department for crime statistics and the finding that the proposal will not contribute or aggravate an existing crime problem in the area. This process generally takes 2 to 4 weeks. Upon the determination of public convenience or necessity, a letter will be sent to ABC with a copy to the applicant.



Date Received	_____
By	_____
Fee	_____
Case #	_____

PUBLIC CONVENIENCE or NECESSITY

(Print Legibly)

Applicant _____ Phone _____

Address: _____

City _____ State _____ Zip _____

Name of Business _____ Phone _____

Business Address _____

City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address: _____ City _____ State _____ Zip _____

Assessor=s Parcel Number (s) _____

Square-Footage of Business _____

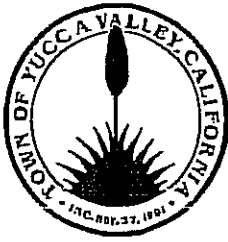
Percent (%) of Overall Sales Related to Alcohol _____

Existing Land Use _____

Attach a typed detail letter and any documentation regarding over-concentration you have received from ABC.

Applicant's Signature _____ Date _____

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



Date Received _____
By _____
Fee _____
Case # _____

SPECIAL LICENSE PERMIT

MESSAGE ESTABLISHMENT & SERVICES/ OUTCALL MESSAGE

APPLICATION FOR: (CHECK ALL THAT APPLY)

- MESSAGE ESTABLISHMENT OUTCALL MESSAGE ENDORSEMENT
 MESSAGE TECHNICIAN NEW RENEWAL

NAME OF MESSAGE ESTABLISHMENT _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
PHONE NUMBER(S) _____

APPLICANT NAME _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
PHONE NUMBER _____
NICKNAMES/ALIASES _____

ADDRESSES IMMEDIATELY PRIOR TO PRESENT ADDRESS OF APPLICANT

1. ADDRESS _____ CITY _____ STATE _____ ZIP _____
2. ADDRESS _____ CITY _____ STATE _____ ZIP _____

DATE OF BIRTH _____ DRIVERS LIC. # _____
SOCIAL SECURITY # _____
WEIGHT _____ HEIGHT _____ HAIR _____ EYES _____ SEX _____

NAME OF SCHOOL ATTENDED _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
DATES OF ATTENDANCE _____

(PROVIDE COPY OF DIPLOMA OR CERTIFICATE OF GRADUATION AND COPY OF TRANSCRIPTS)

**Town of Yucca Valley
Community Development Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0284**

HAVE YOU EVER BEEN CONVICTED OF A FELONY OR MISDEMEANOR?
IF YES, EXPLAIN. (DO NOT INCLUDE MISDEMEANOR TRAFFIC VIOLATIONS)

REFERENCES OF CHARACTER (AT LEAST FIVE, OTHER THAN RELATIVES)

NAME	ADDRESS
1.	_____
2.	_____
3.	_____
4.	_____
5.	_____

FOR MESSAGE ESTABLISHMENTS:

PLEASE NOTE: A FIELD INVESTIGATION FEE OF \$115.50 MAY APPLY IF, UPON INSPECTION BY THE PLANNING DIVISION ISSUES ARISE THAT REQUIRE INSPECTION BY THE BUILDING AND SAFETY DIVISION.

UNDER PENALTY OF PERJURY, I DECLARE THAT ALL INFORMATION ON THIS APPLICATION IS TO THE BEST OF MY KNOWLEDGE AND BELIEVE TRUE AND CORRECT STATEMENT OF FACT. I UNDERSTAND THAT IN ADDITION TO OBTAINING A PERMIT/ LICENSE, I MUST COMPLY WITH ALL OTHER CITY, COUNTY, STATE AND FEDERAL LAWS, REGULATIONS AND ORDINANCES. NOTE: THIS APPLICATION DOES NOT CONSTITUTE A LICENSE. THE APPLICATION WILL BE REVIEWED AND DETERMINATION WILL BE BASED UPON PROVIDED INFORMATION. A RENEWAL APPLICATION MUST BE SUBMITTED ANNUALLY.

APPLICANT SIGNATURE _____ DATE _____

ORDINANCE NO. 96

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND REENACTING CHAPTER 11 OF DIVISION 1 OF TITLE 4 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO MASSAGE SERVICES AND ESTABLISHMENTS

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

SECTION 1. MUNICIPAL CODE AMENDED.

Chapter 11 of Division 1 of Title 4 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

“CHAPTER 11: MASSAGE SERVICES AND ESTABLISHMENTS

Sections

- 41.111 Purpose and intent
- 41.112 Definitions
- 41.113 Permit requirements
- 41.114 Exemptions
- 41.115 Application for massage permit
- 41.116 Massage establishment standards
- 41.117 Outcall massage endorsement
- 41.118 Posting of license
- 41.119 Register of employees
- 41.120 Denial of massage permit
- 41.121 Revocation of massage permit
- 41.122 Employment of massagist
- 41.123 Inspection required
- 41.124 Unlawful acts
- 41.125 Appeals
- 41.126 Penalties

41.111 Purpose and Intent. It is the purpose and intent of this chapter to provide for the orderly regulation of massage services and establishments in the Town by establishing certain minimum standards for the education and conduct of this type of business which will protect the public health and welfare of the citizens of the Town.

41.112 Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "Health Department" means the Department of Public Health of the County of San Bernardino.

(b) "Massage" means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

(c) "Massage Establishment" means any establishment having a source of income or compensation derived from the practice of massage as defined in this section, and which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities as defined in the definition of massage in this section.

(d) "Massagist" means any person who, for any consideration whatsoever, engages in the practice of massage as defined in this section.

(e) "Outcall Massage Service" means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than a massage establishment as defined in this section.

(f) "Patron" means any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

(g) "Permittee" means the person to whom a permit has been issued to act in the capacity of a massagist (masseur or masseuse) as herein defined.

(h) "Person" means any individual, partnership, firm, association, joint stock company, limited liability company, corporation or combination of individuals of whatever form or character.

(i) "Recognized School" means any school or educational institution licensed to do business as a school or educational institution in the state in which it is located, or any school recognized by or approved by or affiliated with the American Massage Therapy Association, Inc. or by a professional association of similar status which has for its purpose, the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study of not less than 100 hours before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning.

(j) "Sexual or Genital Area" means the genitals, pubic area, anus, or perineum of any person, or the vulva or breast of a female.

41.113 Permit Requirements

(a) Massagist's permit required. No person shall practice massage as a massagist, employee or otherwise within the Town of Yucca Valley, unless that person has a valid massagist's permit issued by the Town pursuant to the provisions of this chapter.

41.114 Exemptions. This chapter shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

(a) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the State of California;

(b) Nurses who are registered under the laws of the State of California; and

(c) Barbers, beauticians, manicurists, and pedicurists who are duly licensed under the laws of the State of California except that this exemption shall apply solely to the massaging of the neck, face, scalp, hair, hands or feet of the customer or client for cosmetic or beautifying purposes.

(d) Any state registered athletic trainer who administers such athletic-related massage in the normal course of training duties.

41.115 Application for Massage Permit. Application for a massage permit shall be made to the Town of Yucca Valley Community Development Department accompanied by the annual nonrefundable massage permit fee in such amount as established by resolution of the Town Council. The application shall contain the following:

(a) The name, business address, and all telephone numbers of the massage establishments where the massage is to be practiced;

(b) Name and residence address, and all names, nicknames and aliases by which the applicant has been known, including the two previous addresses immediately prior to the present address of the applicant;

(c) Social Security number, driver's license number, if any, and date of birth;

(d) Applicant's weight, height, color of hair and eyes, and sex;

(e) Written evidence that the applicant is at least 18 years of age;

(f) A complete statement of all convictions of the applicant for any felonies or misdemeanor or violation of a local ordinance, except misdemeanor traffic violations, and full statement of disposition of all such actions;

(g) Fingerprints of the applicant taken within 30 days of the submittal by the Police

Department;

(h) Two front face portrait photographs taken within 30 days of the date of application and at least two inches by two inches in size;

(I) The name and address of the recognized school attended, the dates attended and a copy of the diploma or certificate of graduation awarded the applicant;

(1) A person who is employed as a massagist in the Town on the day this chapter goes into effect or has been so employed for three of the previous six months and who has not graduated from a recognized school, may apply for a temporary permit which shall be valid for six months from the day this chapter goes into effect. The temporary permit may be extended for an additional six months upon a showing that the applicant is actively engaged, enrolled or participating in a course of study leading to graduation at a recognized school. In no event shall any temporary permit be valid after one year after this chapter goes into effect; certification as a massage therapist (MST.) or registered massage therapist (RMT.) shall serve in lieu of education;

(2) Employment shall be established by sworn affidavit from the employer. School enrollment shall be certified by an official of the recognized school;

(j) The massage or similar business history and experience for the ten years prior to the date of application, including but not limited to whether or not such person is previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended and the reasons therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation;

(k) The names, current addresses and written statements of at least five bona fide permanent residents of the United States, other than relatives, that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the Town, then the county, then the State of California, and lastly from the rest of the United States;

(l) A medical certificate signed by a physician, licensed to practice in the State of California, within seven days of the date of application. The certificate shall state that the applicant was examined by the certifying physician and that the applicant is free of communicable disease. The additional information required by this division shall be provided at the applicant's expense;

(m) Such other information, identification and physical examination of the person deemed necessary by the Community Development Director in order to discover the truth of the matters herein required to be set forth in the application;

(n) Authorization for the Town, its agents and employees and such other enforcement agencies as may be necessary to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

The Town may request the San Bernardino Department of Health to conduct some or all of the inspections or investigations required herein. The Department of Health is authorized to bill and collect from the applicant reasonable fees for such services and the applicant shall show evidence that such fees have been paid before a license or permit is issued hereunder;

(o) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, such declaration being duly dated and signed in the Town.

41.116 Massage Establishment Standards. No license to conduct a massage establishment shall be issued unless the following standards can be met:

(a) A readable sign shall be posted at the main entrance identifying the establishment as a massage establishment, provided; however, that all such signs comply with the Sign Ordinance.

(b) Minimum lighting shall be provided in accordance with the Uniform Building Code. In addition, at least one (1) unobstructed artificial light of not less than forty (40) watts shall be provided and used at all times in each enclosed room or booth while massage services are being rendered.

(c) Minimum ventilation shall be provided in accordance with the Uniform Building Code.

(d) Instruments used for massage shall be disinfected prior to each use by a reasonable method approved by the San Bernardino Department of Environmental Health. Where such instruments for massage are employed, adequate quantities of supplies for disinfection shall be available during all hours of operation.

(e) Hot and cold running water shall be provided.

(f) Closed cabinets shall be utilized for the storage of clean towels and linen. After use, towels and linens shall be removed from the room or booth and stored in a clean container until laundered.

(g) Dressing and toilet facilities shall be provided for patrons.

(h) All walls, ceilings, floors, steam or vapor rooms, and all other physical facilities for the massage establishment shall be kept in good repair, maintained in a clean and sanitary condition.

(i) Clean and sanitary towels and linens shall be provided for patrons receiving massage services. No common use of towels or lines shall be permitted.

41.117 Outcall Massage Endorsement. A massage permit may be endorsed to authorize a permittee to perform outcall massage if, in addition to meeting all the requirements of Section 41.115 (b) thru (o) of this Chapter, the massagist:

(a) Has completed a course of instruction of not less than 500 hours, conducted at a

school recognized, approved or accredited by the American Massage Therapy Association or by a professional association of similar stature; and

(b) Is currently certified as a massage therapist (M.S.T.) or a registered massage therapist (R.M.T.) by the American Massage Therapy Association or has an equivalent certification.

41.118 Posting of License. Every massagist shall post the permit required by this chapter in his/her work area.

41.119 Register of Employees. The licensee or person designated by the licensee of a massage establishment shall maintain a register of all persons employed at any time as massagists and their permit numbers. Such register shall be available at the massage establishment to representatives of the Town during regular business hours.

41.120 Denial of Massage Permit. The Community Development Director may deny any permit applied for if he or she determines any of the following:

(a) The permit applicant does not have sufficient massage training or has otherwise failed to fully comply with the application requirements of this chapter;

(b) The business proposed to be conducted would not or does not comply with all applicable laws, including but not limited to the Town's building, zoning, nuisance, and health regulations; or

(c) The permit applicant:

(1) Has knowingly attempted to procure the permit by false statements, representations, or nondisclosure of a material fact when such fact would have been considered good cause for denying the application for such permit; or

(2) Has been convicted of any offense listed in Cal. Gov't Code § 51032 as a permissible basis for denying a permit.

41.121 Revocation of Massage Permit. A massage permit issued by the Town may be revoked by the Community Development Department upon a finding that the massagist has been convicted of any offense which would be cause for denial of a permit upon an original application, or the massagist has made a false statement on an application for a permit, or the massagist has committed an act in violation of this chapter. Such proceedings shall be a duly noticed public hearing conducted by the Community Development Director.

41.122 Employment of Massagist. No person shall employ an individual as a massagist unless such employee has obtained and has in effect a massage permit issued pursuant to this chapter.

41.123 Inspection Required. The Chief of Police or his or her authorized representative shall from time to time make inspection of each massage business establishment for the purpose of

determining that the provisions of this chapter are fully complied with. It shall be unlawful for any person to fail to allow such inspection officer access to the premises or hinder such officer in any manner. Health Department representatives are deemed authorized representatives of the Chief of Police.

41.124 Unlawful Acts

(a) It shall be unlawful for any massagist to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, anus, or perineum of any person, or the vulva or breast of a female.

(b) It shall be unlawful for any massagist to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any massagist or employee, in a massage establishment, to expose the sexual or genital parts, or any portions thereof, of any other person.

(c) It shall be unlawful for any massagist while in the presence of any other person to fail to conceal with a fully opaque covering, the sexual or genital parts of his or her body.

(d) It shall be further unlawful for any permittee under this chapter to administer massage on an outcall basis as defined in Section 41.112 (e) of this Chapter, unless such permittee's massage permit includes a valid, current outcall massage endorsement. A massagist whose permit does not include an outcall massage endorsement shall administer massage solely within an establishment licensed to carry on such business under this Chapter. Any violation of these provisions shall be deemed grounds for revocation of the permit granted hereunder.

41.125 Appeals. Any affected person may appeal a decision of the Community Development Director to the Town Council. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Director of Community Development shall schedule the matter on the next available possible regular Town Council meeting. The Council may affirm, revise, or modify the action appealed. In ruling on the appeal, the findings and action of the Council shall be final and conclusive in the matter.

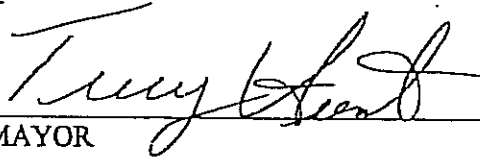
41.126 Penalties. Any person violating or causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor.”

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

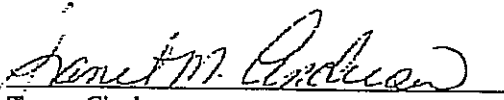
SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30)

days from and after the date of its adoption.

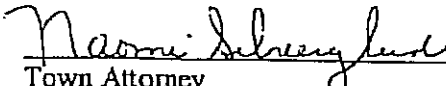
APPROVED AND ADOPTED by the Town Council and signed by the Mayor attested by the Town Clerk this 5th day of October, 1998.


MAYOR

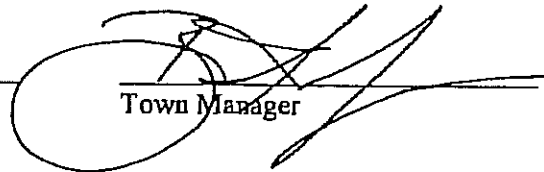
ATTEST:


Town Clerk

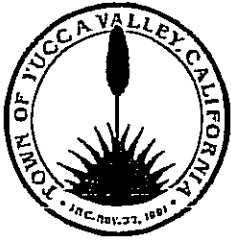
APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

F:\COMMON\COMMON\ORDINANCE\CA0198.WPD
October 15, 1998 TC Mtg



Date Received	_____
By	_____
Fee	_____
Case #	_____

SPECIAL USE PERMIT

- | | |
|--|---|
| <input type="checkbox"/> Exotic Animals | <input type="checkbox"/> Recycling facility (Small) |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Pvt. Kennels/ Sm. Animals |

(Print Legibly)

Applicant _____ Phone _____

Address: _____ City _____ State _____ Zip _____

Contact Person/Representative _____ Phone _____

Address _____ City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address: _____ City _____ State _____ Zip _____

Assessor=s Parcel Number (s) _____

Property Size _____

Existing Land Use _____

Project Description _____

PROPERTY OWNERS LIST - WITH YOUR APPLICATION YOU MUST PROVIDE A LIST (ON LABELS, 33 PER 82 X 11" PAGE) OF ALL PROPERTY OWNERS AND THEIR ADDRESSES WITHIN 300 FEET OF THE EXTERIOR BOUNDARIES OF THE PROPERTY IN QUESTION. THIS LIST WILL BE USED FOR PUBLIC NOTIFICATION (See Attachment "A").

Applicant=s Signature _____ Date _____

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

INFORMATION REGARDING SPECIAL USE PERMITS

GENERAL PROVISIONS

- (a) The uses described shall be permitted in a land use district, subject to the issuance of a Special Use Permit. Special Use Permits are required to regularly monitor the operation of certain land uses to insure their continued compatibility with the surrounding property.
- (b) Failure to comply with all conditions of this Section shall render the Special Use Permit to be null and void and subject to all enforcement, criminal and civil penalty provisions of this Development Code and all other remedies and penalties provided by law, and are not limited to or superseded by these Sections.
- (c) Special Use Permit applications shall be denied if there are any violations of the Town of Yucca Valley Code Division 3, Chapters 1 through 11 on the property for which the application is filed and appropriate legal action is taken to abate such violations.
- (d) Special Use Permits shall be renewed annually, unless otherwise specified by this chapter and inspections will be conducted by the Code Enforcement Department prior to each annual review.
 - (1) That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, building coverage, setbacks, parking areas and other requirements of the code.
 - (2) The proposed dependent housing unit is clearly subordinate in size, location and appearance to the principle unit.

Submittal Requirements

- 1. Completed Application
- 2. Fees: See attached fee schedule
- 3. 5 sets of plans which include a site plan and a floor plan
- 4. 1 set of mailing labels

84.0620 Bed and Breakfast Uses.

(a) Bed and Breakfast Uses as defined in Division 12 shall be permitted in all residential Land Use Districts and all Land Use Districts where residential uses are permitted.

(b) Requirements.

(1) Only a single family dwelling structure, including habitable accessory structures shall be considered for Bed and Breakfast Uses.

(2) This use shall be conducted as an accessory use only; the residential structure shall serve as the primary residence of the owner. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where the said use is proposed.

(3) All Bed and Breakfast Uses shall be subject to:

(A) Special Use Permit as specified in this Title. The Special Use Permit is renewable annually;

(B) Health Permit as specified in Title 3 of the County Code. The Health Permit is renewable annually; and

(C) Transient Occupancy Tax (bed tax).

(4) Application for a permit shall be made by the resident property owner or his legal agent having power of attorney to make such application.

(5) Where deemed appropriate by the Director of Environmental Health Services Department, owners/operators of Bed and Breakfast Uses shall be required to sign and record a Certificate of Land Use Compliance and abide by the provisions outlined therein.

(c) Findings. Prior to acting upon an application for a Special Use Permit for a Bed and Breakfast Use, the reviewing authority shall find that all the following are true:

(1) That the site upon which the Bed and Breakfast Use is to be established, shall conform to all standards of the Land Use District in which it is located, and that the site for the proposed use is adequate in size and shape to accommodate said use and all yards, building coverage, setbacks, parking areas and other applicable requirements of the Code.

(2) That the residential character of the neighborhood in which the use is located shall be maintained and preserved and that the issuance of the permit shall not be significantly detrimental to the public health, safety and welfare or injurious to the vicinity and district in which the use is located.

(d) Conditions.

(1) Structural Features.

(A) All dwelling units proposed for Bed and Breakfast use must comply with standards and specifications of the Uniform Building Code, and shall also be subject to the Room Occupancy Standard outlined in the State Housing Law (as amended).

(B) Each guest room shall be equipped with a fire extinguisher and a smoke detector conforming to Uniform Building Code Standards (UBC No. 43-6), and exit/egress and an emergency evacuation map must be displayed in a prominent location in each guest room.

(2) Accesses and driveways. The owner shall ensure that all required accesses, driveways and parking spaces remain clear and unobstructed, and are available and ready for the occupants' use at all times.

(3) Parking. In addition to the required parking standards for residential uses, one (1) parking stall nineteen (19) feet in length and nine (9) feet in width shall be provided on-site for each guest room. Such additional parking spaces shall comply with the location and design standards established by the applicable Land Use District and the provisions of this Title. Neither on-street parking nor tandem parking shall be used to satisfy this on-site parking requirement. Additional parking spaces may be required when deemed necessary by the reviewing authority.

(4) Design Standards.

(A) A Bed and Breakfast Use shall not be permitted in a dwelling that is located on a site that has less than the applicable lot area specified by the underlying Land Use District.

(B) Alterations and modifications may be made to the structures and the site but such alterations shall be compatible with the character of the neighborhood. Such alterations and modifications shall also comply with all applicable provisions, requirements and standards of the County Code.

(C) Additional landscaping may be required to screen parked vehicles from direct view of the neighbors, particularly where such parking is located within the front yard setback.

(D) Any lights used to illuminate the site shall be designed so as to reflect away from adjoining properties and public thoroughfares.

(E) A nonilluminated identification sign, not to exceed six (6) square feet in area is permitted. If not attached to the residence, such sign shall not exceed six (6) feet in height and must blend with the architectural style of the structure and the neighborhood.

(F) No Bed and Breakfast use shall be permitted where more than two such uses currently exist within one thousand (1,000) feet of the perimeter of the proposed site.

(5) Kitchen Facilities.

(A) There shall be no cooking facilities permitted in guest rooms.

(B) The sale of food or other materials is limited to guests who are currently residing on the premises where the use is located and not to the general public.

(6) Records of Patrons. Records of all guests who patronize the Bed and Breakfast establishment shall be preserved for a minimum period of three (3) years before such records are discarded.

(7) Miscellaneous Conditions.

(A) Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.

(B) The use shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.

(C) There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible from outside the home.

(D) The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises and vibrations.

(E) The uses of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

(e) Penalty for Noncompliance. The reviewing authority may void any Special Use Permit for a Bed and Breakfast Use for noncompliance with the conditions set forth in approving the permit, and shall give notice of such action to the permittee.

(f) Types of Bed and Breakfast Uses. Bed and Breakfast Uses shall be classified into three (3) types:

(1) Host Home (having one (1) or two (2) guest room(s)).

(A) Such use shall not be permitted on a site that is less than five thousand (5,000) square feet of lot area. A minimum lot area of seven thousand two hundred (7,200) square feet is required for host homes with two (2) guest rooms.

(B) Such homes shall have a minimum of two (2) bathrooms.

(2) Bed and Breakfast Home (having three (3) to five (5) guest rooms).

(A) In addition to the Special Use Permit, such use shall be subject to a Conditional Use Permit.

(B) This use shall not be permitted on a site that has less than the net lot area specified below:

No. of Guest Rooms	Minimum Lot Size
3	8,200
4	9,200
5	10,200

(C) Such home shall have a minimum of three (3) bathrooms.

(3) Bed and Breakfast Inn/Lodge having a minimum of six (6) and a maximum of ten (10) guest rooms.

(A) Structures of Historical, Architectural and Cultural significance.

(i) Only residential structures that have been determined to be of historical, architectural or cultural significance by the Planning Commission, or properties which are on the State or National listing of structures of historical significance shall be permitted to be used as a Bed and Breakfast Inn/Lodge.

(ii) The Planning Commission may establish Historic and Scenic Preservation Standards and shall review the proposal for a determination of historical, architectural or cultural significance. In making such determination, the Planning Commission shall consider the:

(i) Architecture of the structure noting the history, uniqueness and style of the design;

(ii) Historical and/or cultural value(s) of the property and/or the site;

(iii) Age of the structure and its physical and structural condition.

(III) After such determination, the structure shall be placed on: (1) State lists of Points of Historic Interest and Historic Landmarks, or (2) the National Register of Historic Places.

(B) The Planning Commission may require the preservation and maintenance of significant permanent landscaping features and significant historical, architectural and/or cultural features of the structure and/or property.

(C) A residential building that has been declared a historical structure shall be subject to prealteration inspection by a designated County official prior to application for Bed and Breakfast Use and report of such inspection must accompany the application.

(D) All historical structures proposed for Bed and Breakfast Uses shall comply with all current applicable Uniform Building Code standards, including those regarding historical building and those pertaining to the physical and structural conditions of the building and the site.

(E) In addition to the Special Use Permit, this use shall be subject to a Conditional Use Permit.

(F) This use shall not be permitted on a site that has less than twenty thousand (20,000) square feet of lot area and one thousand (1,000) square feet of additional lot area shall be required for each additional guest room over six (6).

(G) Such home shall have a minimum of four (4) bathrooms. The owner shall provide access for the physically handicapped.

(4) Any use that is the subject to an approved Conditional Use Permit may also be made subject to the issuance of a Special Use Permit.

(5) Special Use Permits may be issued for limited time periods. New applications may be required for Special Use Permit renewal.

(O) One (1) parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as mandated by the zone in which the facility is located.

(c) **Site Clean-Up Required.** The operator and host business of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes which have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for such materials. Upon the failure to remove said materials, the County may deem them to be abandoned and may enter the site to remove the materials. The property owner(s) of the premises and the operator of the facility shall be liable for the full cost of any such clean-up work done by the County.

84.0630 Private Kennels.

(a) The establishment of Private Kennels shall be subject to the following regulations:

(1) Notice shall be given in accordance with Staff Review With Notice procedure.

(2) Any action to approve a request for a private kennel as an established Rural Living Use in a Rural Living Land Use District shall not be effective until written evidence is received by the Director of Environmental Health Services that the applicant has applied for and obtained all required permits from San Bernardino County Public Health Department, Office of Preventive Veterinary Services.

(b) **Conditions:** Any action to approve a request for a private kennel permit as an accessory use shall include the following conditions:

(1) The establishment of the private kennel must comply with all provisions of San Bernardino County Code, Title 3, Division 2, Chapter 3, Commercial Kennels.

(2) The keeping of the animals must comply with all County Code requirements including but not limited to setbacks from property lines and other dwellings.

(3) A minimum lot size/parcel size of two and one-half (2½) acres per parcel shall be required with a maximum of fifteen (15) dogs per parcel permitted.

(4) Private kennels shall be required to be inspected by the Department of Public Health quarterly. One annual inspection shall be conducted jointly by the Department of Public Health and the Department of Environmental Health Services (DEHS). Written reports from the Department of Public Health must be submitted to DEHS after each quarterly inspection.

(5) Noise shall be attenuated to 55 dBA from the property line.

(6) The permit application may be denied if two (2) or more contiguous property owners submit substantive objection in writing to DEHS.

(7) All direct and indirect glare from the source shall not cause glare upon adjacent property owners.

(8) All fencing shall comply with San Bernardino County Code, Title 3, Division 2, Chapter 3. The special use permit may require the use to be fully screened from adjacent properties.

(9) One sign not to exceed twelve (12) square feet in area stating "Private Kennel" with a twenty-four (24) hour emergency phone number must be posted at all entries to the parcel.

84.0635 Special Uses.

(a) Any use that is the subject of an approved Conditional Use Permit in accordance with the provisions of Division 3 may also be made subject to the issuance of a Special Use Permit.

(b) Special Use Permits issued for limited time periods. New applications may be required for Special Use Permit renewal.

ORDINANCE NO. 128

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 6, SECTION 84.0610 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO EXOTIC ANIMALS AND DIVISION 12 RELATING TO DEFINITIONS. (DCA-04-01)

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

SECTION 1. Code Amended

Title 8, Division 12, Section 812.01005 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended to add the following:

“Exotic Animal: Means any animal of the class Aves (birds), class Mammalia (mammals), class Amphibia (frogs, toads, salamanders), class Osteichthyes (bony fishes), class Monorhina (lampreys), class Reptilia (reptiles), class Crustacea (crayfish), or class Gastropoda (slugs, snails) that are restricted by the State.

Zoo: Means a zoological garden or other collection of exotic animals which are raised, bred, trained and/or maintained for on-site display that is open to the general public, education, tours and exhibition which is accredited by the American Zoo and Aquarium Association (AZA).

Title 8, Division 4, Chapter 6, Section 84.0610 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended to read as follows:

Section 84.0610

84.0610 Exotic Animals.

- (a) The keeping of exotic animals as defined in *Title 8 Division 12 Definitions* shall be permitted as an accessory use to single dwelling unit in accordance with this Code as follows:
- (1) Any exotic animal as defined in *Title 8 Division 12 Definitions* with a State Fish and Game caging requirement of 50 square-feet or less and kept within an enclosed building shall be permitted provided the applicant registers said animal(s) on a form to be provided by the Town’s Animal Control Section. The applicant must provide a copy of the applicant’s State Department of Fish and Game permit for each animal(s) registered.
 - (2) The keeping or maintaining of exotic animals on any property within the Town with a State Department of Fish and Game caging requirement of up to 149 square feet may be permitted as an accessory to a single family dwelling located within the Large Animal Overlay District subject to the provisions of this code. A Special Use Permit is required for the keeping or maintaining of up to two exotic

animals and a Conditional Use Permit is required for the keeping or maintaining of 3 to 4 exotic animals.

- (3) Any exotic animal with a caging requirement of 150 square-feet and greater is prohibited as an accessory use to a single family dwelling, except as a zoo.
 - (4) The keeping or maintaining of any exotic animal(s) for on-site display open to the general public shall be permitted subject to the issuance of a Conditional Use Permit by the Planning Commission and the further requirements of this code for the establishment of a zoo.
- (b) **Procedures and Requirements for Conditional Use Permit and Special Use Permit.**
- (1) Prior to giving a public hearing notice, the reviewing authority shall request that a Veterinarian that is recognized by the Department of Fish and Game submit a statement regarding the particular animal's mature behavior and personality characteristics specific to the animals being requested.
 - (2) Any action to approve a request for an exotic animal shall not be effective until written evidence is received by the Director that the applicant has received a permit from the State Department of Fish and Game.
 - (3) A Special Use Permit or Conditional Use Permit for the keeping of an exotic animal shall be noticed in accordance with Section 83.010205 (*Public Hearing*).
 - (4) Applicant shall provide any documentation or written notice received from State Department of Fish and Game regarding prior violations and corrective action pertaining to the keeping of the animal(s). Following the application submittal, Planning staff shall send a written letter to the State Department of Fish and Game requesting information on any prior violations and what the corrective measures were.
- (c) **General Standards for Conditional Use Permit and Special Use Permit:**
- (1) A person may keep or maintain in their possession or control an exotic animal with a caging requirement ranging from 51 to 149 square-feet on any property within the town on any parcel zoned for single family residential purposes only as specifically authorized by the provisions of this chapter and the site is located within areas identified on the Town adopted *Large Animal Overlay District Map*.
 - (2) The keeping of the animal(s) must comply with all setback requirements of Section 84.0560(d)(1)(B) (*Accessory Large Animal Keeping*).
 - (3) The keeping of exotic animals as allowed by this Code shall be subject to the following parcel size and density restrictions:

<u>Min. State Fish & Game Caging Req.</u>	<u>Minimum Parcel Size/Density</u>
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Animals which are normally maintained in aquariums, terrariums, bird cages or similar devices, each of which does not exceed a floor area of fifty (50) square-feet and where such devices/cages are maintained within an enclosed building.	None
Requires a floor area of 50 sq. ft. or less per animal which are not maintained within an enclosed building.	1 per 10,000 sq. ft. Maximum of 4

Requires a floor area between 51 sq. ft. and 99 sq. ft. per animal which are not maintained within an enclosed building	1 per 20,000 sq. ft. Maximum of 4
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Requires a floor area between 100 sq. ft and 149 sq. ft. per animal which are not maintained within an enclosed building.	1 acre minimum. 20,000 sq. ft for every additional animal. Maximum of 4
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- (4) If the permit being requested from the Department of Fish and Game is an Exhibiting Permit that includes public on-site display of the animal(s), the following provisions shall apply:
- (A) A minimum parcel size of 20 acres shall be required for a facility that proposes any public on-site display of the animal(s).
 - (B) Visitor parking shall be provided in accordance with the *Parking Code*.
 - (C) Permanent restroom facilities shall be provided in accordance with the *Uniform Building Code (U.B.C)* and San Bernardino County Health Department requirements.
 - (D) All appropriate off-site improvements including access to the facility must be in existence or be constructed prior to the housing of any animal.
 - (E) The facility shall be accredited by the American Zoo and Aquarium Association (AZA).
 - (F) Any applicant proposing a zoo facility within a residential land use district or on a site that abuts a residential land use district shall include with the application written consent to the approval of the zoo facility dated within ninety days prior to the filing of such application from each owner(s) of property within 1,325 feet of the lot on which the facility is proposed.

- (d) **General Conditions for Conditional Use Permit and Special Use Permit.** Any action to approve a request for an exotic animal shall include the following conditions in addition to any conditions deemed appropriate by the reviewing authority:
- (1) The keeping of the animal must comply with all Town Code requirements including setbacks from property lines and other dwellings.
 - (2) The keeping/caging of the animal must comply with all applicable Federal and State requirements.

- (3) Each animal must have sufficient area to be maintained and exercised in a normal healthy manner as determined by the State Department of Fish and Game.
- (4) Each permit shall specify the annual renewal period and inspection requirements. Permits for any animal shall be issued for a period not to exceed twelve (12) months.
- (5) The applicant agrees to allow reasonable inspection of the property by Animal Control staff and/or designee to ensure compliance with the Conditions of Approval. Inspections shall include, at a minimum, one inspection per year following approval of the permit and at each renewal. At such time the applicant shall provide Animal Control written documentation/ records from a qualified veterinarian that the animal(s) are being properly cared for.
- (6) Upon the renewal of the permit and inspection, the applicant shall supply written documentation from the State Department of Fish and Game that the facility and the keeping of the animals is in compliance with all Federal and State requirements.
- (7) The applicant obtains a permit from the State Department of Fish and Game.
- (8) All cages shall be constructed by a licensed contractor and shall provide certification that the cages were constructed and installed in accordance with the approved plans and all State and/or Federal caging requirements.
- (9) The area where the animals are to be kept shall be screened from public view.
- (10) The applicant/owner shall agree to defend, indemnify, and hold harmless the Town, its agents, officers, or employees from any claim, action, or proceeding against the Town or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Town an advisory agency, appeal board or legislative body concerning the permit or any other action relating to or arising out of such approval.

Any condition of approval imposed pursuant to the provisions of this condition shall include a requirement that the Town promptly notify the applicant of any claim, action, or proceeding and that the Town cooperate fully in the defense. If the Town fails to promptly notify the applicant of any claim, action, or proceeding, or if the Town fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the Town harmless.

If any provisions of this condition is found invalid by a court of law, the remaining provision of this condition shall remain in full force and effect.

- (11) The occupant of the premises on which the exotic animal is kept shall keep and maintain the animal(s) and the premises in such a manner as not to be detrimental to the health, safety or welfare of any person on any adjoining property or of the

general public. Such maintenance shall be at least sufficient to keep dust, odor, and flies from having an adverse effect on any other property.

- (12) Immediate notification shall be given to the Department of Fish and Game, San Bernardino County Sheriff Department, and Town of Yucca Valley Animal Control in the event the animal(s) escape from the premises.
 - (13) Prior to occupancy of the site by any exotic animal, the applicant shall develop a comprehensive emergency plan for State Department of Fish and Game, local police and Animal Control for review and approval. This comprehensive plan of action shall be developed to address the following situations:
 - (A) Damaged to the enclosures. Temporary holding facilities shall be identified. Necessary mechanisms to safely transport the animal(s) to another holding enclosure shall be on hand.
 - (B) Animal attacking and/or injuring humans: include a list of safety equipment that will be available for use.
 - (C) Escape of animal from its enclosure: recapture plans shall outline the procedures for handling and recapture of the escaped animal(s), equipment to be used, people to be contacted, various restraint methods, including conditions which warrant the use of lethal force.
 - (14) Prior notification of inspection is not required if Town Animal Control staff has reason to believe the health and safety of the public or the animal is in danger if there is a delay.
 - (15) Any excessively disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animals is kept or harbored shall be considered a nuisance.
 - (16) Prior to occupancy of the site with any exotic animal as approved under a SUP or CUP, the applicant shall provide proof of their ability to respond in damages to and including the amount of one hundred thousand dollars (\$100,000.00) by obtaining a policy of insurance coverage in said amount for bodily injury or death of any person(s) or for damage to property owned by any other person which may result from the ownership, keeping or maintaining of an exotic animal(s). Proof of liability shall be provided as required by this ordinance in a form approved by the Town Attorney, a certificate of insurance issued by a solvent corporation authorized to issue bonds under the laws of the State. Such certificate of insurance or bond shall be provided that no cancellation of the insurance or bonds will be made unless thirty (30) days written notice is first given to the Town Community Development Planning Section.
- (e) **Findings for Conditional Use Permit and Special Use Permit:** Prior to taking action to approve a Special Use Permit or Conditional Use Permit for any exotic animal(s), the reviewing authority shall find and justify that all of the following are true:
- (1) That the impacts which could result from the keeping of exotic animal(s), and the proposed location, size, design and operating characteristics of the animal and/or

use, and the conditions under which it would be operated or maintained will not be considered to be detrimental to the public health, safety and welfare of the community or be materially injurious to properties and/or improvements within the immediate vicinity or be contrary to the General Plan;

- (2) Adequate safeguards have been established and will be maintained that effectively control all dangerous or vicious propensities of such animals;
 - (3) That the proposed animal keeping will comply with each of the applicable provisions of the Development Code, and applicable Town policies, except approved variances and State and Federal requirements;
 - (4) That the location of the animal keeping area and any proposed structures and improvements are compatible with the site's natural landform, surrounding sites, and structures.
 - (5) That the proposed animal keeping will not create such an attractive nuisance by nature of its existence that it would draw undue attention to the activity by an increase in foot or vehicular traffic to the surrounding neighborhood or might entice the general public onto the property.
- (f) **Revocation of Permit:** A Conditional Use Permit or Special Use Permit may be revoked by the Town Council if any one of the following findings can be made:
- (1) That the permit was obtained by misrepresentation or fraud.
 - (2) That the use for which the permit was granted has ceased or has been suspended for six or more consecutive months.
 - (3) That the use is in violation of one or more of the Conditions of Approval.
 - (4) That the use is in violation of any State or Federal requirement."

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

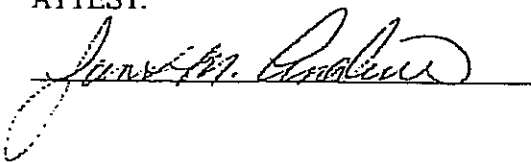
SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 18th day of April, 2002.



MAYOR

ATTEST:

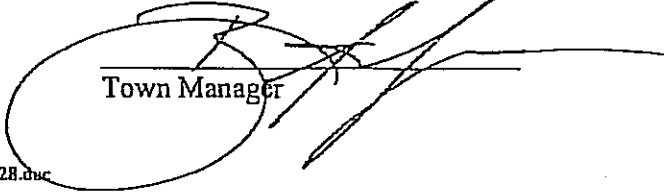


Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

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STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 128 was duly and regularly introduced at a meeting of the Town Council on the 4th day of April, 2002, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 18th day of April, 2002, by the following vote, to wit:

Ayes: Council Members Cook, Earnest, Leone, Scott and Mayor Neeb

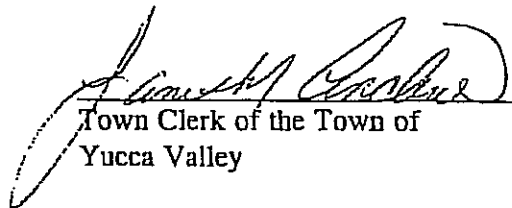
Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 22nd day of April, 2002.

(SEAL)


Town Clerk of the Town of
Yucca Valley

RESOLUTION NO. 04-38, ADOPTED 09/02/04
 *ADJUSTED BY ADMINISTRATIVE ACTION 02/10/2006
TOWN OF YUCCA VALLEY
PLANNING DEPARTMENT FEE SCHEDULE

<u>APPLICATION TYPE</u>	<u>FEE</u>	<u>APPLICATION TYPE</u>	<u>FEE</u>
Appeals		Land Use Compliance Review	\$840 deposit
Appeals to Planning Commission	\$720 deposit	Lot Line Adjustment	\$1,075 deposit
Appeals to Town Council	\$845 deposit	Livestock Permit	\$220
Certificate of Compliance	\$875 deposit	Lot Merger	\$870 deposit
Commercial Vehicle Parking Permit	\$95	Massage Services	
Conditional Use Permit		Massage Establishment Per Year	\$133
To 5.0 acres	\$4,485 deposit *	Masseur/Masseur Per Year	\$55
Over 5.0 acres	\$4,835 deposit *	Outcall Endorsement	\$133
Time Extensions	1/2 of filing fee paid deposit	Outcall Renewal	\$55
Change of Existing Building	\$2,765 deposit *	Temporary License	\$55
Design Guidelines / Color Consistency	\$0	Native Plant Permit	\$0
Development Agreement (+ Attorney Fees)	\$3,525 deposit	Parcel Map	\$2,350 + \$30 per lot deposit
Development Code Amendment	\$2,470 deposit	Parcel Map - Amendment	\$2,348 deposit
Development Code Interpretation	\$520	Parcel Map - Revision	\$2,348 deposit
Environmental		Parcel Map - Time Extension	\$1,700 deposit
EIR Processing and Review	Actual Cost + 10% Admin. deposit	Parcel Map - Reversion to Acreage	\$1,658 deposit
Environmental Assessment	\$925 deposit	Planned Development	
Mitigation Monitoring	Actual Costs deposit	Filed Concurrently with Tentative Map	
Film Permit	\$145	1 - 10 acres	\$1,395 deposit
General Plan Amendment	\$3,145 deposit	10.1 - 20 acres	\$1,685 deposit
General Plan Amendment & Zone Change	\$4,100 deposit	Over 20 acres	\$2,010 deposit
Home Occupation Permit	\$270	Not Concurrently with Tentative Map	
Home Occupation Permit Renewal	\$125	1 - 10 acres	\$3,050 deposit
Landscape & Irrigation Plan Review	\$685	10.1 - 20 acres	\$3,645 deposit
		Over 20 acres	\$4,590 deposit
		Pre-Application	\$1,535 deposit *
		Public Convenience or Necessity	\$110

