

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING



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

**TUESDAY
JULY 26, 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
Tim Humphreville, Vice Chairman
Mike Alberg, Commissioner
Vickie, Bridenstine, Commissioner
Michael Hildebrand, Commissioner*

AGENDA

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

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

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

CALL TO ORDER:

ROLL CALL: Mike Alberg, Commissioner
Vickie Bridenstine, Commissioner
Michael Hildebrand, Commissioner
Tim Humphreville, Vice Chairman
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. ORDINANCE NO. UTILITY UNDERGROUNDING

Proposed Development Code Amendment to Ordinance 169, Utility Undergrounding related to the requirement for the undergrounding of overhead utilities for private land development projects in commercial, industrial and residential land use districts

Recommendation: That the Planning Commission reviews the recommended amendments, and forward the matter to a joint meeting of the Planning Commission and Town Council for discussion scheduled for August 23, 2011.

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

DEPARTMENT REPORTS:

2. SITE PLAN REVIEW, SPR 02-08 YUCCA PLAZA

A request for time extension on approvals to construct 23,056 square feet of retail/commercial space with on-site parking, associated landscaping and underground storm water retention

Recommendation: That the Planning Commission approves the Extension of Time for Site Plan Review, SPR 02-08 for an additional three (3) years, expiring on November 18, 2013.

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

CONSENT AGENDA:

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

3. MINUTES-

A request that the Planning Commission approve as submitted the minutes of the regular meeting held on June 28, 2011.

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

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Alberg
Commissioner Bridenstine
Commissioner Hildebrand
Vice Chairman Humphreville
Chairman Lombardo

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, August 09, 2011 at 6:00 p.m.

ADJOURN

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Planning Commission
From: Robert Kirschmann, Associate Planner
Date: July 12, 2011
For Commission Meeting: July 26, 2011

Subject: Town Council Direction
Utility Undergrounding Ordinance- Infill Development

Prior Council Review: The Town Council adopted the Utility Undergrounding Ordinance at its meeting of May 12, 2005. There have been no amendments to the Ordinance since its adoption. The Town Council discussed this matter at its meeting of February 15, 2011, and directed staff to initiate the amendment process for the Ordinance. The detail outlining the recommended amendments is contained within the Draft Ordinance and within this Staff Report.

Recommendation: That the Planning Commission reviews the recommended amendments, and forward the matter to a joint meeting of the Planning Commission and Town Council for discussion scheduled for August 23, 2011.

Executive Summary: The Town Council adopted the Utility Undergrounding Ordinance at its meeting of May 12, 2005. The Ordinance establishes standards, based upon land use classification and other property criteria that require the undergrounding of both existing and new utilities. At the Council meeting of February 15, 2011 the Council requested that the Ordinance be modified to remove the requirement for the undergrounding, both service drops as well as distribution lines, for certain infill commercial, industrial and residential projects.

Order of Procedure:

Request Staff Report
Commission Discussion/Questions of Staff
Open the Public Hearing, Accept Public Testimony
Close the Public Hearing
Commission Discussion
Motion/Second
Discussion on Motion
Call the Question (Voice Vote)

Reviewed By:

Town Manager

Town Attorney

Mgmt Services

Dept Head

Department Report

Ordinance Action

Resolution Action

Public Hearing

Consent

Minute Action

Receive and File

Study Session

Discussion: As identified in the Utility Undergrounding Ordinance the purpose, intent and objectives are achieved through the standards established in the Ordinance. In general terms, the existing Ordinance establishes the following standards.

In-Fill Single Family and Multi-Family (duplex & tri-plex) Residential Development

Requires new service lines for infill Single Family Residential development to be undergrounded.

Requires proposed relocation of existing service and distribution lines to be undergrounded.

Parcel Maps, Tract Maps, Multi-Family of 4 or more units, Commercial, Industrial and Institutional Use Projects

Requires all new service and distribution lines which serve the project to be undergrounded.

Requires undergrounding of all existing service and distribution lines that are located within the boundaries being developed that provide direct service to the project.

Requires that existing service and distribution lines between the street frontage property line and the centerline of the adjacent streets that provide direct service to the project to be placed underground.

Requires that existing service and distribution lines located along or within 10' of the property lines that provide direct service to the project shall be undergrounded.

Requires that existing service and distribution lines that are proposed to be relocated as a result of a project be undergrounded.

Based on the issues raised by the Town Council at the meeting of February 15, 2011 staff has modified the Ordinance to include the addition of a definition for infill and provided modified language for various sections of the Ordinance. In general terms the revised ordinance establishes the following standards:

In-Fill Single Family and Multi-Family Residential Development

Allows the existing overhead distribution lines to remain overhead.

Requires new service lines to be underground unless seventy-five (75) percent or more of existing residential units within ½ mile of the site have overhead service lines.

All service and distribution lines relocated due to project can remain overhead.

Requires that all new distribution lines serving the existing lots shall be placed underground.

A new section has been added for the Commercial, Industrial and institutional Development Projects. This section establishes the following standards:

Commercial, Industrial, and Institutional Development Projects:

Existing overhead distribution lines are allowed to remain.

New service lines shall be underground unless all abutting properties have overhead utilities.

All new distribution lines serving existing or newly created lots shall be underground.

All existing overhead distribution lines which serve lots proposed to be further subdivided may remain with Planning Commission approval.

Residential Tract maps were split out of a larger group which included parcel maps, commercial, industrial and institutional use projects and placed in its own category. The requirements remain the same.

Residential Tract Maps

Requires all new service and distribution lines which serve the project to be undergrounded.

Requires undergrounding of all existing service and distribution lines that are located within the boundaries being developed that provide direct service to the project.

Requires that existing service and distribution lines between the street frontage property line and the centerline of the adjacent streets that provide direct service to the project to be placed underground.

Requires that existing service and distribution lines located along or within 10' of the property lines that provide direct service to the project shall be undergrounded.

Requires that existing service and distribution lines that are proposed to be relocated as a result of a project be undergrounded.

Residential parcel maps were also placed into a separate section which requires all new service and distribution lines be placed underground and requires all existing service and distribution lines located within project boundaries be placed underground.

Other changes were made to the ordinance including:

Section 87.1150 Exceptions

(a) The proposed modification authorizes the Building Official to extend the time emergency service utilities can remain.

(g) The added language clarifies that street construction/widening projects, street lights and traffic signal projects are exempt when constructed by public agencies.

(l) This section removed the language "specifically within Redevelopment Project Area #1.

Section 87.1160 Refunding of Undergrounding Fees

This new section was added to the Ordinance to provide the opportunity for those business which have paid the in lieu fees to recoup the amount paid if certain findings can be made. These findings include that the existing overhead lines are not expected to be underground within five years and the undergrounding would be a single property undergrounding utilities within 2,640 feet in either direction from the side property lines.

Section 87.1180 Waiver

The Waiver section was modified to expand and clarify the reasons why a waiver may be approved for undergrounding of utilities. The language added includes other physical conditions which could cause a significant monetary increase which would make the project infeasible.

The recommended amendments have been prepared based upon Town Council direction received at their meeting of February 15, 2011.

Fiscal impact: NA

Attachments:

1. Draft Ordinance
2. Town Council Minutes for February 15, 2011
3. Current Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 7, OF THE SAN BERNARDINO COUNTY DEVELOPMENT CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY BY REPEALING AND REINACTING IN ITS ENTIRETY CHAPTER 11 RELATING TO UTILITY UNDERGROUNDING (DCA-02-11).

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

SECTION 1. Code Amended

Title 8, Division 7, Chapter 11 of the San Bernardino County Development Code as adopted by the Town of Yucca Valley is hereby repealed and reenacted in its entirety to read as follows:

**CHAPTER 11
UTILITY UNDERGROUNDING**

Sections	87.1110	Intent
	87.1120	Definitions
	87.1130	When Undergrounding Installation Required
	87.1140	Expansion
	87.1150	Exceptions
	87.1160	Refunding of Undergrounding Fees
	87.1170	Reviewing Authority
	87.1180	Waiver
	87.1190	Nonconforming

87.1110 Intent.

It is the purpose and intent of this ordinance to serve the public health, safety and welfare by requiring the undergrounding of overhead utilities and to specifically achieve the following objectives:

- (a) Provide for the orderly construction of new underground facilities Town wide and the undergrounding of existing overhead lines in all land use districts to avoid or eliminate the over concentration of overhead facilities along the street and road ways and the service lines which extend from these distribution lines;
- (b) Eliminate potential hazards to life and property in the event of emergencies or disasters such as earthquakes, fires, floods, hazardous or toxic waste releases, and rains;

- (c) Facilitate the delivery of emergency services to persons and property located adjacent to the public right of way;
- (d) Improve or increase the utility of the public right of way for such public uses as pedestrian travel, ease of deliveries to adjacent property, and landscaping treatments;
- (e) Improve or increase the visibility of persons operating motor vehicles on public and private streets and thereby promote the safety of the pedestrian and vehicle operators.

87.1120 – Definitions

- (a) **Service Line:** defined for the purposes of this chapter as those electrical, telephone, cable, or other utility conductors that extend from the Distribution Line to the building, structure, or improvement which consume or uses the utility service.
- (b) **Distribution Line:** defined for the purposes of this Chapter as those electrical utility conductors which are energized at 34,500 volts or less, telephone, cable, or other line that supply utility product to the Service Line.
- (c) **Transmission Line:** defined for the purposes of this Chapter as those electrical utility conductors which are energized above 34,500 volts, telephone, cable, or other line that supply utility product to the Distribution Line.
- (d) **Infill:** Construction of residential projects on existing lots of record.

87.1130 When Undergrounding Installation Required. The undergrounding of all such utility facilities shall be performed by the owner or developer of the property seeking its development or improvement, or any construction thereon, at the owner's or developer's sole expense. The owner or developer shall arrange for the placement of said utilities underground with the appropriate utility or communication company including the processing of any application, payment of any fees or expenses, the submission and approval of any plans and the coordination of said undergrounding with the Town Engineer. This requirement to underground shall not abrogate any rights offsets, or claims, which the owner or developer may have as to any utility or communication company.

No certificate of occupancy shall be issued for any property whose development or improvement requires the undergrounding of the utility facilities unless and until compliance with this Chapter shall have been accomplished to the satisfaction of the Town Engineer. Where an owner or developer has entered into a written agreement with the applicable utility company to underground utilities and has paid the required costs, a certificate of occupancy may be issued upon proof thereof.

Except as otherwise provided in this chapter, all new Service, Distribution, and Transmission lines shall be constructed underground.

(a) New In-fill Single Family and Multi-Family Residential Development

1. Existing overhead distribution lines shall be permitted to remain in place.
2. New service lines shall be underground, except in those areas where seventy-five (75) percent of existing residential units within ½ mile of the proposed development site are constructed with overhead service lines. New services lines shall be permitted to be installed above ground when these criteria are satisfied.
3. All Service and Distribution lines which are being relocated as a result of a project shall be allowed to remain overhead.
4. All new distribution lines which are designed to serve existing lots of record shall be placed underground.

(b) Commercial, Industrial, and Institutional Development Projects

1. Existing overhead distribution lines shall be permitted to remain in place.
2. New service lines shall be underground, except in those areas where all abutting properties to the proposed development site are constructed with overhead service lines. New services lines shall be permitted to be installed above ground when these criteria are satisfied.
3. All new distribution lines which are designed to serve existing lots of record or proposed new lots created through the subdivision of land shall be placed underground.
4. All existing overhead distribution lines which are designed to serve existing lots of record proposed to be further subdivided may be permitted to remain in place subject to Planning Commission approval.

(b) Residential Tract Maps:

1. All new Service and Distribution lines that provide direct service to the property being developed shall be placed underground.
2. Existing Service and Distribution lines that are located within the boundaries being developed that provide direct service shall be placed underground.
3. Existing Service and Distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed that provide direct service shall be placed underground.
4. Existing Service and Distribution lines located along or within 10 feet of the lot lines of the property being developed that provide direct service shall be placed underground.

5. Existing Service and Distribution lines being relocated as a result of a project shall be placed underground.

(c) **Residential Parcel Maps:**

1. All new Service and Distribution lines that provide direct service to the property being developed shall be placed underground.
2. Existing Service and Distribution lines that are located within the boundaries being developed that provide direct service shall be placed underground.

87.1140 Expansions & Alterations. When buildings or structures are enlarged, altered or expanded, those enlargements, alternations, and expansions shall conform to the standards and requirements established by this Chapter for new construction.

87.1150 Exceptions. The following exceptions shall apply:

- (a) Utility facilities approved by Building & Safety Division, which are to be installed and maintained for a period not to exceed thirty (30) days in order to provide emergency service. The Building Official may extend the period of time for which emergency service utilities may be allowed to remain in place;
- (b) Temporary utility facilities used, or to be used, in conjunction with construction projects with an active building permit;
- (c) Utility facilities used for the transmission of electric energy at voltage in excess of thirty-four thousand five hundred volts;
- (d) Equipment applicable to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes, meter cabinets and concealed ducts;
- (e) Wires and enclosures attached to the exterior walls of a building for the purpose of interconnecting communication functions within the building;
- (f) Utility facilities which are prohibited from being placed underground by rules and regulations of the Public Utility Commission.
- (g) Street construction and widening projects, street lights and traffic signal projects constructed by public agencies.
- (h) Utility facilities are operated at voltage in excess of thirty-four thousand five hundred volts.
- (i) To the extent a utility company is required to perform maintenance, upgrade or redesign under the provisions of their franchise agreement.

- (j) Whenever the owner or developer of a subject property is required to underground existing distribution lines under this chapter but the distance over which the distribution line that is required to be placed underground is less than two hundred (200) feet, the Town Engineer may allow the owner or developer to pay a fee to the Town that is equal to the unit cost of placing said distribution line underground multiplied by the distance over which the undergrounding is required, not to exceed two hundred feet, in lieu of such undergrounding. The unit price for undergrounding any existing distribution line shall be based upon the most recent unit price for undergrounding any distribution line over a distance of greater than thirteen hundred feet as established by the utility company that would otherwise be responsible for the undergrounding of said distribution lines. The owner or developer shall obtain a written statement of the unit price for undergrounding the existing distribution lines from the utility company servicing the subject property and submit it to the Town Engineer for determination of the amount of the in lieu fee.
- (k) Nonprofit agencies identified as institutional land use activities, subject to Planning Commission and Town Council approval.
- (l) Town and the Redevelopment Agency sponsored projects

87.1160 Refunding of Undergrounding Fees. The Town Council may approve the refunding of undergrounding fees paid when the following findings are made.

- a. The undergrounding of existing overhead utility lines along the projects street frontages are not projected to be completed by the Town of Yucca Valley or Southern California Edison within a five year time period
- b. The undergrounding of existing overhead utility lines along the projects property lines at this time would be the single property which provides for undergrounding of overhead utilities within 2,640 feet in either direction from side property lines.

87.1170 Reviewing Authority. Where the Town has authority to issue a permit for the development or improvement of any property within the Town, said official shall condition the permit upon the placement of specified utility facilities underground. For other development approvals, the Town shall recommend to the Planning Commission or the Town Council which utility facilities shall be placed underground and which utility facilities, developments or improvements are exempt from this chapter. Thereafter, the Planning Commission or Town Council shall determine which utility facilities shall be placed underground or exempted pursuant to this chapter.

87.1180 Waiver. The Planning Commission may waive the requirements of Section 87.1130 *Undergrounding of New Facilities* if the utility undergrounding is not feasible due to geologic, soil, topographic, or other physical conditions which would cause significant financial cost increases that make the project infeasible. The applicant shall provide to the Town technical reports and/or information, including but not limited to soils report, geotechnical report and cost comparison analysis illustrating the cost

variation of undergrounding verses overhead for review. The Town shall review and forward a report to the Planning Commission for review.

- (a) Any waiver of the requirements of this Chapter shall be based on the findings as follows:
1. That waiver will not adversely affect the public health and safety.
 2. That the improvement being waived is a necessary to allow the development of the surrounding area.
 3. That due to soils, geological, and topographic conditions, and the utility undergrounding requirement is economically infeasible.
 4. The Planning Commission shall consider requests for waiver for structures 3,500 square-feet or smaller in size
- (b) Any decision of the Planning Commission pertaining to a request to waive the utility undergrounding requirement may be appealed to the Town Council.

87.1190 Nonconforming Structures. Existing buildings and structures which do not meet these regulations because of aboveground Service lines or Distribution lines shall be considered conforming.

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.

APPPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this day of , 2011.

MAYOR

ATTEST:

Town Clerk

ORDINANCE NO. 169

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 7, OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY BY ADDING CHAPTER 11 RELATING TO UTILITY UNDERGROUNDING (DCA-02-04).

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

SECTION 1. Code Amended

Title 8, Division 7 of the San Bernardino County Development Code as adopted by the Town of Yucca Valley is amended by adding thereto a new Chapter 11 to read as follows:

“CHAPTER 11
UTILITY UNDERGROUNDING

Sections	87.1110	Intent
	87.1120	Definitions
	87.1130	When Undergrounding Installation Required
	87.1140	Expansion
	87.1150	Exceptions
	87.1160	Reviewing Authority
	87.1170	Waiver
	87.1180	Nonconforming

87.1110 Intent.

It is the purpose and intent of this ordinance to serve the public health, safety and welfare by requiring the undergrounding of overhead utilities and to specifically achieve the following objectives:

- (a) Provide for the orderly construction of new underground facilities Town wide and the undergrounding of existing overhead lines in all land use districts to avoid or eliminate the over concentration of overhead facilities along the street and road ways and the service lines which extend from these distribution lines;
- (b) Eliminate potential hazards to life and property in the event of emergencies or disasters such as earthquakes, fires, floods, hazardous or toxic waste releases, and rains;
- (c) Facilitate the delivery of emergency services to persons and property located adjacent to the public right of way;
- (d) Improve or increase the utility of the public right of way for such public uses as pedestrian travel, ease of deliveries to adjacent property, and landscaping treatments;

- (e) Improve or increase the visibility of persons operating motor vehicles on public and private streets and thereby promote the safety of the pedestrian and vehicle operators.

87.1120 Definitions

- (a) **Service Line:** defined for the purposes of this chapter as those electrical, telephone, cable, or other utility conductors that extend from the Distribution Line to the building, structure, or improvement which consume or uses the utility service.
- (b) **Distribution Line:** defined for the purposes of this Chapter as those electrical utility conductors which are energized at 34,500 volts or less, telephone, cable, or other line that supply utility product to the Service Line.
- (c) **Transmission Line:** defined for the purposes of this Chapter as those electrical utility conductors which are energized above 34,500 volts, telephone, cable, or other line that supply utility product to the Distribution Line.

87.1130 When Undergrounding Installation Required. The undergrounding of all such utility facilities shall be performed by the owner or developer of the property seeking its development or improvement, or any construction thereon, at the owner's or developer's sole expense. The owner or developer shall arrange for the placement of said utilities underground with the appropriate utility or communication company including the processing of any application, payment of any fees or expenses, the submission and approval of any plans and the coordination of said undergrounding with the Town Engineer. This requirement to underground shall not abrogate and rights offsets, or claims, which the owner or developer may have as to any utility or communication company.

No certificate of occupancy shall be issued for any property whose development or improvement requires the undergrounding of the utility facilities unless and until compliance with this Chapter shall have been accomplished to the satisfaction of the Town Engineer. Where an owner or developer has entered into a written agreement with the applicable utility company to underground utilities and has paid the required costs, a certificate of occupancy may be issued upon proof thereof.

Except as otherwise provided in this chapter, all new Service, Distribution, and Transmission lines shall be constructed underground.

- (a) **New In-fill Single Family and Multi-Family (duplex, triplex) Residential Development**
 - 1. Existing overhead Distribution lines may be permitted to remain in areas where these Distribution lines have existing overhead Service lines serving adjacent lots. However, any new Service lines are required to be placed underground.
 - 2. All Service and Distribution lines which are being relocated as a result of a project shall be placed underground.
- (b) **Parcel Maps, Tract Maps, Multi-Family Residential (4 or more units), Commercial, Industrial and Institutional Use Projects**
 - 1. All new Service and Distribution lines that provide direct service to the property being developed shall be placed underground.

2. Existing Service and Distribution lines that are located within the boundaries being developed that provide direct service shall be placed underground.
3. Existing Service and Distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed that provide direct service shall be placed underground.
4. Existing Service and Distribution lines located along or within 10 feet of the lot lines of the property being developed that provide direct service shall be placed underground.
5. Existing Service and Distribution lines being relocated as a result of a project shall be placed underground.

87.1140 Expansions. When the building or structures are enlarged, altered or expanded which result in the installation of new Service or Distribution lines or when the existing electrical capacity to the building or structure requires the existing Service line and/or Distribution line to be replaced or relocated, the Service line and/or Distribution line shall be placed underground.

87.1150 Exceptions. The following exceptions shall apply:

- (a) Utility facilities approved by Building & Safety Division which are to be installed and maintained for a period not to exceed thirty (30) days in order to provide emergency service;
- (b) Temporary utility facilities used, or to be used, in conjunction with construction projects with an active building permit;
- (c) Utility facilities used for the transmission of electric energy at voltage in excess of thirty-three thousand five hundred volts;
- (d) Equipment applicable to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes, meter cabinets and concealed ducts;
- (e) Wires and enclosures attached to the exterior walls of a building for the purpose of interconnecting communication functions within the building;
- (f) Utility facilities which are prohibited from being placed underground by rules and regulations of the Public Utility Commission.
- (g) Street construction and widening projects, street lights and traffic signal projects.
- (h) Utility facilities are operated at voltage in excess of thirty-three thousand five hundred volts.
- (i) To the extent a utility company is required to perform maintenance, upgrade or redesign under their provisions of their franchise agreement.

- (j) Whenever the owner or developer of a subject commercial property is required to underground existing distribution lines under this chapter but the distance over which the distribution line that is required to be placed underground is less than two hundred (200) feet, the Town Engineer may allow the owner or developer to pay a fee to the Town that is equal to the unit cost of placing said distribution line underground multiplied by the distance over which the undergrounding is required, not to exceed two hundred feet, in lieu of such undergrounding. The unit price for undergrounding any existing distribution line shall be based upon the most recent unit price for undergrounding any distribution line over a distance of greater than thirteen hundred feet as established by the utility company that would otherwise be responsible for the undergrounding of said distribution lines. The owner or developer shall obtain a written statement of the unit price for undergrounding the existing distribution lines from the utility company servicing the subject property and submit it to the Town Engineer for determination of the amount of the in lieu fee.
- (k) Nonprofit agencies identified as institutional land use activities, subject to Planning Commission and Town Council approval.
- (l) Town and the Redevelopment Agency sponsored projects, specifically within Redevelopment Project Area #1.

87.1160 Reviewing Authority. Where the Town Engineer has authority to issue a permit for the development or improvement of any property within the Town, said official shall condition the permit upon the placement of specified utility facilities underground. For other development approvals, the Town Engineer shall recommend to the Planning Commission or the Town Council which utility facilities shall be placed underground and which utility facilities, developments or improvements are exempt from this chapter. Thereafter, the Planning Commission or Town Council shall determine which utility facilities shall be placed underground or exempted pursuant to this chapter.

87.1170 Waiver. The Planning Commission may waive the requirements of Section 87.1130 *Undergrounding of New Facilities* if the utility undergrounding is not feasible due to geologic, soil, or topographic conditions. The applicant shall provide to the Town Engineer technical reports and/or information, including but not limited to soils report, geotechnical report or cost comparison analysis illustrating the cost variation of undergrounding verses overhead for review. The Town Engineer shall review and forward a report to the Planning Commission for review.

- (a) Any waiver of the requirements of this Chapter shall be based on the findings as follows:
 1. That waiver will not adversely affect the public health and safety.
 2. That the improvement being waived is a necessary to allow the development of the surrounding area.
 3. That due to soils, geological, and topographic conditions, the utility undergrounding requirement is economically infeasible.

4. The Planning Commission shall consider requests for waiver for structures 3,500 square-feet or smaller in size.
- (b) Any decision of the Planning Commission pertaining to a request to waive the utility undergrounding requirement may be appealed to the Town Council.

87.1180 Nonconforming Structures. Buildings and structures which do not meet these regulations because of aboveground Service lines or Distribution lines shall be considered conforming."

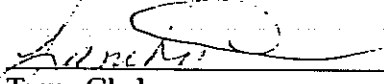
SECTION 2: NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section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

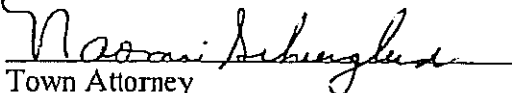
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 12th day of May, 2005.


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. 169 as duly and regularly introduced at a meeting of the Town Council on the 28th day of April, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 12th day of May, 2005, by the following vote, to wit:

Ayes: Council Members Leone, Luckino, Neeb and Mayor Mayes

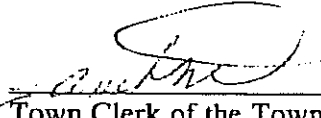
Noes: None

Abstain: Council Member Cook

Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 20th day of May, 2005.

(SEAL)



Town Clerk of the Town of
Yucca Valley

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
FEBRUARY 15, 2011**

Mayor Huntington called the regular meeting of the Town of Yucca Valley Council to order at 6:00 p.m.

Council Members Present: Hagerman, Luckino, Mayes, Rowe and Mayor Huntington.

Staff Present: Town Manager Nuaimi, Deputy Town Manager Stueckle, Town Attorney Laymon, Community Services Director Schooler, Administrative Services Director Yakimow, Police Capt. Miller, and Town Clerk Anderson

PLEDGE OF ALLEGIANCE

Led by Council Member Hagerman

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

2010 Miss Yucca Valley Janice Park introduced 2011 Miss Yucca Valley Kasandra Paulino and her Court: 1st Princess Shelly Sanden; 2nd Princess Lindsey Quiroz; and Princesses Velda Denison, Amanda Ambrosius, and Miranda Mondary.

AGENCY REPORTS

Fire Department

1. Monthly Report for January 2011

Battalion Chief Benfield gave the monthly statistical Fire Department Report for January 2011

APPROVAL OF AGENDA

Council Member Luckino moved to approve the agenda. Council Member Hagerman seconded. Motion carried 5-0 on a voice vote.

CONSENT AGENDA

- 2. Approve, Regular Town Council Meeting Minutes of February 1, 2011 as presented.**
- 3. Waive, further reading of all ordinances and read by title only.**
- 4. Adopt, Ordinance No. 222, amending Title 12, adding Chapter 12.50, Administrative Adjudication Procedures.**

Margo Sturges, Yucca Valley, commented regarding trailers that may be impounded noting they may be borrowed and the actual owner may be an innocent victim.

Council Member Luckino questioned if the fee has anything to do with the towing charges. Administrative Services Director Yakimow advised the fee is strictly to cover the Deputy's time and is in addition to any towing fees. He noted that insurance companies often pay towing fees for registered owners involved in an accident.

Council Member Hagerman questioned what happens in the case of a lien sale. Administrative Services Director Yakimow advised if the vehicle goes to a lien sale the fee is not recoverable unless the sale is sufficient for the registered owner to pay from the proceeds.

Council Member Mayes questioned if there is any increase to staff time. Capt. Miller advised the paper work is already being done.

Council Member Rowe clarified that this is for vehicles that are being impounded because they are causing hazard of some kind.

Council Member Mayes moved to adopt Resolution No.11-09, establishing a service charge for release of stored or impounded vehicles. Council Member Hagerman seconded. Motion carried 5-0 on a voice vote.

DEPARTMENT REPORTS

9. **Ordinance No. 169, Utility Undergrounding, Service Line/Drop Undergrounding, In-Fill Residential Development**

Deputy Town Manager Stueckle gave a PowerPoint presentation regarding the history of the ordinance, and advised potential modifications to the ordinance could include: exempting service lines to in-fill residential where adjacent property has aerial service; providing a mechanism whereby a project can petition the Town for a waiver based upon economic hardship due to unique site characteristics for new development or costly undergrounding for "service" expansion on developed property as required by Section 87.1140; or unlikelihood of future undergrounding (no in-lieu payment).

Mike Poland, Yucca Valley, commented regarding his service on the undergrounding committee, and presentations from Edison stating they are an overhead utility provider, and noted there are huge punitive amounts of money to a developer to place utilities underground. Requiring undergrounding is an unfair condition for those people who are building in a subdivision that already exists. He encouraged the Council to give serious thought to removing that requirement.

Council Member Luckino commented he has always had an issue with the ordinance. It makes sense to require undergrounding for large developments but he cannot support the requirement for in-fill lots. He stated he does not agree with exemptions for economic hardship noting it takes staff time and everyone will find a reason for an economic hardship. Commercial in-fill should also be exempt. Undergrounding needs to be done collectively if at all and not a few at a time.

Council Member Mayes stated he wouldn't want to repeal the ordinance, but there are instances where there should be exceptions such as for large lots that are not going to be subdivided, other than that he is fine with the residential provision of the current ordinance. On the commercial he would like to waive the requirement for undergrounding existing distribution lines and not require in-lieu fees for that. However, new lines would have to be underground.

Council Member Hagerman commented that the cost of \$1,000 for every 4' is a huge expense. He agreed with Council Member Mayes regarding the in lieu fee, noting he would rather see the owner put that money into their own business than one of our bank accounts. As far as commercial he does not see any reason to underground existing service, and he appreciates the comments stating that Edison is an overhead power company.

Council Member Rowe commented that cases such as the CARQUEST expansion where the owner had to underground the neighbor's lines is unfair. However, when there is new development and no existing distribution or service lines, there is an argument for placing the lines underground.

Council Member Luckino commented there has to be a financing mechanism to pay for undergrounding, noting if large portions are done at one time, the costs will go down.

Mayor Huntington commented that requiring service lines to be underground is justified, but distribution lines are something else. It will be much more costly if we allow all overhead and then go to underground at a future time. Underground service should be required, but there has to be some exemptions in certain circumstances.

Council Member Mayes commented there should be no more poles placed in Yucca Valley, because once they go up there is a cost to bring them back down again. Undergrounding the service line is not that much of an issue but there has always been an issue with undergrounding the distribution line.

Council Member Luckino commented regarding the fact that requiring service line undergrounding might not be that much money but the cost is in addition to all the other associated costs.

Mayor Huntington commented that Council is in agreement that existing distribution lines should not require undergrounding.

Council Member Mayes questioned if there is a mechanism in place to refund in-lieu fees back to developer if that part is removed. Town Manager Nuaimi advised that staff will research the issue.

Mayor Huntington advised that he and Council Member Mayes are in agreement that service lines should be underground but there should be some wiggle room. Council Member Rowe advised her agreement would depend on the language of wiggle room. Council Member Mayes recommended that staff draft language for Council to look at.

Mayor Huntington advised there is consensus regarding ceasing collection of in lieu of fees.

Council Member Rowe requested that anyone have the alternative to appeal a decision to the Planning Commission or Council.

Town Manager Nuaimi requested that Council support a fee to go through that appeal process noting the staff time required. Deputy Town Manager Stueckle noted that any staff level determination on a code interpretation can always be appealed.

Council Member Mayes suggested looking at some exemption for large lots.

Staff advised sufficient direction has been given to bring information back to Council.

10. Ordinance Amending the Town of Yucca Valley Municipal Code regarding Mayor and Town Council, Revising Commission Terms, and Disbanding Public Arts Advisory Committee, Traffic Commission and TEAM Yucca Valley Commission.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND REENACTING CHAPTER 2.05 OF TITLE 2 RELATING TO MAYOR AND TOWN COUNCIL, REPEALING AND REENACTING CHAPTER 4.02 OF TITLE 4, RELATING TO BOARD AND COMMISSION MEMBERS, AMENDING SECTION 4.04.010 OF CHAPTER 4.04 RELATING TO PLANNING COMMISSION CREATION AND TERMS, AMENDING SECTION 4.10.030 OF CHAPTER 4.10 RELATING TO PARKS, RECREATION AND CULTURAL COMMISSION TERMS OF OFFICE AND VACANCY, REPEALING IN ITS ENTIRETY CHAPTER 4.11 OF TITLE 4 RELATING TO PUBLIC ARTS ADVISORY COMMITTEE, REPEALING IN ITS ENTIRETY CHAPTER 4.14 OF TITLE 4 RELATING TO TRAFFIC COMMISSION, AND REPEALING IN ITS ENTIRETY CHAPTER 4.16 OF TITLE 4, RELATING TO TEAM YUCCA VALLEY

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Commissioners
From: Robert Kirschmann, Associate Planner
Date: July 12, 2011
For Commission Meeting: July 26, 2011

Subject: Site Plan Review , SPR 02-08 Yucca Plaza
23,056 square foot Multi Tenant Commercial Building on a 1.82 Acre lot
Three Year Extension of Time
First Approval by Yucca Valley Planning Commission on November 18, 2008

Prior Commission Review: The Planning Commission reviewed and approved Site Plan Review, SPR 02-08 at the meeting of November 18, 2008.

Recommendation: That the Planning Commission approves the Extension of Time for Site Plan Review, SPR 02-08 for an additional three (3) years, expiring on November 18, 2013

Executive Summary: The Planning Commission approved SPR 02-08 at its meeting of November 28, 2008. The approval was for a 23,056 square foot multi-tenant commercial shopping center with parking, landscaping, and off-site improvements on approximately 1.82 acres, located at the northwest corner of Hanford Avenue and 29 Palms Outer Highway North. Staff is recommending an extension of three (3) years pursuant to ORD 207, Title 8, Division 3, Chapter 3, Article 7, Section 83.030755 of the Development Code.

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: Site Plan Review SPR 02-08 was first approved by the Planning Commission at its meeting of November 18, 2008. There have been no prior time extensions granted for this project.

At that meeting the project was approved, under the previous enforced Site Plan Review Ordinance, for two years, expiring on November 18, 2010. The Town Council adopted Ordinance 207 in March of 2010. The new Ordinance provides for three (3) year approvals and three (3) year extensions of time. Staff is recommending a three (3) year time extension authorized by Ordinance 207.

While the applicant initiated the plan check process for building plans, grading plans and landscape plans, there has been no activity on the project in the recent past. Staff has modified the projects' Conditions of Approval for consistency with current practices for conditions on commercial land development projects.

If approved by the Planning Commission, the recommended action would extend the life of the Site Plan Review to November 18, 2013.

Alternatives: None recommended

Fiscal impact: N/A

Attachments:

1. Applicant's request
2. Site Plan and elevations
3. Revised Conditions of Approval
4. Original signed Conditions of Approval
5. Planning Commission Staff Report and Minutes from November 18, 2008
6. Ordinance 207, Land Use Design Procedures

**TOWN OF YUCCA VALLEY CONDITIONS OF APPROVAL
SITE PLAN REVIEW, SPR 02-08
YUCCA PLAZA**

Site Plan Review SPR 02-08 approves a multi-tenant commercial shopping center development totaling 23,056 square feet, with parking and landscaping on approximately 1.82 acres. The property is located at the northwest corner of 29 Palms Outer Highway North and Hanford Ave and is identified as assessor's parcel number 601-411-03.

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 Site Plan Review shall become null and void if construction has not commenced within three (3) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council, in conformance with the Town of Yucca Valley Development Code. The applicant is responsible for the initiation of an extension request.

**Approval Date: November 18, 2008
Expiration Date: November 18, 2010
Extension Date: November 18, 2013**

- G3. The applicant shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire 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 may result in the revocation of approvals and permits for the project. .
- G5. No on-site or off-site work shall commence without obtaining the appropriate permits required by the Town and the appropriate utility companies. The approved permits shall be readily available on the job site for inspection by Town personnel.
- G6. The applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time work is undertaken and accomplished. Fees for entitlement prior to construction permits are based on estimated costs for similar projects. Additional fees may be incurred, depending upon the specific project. If additional fees for services are incurred, they must be paid prior to any further processing, consideration, or approval(s).
- G7. All improvements shall be inspected by the Town as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
- G8. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
- G9. During construction, the applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town staff to eliminate any site related dirt and debris within the roadways. During business activities, the applicant shall keep the public right-of-way adjacent to the property in a clean and sanitary condition.
- G10. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
- G11. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary

information with the County Recorder's office as required by law (AB 1414).

- G12. Each phase of a phased project shall function independently of all other phases. All improvements shall be completed for each phase to ensure that each phase functions separate from the remainder of the project, and shall include, but not be limited to, street improvements, wastewater collection, treatment and disposal, drainage and retention/detention facilities, water delivery systems, fire suppressions systems, post construction erosion and sediment control systems, all utilities necessary to serve the project, and those improvements deemed necessary by the Town. All phasing plans shall be illustrated on rough and precise grading plans, erosion and sediment control plans, all plans required for obtaining native plant plan approval, and on any other plan as deemed necessary by the Town.
- G13 At least one sign per fronting street shall be posted on the site and must contain the following information: the grading permit number, the project name, map number (if appropriate), the authorized dust controller phone number(s), the Town phone number and the Mojave Desert Air Quality Management District (MDAQMD) phone number. The signs must be obtained and installed by the developer using the format provided by the Town. The signs must be present at the pre-construction meeting or the grading permit will not be issued. The Applicant must keep the contact name and phone number active and current at all times. Failure of the contact system may be considered grounds for revocation of the permit. All signs shall be a minimum of 4' x 8' in size.
- G14. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents
- G15. The Applicant shall reimburse the Town for the Town's costs incurred in monitoring the developer's compliance with the Conditions of Approval including, but not limited to, inspections and review of developer's operations and activities for compliance with all applicable dust and noise operations. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Yucca Valley Municipal Code.
- G16. Prior to the issuance of a Certificate of Occupancy 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.
- G17. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original

mylars submitted for Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.

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

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

- G24. All street dedications shall be irrevocably offered to the public and shall continue in force until the Town accepts or abandons such offers. All dedications shall be free of all encumbrances as approved by the Town Engineer.
- G25. The final Conditions of Approval issued by the approving authority shall be photographically or electronically placed on bond (blue/black line) paper and included in the Grading and Street Improvement plan sets on 24" x 36" bond (blue/ black line) paper and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field and during construction. Plan check fees shall not be charged for sheets containing the Conditions of Approval.
- G26. A construction-phasing plan for the construction of on-site public and private improvements shall be reviewed and approved by the Town Engineer prior to the approval of the project grading plan. The Town Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area the project if the improvements are needed for circulation, parking, access, or for the welfare or safety of future occupants of the development.
- G27. Violations of any condition or restriction or prohibition set forth in these conditions, including all approved construction plans, public and private, for this project and subject to the Town's overall project approval and these conditions of approval, shall subject the owner, applicant, developer or contractor(s) to the remedies as noted in the Municipal Code. In addition, the Town Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
- G28. All property corners, logs, easements, street centerlines and curve radii shall be monumented and horizontally tied to identified control points. A copy of the monumentation survey and centerline tie notes shall be provided to the Town Engineer for approval.
- G29. Any and all graffiti shall be removed within twenty-four (24) hours of discovery or notification by the Town.

- G30. The project shall conform to the ordinances or their amendments, as identified in these conditions of approval when amendments have been enacted prior to the issuance of building permits for the project.

PLANNING CONDITIONS

- P1. The development of the property shall be in conformance with FEMA requirements and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to modifying existing facilities or by securing a drainage easement.
- P2. 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.
- P3. All exterior lighting shall comply with the Ordinance 90, Outdoor Lighting and shall be illustrated on all construction plans.
- P4. A final plan identifying all protected plants as well as a Native Plant Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of any construction permits, including grading and utility installations, for the project. The applicant shall make every effort to relocate the regulated native plants back onsite. Should the site be unable to accommodate the native plants in the landscape planter then a minimum 60 day adoption period shall be required. The adoption of native plants shall be consistent with the Native Plant Ordinance in effect at the time of grading permits. The final native plant plan shall be reviewed and approved by the Planning Commission prior to the issuance of any construction permits for the project site.
- P5. Parking and on-site circulation requirements shall be provided and maintained as identified on the approved site plan. Areas reserved for access drive and/or fire lanes shall be clearly designated.

- a) Any occupancy, which requires additional parking that has not been provided for through this Site Plan Review, shall not be approved until a revision is submitted for review and approval showing the additional parking.
 - b) All marking to include parking spaces, directional designation, no parking designation and fire lane designations shall be clearly defined and said marking shall be maintained in good condition at all times. The Town Traffic Engineer shall approve all signage and markings for the circulation related signage.
 - c) All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines with the two lines being located an equal 9 inches on either side of the stall sidelines. All regular parking stalls be a minimum 9' x 19'.
 - d) A minimum of 92 parking spaces shall be provided.
- P6. Prior to the issuance of any permits the Applicant shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by Hi-Desert Water District. The final Landscape and Irrigation Plan shall be reviewed and approved by the Planning Commission.
- P7. No signs are approved with this Permit. Sign application(s) shall be made separately for all signage on the property, and all signage, shall comply with Ordinance No. 156.
- P8. **Construction traffic shall be prohibited from using Diadem Drive.**
- P9. All roof top mechanical equipment is to be screened from ground and street vistas. This information shall be submitted with plan materials for building permit plan check.
- P10. **The applicant shall provide additional landscape planters to break up the long row of parking on the west side of the building and provide a landscaped planter on the inside of the "L" of the building where the number "11" appears on the site plan.**

- P11. The wall along Diadem Drive shall meander to provide adequate landscaping on both sides of the wall.
- P12. A curb, fencing, barrier or a combination shall be provided along the western property line to prevent vehicles from entering the adjacent property.
- P13. The hours of operation shall be limited to 10PM.
- P14. The sale of alcohol is limited to on-site consumption.

ENGINEERING CONDITIONS

- E1. Dedicate and construct full half width improvements (20 feet from centerline) including sidewalk curb, and gutter on Diadem Drive and Hanford Avenue per Town of Yucca Valley Standard Drawing No. 101 and 220.
- E2. Dedicate and construct improvements (55 foot width when measured perpendicularly from the right of way for State Route 62) including sidewalk, curb and gutter on Twentynine Palms Outer Highway
- E3. The project shall provide retention for the incremental storm flows generated during the worst case 100 year storm event plus an additional 10% minimum, and 20% incremental retention is desired. A hydrology study shall be provided detailing the retention amounts required.

- E4. In lieu of an engineered drainage report the retention basin shall be sized to retain 550 cubic feet of storm water for each 1,000 square feet, and increments thereof, of impervious area proposed.

The "Preliminary Drainage Study" prepared by Petra Group Inc. for this site is inadequate and will require revision. This study appears to incorporate a retention storage volume that has not been approved by the Town, and does not meet either the Town's or San Bernardino County Flood Control District's retention basin sizing criteria.

- E5. Prepare precise grading plans for review/approval by the Town. Grading plans shall include details of any retention area proposed.

- E6. Install one street light at each of the following locations:

The intersection of Diadem Drive and Hanford Avenue per Town of Yucca Valley Standard Drawing 302.

The intersection of Hanford and Twentynine Palms Outer Highway per Town Standard 302

- E7. The Applicant's engineer shall provide easement legal descriptions and plats for off-site facilities including retention areas and/or sewer septic systems.
- E8. Prior to issuance of a grading permit for any portion of a site, the Applicant shall submit, for review and approval, an irrigation and landscaping plan or other appropriate treatment for all slope areas. After certification of final grading all manufactured slopes over the height of 3 feet shall be irrigated and landscaped unless otherwise approved by the Town.
- E9. A licensed civil engineer or land surveyor shall survey and certify that the rough grading was completed in substantial conformance with the approved Rough Grading Plans. Prior to the issuance of any building permits the project Engineer shall certify the finished lot was graded in conformance to approved plans. Certification to be on Town of Yucca Valley supplied form(s), included with the permit package.
- E10. Prior to the issuance of a Grading Permit for the onsite areas, a Grading Plan, including Rough Grading and Precise Grading Plans, prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town prior to any grading activity. The Rough and Precise Grading Plans shall be reviewed and approved by the Town Engineer prior to issuance of grading permits. The Applicant is responsible for all fees incurred by the Town.
- E11. A licensed civil engineer or land surveyor shall survey and provide pad certification for each individual lot or structure prior to issuance of building permits.
- E12. Prior to the issuance of Permits, the Applicant shall comply with the recommendations of a site-specific Geotechnical and Soils Report which shall be reviewed and subject to Town approval. The report shall include recommendations for any onsite and offsite grading, foundations, compaction, structures, drainage, and existence of fault zones. It shall include recommendations for retention basins, slope stability and erosion control. The Geotechnical and Soils engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, when necessary and opinions and recommendation covering the adequacy of sites for development. The report shall identify if the site contains any areas susceptible to landslide risk, liquefaction potential and/or subsidence potential on the project site. The report shall identify and include the location of major geologic features, topography and drainage, distribution and general nature of rock and soils, a reasonable evaluation and prediction of the performance of any proposed cut or fill in relation to geological conditions, and the capability of soils and substrata to support structures.
- E13. All recommended approved measures identified in the Geotechnical and Soils Engineering report shall be incorporated into the project design.

- E14. When a development is constructed in phases, each phase of the development shall function independent of the others. Retention basin(s) shall be constructed and functional prior to the issuance of Building Permits for any structure within that phase of the project. The applicant shall provide on-site retention for the incrementally larger flows caused by each phase of development of the site, pursuant to a final drainage report, subject to approval by the Town Engineer.
- E15. A final drainage report, prepared by a registered Civil Engineer, shall be prepared to determine the flows exiting the site under current undeveloped conditions compared to the incrementally larger flows due to the development of the site. The retention basin size will be determined, per County of San Bernardino Flood Control methodology, such that incremental 100 year 24-hour storm volume, plus 10% minimum, 20% desired, is retained on-site.
- E16. Basin(s) shall be designed to fully dissipate storm waters within a 48 hour period.
- E17. Prior to acceptance and final construction approval, all retention/detention basins shall be certified by a civil engineer that all retention/ detention basins have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity and will operate in accordance with the approved final drainage report for the project.
- E18. Prior to acceptance or final construction approval, all drainage systems, both public and private, shall be certified by a civil engineer that they have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity and will operate in accordance with the approved final drainage report(s) for the project.
- E19. 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.
- E20. All grading activities shall minimize dust through compliance with MDAQMD Rules 402 and 403.
- E21. Prior to issuance of a grading permit, a Fugitive Dust and Erosion and Sediment Control Plan shall be submitted and approved by the Town Engineer. The Fugitive Dust and Erosion and Sediment Control Plan shall be illustrated on all proposed phasing for construction of the project.
- E22. A Notice of Intent to comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002 or as otherwise updated by the Board) 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. Applicant 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. Three copies of the SWPPP submitted to the CRWCB shall be submitted to the Town.
- E23. 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.
- E24. For any import or export of material, the applicant shall provide the route of travel, estimated cubic yards of import/export, number of trucks, daily schedule, and length of time necessary to complete the import/export of materials to/from the site. No hauling of material shall occur prior to approval by the Town.
- E25. The Applicant shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the Applicant is required to patch the cuts to Town standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a width 4 feet beyond the edge of the trench on each side, or as determined by the Town Engineer, and replacement with full-depth asphalt concrete recommended by the Soils Engineer.
- E26. In conjunction with rough grading plan submittal for plan check, street plans prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town. The final street plans shall be reviewed and approved by the Town Engineer
- E27. Street improvements shall be completed, approved, and certified by a civil engineer as constructed in substantial conformance with the approved plans, and accepted by the Town of Yucca Valley prior to issuance of a certificate of occupancy for any structures of the project.
- E28. The Applicant shall install all water and sewer systems required to serve the project. All water and sewer systems shall be completed to the requirements of the Hi Desert Water District.
- E29. 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.

- E30. The Applicant shall be responsible for all improvements constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced. The applicant shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.
- E31. The wastewater collection and treatment system shall be maintained so as not to create a public nuisance and shall be serviced by a maintenance company approved by the Regional Water Quality Control Board. The wastewater collection and treatment system shall be approved by the Regional Water Quality Control Board and functional prior to the issuance of grading permits for the project.
- E32. All improvement plans shall be designed by a Registered Civil Engineer.
- E33. Any area which remains undeveloped for a period of more than 30 days shall be stabilized using either chemical stabilizers or a desert wildflower mix hydroseed on the affected portion of the site, or methods identified within the SWPPP, subject to Town Engineer approval.
- E34. The Applicant shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the Applicant fails or refuses to properly maintain the erosion control devices, the Town Engineer may cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be deducted from the erosion control security posted for the project and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in-addition-to-applicable-administrative costs.
- E35. 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.
- E36. Drainage easements, when required, shall be shown on the grading plan and separate legal descriptions and plats prepared delineating the location of the easements.

- E37. Private drainage easements for cross-lot drainage shall be dedicated by separate instrument and delineated on the grading plan.
- E38. A construction area traffic control plan, including temporary and final permanent striping, shall be designed by a registered Civil Engineer or Traffic Engineer for review and approval by the Town Engineer for any street construction, closure, detour or other disruption to traffic circulation.
- E39. All permanent street closures must be approved by Town Council action.
- E40. The following information regarding the presence of the Marine Corps Air Ground Combat Center (MGAGCC) shall be recorded on the title of the property, and included in the information presented to each new tenant.

"The Marine Corps Air Ground Combat Center is located in the Morongo Basin. To prepare Marines for future conflicts, the MGAGCC carries out realistic training with military munitions, both day and night. As a result, Military aircraft fly over the area, and military vehicles drive on and off the base every day. This property is located directly under two aircraft flying routes and is located approximately 13 miles from the installation boundary. Consequently, you should expect to hear military training, see low-flying military aircraft, and encounter other experiences associated with the important mission of the MCAGCC".

- E41. Improvement plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the Town Engineer.
- E42. 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.
- E43. The Applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property.
- E44. All street improvements shall be constructed in conjunction with the first phase.

BUILDING AND SAFETY CONDITIONS

- B1. Prior to the delivery of combustible materials, the following items shall be accepted as complete:

- a. The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
 - b. Fire hydrants are accepted by the County Fire Department and the Hi Desert Water District. The fire hydrants associated with each phase shall be functioning prior to issuance of building permits.
- B2. The applicant shall submit three complete sets of plans and provide all plans and calculations electronically at the time of plan review.
 - B3. At the time of building plan check submittal, the applicant shall provide approval from the San Bernardino County Fire Dept.
 - B4. Prior to final inspection, all required improvements shall be constructed, finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.
 - B5. Obtain California Regional Water Quality Control Board approval for on-site septic/ treatment system if discharge exceeds 2,500 gallons per day.
 - B6. Obtain San Bernardino Environmental Health Approval for on-site septic/treatment system.
 - B7. Provide required ADA access plan (parking, path of travel, building access, restroom, ADA workspace, etc.).
 - B8. All plans to be stamped and wet signed by California Licensed Engineer or Architect.
 - B9. All plans to comply with 2010 California Building Codes including Green Building Code.
 - B10. Following approval of the building plans electronic copies of all plans and documents provided shall be provided in electronic form approved by the Town.

FIRE CONDITIONS

- F1. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

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

HIGH DESERT WATER DISTRICT CONDITIONS

- H1. Water and sewer improvement plans and plan check fees shall be submitted for review and approval prior to issuance of a building permit
- H2. Landscape plans shall be submitted in accordance with Hi Desert Water District Landscape Ordinance Package if total landscape area exceeds 500 square feet and a separate landscape meter will also be required.
- H3. It is recommended that the developer schedule a meeting with HDWD to discuss project water demand and fire flow requirements in the planning stages. Water pressures in the area may be in excess of 125psi. The installation of pressure regulators on service laterals may be indicated.
- H4. Reduced pressure (RP) backflow devices shall be required for all water connections.
- H5. The fire sprinkler supply service shall be separate from the domestic and landscape services.
- H6. All onsite water mains shall be private.

- H7. The proposed project is within Phase 1 Sewer Area and shall connect to the sewage collection system when constructed.
- H8. An agreement for water service shall be approved by HDWD Board of Directors prior to construction.

UNITED STATES MARINE CORPS CONDITIONS

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

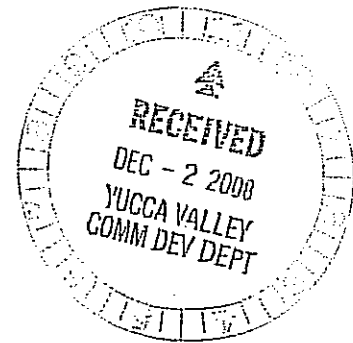
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-COLORADO RIVER BASIN CONDITIONS

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

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

Applicant's Signature _____ Date _____

**FINAL
CONDITIONS OF APPROVAL
YUCCA PLAZA
SITE PLAN REVIEW SPR 02-08₍₁₁₋₁₈₋₀₈₎**



I. GENERAL CONDITIONS

1. This Site Plan Review SPR 02-08 is a proposal to construct a multi-tenant commercial shopping center development totaling 23,056 square feet, with parking and landscaping on approximately 1.82 acres. The property is located on the northwest corner of 29 Palms Outer Highway and Hanford Ave and is identified as assessor's parcel number 601-411-03.
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 approval shall become null and void if the occupancy or use of the land has not taken place within two (2) years of the Town of Yucca Valley date of approval. Extensions of time may be granted *as authorized by state or local authority, and approved by the Town*. The Applicant is responsible for the initiation of an extension request.

Approval Date: November 18, 2008
Expiration Date: November 18, 2010
4. Any occupancy which requires additional parking that has not been provided for through this Site Plan Review shall not be approved until a revision is submitted for review and approval showing the additional parking.
5. The Applicant/owner shall ascertain and comply with requirements of all State, Federal County, Town and, local agencies as are applicable to the project.
6. All conditions of this Site Plan Review are continuing conditions. Failure of the Applicant and/or operator to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property.
7. All exterior lighting shall comply with the Town's Outdoor Lighting Ordinance. Compliance with all amended, supplemented or superseded lighting ordinance(s) shall be attained within a period not to exceed one (1) year of the effective date of the amended, supplemented, or superseded ordinance.

8. 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).
9. All improvements shall be inspected by the Town's Building and Safety Division, as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
10. Parking and on-site circulation requirements shall be provided and maintained as identified on the approved site plan. Areas reserved for access drive and/or fire lanes shall be clearly designated.
 - a) Any occupancy, which requires additional parking that has not been provided for through this Site Plan Review, shall not be approved until a revision is submitted for review and approval showing the additional parking.
 - b) All marking to include parking spaces, directional designation, no parking designation and fire lane designations shall be clearly defined and said marking shall be maintained in good condition at all times. The Town Traffic Engineer shall approve all signage and markings for the circulation related signage.
 - c) All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines with the two lines being located an equal 9 inches on either side of the stall sidelines. All regular parking stalls be a minimum 9' x 19'.
 - d) A minimum of 92 parking spaces shall be provided.
11. Any and all graffiti shall be removed within twenty-four (24) hours of discovery or notification by the Town.
12. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
13. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.
14. Utility under-grounding shall be required to comply with Ordinance #169 relating to utility under-grounding for all new Service and Distribution lines that provide direct service to the property being developed; existing Service and Distribution lines 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 being developed; existing Service and Distribution lines located along or within 10 feet of the lot lines of the property

- being developed; or existing Service and Distribution lines being relocated as a result of a project.
15. 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.
 16. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
 17. 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.
 18. No signs are approved with this Permit. Sign application(s) shall be made separately for all signage on the property, and all signage, shall comply with Ordinance No. 156.
 19. 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/ 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).
 20. 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.
 21. *Construction traffic shall be prohibited from using Diadem Drive.*

PRIOR TO ISSUANCE OF GRADING PERMIT

22. 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 be provided with approved ground cover. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by the Planning Department and the Hi-Desert

Water District prior to issuance of any permits. The Landscape and Irrigation review requires a separate application and a current fee of \$685.

23. A plan identifying all protected plants under the California Food and Agriculture Code as well as a Joshua Tree Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. *The applicant shall make every effort to relocate the native plants back onsite. Should the site be unable to accommodate the native plants in the landscape planters then a minimum 60 day adoption period shall be required.*
24. *The applicant shall submit, in conjunction with the rough grading plan submittal an erosion and sediment control plan for review and approval by the Town.*
25. Dedicate, or show there exists, sufficient right of way for a local road on Diadem Drive and Hanford Avenue.
26. Prior to the issuance of a Grading Permit for the on-site 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.
27. 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.
28. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.
29. Applicant 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.
30. 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.
31. 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.

32. All grading activities shall minimize dust through compliance with AQMD Rule 403.
33. 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.
34. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Town.

PRIOR TO BUILDING PERMIT ISSUANCE

35. The Applicant shall pay Development Impact Fees in place at the time of issuance of Building Permits. The Applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property.
36. 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.
37. 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.
38. All improvement plans, including but not limited to street and grading plans, shall be designed by a Registered Civil Engineer and shall be submitted to the Town for review and approval.
39. 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).
40. 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.

41. All exterior lighting shall comply with the Outdoor Lighting Ordinance. A photometric plan and details of all exterior lighting fixtures shall be submitted with the building plans. These shall demonstrate that all exterior lighting complies with Ordinance 90.
42. All roof top mechanical equipment is to be screened from ground and street vistas. This information shall be submitted with plan materials for building permit plan check.
43. *The applicant shall provide additional landscape planters to break up the long row of parking on the west side of the building and provide a landscaped planter on the inside of the "L" of the building where the number "11" appears on the site plan.*
44. *The wall along Diadem Drive shall meander to provide adequate landscaping on both sides of the wall.*
45. *A curb, fencing or some other barrier shall be provided along the western property line to prevent vehicles from entering the adjacent property.*

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

46. 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.
47. A retention basin shall be constructed and functional prior to the issuance of certificate of occupancy for the project. The applicant shall provide on-site retention for the incrementally larger flows caused by development of the site. Two options are available.
 - a. 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.
 - b. In lieu of an engineered drainage report the retention basin shall be sized to retain 550 cubic feet of storm water for each 1,000 square feet, and increments thereof, of impervious area proposed.

The "Preliminary Drainage Study" prepared by Petra Group Inc. for this site is inadequate and will require revision. This study appears to incorporate a retention storage volume that has not been approved by the Town, and does not

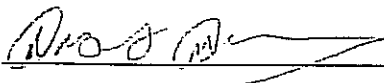
meet either the Town's or San Bernardino County Flood Control District's retention basin sizing criteria.

48. *Construct curb and gutter and sidewalk 20 feet from centerline on Diadem Drive and Hanford Avenue per Town of Yucca Valley Standard Drawing 101 and 220.*
49. *Dedicate sufficient right of way for a fifty-five (55) foot width on the outer highway when measured perpendicularly from the right of way of highway 62*
50. *Install street lights at the intersection of Diadem Drive and Hanford Avenue and the intersection of Hanford Avenue and the Twentynine Palms Outer Highway per Town of Yucca Valley Standard Drawing 302.*
51. The retention basin shall be constructed and functional prior to the issuance of certificate of occupancy for the project.
52. Prior to occupancy of the site the Applicant shall obtain Fire Dept. approval of the site plan. The Applicant shall comply with the conditions and requirements of the San Bernardino County Fire Dept. Prior to any construction occurring on any parcel, the Applicant shall contract the Fire Dept. for verification of current Fire Protection requirements.
53. 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.
54. 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).
55. 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.
56. 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.
57. The Applicant 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 Applicant. The

Applicant shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.

58. 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.
59. The Applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property.
60. 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 developers 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.
61. *The hours of operation shall be limited to 10PM.*
62. *The sale of alcohol is limited to on-site consumption.*

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 11/25/08

P:\MAJOR PROJECTS\SPR Site Plan Review\2008\SPR 02-08 Yucca Plaza\Post 06-03-08 PC Revisions\SPR 02-08 Yucca Plaza Final COA.doc

Planning Commission: November 18, 2008
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION
STAFF REPORT

Cuse: SITE PLAN REVIEW, SPR 02-08 YUCCA PLAZA
EXEMPT FROM CEQA, UNDER SECTION 15332, CLASS 32, INFILL
DEVELOPMENT

Request: THE APPLICANT REQUESTS TO CONSTRUCT A 23,056 SQUARE FOOT
MULTI-TENANT COMMERCIAL SHOPPING CENTER WITH PARKING,
LANDSCAPING, AND OFF-SITE IMPROVEMENTS ON APPROXIMATELY
1.82 ACRES AT THE NORTHWEST CORNER OF HANFORD AVENUE
AND 29 PALMS OUTER HIGHWAY NORTH. THE APPLICANT HAS
ELIMINATED THE VARIANCE REQUEST AND FUTURE RESTURANT
PAD FROM PRIOR SITE PLAN PROPOSALS.

Applicant: MIKE AND AIDA ALI
405 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CA 92648

Property Owner:
SAME AS ABOVE

Representative:
NASHAT MUWANES
13840 DOS PALMAS ROAD
VICTORVILLE, CA 92392

Location: THE PROJECT IS LOCATED AT NORTH WEST CORNER OF HANFORD
AVENUE AND 29 PALMS OUTER HIGHWAY NORTH AND IS
IDENTIFIED AS APN 601-411-03.

Surrounding Land Use:
NORTH: SINGLE FAMILY RESIDENTIAL
SOUTH: OUTER HIGHWAY/SR 62
WEST: VACANT LAND AND YUCCA BOWL BOWLING ALLEY
EAST: VACANT LAND AND A MINI SELF-STORAGE FACILITY

Existing Land Use:
THE SITE IS CURRENTLY VACANT WITH SCATTERED JOSHUA TREES
AND SCATTERED BRUSH.

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

Surrounding General Plan Land Use Designations:

NORTH: RESIDENTIAL SINGLE FAMILY (RS-2)
SOUTH: GENERAL COMMERCIAL (CG)
WEST: GENERAL COMMERCIAL (CG)
EAST: GENERAL COMMERCIAL (CG)

Existing General Land Use Designations:

THE SITE IS CURRENTLY DESIGNATED GENERAL COMMERCIAL (CG).

Surrounding Zoning Designations:

NORTH: RESIDENTIAL SINGLE FAMILY (RS-2)
SOUTH: GENERAL COMMERCIAL (CG)
WEST: GENERAL COMMERCIAL (CG)
EAST: GENERAL COMMERCIAL (CG)

Existing Zoning Designations:

THE PROPERTY IS CURRENTLY ZONED GENERAL COMMERCIAL (CG).

Public Notification:

PURSUANT TO SECTION 83.010330, LEGAL NOTICE IS REQUIRED TO BE GIVEN TO ALL PROPERTY OWNERS WITHIN A THREE (300) HUNDRED FOOT RADIUS OF THE EXTERIOR BOUNDARIES OF THE SUBJECT SITE. AS REQUIRED, THIS PROJECT NOTICE WAS MAILED TO ALL PROPERTY OWNERS WITHIN A 300 FOOT RADIUS OF THE PROJECT SITE ON OCTOBER 30, 2008 AND PUBLISHED NOVEMBER 5, 2008. PROPERTY OWNERS WITHIN 300 FEET WERE NOTIFIED. THERE HAS BEEN NO WRITTEN RESPONSE TO THE PUBLIC NOTICE FROM THE PROPERTY OWNERS AT THE WRITING OF THIS STAFF REPORT.

RECOMMENDATIONS:

SITE PLAN REVIEW, SPR 02-08 YUCCA PLAZA: STAFF RECOMMENDS THAT THE PLANNING COMMISSION APPROVE SPR 02-08 BASED UPON THE FINDINGS CONTAINED WITHIN THE STAFF REPORT AND THE RECOMMENDED CONDITIONS OF APPROVAL.

PROJECT MANAGER: Robert Kirschmann, Associate Planner

REVIEWED BY: Shane Stueckle, Deputy Town Manager

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.

PROJECT DESCRIPTION: The Applicant proposes to construct a multi-tenant commercial shopping center development totaling 23,056 square feet, with parking and landscaping on approximately 1.82 acres. The total gross leasable area of the retail component consists of a 19,794 square foot single-story, multi-tenant commercial building. The remaining square footage within the retail component is a lobby for gathering, resting, and common use. The previous 1,317 square foot pad site for a future sit down restaurant has been eliminated from the plan. In addition, the Applicant has eliminated the variance request along Hanford Ave based upon redesign of the project.

LOCATION: The project is located at northwest corner of Hanford Avenue and 29 Palms Outer Highway North, and is identified as APN 601-411-03.

PROJECT SYNOPSIS:

SITE COVERAGE

PROJECT AREA	1.82 acres
BUILDING	23,056 square feet total building area
FLOOD ZONE	Map 8120, zone X
ALQUIST PRIOLO ZONE	No
OFF-SITE IMPROVEMENTS REQ.	Yes. Full half-width street improvements along the 29 Palms Outer Highway North, Hanford Avenue, and Diadem Drive. Street lighting is required at the intersections of Hanford Avenue and the Outer Highway, and Hanford Avenue and Diadem Drive.
RIGHT-OF-WAY DEDICATION REQ.	Yes, 5' 29 Palms Outer Highway
AIRPORT INFLUENCE AREA	Horizontal Surface area

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: The proposed development is consistent with the General Plan insofar as it meets Goal 1 contained within the General Land Use Section, which states that "A balanced mix of functionally integrated land uses which meet social and economic

needs of the community through compatible and harmonious land use and zoning designations.” This facility will provide uses permitted within the General Commercial Land Use Designation, including retail, office and food service uses.

The proposed project is consistent with the General Plan Designation of General Commercial, insofar as the project proposes those uses including retail, office and food service uses consistent with this designation. The project complies with Development Code standards and guidelines, and is consistent and compatible with development occurring in the general area, subject to addressing compatibility with the residential uses to the north of the project site

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 within a general area that consists of medical offices, mini storage, retail, entertainment, single-family residential uses, and vacant land.

SITE CHARACTERISTICS: The site is currently undeveloped, flat land with scattered Joshua Trees and desert brush.

ACCESS AND PARKING: The project will have access from a shared driveway on 29 Palms Outer Highway and a driveway on Hanford Avenue. The shared driveway will be located on 29 Palms Outer Highway, approximately 200 west of Hanford Avenue adjacent to this site. The proposed shared access point will lessen potential traffic conflicts as the vacant lands fronting on the Outer Highway develop. As requested by the Planning Commission, the applicant has eliminated the driveway from Diadem Drive and relocated the entrance to Hanford Avenue.

The site includes a total of 100 parking stalls. The commercial building total leasable square footage is 19,794 square feet. Under the definitions provided in the Development Code this building is considered a shopping center, which requires a parking ratio of 1 space per 250 square feet. These results in 79 spaces required. The applicant revised the site plan to include 16 compact parking stalls. This is 16% of the total parking area. The development code allows for up to 25% of parking stalls to be compact.

Since the site is over parked by 21 stalls staff has included a condition of approval requiring some additional landscape planters. One planter is on the western row of parking along the main entrance. By providing an additional planter in the center of that row it will help break up the large row of parking. The other planter conditioned is on the inside of the buildings "L" shape. On the site plan there is an "11" indicated on this parking stall. The condition of approval recommends that this stall become a planter. This will provide additional landscaping and ensure that there is adequate room for vehicles to pull out of the stalls.

BUILDING ELEVATIONS: The building is proposed to have attractive architecture. The style incorporates southwest, mission, and contemporary styling. At the request of Staff the structure has been moved closer to the north west corner of Hanford Ave and 29 Palms Highway North to provide a "street edge" that promotes a more pedestrian-oriented and transit friendly urban design. In addition, this allows the parking to be hidden behind the building allowing for a more attractive streetscape along Highway 62 and Hanford Avenue.

The single-story ceiling height is roughly thirteen feet. Adding a parapet as shown will extend the overall height to nearly eighteen feet. In addition, a visual tower element is proposed that will raise this particular element to a height of approximately 33'. The proposed architecture, urban design, and color palette is tastefully conceived, and is consistent with the Town's Commercial Design Guidelines.

OFF-SITE IMPROVEMENTS: The project has been conditioned to provide full half width improvements on 29 Palms Outer Highway North, Hanford Avenue, and Diadem Drive, which includes additional pavement, curb, gutter and sidewalk along all street frontages. Conditions of Approval also include the placement of street lighting at the corners of the Outer Highway and Hanford Avenue, and Hanford Avenue and Diadem Drive.

MAINTENANCE ASSESSMENT DISTRICTS: The approval of the project includes the requirement to form maintenance assessment district(s) for the purpose of maintaining such public improvements as pavement, drainage facilities, curb and gutter, sidewalk, landscaping, lighting, and other public improvements. In the case of this project, the maintenance district(s) would include the following: 29 Palms Outer Highway, Hanford Avenue, and Diadem including sidewalk, curb and gutter, drainage, street lighting, and other public improvements. In addition the project has been conditioned to agree to terms and record a non-opposition agreement for the future formation of a public safety assessment district.

DISCUSSION: The Applicant proposes to construct a multi-tenant commercial shopping center development totaling 23,056 square feet, with parking and landscaping on approximately 1.82 acres. The total gross leasable area of the retail component consists of a 19,794 square foot single-story, multi-tenant commercial building. The remaining square footage within the retail component is a lobby for gathering, resting, and common use. The 1,317 square foot pad site for a future sit down restaurant has been eliminated.

The Planning Commission has reviewed this project on April 8, 2008 and June 3, 2008. The applicant has taken the Planning Commission and citizen comments and has diligently worked with Staff to present a project that meets the requirements of the Development Code, General Plan and direction of the Commission. The project has been through several revisions and modifications. These include:

1. elimination of a variance request for setbacks

2. relocating the driveway from Diadem to Hanford(resulting in relocation of building)
3. addition of a 4' wall and 2' landscape berm to buffer parking from the residential neighborhood
4. relocation of the trash enclosure
5. providing 2 loading stalls
6. A straight driveway where a large truck could temporarily stop if necessary
7. enlarging the width of the perimeter sidewalk
8. reducing the size of the sidewalk around Diadem to increase landscaping

In response to the concerns from the Commission and a citizen the applicant has reduced the sidewalk along Diadem from 10' to 6' which will allow for a 4' planter in the right-of-way and a 15' planter on the applicants property. This will provide a total landscaping area of 19' along Diadem. The landscape area will include an approximately 2' high landscaped berm with a 4' high split face wall installed on top. A condition has been added to have the wall meander to ensure adequate landscaping on both sides of the wall. The proposed treatments comply with and exceed requirements contained within Ordinance 111, the Parking Code.

At the April and June meetings the Planning Commission had concerns regarding the loading and unloading of delivery vehicles. The applicant has provided two loading stalls at opposite ends of the center, adjacent to the building. The parking code only requires one. The stalls are proposed at 10' by 20' which will meet the requirements contained within the parking code. In addition, the applicant has provided a long straight driveway on the west side of the property where a large truck may temporarily unload material. This was at the request of the Commission and similar to the Motorsport dealer south of SR 62.

The Applicant has eliminated the variance from the project. The relocation of the building has provided adequate setbacks from all property lines including a minimum 15' landscape area on all street frontages. The applicant has been in discussions with the San Bernardino County Fire

Department and has indicated that the Fire Department will accept the 24' drive lanes, provided that 26' is provided adjacent to the building. The applicant will continue to work with the Fire Department to ensure the current layout will meet their requirements. As a note the revised plans were distributed to outside agencies On September 24, 2008, including the San Bernardino County Fire Department and no comments were received. These changes, in addition to the elimination of the restaurant have resulted in a slight increase of the building square footage from 20,910 to 23,056 square feet.

At the Planning Commission meeting of April 8, 2008 there was some confusion regarding the main entrance on 29 Palms Outer Highway. The Applicant is proposing a shared driveway with the property owner to the west at Staffs request. The applicant it proposing to provide a minimum of a 26' wide driveway contained entirely on their property should the adjacent property owner object to the reciprocal access agreement. Once the applicant gets approval from the adjoining property owner a sidewalk could then be installed along the western portion of the building, connecting the front and rear sidewalk.

Planning Staff consulted with Building and Safety in regards to the width of the sidewalk. The applicant has widened the outside sidewalk to 6' free and clear. This exceeds the California Building Code which requires a minimum 4' sidewalk with approved turnouts. The project is ~~conditioned to comply with all accessibility standards and~~ the applicant has no objections to complying.

Another concern raised at the April Planning Commission meeting was in regards to the location of the trash enclosure. There was concern as to the high visibility at the primary entrance and to SR 62. The applicant has moved the trash enclosure to the interior of the project, thereby eliminating this concern. In addition the new location is more central to the site and is more convenient to the businesses.

The final issue that was raised was the outdoor lighting. As the Planning Commission is aware the Town has Ordinance 90, which regulates outdoor lighting. This ordinance prohibits light trespass beyond the property line and requires the lighting to not project above a horizontal plane. The applicant is aware of the ordinance and has provided a photometric plan with the resubmitted materials. The photometric shows that there will be no light trespass beyond the property lines.

The Applicant has continued to pay particular attention to site planning and design, and has oriented the parking to the interior of the project and the structure toward the street to define an architectural edge for the project, including operable doors and storefront windows. The architecture may be described as southwestern/mission with contemporary undertones, articulations, and textural variations. The development as a whole provides a plaza-type setting. Sidewalk and pedestrian connections from the primary sidewalk are project components.

Other project components include full half-width street improvements including sidewalk, curb, and gutter along the 29 Palms Outer Highway, Hanford Avenue, and Diadem Drive, street lighting at the intersection of the Outer Highway and Hanford Avenue, and at the intersection of Hanford Avenue and Diadem Drive.. Utility under grounding is also required as a Condition of Approval. There is an existing easement and utility lines running the length of the property parallel to 29 Palms Outer Highway. These lines will be required to be placed underground and the easement relocated to allow for the construction of the building. The project will also be required to pay fair share costs for signal improvements at Balsa Avenue and SR 62. Storm water detention is designed to be located below the parking lot surface. The basin will be appropriately sized based upon the submittal of a final hydrology study which will be reviewed and approved by the Town Engineer.

FINDINGS SPR 02-08:

1. The location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;
2. That the location, size, design of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;
3. That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of the development between adjacent land uses;
4. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;
5. That the development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the uses;
6. That the location and design of open space and landscaping enhances the visual appeal and is compatible with the design and functions of the structure(s), site, and surrounding area;
7. That traffic generated from the proposed site has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;
8. That there are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act.
9. 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 are not 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.

Attachments:

1. Revised site plan and elevations
2. Application materials
3. Photometric plan
4. Ordinance 111, Parking Code
5. Planning Commission minutes from April 8, 2008
6. Planning Commission minutes from June 3, 2008

The following Special Studies are available for public review at the Community Development Department offices and will be available at the Public Hearing:

1. Preliminary Drainage Study
2. Traffic Study
3. Geotechnical Report
4. Biological Survey

**CONDITIONS OF APPROVAL
YUCCA PLAZA
SITE PLAN REVIEW SPR 02-08₍₁₁₋₁₈₋₀₈₎**

I. GENERAL CONDITIONS

1. This Site Plan Review SPR 02-08 is a proposal to construct a multi-tenant commercial shopping center development totaling 23,056 square feet, with parking and landscaping on approximately 1.82 acres. The property is located on the northwest corner of 29 Palms Outer Highway and Hanford Ave and is identified as assessor's parcel number 601-411-03.
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 approval shall become null and void if the occupancy or use of the land has not taken place within two (2) years of the Town of Yucca Valley date of approval. Extensions of time may be granted *as authorized by state or local authority, and approved by the Town*. The Applicant is responsible for the initiation of an extension request.

Approval Date: November 18, 2008
Expiration Date: November 18, 2010
4. Any occupancy which requires additional parking that has not been provided for through this Site Plan Review shall not be approved until a revision is submitted for review and approval showing the additional parking.
5. The Applicant/owner shall ascertain and comply with requirements of all State, Federal, County, Town and local agencies as are applicable to the project.
6. All conditions of this Site Plan Review are continuing conditions. Failure of the Applicant and/or operator to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property.
7. All exterior lighting shall comply with the Town's Outdoor Lighting Ordinance. Compliance with all amended, supplemented or superseded lighting ordinance(s) shall be attained within a period not to exceed one (1) year of the effective date of the amended, supplemented, or superseded ordinance.

8. 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).
9. All improvements shall be inspected by the Town's Building and Safety Division, as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
10. Parking and on-site circulation requirements shall be provided and maintained as identified on the approved site plan. Areas reserved for access drive and/or fire lanes shall be clearly designated.
 - a) Any occupancy, which requires additional parking that has not been provided for through this Site Plan Review, shall not be approved until a revision is submitted for review and approval showing the additional parking.
 - b) All marking to include parking spaces, directional designation, no parking designation and fire lane designations shall be clearly defined and said marking shall be maintained in good condition at all times. The Town Traffic Engineer shall approve all signage and markings for the circulation related signage.
 - c) All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines with the two lines being located an equal 9 inches on either side of the stall sidelines. All regular parking stalls be a minimum 9' x 19'.
 - d) A minimum of 79 parking spaces shall be provided.
11. Any and all graffiti shall be removed within twenty-four (24) hours of discovery or notification by the Town.
12. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
13. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.
14. Utility under-grounding shall be required to comply with Ordinance #169 relating to utility under-grounding for all new Service and Distribution lines that provide direct service to the property being developed; existing Service and Distribution lines 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 being developed; existing Service and Distribution lines located along or

- within 10 feet of the lot lines of the property being developed; or existing Service and Distribution lines being relocated as a result of a project.
15. 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.
 16. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
 17. 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.
 18. No signs are approved with this Permit. Sign application(s) shall be made separately for all signage on the property, and all signage, shall comply with Ordinance No. 156.
 19. 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/ 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).
 20. 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.

PRIOR TO ISSUANCE OF GRADING PERMIT

21. 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 be provided with approved ground cover. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by the Planning Department and the Hi-Desert Water District prior to issuance of any permits. The Landscape and Irrigation review requires a separate application and a current fee of \$685.

22. A plan identifying all protected plants under the California Food and Agriculture Code as well as a Joshua Tree Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. *The applicant shall make every effort to relocate the native plants back onsite. Should the site be unable to accommodate the native plants in the landscape planters then a minimum 60 day adoption period shall be required.*
23. *The applicant shall submit, in conjunction with the rough grading plan submittal an erosion and sediment control plan for review and approval by the Town.*
24. Dedicate, or show there exists, sufficient right of way for a local road on Diadem Drive and Hanford Avenue.
25. Prior to the issuance of a Grading Permit for the on-site 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.
26. 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.
27. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.
28. Applicant 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.
29. 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.
30. 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.

31. All grading activities shall minimize dust through compliance with AQMD Rule 403.
32. 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.
33. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Town.

PRIOR TO BUILDING PERMIT ISSUANCE

34. The Applicant shall pay Development Impact Fees in place at the time of issuance of Building Permits. The Applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property.
35. 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.
36. 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.
37. All improvement plans, including but not limited to street and grading plans, shall be designed by a Registered Civil Engineer and shall be submitted to the Town for review and approval.
38. 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).
39. 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.

40. All exterior lighting shall comply with the Outdoor Lighting Ordinance. A photometric plan and details of all exterior lighting fixtures shall be submitted with the building plans. These shall demonstrate that all exterior lighting complies with Ordinance 90.
41. All roof top mechanical equipment is to be screened from ground and street vistas. This information shall be submitted with plan materials for building permit plan check.
42. *The applicant shall provide additional landscape planters to break up the long row of parking on the west side of the building and provide a landscaped planter on the inside of the "L" of the building where the number "11" appears on the site plan.*
43. *The wall along Diadem Drive shall meander to provide adequate landscaping on both sides of the wall.*
44. *A curb, fencing or some other barrier shall be provided along the western property line to prevent vehicles from entering the adjacent property.*

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

45. 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.
46. A retention basin shall be constructed and functional prior to the issuance of certificate of occupancy for the project. The applicant shall provide on-site retention for the incrementally-larger flows-caused by development of the site. Two options are available.
 - a. 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.
 - b. In lieu of an engineered drainage report the retention basin shall be sized to retain 550 cubic feet of storm water for each 1,000 square feet, and increments thereof, of impervious area proposed .

The "Preliminary Drainage Study" prepared by Petra Group Inc. for this site is inadequate and will require revision. This study appears to incorporate a retention

storage volume that has not been approved by the Town, and does not meet either the Town's or San Bernardino County Flood Control District's retention basin sizing criteria.

47. *Construct curb and gutter and sidewalk 20 feet from centerline on Diadem Drive and Hanford Avenue per Town of Yucca Valley Standard Drawing 101 and 220.*
48. *Dedicate sufficient right of way for a fifty-five (55) foot width on the outer highway when measured perpendicularly from the right of way of highway 62*
49. *Install street lights at the intersection of Diadem Drive and Hanford Avenue and the intersection of Hanford Avenue and the Twentynine Palms Outer Highway per Town of Yucca Valley Standard Drawing 302.*
50. The retention basin shall be constructed and functional prior to the issuance of certificate of occupancy for the project.
51. Prior to occupancy of the site the Applicant shall obtain Fire Dept. approval of the site plan. The Applicant shall comply with the conditions and requirements of the San Bernardino County Fire Dept. Prior to any construction occurring on any parcel, the Applicant shall contract the Fire Dept. for verification of current Fire Protection requirements.
52. 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.
53. 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).
54. 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.
55. 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.
56. The Applicant 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 Applicant. The Applicant shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.

- 57. 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.
- 58. The Applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property.
- 59. 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 developers 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.

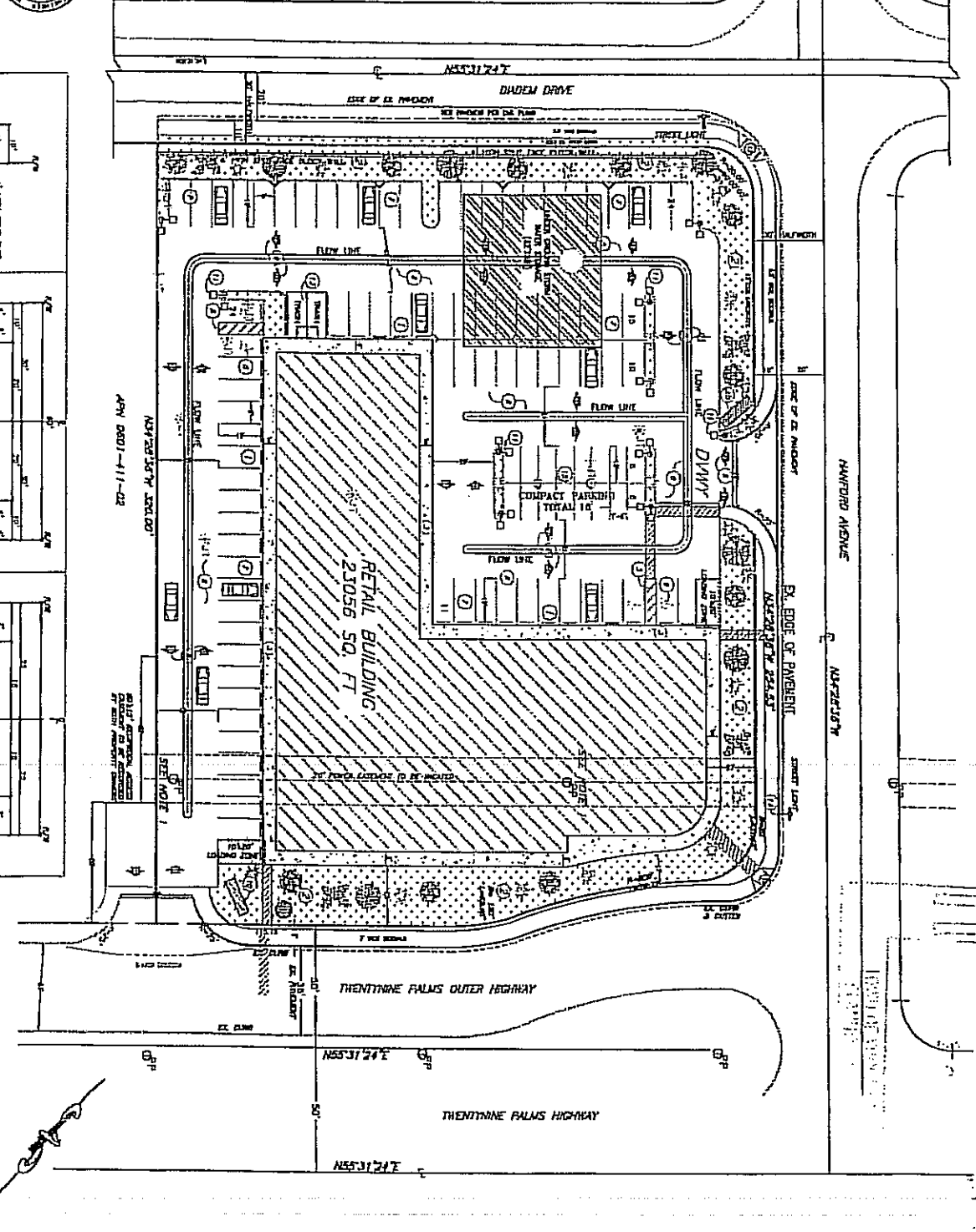
I HEREBY CERTIFY THAT THE APPROVED CONDITIONS OF APPROVAL WILL BE SATISFIED PRIOR TO OR AT THE TIMEFRAMES SPECIFIED AS SHOWN ABOVE. I UNDERSTAND THAT FAILURE TO SATISFY ANY ONE OF THESE CONDITIONS WILL PROHIBIT THE ISSUANCE OF ANY PERMIT OR ANY FINAL MAP APPROVAL.

Applicant's Signature _____ Date _____

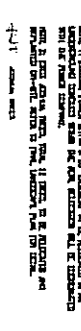


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APN 0601-532-01 APN 0601-532-15



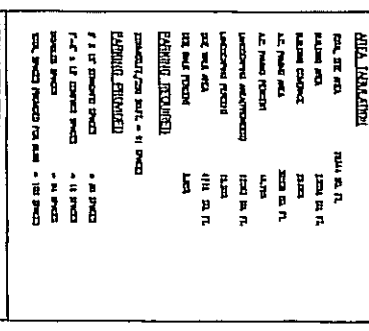
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- SITE PLAN NOTES:**
1. ALL DIMENSIONS SHOWN ARE AS SHOWN UNLESS OTHERWISE NOTED.
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 14. ALL DIMENSIONS SHOWN ARE AS SHOWN UNLESS OTHERWISE NOTED.
 15. ALL DIMENSIONS SHOWN ARE AS SHOWN UNLESS OTHERWISE NOTED.
 16. ALL DIMENSIONS SHOWN ARE AS SHOWN UNLESS OTHERWISE NOTED.

AREA TABLE

NO.	DESCRIPTION	AREA (SQ. FT.)
1	RETAIL BUILDING	23056
2	COMPACT PARKING	16
3	LANDSCAPING	1000
4	DRIVEWAYS	500
5	STAIRS	100
6	MECHANICAL ROOM	200
7	RESTROOMS	100
8	OFFICE	100
9	STORAGE	100
10	UTILITY	100
11	LOBBY	100
12	CONFERENCE	100
13	RECEPTION	100
14	WAITING	100
15	EXIT	100
16	STAIRWELL	100
17	ELEVATOR	100
18	MECHANICAL	100
19	ELECTRICAL	100
20	PLUMBING	100
21	TELEPHONE	100
22	DATA	100
23	SERVER	100
24	NETWORK	100
25	SECURITY	100
26	ACCESS	100
27	CONTROL	100
28	MONITORING	100
29	ALARM	100
30	EMERGENCY	100
31	EVACUATION	100
32	ASSEMBLY	100
33	TRAINING	100
34	EXERCISE	100
35	REHEARSAL	100
36	PERFORMANCE	100
37	RECEPTION	100
38	ENTERTAINMENT	100
39	EDUCATION	100
40	RESEARCH	100
41	DEVELOPMENT	100
42	TESTING	100
43	PRODUCTION	100
44	DISTRIBUTION	100
45	SALES	100
46	MARKETING	100
47	PUBLICITY	100
48	ADVERTISING	100
49	RELATIONS	100
50	COMMUNITY	100



DEVELOPER
 [Name]

DESIGNER
 [Name]

DATE
 [Date]

SCALE
 [Scale]

PROJECT NO.
 [Number]

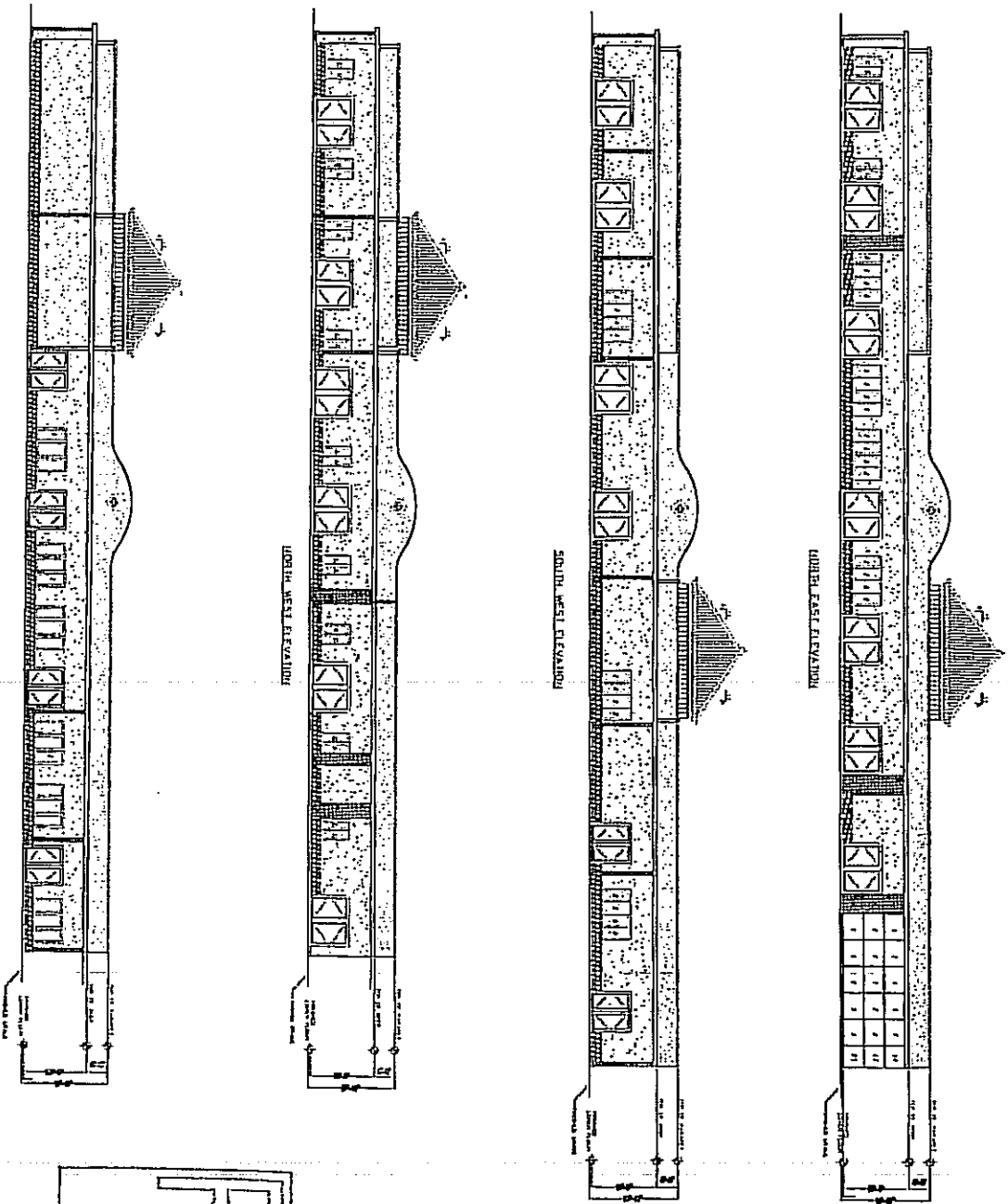
CLIENT
 [Name]

LOCATION
 [Address]

APN
 [Number]

ALL WORK AND AREA - (714) 717-3797

SITE PL.P.5P.67



SOUTH EAST ELEVATION

NORTH WEST ELEVATION

SOUTH WEST ELEVATION

NORTH EAST ELEVATION

RECEIVED

OCT 20 2008

TOWN OF YUCCA VALLEY
PLANNING DIVISION



ELEVAP.5P.68

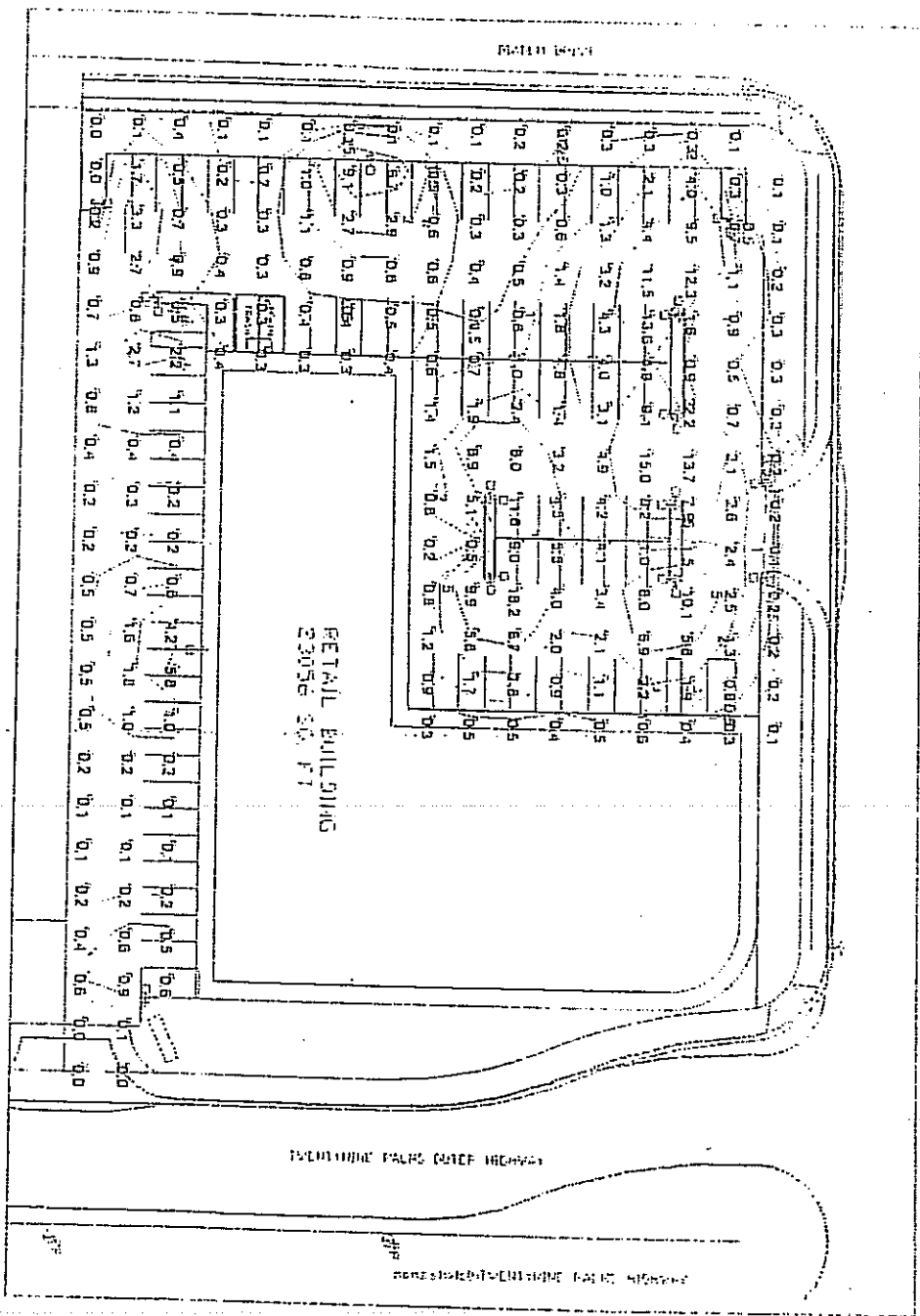
ALL NICE AND AIDA - (714) 717-2737
100 PACIFIC COAST HIGHWAY - IRRIGATION ROAD, CA 92648
APR 0681-11-10-0000 - (HAYFORD) AVICAR

REVISIONS

NO.	DATE	DESCRIPTION

PROJECTS
PETER J.
REGISTERED ARCHITECT
STATE OF CALIFORNIA
NO. 10000

NO. 10000
PROJECTS
PETER J.
REGISTERED ARCHITECT
STATE OF CALIFORNIA
NO. 10000



Plan View
NTS

**OUTDOOR AREA
LIGHTING REPORT**

P.5P.70

Designer

Date
Oct 13 2008

Scale

Drawing No.

LUMINAIRE LOCATIONS

No.	Label	Location			MH	Orientation	Tilt	Aim		
		X	Y	Z				X	Y	Z
1	150	6238.7	-3602.0	10.0	10.0	180.3	65.8	6238.6	-3624.3	0.0
2	150	6126.3	-3615.7	10.0	10.0	119.1	67.6	6147.5	-3627.5	0.0
3	150	6122.0	-3619.6	10.0	10.0	175.0	20.4	6122.3	-3623.5	0.0
4	150	6207.6	-3601.3	10.0	10.0	178.8	67.7	6208.3	-3625.7	0.0
5	150	6149.2	-3633.5	10.0	10.0	-90.0	5.0	6148.3	-3633.5	0.0
6	150	6190.6	-3633.5	10.0	10.0	103.3	43.7	6199.9	-3635.7	0.0
7	150	6186.1	-3638.0	10.0	10.0	180.4	40.7	6186.0	-3646.6	0.0
8	150	6153.9	-3638.1	10.0	10.0	180.0	5.0	6153.9	-3639.0	0.0
9	150	6211.0	-3633.7	10.0	10.0	267.3	5.0	6210.1	-3633.7	0.0
10	150	6215.3	-3638.2	10.0	10.0	185.4	67.3	6213.0	-3662.1	0.0
11	150	6244.2	-3633.4	10.0	10.0	90.0	5.0	6245.1	-3633.4	0.0
12	150	6239.5	-3637.7	10.0	10.0	155.7	69.3	6250.4	-3661.9	0.0
13	150	6214.7	-3693.4	10.0	10.0	-3.7	5.0	6214.6	-3692.5	0.0
14	150	6210.1	-3698.0	10.0	10.0	266.8	5.0	6209.2	-3698.0	0.0
15	150	6239.9	-3692.9	10.0	10.0	-3.4	5.0	6239.8	-3692.0	0.0
16	150	6244.5	-3697.4	10.0	10.0	90.0	5.0	6245.4	-3697.4	0.0
17	150	6156.6	-3615.8	10.0	10.0	86.2	78.3	6204.7	-3612.6	0.0
18	150	6122.1	-3634.8	10.0	10.0	3.5	65.6	6123.4	-3612.8	0.0
19	150	6126.0	-3636.2	10.0	10.0	60.0	71.0	6151.2	-3624.7	0.0
20	150	6103.9	-3741.9	10.0	10.0	90.7	13.9	6106.3	-3741.9	0.0
21	150	6152.1	-3620.2	10.0	10.0	101.8	61.9	6170.5	-3624.0	0.0
22	150	6390.8	-3816.0	10.0	10.0	266.5	74.0	6356.0	-3816.1	0.0
23	150	6267.4	-3798.1	10.0	10.0	180.0	24.2	6267.4	-3802.5	0.0

OUTDOOR AREA LIGHTING REPORT

P.5P.71

Designer
Pelta Engineering

Date
Oct 13 2008

LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Walls
150	23	AS1	150S SR4SC	ARCHITECTURAL ARM-MOUNTED CUTOFF LUMINAIRE WITH SR4SC REFLECTOR, MEETS THE NIGHTTIME FRIENDLY CRITERIA	ONE 150-WATT CLEAR ED-17 HIGH PRESSURE SODIUM, HORIZONTAL POSITION.	AS1_150S_SR4SC.ies	15800	0.80	189

STATISTICS

Description	Avg	Max	Min	Min/Avg	UG	CV	Max/Avg
Calc Zone #2	2.0 fc	18.2 fc	0.0 fc	0.00	91.4	1.5	9.10



OUTDOOR AREA LIGHTING REPORT

P.5P.72

Designer

Date

Oct 13 2008

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES

JUNE 3, 2008

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

Commissioners present: Vice-Chair Shannon Goodpaster, Commissioners George Huntington, Steve Willman and Robert Lombardo

Chair McKoy was excused from attendance at the meeting for family reasons.

Vice Chair Goodpaster led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mr. Willman moved approval of the Agenda, which motion was seconded by Mr. Lombardo and passed unanimously by voice vote of the Commissioners present.

PUBLIC COMMENTS:

Robert Sturges of Yucca Valley commented he is concerned about water drainage and that no provisions have been made for flood water. He suggested the Commission meet with the Town Engineer about all the new construction in Town and where the water is going to go. He also presented written comments about the issue, copies of which are preserved in the meeting file.

PUBLIC HEARINGS:

1. SITE PLAN REVIEW SPR 02-08 – ALI - Continuation

A request to construct a 20,910 square foot multi-tenant commercial shopping center with a pad for a future restaurant use, parking, landscaping, and off-site improvements on approximately 1.82 acres at the northwest corner of Hanford Avenue and the 29 Palms Outer Highway and identified as APN 601-411-03.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. He stated several issues were raised at the public hearing on April 8, 2008 including on-site loading/unloading, the width of the outside sidewalk, a rear buffer zone along Diadem Dr., site lighting, the entrance from the Outer Highway, the trash area and the necessity of the Variance.

The applicant has revised the plan to accommodate loading/unloading on-site and is providing two 10x20 loading stalls adjacent to the building on opposite ends. The exterior sidewalk is conditioned to meet all accessibility standards. The plan was revised to show a 3.5 ft. sidewalk which needs to be 4 feet wide. The rear sidewalk along Diadem has been reduced to 5.5 feet to allow for an additional 4' of landscaping. The total landscaping area will be 19' wide. A 2' high landscaped berm and a 4' high split face block wall are now proposed in that area. A photometric plan showing no light

trespass beyond the property lines has been submitted. Compliance with the Outdoor Lighting Ordinance is also required. The entrance from the Outer Highway will provide a minimum of 26' onsite to comply with Fire Dept. requirements. A reciprocal access agreement with the adjoining property is being pursued for that driveway. In the event that agreement cannot be reached, the applicant will provide the minimum Fire Dept. requirements on this site. The trash enclosure has been relocated to the interior of the project. The need for the Variance has been eliminated on the revised plan. Staff recommends approval of SPR 02-08 based upon the Findings and Conditions of Approval.

Mr. Willman asked if the drainage study has been updated. Mr. Kirschmann replied that will be submitted with the Grading Plan.

Mr. Goodpaster opened the public hearing.

Applicant representative Nashat Muwanes commented all of the Conditions of Approval ("COA") have been accepted by the owners and he would be happy to answer questions.

Mr. Huntington questioned the proposed tenant mix. Mr. Muwanes replied it will be mixed use, small retail stores and offices of approximately 1,000 to 1,200 square feet. No commitments have been made. A donut or coffee shop may be located in the western part.

Mr. Huntington questioned the parapets and was informed that some are open with wooden rail detailing and some are closed. Mr. Huntington commented all roof mounted mechanical equipment must be concealed from site. Mr. Muwanes stated he will address the detail to conceal all equipment on the final plans.

Mr. Huntington commented that if an agreement cannot be reach with the adjacent property owner for a common drive, he is concerned that there is no sidewalk or landscape area on the western end of the project. There is no way for a pedestrian to safely transit from the sidewalk on the Outer Highway or the southern side of the building without walking in the driveway. Mr. Muwanes stated he sees the point but the intent was not to provide pedestrian access at that location. Pedestrian access is provided in 3 other locations from the streets. Mr. Kirschmann stated the applicant has stated a sidewalk will be installed if they cannot get the agreement. Mr. Huntington stated he would also like to see some kind of landscaping there.

Jill Sorenson of Yucca Valley stated the plot plan shows the project driveway on Diadem exactly across from her driveway. Not all of the homeowners in the area received notice of this meeting. She is also speaking for 3 other neighbors who could not attend tonight. Cramming 14 units and a restaurant on 1.5 acres will not result in a balanced mix of functionally integrated land usage with the surrounding 1 acre residential lots meeting special economic needs of the community through compatible and harmonious land use. There are no other areas in Yucca Valley that have homes in such close proximity to businesses. There is an Avigation easement in this area which the project cannot meet. She cannot add a second story to her home because of that easement. The median strips recently placed on Balsa will force the flow of traffic to use the driveway on Diadem Dr. right in front of her house. The Outer Highway will be one-way only. She opposes this project.

Mr. Muwanes commented a commercial strip is desirable between the highway and residential areas. The applicant presented a list of the property owners in a 300' radius of the project. Notices were sent to all of those owners. Only a corner of the building will be 33 feet high.

Mr. Goodpaster closed the public hearing.

Mr. Kirschmann commented the proposed lot coverage is 26% of the lot. In the RS zone up to 46% is allowed. Twenty seven property owners within the 300' radius were notified. Under the Site Plan Review procedures no notice is required. He confirmed that Ms. Sorenson's driveway is directly across the street from the project access. Typically planners want driveways to meet to avoid creating off-set traffic hazards. A traffic study was prepared and the Town Engineer did not have any comments on the study.

Mr. Huntington commented there is no place to accommodate a semi on the project. Semi trucks will either clutter Hanford or the Outer Highway. Ms. Sorenson had some valid concerns. This is one of the few areas where residential backs onto an office/commercial area in the General Plan. There is some buffering but now we are increasing traffic flow on Diadem which exacerbates noise problems. If this is retail the potential exists for late hours of operation and increases in noise, light and traffic to all hours. This is not proposed as office/commercial but as general commercial.

Mr. Kirschmann stated the Planning Commission can limit the hours of operation as appropriate. The Mojave and Hutchins Motor Sports are both adjacent to residential areas similar to this project. Neither makes a provision for semi delivery parking.

Mr. Willman commented Hutchins has a long straight strip adjacent to the parking area for semi parking. It is a concern if we could have a 48 ft. trailer unloading on Diadem.

Mr. Goodpaster questioned the implications of flipping the entire project.

Mr. Kirschmann stated rather than seeing an attractive building from SR62 you would be looking at parking lots. There could be more deliveries at odd hours on Diadem and it won't solve the problem of the barricades on Balsa forcing traffic onto Diadem.

Mr. Huntington wondered if a better entrance would be from Hanford Ave.

Mr. Goodpaster re-opened the public hearing.

Applicant Mike Ali stated he is a retailer and does not believe there will be that much semi traffic to the project because they will all be small businesses. Mr. Willman commented it will still be a problem because freight companies combine deliveries to small companies and use 18 wheelers all the time.

Mr. Goodpaster closed the public hearing.

Deputy Town Manager Shane Stueckle commented it appears the Commissioners have design concerns regarding the residential neighborhood. The commission can direct the applicant to consider alternatives for entrance to the project. He suggested rather than

address the fine detail of the project that the Commission could approach it on a policy direction level. Staff has heard issues concerning delivery by large vehicles, traffic impacts on the surrounding neighborhood and sidewalks and landscaping on the SW corner if the joint access agreement cannot be acquired.

Mr. Willman stated he would like to see those issues addressed and explored by the applicant for feasibility.

Mr. Goodpaster stated he likes the design but access but might be better from Hanford if the property east of the project is also zoned commercial.

Mr. Huntington and Mr. Willman agreed.

Mr. Goodpaster requested suggestions from staff.

Mr. Stueckle commented the concerns about the Variance and the Night Sky have been eliminated. The Commission appears to want to provide direction to the applicant to minimize impacts in the transition zone to the residential neighborhood north of Diadem. As part of that direction the Commission is asking the applicant to look at the design with primary emphasis being on moving the point of access from Diadem to Hanford. The Commission is asking the applicant's engineer to look at the NW corner in terms of access from sidewalks on the Outer Highway into the project.

Mr. Lombardo moved that as stated by Mr. Stueckle the applicant should provide alternatives to address the issues and concerns discussed. . The motion was seconded by Mr. Willman and passed unanimously by voice vote of the Commissioners present.

2. VARIANCE, V 06-08 - CONTRACTORS FINANCIAL

A request to allow an encroachment of five and a half feet into the required twenty-five foot front yard setback of a single family residence located at 54581 29 Palms Hwy, approximately 800 feet west of Pinon Drive and identified APN 586-491-07.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. The property was permitted and a single family residence was constructed in 2006. The building permit was not finalized. The property was purchased by a new owner who surveyed the property and found that the structure was encroaching into the required front yard setback. The new owner is now attempting to bring the property into compliance. The removal of 5.5 feet from the structure would be significant. Additional variances may be required for the driveway. Staff has provided Findings for both approval and denial of the Variance.

Mr. Huntington commented he looked at the property and the 5.5 feet doesn't really make any difference but the drive is going to be a huge issue. He questioned the sequence of the grading permit, the installation of the ground plumbing and the stop work order.

Mr. Kirschmann replied he does not remember the complete sequence but there were two lots side by side, owned by the same person. Individual grading plans were submitted to move approximately 1,500 cubic yards of dirt each. Engineered grading

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES

APRIL 8, 2008

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 George Huntington, Steve Willman, Shannon Goodpaster and Robert Lombardo

Chairman McKoy led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mr. Willman moved that the Agenda be approved, which motion was seconded by Mr. Goodpaster and passed unanimously by voice vote.

PUBLIC COMMENTS:

None

PUBLIC HEARING:

1. SITE PLAN REVIEW SPR 03-08, VARIANCE V 02-08 – FELIX

A request to construct a one-thousand and fifty (1,050) square foot building for a beauty salon and other commercial use including curb and gutter, sidewalk, landscaping, and other ancillary improvements in a Commercial Mixed-Use Land Use Designation located at the northeast corner of Geronimo Trail and Pueblo Trail, otherwise known as Assessors Parcel Number APN 586-133-08.

With reference to the complete printed-staff report provided in the meeting packets and preserved in the project and meeting files, Director of Community Development Tom Best presented the project discussion to the meeting. Due to incomplete noticing of the Variance, Mr. Best requested that the item be continued to the Commission meeting of May 6, 2008.

Mr. Huntington moved that the item be continued to the Commission meeting of May 6, 2008. The motion was seconded by Mr. Willman and passed unanimously by voice vote.

2. SITE PLAN REVIEW SPR 0-08, VARIANCE 03-08 -- ALI

A request to construct a Twenty-thousand seven-hundred and seven (20,707) square foot multi-tenant commercial center with a five foot encroachment into a side-street set-back, including roadway improvements, curb and gutter, sidewalk, street

lighting, landscaping, and other ancillary improvements in a General Commercial (C-G) Land Use Designation located at the northwest corner of 29 Palms Highway at Hanford Avenue, otherwise known as Assessors Parcel Number APN 601-411-03.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Director of Community Development Tom Best presented the project discussion to the meeting.

Mr. Best, utilizing a PowerPoint presentation copies of which are preserved in the meeting and project files, stated the project is a very appealing and attractive project for a single story multi-tenant commercial shopping center which will include landscaping, pedestrian access and outdoor amenities emphasizing urban design and architecture. It also includes a pad site proposed for a sit-down restaurant along with parking and underground detention facilities. The project is exempt from CEQA as in-fill development.

There is a shared access point off of the outer highway which will decrease traffic conflicts along the outer highway. An outdoor seating/gathering area is proposed for use by patrons and employees. The landscaping includes a berm on the north and a strip along Hanford where the 5 foot setback is proposed. There is a perimeter sidewalk around the property and intermittent secondary sidewalks that access the development from the street which lead to operable doors, storefront windows and the plaza.

The total gross leasehold area of the retail component is 18,833 square feet. The remaining square footage is a lobby for common use. A retail pad is proposed for a 13,000 square foot sit-down restaurant to be separate from the retail component. The building facades are oriented to the primary street frontages. The architecture is a southwest mission style with contemporary undertones, articulations and textural variations. Parking is located interior to the project and pedestrian access is emphasized. Landscaping will vary in scale. Vertical elements and parapets break the expanse of the retail building. Staff believes the quality architecture and combined landscaping within the project help to justify the 5 foot encroachment. Staff recommends approval of the Site Plan Review and Variance based upon the findings and conditions of approval contained within the staff report. However, there is an error in condition #20 which should be deleted in its entirety from the COA.

Mr. Lombardo requested and received confirmation that the 5 foot encroachment is just on the area that was going to be the landscape area and will not go into the street or change the roadway.

Mr. Best replied in the affirmative and commented this project is conditioned for full half street improvements which include sidewalk, curb, gutter, pavement and street lighting at the intersection of 29 Palms outer highway and Hanford Ave. and at the intersection of Diadem Dr. and Hanford Ave.

Mr. Huntington commented he is a little confused as to why the variance is required.

Mr. Best replied typically we require the 15 foot setback to be landscaped. The layout of this design as compared to the initial presentation, at the request of staff, required a manipulation of the parking to keep it interior to the property and could only be realized

with that particular encroachment. The applicant had to make changes to maintain the same square footage and perhaps the applicant could address that in a little more detail.

Mr. Huntington asked if delivery trucks will be unloaded on the frontage roads.

Mr. Best replied that would be the preferred access. There are only 2 access points to this property, one off of Diadem Dr. and one off of the outer highway.

Mr. Huntington replied it looks a little tough to get truck parking temporarily to off-load for retail consideration. The only place he can see it could happen is off the outer highway or off of Hanford and then it's fairly limited access. There are one or two walkways going up into it. It's a consideration that should be looked at. The sidewalk on the outer side on the street side is listed as 4 feet and then there are some pop-outs that look like they intrude half way into it. He questioned if that is enough sidewalk for ADA requirements with probably only 30 inches of sidewalk available.

Mr. Best replied those are primarily projections from the façade which comply with the permitted projection into setbacks within our Development Code, so they're not actually part of the ground structure.

Mr. Huntington stated he is not referencing the structure but referring to hardscape, the sidewalks. They're showing a 4 foot sidewalk around the outside of the building and then they've got little pop-outs, articulations on the building that pop out into that 4 foot sidewalk. Have they allowed enough space for an adequate sidewalk to accommodate ADA requirements? It's something to look at in the final plan. He asked how Highway right-of-way is affected on this project. The highway right-of-way is 57 feet on each side of center line. The site plan shows 50 feet. He asked if the extra 7 feet comes out of the outer highway and how that does not affect this project.

Mr. Best replied it does not affect this project. It will present some long term challenges that CalTrans will need to look at. However, it has no impact that our engineers can see in terms of the function of this particular parcel and the development as proposed.

Mr. Huntington requested and received confirmation that the outer highway is now Town maintained. He asked if we need to put a condition in from the Hi-Desert Water District to hook to the sewer on Phase 1 completion.

Mr. Best replied that would be the choice of the Planning Commission. That will be an item that spreads much farther than this particular project and all developments within Phase 1 will be required through some type of instrument to connect to the sewers.

Mr. Huntington questioned if the water district, in its application process for them to serve that property, requires them to have a condition that they hook up to the sewers and is that part of their jurisdiction.

Mr. Best replied that is his understanding.

Mr. Huntington stated there is a residential area right across the street on Diadem and asked if the buffer zone will basically consist of just a landscape berm.

Mr. Best replied that is his understanding at this time.

Mr. Huntington asked if we consider that adequate for noise attenuation. This is one of the few areas where we have a residential area backing onto a commercial area instead of office/commercial or something to buffer it to some extent. With restaurant potential here perhaps we should look at the buffer zone more closely to make sure it's adequate for sound attenuation and visual impact.

Mr. Goodpaster asked, with reference to what Commissioner Mr. Huntington was stating about Hi-Desert Water, what the mitigation would be if this project were to complete Phase 1 before the sewer system was functional. Seepage pits are on the plan but they are apparently not planning for a septic system or anything like that based on the sewer system being operational.

Mr. Best replied that all comes down to timing and probably relates to market conditions, but what is presently indicated is that the property will be served by an approved water treatment system. In this case what's indicated is a seepage pit area.

Mr. Goodpaster commented, with reference to the storm water detention or retention, staff stated that the hydrology study is not in depth enough. He asked if that is because the underground system is too small to handle the storm water?

Mr. Best replied in the affirmative. What that condition relates to is the method of sizing the system. The actual figure used to calculate the storm water flows is based on the incremental increase anticipated for this project. What is outlined in the conditions are two methods to remedy that; either size it according to the protocol within the Master Plan of Drainage or use the figure selected by the engineer to resize. There is not a real issue whether or not this site can contain the appropriate volume of storm water only regarding the method of sizing it properly.

Mr. Goodpaster asked if it is staff's contention that the current configuration of the storm water retention system is not big enough.

Mr. Best replied in the affirmative.

Mr. Goodpaster asked what the process is when figuring parking requirements for compact size-spaces.

Mr. Best replied the parking regulations within the Development Code do a couple of different things. They provide a formula to calculate the required number of parking spaces and they also provide allowances in terms of numbers of percentages for the types of spaces.

Mr. Willman questioned item #11 on stamped page 17 and asked if that is a new condition.

Mr. Best replied that's correct.

Mr. Willman requested and received confirmation that only half of the shared common driveway off of the outer highway will be built at the time of construction.

Mr. Best replied that is correct but what is being proposed is adequate to service this property. The benefits of having a shared access would be in case development may continue to the west and for service to the adjacent lot. Perhaps the applicant or a representative can address that a little further.

Mr. Willman asked if the Fire Dept. is going to have a problem with that access point off of the outer highway only being 15 feet wide.

Mr. Best replied that is 15 feet from the dividing property line so what would be required would be some type of access agreement which provides for the shared access easement. That apparently is something that we will need to work out. The Fire Dept. was part of this review process, however, typically they do require 26 the feet.

Mr. Willman commented that sometime in the near future SR62 is going to be widened to 6 lanes all the way through Town. He questioned the in-lieu fees for fair-share of widening that section for this project.

Mr. Best replied at this point in time this project borders the outer highway and not SR62. We are requiring half-width improvements as opposed to in-lieu fees to cover the costs of the outer highway development and all the surrounding streets. Just being in proximity to SR62 does not trigger that action.

Mr. McKoy asked what would be considered the main entrance to the project.

Mr. Best replied there was a traffic study prepared that showed the anticipated traffic movements at all intersections. Perhaps the applicant's representatives can discuss that in further detail, but to the west of this property the outer highway has a right turn only. There is no left turn as there was a median constructed as of this week on that other access point. So I believe that the traffic would be divided, certainly maybe an existing movement would be to the 29 Palms outer highway to access SR62.

Mr. McKoy questioned the location of the garbage area. It's the first thing you would see at the main access off of the highway. It could be an eyesore. He asked if there are any drainage issues on that property.

Mr. Best replied yes, and this property is not within an area that requires construction of any type of regional improvements or other drainage facilities. As part of development of this site, a grading plan will be required which will tie into the increase in incremental runoff and the underground storage area that was discussed earlier as part of this project.

Mr. McKoy stated he noticed one of the decorative roof lines is white outlined in brown and the others were sort of a lighter brown and asked if that was intentional

Mr. Best replied these are conceptual but I think the applicant was attempting to relay that these are primarily earth tone structures consistent with the Town's commercial guidelines.

Mr. McKoy opened the public hearing.

Applicant Mike Ali stated this type of development will benefit the Town with tax revenue. They will continue to work with staff to make changes or redesign as they have in the past. They will move the garbage area to a space less visible from the highway.

Mr. Huntington asked why the variance was requested.

Mr. Ali replied to reduce the amount of concrete on Hanford Ave., enhance the landscaping and preserve the square footage.

Jill Sorenson of Yucca Valley stated she lives on Diadem Dr. and is opposed to the project. The aerial photo used by staff is at least 10 years old. There are a lot more houses and roofs today. The photos used did not show the houses that will be encroached upon. The proposed rear driveway will line up with her driveway. She has been there 30 years and does not want the lights and trash that will come with this project. The current owners of the property do not maintain the property and the trash from the Wal-Mart center blows down the street and collects there. A neighbor recently filled 16 large bags with trash from that property. The weeds are not cut down and the bushes are not trimmed. You cannot safely see around the corners to make turns onto the streets because of the bushes. This project will encourage kids to congregate at night. Lights will be shining in her front windows when she is trying to sleep. Some of the neighbors did not receive notification of this meeting.

Mr. Ali responded he didn't know trash was a problem on the property and he will hire someone and have them there next week. They want to be good neighbors.

Mr. Mr. McKoy closed the public hearing and asked staff for comments based on what was heard.

Mr. Best stated discussion between staff and the applicant did strongly focus on the buffer between the commercial property and the residential property that is split by Diadem Dr. They came to a consensus that it was very important to provide some type of buffer focusing on a landscape berm with enhanced landscaping. Staff felt that there were opportunities on the site to accommodate trash enclosures at virtually any location but will look at this in a little more detail in selecting those areas. He stated he wished he could answer the traffic questions a little further. Counts were reviewed prior to this meeting. They are for various hours and such. If necessary he could perhaps have someone address that in more detail. Presently there is not a whole lot of traffic that accesses the site. But again, the movements are restricted on the outer highway as one would progress west.

Mr. Lombardo stated a concern was voiced about the street lights lighting up the residential area there and asked if the project site is different from other areas of the Town. Specifically, are they any farther away from or any closer to homes than this case would be with one on Diadem, one on Hanford and another on the corner of Hanford and the outer highway.

Mr. Best replied correct and noted that those are both intersections. Throughout the Town, there are various classifications of streets, whether they're local, collector, arterial, etc. With those designations comes an ultimate right-of-way designation. So, the ultimate width of the streets is typically defined. It is the policy of this department to provide for street lighting particularly at intersections as a safety factor.

Mr. Lombardo asked if this is a safety factor typically found at an intersection of this size road and is this one classified as a feeder or arterial.

Mr. Best replied local. If two roads are proposed for street light placement they would be considered as local roads. And even though we don't see street lighting consistently throughout the Town, this is a new development and street lighting is an improvement that is required as a condition.

Mr. Lombardo asked if these street lights are to be shielded in any manner so that the light is directed down as opposed to lateral.

Mr. Best replied we have Town standards concerning the placement and location of poles. Lighting of course has been an issue and that's something as part of the approval process staff would look at with the street improvement plans.

Mr. Lombardo stated the only other concern for the resident was the positioning of the driveway. It can be moved somewhat but that may not make a whole lot of difference. He asked if it would take considerable redesign to move the driveway and if there is a place that could be more beneficial in light of the concerns that were expressed.

Mr. Best replied he would probably direct that question to the applicant's engineer. However, there is a travel lane that separates the double loaded parking stalls on both sides. If that were relocated, which may or may not be possible, there could be a potential conflict by shifting the driveway either right or left.

Mr. Lombardo stated he understands the problem now.

Mr. Willman commented there are 21 parking lot lamps proposed. He questioned the requirement for the number of parking lamps needed for that size of parking lot.

Mr. Best commented site lighting is not necessarily tied to the number of lamps or poles. We do regulate light trespass off of a property. Town regulations contain the light trespass onto the subject property itself. So, if a lamp pole is perhaps a shorter height or has a lamp with fewer lumens or a different type of lamp in it, all of those factors contribute to the amount of light coming out of any individual-fixture.

Mr. Willman commented there are 8 of them that look like they are dual boxes vs. single boxes and 2 will give off more light than 1

Mr. Best commented that could depend upon the type of lamp and the wattage of the lamp.

Mr. Goodpaster asked if staff had discussions with the applicant about using a wall for noise mitigation.

Mr. Best replied staff had discussions about methods in general that can help buffer the impacts from this property upon neighboring properties, and particularly the residential properties to the north. We discussed a number of issues including lighting, visual issues, noise, etc. and elements including a wall, landscape berm, enhanced landscaping and a combination of the three as potential mitigation measures.

Mr. Goodpaster commented the light probably wouldn't be as big an issue with the new amber lights that really light up the area but don't really project out. That would seem to be a pretty easily mitigated circumstance. He questioned how you could institute a wall without changing the architectural design. As Mr. Mr. Huntington said earlier, raising the height of the berm would not drastically change the look of architecture and should be considered.

Mr. Best replied that is something that has been discussed . Again, it is a goal to respect the residential properties to the north to the greatest extent and the applicant has indicated that is an objective of his as well with this project.

Mr. Goodpaster asked if exploring all options as far as the lights and raising the height of the berm should be put into the conditions of approval.

Mr. Best replied in the affirmative if the Commission feels that's appropriate.

Mr. Huntington stated he agrees with Commissioner Mr. Goodpaster. One of the biggest problems with this project as it stands is the buffer zone between the residential area and the project. It needs to be enhanced. It may not need a 10 foot sidewalk on that side. Removing some of the sidewalk would allow more room to enhance landscaping and an enhanced berm height to provide some relief. The lighting issues will be taken care of by the conditions. He stated he was still having a hard time on the Variance. Going through the findings for the Variance, item #1 was fine. Finding #2 states "there are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use that do not apply to other properties in the same district or vicinity." He finds that hard to justify. This property is just like the property next door and across the street. Neither of those would justify a variance for extraordinary conditions or circumstances. He requested a definition of extraordinary.

Mr. Best replied he could not say that there is any physical feature on this property such as an outcrop that may require the building be specifically placed or the design be changed. Staff believes being adjacent to a roadway on the edge of pavement and with the types of design we were looking for to portray architecture as opposed to parking areas, that this particular layout was actually more beneficial than having the building reoriented with parking to the edge of the property.

Mr. Huntington replied that although he understood and agreed, he believed there is a legal obligation to justify the findings.

Mr. Lombardo commented he believes they are trying to make these spaces more usable for a tenant. If you take 5 or 6 feet off of that, although it may have the square footage, it's not any usable configuration.

Mr. Huntington replied he understood, but shifting the whole building 5 to the west or removing one unit does away with that. And Finding #3 is the same thing: "the strict application of the land use district would significantly alter the development potential of the property." He did not believe significantly is apropos here. He has a hard time on that. The lack of landscape, any kind of landscape on the west end of the building at the driveway, because it's on the highway side, is aesthetically deficient. Regarding the location of the trash enclosure, he agreed that it's probably not in a great location. The

design as shown on the site plan is probably out of compliance .Also, the site plan that is in the package is not the same as the one on the large scale. There are some parking variations on the small scale one. I think that was an earlier one. This is dated Feb 19th and the one in the package is dated December of 07.

Mr. Best replied he didn't catch that.

Mr. Huntington commented he noticed it when he was looking at the elevations because they are showing parking places out in front of the building and on the entrance area. They are showing parking in the packet on the side which don't exist on this one. I assume the later dated one is the correct one.

Mr. Best replied in the affirmative.

Mr. Huntington stated the reciprocal access agreement has to be in place or some modification has to be done.

Mr. Lombardo commented he was trying to justify the variance. He likes the idea of the parking being inside as opposed to facing the highway. That adds to its appeal. It gives better visibility for the windows and more visibility to the retail area and hides the cars in the parking lot behind that nice architectural structure. The square footage of the units along Hanford would be affected adversely if you were to cut and not approve the variance for the shortening of the landscaping area. It would cut into the square footage of the retail units along Hanford Ave and would make them less usable because of the way they're configured.

Mr. Huntington replied he agreed but asked if that fit into the justification for findings.

Mr. Lombardo replied it depends on how much you value having the parking in the center, which is visually important. But perhaps if they cut off one unit it would have the same effect.

Mr. Best commented as part of the findings, staff did determine that the granting of this variance would not be detrimental to adjacent properties or land uses within the area. The property is bordered on the east by commercial development. That particular strip of land for landscaping would be enhanced and the architectural components would not affect the uses or be a detriment to other properties.

Mr. Huntington commented he agreed and those findings worked.

Mr. Lombardo asked if all of the findings had to be made or just one of them.

Mr. McKoy commented he sees the concern of the resident and thinks that a number of alternatives have been discussed and we should try to hone in on that. That area has been fairly protected for a long time and there are probably residents who have lived there for quite a while. How can we mitigate the light that might go over into that area? There were some suggestions about raising the berm a bit, planting more trees to help block it, requiring lighting that may shield away from that property but still light the shopping area. Those are some things we should consider.



Date	23/08	Fee	1,485
Case No.	EP 02-08	Fee	805
Case No.	GR 01-08	Fee	805
Case No.	HS 01-08	Fee	805
EA No.	12-08	Fee	925

75-01-08 805

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

(Please Print Legibly)

Applicant MIKE AND AIDA ALI
 Address 405 PACIFIC COST HWY City HUNTINGTON BEACH State CA Zip 92648
 Phone (714) 717-2797 Fax _____ Cell _____
 E-mail Address _____
 Project Name (if any): Yucca Plaza

Contact Person/Representative NASHAT MUWANES / PETRA GROUP INC
 Address 13840 DOS PALMAS ROAD City VICTORVILLE State CA Zip 92392
 Phone (760) 792-9875 Fax (760) 241-9153 Cell _____
 E-mail Address nash@petraengineering.com

Property Owner SAME AS APPLICANT Phone _____
 Address _____ City _____ State _____ Zip _____
 E-Mail Address _____ Fax _____

Assessor Parcel Number(s) 0601-411-03 Tract Map # 6577 Lot # pt. 3 & 4
 Property Dimensions 370' x 285 Existing Land Use VACANT
 Structure Square Footage VACANT General Plan Designation/Zoning C-2

Location: (Example: Address & Street or SW corner of Elk & Onaga or 300 ft N of Paxton on W side of Airway)
NW CORNER 29 PALMS HWY and HANFORD AVE.

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.
20,707 SF COMMERCIAL DEVELOPMENT

Owner's Signature _____ Date _____

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 _____ Date _____



Date: _____
 By: _____
 Fee: _____
 Case No: _____
 EA No: _____

CONDITIONAL USE PERMIT

(Please Print Legibly)

Applicant Mike Ali Phone 714 536 0215
 Address 8181 Deauville Dr City H Beach State Ca Zip 92646
 E-mail Address _____ Fax _____
 Project Name (if any): _____

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

Property Owner Mike Ali Phone _____
 Address 405 P.C.H City H Beach State _____ Zip 92648
 E-Mail Address _____ Fax 714 536 8188

Assessor Parcel Number(s) APN 06141103 Existing Land Use _____
 Property Dimensions _____ General Plan Designation _____
 Structure Square Footage _____ Existing Zoning _____
 Location: (Example: Address & Street or SW corner of Elk & Onaga or 300 ft N of Paxton on W side of Airway)

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.

Owner's Signature [Signature] Date 12-16-07

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 12-16-07

Town of Yucca Valley
 Community Development/Public Works Department
 58925 Business Center Dr., Yucca Valley, CA 92284
 760 369-6575 Fax 760 228-0084

PROJECT DESCRIPTION

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

1. Commercial, Industrial, or Institutional Projects:

- A. Specific type of use proposed: GENERAL RETAIL
- B. Gross square footage by each type of use: 20707 SF
- C. Gross square footage and number of floors of each building: ONE STORY BUILDING
- D. Estimate of employment by shift: + 30
- E. Planned outdoor activities: NONE

2. Percentage of project site covered by:

43.22% Paving, 26.04% Building, 19.61% Landscaping, _____% Parking as IN PAVING

3. Maximum height of structures 17 ft. 11 in.
4. Amount and type of off street parking proposed: 95 and 4 DISABLED PARKING
5. How will drainage be accommodated? ONSITE RETENTION
6. Off-site construction (public or private) required to support this project: PAVEMENT, CURB, GUTTER AND SIDEWALKS.
7. Preliminary grading plans estimate 1200 cubic yards of cut and 1600 cubic yards of fill
8. Description of project phasing if applicable: N/A
9. Permits or public agency approvals required for this project: NO
10. Is this project part of a larger project previously reviewed by the Town? If yes, identify the review process and associated project title(s) NO

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

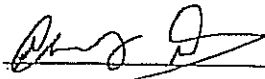
Yes Maybe No

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

Certification

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

Signature: _____



Date: _____

01/13/08



PETRA ENGINEERING - SURVEYING
CIVIL ENGINEERING - SURVEYING
13840 DOS PALMAS ROAD
VICTORVILLE, CA 92392

PHONE: (760) 792-9875
FAX: (760) 241-9153
www.petraengineering.com

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

January 21, 2008

Attn: PLANNING DIVISION

RE: Site Plan Review
Commercial Development- APN 0601-411-03
Mike and Aida Ali

Dear Ladies and Gentlemen,

On behalf of Mike and Aida Ali, and in compliance with the submittal requirements for a Site Plan Review application, I am providing this letter of project description and justification.

This project located on approximately 1.82 acres Northwest corner of Twenty-nine Palms Highway and Hanford Road in the Town of Yucca Valley and is presently vacant. There are no indications that the site has ever been developed.

This proposed project is to seek approval of a Site Plan Review to construct a 20,707 square foot commercial development. The site plan design is focused on the main structure to be viewed from Twenty-nine Palms and Hanford Road with the parking in the back. This was our understanding for the design character the Town wishes to portray.

There will be 99 parking spaces provided and 4 disabled parking spaces. Landscape will be provided along the perimeters of the surrounding streets and within the parking lot. Landscape area along the Twenty Nine Palms Outer Highway is designated as an outside seating area.

The project site is well served by basic utilities; water, power and telephone. The proposed disposal system will be septic tank.

Following are the Findings to justify and support this project:

Finding:

The proposed development, together with the provisions for its design and improvements are consistent with the General Plan, and is consistent with the Official Land Use District, C-2. The proposed development is also consistent with all of the development policies and standards of the Town.

Finding:

The site is sufficient in size, length, and width for the proposed type and development and the location, size and design of the proposed structures and

improvements are compatible with the site's natural landform, surrounding sites, structures, and streetscapes.

Finding:

The proposed development produces compatible transitions in the scale, bulk, coverage, density and character between adjacent land uses and developed highways.

Finding:

The building site and architectural design is accomplished in an energy efficient manner and does not hinder the ability of any neighboring lots from acquiring solar energy in the future.

Finding:

The materials, textures and details of the proposed construction are compatible with adjacent and neighboring structures because the colors used are neutral pastel colors.

Finding:

The single story development 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 because the building is single story and within the proper setback lines.

Finding:

The amount, location, and design of open space and landscaping conforms to the requirements of the Code, enhances the visual appeal and is compatible with the design and functions of the structure, site and surrounding area because the landscaping is visible from all sides of the building and is also used to enhance the outside dining area.

Finding:

The quality of the architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures. The architecture is designed in a way to enhance the visual appeal from all sides of the lot without having a negative effect on the economic value of existing structures.

Finding:

There are sufficient public facilities, services, and utilities available at the appropriate levels and this development will not have a large effect on their continued availability.

Finding:

Access to the site and circulation on and off-site is safe and convenient for pedestrian, bicyclists, equestrians, and motorists as access to site is sufficient distance from intersections and access on-site is accessible for disabled pedestrians.

Finding:

The proposed development traffic generation will not adversely impact the capacity and physical character of surrounding streets. A traffic study has been prepared and is attached with this submittal.

Finding:

The traffic improvements and/or mitigation measures are provided in a manner adequate to maintain a Level of Service C or better on arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan. A traffic study has been prepared and is attached with this submittal.

Finding:

The proposed development is not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat because no substantial environmental concerns were found during the initial study. A biology study has been prepared and is attached with this submittal.

Finding:

There are no other relevant potentially negative impacts of the proposed development that cannot be mitigated.

Finding:

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 it would be operated or maintained will not be detrimental to the public health, safety, and welfare of the community or be materially injurious to properties or improvements in the vicinity or be contrary to the adopted General Plan. All facilities proposed will be maintained in a manner that will not be detrimental to public health, safety or welfare of the community and will be in accordance with the adopted General Plan.

Finding:

The proposed development is consistent with all of the applicable provisions of the Development Code and all applicable Town policies, except approved variances of the Town.

Finding:

The site is sufficient in size, length, and width for the proposed type and development and the location, size and shape of the proposed use and all yards, open spaces, setbacks, walls, fences, parking areas, loading areas, landscaping and other features and are in compliance with zoning and development code requirements of the Town.

Finding:

The site has adequate access and the driveway is wide enough to accommodate traffic entering and exiting the property.


Finding:

The proposed use will not have a substantially adverse effect on abutting properties. The development does not encroach on adjacent properties, increase hydraulic flows onto adjacent properties or otherwise have an adverse effect on abutting properties.

Finding:

The proposed use is consistent with the goals, objectives and standards of the General Plan and Zoning/Development code.

Prepared By:



NASHAT MUWANES, RCE 67518



ORDINANCE NO. 111

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND REENACTING TITLE 8, DIVISION 7, CHAPTER 6, 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. MUNICIPAL CODE AMENDED.

1.1 Division 7, Chapter 6 of Title 8 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby repealed, the repeal to be effective only upon the effective date of the reenactment of said Chapter as set forth in Section 2.1 of this ordinance.

SECTION 2. REENACTMENT OF DIVISION 7, CHAPTER 6 OF TITLE 8 OF THE SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY

2.1 Division 7, Chapter 6 of Title 8 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby reenacted in its entirety to read as follows:

"Chapter 6 Parking Regulations

- 87.0601 PURPOSE AND INTENT
 - 87.0605 BASIC REQUIREMENTS FOR OFF-STREET PARKING AND LOADING
 - 87.0610 OFF-STREET PARKING AND LOADING SPACES REQUIRED
 - 87.0615 PARKING SPACES FOR PEOPLE WITH DISABILITIES
 - 87.0620 BICYCLE PARKING
 - 87.0625 MINIMUM DESIGN STANDARDS FOR PARKING AREAS
 - 87.0630 LOCATION AND DESIGN OF OFF-STREET LOADING SPACES
 - 87.0635 DRIVEWAY AND CORNER VISIBILITY
 - 87.0640 PARKING AREA LAND REQUIRED
 - 87.0641 STANDARDS FOR TRUCK PARKING IN RESIDENTIAL AREAS
 - 87.0645 PARKING DESIGN GUIDELINES
-
- 87.0601 **PURPOSE AND INTENT:** The specific purposes of the off-street parking and loading regulations are to:
- a. Ensure that off-street parking and loading facilities are provided for new land uses, and for major alterations and enlargements of existing uses in proportion to the need for such facilities created by each use; and
 - b. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public health, safety, and welfare, and where appropriate,

insulate surrounding land uses from the adverse impacts of parking facilities and ingress/egress.

- c. To ensure improved health, safety, and welfare for the motoring public through controlling areas to and from public roadways.

87.0605 BASIC REQUIREMENTS FOR OFF-STREET PARKING AND LOADING

- a. When Required:
 - (1) **New construction.** For all new construction, off -street parking, loading, ingress and egress shall be provided in accordance with this chapter.
 - (2) **Expansion of existing structures.** For any expansion/addition to an existing building that creates the need for additional parking facilities, parking shall be provided for the existing structure and the expansion area in accordance with this chapter.
 - (3) **Change in use of an existing structure with existing parking.** Parking shall be provided in accordance with this chapter for any change in use that results in the requirement for an increase in the number of parking spaces:
 - (A) No additional parking will be required where the total number of spaces required for the change in use is less than ten percent of the number of spaces required and existing for the use prior to such change. A change in occupancy is not a change of use unless the new occupant is considered a different land use classification than the former occupant
 - (4) **Change in use when no paved parking exists:** Where a change in use requires additional parking on a site where there is no existing paved parking, fifty percent of the required number of parking spaces shall be improved in accordance with this chapter.
- b. **Nonconforming parking or loading.** No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter, provided that facilities being used for off-street parking and loading as of the date of adoption of this chapter is not being reduced.
- c. **Spaces required for multiple uses.** In the case of mixed occupancies for all new development, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately.
- d. **Location and ownership.** Parking required to serve a residential use shall be on the same site as the use served, except that subject to approval of the Community Development Director, parking for interim housing may be located on a different site under the same or different ownership provided it is adjacent to the use served. Parking required to serve a non-residential use shall be on the same site as the use served or

different site under same or different ownership with an approved parking agreement. Any required landscape setback shall not be used to meet off-street parking requirements.

- e. **Common loading facilities.** The off-street loading facilities required by this chapter may be satisfied by the permanent allocation of the prescribed number of spaces for each use in a common truck loading facility, provided that the total number of spaces shall not be less than the sum of the individual requirements.
- f. **Computation of spaces required.** If, in the application of the requirements of this chapter, a fractional number is obtained, the number shall be rounded up or down to the nearest whole number.
- g. **Mixed Use Developments.** For planned mix-use developments which consist of retail, office, and theater or hotel, parking may be reduced by a maximum of 20 percent provided documentation is provided which demonstrates sufficient parking is being provided. Reduced parking would not be considered for development consisting of only retail and office.

87.0610 OFF-STREET PARKING AND LOADING SPACES REQUIRED

Loading spaces shall be provided in accordance with the following matrix:

Required Loading Spaces	
General Office Area	Specialized
General Commercial and Institutional Uses	
Less than 5,000 sf	None required
5,000 to 20,000 sf	One
Each additional 20,000 sf	One additional

Professional Office Uses	
Less than 10,000 sf	None required
10,000 to 99,999 sf	One
Each additional 100,000 sf	One additional

Manufacturing, Wholesale, Warehousing, and other Industrial Uses	
Less than 20,000 sf	One
Each additional 20,000 sf	One additional

References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls, and lobby area, but shall exclude area for stairs or elevators.

Loading spaces shall not be allocated or located in required parking areas or within minimum driveway aisles.

Requirements	Minimum Parking Spaces
Residential	
Day care home, large,	1 per 6 children; maximum enrollment based on maximum occupancy load
Interim housing	1 per sleeping room plus 1 per 100 sq. ft. used for assembly purposes or for common sleeping areas.
Single-family dwelling	2 parking space within a garage or carport.
Duplex dwelling	1 parking space per dwelling unit within a garage or carport
Multifamily	1 ½ parking spaces for each dwelling unit containing one bedroom, and 2 parking spaces for each dwelling unit containing two or more bedrooms. At least one of the parking spaces required for each unit shall be within a garage or carport.
Mobile homes within parks	2 per unit, 1 covered; tandem parking is permitted, plus 1 space per 8 units which must be designated for guest parking.
Residential care	1 per 3 licensed beds.
Bed and Breakfast	1 space per room available for rent in addition to those required for the primary residence.
Boarding House or similar use	1 space per sleeping room or 1 space per bed whichever is greater.

1440000001 01 Street Building

Senior housing

1 per unit within a carport or garage

Institutional Uses

Places of assembly: auditoriums, religious centers, funeral chapels, stadiums

One (1) space for every four permanent seats in principal assembly area or room. Where no permanent seats are provided, one space for every 30 sf of floor area in principal assembly room. Twenty-four linear inches of bench or pew shall be considered a fixed seat.

Airports/heliports

As specified by Conditional Use Permit.

Convalescent hospitals, sanitariums, congregate care, retirement, or rest homes and homes for mental patients

One (1) space per three (3) licensed beds

Cultural institutions/museums

One (1) space per 300 sf.

Hospitals

One (1) space per patient bed

Schools: (public and private)

Nursery/preschool

One (1) space per staff member, plus one (1) space per 10 children.

K thru 8th

Two (2) spaces per classroom

9th thru 12th

Seven (7) spaces per classroom

Community college, university

Ten (10) spaces per classroom, plus one (1) space per faculty member and employee on the largest shift

Vocational, trade, or technical schools

1 space per 1.3 of faculty, support staff, students during heaviest attendance period.

Commercial

Ambulance Service

1 space per 500 sf plus 1 space per ambulance

Animal Service:

Animal boarding

1 per 400 sq. ft.

Animal grooming

1 per 400 sq. ft.

Animal hospitals

1 per 400 sq. ft.

Artist / dance studio

1 space per employee, plus 1 space per 2 students at maximum capacity based on occupancy of the building per Uniform Building Code (UBC).

Use Classification	Required Off-Street Parking
Auto repair and service	6 spaces plus 3 spaces per bay
Automobile sales, boat sales, mobile home sales, retail nurseries and other open uses not in a building or structure	1 space per 2,000 sf of open area devoted to display or sales; provided that where such areas exceed 10,000 sf, only 1 space need be provided for each 5,000 sf above the first 10,000 sf contained in such area
Auto storage	1 per 5,000 sq. ft. of lot area, plus a minimum of 2 spaces outside any perimeter fence or secure area.
Bingo parlors	1 per 2 seats.
Catering services	1 per 400 sq. ft.
Carwash - full service	1 per 200 sf. of sales, office, or waiting area; plus a 5 space stacking lane per washing station
Carwash - self serve	1 space per stall, plus a 2 space stacking lane in front of each stall.
Communications facility	1 space per 500 sf
Daycare center	1 space for each employee or teacher and 1 space for each 5 children that the facility is designed to accommodate.
Fitness centers	1 space per 200 sf.
Furniture stores, household appliance store, home improvement stores	1 space per 300 sf
Funeral & interment services	1 space per 50 sf seating area
General retail store and service establishments	1 space per 250 sf
Hotel / Motel	1 space per guest room; plus 1 per 50 sq. ft. banquet seating area plus parking for other uses and facilities as required by this schedule
Maintenance & repair services, other than automotive	1 per 400 sf.
Mini-storage / Public storage	1 space for the exclusive use of a resident manager plus 4 up to 150 storage units, 6 for 151 to 500 storage units, 10 for 501 to 1,000 storage units, and one additional for each 500 storage units (or portion thereof) in excess of 1,000.

Required On-Street Parking

Use Classification

Off-Street Parking Spaces

Restaurants, including drive-ins, café, night clubs, bars, taverns, and other similar establishments where food and refreshments are dispensed	1 space per 50 sf of seating area (including outdoor dining) plus a stacking area to accommodate a minimum of 10 cars for drive-up service independent of any on-site parking, parking maneuvering areas, and traffic ways. The drive-thru lane shall be protected and/or defined by a curbed landscape strip not less than 3 ft. wide.
Restaurants (take-out or delivery only) with no seating area	4 spaces plus 1 space for every delivery vehicle
Shopping centers	1 per 250 sq. ft. up to 400,000 sq. ft. of floor area; 1 per 225 sq. ft. for 400,000 to 600,000 sq. ft. of floor area; 1 per 200 sq. ft. over 600,000 sq. ft.
Swap meet	1 per 1,000 sq. ft. of lot area.
Theaters	1 space per 4 fixed seats
Commercial Recreation:	
Driving range	3 spaces plus 1 space per tee
Golf Course	6 spaces per hole, plus as required for any accessory uses
Miniature golf	3 spaces per hole, plus as required for any accessory uses
Bowling alleys	5 per alley, 2 per pool table, plus 1 per 250 sq. ft. of public assembly and retail areas.
Tennis/ racquetball courts	2 per court, plus as required for any accessory uses
Pool / Billiards Hall	2 per pool / billiard table plus 1 space per 250 sf of public assembly
Skating rink, ice or roller	1 per 5 fixed seats, or 1 per 35 sf seating area if there are no fixed seats; plus 1 per 250 sf of additional public assembly area and retail sales (excluding rink area)
Video arcade	1 space per 200 sf.
Theme amusement or recreation park	1 space per 200 sf within an enclosed structure, plus 1 space for every 3 persons at maximum capacity.
Offices	
General Office	1 space per 250 sf, minimum of 4 spaces
Medical and dental	1 space per 200 sf, minimum of 4 spaces.

Required Off-Street Parking

Use Classification

Off-Street Parking Space

Hazardous waste facility & transfer station	1 space for each 4,000 sf. of outdoor storage of material or 1 space for 250 sf. of office space or 1 space for each 500 sf. of indoor storage, whichever is greater
Manufacturing	1 space per 350
Recycling center	1 space for each 4,000 sf. of outdoor storage of material or 1 space for 250 sf. of office space or 1 space for each 500 sf. of indoor storage, whichever is greater.
Salvage & wrecking yard	1 per 5,000 sq. ft. of lot area plus 1 per 300 sq. ft. of office and sales area; unless modified by Conditional Use Permit.
Warehousing	1 space per 1,000 sf plus 1 space per 250 sf of auxiliary office area

87.0615 PARKING SPACES FOR PEOPLE WITH DISABILITIES.

All parking facilities shall comply with the requirements of the California Administrative Code (Title 24) and with the sign requirements of the California Vehicle Code, Section 22511.7. One parking space shall be provided for each dwelling unit designated for individuals with disabilities. Parking for individuals with disabilities shall be provided for all other projects on the basis of total parking provided on-site as follows:

Total Number of Parking Spaces on Site	Number of Spaces to be Provided with Disabilities
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
Over 500	add 1 space per each additional 200 spaces.

Each parking space for the disabled shall be a minimum of fourteen (14) feet wide, striped to provide a nine (9) foot wide parking area and a five (5) foot wide loading area, by nineteen (19) feet in depth. If two parking spaces for the disabled are located adjacent to each other, they may share the five foot wide loading area.

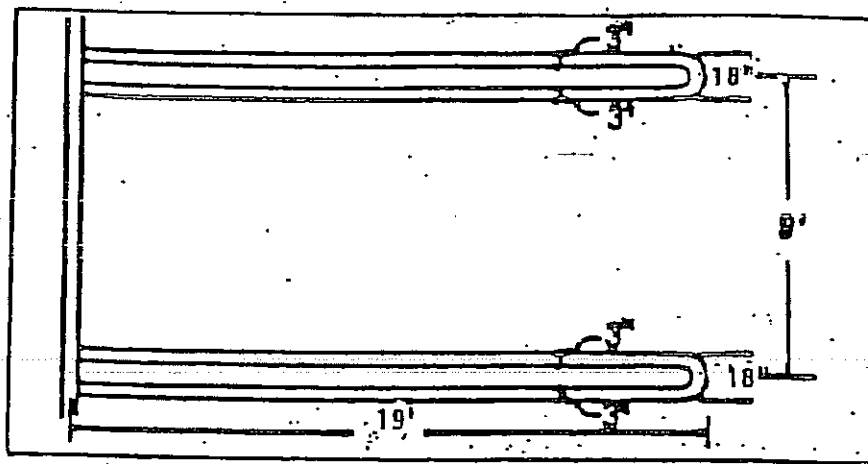
One in every eight (8) required accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designed as "van accessible". Van accessible space shall be a minimum of seventeen (17) feet wide, striped to provide a nine (9) foot wide parking area and eight (8) foot wide access aisle (passenger side).

87.0620 BICYCLE PARKING

- a. Bicycle racks may be required for all commercial, industrial, public and semipublic projects. Bicycle parking would be in addition to automobile parking spaces.

87.0625 MINIMUM DESIGN STANDARDS FOR PARKING AREAS

- a. Except as provided in paragraph B below, each off-street parking stall shall consist of a minimum rectangular area nine (9) feet wide by nineteen (19) feet long with adequate provisions for ingress and egress.
- b. In parking lots which exceed 10 spaces capacity and serve non-residential uses, twenty-five percent of the required spaces may be allocated for compact parking.
- c. Compact car parking stalls shall not be less than seven and one-half feet wide and fifteen feet long. All compact car parking spaces shall be clearly marked and /or posted with signs stating "Compact Cars Only".
- d. Any parking adjacent to any building or structure, wall, or fence shall have wheel stops not less than 6 inch in height and a distance not less than 3 feet from said building or structure, wall, or fence.
- e. Individual parking stalls shall be clearly striped and permanently maintained with double or hairpin lines on the surface of the parking facility, with the two (2) lines being located an equal nine (9) inches on either side of the stall sidelines.



STRIPING

f. Minimum Aisle Widths

(1) One-way traffic:

One-way access drives leading to aisles within a parking area shall be a minimum width of twelve (12) feet, and within the aisles as follows:

Parking Stall Angle	Minimum Aisle (feet)
Parallel (0)	12
1-45	14
46-60	17
61-90	24

(2) Two-way traffic:

The aisles and the two-way access drives leading to aisles within a parking area shall be a minimum width of twenty-four (24) feet.

- g. All off-street parking and loading areas for commercial and industrial development and outdoor vehicle sales areas, including driveways, aisles, turning and maneuvering areas and parking spaces shall be paved with not less than two and one-half inches of asphalt concrete or an equivalent surfacing and shall be graded and drained so as to dispose of all surface water, and shall be maintained in good repair.
- h. All parking areas shall be well lit with sufficient lighting to illuminate all areas for security and safety and shall comply with the provisions of Chapter 8.70 *Outdoor Lighting Ordinance*.
- i. All street frontage parking shall have a three (3) foot high wall, solid hedge or landscape berm or a combination thereof or an alternate buffer may be used subject to approval of the Community Development Director, to buffer off-street parking, loading areas, and outdoor sales display areas. The buffer shall be measured from the grade of the parking, loading, outdoor sales area and in the case of hedges, shall be situated at the rear of the landscape setback. This paragraph shall not apply to single family residence or a two-unit duplex.
- j. Where more than twenty parking spaces are required in a commercial, office, or multi-family zone, the parking area shall be landscaped a minimum five (5) percent of the net off-street parking area.
- k. Drought tolerant, desert compatible shade trees and other landscape material shall be included in the parking lot design in order to reduce the visual effects of large asphalt areas and to assist in improving the appearance of the property from street frontage.

- l. Parking area shall be maintained at all times in a clean, neat, and orderly condition.
- m. All spaces in a parking facility, except single family and multifamily dwellings with up to two (2) dwellings, shall be accessible and all circulation shall be internal without re-entering a public right-of-way unless it is determined by the Community Development Director to be physically impossible to provide for such access. However, an alley may be used as maneuvering space for access to off-street parking. Off-street parking shall generally be located so as to be more convenient and accessible than on-street parking with respect to entrances of buildings and pedestrian circulation on the site served.
- n. Nonresidential parking, loading, or sales areas which abut residential land use districts, shall be separated by a solid fence or wall six (6) feet in height, measured from finish grade of parking lot. However, such fence or wall shall be reduced to a maximum four (4) feet in height within the required front or street side yard. Where no front or street side yard is required, such wall or fencing shall be four (4) feet high within ten (10) feet of the right-of-way.
- o. In single family residential land use districts where the parcel abuts a paved street or road, the driveway shall be surfaced with a minimum of two (2) inches of road mixed surfacing, except for single family residential uses on lots of eighteen thousand (18,000) square-feet or larger, in which case the driveway shall be dust proof with materials which may include slag, gravel, or similar materials.

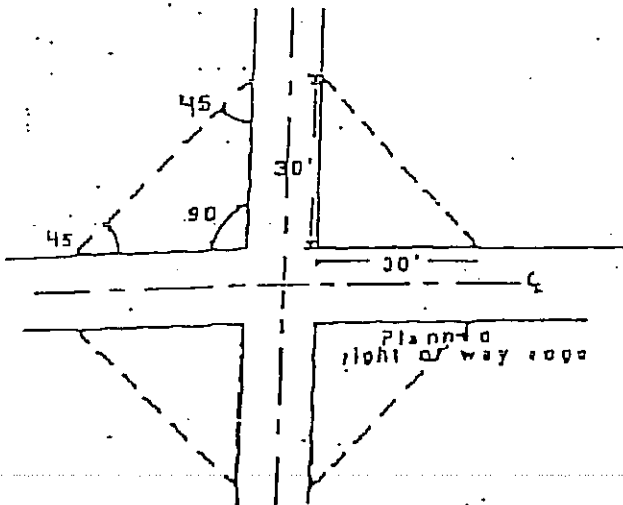
87.0630 LOCATION AND DESIGN OF OFF-STREET LOADING SPACES

- a. Each loading space shall not be less than ten (10) feet in width, twenty (20) feet in length.
- b. Required loading spaces shall not be within a building, but shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless an alternative access is approved by the Community Development Director. A required loading space shall be accessible without backing a truck across street property line unless the Community Development Director determines that provision of turn-around space is feasible and approves alternative access. An occupied loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required landscape setback.
- c. Except in the Industrial District, a loading facility which serves a project(s) in excess of 50,000 square-feet that is visible from any public rights of way shall be screened from view.

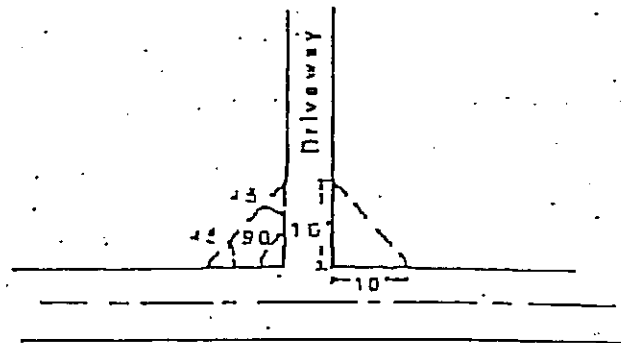
87.0635 DRIVEWAY AND CORNER VISIBILITY

- a. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all ninety (90) degree intersections of public right-of-way and private driveways, through the following measures:
- b. Clear Sight Triangles are right angles which are measured as follows:
 - (1) The ninety (90) degree angle is formed by the intersection of either:

- (A) The intersection of the edges of two (2) roadways as measured at the edge of their ultimate planned right-of-way; or
 - (B) The intersection of the edge of a private driveway or alley and the edge of the ultimate planned right-of-way of an intersecting roadway:
- (2) The two (2) forty-five (45) degree angles of a Clear Sight Triangle shall be located as follows:



ROADWAY INTERSECTIONS



PRIVATE DRIVEWAY
OR ALLEYWAY

CLEAR SIGHT TRIANGLE

Exceptions. The Community Development Director may allow exceptions to the unrestricted visibility for street corners and driveways, following a determination that such exceptions will not adversely affect sight distance or pose a hazard to motorists and pedestrians.

87.0640 PARKING AREA PLAN REQUIRED: Prior to the construction of an off-street parking area for a non-residential use or a multi-family dwelling with more than 4 units, a plan shall be submitted to the Planning Section for the purpose of indicating compliance with the provisions of the Division. This plan shall include:

- a. The location and placement of required landscaped areas, including a computation of the required area;
- b. A planting plan including a list of plants by name and size keyed to their location on the parking area;
- c. Location and description of fencing and architectural screen walls;
- d. Layout and method of irrigation of landscaped areas;

- e. Location and placement of parking stalls, including bumpers, striping and circulation, and directional signs, and all dimensions to permit comparison with approved parking standards;
- f. Placement and illumination data of parking area lights; and
- g. Method of drainage.

87.0641 **STANDARDS FOR TRUCK PARKING** . Excluding pick-up trucks and sport utility vehicles, it shall be unlawful for any commercial vehicle having an unladen vehicle weight (as defined under the California Vehicle Code) of 10,000 pounds or more to be parked in a residential land use district except as allowed by this ordinance.

a. **Definitions**

“**Commercial Vehicle**” means a vehicle of a type required to be registered under the California Vehicle Code and is used or maintained for the transportation of persons for hire, compensation, profit, or design, used, or maintained primarily for the transportation of property having an unladen vehicle weight of 10,000 pounds or more.

“**Semi-trailer**” means a vehicle designed for carrying persons or property used in conjunction with a motor vehicle, and so constructed that some part of its weight and of its load rests upon, or is carried by, another vehicle.

“**Truck Parking Permit**” means the Commercial Vehicle Parking Permit issued by the Town of Yucca Valley.

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

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

b. **Commercial Vehicle Parking Standards Single Family Land Use District:**

(1) The following standards shall apply to commercial vehicle parking within any single family residential land use district where documented proof of existence prior to the adoption date of this ordinance has been demonstrated.

(A) Summary of Standards:

Min. Parcel Size	Max. # of Trucks	Setback Requirements	Permit Required
10,000 s.f. or	None		

less

10,001 s.f. or One
more

25 foot front yard setback. The truck tractor shall maintain a minimum 75 foot setback from any livable dwelling on adjacent properties to the side and rear while the semi-trailer shall maintain a minimum 45 foot setback from any livable dwelling on the adjacent properties to the side and rear. In the case of adjacent vacant property a minimum 15 foot side and rear yard setback is required until such time adjacent property is developed.

Commercial Vehicle
Parking Permit required.

Up to a 25% reduction in setbacks

May be approved by the Community Development Director, following ten (10) day notice to all property owners within 300' of the subject property and following a staff level hearing.

Up to a 50% reduction in setbacks

May be approved by the Planning Commission, following ten (10) day notice to all property owners within 300' of the subject property and following a Planning Commission hearing and approval of a Special Use Permit, Residential Truck Parking.

Up to one additional truck

May be approved by the Planning Commission, following ten (10) day notice to all property owners within 300' of the subject property and following a Planning Commission hearing and approval of a Special Use Permit, Residential Truck Parking.

- (B) The granting of such permit will not result in damage to Town streets or cause pedestrian or traffic hazards or adversely affect adjacent properties.
 - (C) There shall be no continuous operation of commercial vehicle engines, refrigeration units, accessory generators, or compressors. "Continuous operations" shall be defined as operating in excess of fifteen minutes during any twelve (12) hour period.
 - (D) Such commercial vehicles, including an unloaded trailer shall be parked on private property adjacent to the residence of the applicant and outside of the required setbacks as identified above.
 - (E) An established truck route shall be filed and approved by the Town identifying the route to be traveled to and from a designated truck route and the applicant's property.
 - (F) Repair of commercial vehicles within a residential land use district, other than adding oil, brake adjustments, or minor repair of electrical, belts, hoses, lights, or similar equipment, is prohibited in residential land use districts.
 - (G) Parking may be permitted on an adjacent vacant lot under the same ownership and/or control as the applicant's residence only when there is no access and/or adequate space to the rear or side of the residence, subject to compliance with all other conditions, including:
 - (1) Commercial vehicles parked on a vacant lot shall be parked the same distance from the street as the applicant's residence.
 - (2) The commercial vehicle shall be parked perpendicular to the street.
 - (H) A commercial vehicle may temporarily be parked within the required front setback for the purposes of conducting minor repairs and/or washing provided the vehicle is not parked within the setback for more than two (2) hours between the hours of 7 a.m. and 9 p.m.
- (2) A tow truck operator may apply for a Commercial Vehicle Parking permit subject to the following standards:
- (A) The tow truck must be registered to a permanent tow truck business located within a commercial or industrial land use district.
 - (B) The tow truck shall be used for emergency calls only between the hours of 5 p.m. and 8 a.m. and on weekends and legal holidays. No parking shall occur at the residence between 8 a.m. and 5 p.m., except on weekends and legal holidays.

(C) The truck shall be parked in conformance with Section 87.0641(b)(1).

c. **Commercial Vehicle Parking Standards Commercial & Industrial Land Use Districts**

(1) The following standards shall apply to commercial vehicle parking within any commercial or industrial land use district:

(A) The property where the commercial vehicle parking is to take place must be developed as commercial or industrial. Where a nonconforming residence may exist within a commercial or industrial land use district, no commercial vehicle parking will be allowed except in accordance with Sections (b) *Commercial Vehicle Parking Standards Single Family Land Use District*.

(B) When commercial or industrial property is adjacent to a residential land use district:

(1) There shall be no continuous operation of commercial vehicle engines, refrigeration units, accessory generators, or compressors. "Continuous operations" shall be defined as operating in excess of fifteen minutes during any twelve (12) hour period or the amount of time required for maneuverability of the truck, which ever is less, except during loading and unloading.

(2) All parking must be a minimum of 75 feet from any residence.

(C) Parking may be permitted on any street within any commercial or industrial area subject to the following standards:

(1) The street must be fully improved.

(2) The parking does not interfere with the visibility of vehicular and pedestrian traffic and is outside the clear sight triangle.

(3) The parking does not interfere with two-way traffic.

(4) Is not parked in excess of 72 hours.

(5) The parking does not violate any provision of the California Vehicle Code.

(6) The parking is not for the purpose of advertising a special event, merchandise sale, or business.

d. **Commercial Vehicle Parking Prohibited.**

d. **Commercial Vehicle Parking Prohibited.**

- (1) In the interest of public safety and welfare, commercial vehicles as defined in this chapter are prohibited from parking on any street or portion thereof within a residential area, except with respect to making pickups or deliveries.
- (2) Parking of commercial vehicles is prohibited on a single family residential vacant lot, except as allowed in accordance with Section (b)(1)(G).
- (3) Parking of commercial vehicles is prohibited in any residential land use districts, except as allowed in accordance with Section (b) *Commercial Vehicle Parking Standards Single Family Land Use District*.
- (4) Vehicles used for the transportation of hazardous materials shall not be left unattended or parked overnight in a residential area per the California Vehicle Code.
- (5) Parking of commercial vehicles is prohibited in mobile home parks.
- (6) Unattached trailer or semi-trailers are prohibited on any highway, street, alley, public way or public place except in the process of being loaded or unloaded. Disabled trailers or semi-trailers or construction equipment which requires disconnecting the trailer to perform the required service shall be removed from the public right-of-way within twenty four (24) hours.

e. **Application and Permit.** Residents who utilized their property prior to the adoption of this ordinance may apply for a Commercial Vehicle Parking Permit to park their commercial vehicle on their residential property, subject to the standards contained above.

- (1) A completed Commercial Vehicle Parking Permit Application must be filed with the Town of Yucca Valley Planning Division within 120 days from the effective date of the ordinance. An existing operator who fails to obtain a Commercial Vehicle Parking Permit within the 120 day period will no longer be eligible under Section 87.0641(b) *Commercial Vehicle Parking Standards Single Family Land Use District*.
- (2) The applicant for the parking permit shall be the owner of the property or, if renting the residence, shall have written permission from the property owner. The permit is not transferable to another person or property.
- (3) At the time of application for the parking permit, the applicant shall show proof that he/she is the registered owner of the commercial vehicle and the vehicle is currently registered. The parking permit may also be issued to non-owners who show written permission of the vehicle owner and current registration.
- (4) When parked at the place of residency the commercial vehicle must display a Town of Yucca Valley Parking Permit placard from the front windshield. Failure to display the placard is a violation of this Code.

- f. **Variance Procedures.** Variances from the Commercial Vehicle requirements as established within Section 87.0641 (b). may be granted as Minor Variances pursuant to the procedures set forth below:
- (1) Application for a Minor Variance shall be filed with the Planning Section with the appropriate fee established by resolution of the Council.
 - (2) The Minor Variance will be a staff level review with notice. However, if no verbal or written responses are received within one day of the established hearing date, the request will be reviewed and a decision rendered without a formal Staff Review meeting.
- g. **Appeal.** Any affected person may appeal the decision of the Director of Community Development Department to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Any decision of the Planning Commission may be appealed to the Town Council within ten (10) days following Commission action.
- h. **Revocation**
- (1) The Director of Community Development may revoke the Parking Permit upon failure to comply with any provisions of this code.

87.0645 PARKING DESIGN GUIDELINES

- a. **Purpose.** The following design guidelines are intended as reference to assist the designer in understanding the Town's goals and objectives for parking and loading design. These guidelines complement the mandatory parking and loading regulations contained in this chapter by providing good examples of potential design solutions and by providing design interpretations of various regulations.

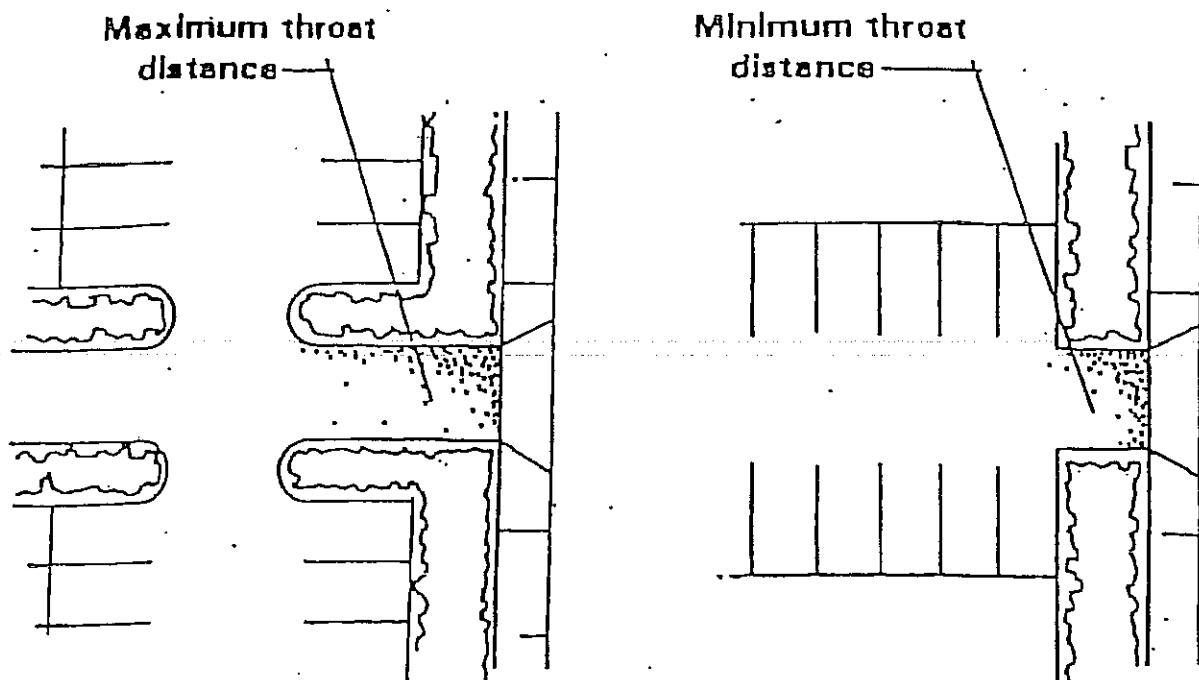
The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized in conjunction with uses subject to a Site Plan Review in accordance with Chapter 3, Division 3 of Title 8: *Site Plan Review*, and conditional uses in accordance with Division 3, Chapter 3, Articles 1 and 9 of Title 8: *Conditional Use Permits and Variances*, to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

- b. **General design principles.** A well designed parking facility depends on a variety of desirable elements, including:
- (1) Ease and convenience to all users;
 - (2) The best utilization of available space;
 - (3) Ease of access;

- (4) Good internal circulation;
- (5) Easy parking maneuvers;
- (6) Public transit;
- (7) Safety; and
- (8) Aesthetics.

c. Access

- (1) Locate driveways with left-turn movements with special attention to spacing driveways relative to the nearest point of street traffic control, especially a signal. Left turn movements are relatively hazardous.
- (2) Locate driveways with right-turn entry movements with special attention to their location relative to street traffic control. Such movements which may impede through traffic shall be minimized.
- (3) Driveway design should be directly related to the layout of the parking area, amount of stacking distance (e.g., drive-in service facilities), type of loading facility, circulation pattern, building placement, and relation to the design of the public street, traffic control devices, traffic volumes and placement of other driveways.
- (4) Driveways "throat" distance should be sufficient to minimize any effect on traffic movements on adjacent streets.



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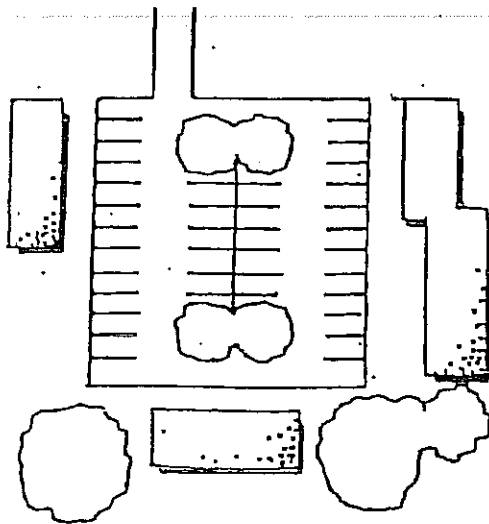
Driveway Throat Distance

Not this

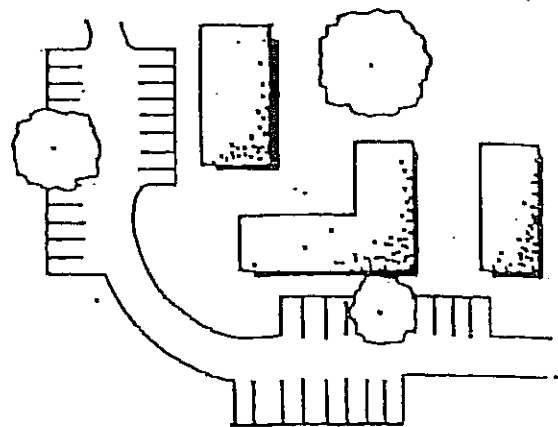
- (5) Avoid locating entry and exit points where vehicles entering or leaving the site would conflict with large numbers of pedestrians.
- (6) The access points should be limited to minimize the number of potential conflict points with public streets.
- (7) Driveway distance should be sufficient to prevent vehicles from backing into the public street.
- (8) Access roads and aisles for parking should be kept at the maximum distance possible from residential units.

d. **Parking lot layout**

- (1) When possible, segregate employee parking from customer parking. Employees will generally walk further from parking to their work destinations than shoppers will walk from parking to stores.
- (2) Larger parking lots should be broken into smaller modules to reduce the size and visual impact of expansive parking areas or should be designed with additional shade trees/landscaping and other material to assist in minimizing the visual effect of large parking facilities.



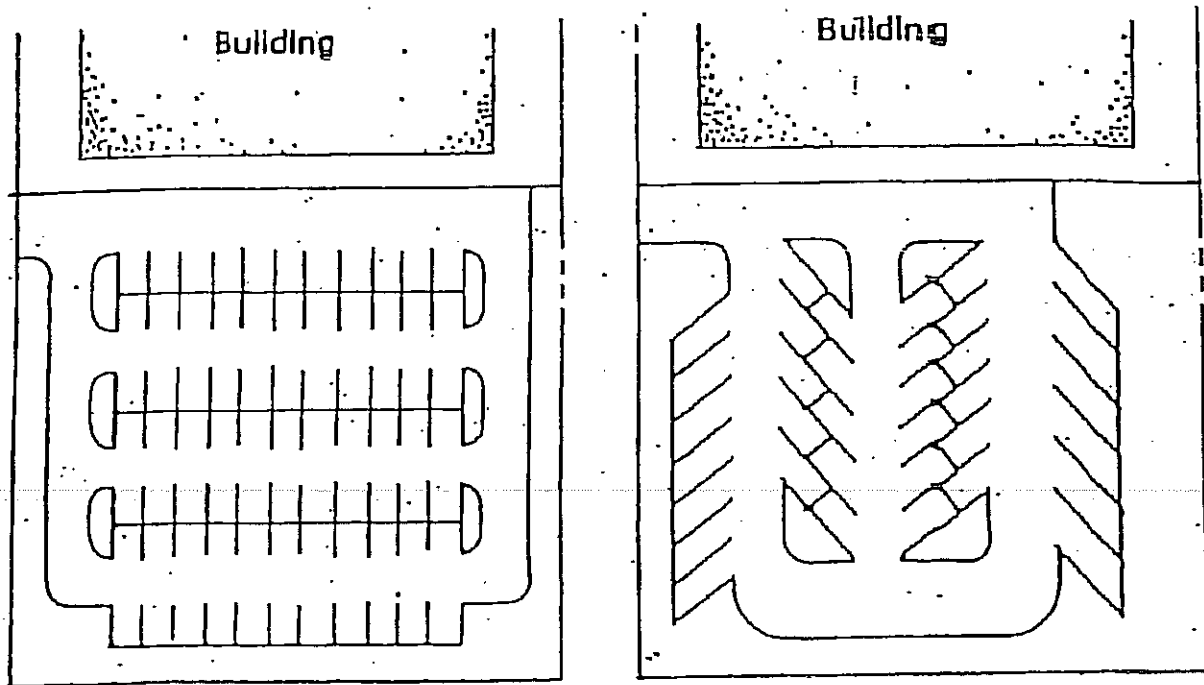
Large lots dominate the site.



Small scattered lots are less dominating.

- (3) Minimize the number of continuous parking spaces without interruption.
- (4) Consolidated parking lots for multiple uses are encouraged where practical.
- (5) Parking should be designed so that backing and turning movements associated with parking layout will not obstruct or conflict with traffic, either on-or-off-site.

- (6) Parking lots shall be designed with adequate room to allow vehicles to turn around within the parking lot and enter an adjoining street in a forward direction.
- (7) Parking shall be provided with curbs, wheel stops or other barriers to prevent vehicles from extending beyond the perimeter of the parking lot and to prevent vehicles from contacting a wall, a fence or a sidewalk.
- (8) Access aisles should be designed to allow the user to walk directly toward, rather than parallel to, the building front.



Not This

Do This

Orient parking aisles toward the building front.

- (9) End islands should be used to enhance the functional and aesthetic qualities of a parking lot in the following ways:
 - (A) Delineating on-site circulation roadways;
 - (B) Ensuring adequate sight distance at the intersections of the parking aisles and driveways;
 - (C) Defining the area and geometry of intersections of parking aisles and driveways;
 - (D) Protecting the vehicles at the end of a parking bay; and
 - (E) Providing aesthetic enhancement of the site design.

e. **Parking Stalls**

- (1) In apartment parking lots, parking stalls should be located to protect the privacy of residents by providing buffers, e.g. fences, walls or landscaping, from the effects of engine noise, automobile headlights and vehicle emissions.
- (2) Apartment parking stalls should generally be located no further than 150 feet from the entrance to each dwelling unit to avoid cars from parking on the street and to provide convenient access for unit residents.
- (3) Whenever possible all parking stalls should be aligned with the same orientation. Having one section at right angles to another tends to create confusion and can produce accident-prone intersections.

f. **Loading**

- (1) Loading and unloading facilities should be located on site and not within public right-of-way. There shall be no backing of vehicles onto the public right-of-way from loading areas.
- (2) Loading areas should be screened from entrances and other highly visible areas of the site. Adequate turn around and backing areas shall be provided without disruption of circulation or parking facilities.

g. **Lighting**

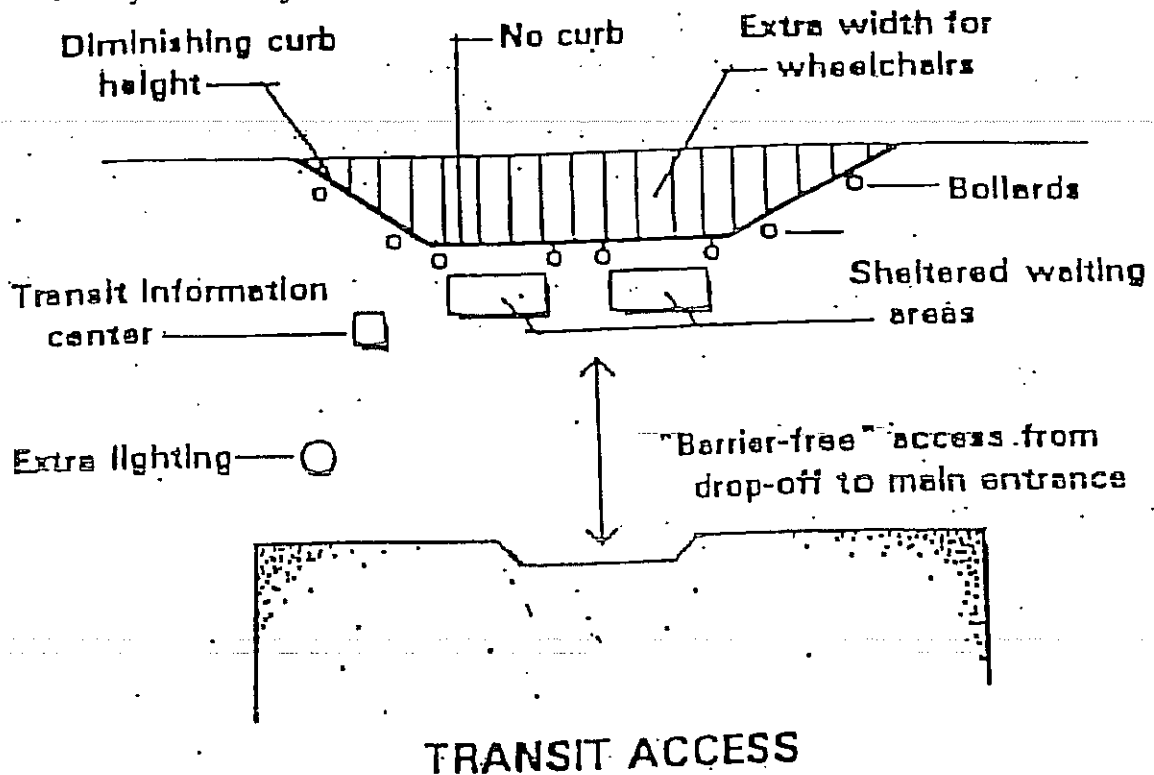
- (1) All parking lot and loading facility lighting shall be shielded in accordance with Chapter 8.70 *Outdoor Lighting Ordinance* so that substantially all the directly emitted light falls within the property line.
- (2) No illumination is to be designed or used which produces direct, or reflected light that interferes with the safe movement of motor vehicles on public streets including:
 - (A) Any light fixture not designed for street illumination that produces light that could interfere with the operation of a motor vehicle;
 - (B) Any light that may be confused with or construed as a traffic control device; or
 - (C) Any animated, flashing, or changing intensity lights, except for temporary holiday displays.

h. **Pedestrian**

- (1) A system of interior pedestrian paths or sidewalks integrated with the parking lot should link the different parts of the development with one another and with transit stops.
- (2) Provide clearly discernable pedestrian walkways where there is adequate vehicular sight distance. The use of textured or colored pavement and signage should be used.

i. Transit

- (1) Large scale commercial developments and employment center should provide transit access as near as possible to the main entrance to the facility.
- (2) Transit stops should be designed as an integrated component of the site and feature pedestrian amenities and shelter. Secured transit information centers or kiosks with bus routes and schedule information should be provided if feasible.
- (3) Non-residential development should orient the front or main entrance to the facility toward major streets with transit facilities.



- (4) Where parking areas separate the front or main entrance of the building from the transit facility, a separate pedestrian walkway or sidewalk may be required.

j. Bicycles

- (1) Bicycle parking facilities should be located outside of a vehicular or pedestrian way and be protected and separated from motor vehicle traffic and parking lots by either a 5 foot separation distance, a curb or other physical barrier.

- (2) Bicycle parking facilities should be made out of a durable and strong material, be permanently anchored to the ground and be designed so as to allow bikes to be locked to it.
- (3) Bicycle parking facilities should be sufficiently illuminated.

k. **Landscaping**

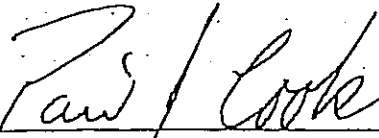
- (1) Pre-cast and other masonry planters may be used to provide for some buffering for existing parking areas. Landscaping should be used to enhance the safety of parking lots by guiding the circulation of cars and people and by ensuring that the driver's vision is unobstructed.
- (2) Use of landscaping to control access to parking lots, to make traffic diverters prominent and to direct the flow of traffic within the lot.
- (3) Parking lots should be screened from surrounding public streets, sidewalks, parks and other public properties. Berms, walls, fences, plants, planters or similar means should be used to create the parking lot screen.
- (4) Whenever structures such as walls or fences are used to create a screen, plants should be located on the sides of the structure which can be seen from surrounding streets, sidewalks, parks and other public properties.
- (5) All areas within the perimeter of parking lots not used for parking, loading, circulation, transit or pedestrian facilities should be landscaped to minimize the feeling of expansive hard surfaced areas, to improve the parking lot appearance. Landscape design shall provide for adequate plant aeration and traffic safety.
- (6) Plant materials should be placed on islands, entry drives, pedestrian walks and along end islands which separate parking from drives. Xeriscape landscaping shall be used.
- (7) Two feet at the end of landscape islands should be left unplanted. The use of cobbles, patterned concrete, or brick pavers should be considered in these end areas.
- (8) Protect the root zones of trees at maturity by retaining a planted area encompassing the drip line."

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.

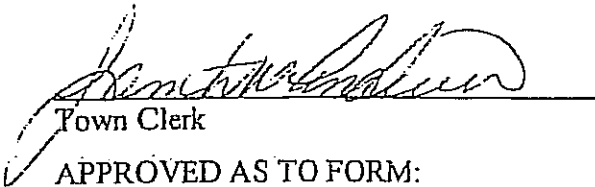
Ord. # 111 - Parking Regulations

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 3rd day of February, 2000.



MAYOR

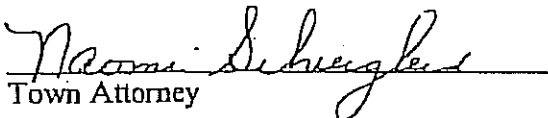
ATTEST:



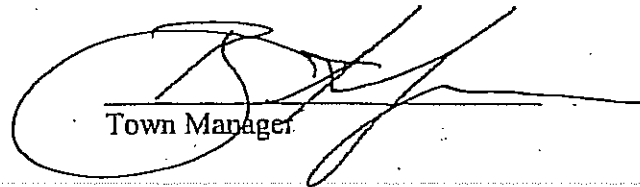
Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Town Attorney



Town Manager

F:\COMMON\COMMON\ORDINANCE\CA399PC.WPD
January 20, 2000

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 20th day of January, 2000, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 3rd day of February, 2000, by the following vote, to wit:

Ayes: Council Members Hunt, Leone Neeb, Scott and Mayor Cook

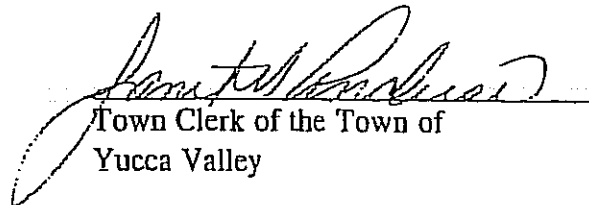
Noes: None

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 8th day of February, 2000.

(SEAL)


Town Clerk of the Town of
Yucca Valley

Staff surveyed seven cities in the low and high deserts. Of the cities surveyed none have the same language or requirement as the Town code regarding the 3' wide landscaped median. Most cities are completely silent on the issue and only deal with the amount of vehicle stacking. The Town of Apple Valley's parking code resembles our requirement most closely stating: "...located in a segregated drive thru lane so as not to interfere with pedestrian or vehicular traffic or parking spaces." This language allows for flexibility in the code while still ensuring the safety of pedestrian and vehicular traffic and has been included as part for the revision.

The Parking Code section on restaurants currently says *"1 space per 50 sf of seating area (including outdoor dining) plus a stacking area to accommodate a minimum of 10 cars for drive-up service independent of any on-site parking, parking maneuvering areas, and traffic ways. The drive-thru lane shall be protected and/or defined by a curbed landscape strip not less than 3 ft. wide."* As proposed, this Development Code Amendment would include the following language: *"...or the driveway shall be segregated so as to not interfere with pedestrian or vehicle traffic and parking as approved by the Planning Commission"*.

Staff recommends that the Planning Commission recommend approval of the Development Code Amendment to the Town Council.

Mr. McKoy opened the public hearing.

Dave Rodriguez of Nolte Associates in Yucca Valley stated for the record and on behalf of their client Jim DePierro, developer of the Sonic project, that they agree with the staff recommendation.

Mr. McKoy closed the public hearing.

Mr. Willman moved that the Planning Commission recommend approval of the Development Code Amendment to the Town Council. The motion was seconded by Mr. Goodpaster and passed unanimously by voice vote of the Commissioners present.

2. SITE PLAN REVIEW, SPR 02-08 YUCCA PLAZA

A request to construct a 23,056 square foot multi-tenant commercial shopping center with parking, landscaping, and off-site improvements on approximately 1.82 acres located at the northwest corner of Hanford Avenue and 29 Palms Outer Highway North and identified as APN 601-411-03. The applicant has eliminated the variance request and future restaurant pad from prior site plan proposals.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. This is the third time this application has come before the Commission.

The Site Plan has been significantly revised. These revisions include:

1. elimination of a variance request for setbacks

2. relocating the driveway from Diadem to Hanford(resulting in relocation of building)
3. addition of a 4' wall and 2' landscape berm to buffer parking from the residential neighborhood
4. relocation of the trash enclosure
5. providing 2 loading stalls
6. a straight driveway where a large truck could temporarily stop if necessary
7. enlarging the width of the perimeter sidewalk
8. reducing the size of the sidewalk around Diadem to increase landscaping

In order to accommodate loading and unloading onsite, the applicant has provided two 10' by 20' loading stalls on opposite ends of the project adjacent to the building. The parking code only requires one. The exterior sidewalk has been conditioned to meet all accessibility standards and widened to 6'. The sidewalk along Diadem has been reduced to 5.5' which will allow for an additional 4' of landscaping. This will bring the total landscaping area to 19' in width. The applicant will also be installing a 2' high landscaped berm and a 4' high split face block wall. The neighborhood will not be looking at a wall with just small shrubs. The applicant has agreed. The project has been conditioned to meander the wall and to provide adequate landscaping on each side. The applicant has provided a photometric plan showing no light trespass beyond his property lines. In addition the applicant is required to comply with ordinance 90. The entrance off 29 Palms Outer Highway will provide a minimum 26' onsite to comply with the Fire Department requirements

The applicant has relocated the trash enclosure to the interior of the project. This will provide a more attractive entrance along 29 Palms Outer Highway and locate the trash enclosure more conveniently to the businesses. The variance portion of the application has been eliminated. The driveway along Diadem Drive has been relocated to Hanford, resulting in the building being relocated. Should deliveries from large trucks be required, the long driveway on the west side of the property could accommodate this.

No written comments have been received, however Staff reviewed the project with a citizen at the counter who presented the following comments: she requested the hours of operation be limited to no later than 8PM, that alcohol not be allowed to be sold/consumed on the property, delivery truck hours be limited and construction deliveries be prohibited on Diadem Drive. During a subsequent discussion the applicant stated he is willing to work with the residents and agreed to a COA requiring business to close no later than 10:00 p.m. The applicant will agree to a COA prohibiting convenience and liquor stores but requests that on-site sale of alcohol at restaurants, etc. be allowed. The applicant has agreed to a COA to prohibit construction vehicles using Diadem Dr.

Staff recommends that the Planning Commission approve SPR 02-08 based upon the findings contained within the staff report and the recommended Conditions of Approval.

Mr. McKoy opened the public hearing.

Applicant Mike Ali stated all the previous concerns of the Commission have been met in the redesign. Access to Diadem has been redesigned to create less noise and light trespass into the neighborhood areas. He agrees with the COA's for off-site sale of

liquor and the 10:00 pm closing time. He is willing to work with everyone to get this project going.

Mr. Willman requested design elements be added to the large blank walls on the southeast elevations. The applicant indicated agreement. Mr. Willman asked if the 11 Joshua Trees currently on site would be reincorporated into the landscaping. The applicant replied that is correct.

Mr. McKoy commented that the resident requested the businesses close at 8:00 pm and the applicant has agreed to 10:00 pm.

Margo Sturges of Yucca Valley thanked Mr. Ali for working with the neighbors and changing the driveway. She is impressed that the 11 Joshua Trees are going to be used. The applicant has done everything the Commission requested. She requested that additional handicapped parking spaces be added if possible.

Jill Sorenson of Yucca Valley stated she lives on Diadem across the street from the project and is still opposed to the project. It is true that the applicant made a lot of changes and rearranged things but that still didn't make it acceptable. She will be the only person in Yucca Valley whose front door is less than 50 feet from a 14 business complex. Too many things have not been addressed. Does he have a shared common driveway with the lot next door? He has had months to contact that owner and hasn't done so. He never contacted her at all and did not have his property cleaned up as promised. There have been a lot of changes to the traffic on Diadem that have not been considered. When he applied for this project the bus stop was not where it is now, the median strip wasn't on Balsa, the foot traffic was not where it is now and the buses didn't drive down Diadem. They do drive down Diadem now. It's a very narrow street. There is no provision and nothing to stop his customers from parking in front of her house. And they will be parking in her front yard because it is a very narrow street. It's a shorter distance to walk from her house to some of those businesses than from some of the parking spaces. Preventing people from parking in the neighborhood has not been addressed.

Mr. Ali questioned why someone would park in her driveway when there are almost 100 parking spaces in the project. He would pay to have signs installed on her property that say customer parking is not allowed. He is willing to meet with her.

Mr. McKoy closed the public hearing.

Mr. Goodpaster stated property rights and development rights are complex issues. It is rare to find an applicant willing to go to the extent this applicant has to try to solve problems. He redesigned the project to accommodate the issues on Diadem. He understands the concerns of the homeowners but this property is zoned for this kind of project. The applicant has the right to build. The applicant has done a great job of working with the community and redesigning the project. He supports the project.

Mr. Willman asked if the underground storm water storage issue has been resolved. Mr. Kirschmann replied it will be addressed in the final hydrology study. Mr. Willman asked if "No Parking" signs would be appropriate along Diadem. Mr. Kirschmann replied that would be a short term solution. That would also prohibit guest parking for the residences. Mr. Willman commented the Fire Dept. has agreed that a 26 foot access

from the Outer Highway is adequate. The applicant is providing 26 feet around the building as well. He agrees with Mr. Goodpaster that the Commission has to find a balance. The builder has been here numerous times and at this time has satisfied everything the Commission was looking for in the project. The main issue was having the drive way in front of the residence. That has been taken care of. He repositioned the entire building, added parking spaces and meets all the Town codes. It fits the General Plan and he supports the project.

Mr. McKoy stated he totally agrees. The applicant has been very cooperative.

Mr. Goodpaster moved that the Planning Commission approve SPR 02-08 based upon the findings contained within the staff report and the recommended Conditions of Approval amended to add the following 3 conditions: Construction traffic shall be prohibited from using Diadem Drive. The hours of operation shall be limited to 10PM. The sale of alcohol is limited to on-site consumption. The motion was seconded by Mr. Willman and passed unanimously by voice vote of the Commissioners present.

3. CONSENT AGENDA: MINUTES

Mr. Goodpaster moved that the Planning Commission approve as submitted the minutes of the Regular Planning Commission held on October 7, 2008. The motion was seconded by Mr. Willman and passed unanimously by voice vote of the Commissioners present.

Mr. Willman moved that the Planning Commission approve as submitted the minutes of the Regular Planning Commission held on October 21, 2008. The motion was seconded by Mr. Goodpaster and passed unanimously by voice vote of the Commissioners present.

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

Mr. Kirschmann announced the following agenda items for the December 2, 2008 meeting:

- SPR 03-08 – Felix – 1,050 sf commercial space at the NE corner of Geronimo at Pueblo.
- SPR 03-04 Amend #1 - HI-DESERT ANIMAL HOSPITAL - enlarge parking lot and add 3,000 sf pad for future bldg. - 57053 29 Palms OH 595-371-14
- SPR 06-08 – SR247 Carwash – construct a car, dog & motorcycle wash as Phase 1 and a small strip mall as Phases 2 and 3 – south of the current Circle K.

Deputy Town Manager Shane Stueckle commented that a discussion item regarding potential General Plan land use changes in the area of SR247 and Buena Vista is also planned for December 2nd. Changes to the "Second Unit" ordinance and "Density Bonus" ordinance of the Housing Element will be on the agenda after the first of the year. The next joint Town Council/Planning Commission meeting regarding the Native Plant and Grading ordinances will be scheduled after the new Town Council is seated. Land use issues regarding Medical Marijuana Dispensaries will also be coming before the Commission soon.

COMMISSIONER REPORTS AND REQUESTS:

Mr. Willman stated he is going out of Town for the Thanksgiving holiday and may not be back for the December 2nd meeting.

Mr. Goodpaster congratulated Mr. Huntington on his election to the Town Council. Mr. Huntington was a great help and never hesitated to answer a question. Mr. Goodpaster questioned the Mesquite 55 sign on SR62. Mr. Kirschmann replied it is a ladder sign for all the developments in Town and the sign also says Town of Yucca Valley.

Mr. Willman sent his congratulations to Mr. Huntington also, complimenting him on the time he always spent with new Commissioners. He will serve the Town well on the Council as he did on the Commission.

Mr. McKoy commented Mr. Huntington was the go-to guy when the Commission got stumped. He always found a way to get the job done. He will take that same approach on the Council, will take it seriously, will be an excellent Council member and will be missed on the Commission.

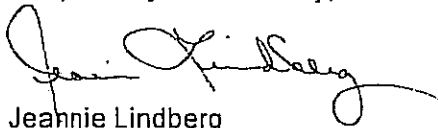
ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, December 2, 2008 at 7:00 p.m.

ADJOURNMENT

The meeting adjourned at 7:40 pm.

Respectfully submitted by,



Jeannie Lindberg
Administrative Assistant III

ORDINANCE NO. 207

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING
AND RESTATING TITLE 8, DIVISION 3, CHAPTER 3 OF
THE TOWN OF YUCCA VALLEY DEVELOPMENT CODE
RELATING TO LAND USE DESIGN PROCEDURES**

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

SECTION 1. Code Amended

Title 8, Division 3, Chapter 3, of the County of San Bernardino Development Code as adopted and as amended by the Town of Yucca Valley is hereby amended in its entirety to read as follows

Articles:

- 1. Conditional Use Permit**
- 2. Planned Developments**
- 3. Land Use Compliance Review**
- 4. Special Use Permit**
- 5. Temporary Use Permit**
- 6. Variance Review**
- 7. Site Plan Review**
- 8. Specific Plans**

**Article 1
Conditional Use Permit**

Sections:

- | | |
|-----------|--|
| 83.030105 | Purpose and General Plan Consistency |
| 83.030110 | Applicability |
| 83.030115 | Authority |
| 83.030120 | Application Submittal requirements |
| 83.030125 | Application Fee |
| 83.030130 | Investigation and Report |
| 83.030135 | Action By Review Authority |
| 83.030140 | Required Findings |
| 83.030145 | Minor Modification of Previously Approved
Conditional Use Permits |
| 83.030150 | Lapse of Permits/Permit Expiration |
| 83.030155 | Extension of Time |
| 83.030160 | Revocation/Modification |
| 83.030165 | Development of Property Before Final Decision |
| 83.030170 | Alteration to Nonconforming Use |
| 83.030175 | Surface Mining and Reclamation |

- (3) The strict application of the land use district deprives such property of privileges enjoyed by other properties in the vicinity or in the same land use district.
- (4) The granting of the variance is compatible with the objectives, policies, general land uses and programs in the General Code, the Development Code and any applicable plan or other ordinance.

**Article 7
Site Plan Review**

Sections:

- 83.030705 Purpose and General Plan Consistency
- 83.030710 Applicability
- 83.030715 Authority
- 83.030720 Application Submittal requirements
- 83.030725 Application Fee
- 83.030730 Investigation and Report
- 83.030735 Action By Review Authority
- 83.030740 Required Findings
- 83.030745 Minor Modification of Previously Approved Site Plan Review Permits
- 83.030750 Lapse of Permits/Permit Expiration
- 83.030755 Extension of Time
- 83.030760 Revocation/Modification
- 83.030765 Development of Property Before Final Decision

83.030705 Purpose and General Plan Consistency.

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

83.030710 Applicability. The provisions of this Article apply to:

- (a) All new construction which is listed in the use classification charts for the underlying land use districts that require a Site Plan Review.

(d) Expansions which fall within the thresholds specified in Table 4 shall be processed as a Land Use Compliance Review, pursuant to Section 83.030305.

83.030715 Authority.

(a) Level of Review:

Table 5		
APPLICABILITY	LEVEL OF REVIEW	NOTICE REQUIREMENTS
New structures, including accessory structures and uses;	Planning Commission	Public Hearing, Pursuant to CEQA
Expansion of an existing structure in conformance with Table 4;	Planning Division	CEQA if applicable
Expansion of an existing structure which exceeds the standards as established in Table 4;	Planning Commission	Public hearing, if applicable; Pursuant to CEQA
Conversion of an existing structure	Planning Division, unless otherwise determined	None
Construction or conversion of a structure(s) to allow a mixed-use development.	Planning Commission	Public Hearing, Pursuant to CEQA

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

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

- (1) Impact upon public services and facilities greater than typical for the type of project proposed;
- (2) Impact upon surrounding properties greater than typical for the type of project proposed;
- (3) Floor or site square footage greater than typically found in the type of project;
- (4) Intensity of use greater than typically found in the type of projects;

- (5) Operating Characteristics not typical of the type of project proposed.
 - (6) Other factors including but not limited to public opposition to development of the project.
 - (7) The need for Planning Commission and or Town Council interpretation of the General Plan and/or Development Code as related to the project.
- (c) General Authority. The Planning Commission is authorized to approve, approve with conditions, or deny applications for Site Plan Review Permits in compliance with the procedures established in this Section. In approving an application for a Site Plan Review Permit, the Planning Commission may impose conditions to ensure compliance with this Code. Conditions may include, but shall not be limited to:
- (1) Requirements for special structure setbacks;
 - (2) Open spaces;
 - (3) Buffers;
 - (4) Fences;
 - (5) Walls and screening;
 - (6) Requirements for the installation and maintenance of landscaping and erosion control measures;
 - (7) Control of street improvements, other public infrastructure and related dedications;
 - (8) Control of vehicular ingress and egress;
 - (9) Control of traffic circulation;
 - (10) Control of signs;
 - (11) Control of hours of operation;
 - (12) Control of potential nuisances;
 - (13) Establishing standards for maintenance of buildings and grounds;
 - (14) Establishment of development schedules and development standards;
 - (15) Control of periodic review;
 - (16) Control of architectural and/or building design
 - (17) Any other conditions as may be deemed necessary to ensure the compatibility with surrounding uses, to preserve the public health, safety

and welfare, and to enable the Planning Commission to make the findings required by Section 83.030740 of this Chapter, *Required Findings*.

- (d) Performance Guarantee. In order to ensure implementation of conditions attached to a Site Plan Permit, the applicant may be required to furnish a surety in a form of an instrument of credit, money or surety bond in the amount fixed by the authority granting or modifying the Site Plan Permit.
- (e) Providing Required Improvements. Whenever a Site Plan Review Permit is approved or modified subject to the condition that specified public improvements shall be installed by the applicant to meet Town standards and be accepted by the Town, the applicant may be required to execute an agreement approved by the Town to make such improvements prior to the time/construction events specified in the Site Plan Review Permit.
- (e) Conditions Declared Void. Whenever any final judgment of a court of competent jurisdiction declares one or more of the conditions of a Site Plan Review to be unconstitutional or invalid, such decision shall not affect the validity of the approval as a whole, or any portion thereof other than the section so declared
- (f) Violation of Condition. Whenever a Site Plan Review Permit is approved or modified by the Planning Commission subject to a condition(s) non-compliance with such conditions shall constitute a violation of this Code. Conditions which are not observed or which are violated may be enforced as provided in Section 81.0210 of this Title or said Site Plan Review Permit may be revoked or modified under Section 83.030760 of this Chapter, *Revocation/Modification*.

83.030720 Application Submittal Requirements.

Applications for Site Plan Review Permits shall be filed with the Planning Division on a form prescribed by the Planning Division and shall contain such information and reports as may be required by the application submittal package or by other applicable ordinances or by the Town in order for the Planning Commission to make the required findings.

83.030725 Application Fee.

The application shall be accompanied by a fee established by resolution of the Town Council to cover the cost of handling and processing the application as prescribed in this Chapter.

83.030730 Investigation and Report.

The Planning Division shall cause an analysis of each application for a Site Plan Review to be made. The level of detail of the analysis shall be appropriate to the type of project proposed and the needs of the Planning Commission. The analysis shall examine the application's consistency with the content, intent and purpose of the General Plan, the Development Code, and any other applicable Town standards or policies. To insure effective implementation of General Plan policies and the provisions of this Code, applications may be reviewed by the Development Review Committee prior to consideration by the Planning Commission. As a result of the analysis, the Planning Division shall cause a report to be completed which shall include a listing of proposed

conditions necessary to guarantee the public health, safety and welfare, should the proposed project be approved.

83.030735 Action by Review Authority.

Planning Commission Action. Pursuant to Section 83.030715, the Planning Commission shall review each application for a Site Plan Review. The applicant shall be provided with a copy of the Planning Division's report regarding the application prior to the Town's and/or Commission's consideration. The Town and/or Commission shall approve, deny, or conditionally approve applications for Site Plan Review. Decisions by the Planning Commission shall be final unless appealed as provided in Section 83.010605 of this Code, *Appeals*.

83.030740 Required Findings.

Before approving a Site Plan Review Permit, the Planning Division and/or Commission shall find that the circumstances established below apply;

- (a) That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;
- (b) That the location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;
- (c) That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of the development between adjacent land uses;
- (d) That the building site and architectural design is accomplished in an energy efficient manner;
- (e) That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures.
- (f) That the development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;
- (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;
- (h) That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;

- (i) That there are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;
- (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;
- (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;
- (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;
- (m) That there will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;
- (n) That there are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;
- (o) That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity or be contrary to the adopted General Plan;
- (p) That the proposed development will comply with each of the applicable provisions of this code, and applicable Town policies; except approved variances.

83.030745 Minor Modification of Previously Approved Site Plan Review Permits.

An approved Site Plan Review Permit may be modified upon the request of the property owner, or by the Town. Minor Modifications may be approved by Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030740 of this 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.

83.030750 Lapse of Permits/Permit Expiration.

- (a) Expiration. A Site Plan Review Permit approval shall expire three (3) years from the date the permit is approved unless it is otherwise conditioned or unless prior to the expiration of the three (3) years the following have occurred:

- (1) A building permit is issued and substantial construction is diligently pursued towards completion of the project which was the subject of the Site Plan Review Permit application. After construction is commenced, if work is discontinued for a period of two (2) years, the Site Plan Review Permit requires review and reauthorization by the Planning Commission; or
 - (2) A certificate of occupancy is issued for the structure which was the subject of the Site Plan Review Permit application.
- (b) Phased Projects. Projects may be built in phases if so approved by the Commission or Planning Division pursuant to Section 83.030745.

83.030755 Extension of Time.

The original review authority (Commission or Planning Division) may grant a time extension not to exceed three (3) years. Applications shall be made on a form to be provided by the Planning Division. Prior to the granting of an extension, the Planning Division shall review the previously approved project to ensure it is consistent with all current General Plan, Development Code and other Town Ordinances and that the findings for approval of a Site Plan Review Permit in compliance with Section 83.030740 of this Chapter, *Required Findings*, can be made. Based upon this review, additional Conditions of Approval may be imposed upon the project by the review authority when the Extension of Time is approved.

83.030760 Revocation/Modification.

- (a) Town Council Action. The Town Council shall hold a hearing as provided by State law to revoke or modify a Site Plan Review Permit granted in compliance with the provisions of this Chapter. Ten (10) days prior to the hearing notice shall be delivered in writing to the applicant and/or property owner for which such Site Plan Review was granted. Notice shall be deemed delivered two (2) days after being mailed, certified postage, to the owner as shown on the current tax rolls of the County of San Bernardino and the project applicant.
- (b) Required Findings. To the extent consistent with law, a Site Plan Review Permit may be revoked or modified by the Town Council if any of the following findings can be made:
 - (1) That the circumstances have changed so that one or more of the findings contained in Section 83.030740 of this Chapter can no longer be made;
 - (2) That the Site Plan Review was obtained by misrepresentation or fraud;
 - (3) That the use for which the Site Plan Review was granted has ceased or was suspended for six (6) or more consecutive calendar months;
 - (4) That one (1) or more of the conditions of the Site Plan Review have not been met;

- (5) That the use is in violation of any statute, ordinance, law or regulation; or
- (6) That the activity permitted by the Site Plan Review is detrimental to the public health, safety or welfare, or constitutes a nuisance.

83.030765 Development of Property Before Final Decision.

A building permit shall not be issued for, and no person shall commence to use, any structure until that structure and its accompanying development has received a Site Plan Review in compliance with the provisions of this Chapter. In addition, no other permits shall be issued for any use or structure requiring a Site Plan Review unless and until the Site Plan Review has been approved."

**Article 8
Specific Plans**

Sections:

83.030805	Purpose
83.030810	General Plan Consistency
83.030815	General Provisions for a Specific Plan District
83.030820	Application Procedure
83.030825	Required Findings
83.030830	Specific Plan Approval, Denial and Modifications
83.030835	Approval by Ordinance
83.030840	Dedication and Maintenance of Open Space
83.030845	Fees for Subsequent Development Approvals
83.030850	Specific Plan Consistency
83.030855	Environmental Exemption for Subsequent Development

83.030805 Purpose

The purpose of these Specific Plan provisions is:

- (a) To establish procedures for adoption, maintenance and administration of Specific Plans as allowed in accordance with the provisions of Sections 65450, et seq., of the California Government Code and as may be required for the systematic execution of the General Plan;
- (b) To provide a planning framework to guide future public and private developments and to promote flexibility while insuring economic viability and coherent community design;
- (c) To encourage the planned development of discrete neighborhoods and to permit comprehensive site and infrastructure planning and building design;
- (d) To encourage creative approaches to the use of land, through variation in the positioning of buildings and the appropriate mixing of land uses, activities and dwelling types;
- (e) To promote and create public and private open space as an integral part of land development design;

Commissioner Humphreville commented that it appears to be moving the “goal post”, noting the property owner has no control if their neighbor subdivides. Commissioner Hildebrand and Bridenstine agreed. Consensus was that the question of subdividing should only apply to the lot where the towers are located.

Deputy Town Manager Stueckle commented, from the perspective of fairness in terms of the ordinance, if all surrounding properties subdivided to a level where they are not allowed to have freestanding towers, the question of fairness and equity comes into play.

Commissioner Bridenstine commented that people don't necessarily have to use wind energy to be green, they can also put in solar, so they are not precluded from participating in green energy.

Chair Lombardo opened the Public Hearing.

Charla Shamhart, Yucca Valley, spoke in favor of this type of project in Town, and the possibility of getting off the higher portions of the electrical grid.

Kyle Jarvis, Yucca Valley, commented in favor of the project.

David Ziggler, Yucca Valley, Spoke in favor, noting that anything someone can do to lower their electricity bill and be green at same time is win/win situation.

Dana Collins, Joshua Tree, commented in opposition to wind energy systems noting they are visual pollution and emit low frequency sounds that are a proven health hazard.

There being no one else wishing to speak, Chair Lombardo closed the public hearing.

Commissioner Alberg moved to determine that the project is categorically exempt from CEQA under Section 15332, Class 32, Infill Development, approve Conditional Use Permit, CUP 02-11, for the construction of two 25' tall towers, one tower with three, five foot diameter wind turbines, the second tower with two five foot diameter wind turbines and amend Condition of Approval P4 to read “should the subject property be subdivided the WECS shall be removed or brought into compliance with any Town adopted regulations in place at time of subdivision approval”. Commissioner Humphreville seconded. Motion carried 5-0 on a voice vote.

2. CONTINUATION OF PUBLIC HEARING ON THE REGULATION OF WIND ENERGY CONVERSION SYSTEMS (WECS) AND PRESENTATION OF A DRAFT ORDINANCE.

A request from staff that the Commission discuss and provide direction on regulations regarding wind energy conversion systems.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Kirschmann presented the project discussion to the meeting. A PowerPoint presentation was projected on the screen during the discussion, a printed copy of which is preserved in the meeting file. The draft ordinance requires a Land Use Compliance Application with 300' property owner notification. Roof mounted units are allowed on any residential lot, the maximum height is 35' from grade to the top of the WECS, but no higher above the roof line than is necessary for blade clearance, and a maximum of 5 turbines are allowed. Requirements for freestanding units are as follows: 20,000 square foot net; parcels zoned RS-2 or lower densities; allows units to be installed on lots zoned lower densities than RS-2, however all surrounding properties must meet the requirements to install WECS on their property; project will be conditioned that if the site or an abutting lot is subdivided, and no longer meets the requirements to have a WECS, the system will be removed; shall be located behind the front of the primary structure; shall meet setbacks as required by Land Use District, Tract Map, Specific Plan, Composite Development Plan, etc.; height not to exceed 52.5' unless a variance is approved; One WECS is allowed between 20,000 square feet net and 5 acres gross; the fall zone is removed. The noise requirements have been modified to be consistent with the Development Code and shall not exceed 55 dBs.

Deputy Town Manager Stueckle commented that in the single family residential district the maximum height for residential structures is 35' under the code, and accessory structures is a maximum of 20', so the commission will want to spend some time discussing the height between the standard maximum height of 35' and what is provided by this section.

Commissioner Bridenstine expressed concern regarding the total number of turbines allowed to be roof mounted, stating she thinks that 5 is going to be unsightly and seems excessive. She stated she didn't see where the Town would only allow one turbine per freestanding tower, or allow multiples as was just passed in the previous item. Deputy Town Manager Stueckle advised that currently the definition is one turbine with associated blades. Commissioner Bridenstine expressed concern about the noise level and questioned if a turbine at 60 dB's would have to be shut down. Deputy Town Manager Stueckle explained if there is some problem with the turbine staff will work to

get it resolved. Commissioner Bridenstine stated she has concerns with the fall zone and noted by putting the turbine towards the center of the property the noise abatement happens naturally, but if you allow the turbine to be within 5' of the property line she doesn't see how sound abatement could happen.

Commissioner Alberg commented regarding the removal of the fall zone. Associate Planner Kirschmann stated the industry standard is typically 100% of height. Commissioner Alberg questioned which land use district takes precedence, Land Use District, Tract Map, Specific Plan or Composite Development Plan. Associate Planner Kirschmann advised that existing code states any land use district is subject to a LUCR. Deputy Town Manager Stueckle explained the difference between each of the various uses. Commissioner Alberg stated that a 35' level cannot be put in town wide. Deputy Town Manager Stueckle recommended the Commission discuss 35' height vs. 52' height as the base code.

Commissioner Humphreville stated, when talking about height, consideration should be taken on property size, noting that 52' on 5 acres is not very intrusive, but on 1/2 acre it is. Commented he no longer feels that 5-6 of these turbines on the roof line is appropriate, and would rather see a 30' tower with one larger prop than several small units on a roof. He would also prefer just one pole. Regarding noise, the ordinance should be worded so that decibels are measured at the property line.

Chair Lombardo stated he feels a 35' height limit is practical and reasonable, but does not want to see a pole at 53'. He feels that setting standards on what we are willing to accept as far as height, power requirement, noise level etc., will cause the industry to start building toward those standards. He doesn't like the idea of 5 units on a roof line but understands the need for total wattage production necessary to make sense, and would rather see 5 on the roof than 3 poles, or more units on a pole than multiple poles. He also feels the Commission should look at power production, not the number of units, noting that there has to be a certain wattage to receive funding.

Chair Lombardo opened the public hearing

Andy Canada, Yucca Valley, commented that there is a need for multiple towers for about 5 turbines, noting there are hundreds of manufactures making units under-10 kw. The large turbines are very noisy and would probably not pass the decibel requirements.

Malinda Allen, Yucca Valley, commented the larger turbines that generate 10 kw requires a much taller pole and stronger winds. The power generated causes the meter to run backwards so you come out of the higher tiers.

Monty Finefrock, Yucca Valley, commented he has not been able to find any real good economic information on these units, and stated he is surprised they would be considered without a setback. In addition, 5 units on a roof line will not be maintenance free.

Charla Shamhart, Yucca Valley, encouraged the Commission not to lose sight of the fact that putting up a home has already made more of imprint than these would make, are questioned if there are any variances allowed on this ordinance.

Paula Finefrock, Yucca Valley, spoke in opposition noting that multiple units will be an eyesore cause noise issues.

Dave Ziegler, Yucca Valley, spoke in favor of allowing the windmills noting they will help people on fixed incomes.

Dana Collins, Joshua Tree, spoke in opposition stating that multiple units are going to affect noise levels.

Jim Zing, Yucca Valley, expressed concern regarding obstruction of the view shed.

Terry Courtney, Yucca Valley, commented regarding the need to do research regarding how much someone is going to save.

Nicholas Lombardo, Yucca Valley, spoke in favor of a lower number of units even if all it does is help pay the electric bill.

Ernie Goodlander, Yucca Valley, commented he is not a proponent of looking at windmills but it is progress.

Discussion ensued regarding rebates for a minimum of 10 kw systems.

Chair Lombardo commented that there is a lot of wind here and we are not densely populated so there is a need to allow them if practical.

Commissioner Bridenstine stated this is a great application for ½ acre lots or greater but not for the small or denser properties.

Upon discussion consensus was to allow a pole height of 25' on ½ acre lots, 30' on ¾ acres, 35' on 1-5 acre lots, and 52.5' maximum height on lots of 5 acres or more. The setback should be related to the height of the pole plus the extension of the unit on the

pole. Noise standard of 55 dB at property line is appropriate. It was suggested that one pole be allowed on a ½ acre lot, 1 pole and a couple of roof mounted units on a ¾ acre lot and a maximum of 2 poles should be allowed on an 1 or more. There should be no more than 12 kw generation allowed. There is a limit of 2 roof mounted units allowed.

With regard to allowance on lots smaller than ½ acre, Commissioner Bridenstine and Commissioner Humphreville agreed they should not be allowed. Chair Lombardo commented that those are the people who want the help on their bills. Commissioner Hildebrand questioned if approval can be left to staff for the smaller lots.

Commissioner Bridenstine commented the Commission is working on an ordinance that is basically the law for our Town and should do it as we see best for long term future of our Town.

Commissioner Alberg moved to recommend that the Town Council review the WECS Ordinance with the Planning Commission at their earliest convenience. Commissioner Humphreville seconded. Motion carried 5-0 on a voice vote.

DISCUSSION ITEM:

3. SELECTION OF PLANNING COMMISSION CHAIRMAN AND VICE-CHAIRMAN

Associate Planner Kirschmann advised that the Municipal Code and Commission rules of procedure require the members to annually select one of its members to serve as the Chairman and one as the Vice Chairman.

Deputy Town Manager Stueckle added that with all the changes that have been occurring on the Council and Commission there has not been a Vice Chair for quite some time.

Commissioner Humphreville moved to nominate Commissioner Lombardo to continue serving as Chair for the next 12 months. Commissioner Hildebrand seconded. Motion carried unanimously.

Commissioner Alberg moved to nominate Commissioner Humphreville as Vice Chair for the next 12 months. Commissioner Bridenstine seconded. Motion carried unanimously.

CONSENT AGENDA

4. MINUTES

A request that the Planning Commission approve as submitted the minutes of the regular meetings held on May 12, 2011, May 24, 2011 and June 14, 2011

Commissioner Alberg moved to approve the minutes as presented. Commissioner Humphreville seconded. Motion carried 5-0 on a voice vote.

FUTURE AGENDA ITEMS:

SPR 02-08, Yucca Plaza, Extension of time

Associate Planner Kirschmann advised the utility undergrounding ordinance will also be returning to the Commission for discussion.

STAFF REPORTS AND COMMENTS

None

COMMISSIONER REPORTS AND REQUESTS

Commissioner Humphreville commented that he will be out of the area in July. Deputy Town Manager Stueckle advised he anticipates there will not be a meeting on July 12th.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission is Tuesday, July 26, 2011 at 6:00 p.m. in the Yucca Valley Community Center.

PUBLIC COMMENTS

Ernie Goodlander, Yucca Valley, commented regarding ongoing work at the animal shelter site.

Deputy Town Manager Stueckle advised that the general biological survey was conducted on the site and is available, staff will be following up in writing to Mr. Goodlander. Additionally there is a native plant plan that did go through standard approval process.

ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Jamie Anderson
Town Clerk