

TOWN OF YUCCA VALLEY
SPECIAL 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

**MONDAY
AUGUST 22, 2011
6:00 p.m.**

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

* * * *

PLANNING COMMISSION MEMBERS

*Tim Humphreville, Vice Chairman
Mike Alberg, Commissioner
Vickie, Bridenstine, Commissioner
Jeff Drozd, Commissioner
Michael Hildebrand, Commissioner*

AGENDA

SPECIAL MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 6:00 P.M., MONDAY, AUGUST 22, 2011

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

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

CALL TO ORDER:

SWEARING IN OF NEW PLANNING COMMISSION MEMBER

ROLL CALL: Mike Alberg, Commissioner
Vickie Bridenstine, Commissioner
Jeff Drozd, Commissioner
Michael Hildebrand, Commissioner
Tim Humphreville, Vice 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.

DISCUSSION ITEM:

1. SELECTION OF PLANNING COMMISSION CHAIRMAN AND VICE-CHAIRMAN

Recommendation: That the Planning Commission move to appoint the selected Commissioners to serve as the Chairman and the Vice-Chairman of the Planning Commission for the next twelve months.

Nominate and Elect Chairman

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

PUBLIC HEARINGS:

2. VARIANCE, V 01-11 MCDONALDS

Three separate requests to deviate from Sign Ordinance 156:

1. To allow the existing freestanding sign to remain at 26'6" tall, where a 12' tall sign would be allowed.
2. To allow the existing freestanding sign to remain at 198 square feet where 40 square feet is allowed.
3. Allow two (2) 28.5 square foot menu boards where a maximum of two (2) 25 square foot menu boards are permitted

Recommendation: That the Planning Commission finds the project is categorically exempt from CEQA under Section 15301, class 1, existing facilities, and:

1. Denies the request to allow the existing freestanding sign to remain at 26'6" tall, where a 12' tall sign would be allowed, based upon the findings contained in the staff report;
2. Denies the request to allow the existing freestanding sign to remain at 198 square feet where 40 square feet is allowed, based upon the findings contained in the staff report; and
3. Approve the request to allow two (2) 28.5 square foot menu boards where a maximum of two (2) 25 square foot menu boards are permitted, based upon the findings contained in the staff report.
4. That the Planning Commission permits the freestanding sign to remain onsite for a period of time not to exceed one (1) year, and that an agreement be recorded on the property.

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

DEPARTMENT REPORTS:

3. SITE PLAN REVIEW, 01-11 DOLLAR GENERAL

Request to allow the construction of a 12,480 square foot Dollar General retail building including 50 onsite parking spaces, landscaping and stormwater retention on 1.3 acres.

Recommendation: That the Planning Commission approves, based upon the findings contained within the Staff report and the Conditions of Approval:

- a) The review and approval of the Old Town Specific Plan (OTSP) included a program environmental impact report (EIR). The EIR evaluated future projects within the boundaries of the OTSP. The proposed project was evaluated to determine if additional CEQA documentation needed to be prepared. The proposed project will not have any effects not considered within the scope of the program EIR. The project is consistent with program EIR and will not create any additional impacts not previously considered. No additional environmental review is required.
- b) Approve the development of a 12,480 square foot Dollar General retail building including 50 onsite parking spaces, landscaping and stormwater retention on 1.3 acres.

Action: Moved by ___ 2nd by _____ Voice Vote

CONSENT AGENDA:

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

4. MINUTES–

A request that the Planning Commission approve as submitted the minutes of the regular meeting held on July 26, 2011.

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

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Alberg
Commissioner Bridenstine
Commissioner Drozd
Commissioner Hildebrand
Vice Chairman Humphreville

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, September 13, 2011 at 6:00 p.m.

ADJOURN

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Planning Commission
From: Robert Kirschmann, Associate Planner
Date: August 16, 2011
For Commission Meeting: August 22, 2011

Subject: Selection of Planning Commission Chairman and Vice-Chairman

Prior Commission Review: The Planning Commission re-organized on June 28, 2011. With the appointment of former Commissioner Lombardo to the Town Council, the Planning Commission no longer has an appointed chair.

Recommendation: That the Planning Commission move to appoint the selected Commissioners to serve as the Chairman and Vice-Chairman of the Planning Commission for the next twelve months.

Order of Procedure:

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

Discussion: The Town of Yucca Valley Municipal Code and the Planning Commission Rules of Procedure require the members of the Commission to annually select one of its members to serve as the Chairman and one of its members to serve as the Vice-Chairman. The chairperson presides over the meetings, calls special meetings of the Commission, sees that all actions of the Commission are taken properly, signs documents of the Commission and assists staff in determining agenda items.

The Rules of Procedures for the Town of Yucca Valley Planning Commission includes the following language for the selection of the Chairman and Vice-Chairman.

- a. A Chairman and Vice-Chairman shall be elected annually from among the Commission's membership at the first meeting in October to serve at the pleasure of the Commission.
- b. The Vice-Chairman shall succeed the Chairman if he/she vacates the office before the term is completed, the Vice-Chairman to serve the unexpired term of the vacated office. A new Vice-Chairman shall be elected at the next regular meeting.
- c. In the absence of the Chairman and Vice-Chairman, any other member shall call the Commission to order, whereupon a chairman shall be elected from the members present to preside

Alternatives: None recommended

Fiscal impact: N/A

Attachments:

1. Section 4.04, Planning Commission
2. Planning Commission Rules of Procedure
3. Minutes from Planning Commission meeting of June 28, 2011

CHAPTER 4.04

PLANNING COMMISSION

SECTION:

- 4.04.010: Planning Commission Created
- 4.04.020: Officers, Staff
- 4.04.030: Membership
- 4.04.040: Meetings; Rules
- 4.04.050: Functions, Powers And Duties
- 4.04.060: Appeal Planning Commission Decisions

4.04.010: **PLANNING COMMISSION CREATED:** There is created a Planning Commission for the Town. It shall consist of five (5) members, appointed by the Town Council; the terms of members of the initial Commission shall be set by lot, with one member serving until June 30, 1993, two (2) members serving until June 30, 1994, and two (2) members serving until June 30, 1995. Thereafter, all terms shall be for three (3) years and shall expire three (3) years after the effective date of the appointment, except those appointments made after the commencement of the term to fill a vacancy or removal, in which case the term of office shall be for the balance of the unexpired terms. There is no maximum number of terms that may be served by any individual Planning Commissioner. The Town Council may remove from office any Planning Commissioner at any time without cause. Until a Planning Commission is appointed and its members have qualified and begun functioning, the Town Council shall continue to carry out the functions which otherwise will be performed by the appointed Planning Commission. (Ord. 25, 10-1-1992)

4.04.020: **OFFICERS, STAFF:** The Planning Commission shall appoint the chairperson and vice-chairperson annually subject to his removal at any time by a majority vote of the Commission. The chairperson shall preside at all meetings and hearings of the Commission. The chairperson may represent the Commission before the Town Council or appoint other members of the Commission to do so. The vice-chairperson shall perform all of the duties of the chairperson in case of absence, and

shall perform such other duties as may from time to time be assigned by the chairperson. The Commission shall be authorized to appoint and fix the membership of such number of standing and temporary committees as it may find expedient for the performance of its duties. The Town Manager may appoint an executive secretary and other staff and provide such compensation for their services as may be authorized by the Town Council and by the annual Town budget of expenditures. (Ord. 25, 10-1-1992)

4.04.030: **MEMBERSHIP:** Should any vacancy occur among the members of the Planning Commission other than by expiration, the chairperson shall forward a notice to the Mayor and members of the Town Council indicating that such a vacancy exists. The Mayor and Town Council shall fill the vacancy in accordance with the provisions of this Chapter. (Ord. 25, 10-1-1992)

4.04.040: **MEETINGS; RULES:**

A. Meetings:

1. Location; Time: Regular meetings of the Planning Commission shall be held at the Community Center, 57090 29 Palms Highway, Yucca Valley, California, commencing at the hour of seven o'clock (7:00) P.M. on the first and third Tuesdays of each month if necessary. At each regular meeting, the Planning Commission shall consider all matters properly brought before it in accordance with this Chapter and State law. When there are no agenda items to be scheduled before the Planning Commission, the Commission members shall be given notice three (3) days prior to the meeting that no meeting will be held. (Ord. 25, 10-1-1992; amd. 2000 Code)

2. Adjourned Meetings: Any regular meeting may be adjourned to a designated time and place and when so adjourned shall be considered as a regular meeting. Adjourned meetings shall only be held when necessary for review of special land development proposals, review of complex planning and land development matters, for additional review of nonstandard land development applications, and for those items or issues deemed necessary by the Planning Commission.

3. Quorum: A quorum consists of three (3) members of the Planning Commission. In the event that a quorum is not present, less than a quorum, or if no members are present, the clerk or secretary, may adjourn the meeting to a stated time and place.

- B. Rules; Records; Minutes: The Planning Commission shall adopt rules for the transaction of business, shall keep a public record of its resolutions, transactions, findings and determinations, and shall hold at least one regular meeting each month. Minutes of the Planning Commission meetings shall be filed with the Town Clerk. (Ord. 25, 10-1-1992)

4.04.050: **FUNCTIONS, POWERS AND DUTIES:** The functions, powers and duties of the Planning Commission shall be all those functions, powers and duties of a Planning Commission and Board of Zoning Adjustment as provided in the State Planning and Zoning Law¹. The Planning Commission shall perform all functions and take all actions designated in the Development Code of the County of San Bernardino, which has been adopted by the Town, for the Planning Commission and the Planning Commission subcommittee. It is also recognized that the Town Council takes final action upon the adoption or amendment to the general plan, or any specific plan, and upon any change of zoning district, approval of any tentative tract map and where otherwise required by law. (Ord. 25, 10-1-1992)

4.04.060: **APPEAL PLANNING COMMISSION DECISIONS:** All actions of the Planning Commission are subject to appeal to the Town Council in the manner set forth in the Development Code, and if not otherwise set forth, then by delivery by the applicant or other person affected by the decision of a written notice of appeal to the Town Clerk within ten (10) days after the decision of the Planning Commission or after the giving of notice of same where notice is required. Within a period of ten (10) days after the decision of the Planning Commission, any member of the Town Council may submit a written request with the Town Clerk that the matter acted upon by the Planning Commission be scheduled for a hearing before the Town Council. The decision of the Planning Commission shall be final after the time for appeal or for a request for hearing by a Council member has passed and if no appeal request has been filed. Upon receipt of a timely appeal, or of a timely request by a Council member, the Town Clerk shall schedule the matter for a hearing or public hearing before the Town Council, in which case the decision of the Town Council, after considering or hearing the matter, shall then be final. (Ord. 76, 7-18-1996)

1. California Government Code chapters 3 and 4 of title 7 commencing with § 65100.

Planning Commission Rules of Procedure

ORGANIZATION AND OFFICERS

A. Organization

The Planning Commission shall consist of five regular members and shall be organized and exercise such powers as prescribed by ordinance of the Town of Yucca Valley.

B. Officers

1. Selection

- a. A Chairman and Vice-Chairman shall be elected annually from among the Commission's membership at the first meeting in October to serve at the pleasure of the Commission.
- b. The Vice-Chairman shall succeed the Chairman if he/she vacates the office before the term is completed, the Vice-Chairman to serve the unexpired term of the vacated office. A new Vice-Chairman shall be elected at the next regular meeting.
- c. In the absence of the Chairman and Vice-Chairman, any other member shall call the Commission to order, whereupon a chairman shall be elected from the members present to preside.

2. Responsibilities

The responsibilities and powers of the officers of the Planning Commission shall be as follows:

a. Chairman

- (1) Preside at all meetings of the Commission.
- (2) Call special meetings of the Commission in accordance with legal requirements and the Rules of Procedure.
- (3) Sign documents of the Commission.
- (4) See that all actions of the Commission are properly taken.
- (5) Assist staff in determining agenda items.
- (6) The Chairman shall be an ex officio member of all committees with voice but no vote.

b. Vice-Chairman

During the absence, disability or disqualification of the Chairman, the Vice-Chairman shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.

C. Duties and Powers

1. The Planning Commission shall have the power to recommend to the Town Council, after a public hearing thereon, the adoption, amendment or repeal of a general plan, or any part thereof, for the physical development of the Town.
2. The Planning Commission shall exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance.
3. The Commission shall advise the Town Council on those matters falling within its charged responsibilities in a manner reflecting concern for the overall development and environment of the Town as a setting for human activities.
4. If any commissioner should be absent for three consecutive regular meetings of the Planning Commission without permission of the commission expressed in its official minutes, he/she shall relinquish his/her seat on the Commission.

D. Rules of Order

Except as otherwise provided in these Rules of Procedure, "Robert's Rules of Order, Newly Revised," shall be used as a guide to the conduct of the meetings of the Planning Commission provided, however, that the failure of the Commission to conform to said rules or order shall not, in any instance, be deemed to invalidate the action taken.

MEETINGS

A. Public Meetings

All meetings shall be held in full compliance with the provision of state law, ordinances of the Town, and these Rules of Procedure.

B. Regular Meetings

Regular meetings shall be held on the first and third Tuesdays at 7:00 p.m. in the Community Center unless otherwise determined by the Commission.

C. Adjourned Meetings

In the event it is the wish of the Planning Commission to adjourn its meeting to a certain hour on another day, a specific date, time, and place must be set by the commission prior to the regular motion to adjourn.

D. Special Meetings

Special meetings of the Planning Commission may be held at any time upon the call of the Chairman or by a majority of the voting members of the Commission or upon request of the Town Council following at least 24 hours notice to each member of the Commission and to the press. The time and place of the special meeting shall be determined by the convening authority.

E. Study Sessions/Workshops

1. The Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a study session provided that no official action shall be taken and no quorum shall be required.
2. Such meetings shall be open to the public; but, unless the Commission invites evidence or comments to be given, participation by interested members of the public shall not take place at such study sessions.

F. Agenda

1. An agenda for each meeting of the Commission shall be prepared by the Planning Director or his/her staff with the cooperation and approval of the Chairman or in his/her absence, the Vice-Chairman.
2. The Commission cannot guarantee that applicants meeting filling deadlines will be placed on the agenda of the first meeting thereafter.
3. There shall be attached to each agenda a report of matters pending further action by the Commission.
4. A copy of the agenda shall be posted at the required locations for a period of seventy-two (72) hours prior to the time scheduled for the meeting.

G. Order of Meetings

1. The Order of Business Shall Be as Follows:

- a. The Chairman shall take the chair precisely at the hour appointed for the meeting and shall immediately call the commission to order.
- b. Pledge of allegiance.
- c. Members present and absent shall be recorded.
- d. The agenda shall be approved as submitted or revised.
- e. Any member of the audience may comment on any matter which is not listed on the agenda.

- f. The public shall be advised of the procedures to be followed in the meeting.
- g. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing, together with such other matters of business and report as the Commission or Planning Director finds to require Commission consideration.
- h. The minutes of any preceding meeting shall be submitted for approval.
- i. Adjournment.

2. Presentation or Hearing of Proposals

The following shall be the order of procedure for public hearings concerning planning and zoning matters:

- a. The Chairman shall announce the subject of the public hearing, as advertised.
- b. If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a definite time and date.
- c. The staff shall be asked to present the substance of the application, staff report and recommendation, and to answer technical questions of the Commission.
- d. **Order of Testimony.** The order of testimony shall be as follows:
 - (1) Applicant's statement
 - (2) Proponents' statements
 - (3) Opponents' statements
 - (4) If necessary, a rebuttal from the applicant
 - (5) Public hearing closed
 - (6) The Commission shall then deliberate and either determine the matter or continue the matter to another date and time certain.
- e. **Rules of Testimony.** The rules of testimony shall be as follows:
 - (1) Persons presenting testimony to the Commission are requested to give their name and community of residence for the record.
 - (2) If there are numerous people in the audience who wish to participate on the issue, and it is known that all represent the

same opinion, a spokesman should be selected to speak for the entire group. The spokesman will thus have the opportunity of speaking for a reasonable length of time and of presenting a complete case.

- (3) To avoid unnecessary cumulative evidence, the Chair may limit the number of witnesses or the time of testimony on a particular issue.
- (4) Irrelevant and off-the-subject comments will be ruled out of order.
- (5) The Chair will not permit any complaints regarding the staff or individual commissioners during a public hearing. Complaints not related or germane to the project shall be submitted in writing to the Community Development Director or presented verbally as a separate item on the agenda.

H. Motions

1. A motion to adjourn shall always be in order except during roll call.
2. The Chairman of the Commission, or other presiding officer, may make and second motions and debate from the Chair subject only to such limitations of debate as are imposed on all members of the Commission.

I. Voting

1. Voting Requirements

- a. A quorum shall consist of three members.
- b. The affirmative vote of a majority of the entire five member Commission present is necessary for it to take action. Thus, all actions of the Planning Commission require at least three affirmative votes, with all members being present. Except for subsection c below or required by State law, a majority of the Planning Commission shall be sufficient to do business and motions may be passes 2-1 if only 3 attend.
- c. Certain votes of the Commission require a majority vote of the total membership (three votes) to carry. These are:
 - (1) Adoption or amendment of a master (general) plan or any part thereof.
 - (2) Any precise (specific) plan or any part thereof.
- d. When a member of the Commission abstains from voting on any matter before it because of a potential conflict of interest, said vote shall not constitute nor be considered as either a vote in favor of or

opposition to the matter being considered. When a member of the Commission abstains from voting for any reason other than a potential conflict of interest, the abstention shall be counted with the majority.

2. Voting Order

The order of voting will be rotated each meeting except that the Chairman shall vote last.

3. Recording of Votes

The minutes of the Commission's proceeding shall show the vote of each member, including if they were absent or failed to vote on a matter considered.

4. Disqualification from Voting

When a Commissioner determines not to act because they have a disqualifying conflict of interests, the Commission determination must be accompanied by disclosure of the financial interest, made part of the official record, or made in writing to the Planning Commission secretary.

REVIEW AND AMENDMENTS PROCEDURE

A. Review

These Rules of Procedure shall be reviewed in October of each year by a subcommittee appointed by the Chair with the general agreement of the Commission. The review subcommittee shall present their recommendation for amending, or not amending, these rules.

B. Amendment

In addition, these Rules of Procedure may be amended at any meeting of the Planning Commission by a majority of the membership of the Commission provided that the proposed amendment is received by each Commissioner not less than 5 days prior to said meeting.

**SELECTION AND RESPONSIBILITIES
OF CHAIRPERSON AND VICE-CHAIRPERSON**

Being Chairperson is a rewarding experience but involves a number of responsibilities in addition to running the Commission meetings. One of those responsibilities is to provide quarterly reports to the Town Council at one of their regular scheduled Town Council meetings. Normally, a lot of extra time is spent both preparing for such meetings and working with the Planning Director and others on various matters such as those noted below.

Those Planning Commissioners who have not served as Chairperson might discuss the responsibilities with the present or former chairperson to get a better idea of what is involved.

It has been suggested that the Commission members take turns being the chair and the vice-chair. Sometimes members serve one term and sometimes two consecutive terms. Seniority is often a consideration but does not have to be a deciding factor. Also, consideration should be given to a member's ability and effectiveness as chair in making the selection. Of course, sometimes individual Commission members prefer not to be the vice-chairperson and/or the chairperson and that should be respected.

Procedures for Chairing Meetings

The following steps are normally appropriate for regular Planning Commission meetings:

1. **Call the meeting to order** promptly at the appointed hour (if a quorum exists).
2. **Pledge of allegiance.**
3. **Roll Call.** Ask the staff to call the roll.
4. **Update Agenda.** Ask whether staff or commissioners have any proposed changes to the agenda and indicate when and how those new items will be considered.
5. **Communications.** Announce that this is the time on the agenda that any member of the audience may comment on any matter which is not listed on the agenda.
6. Announce to the audience certain Planning Commission procedures:

The Planning Commission normally ends its meetings at 10:30 p.m. even if it necessitates carrying items over to another meeting. The Planning Commission will not consider a new item on the agenda after 10:30 p.m., except under unusual circumstances.

In order to assist in completing the agenda items, **please be brief** and to the point, preferably 2 to 5 minutes. The maximum time limit is 15 minutes unless prior arrangements have been made.

Please use the **microphone** and **write your name and community of residence on the sign-in sheet** provided for the record.

7. **Consent Items:** All matters listed under consent items on the agenda are considered routine and will be acted upon (roll call vote) without discussion by the Planning Commission unless any Commission member or member of the audience has a question or wishes to make a statement or discuss the item. In that event, the chairperson will remove that item from the regular consent items and place it for separate consideration. Be sure to ask if anyone wishes an item removed from the regular consent items. Take up such items next, as first regular agenda items.

Minutes: Note the minutes on the consent agenda and, unless changes are necessary, approve on consent agenda.

8. **Regular Agenda Items:**

1. **Announce** the item.
2. Ask the staff to present the **staff report**.
3. Ask the Planning Commission if they have **any questions** for the staff.
4. **Open the public hearing**. If it is necessary to continue the public hearing, make sure that the hearing is opened (and not closed) and continued to a specific time and date. (See below: "9. Public Hearings")
5. Invite the **applicant** to speak.
6. Invite **others in favor** of the application to speak.
7. Invite those **in opposition** to speak.
8. Ask the staff if any **written communications** have been received and, if so, have them either read into the record or summarized as appropriate.
9. Allow, if necessary, the applicant to make a **rebuttal** statement. This must be brief and limited to a rebuttal of comments made by those in opposition.
10. **Close** the public hearing.
11. Ask the Planning Commission if they have **any questions** for the staff or public hearing speakers.
12. Turn the item over to the Planning Commission for **discussion**. It may be appropriate to focus or structure the discussion regarding certain issues or questions. If the Commissioners do not volunteer comments, it may be necessary to ask individual Commissioners what they think about specific points. Normally, the Commission should first discuss land use and zoning issues, and then deliberate on specific conditions and details rather than mixing the two or beginning with details.
13. After a motion and second are made, **restate the motion** or at least get confirmation from the Planning Commission that everyone is clear on the motion prior to voting.

Adopted: December 5, 1995
Revised: April 6, 1999

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.

Planning Commission: August 22, 2011
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION STAFF REPORT
MCDONALD'S SIGN VARIANCE

Case: VARIANCE, V 01-11 MCDONALDS SIGN VARIANCE
CATEGORICAL EXEMPTION FROM CEQA, SECTION 15301, CLASS 1
EXISTING FACILITIES

Request: APPLICANT'S REQUEST FOR A VARIANCE TO DEVIATE FROM
THREE STANDARDS ESTABLISHED BY SIGN ORDINANCE NO. 156,
AS FOLLOWS:

1. TO ALLOW THE EXISTING FREESTANDING SIGN TO REMAIN AT 26'6" TALL, WHERE A 12' TALL SIGN WOULD BE ALLOWED.
 2. TO ALLOW THE EXISTING FREESTANDING SIGN TO REMAIN AT 198 SQUARE FEET WHERE 40 SQUARE FEET IS ALLOWED.
 3. ALLOW TWO (2) 28.5 SQUARE FOOT MENU BOARDS WHERE A MAXIMUM OF TWO (2) 25 SQUARE FOOT MENU BOARDS ARE PERMITTED.
-

Applicant:
MCDONALD'S USA, LLC
C/O PERSONA INC.
3800 KILROY AIRPORT WAY # 200
LONG BEACH, CA 90806

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

Representative:
JEFF MARTINEZ
55770 SANTA FE TRAIL
YUCCA VALLEY, CA 92284

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

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

Existing General Plan Land Use Designation:

THE SITE IS DESIGNATED GENERAL COMMERCIAL (CG)

Existing Zoning Designation:

THE SITE IS DESIGNATED GENERAL COMMERCIAL (CG)

Surrounding General Plan Land Use Designations:

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

Surrounding Zoning Designations:

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

Surrounding Land Use:

NORTH: VACANT LAND, FLOOD CONTROL CHANNEL, BURNT MT.
WASH
SOUTH: TOWN CENTER MALL, NEW RITE AID BUILDING (WARREN
VISTA CENTER) ACROSS 29 PALMS HIGHWAY
WEST: DEL TACO, STARBUCKS
EAST: TACO BELL/ VONS SHOPPING CENTER.

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 AUGUST 5, 2011 AND PUBLISHED ON
AUGUST 10, 2011. THERE HAS BEEN NO RESPONSE TO THE
PUBLIC NOTICE AS OF THE WRITING OF THIS STAFF REPORT.

Recommendation:

VARIANCE, V 01-11: THAT THE PLANNING COMMISSION FINDS THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA UNDER SECTION 15301, CLASS 1, EXISTING FACILITIES, AND:

1. DENIES THE REQUEST TO ALLOW THE EXISTING FREESTANDING SIGN TO REMAIN AT 26'6" TALL, WHERE A 12' TALL SIGN WOULD BE ALLOWED, BASED UPON THE FINDINGS CONTAINED IN THE STAFF REPORT;
2. DENIES THE REQUEST TO ALLOW THE EXISTING FREESTANDING SIGN TO REMAIN AT 198 SQUARE FEET WHERE 40 SQUARE FEET IS ALLOWED, BASED UPON THE FINDINGS CONTAINED IN THE STAFF REPORT; AND
3. APPROVE THE REQUEST TO ALLOW TWO (2) 28.5 SQUARE FOOT MENU BOARDS WHERE A MAXIMUM OF TWO (2) 25 SQUARE FOOT MENU BOARDS ARE PERMITTED, BASED UPON THE FINDINGS CONTAINED IN THE STAFF REPORT.
4. THAT THE PLANNING COMMISSION PERMITS THE FREESTANDING SIGN TO REMAIN ONSITE FOR A PERIOD OF TIME NOT TO EXCEED ONE (1) YEAR, AND THAT AN AGREEMENT BE RECORDED ON THE PROPERTY.

Project Planner: Robert Kirschmann
Reviewed by: Shane Stueckle

Appeal Information:

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

I. GENERAL INFORMATION

PROJECT DESCRIPTION: The applicant submitted a Variance Application to deviate from three standards contained within Sign Ordinance No. 156 as follows.

1. To allow the existing freestanding sign to remain at 26'6" tall, where a 12' tall sign would be allowed.
2. To allow the existing freestanding sign to remain at 198 square feet where 40 square feet is allowed.
3. Allow two (2) 28.5 square foot menu boards where a maximum of two (2) 25 square foot menu boards are permitted.

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

PROJECT SYNOPSIS:

SITE COVERAGE

PROJECT AREA

.91 acre

BUILDING AREA

No new buildings or expansions are proposed, existing building is approx 4,000 square feet

PHASED CONSTRUCTION:

No

FLOOD ZONE

Map 8120 Zone A, located in a flood zone

ALQUIST PRIOLO ZONE

No

OFF-SITE IMPROVEMENTS REQ.

No new offsite improvements are recommended

ASSESSMENT DISTRICTS REQ.

No

RIGHT-OF-WAY DEDICATION REQ.

NA

UTILITY UNDERGROUNDING:

Any new service lines shall be underground in conformance to Ordinance No. 169

AIRPORT INFLUENCE AREA:

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

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

II. PROJECT ANALYSIS

ENVIRONMENTAL CONSIDERATIONS: The project is exempt from the California Environmental Quality Act under Section 15301, Class 1 Existing Facilities.

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

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

SITE CHARACTERISTICS: The site is developed with a 4,000 square foot McDonalds building including a Play Place, drive thru, parking and landscaping. The site sits below grade, and slopes from the south to the north. Access to the site is from two driveways on SR 62, which also provide access to the other commercial uses that are in proximity to the restaurant. Signalized access is located to the east at the intersection of Warren Vista and SR62 (Between Del Taco and Starbucks). A secondary driveway is located to the west between McDonalds and Taco Bell on SR62.

DISCUSSION: Pursuant to Government Code Section 65906, State law dictates granting variances only when the subject property has special circumstances, such as size, shape, topography, location, or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.

In accordance with Section 83.030605 of the Development Code, variance requests # 1 and #2 are considered major variances and request #3 is considered a minor variance.

At the Planning Commission meeting of June 14, 2011 a Land Use Compliance Review was approved for a complete exterior remodel and to add a second ordering drive thru lane at the existing McDonalds. The applicant had not prepared a sign permit application package at that time.

Freestanding Sign (Request #1 and #2):

The applicant is requesting to leave the existing freestanding sign located along SR62 and the west driveway. The sign is 26' 6" tall and 198 square feet. The sign code allows for a maximum of 12' tall free standing sign with a maximum of 40 square feet. The height exceeds the maximum allowed by Code by 14.5' and the square footage exceeds the maximum allowed by code by approximately 158 square feet.

Section 87.07170(7) requires all signs to be brought into compliance with the Code if a Conditional Use Permit, Site Plan Review or Land Use Compliance Review is submitted. Therefore, based on this section the existing signs are required to be brought into compliance with current standards. Additionally, Section 87.07170(8) requires all signs to be brought into compliance with the Code anytime a permit is issued for a new or additional sign onsite. Therefore, the existing freestanding sign is required to be brought into compliance with the Code.

On the page titled "Variance 2" there is a note that requests the Town to "consider approval of time of a variance of 60 months to give the applicant an opportunity to appropriate the funds to replace the sign".

Staff is recommending that the freestanding sign be allowed to remain for one year. At that time the sign would be required to come into compliance with the Ordinance in effect at that time. During this time it is anticipated that the sign ordinance will be updated. This approach provides time to the applicant in the current economic climate while allowing the Town time to address the sign ordinance. This is included in Staff's recommended action.

Pursuant to Section Government Code 65906, a variance may be granted when:

- (1) There are specific physical circumstances that distinguish the project site from its surroundings; and
- (2) These unique circumstances would create an unnecessary hardship for the applicant if the usual zoning standards were imposed.

There are no physical differences between this property and other surrounding similarly zoned commercial property. There are no topographic features or unique circumstances applicable to this property that are not applicable to other properties. Other properties, such as the existing Wal-Mart, recently converted their freestanding sign into compliance with the Sign Ordinance in conjunction with their remodel/signage update. Other businesses that have transferred their sign program to the current Ordinance include: Jiffy Lube, O'Reilly Auto Parts, Union Bank and US Bank. All new signs including Sonic Burger, Arco-AMPM, and the Warren Vista Center complied with the requirements of the sign code for their new signs.

Further, case law demonstrates that variances cannot be approved due to financial hardships, community benefit, or the worthiness of the project (*Orinda Association v. Board of Supervisors* (1986) 182 Cal.App.3d 1145).

Menu Board Sign (Request #3):

The third variance is a request to deviate from the maximum square footage allowed for menu board signs. Section 87.07122(f) allows a maximum of two menu boards not to exceed 25 square feet. The proposal is for two (2) 28.5 square feet menu boards. Each sign is requesting to deviate from the code by 3.5 square feet. Section 114094 of the Health and Safety Code requires that at a minimum the menu board includes language that states "nutrition information is available upon request".

The remodel includes the addition of a second ordering station. The drive thru is located in the rear of the building adjacent to the Burnt Mountain Wash. The location is not visible from the highway or to the surrounding properties. The minor deviation of 3.5 square feet will not appear highly noticeable to surrounding properties.

The Code allows a maximum of two menu boards. In a typical drive thru there is only one (1) ordering station, and that station could have two (2) menu boards. To comply with the code only two menu boards are proposed, one for each ordering station. This creates a unique circumstance, as all the information must be included on one board, instead of two as other properties are permitted.

FINDINGS:

1. The granting of the variance will not be materially detrimental to other properties or land uses in the area and will not subsequently interfere with the present or future ability to use solar energy systems.

1. *The Town of Yucca Valley adopted the Sign Code, Ordinance 156 in 2004. The Ordinance establishes standards which all persons and business wishing to display signage must comply with. The granting of the variance may be detrimental to surrounding properties because it will allow for a much larger sign than allowed by code and may appear out of character with surrounding signs as they are required to be brought into compliance in the future and the existing, newly constructed signs directly across the street*

This request does not interfere with the current or future ability to use solar energy systems.

2. *Same as above*
 3. *The increase of approximately three (3.5) square feet would not be highly noticeable or detrimental to the surrounding properties. The drive thru is located to the rear of the property adjacent to Burnt Mountain Wash. The signs will not be visible from SR62 or from the surrounding properties. Approval of the variance will not impact the installation of solar energy systems.*
2. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity.
 1. *No, the site is relatively flat and maintains a highly visible presence along the Highway near a signalized intersection. There are other commercial designated properties in the vicinity that have adequate signage based upon the requirements of the Sign Code and all future signs are required to comply.*
 2. *Same as above*
 3. *The remodel includes the addition of a new ordering station. The Code allows a maximum of two (2) menu boards. In a typical drive thru there is only one (1) ordering station, and that station could have two (2) menu boards. To comply with the code only two menu boards are proposed, one for each ordering station. This creates a unique circumstance, as all the information must be included on one board, instead of two as other properties are permitted.*
 3. The strict application of the land use district regulations will not deprive such property of privileges enjoyed by other properties in the vicinity.

1. *No, the Sign regulations apply equally to all properties in Town. There is adequate room to place a new sign, which conforms to the Code, as has been required and completed in other locations along the Highway.*
2. *Same as above*
3. *The remodel includes the addition of a new ordering station. The Code allows a maximum of two menu boards. In a typical drive thru there is only one (1) ordering station, and that station could have two (2) menu boards. To comply with the code only two menu boards are proposed, one for each ordering station. This creates a unique circumstance, as all the information must be included on one board, instead of two as other properties are permitted. Further, the menu boards are located in the rear of the property adjacent to Burnt Mountain Wash. The menu boards will not be visible to SR62 or surrounding business and the increase in square footage will not be highly noticeable.*
4. The variance request is in conformance with the objectives, policies and programs specified in the General Plan.
 1. General Plan Policy 11, of the Community Design Element states "All freestanding signage, and all on-building signage shall be limited to the minimum size, scale and number needed to provide functional business identification". Policy 11.A states "Prepare and adopt an appropriate sign ordinance which is sensitive to and reflects the desire to preserve the rural, environmentally sensitive character of the community, while providing the signage exposure necessary to assure a thriving commercial district". The Sign Code implements these policies by establishing the standards for signage. This request exceeds those established thresholds, and there are no special circumstance applicable in this case.
 2. Same as above
 3. *This request is in conformance to the General Plan polices since there is a special circumstance for the menu boards. Due to the facts that each ordering station can only have one menu board, the menu boards are located behind the building out of public view and the increase will not be highly noticeable this request can be approved. Approval of this variance is in compliance with the General Plan as the approval would be helping to "provide signage exposure necessary to assure a thriving commercial district", or in this particular case a business.*

Attachments:

1. Application materials
2. Notice of Exemption
3. Sign Ordinance No. 156
4. Government Code Section 65906
5. Health and Safety Code 114094
6. Orinda Association Vs Board of Supervisors of Contra Costa County



| | |
|---------------|--------------------------|
| Date Received | <u>07/19/11</u> |
| By | <u>DOLSEN</u> |
| Fee | <u>865.⁰⁰</u> |
| Case # | <u>V-01-11</u> |

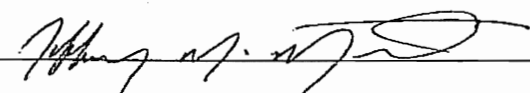
VARIANCE PLANNING APPLICATION

(Print Legibly)

Applicant McDonald's USA LLC C/O Persona Inc. Phone 562-841-6899
Address 3800 Kilroy Airport Way #200 City Long Beach State CA Zip 90806
Contact Person/Representative JEFF MARTINEZ Phone 530-263-2761
Address 55770 Santa Fe Trl. City Yucca Valley State CA Zip 92284
Property Owner McDonald's USA LLC Phone 502-841-6899
Address 3800 Kilroy Airport Way #200 City Long Beach State CA Zip 90806

Assessor Parcel Number(s) 0595-271-33-0-000

Describe Variance Being Requested: Requesting to allow existing road sign to remain unchanged and maintain existing overall height while building is remodeled.

Owner's Signature  Date 7/5/2011

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 7/5/2011

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

VARIANCE FINDINGS

Please respond to each question in as much detail as you possibly can.

- 1) Will the granting of this variance be detrimental to other properties or land uses in the area or substantially interfere with the present or future ability to use solar energy systems?
No, the existing pole sign has been installed at its current height for many years and is not proposed to be structurally altered. Since it has been in use without interruption for many years it has not been a hindrance to neighboring businesses or negatively affected traffic traveling on 29 Palms Highway.

- 2) Are there exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity?
Yes, the sign is not proposed to be altered. By the code requiring that it come into compliance when it is not being altered the business would incur significant expenses to remove the existing sign, foundation, manufacture and install a new unit.

- 3) Will the strict application of the land use district regulations deprive such property of privileges enjoyed by other properties in the vicinity or in the same land use district?
Yes, forcing the property to lower its roadside pole sign would decrease the site's visibility and place it at a disadvantage while neighboring businesses continue to operate with a "grandfathered" pole sign. i.e. Taco Bell next door.

- 4) Is the variance request in conformance with the objectives, policies, and programs specified in the General Plan and any applicable plan?
Yes, the business is currently operating within the proper zoning of the General Plan. By allowing the business to continue using its sign in its current capacity the business will continue to operate in a manner it and others in the area are accustomed to.

FIVE J'S ENTERPRISES , L.P.

DBA McDonald's of Cabazon, Yucca Valley, and Twentynine Palms, California

July 28, 2011

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

To Whom It May Concern:

As part of the remodel project currently underway I am requesting two variances from the sign code. Below please find a description of, and the reasons for, the variances.

1. Existing pole sign to remain.

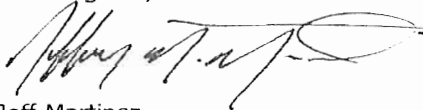
While the existing sign is 12 feet higher than the current sign code removal and replacement would reduce visibility and be costly. The remodel work will not touch the current pole sign and adjoining businesses have existing signs of equal or greater height. Additionally, the cost to remove and replace the current sign is approximately \$20,000.00. With the amount dedicated to the remodel there simply is not enough money to replace the pole sign.

2. Drive Thru menu boards.

There is only one menu board manufactured for North America. The cost to custom build a menu board that meets the 25 square foot requirement would be prohibitive. Even if a custom board was made the point of purchase elements that go in it would not fit. To make custom point of purchase inserts would require separate artwork, design and printing charges for every change. All of these point of purchase elements would need to be approved by Corporate Menu Management to confirm that they meet not only McDonald's guidelines but California Weights and Measures requirements. It is doubtful that an owner operator could coordinate and afford a custom menu board setup on an ongoing basis.

McDonald's Corporation has a five panel menu board because the beverage side of the business has grown so much that it will soon eclipse the food side. In order to comply with all of the menu labeling and weights and measures requirements throughout the nation the Corporation designed a board that was large enough to fit all the items and the accompanying information.

Best Regards,



Jeff Martinez
Owner/Operator



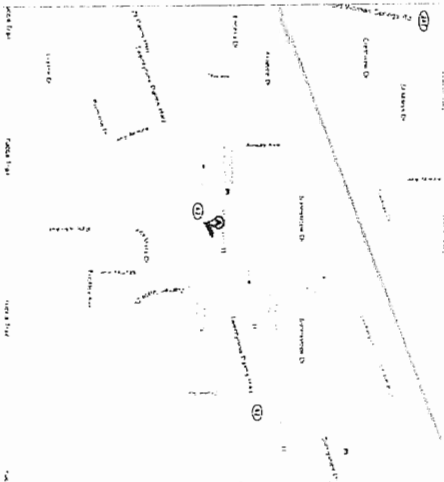
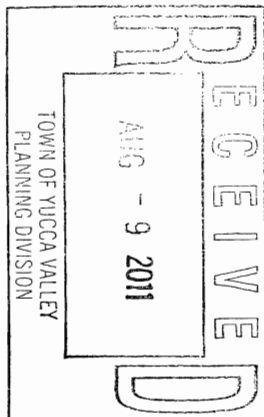
55770 Santa Fe Trail
Suite B
Yucca Valley, CA 92284

PHONE (760) 418-5649
FAX (760) 418-5643

McDonald's

57626 TWENTYNINE PALMS HWY YUCCA VALLEY, CA 92284

SIGN DRAWING BOOK

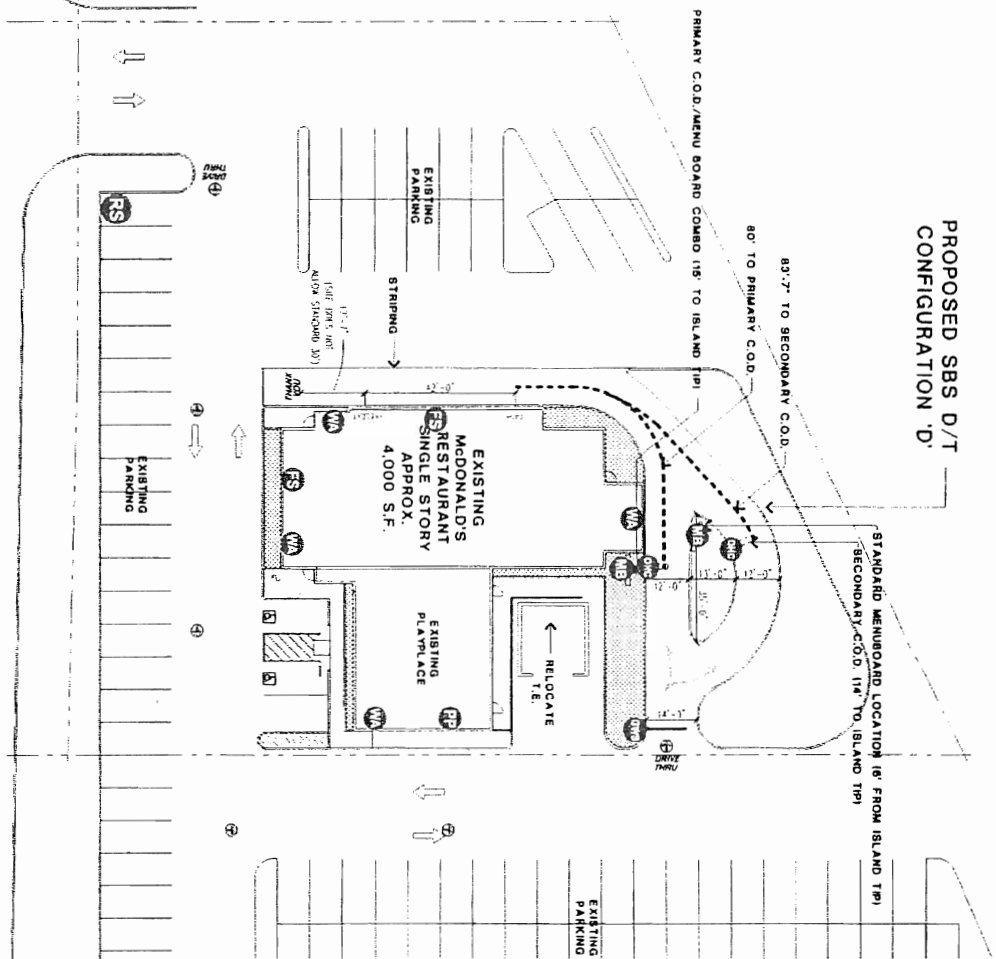


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| Customer: | MCDONALD'S | Date: | 6/7/11 | Prepared By: | TJT | Eng: | X | Note: Check signs and site layout when checking or printing the drawing. All signs used are listed in the sign schedule. All signs used are listed in the sign schedule. All signs used are listed in the sign schedule. |
| Location: | YUCCA VALLEY, CA | File Name: | 106525 - R4 - YUCCA VALLEY, CA - PROGRAM BOOK | | | | | |

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PROPOSED SBS D/T
CONFIGURATION 'D'



TWENTYNINE PALMS HIGHWAY (62)

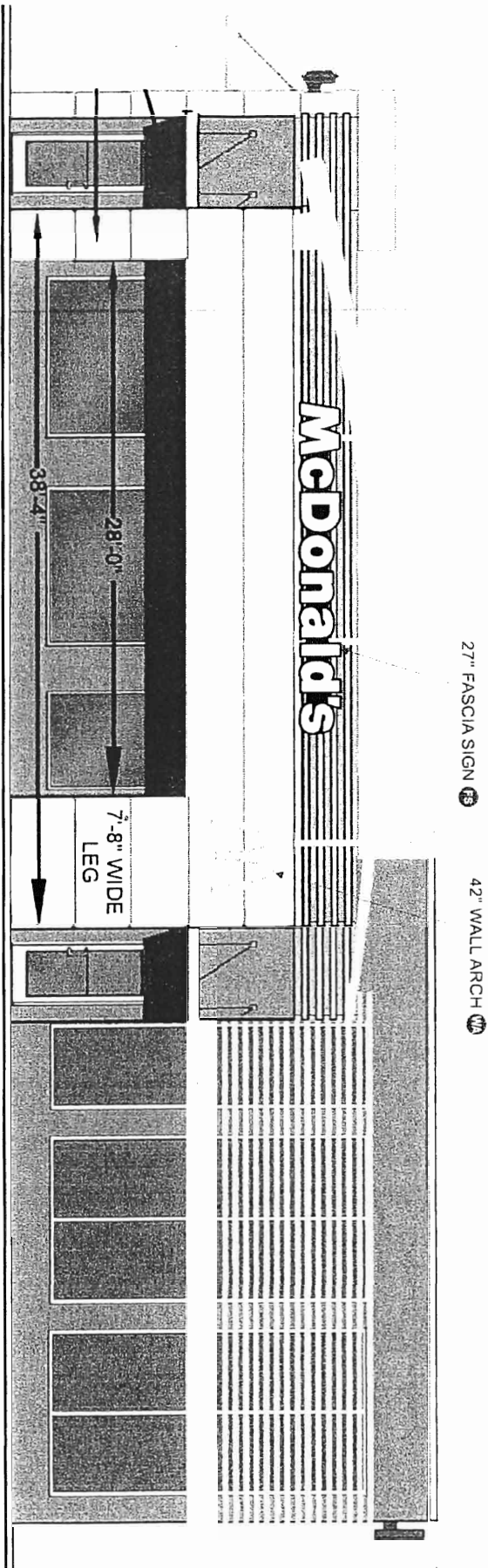
- W/A WALL ARCH (4)
- FS FASCIA SIGN (2)
- PP PLAYPLACE CHANNEL LETTERS
- SA SINGLE ARM GATEWAY
- OH ORDER HERE CANOPY (2)
- MB MENU BOARD (2)
- RS EXISTING ROAD SIGN

| | | | | | | | |
|-----------|------------------|------------|---|---|-------|------|---|
| Customer: | MCDONALD'S | Date: | 7/29/11 | Prepared By: | TT/CM | Eng: | X |
| Location: | YUCCA VALLEY, CA | File Name: | 106525 - R4 - YUCCA VALLEY, CA - PROGRAM BOOK | <small>Note: This report may be used without the design, drawings, specifications, or other documents referred to in this report. It is the responsibility of the user to verify the accuracy of the information provided in this report. The user shall be responsible for any errors or omissions in this report.</small> | | | |

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FRONT ELEVATION
OPTION A

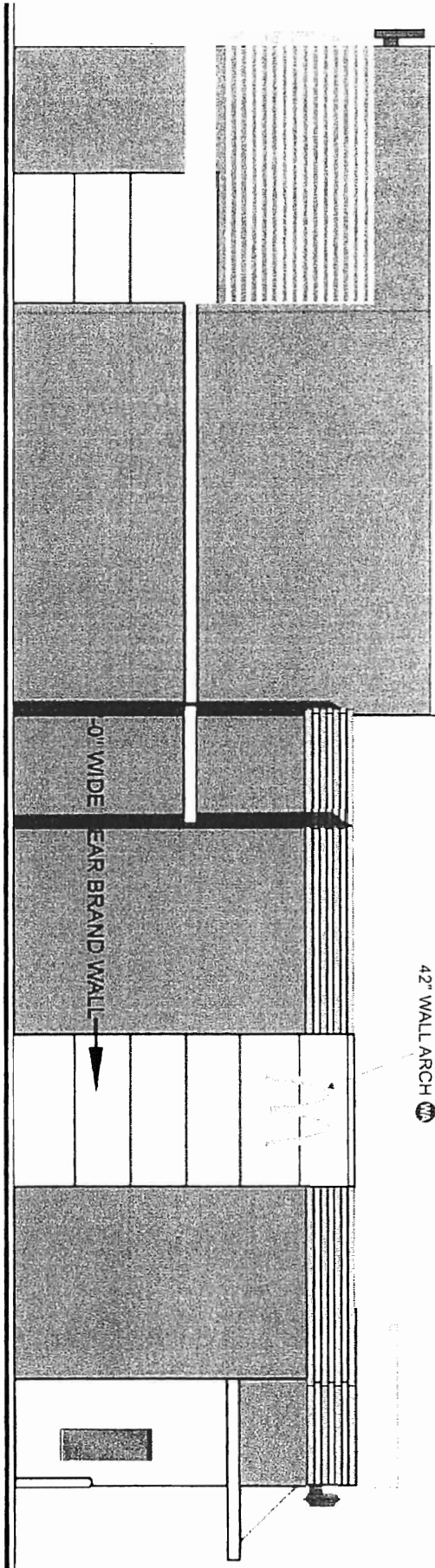


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| Location: | YUCCA VALLEY, CA | File Name: | 106525 - RA - YUCCA VALLEY, CA - PROGRAM BOOK | | | | |
| <p>Note: Color copy may not be exact when printing or plotting. All colors used are PMS or the closest CMYK equivalent. If instructions are missing, please provide the correct PMS color and a reference to the library will be made.</p> | | | | | | | |

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REAR ELEVATION



22'-6"

80'-0"

40" WIDE EAR BRAND WALL

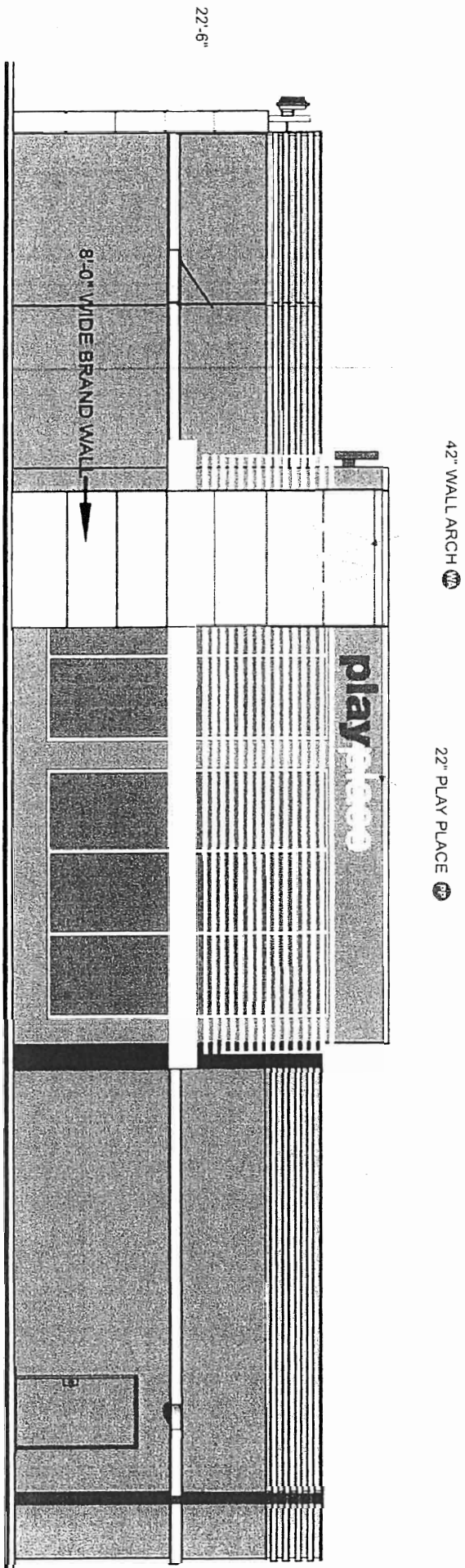
42" WALL ARCH

| | | | | | | | | |
|-----------|------------------|------------|---|--------------|-------|------|---|---|
| Customer: | MCDONALD'S | Date: | 7/29/11 | Prepared By: | TT/CM | Eng: | X | Note: Client not to be used without review of pricing, all items. All items used in this set shall be done OMT optional. If there is an error, please provide the correct file name and number to the client, not the note. |
| Location: | YUCCA VALLEY, CA | File Name: | 106525 - R4 - YUCCA VALLEY, CA - PROGRAM BOOK | | | | | |

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NON DRIVE THRU ELEVATION



22'-6"

8'-0" WIDE BRAND WALL

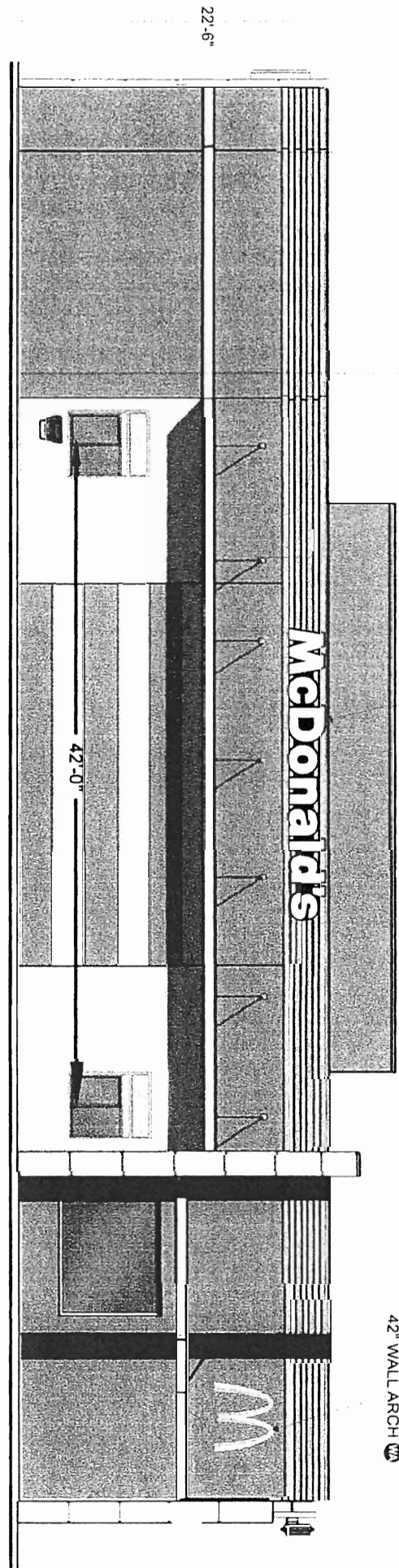
90'-0"

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| Customer: | MCDONALD'S | Date: | 7/29/11 | Prepared By: | TJT/CM | Edge: | X | Note: Color output may not be exact when viewing a printed file. Always use the color CMYK option. If the color is incorrect, please provide the correct PMS color and a reference to the printing color book. |
| Location: | YUCCA VALLEY, CA | File Name: | 106525 - R4 - YUCCA VALLEY, CA - PROGRAM BOOK | | | | | |

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PO Box 210
Watervorn, SD 57201-0210
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DRIVE THRU ELEVATION



27" FASCIA SIGN

42" WALL ARCH

22'-6"

42'-0"

90'-0"

| | | | | | | | | |
|-----------|------------------|------------|---|--------------|-------|------|--|--|
| Customer: | MDONALD'S | Date: | 7/29/11 | Prepared By: | TT/CM | Eng: | X | |
| Location: | YUCCA VALLEY, CA | File Name: | 106525 - R4 - YUCCA VALLEY, CA - PROGRAM BOOK | | | | <small>Note: This sign set will be used for the entire life of the building. All signs used are full size. All signs are made of aluminum. All signs are made of aluminum. All signs are made of aluminum. All signs are made of aluminum.</small> | |

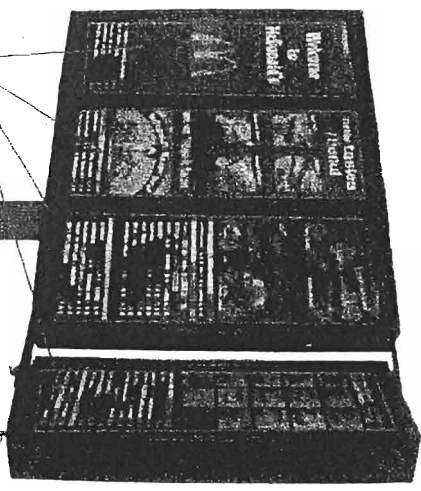
PERSÖNNA
SIGN MAKERS IMAGE BUILDERS

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Watson, SD 57201-0210
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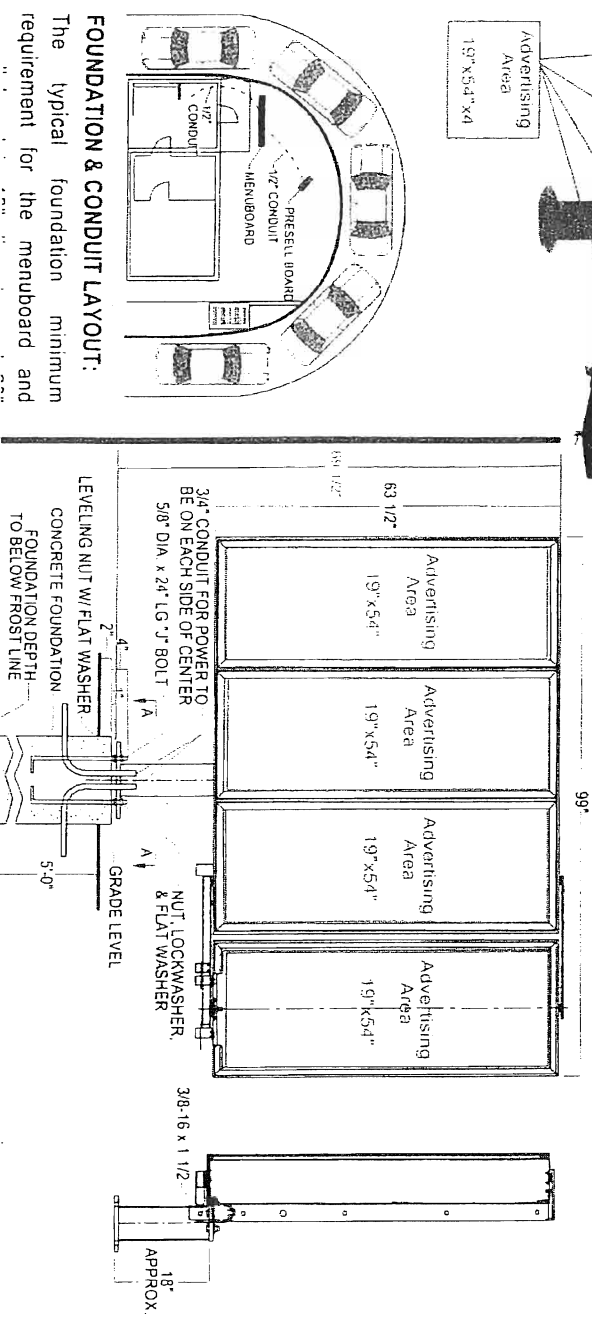
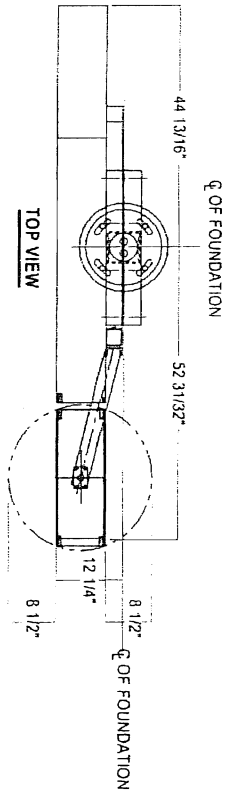
VARIANCE # 1

There is only one menu board manufactured for North America. The cost to custom build a menu board that meets the 25 square foot requirement would be prohibitive. Even if a custom board was made, the point of purchase elements that go in it would not fit. To make custom point of purchase inserts would require separate artwork, design and printing charges for every change. All of these point of purchase elements would need to get approval from Corporate Menu Management to confirm that they met not only McDonald's guidelines but also California Weights and Measures requirements. It is doubtful that an owner operator could coordinate and afford a custom menu board setup on an ongoing basis.

McDonald's Corporation has a five panel menu board because the beverage side of the business has grown so much that it is set to eclipse the food side. In order to comply with all of the menu labeling and weights and measures requirements throughout the nation the Corporation designed a board that was large enough to fit all the terms and the accompanying information.



Menu Boards
Quantity: Two
28.5 Sq.Ft.



FOUNDATION & CONDUIT LAYOUT:
The typical foundation minimum requirement for the menuboard and

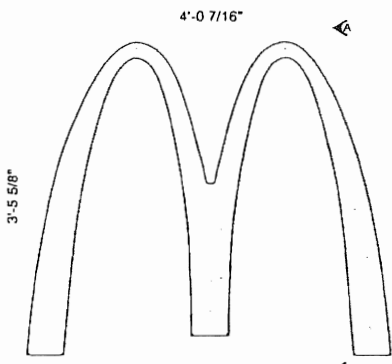
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| Customer: | MCDONALD'S | | Date: | 7/28/11 | Prepared By: | CM |
| Location: | YUCCA VALLEY, CA | | File Name: | 106525 - R4 - YUCCA VALLEY, CA PROGRAM BOOK | | |
| <p>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If there are any errors, please provide the correct PMS number and a reference to this drawing with the note.</p> | | | | | | |
| Eng: | <p>PERSONA SIGN MAKERS IMAGE BUILDERS</p> <p>DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1 (800) 843-9888 • www.personaimage.com</p> | | | | | |

VARIANCE # 2



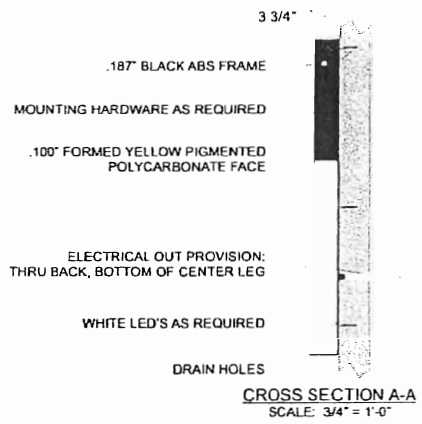
The existing road sign is 26'6" in height and exceeds the height allowable by code by 14'6". As it exists, the sign is harmonious with the surrounding environment and the visibility is consistent to that of the neighboring businesses. At minimum, applicant is requesting the city to consider approval of a time variance of 60 months to give the applicant an opportunity to appropriate the funds to replace the sign.

| | | | | | | | |
|-----------|------------------|--|------------|---|--|------|--|
| Customer: | MCDONALD'S | | Date: | 7/29/11 | Prepared By: | CM | <small>Note: Color output may not be exact when viewing a printing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS number and a mention in this drawing will be made.</small> |
| Location: | YUCCA VALLEY, CA | | File Name: | 106525 - R4 - YUCCA VALLEY, CA - PROGRAM BOOK | | Eng: | |
| | | | | | DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1 (800) 843-9888 • www.personasigns.com | | |

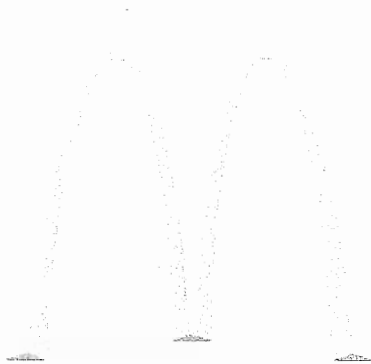


FRAME & LAMP DETAIL
SCALE: 3/4" = 1'-0"

- (6) .32" MOUNTING HOLES
- WHITE LED'S AS REQUIRED
- INTERNAL POWER SUPPLY AS REQUIRED
- ELECTRICAL OUT LOCATION
- .187" BLACK ABS FRAME



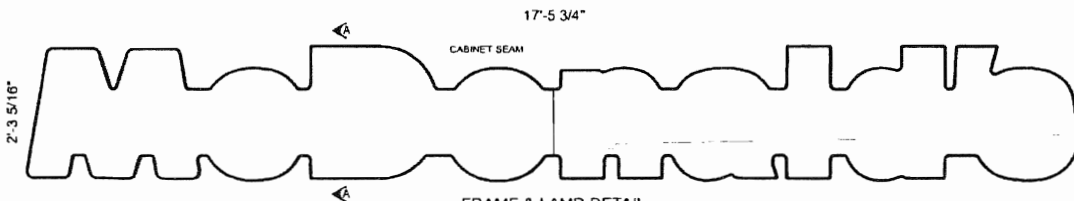
CROSS SECTION A-A
SCALE: 3/4" = 1'-0"



GRAPHIC DETAIL
SCALE: 3/4" = 1'-0"

FRAME DETAIL:
 DESIGN FACTOR: TBD
 FORMED BLACK ABS FRAME
 EXTERIOR FINISH: BLACK
 INTERIOR FINISH: PAINTED STARBRIGHT WHITE
 FACES REMOVABLE FOR SERVICE
 U.L. APPROVED
 INTERNAL POWER SUPPLIES AS REQUIRED
 ELECTRICAL: 0.32 AMPS, 120 VOLTS
 SQUARE FOOTAGE: BOXED = 14.00
 ACTUAL = 4.30

FS



FRAME & LAMP DETAIL
SCALE: 1/2" = 1'-0"

FRAME DETAIL:
 DESIGN FACTOR: TBD
 .187" MOLDED BLACK ABS FRAME
 EXTERIOR FINISH: BLACK
 INTERIOR FINISH: WHITE
 FACES REMOVABLE FOR SERVICE
 U.L. APPROVED
 ELECTRICAL: 1.00 AMP, 120 VOLTS
 SQUARE FOOTAGE:
 BOXED = 39.78
 ACTUAL = 31.58

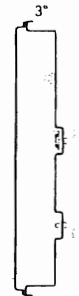
FACE DETAIL:
 .187" BLACK ABS - FACE TRIM
 .118" WHITE POLYCARBONATE -
 "McDONALD'S" FORMED
 PUSH-THRU LETTERS

- .187" BLACK ABS FACE TRIM
- #10-24 X 1" BOLT
- .187" BLACK ABS FRAME



DETAIL B
SCALE: NTS

- DETAIL C
- .187" BLACK ABS FACE TRIM
- .118" WHITE FORMED POLY LETTER FACES
- ELECTRICAL OUT PROVISION THRU BACK, NEAR TOP, NEAR SPLIT IN CABINET
- LED POWER SUPPLIES AS REQUIRED
- WHITE LED'S AS REQUIRED
- .080" ALUMINUM MOUNTING CHANNELS
- .187" BLACK ABS FRAME



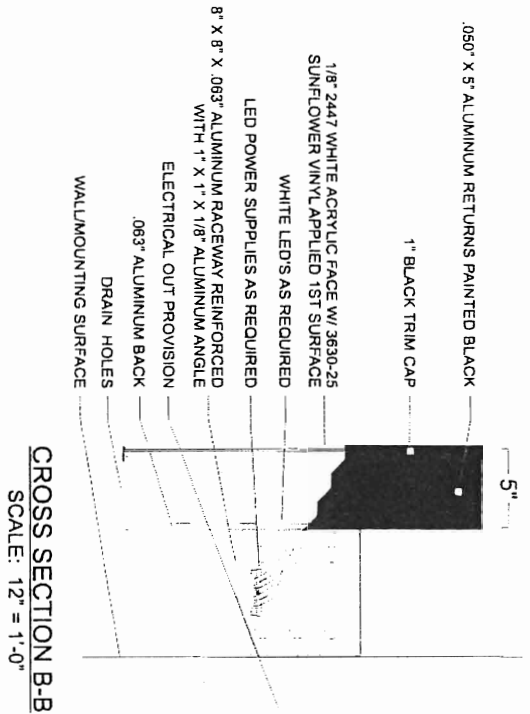
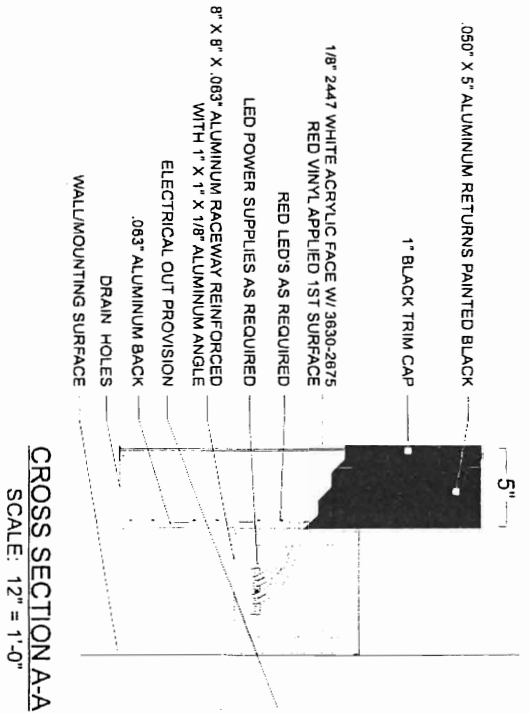
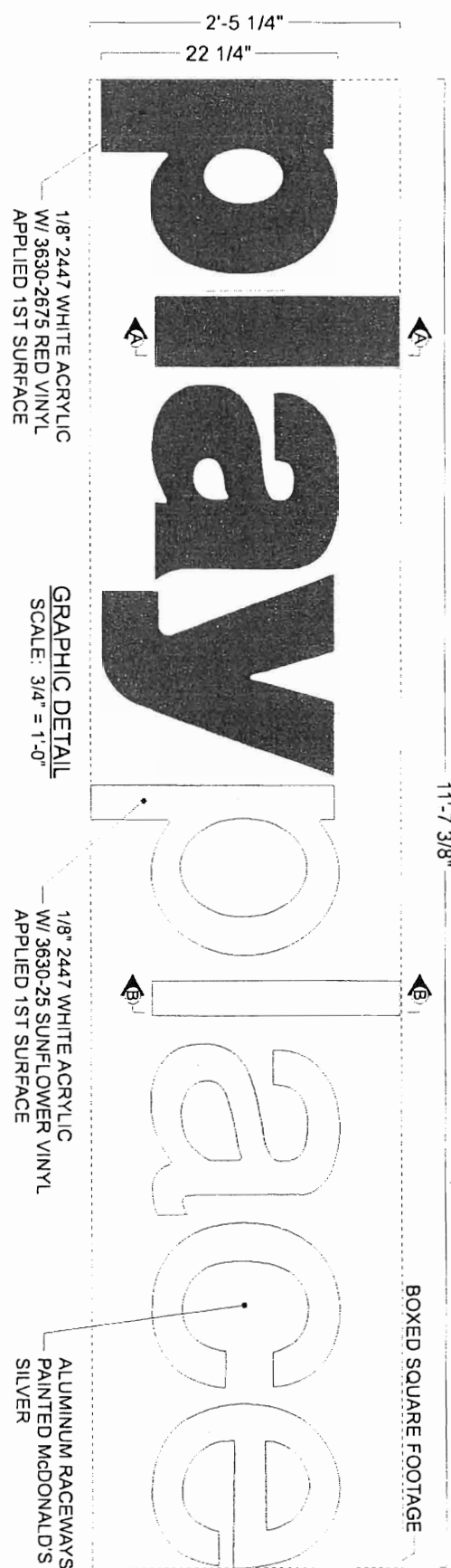
CROSS SECTION A-A
SCALE: 1" = 1'-0"



GRAPHIC DETAIL
SCALE: 1/2" = 1'-0"

11'-7 3/8"

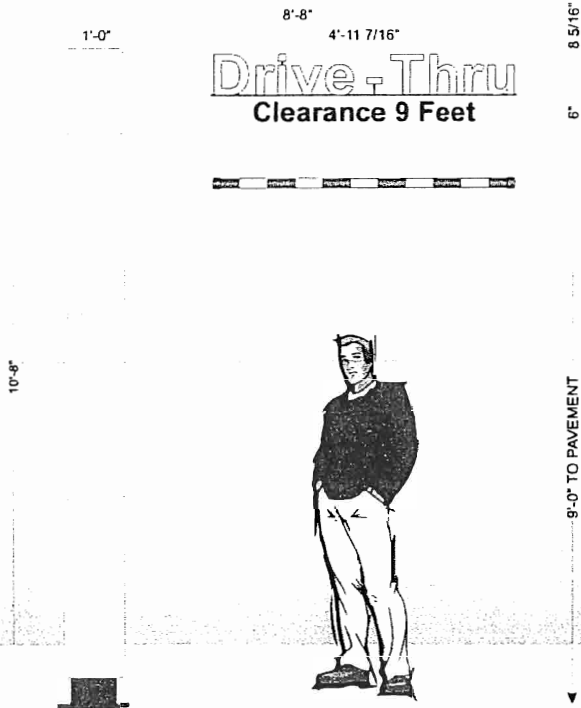
BOXED SQUARE FOOTAGE



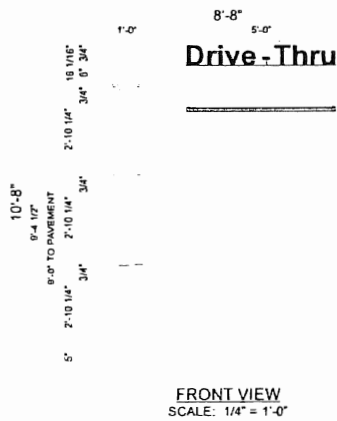
NOTES:
 U.L. APPROVED
 ELECTRICAL: 0.85 AMPS, 120 VOLTS
 INTERIOR FINISHED REFLECTIVE WHITE
 DISCONNECT SWITCH ON RIGHT HAND END OF RACEWAY
 SQUARE FOOTAGE: BOXED = 28.31
 ACTUAL = 11.31

| | | | | | |
|--|------------------|------------|--|--------------|----|
| Customer: | MCDONALD'S | Date: | 7/29/11 | Prepared By: | CM |
| Location: | YUCCA VALLEY, CA | File Name: | 106525 - R4 - YUCCA VALLEY, CA - PROGRAM BOOK | Eng: | - |
| <p><small>NOTE: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a reference to this drawing will be made.</small></p> | | | | | |
| <p>PERSONA SIGN MAKERS IMAGE BUILDERS</p> | | | <p>DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watervliet, SD 57201-0210 1 (800) 843-9888 • www.personasigns.com</p> | | |

8'-8" 4'-11 7/16"
Drive-Thru
Clearance 9 Feet



ELEVATION
 SCALE: 1/2" = 1'-0"



FRONT VIEW
 SCALE: 1/4" = 1'-0"

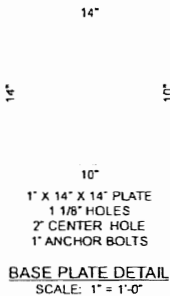
- .080" ALUMINUM CAP
- 3/4" BLACK RIGID PVC BOARD LETTERS
- 18 GAUGE STEEL ARM
- 14 GAUGE CHAIN
- END CAP
- BLACK ABS BAR
- 4MM ACM REVEAL
- 6" X 6" X 3/16" SQUARE TUBE
- 1" X 1" X 1/8" ALUMINUM ANGLE
- 4MM ACM SKIN
- .080" ALUMINUM SHROUD
- BASE PLATE

- .080" ALUMINUM CAP
- 3/4" BLACK RIGID PVC LETTERS
- 18 GAUGE STEEL ARM
- HINGE
- 14 GAUGE CHAIN
- BLACK ABS BAR
- 4MM ACM REVEAL
- 6" X 6" X 3/16" SQUARE TUBE
- 1" X 1" X 1/8" ALUMINUM ANGLE
- 4MM ACM SKIN
- .080" ALUMINUM SHROUD
- BASE PLATE

END VIEW
 SCALE: 1/4" = 1'-0"



GRAPHIC DETAIL
 SCALE: 1/4" = 1'-0"



BASE PLATE DETAIL
 SCALE: 1" = 1'-0"

POLE COVER DETAIL
 DESIGN FACTOR: TBD
 4MM WHITE ACM POLE COVER
 .080" ALUMINUM CAP AND SHROUD
 EXTERIOR FINISH:
 POLE COVER & REVEALS -
 PRE-FINISHED BONE WHITE
 SHROUD AND BASE PLATE - MATCH
 B.M. 2130-20 DEEP CAVIAR

CLEARANCE BAR DETAIL
 BLACK ACM PIPE W/ 7725-15 YELLOW
 VINYL STRIPES APPLIED TO 1ST
 SURFACE
SQUARE FEET: BOXED = 92.44
 ACTUAL = 15.68

SWING ARM DETAIL
 DESIGN FACTOR: TBD
 18 GAUGE STEEL ARM WITH HINGE
 W/ 1ST SURFACE PAINT AND VINYL
 DECORATION:
 MATCH PMS 109 C YELLOW - SWING ARM
 ■ 7725-12 BLACK VINYL - "CLEARANCE 9 FEET"
 COPY

"DRIVE-THRU" LETTER DETAIL
 3/4" BLACK RIGID PVC BOARD ROUTED
 LETTERS W/ 1ST SURFACE VINYL
 DECORATION:
 7725-15 BRIGHT YELLOW - "DRIVE-
 THRU" COPY
 ■ BLACK - COPY OUTLINE

9 1/2" 9'-4" 7'-10"

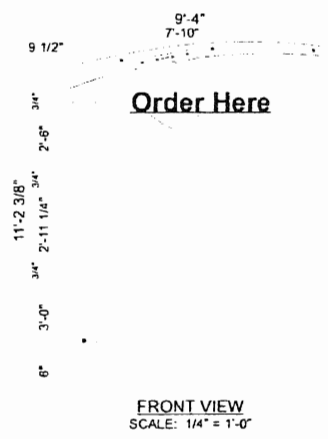
4'-5 15/16"
Order Here

6" 8 3/8"

11'-2 3/8"



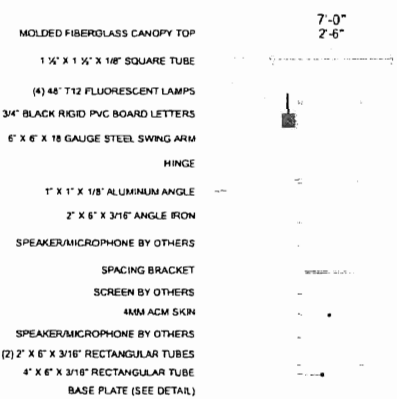
ELEVATION
SCALE: 1/2" = 1'-0"



FRONT VIEW
SCALE: 1/4" = 1'-0"

Order Here

- MOLDED FIBERGLASS CANOPY TOP
- 1 1/2" X 1 1/2" X 1/8" SQUARE TUBE
- STEEL RIBS
- ALUMINUM LIGHT BOX FRAME
- 4 LAMP BALLAST
- 3/4" BLACK RIGID PVC BOARD LETTERS
- 6" X 6" X 1/8 GAUGE STEEL SWING ARM
- ATTACHMENT PLATES (SEE DETAIL)
- SPACING BRACKET
- 4MM ACM SKIN
- (2) 2" X 6" X 3/16" RECTANGULAR TUBES
- BASE PLATE (SEE DETAIL)



SIDE VIEW
SCALE: 1/4" = 1'-0"

FIBERGLASS CANOPY DETAIL
DESIGN FACTOR: TBD
FIBERGLASS CANOPY WITH STEEL TUBE AND RIB INTERNAL STRUCTURE
EXTERIOR FINISH: PAINT TO MATCH PMS 109 C YELLOW
LIGHT LENS REMOVABLE FOR SERVICE
U.L. APPROVED
ELECTRICAL: 1.90 AMPS, 120 VOLTS

BASE DETAIL
DESIGN FACTOR: 90 MPH
ALUMINUM ANGLE IRON STRUCTURE
4MM ACM SKIN
EXTERIOR FINISH:
SWING ARM - PAINT TO MATCH PMS 109 C YELLOW
BASE - BONE WHITE
SHROUD & POLE - DEEP CAVIAR
U.L. APPROVED

"ORDER HERE" LETTER DETAIL
3/4" BLACK RIGID PVC BOARD LETTERS W/ 1ST SURFACE VINYL DECORATION:
7725-15 BRIGHT YELLOW - "ORDER HERE" COPY
■ BLACK - COPY OUTLINE

1 1/4" X 16" X 4" PLATES
7/8" HOLES
5/8" BOLTS

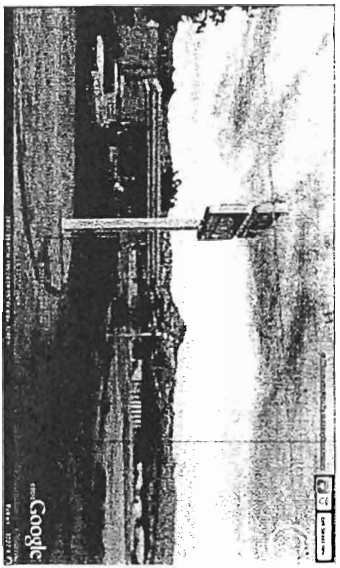
ATTACHMENT PLATE DETAIL
SCALE: 3/4" = 1'-0"

1 1/4" X 18" X 28" PLATE
1 1/2" HOLES
1 1/4" ANCHOR BOLTS

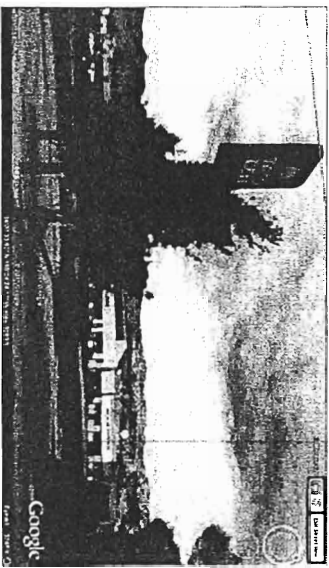
BASE PLATE DETAIL
SCALE: 3/4" = 1'-0"

SQUARE FOOTAGE: ACTUAL = 17.10
BOXED = 104.51

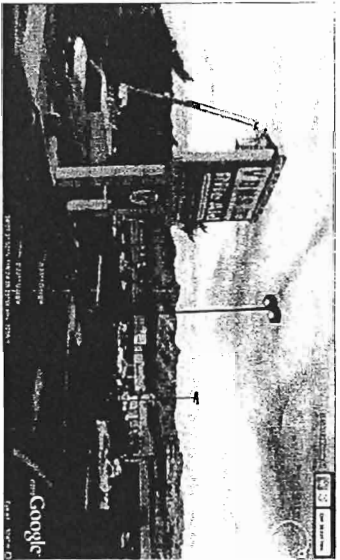
GRAPHIC DETAIL
SCALE: 1/4" = 1'-0"



(E) ARCO Pole Sign



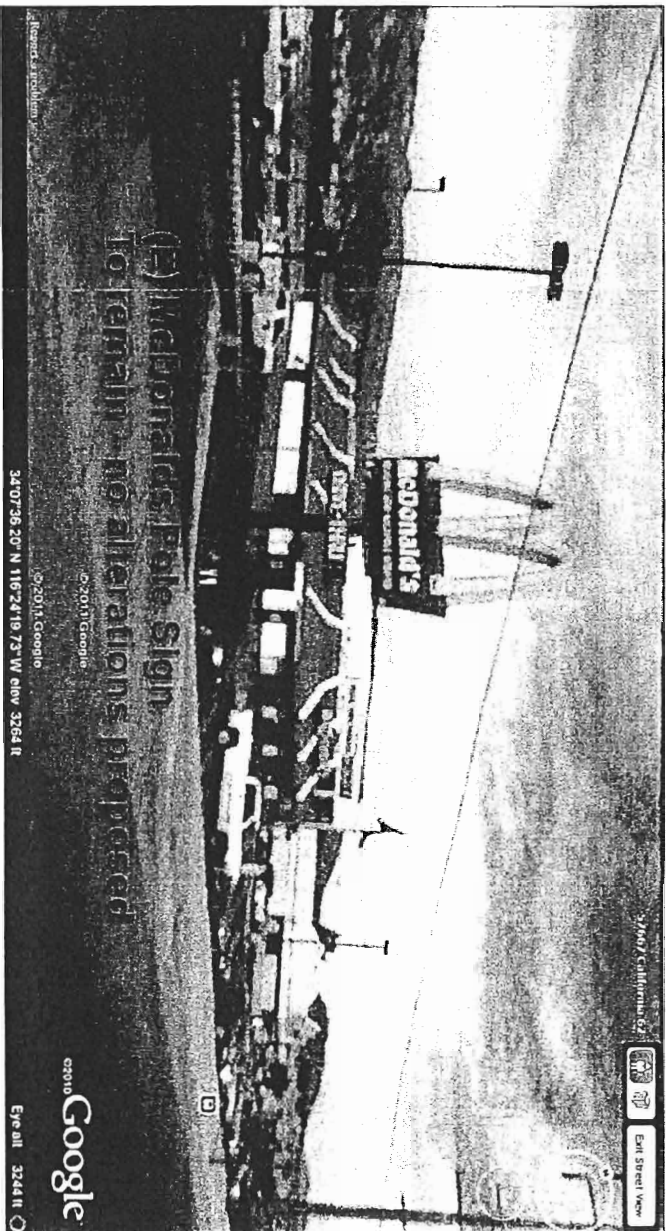
(E) Taco Bell Pole Sign



(E) Shopping Center Pole Sign



(E) Mail Pole Sign



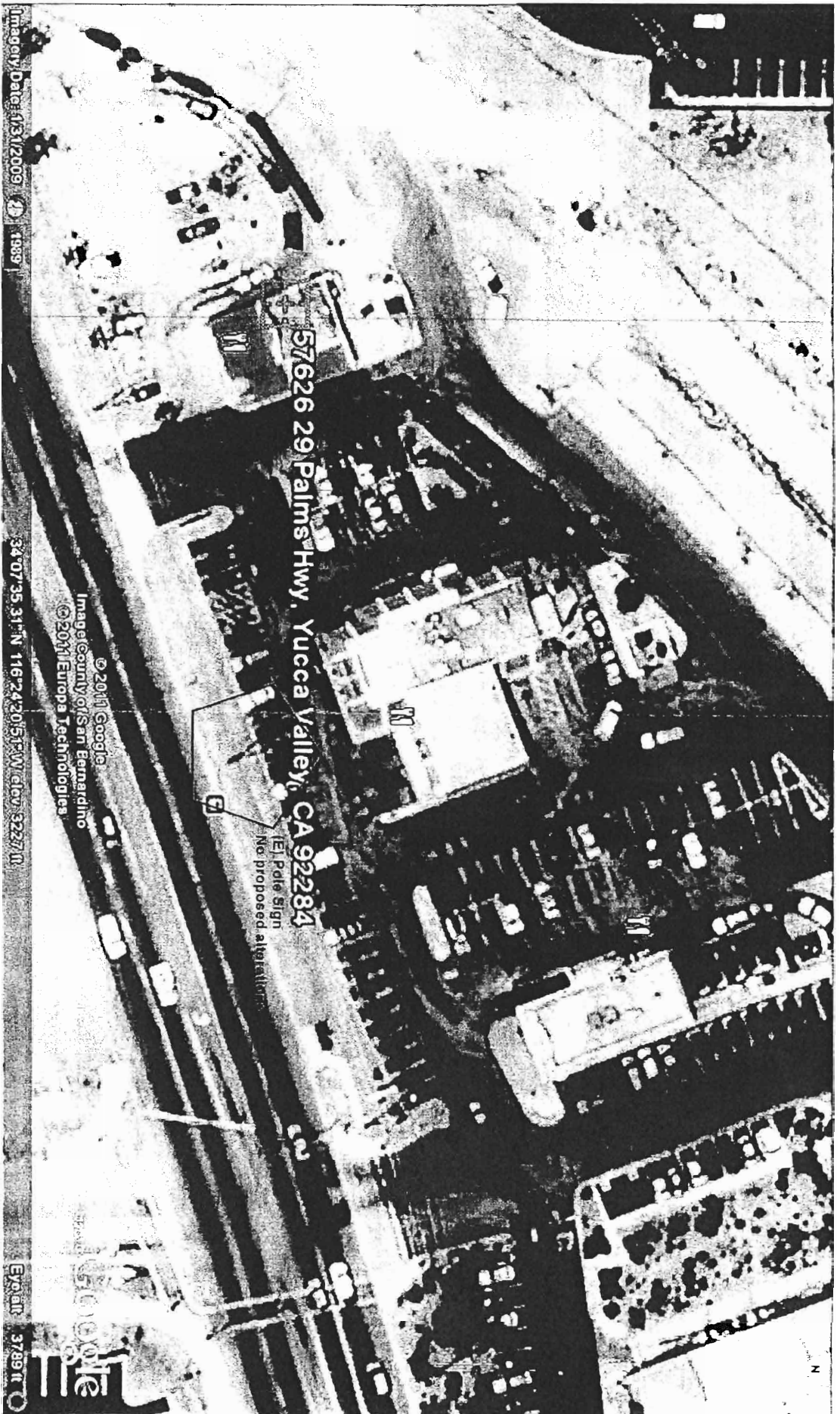
(E) McDonald's Pole Sign
To remain no alterations proposed

©2010 Google
©2010 Google
34°07'36.20" N 116°24'19.73" W elev 3264 ft

©2010 Google
Eye alt 3244 ft

Legal Description: Parcel Map 5947 Parcel No 1

McDonalds
57626 29 Palms Highway
Yucca Valley, CA 92284-3073
APN: 0595-271-33-0000



Legal Description: Parcel Map 5947 Parcel No 1

McDonalds
57626 29 Palms Highway
Yucca Valley, CA 92284-3073
APN: 0595-271-33-0000

Notice of Exemption

Form D

To: Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

From: (Public Agency) Town of Yucca Valley

58928 Business Center Drive

Yucca Valley, CA 92284

(Address)

County Clerk
County of San Bernardino
385 N. Arrowhead, 2nd Flr.
San Bernardino, CA. 92415

Project Title: Variance, V 01-11 McDonalds

Project Location - Specific:

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

Project Location - City: Yucca Valley

Project Location - County: San Bernardino

Description of Project:

Three separate requests to deviate from sign ordinance 156:

1. To allow the existing freestanding sign to remain at 26'6" tall, where a 12' tall sign would be allowed. 2. To allow the existing freestanding sign to remain at 198 square feet where 40 square feet is allowed. 3. Allow two (2) 28.5 square foot menu boards where a maximum of two (2) 25 square foot menu boards are permitted.

Name of Public Agency Approving Project: Town of Yucca Valley

Name of Person or Agency Carrying Out Project: McDonalds USA, LLC

Exempt Status: (check one)

Ministerial (Sec. 21080(b)(1); 15268);

Declared Emergency (Sec. 21080(b)(3); 15269(a));

Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

Categorical Exemption. State type and section number: Section 15301, Class 1 Existing Facilities

Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The project is exempt from CEQA due to the fact that the project is located on an existing graded site, surrounded by development on three sides.

Lead Agency

Contact Person: Robert Kirschmann

Area Code/Telephone/Extension: (760) 369-6575

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency

Date received for filing at OPR: _____

Signed by Applicant

Revised May 1999

ORDINANCE NO. 156

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

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

SECTION 1. MUNICIPAL CODE AMENDED.

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

**"Chapter 7
Sign Regulations**

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

Section 87.0710 PURPOSE AND INTENT

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

Section 87.0720 DEFINITIONS

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

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

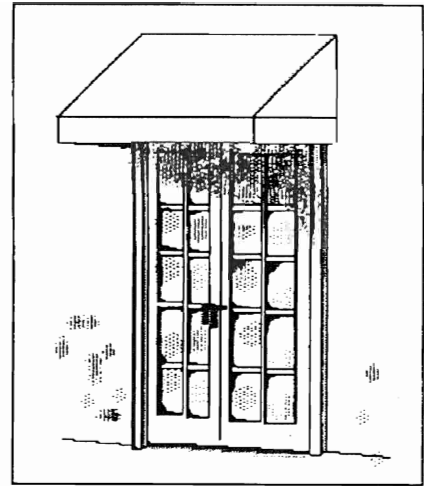
Address Sign. The numeric reference of a structure or use to a street, included as part of a wall or monument sign.

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

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

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

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



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

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

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

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

Building Wall: The individual sides of a building.

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

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

Canopy Sign. Refer to definition of a Shingle Sign

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

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



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

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

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

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

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

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

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

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

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

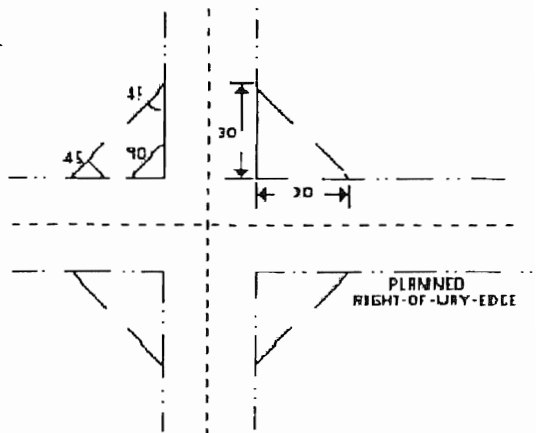
Eaveline. The bottom of the roof eave or parapet.

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

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

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

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



signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

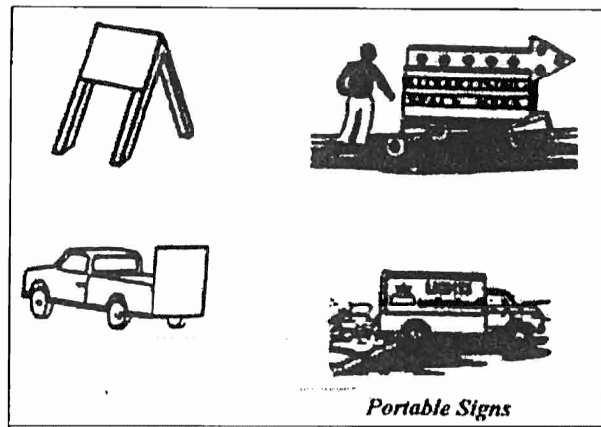
Pole/ Pylon Sign: A two-sided sign with an overall height as allowed by Code and having one or more supports permanently attached directly into or upon the ground with the lower edge of the sign face to be at least seven (7) feet above grade or four (4) feet above grade if the sign is located within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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

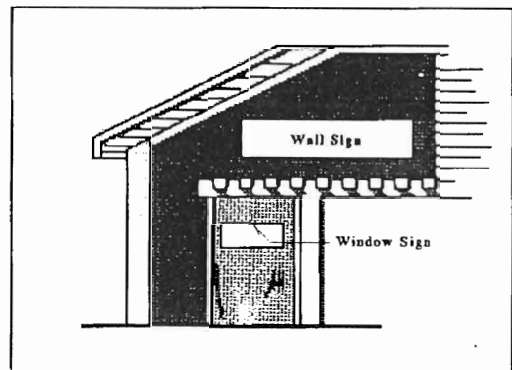
Trademark. A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

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

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

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

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



Section 87.0730 APPLICABILITY.

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

Section 87.0740 ADMINISTRATION

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

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

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

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

Section 87.0750 SIGN PERMIT REQUIRED

- a. No exterior sign shall be erected, placed, displayed, or dimensionally altered, without registration and the prior issuance of a Sign Permit by the Planning Division, unless exempted by *Section 87.0790 Exempt Signs*. Temporary Sign Permits are required for those designated under *Section 87.07130 Temporary Signs*. Sign Permits are not required for change of sign face/ copy, minor maintenance or minor repairs to existing legally erected signs. Building and/or electrical permits may also be required from the Building Division.

- b. The Director of the Community Development Department shall review all applications for consistency with this Chapter. The Director shall approve, or approve subject to modifications and/or conditions and consequently issue a sign permit, or deny the sign application.

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

Section 87.0760 DESIGN MERIT SIGN PERMITS

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

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

freestanding signs may be allowed for signs.

d. **Review Criteria**

1. The General Design Standards included in *Sections 87.07122* and *87.07124* are minimum requirements that apply to all signs. Each Design Merit Sign Permit application shall be reviewed by the Planning Commission to determine how exceptional design and material beyond these minimum standards have been incorporated into the proposed sign and whether these elements have been successfully integrated to create a sign that is consistent with the purposes of this Section, which represents exceptional quality, enhances community design and is harmonious with the desert character because it:

- A. Evokes a special relationship to the structure and uses located on site by incorporating elements of the structural architecture and/or natural features of the site, without dominating the site;
- B. Makes use of high quality and/or natural or indigenous building materials including, but not limited to rock, adobe, timber, carved wood and incised lettering in stone;
- C. Identifies the site or use without intensive sign copy (text) by use of graphic imagery and/or logo or utilizes reverse channel lettering or opaque sign field (background) with illuminated routed copy.
- D. Sign structure is incorporated with landscape treatments including landscape planters, rockscapes, xeriscapes or similar creative landscape elements.

2. Treatments more specific to wall signs that may qualify for the Design Merit Permit include;

- A. Graphic or logo sign only (without text or type face)
- B. Reverse channel lettering on opaque background;
- C. Base-relief lettering.

e. Prior to approving a Conditional Use Permit application for a Design Merit Sign Permit, the Planning Commission shall find and justify that all of the following are true:

- 1. The proposed sign exhibits exceptional design quality and incorporates high quality materials that enhance the overall development and appearance of the site and will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic;
- 2. The proposed sign is well integrated with the buildings and other elements of the property and is harmonious with the surrounding desert character;
- 3. The proposed sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;

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

Section 87.0770 LANDMARK SIGN PERMIT

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

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

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

Section 87.0780 PROHIBITED SIGNS

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

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

Section 87.0790 EXEMPT SIGNS

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

a. **Exempt Residential Signs:**

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

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

b. **Exempt Commercial Signs:**

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

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

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

Section 87.07100 SIGN PROGRAM

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

purpose of this Section.

Section 87.07110 GENERAL DESIGN STANDARDS:

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

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

1. **Sign Height**

A. **Pole Sign**

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

B. **Monument Sign**

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

2. **Sign Area**

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

c. **Sign Copy**

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

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

d. **Materials**

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

e. **Illumination**

1. **Preservation of the Night Sky**

- A. All signs shall comply with *Chapter 8.70* of Title 8 of the Yucca Valley Municipal Code relating to Regulations for Outdoor Lighting.
- B. Off-white shades shall be encouraged for sign background color in lieu of pure white.
- C. The use of dark background coloring and lighter shades for lettering is highly encouraged.

2. **Neon Signs**

- A. **Exterior Signs:** Neon tubing may be permitted as a material in exterior signs subject to the following:
 1. Exterior neon signs shall be permitted only in commercial zones.
 2. Within shopping centers, neon signs may be allowed as a part of a sign program.
- B. **Interior Neon Signs:** Neon tubing may be permitted as a sign material for interior window signs subject to the following:
 1. Permitted in commercial zones only.
 2. No more than two (2) neon window signs shall be permitted per

business.

e. **Clear Sight Triangles**

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

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

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

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

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

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

b. **Signs for Non-Residential Uses**

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

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

parapet.

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

Section 87.07122. SIGN IN COMMERCIAL DISTRICTS

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

a. **Single Tenant Building**

1. **Wall Signs**

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

2. **Freestanding Signs**

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

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

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

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

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

1. **Wall Signs**

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

2. **Freestanding Signs**

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

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

- E. Freestanding building pads located adjacent to a highway or street may be permitted a monument sign not to exceed 25 square-feet.
- F. All freestanding signs shall reflect high quality, enhance community design and be harmonious with the desert character through the following:
 - 1. Evokes a special relationship to the structures and uses located on the site by incorporating elements of the structural architectural and/or natural features of the site;
 - 2. Makes use of high quality and/or natural building materials, including but not limited to, rock, adobe, timber, carved wood and incised lettering in stone;
 - 3. Identifies the site or use without extensive sign copy (text) by use of graphic imagery and/or logo.

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

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

c. **Pedestrian Sidewalk (A-Frame) Sign.**

- A. One pedestrian (A-frame) sign per tenant, not to exceed 2'x3' or 6 square-feet for each side of sign area shall be permitted when placed on the sidewalk adjacent to the business and in no case shall be lined along the street frontage and within any right-of-way.
- B. The sign shall be appropriately anchored with a bolt system or other methods to ensure the sign is properly secured and the sign is not left out overnight at any time.
- C. The sign shall not be located in a landscape planter or a location which may create an impediment to pedestrian, disabled, or emergency access.
- D. Balloons, banners, flags, lights, or other similar items shall not be attached to or made a part of the sign.

d. **Window Sign**

Windows with permanent and/or temporary signage are allowed if they do not cover more than 50% cumulative total of permanent and temporary signage of the individual window

surface and shall be removed upon non-occupancy.

e. **Service Station-Identification**

1. **Freestanding Signs:**

- A. On-premises/Price Freestanding Sign. One maximum thirty (30) square-foot, including price advertising as required by State law sign per street frontage.
- B. Service stations, whether situated on an independent parcel, or incorporated as part of a commercial, industrial or office complex, shall have independent freestanding sign rights.

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

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

3. **Pump Island Signs**

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

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

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

a. **Single Tenant Building**

1. **Wall Signs**

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

not exceed the allowable square-footage.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
- B. No single sign shall exceed sixty (60) square-feet in area.
- C. Maximum height of a Monument sign shall not exceed eight (8) feet or maximum height for a pole sign shall not exceed twelve (12) feet.

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

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

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

1. **Wall Signs**

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

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
- B. No single sign shall exceed two hundred (200) square-feet in area.
- C. Maximum height of a Monument sign shall not exceed eight (8) feet or maximum height for a pole sign shall not exceed twelve (12) feet.

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

- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or

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

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

Section 87.07128 SIGNS IN SPECIFIC PLAN (SP) DISTRICTS

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

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

a. **Special Events (Charitable Community Events)**

- 1. **(Charitable Events)** Temporary Special Event Signs for Charitable Community Events (charitable events, fund raising sales and other similar community events) may be permitted as a means of publicizing an event for a limited, specified period subject to the following restrictions:

- A. Signs shall be removed promptly at the end of the special event or the display period but not to exceed 30 days, which ever occurs first.

- B. One (1) banner located on a building wall shall be allowed for non-profit, religious, charitable or fraternal organizations when used for the temporary advertising of special events, provided it does not exceed sixty (60) square feet.

- C. Where no building exists, one (1) thirty-two (32) square-foot banner detached from any building is allowed, provided it is announcing a charity or community event and is being displayed on the property in which the community or charity event is to take place.

- D. Provided consent of the property owner is granted in writing, a nonprofit, religious, charitable (501c3) or fraternal organization may display one "A" frame off-site temporary directional sign along either SR 62 or SR 247 for no more than three (3) events annually to advertise a charitable event, provided:

- 1. The sign is neither located within the public right-of-way or creates a visual obstruction for drivers of vehicles.

- 2. The sign complies with *Section 87.07122(b)(4)* of this code and may be displayed for the duration of the charitable community event.

- 2. **Civic Community Events:** Temporary Special Event Signs for Civic Community Events (holiday parades, festivals, and other similar civic events) where the Town is either a sponsor or co-sponsor of the event may be permitted as a means of publicizing an event for a limited specified period subject to the following restrictions:

- A. Signs shall be removed promptly at the end of the special event or the display period which ever occurs first but not exceed 30 days.

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

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

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

1. **On-site Freestanding Signs**

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

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

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

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

4. One thirty two (32) square-foot, 8 foot-high non-illuminated freestanding sign per street frontage located on the subject property advertising a future facility/business or tenant provide the temporary sign is located ten (10) feet from any right-of-way and the sign is removed upon occupancy of the building.

5. **Banners and Flags:**

A. No banners, flags, pennants, hulas, streamers shall be displayed without a permit.

B. One banner not exceeding sixty (60) square-feet shall be permitted to advertise a special event provided the banner is attached to the space advertising the special event in accordance with the time frames specified above. However, in lieu of a building wall banner, one-thirty-two (32) square foot of sign area may be permitted for a maximum of thirty (30) calendar days that may be located on the property to advertise seasonal sale items such as pumpkins or Christmas trees.

C. The business owner/applicant shall immediately remove any banner, flag, pennant, hula and streamers determined to be tattered, torn, faded, no longer tightly attached to the building, abandoned, or non-maintained.

D. Pennants, hulas, streamers and other similar devices shall be limited to fleet services (i.e. car lots). The strings on which pennants, hulas, streamers and other such devices are hung, where permitted, shall be limited in length to not more than one and one half (1/2) times the street frontage of the property or tenant/building frontage.

E. Banners, flags, pennants, hulas and streamers shall not be displayed above the roof line of the building.

F. One maximum fifty (50) square-foot banner identifying the name of a new business may be displayed for no more than ninety (90) days.

d. **Political Signs (Temporary)**

Temporary political signs are exempt from Temporary Sign Permit fees, and are permitted on private property in all land use districts subject to the following limitations:

1. Signs shall not be displayed more than forty-five (45) days prior to an election, and shall be removed within fifteen (15) days after the same election.

2. Political signs shall have a maximum area of eight (8) square feet in residential land use districts and thirty-two (32) square feet in all other land use districts.

3. Such signs shall not be erected within any street intersection, clear sight triangle or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

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

Section 87.07140 OFF-SITE SIGNS AND BILLBOARDS

a. Billboards

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

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

b. Off-Site Residential Subdivision Directional Signs

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

1. **Kiosk Signs.**

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

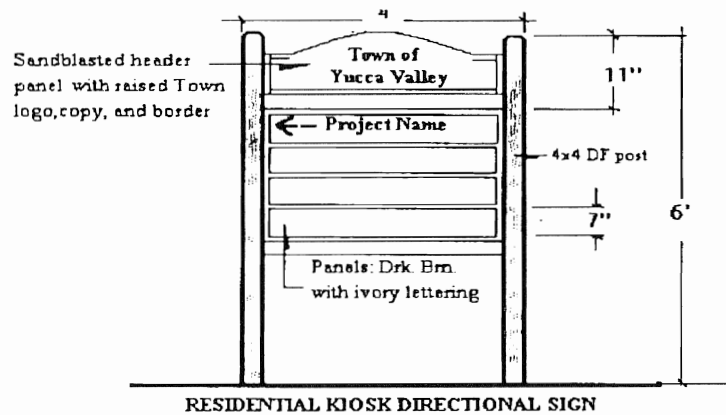


Figure 10

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

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

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

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

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

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

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

Section 87.07145 OFF-SITE SIGNS ON PUBLIC PROPERTY

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

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

Section 87.07146 PUBLIC AND INSTITUTIONAL FACILITY DIRECTIONAL SIGNS

a. **Intent**

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

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

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

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

c. **Appearance:**

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

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

Section 87.07147 WALL MURAL DESIGN CRITERIA

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

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

Section 87.07150 ABANDONED SIGNS

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

Section 87.07160 CONSTRUCTION AND MAINTENANCE

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

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

Section 87.07170 NONCONFORMING SIGNS

- a. **Purpose and Intent.** The requirements of this Section are intended to recognize that the eventual elimination of signs that do not comply with the provisions of this Chapter is as important as the prohibition of new signs that would violate these standards.

- b. Any sign legally existing on the effective date of this Ordinance that does not comply with the regulations of this Chapter shall be deemed to be a nonconforming sign.

- c. A legally established sign which fails to conform to this Chapter shall be allowed as a continued use until such time any of the following occurs first:
 - 1. Structurally altered so as to extend its useful life.

 - 2. Expanded, moved, or relocated.

 - 3. Re-established after damage or destruction of more than 50% and the destruction is other than facial copy replacement and the display is not repaired within 30 days of the date of its destruction.

 - 4. There is a change in ownership of the property, inheritance by a member of a deceased owner's family shall not be deemed to constitute a change of ownership;

 - 5. The business or land use activity is discontinued or sold;

 - 6. The property is subdivided or the real property upon which the sign is located is severed from the real property upon which the business or primary use of the entire parcel is located, by lease, lease-back, or any other arrangement, method or device which would otherwise circumvent the intent of this section;

 - 7. A Conditional Use Permit, Site Plan Review, or Land Use Compliance Review is granted for the property or use of the property;

 - 8. A Sign Permit is issued permitting installation or construction of a new or additional sign on the property;

 - 9. Whenever there is a change in ownership or tenancy of any business or tenant space within a shopping center, new wall signage and/or freestanding sign conforming to the requirements of this Chapter that identifies such change is permitted although nonconforming signs exist within the center. However, no change of sign copy to identify such change in ownership or tenancy shall be permitted on any nonconforming sign.

Section 87.07190 ENFORCEMENT

- a. **Stop Work Orders.** The issuance of a sign permit shall not construe a waiver of any provisions of this Chapter or any other ordinance of the Town. The Building Official, or other designated person, is authorized to issue a stop work order for any sign or advertising display installation which is being erected or displayed in violation of this Chapter, or any other ordinance of the Town.

- b. **Revocation.** Upon failure of the holder or applicant to comply with the provision of this Chapter or the conditions of approval of the sign permit, the Director is authorized and empowered to revoke any permit with a written statement of the reasons for revocation.

- c. **Public Nuisances.**
 - 1. The following signs and advertising displays are hereby declared to be public nuisances:
 - A. Signs and advertising displays illegally erected, placed or encroaching on or over any public right-of-way;

 - B. Any sign or advertising display declared to be hazardous or unsafe by the Director, the Building Official, or any other Town designated person.

 - 2. A Town enforcement officer may, without notice, move, remove, and/or dispose of a sign or advertising structure that has been declared a public nuisance in accordance with *Subsection (a)* above. In addition, an enforcement officer may authorize any work required to correct a hazardous or unsafe condition.

 - 3. A Town enforcement officer shall charge the costs of processing, moving, removing, disposing, correcting, storing, repairing or working on a sign or sign structure to any one of all of the following, each of which shall be jointly and individually liable for said expenses.
 - A. The permittee; and/or

 - B. The owner of the sign; and/or

 - C. The owner of the premises on which the sign is located.

 - 4. The charge for expenses shall be in addition to any penalty for the violation and recovery of the sign does not necessarily cancel the penalty.

 - 5. Signs made of paper, cardboard, lightweight wood or inexpensive plastic or similar materials which are removed, may be discarded immediately. All other removed signs shall be held thirty (30) days by the Town, during which period it may be recovered by the owner paying the Town for costs of removal, storage, and processing. If not recovered within the allowed thirty (30) day period, the sign and structure is hereby declared abandoned and title thereto shall vest to the Town.

- d. **Abatement of Signs.** The Community Development Director shall order the abatement, abate, or cause to be abated any temporary or permanent sign erected, placed or displayed in

violation of this Chapter in accordance with the following:

1. **Notice**

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

e. **Appeal**

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

f. **Abatement**

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

g. **Assessments**

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

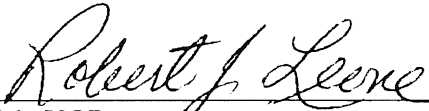
h. **Alternatives**

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

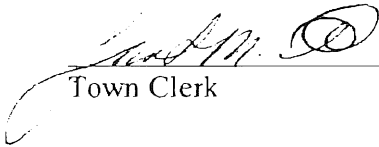
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section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

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

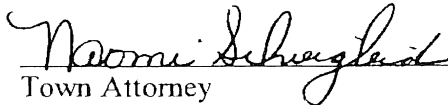
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 2nd day of September, 2004.


MAYOR

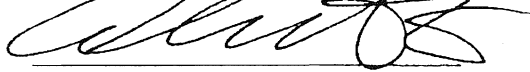
ATTEST:


Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

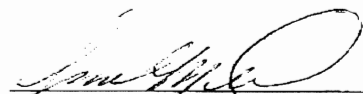
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

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

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

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

(SEAL)



Town Clerk of the Town of
Yucca Valley

CALIFORNIA CODES

GOVERNMENT CODE

SECTION 65900-65909.5

65900. The legislative body of a city or county may, by ordinance, create and establish either a board of zoning adjustment, or the office of zoning administrator or both. It may also, by ordinance, create and establish a board of appeals. Members of a board of zoning adjustment and members of a board of appeals may receive compensation for their attendance at each meeting of their respective boards in a sum to be fixed by the legislative body by which they are appointed. In addition, they may also receive reasonable traveling expenses to and from the usual place of business of such board to any place of meeting of the board within the county or city.

65901. (a) The board of zoning adjustment or zoning administrator shall hear and decide applications for conditional uses or other permits when the zoning ordinance provides therefor and establishes criteria for determining those matters, and applications for variances from the terms of the zoning ordinance. The board of zoning adjustment or the zoning administrator may also exercise any other powers granted by local ordinance, and may adopt all rules and procedures necessary or convenient for the conduct of the board's or administrator's business.

(b) In accordance with the requirements for variances specified in Section **65906**, the legislative body of the city or county may, by ordinance, authorize the board of zoning adjustment or zoning administrator to decide applications for variance from the terms of the zoning ordinance without a public hearing on the application. That ordinance shall specify the kinds of variances which may be granted by the board of zoning adjustment or zoning administrator, and the extent of variation which the board of zoning adjustment or zoning administrator may allow.

65902. In the event that neither a board of zoning adjustment or the office of a zoning administrator has been created and established, the planning commission shall exercise all of the functions and duties of said board or said administrator.

The legislative body of a county may provide that an area planning commission shall exercise all of the functions and duties of a board of zoning adjustment or a zoning administrator in a prescribed portion of the county.

65903. A board of appeals, if one has been created and established by local ordinance, shall hear and determine appeals from the decisions of the board of zoning adjustment or the zoning administrator, as the case may be. Procedures for such appeals shall be as provided by local ordinance. Such board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision, or determination as should be made, and such action shall be final.

65904. If a board of appeals has not been created and established

the local legislative body shall exercise all of the functions and duties of the board of appeals in the same manner and to the same effect as provided in Section 65903.

65905. (a) Except as otherwise provided by this article, a public hearing shall be held on an application for a variance from the requirements of a zoning ordinance, an application for a conditional use permit or equivalent development permit, a proposed revocation or modification of a variance or use permit or equivalent development permit, or an appeal from the action taken on any of those applications.

(b) Notice of a hearing held pursuant to subdivision (a) shall be given pursuant to Section 65091.

65906. Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

65906.5. Notwithstanding Section **65906**, a variance may be granted from the parking requirements of a zoning ordinance in order that some or all of the required parking spaces be located offsite, including locations in other local jurisdictions, or that in-lieu fees or facilities be provided instead of the required parking spaces, if both the following conditions are met:

(a) The variance will be an incentive to, and a benefit for, the nonresidential development.

(b) The variance will facilitate access to the nonresidential development by patrons of public transit facilities, particularly guideway facilities.

65908. (a) Any agency which institutes a judicial action or proceeding to enforce zoning regulations may file a notice of the pendency of the action or proceeding in the county recorder's office of the county where the property affected by the action or proceeding is situated. The notice shall be filed at the time of the commencement of the action or proceeding, and, upon recordation of such notice as provided in this subdivision, shall have the same effect as a notice recorded pursuant to Section 409 of the **Code** of Civil Procedure.

The county recorder shall record and index the notice of pendency of action or proceeding in the index of grantors and any other index relative to the property in question.

(b) Any notice of pendency of action or proceeding filed pursuant to subdivision (a) may, upon motion of a party to the action or proceeding, be vacated upon an appropriate showing of need therefor by an order of a judge of the court in which the action or proceeding

is pending. A certified copy of the order of vacation may be recorded in the office of the recorder of the county where the notice of pendency of action is recorded, and upon such recordation the notice of pendency of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein. Such an order of vacation shall not be appealable, but the party aggrieved by such order may, within 20 days after service of written notice of the order, or within such additional time not exceeding 20 days as the court may, within the original 20 days, allow, but in no event later than 60 days after entry of the order, petition the proper reviewing court to review such order by writ of mandate. No such order of vacation shall be effective, nor shall it be recorded in the office of any county recorder, until the time within which a petition for writ of mandate may be filed pursuant to this subdivision has expired.

65909. No local governmental body, or any agency thereof, may condition the issuance of any building or use permit or zone variance on any or all of the following:

(a) The dedication of land for any purpose not reasonably related to the use of the property for which the variance, building, or use permit is requested.

(b) The posting of a bond to guarantee installation of public improvements not reasonably related to the use of the property for which the variance, building, or use permit is requested.

5909.5. The legislative body of any county or city, including a charter city, may establish reasonable fees for the processing of use permits, zone variances, or zone changes pursuant to the procedures required or authorized by this chapter or local ordinance, but the fees shall not exceed the amount reasonably required to administer the processing of such permits or zone variances. The fees shall be imposed pursuant to Sections 66014 and 66016.

CALIFORNIA CODES
HEALTH AND SAFETY CODE
SECTION 114087-114094

114087. (a) Food offered for human consumption shall be honestly presented in a way that does not mislead or misinform the consumer.

(b) Food or color additives, colored overwraps, lights or other misleading artificial means shall not be used to misrepresent the true appearance, color, or quality of a food.

114089. (a) Food prepackaged in a food facility shall bear a label that complies with the labeling requirements prescribed by the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875)), 21 C.F.R. 101-Food Labeling, 9 C.F.R. 317-Labeling, Marking Devices, and Containers, and 9 C.F.R. 381-Subpart N Labeling and Containers, and as specified under Sections 114039 and 114039.1.

(b) Label information shall include the following:

(1) The common name of the food, or absent a common name, an adequately descriptive identity statement.

(2) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food.

(3) An accurate declaration of the quantity of contents.

(4) The name and place of business of the manufacturer, packer, or distributor.

(5) Except as exempted in the Federal Food, Drug, and Cosmetic Act (Section 403(Q)(3)-(5) (21 U.S.C. Sec. 343(q)(3)-(5), incl.)), nutrition labeling as specified in 21 C.F.R. 101-Food Labeling and 9 C.F.R. 317 Subpart B Nutrition Labeling.

(c) Bulk food that is available for consumer self-service shall be prominently labeled with either of the following in plain view of the consumer:

(1) The manufacturer's or processor's label that was provided with the food.

(2) A card, sign, or other method of notification that includes the information specified under paragraphs (1), (2), and (5) of subdivision (b).

114089.1. (a) Except as specified in subdivision (c) of Section 114089, every bakery product shall have a protective wrapping that shall bear a label that complies with the labeling requirements prescribed by the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875)).

(b) Bakery products sold directly to a restaurant, catering service, retail bakery, or sold over the counter directly to the consumer by the manufacturer or bakery distributor shall be exempt from the labeling provisions of this section.

(c) French style, hearth-baked, or hard-crustured loaves and rolls shall be considered properly wrapped if contained in an open-end bag that encloses the loaves or rolls.

114090. (a) If required by law, consumer warnings shall be provided.

(b) Food facility's or manufacturer's dating information on foods may not be concealed or altered.

114091. In a licensed health care facility and a public or private school cafeteria, the following shall apply:

(a) Only pasteurized juice may be served.

(b) Only pasteurized fluid and dry milk and milk products complying with Grade A standards as specified in law shall be served.

(c) Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of foods such as Caesar salad, hollandaise or béarnaise sauce, mayonnaise, eggnog, ice cream, and egg-fortified beverages, and, except as specified in subdivision (e), recipes in which more than one egg is broken and the eggs are combined.

(d) (1) Food shall not be reserved where the food was already served to patients or clients who are under contact precautions in medical isolation or quarantine or protective environment isolation.

(2) Food shall not be reserved to a patient or client in protective environment isolation.

(e) The following foods may not be served or offered for sale in a ready-to-eat form:

(1) Raw foods of animal origin such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare.

(2) A partially cooked food of animal origin, such as lightly cooked fish, rare meat, soft-cooked eggs, that is made from raw shell eggs, and meringue.

(3) Raw seed sprouts.

(f) Subdivision (c) does not apply in any of the following instances:

(1) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified under Section 114004, and served immediately, such as an omelet, soufflé, or scrambled eggs.

(2) The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread.

(3) The preparation of the food is conducted under a HACCP plan that:

(A) Identifies the food to be prepared.

(B) Prohibits contacting ready-to-eat food with bare hands.

(C) Includes specifications and practices that ensure salmonella enteritidis growth is controlled before and after cooking and is destroyed by cooking the eggs to an internal temperature of 145 F.

(D) Contains the information specified under a HACCP plan, including procedures that control cross-contamination of ready-to-eat food with raw eggs, and delineate cleaning and sanitization procedures for food-contact surfaces.

(E) Describes the training program that ensures that the food employee responsible for the preparation of the food understands the procedures to be used.

114093. Notwithstanding Section 114004, a ready-to-eat salad dressing or sauce containing a raw or less-than-thoroughly cooked egg as an ingredient, and other ready-to-eat foods made from or containing eggs, comminuted meat, or single pieces of meat, including beef, veal, lamb, pork, poultry, fish, and seafood, that are raw or have not been thoroughly cooked as specified in Section 114004 may be served if either of the following requirements is met:

(a) The consumer specifically orders that the food be individually prepared less than thoroughly cooked.

(b) The food facility notifies the consumer, orally or in writing, at the time of ordering, that the food is raw or less than

thoroughly cooked.

114093.1. (a) Any food facility that serves or sells over the counter directly to the consumer an unlabeled or nonprepackaged food that is a confectionery that contains alcohol in excess of one-half of 1 percent by weight shall provide written notice to the consumer of that fact.

(b) The notice shall be prominently displayed or be provided in some other manner, as determined by the department.

(c) The department shall adopt regulations to govern the notice required by this section in order to effectuate the purposes of this section.

114094. (a) For purposes of this section, the following definitions shall apply:

(1) "Food facility" means a food facility in the state that operates under common ownership or control with at least 19 other food facilities with the same name in the state that offer for sale substantially the same menu items, or operates as a franchised outlet of a parent company with at least 19 other franchised outlets with the same name in the state that offer for sale substantially the same menu items, except that a "food facility" does not include the following:

(A) Certified farmer's markets.

(B) Commissaries.

(C) Grocery stores, except for separately owned food facilities to which this section otherwise applies that are located in the grocery store. For purposes of this paragraph, "grocery store" means a store primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, and fresh meats, fish, and poultry. "Grocery store" includes convenience stores.

(D) Licensed health care facilities.

(E) Mobile support units.

(F) Public and private school cafeterias.

(G) Restricted food service facilities.

(H) Retail stores in which a majority of sales are from a pharmacy, as defined in Section 4037 of the Business and Professions Code.

(I) Vending machines.

(2) "Calorie content information" means the total number of calories per standard menu item, as that item is usually prepared and offered for sale.

(3) "Drive-through" means an area where a customer may provide an order for and receive standard menu items while occupying a motor vehicle.

(4) "Menu board" means a posted list or pictorial display of food or beverage items offered for sale by a food facility.

(5) "Nutritional information" includes, but is not limited to, all of the following, per standard menu item, as that item is usually prepared and offered for sale:

(A) Total number of calories.

(B) Total number of grams of carbohydrates.

(C) Total number of grams of saturated fat.

(D) Total number of milligrams of sodium.

(6) "Point of sale" means the location where a customer makes an order.

(7) "Standard menu item" means a food or beverage item offered for sale by a food facility through a menu, menu board, or display tag at least 180 days per calendar year, except that "standard menu item" does not include any of the following:

(A) A food item that is customized on a case-by-case basis in response to an unsolicited customer request. P.87

(B) An alcoholic beverage, the labeling of which is not regulated by the federal Food and Drug Administration.

(C) A packaged food otherwise subject to the nutrition labeling requirements of the federal Nutrition Labeling and Education Act of 1990.

(D) A food item when served at a consumer self-service salad bar.

(E) A food or beverage item when served at a consumer self-service buffet.

(8) "Reasonable basis" means any reasonable means recognized by the federal Food and Drug Administration of determining nutritional information, as well as calorie content information, for a standard menu item, as usually prepared and offered for sale, including, but not limited to, nutrient databases and laboratory analyses.

(9) "Appetizer" means a food item that is generally served prior to a food item that is generally regarded as the primary food item in a meal. An "appetizer" includes a first course, starter, or small plate.

(10) "Dessert" means a food item that is generally served after a food item that is generally regarded as the primary food item in a meal. "Dessert" includes, but is not limited to, cakes, pastries, pies, ice cream and food items that contain ice cream, confections, and other sweets.

(b) (1) Commencing July 1, 2009, to December 31, 2010, inclusive, every food facility shall either disclose nutritional information as required by paragraph (2), or comply with subdivision (c) during this period of time.

(2) (A) In order to comply with paragraph (1), a food facility that does not provide sit-down service shall disclose the information in a clear and conspicuous manner on a brochure that is made available at the point of sale prior to or during the placement of an order. A food facility that provides sit-down service shall provide the nutritional information in a clear and conspicuous size and typeface on at least one of the following:

- (i) A brochure available on the table.
- (ii) A menu next to each standard menu item.
- (iii) A menu, under an index section that is separate from the listing of standard menu items.
- (iv) A menu insert.
- (v) A table tent on the table.

(B) Notwithstanding subparagraph (A), a food facility that has a drive-through area and uses a menu board to display or list standard menu items at the point of sale shall, for purposes of the drive-through area only, disclose the nutritional information in a clear and conspicuous manner on a brochure that is available upon request, and shall conspicuously display a notice at the point of sale that reads: "NUTRITION INFORMATION IS AVAILABLE UPON REQUEST" or other similar statement that indicates the disclosure of nutrition information is available upon request.

(c) (1) On and after January 1, 2011, every food facility that provides a menu shall disclose calorie content information for a standard menu item next to the item on the menu in a size and typeface that is clear and conspicuous.

(2) On and after January 1, 2011, every food facility that uses an indoor menu board shall disclose calorie content information for a standard menu item next to the item on the menu board in a size and typeface that is clear and conspicuous.

(3) On and after January 1, 2011, every food facility that uses a display tag as an alternative to a menu or menu board to describe a standard menu item that is displayed for sale in a display case within the food facility shall disclose calorie content information for that standard menu item on the display tag for that item in a size and typeface that is clear and conspicuous.

(4) On and after January 1, 2011, every food facility that has a drive-through area and uses a menu board to display or list standard

menu items at the point of sale shall, for purposes of the drive-through area only, disclose the nutritional information for each standard menu item in a clear and conspicuous manner on a brochure that is available upon request, and shall clearly and conspicuously display a notice at the point of sale that reads: "NUTRITION INFORMATION IS AVAILABLE UPON REQUEST" or other similar statement that indicates the disclosure of nutrition information upon request. If a food facility subject to this paragraph discloses nutritional information in the manner described in subparagraph (B) of paragraph (2) of subdivision (b), the food facility shall be deemed to be in compliance with this paragraph.

(d) For purposes of subdivision (c), the disclosure of calorie content information on a menu or menu board next to a standard menu item that is a combination of at least two standard menu items on the menu or menu board, shall, based upon all possible combinations for that standard menu item, include both the minimum amount of calories for the calorie count information and the maximum amount of calories for the calorie count information. If there is only one possible total amount of calories, then this total shall be disclosed.

(e) For purposes of subdivision (c), the disclosure of calorie content information on a menu or menu board next to a standard menu item that is not an appetizer or dessert, but is intended to serve more than one individual, shall include both of the following:

(1) The number of individuals intended to be served by the standard menu item.

(2) The calorie content information per individual serving. If the standard menu item is a combination of at least two standard menu items, this disclosure shall, based upon all possible combinations for that standard menu item, include both the minimum amount of calories for the calorie count information and the maximum amount of calories. If there is only one possible total amount of calories, then this total shall be disclosed.

(f) The nutritional information and calorie content information required by this section shall be determined on a reasonable basis. A reasonable basis determination of nutritional information and calorie content information shall be required only once per standard menu item, provided that portion size is reasonably consistent and the food facility follows a standardized recipe and trains to a consistent method of preparation.

(g) (1) Every brochure provided pursuant to this section shall include the statement: "Recommended limits for a 2,000 calorie daily diet are 20 grams of saturated fat and 2,300 milligrams of sodium."

(2) Menus and menu boards may include a disclaimer that indicates that there may be variations in nutritional content across servings, based on variations in overall size and quantities of ingredients, and based on special ordering.

(h) This section shall not be construed to create or enhance any claim, right of action, or civil liability that did not previously exist under state law or limit any claim, right of action, or civil liability that otherwise exists under state law. The only enforcement mechanism of the section is the local enforcement agency.

(i) This section shall not be construed to preclude any food facility from voluntarily providing nutritional information in addition to the requirements of this section.

(j) To the extent consistent with federal law, this section, as well as any other state law that regulates the disclosure of nutritional information, is a matter of statewide concern and occupies the whole field of regulation regarding the disclosure of nutritional information by a food facility. No ordinance or regulation of a local government shall regulate the dissemination of nutritional information by a food facility. Any ordinance or regulation that violates this prohibition is void and shall have no force or effect.

(k) Commencing July 1, 2009, a food facilityP.89t violates this

section is guilty of an infraction, punishable by a fine of not less than fifty dollars (\$50) or more than five hundred dollars (\$500), which may be assessed by a local enforcement agency. However, a food facility may not be found to violate this section more than once during an inspection visit. Notwithstanding Section 114395, a violation of this section is not a misdemeanor.

(1) If any provision of this section, or the application thereof, is for any reason held invalid, ineffective, or unconstitutional by a court of competent jurisdiction, the remainder of this section, shall not be affected thereby, and to this end, the provisions of this section are severable.

Read this case

How cited

Orinda Assn. v. Board of Supervisors, 182 Cal. App. 3d 1145 - Cal: Court of Appeals, 1st Appellate Dist., 3rd Div. 1986

182 Cal.App.3d 1145 (1986)
227 Cal. Rptr. 688

ORINDA ASSOCIATION, Plaintiff and Appellant,
v.
BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY et al.,
Defendants and Respondents. FRIENDS OF THE ORINDA
THEATRE et al., Plaintiffs and Appellants,
v.
COUNTY OF CONTRA COSTA et al., Defendants and
Respondents; CLARK WALLACE et al., Real Parties in Interest
and Respondents.

Docket No. A030570.

Court of Appeals of California, First District, Division Three.

May 30, 1986.

1149 *1149 COUNSEL

McCutchen, Doyle, Brown & Enersen, Antonio Rossmann, Gail K. Hillebrand, J. Bradley O'Connell, Nancy C. Shanahan, Pillsbury, Madison & Sutro, Walter R. Allan, James N. Roethe and William G. Alberti for Plaintiffs and Appellants.

John B. Clausen and Victor J. Westman, County Counsel, and Silvano B. Marchesi, Assistant County Counsel, for Defendants and Respondents.

Miller, Starr & Regalia, Edmund L. Regalia, John G. Sprankling, Karl E. Geier and Amy Matthew for Real Parties in Interest and Respondents.

1150 *1150 OPINION

SCOTT, J.

This appeal is from a judgment in an action consolidating petitions for writ of mandate brought by appellants Friends of the Orinda Theatre (Friends), Berkeley Architectural Heritage Association (BAHA), and the Orinda Association (the Association) to challenge various aspects of a proposed mixed-use office/commercial/retail development complex known as "the Crossroads," to be built in the downtown area of Orinda adjacent to the Highway 24 freeway.

The Association charges that the responsible county governmental and administrative agencies approved the Crossroads Project (the Project) and granted zoning variances therefor in violation of applicable local land-use regulations. Friends and BAHA focus on the Project's destruction of the Orinda Theatre and the adjoining Bank Building, designed by the

same architect in the "Art Deco" style; they challenge the County's compliance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), the certification of the final project EIR by the Board, and the county building inspection department's issuance of an unqualified permit for demolition of the subject buildings.

I

The Association filed its petition for writ of mandate and complaint for injunctive relief on September 27, 1984, naming the Contra Costa County (County) Board of Supervisors (the Board) and the Orinda Area Planning Commission (the Planning Commission) as respondents, and naming the Crossroads Associates, Clark Wallace and Paul Learner, the owners and developers of the subject property, as real parties in interest and defendants. The Association's petition sought a writ of mandate compelling the Board and the Planning Commission to vacate their approval of the development plan and zoning variances for the proposed Project.

On the same day, September 27, 1984, Friends and BAHA filed their petition for writ of mandate and for declaratory and injunctive relief against the County, the Board, the Planning Commission, the County planning department and the County building inspection department; in addition, the petition named as real parties in interest Clark Wallace, Crossroads Associates, and Branagh, Inc., a contractor engaged by Crossroads Associates. In this petition, Friends and BAHA requested a writ of mandate to vacate and set aside the following: the County's issuance of a permit to demolish the Orinda Theatre (Theatre) and the adjoining American Trust Bank Building (Bank Building) on the Project site; the Planning Commission's conditional approval of the Project's development plan and zoning variances; *1151 the Planning Commission's certification of the final environmental impact report (EIR) for the Project; the Board's denial of appeals from the Planning Commission's action; and the Board's certification of the final EIR for the project.

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Pursuant to stipulation, the two mandamus actions were ordered consolidated on October 3, 1984. On February 7, 1985, the trial court filed its statement of decision and judgment upholding the actions of the various County agencies, and denying the relief sought by Friends, BAHA and the Association.

II

The development which Crossroads Associates proposes to build, and which is the subject matter of this litigation, originally consisted of a building complex to be located on a two-acre block in downtown Orinda next to the Highway 24 freeway, and on an adjacent street known as Bryant Way, which was to have been abandoned by the County and purchased by the developer. As initially designed, the complex ranged in height from 1 to 5 stories, with an average elevation of 42 feet instead of the 35 feet mandated by applicable zoning ordinances, and had approximately 114,823 square feet of office, commercial, retail and theatre space. Approximately 59 percent of this area was to be used for commercial office space, 27 percent for so-called retail and service facilities, and the remainder divided between three movie theatres, a community meeting room, and a restaurant/lounge. The Project was designed as a complex of buildings of varying heights articulated as a single unit through connecting passageways, courtyards and landscaping. Originally designed to go up to five stories in height in the office portion directly adjacent to the freeway, the complex also featured two levels of underground parking, street level pedestrian access, a large interior court, a "town square" at the corner of Moraga Way and Brookwood Road, an "arrival plaza" along Brookwood Road near a surface parking lot, large lobby areas, and sloping pitched roofs.

A focus of substantial controversy during hearings before both the Planning Commission and Board was the proposed abandonment of Bryant Way. Less than two weeks before the final public hearing of the Board to consider the Project on August 21, 1984,^[1] the developer submitted a redesigned proposal for the Project. This new proposal eliminated Bryant Way from the Project and retained it as a public street; reduced the square footage of *1152 the entire Project to just over 108,000 square feet; ^{- - -} distributed throughout the Project some

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26,000 square feet of building which the original proposal had situated on Bryant Way; reduced interior courtyard and terrace areas by 10 to 20 percent; eliminated the fifth-floor mezzanine on the Bryant Way side but added a third story on one side of the Project; substantially increased overall Project density as measured by the ratio of floor space to lot area; reduced the average building height by approximately 6 to 12 feet at the highest points, and by approximately 4 feet overall; increased the total amount of building mass above the 35-foot zoning limit; added 3,000 to 4,000 square feet of office space on the ground floor; and reduced retail space by 2,093 square feet while *increasing* office space by 326 square feet overall, for a new ratio of 60 percent office space to 40 percent retail space. Although the height of the complex from the ground level to the eave of the roof varied from 22 to 38 feet, the peak of the roof itself reached the height of 55 feet in most parts of the complex, and the height of the Bryant Way elevation was 64 feet. The tallest point in the complex, the elevator tower, reached 70 feet. In addition, the amount of space in the revised Project identified as "retail" included what Wallace called "quasi-office-retail," such as title companies, real estate and insurance offices, and stock brokerages.

Currently, the Project site is occupied by the Theatre and Bank Building, four other small buildings used for office and retail purposes, and a gas station. Almost half of the area of the site is a surface parking lot.

The Theatre was designed by Alexander Aimwell Cantin (1877-1964). One of California's first registered architects, he was involved in designing several important buildings in San Francisco.^[2] It was originally constructed in 1941; the adjoining Bank Building, built in 1947 by the same architect and in the same "Art Deco" or "Moderne" style, forms a unified architectural unit with the Theatre. The tower on the Theatre forms an identifying landmark clearly visible from the Highway 24 freeway. The Theatre is 40 feet high in the front and 45 feet high in the rear; its sign tower is 75 feet in height. With 750 seats, it is the last large, old-style theatre in the County.

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*1153 The interior of the Theatre is decorated in both the foyer and the auditorium with wall and ceiling murals by Anthony T. Heinsbergen (1895-1981), one of the leading decorative artists of the period. Heinsbergen designed interiors and painted murals for such buildings as the Paramount Theatre in Oakland; the Interstate Commerce and Labor Department Buildings in Washington, D.C.; the Los Angeles City Hall; the Biltmore Hotel in Los Angeles; the Sir Francis Drake Hotel in San Francisco; and the Fox-Wilshire and Pantages Theatres in Hollywood. His work was the subject of an exhibit by the Smithsonian Institution which toured the United States in 1972-1974.

On August 13, 1982, acting on a nomination by Friends and BAHA, the California State Historical Resources Commission voted unanimously to recommend that the Theatre and Bank Building be listed in the National Register of Historic Places. The State Office of Historic Preservation found that the Theatre was "an outstanding example of its genre," with a "remarkable" interior of "high artistic value" and "exceptional quality," and that although the two buildings were less than 50 years old, they were both of "exceptional importance." The properties were subsequently certified by the Department of the Interior as eligible for inclusion on the National Register of Historic Places.^[3]

III

The proposed Project is governed by three levels of applicable local land-use regulations: the Contra Costa County Zoning Ordinance (Zoning Ordinance), the Orinda General Plan (General Plan), and the Orinda Central Business District Design Guidelines (Design Guidelines).

The Zoning Ordinance sets out the basic restrictions on buildings in "community business" (C-B) districts in the County, the procedures for review of development proposals and the standards for granting of variances. Included in the Zoning Ordinance is a provision stating that no building or part thereof may exceed 35 feet above "the average existing natural ground level at the center of all walls of the building."^[4]

1154 *1154 The General Plan was adopted in October 1972 by the County planning commission and in January 1973 by the Board as a revision of a general plan originally adopted in 1959 for Orinda. It was formulated by the county planning department together with an advisory committee of community and public representatives, including members of the appellant Association. Despite dramatic changes in the Orinda area since 1959, including the completion of the Highway 24 freeway, the opening of the BART system, and the tremendous population growth in the San Francisco Bay Area in general and the County in particular, the General Plan states that "the basic goals of the 1959 Orinda General Plan remain unchanged. The revised plan proposes the continued development of a low density, suburban residential community, including supporting community-oriented services and facilities." The various headings of the General Plan cover such topics as "Land Use, Commercial and Office," "Community Facilities," and "Office Development." The principal themes repeatedly stressed throughout the General Plan are that commercial development in Orinda should be "locally-oriented" as opposed to "regional," compatible with the existing "village character" of Orinda, and "low-line."

1155 Thus, under the heading "Land Use, Commercial and Office," the General Plan states the following relevant guiding principles: "Business development in the Orinda Planning Area should be limited to neighborhood and community *1155 service and retail types. Regional commercial developments should not be permitted.... [¶] The central business area should be improved to create better pedestrian orientation and more adequate parking. [¶] A limited amount of locally-oriented new office space should be provided for the central business area that complements existing land uses. [¶] The appearance of the central business area, especially the main entrance to Orinda, should be made more attractive." Similarly, under "Community Design," the General Plan states that future development should be "visually and functionally compatible with the existing character of Orinda," and that development in the business district should be "of 'low-line' architecture and complementary to existing development and terrain."

In the section entitled "Land Use Proposals," under the headings "Commercial and Office Development" and "Community Shopping," the General Plan states that future development in Orinda's central business area — which includes the site proposed for development by Crossroads Associates — should maintain the "distinctive village character that is appropriate to the community," defined as being characterized by a "compact pattern of development, low buildings, heavy tree coverage, narrow pavements, and frequently older structures." Indeed, the General Plan goes so far as to state that "[a]lthough some of these features individually work against the area as a convenient place to park and shop and do business to a degree, the general plan regards the retention of the district's village character as most important...." With regard to the types of businesses to be located in the central Orinda area, the General Plan states that these should be "those which serve the convenience needs of the residents. In keeping with the goals of this plan, it is important that further development in the central area be of the type that is unique and appropriate for Orinda; i.e., those business uses that are of a community nature and cater to local needs."^[5]

1156 *1156 Finally, under "Community Facilities," the General Plan states goals of particular relevance to the controversy over the fate of the Theatre and Bank Building: to "obtain maximum benefit from existing public structures and facilities"; to "acquire easily accessible civic, cultural, and recreational facilities large enough to handle present and expected future demand"; and that "structures of historic significance should be preserved wherever possible."

The Design Guidelines are far more detailed than the General Plan. Their stated purpose is to provide "a tool with which to improve the efficiency and quality of life for the occupants and users of the Orinda Central Business District." They establish "[s]pecific design guidelines ... for future development of new or existing structures."

To this end, the Design Guidelines set forth a large number of specific provisions under the headings "Site Planning" and "Architectural Design," relating to such matters as "location of buildings relative to street access and parking," "parking access," "location of buildings relative to adjacent structures," "outdoor pedestrian spaces," "landscaping," "architectural character and style," "building massing and shape," "building scale" and "form," "building integrity and public visibility," and "color and materials." The overall thrust of the guidelines,

repeatedly emphasized under all of these topics, is to preserve the "rural" or "semi-rural" "village character" of Orinda.^[6]

1157 *1157 Under the heading "Variances," the Guidelines provide: "Variances to the requirements in the zoning ordinance will be considered by the Planning Commission if appropriate findings can be made. [¶] The Commission will encourage the inclusion of significant amounts of open space, landscaping, and buildings of variable height. The provision of parking, at or above ordinance requirements, will help solve neighborhood parking problems, and will be encouraged. Parking below ground level could make a higher density development possible, and the Commission encourages applicants to examine all possibilities early in the planning stage."

IV

The draft EIR on the Project, consisting of a 115-page report with a separate 125-page "Appendix Supplement," was completed and distributed in or about June 1983. The review period was from July 13, 1983, through August 29, 1983.

The draft EIR made the following pertinent determinations: the height variance sought by the developer would constitute an unjustified "special privilege and would set an adverse precedent"; the large amount of office space in the proposed project would primarily be available to "larger office users not providing locally-oriented services," which would be "inconsistent with General Plan policies calling for limited expansion of office area and locally-oriented offices"; and, "[d]espite many excellent features, the project is a megastructure in concept, with density, building mass, and height which are inconsistent with the General Plan and the ... Design Guidelines, in terms of 'low-line' architecture, 'village character,' existing neighborhood character, and compatibility with adjacent development." The draft EIR proposed that the Project be redesigned to reduce height, density, mass and large-scale office space in conformance with the Zoning Ordinance and General Plan. In connection with these findings, the Draft EIR stated that the Project as proposed would induce large-scale growth in the Orinda area by setting a precedent for converting the central business district "away from local community services to areawide or regional services"; and that it would significantly and permanently alter the character of the neighborhood, contrary to the goals of the Design Guidelines.

1158 *1158 With regard to the Theatre and Bank Building, the draft EIR found that "there can be no doubt that the Orinda Theatre/American Trust Bank Building complex has important cultural/historic value for the community and in general — value which cannot be replaced by contemporary development. Therefore, removal of these buildings as proposed would result in significant environmental impact." In its discussion of mitigation measures to reduce this environmental impact, the draft EIR identified four possible choices aside from not building the Project: (1) redesigning the Project to retain the Theatre and Bank Building intact and separate from the Project; (2) redesigning the Project by incorporating the Theatre and Bank Building into the Project; (3) redesigning the Project to incorporate the Theatre only, but removing the Bank Building; and (4) preserving certain "fixtures, artifacts, and other interior materials" from the Theatre and Bank Building for display in the Project or elsewhere. The draft EIR recognized that this last mitigation measure "would not be responsive to the overall significant impact of removal of the buildings," and that it was not even clear whether any or all of the interior features of the Theatre could be preserved in view of the nature of the materials used and the expense of removing them.^[7] The draft EIR therefore recommended "a study of the cost and potential for preservation of the murals and other interior features" in order to "provide sufficient basic information, based on professional opinion, to assist the Planning Commission and staff in understanding the limitations of this mitigation alternative."

Finally, the draft EIR considered alternatives to the proposed Project, including no project, development in conformance with the General Plan and Zoning Ordinance, and development retaining the Theatre and Bank Building. Included in this section of the draft EIR were drawings and figures showing three alternative project designs: one in the same style as the developer's proposed Project but in conformity with the 35-foot height limitation of the Zoning Ordinance; one retaining and incorporating the Theatre and Bank Building and in the same general architectural style as those buildings; p. 95 one submitted by the developer quite

1161 grant must determine whether substantial evidence supports the findings and whether the findings support the conclusion that all applicable *1161 legislative requirements for a variance have been satisfied.^[9] The findings set forth by the agency which renders the challenged decision must "bridge the analytic gap between the raw evidence and ultimate decision or order." (*Id.*, at p. 515.) "Among other functions, a findings requirement serves to conduce the administrative body to draw legally relevant subconclusions supportive of its ultimate decision; the intended effect is to facilitate orderly analysis and minimize the likelihood that the agency will randomly leap from evidence to conclusions. [Citations.] In addition, findings enable the reviewing court to trace and examine the agency's mode of analysis. [Citations.]" (*Id.*, at p. 516, fn. omitted.)

Topanga makes it clear that despite the applicability of the substantial evidence rule and the deference due to the administrative findings and decision, judicial review of zoning variances must not be perfunctory or mechanically superficial. "Vigorous and meaningful judicial review facilitates, among other factors, the intended division of decision-making labor [in land-use control]. (4) Whereas the adoption of zoning regulations is a legislative function (Gov. Code, § 65850), the granting of variances is a quasi-judicial, administrative one. [Citations.] If the judiciary were to review grants of variances superficially, administrative boards could subvert this intended decision-making structure. [Citation.] They could '[amend] ... the zoning code in the guise of a variance' [citation], and render meaningless, applicable state and local legislation prescribing variance requirements. [¶] Moreover, courts must meaningfully review grants of variances in order to protect the interests of those who hold rights in property nearby the parcel for which a variance is sought. A zoning scheme, after all, is similar in some respects to a contract; each party forgoes rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted, the rationale being that such mutual restriction can enhance total community welfare. [Citations.] If the interest of these parties in preventing unjustified variance awards for neighboring land is not sufficiently *1162 protected, the consequence will be subversion of the critical reciprocity upon which zoning regulation rests. [¶] Abdication by the judiciary of its responsibility to examine variance board decision-making when called upon to do so could very well lead to such subversion.... Vigorous judicial review ... can serve to mitigate the effects of insufficiently independent decision-making." (*Id.*, at pp. 517-518, fn. omitted.)

(5) (See fn. 10.) Thus, this court must determine on the basis of a review of the entire administrative record whether the findings issued in connection with the County's approval of the Project in this case are supported by substantial evidence, whether the findings are in compliance with all statutory and regulatory criteria and requirements, and whether they bridge the analytic gap between the raw evidence and the ultimate decision. (*Topanga Assn. for a Scenic Community v. County of Los Angeles, supra*, 11 Cal.3d at pp. 515, 518; *Broadway, Laguna etc. Assn. v. Board of Permit Appeals* (1967) 66 Cal.2d 767, 772-773 [59 Cal. Rptr. 146, 427 P.2d 810] [findings issued by city and county board of permit appeals in connection with zoning variance did not meet the requirements of the municipal planning code; award of variance was therefore unlawful].)^[10]

VII

1163 The provision of the Zoning Ordinance applicable to the Project at issue states that "[n]o building or structure or *part of it*" erected thereafter shall exceed 35 feet above average existing ground level. (Zoning Ord., art. 84-49.802, italics added.) The grant of variances to owners of property covered by comprehensive zoning plans is governed by Government Code section 65906, which states: "Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of *1163 privileges enjoyed by other property in the vicinity and under identical zoning classification. [¶] Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. [¶] A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits."

The average height of the Project as originally proposed was 55 feet; as revised, the proposed building height was somewhat lower, with an overall average height of 50 feet. Over 30 percent of the Project's total floor space, or 33,350 square feet, would be located above the 35-foot height limit established by the Zoning Ordinance. A height variance is actually required for virtually every part of the proposed structure.

The Board issued lengthy findings in support of the decisions to approve the Project and to grant the height variance. These findings state that the variance does not constitute the grant of a special privilege because "similar variances" have been granted in the vicinity "based upon the particular design considerations" and "in conformity with the general policy of the County to encourage attractive designs"; the variance is "appropriate" in order "to enable applicants to conform with the ... Design Guidelines and to create architectural designs meeting the desired aesthetic and design standards of the community"; alternative designs for the Project in conformity with the Zoning Ordinance not requiring any variance "would be unacceptable from an aesthetic and community character standpoint"; the Project site "poses unusual design difficulties primarily because it does not share the semi-rural environment of other parts of Orinda"; due to the "special circumstances and design problems" arising from the Project's "size and proximity to the adjacent freeway," a "strict application" of the applicable zoning regulations "would deprive the subject property of rights enjoyed by other properties in the vicinity," which could conform to the 35-foot height limit "without suffering the adverse affects [*sic*] caused for this site by the freeway, and the variance is necessary to enable this Project site to enjoy the same levels of uses that could be developed in these other areas within the same district while preserving an acceptable design in the public interest"; neighboring properties are screened from the adjacent freeway by this site and will benefit from the "buffering" effect of the building masses of this Project, protecting them against the "noise, exhaust fumes and visual obtrusiveness of the freeway"; "[t]he variance granted will substantially meet the intent and purpose" of the zoning district, which is "to enhance and stabilize" existing retail sales and personal services *1164 activities within central areas, and to "foster development of even more attractive, higher quality retail shopping areas" that are more concentrated and easily accessible; and the Project "enhances the visual quality, convenience and diversity of local business establishments and replaces a large ... block which is primarily devoted to paved parking areas and outdated structures with a carefully integrated mixed-use Project ... in keeping with the overall village character of the Project vicinity."

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Significantly, the Board found that the 35-foot height limitation imposed by the Zoning Ordinance "is not the predominant purpose of the C-B district and that the primary concern [of the applicable land-use regulations] is the acceptability of design and orientation of projects to the surrounding area.... The dominant purpose of the C-B district is not to impose narrow and unsuitable height/bulk/density limitations but to encourage retail and office enhancement and distinguished architecture of the nature embodied in the Project as approved." The Board specifically found that although the height variance enables portions of the proposed Project to exceed an *average* height of 35 feet above grade, and to reach a height of 64 feet, "the proper interpretation of the height limitation is to allow interior portions of the structure to exceed an average height of 35 feet measured at the midpoint of exterior walls and that the variance granted is not the equivalent of a 25-foot height variance.... [A] project conforming to the zoning height limitation ... and other standards with the same or greater intensity of use and square footage could be accommodated on the site, at the expense of providing an attractive design and configuration. The Project, as approved, is compatible with the scale of surrounding uses through the use of appropriate roof treatments, articulated structures, open courtyards and terrace designs incorporated into the approved design ... and the revised design under which the Board has affirmed the granting of the variance."

In sum, the Board found that the design of the Project was so attractive and had so many perceived compensating benefits, that it was positively good for the height, mass and density of the Project to exceed the express limitations set by applicable land-use regulations. In the Board's own words, "[a]lthough the overall height and bulk of the Project is substantial, ... [t]he height variance, as granted, allows for a design which improves the attractiveness, comfort and convenience of the Project both to its office users and its retail customers."

(6a) Echoing these findings, respondents' central argument to this court is that the Design Guidelines set forth a more flexible standard for granting variances in order to encourage the development of projects with significant amount of open space, landscaping, and buildings

1165 of variable height; that *1165 the Design Guidelines therefore modify the stricter variance standards and height limitations of the Zoning Ordinance; that the articulated structure and courtyards provided by the proposed Project meet the goals and standards of the Design Guidelines; that a handsome Project could not be designed within the limits set by the Zoning Ordinance; and that the height variance for the proposed Project is justifiable on this basis. However, there is absolutely nothing in the Design Guidelines to suggest that buildings anywhere near as high as those proposed for this Project — up to nearly 70 feet in height, or twice the height of the limits imposed by the Zoning Ordinance — would be in compliance with *other* express goals and standards, such as preservation of a "semi-rural" or "village character" and compatibility of scale with existing adjacent structures. Neither is there any indication in the Design Guidelines that buildings within the 35-foot height limit could not easily meet its stated design goals and aesthetic standards. Indeed, the very opposite conclusion is suggested by the illustrative drawings included in the Design Guidelines and the examples of desirable existing buildings cited therein.

(7) In the absence of a specific "bonus" or "merit" system of zoning enacted by the municipal or county legislature, a variance applicant may not earn immunity from one code provision merely by overcompliance with others. Otherwise, the board charged with reviewing development proposals "would then be empowered to decide which code provisions to enforce in any given case; that power does not properly repose in any administrative tribunal. [12]" (*Broadway, Laguna etc. Assn. v. Board of Permit Appeals, supra*, 66 Cal.2d at p. 779.) The Supreme Court's footnote 12 adds: "Discretionary power to disregard a basic planning code regulation whenever the board believes that the objectives of that regulation have been fulfilled in a particular building would probably prove impossible to control and might well undermine the entire zoning plan..." (*Id.*, at pp. 779-780, fn. 12.)

1166 (6b) The Board's findings attempt to address the three conditions which, under the Zoning Ordinance, must be met before a variance may be granted: first, the absence of any "special privilege" inconsistent with the limitations imposed on other properties in the vicinity; second, the existence of "special circumstances" because of which the strict application of the zoning regulations would deprive the subject property of rights enjoyed by other properties in the vicinity; and third, the compliance of any authorized variance with the "intent and purpose" of the applicable land-use district. (Zoning Ord., art. 26-2.2006.) These conditions are derived directly from the language of Government Code section 65906. However, under *Topanga*, the Board's findings must include *facts* sufficient to show that these three *1166 conditions have been met. (*Topanga Assn. for a Scenic Community v. County of Los Angeles, supra*, 11 Cal.3d at 515, 518-522.)

(8) Moreover, the language of both the Zoning Ordinance and Government Code section 65906 "emphasizes *disparities* between properties, not treatment of the subject property's characteristics in the abstract. [Citations.] It also contemplates that at best, only a small fraction of any one zone can qualify for a variance. [Citation.]" (*Topanga Assn. for a Scenic Community v. County of Los Angeles, supra*, 11 Cal.3d at p. 520, original italics.) (9a) The facts set forth in the required findings must address "the critical issue whether a variance was necessary to bring the [owner of the subject parcel] into substantial parity with other parties holding property interests in the zone. [Citation.]" (*Id.*, at pp. 520-521.) Thus, data focusing on the qualities of the property and Project for which the variance is sought, the desirability of the proposed development, the attractiveness of its design, the benefits to the community, or the economic difficulties of developing the property in conformance with the zoning regulations, lack legal significance and are simply irrelevant to the controlling issue of whether strict application of zoning rules would prevent the would-be developer from utilizing his or her property to the same extent as other property owners in the same zoning district. (*Ibid.*; *Broadway, Laguna etc. Assn. v. Board of Permit Appeals, supra*, 66 Cal.2d at pp. 773-781.)

(6c) It is apparent that the Board's findings in this case primarily deal with desirable project design, amenities, benefits to the community, and the alleged superiority of the proposed Project design to ones developed in conformity with zoning regulations, rather than with presenting the required comparative information about surrounding properties. The findings state that "height and other similar variances" have been granted "on several occasions" in the past on property in the Project vicinity based upon "design considerations"; however, no specific examples are provided.^[11]

The only discussion in the Board's findings which actually addresses the substance of the "special circumstances" requirement relates to the greater proximity of the Project site to the freeway in comparison with other parcels in the central business district of Orinda. Although the findings state that "[p]rotection against the noise, exhaust fumes and visual obtrusiveness of the freeway cannot be accomplished effectively with vegetation," there is no affirmative showing whatsoever that the proposed Project's height of between 50 and 70 feet is necessary to provide an adequate "buffer" against the asserted noise, exhaust fumes and visual impact of the freeway, or that a 35-foot building would not adequately provide any desired buffering.^[12]

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Most important, there is no showing that *any* buffering at all is necessary to permit the owners of *this* property to enjoy privileges enjoyed by *other property* in the vicinity. (9b) This is the showing required by law; all the findings with respect to this Project's perceived desirability are actually irrelevant and superfluous. (Gov. Code, § 65906.) "Speculation about neighboring land ... will not support the award of a variance. The party seeking the variance must shoulder the burden of demonstrating before the zoning agency that the subject property satisfies the requirements therefor. [Citation.]" (*Topanga Assn. for a Scenic Community v. County of Los Angeles, supra*, 11 Cal.3d at p. 521.) The respondent developer failed to carry this burden.

(6d) In sum, the findings of the Board fail to support the conclusion that all applicable legislative requirements for a height variance have been satisfied. Since there has been no affirmative showing that the subject property differs substantially and in relevant aspects from other parcels in the applicable zone, we conclude that the variance granted by the Board amounts to the kind of "special privilege" explicitly prohibited by Government Code section 65906. (*Topanga Assn. for a Scenic Community v. County of Los Angeles, supra*, 11 Cal.3d at p. 522.)

VIII

The Association argues that the proposed Project is in violation of the provisions of the Zoning Ordinance and the General Plan requiring "low density," "semi-rural," "village character," "neighborhood and community service and retail" outlets, and a "limited amount of locally-oriented" office space which "complements existing land uses." They point to the size of the proposed development, which is, at approximately 108,000 square feet, the largest ever proposed for Orinda; the fact that 60 percent of the Project is designated office space and only 40 percent for "retail"; the large-scale, regional orientation of the office space; the developer's expressed intention to use the "retail" space in the Project for large, commercial firms in the title insurance, real estate and stock brokerage fields rather than the locally oriented community services listed on the General Plan; and the high density of the Project, with twice the average floor space/lot area ratio in the district and three times the average occupancy rate.

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Indeed, the draft EIR made express findings that numerous aspects of the Project — including height, large-scale regionally oriented office space, density, building mass, scale, inconsistency with the existing local retail and service orientation of the community, and growth-inducing impact — were in violation of applicable land-use regulations, and that these violations constituted "significant environmental impacts." As required by CEQA, the draft EIR went on to suggest mitigation measures to reduce these impacts, and various alternatives to the proposed Project. (Pub. Resources Code, §§ 21000, 21002, 21002.1, 21081, 21151.) The Association contends that the Board's findings are legally insufficient to support the Project approval because they fail to carry the burden, mandated by CEQA, of affirmatively showing that the EIR-identified means of mitigating or avoiding the Project's significant environmental impacts are "infeasible." (Pub. Resources Code, §§ 21002, 21002.1, subd. (b), 21081; *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 263, fn. 8 [104 Cal. Rptr. 761, 502 P.2d 1049]; *San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino* (1984) 155 Cal. App.3d 738, 749-753 [202 Cal. Rptr. 423]; *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal. App.3d 1022, 1032-1035 [185 Cal. Rptr. 41].)

In view of our conclusion that the Board's findings are legally inadequate in that they fail to

1171 (11a) One argument of appellants Friends and BAHA is not mooted by our decisions in the Association case, however. They contend that the *1171 building inspection department's issuance, without any environmental review, of an unqualified permit for demolition of the Theatre and Bank Building was in violation of CEQA. The building inspection department issued the unconditional demolition permit on August 24, 1984, upon the developer's application. This was only three days after the public hearing of the Board at which Crossroads Associates unveiled its redesign of the Project, and three weeks *before* September 18, 1984, the day on which the Board completed its CEQA review, certified the final EIR and approved the Project subject to the condition that a study be made of the feasibility of preserving interior artifacts from the Theatre and Bank Building.

Appellants' attack on the demolition permit rests on their contention that demolition was a phase of the overall Project; as such, it was subject to the same CEQA review as the rest of the Project, and the demolition permit could not be issued until the entire CEQA process was completed and the overall Project lawfully approved. We agree with this contention.

Under the Administrative Code, "'Project' means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately...." (Cal. Admin. Code, tit. 14, § 15378, subd. (a).) No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved. This includes an initial determination by the responsible agency as to whether an EIR is required on the project or any part thereof. (12) "First, because an EIR serves to guide an agency in deciding whether to approve or disapprove a proposed project, CEQA impliedly requires (and the guidelines expressly require) that the agency render a written determination whether a project requires an EIR before it gives final approval to that project.... [¶] Second, since the preparation of an EIR is the key to environmental protection under CEQA, accomplishment of the high objectives of that act requires the preparation of an EIR whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact." (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75 [118 Cal. Rptr. 34, 529 P.2d 66]; see also *Friends of "B" Street v. City of Hayward*, *supra*, 106 Cal. App.3d 988, 999-1004.)

1172 (11b) A public agency is not permitted to subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole. "The requirements of CEQA, `cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial.' [Citation.]" (*Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal. App.3d 188, 195-196 [129 Cal. Rptr. 739].) (13) "[T]he term `project,' ... means the *whole of an action* which has a potential for *1172 physical impact on the environment, and ... `[t]he term "*project*" refers to the *underlying activity and not the governmental approval process.*" [Citation.]" (*Natural Resources Defense Council, Inc. v. Arcata Nat. Corp.* (1976) 59 Cal. App.3d 959, 969 [131 Cal. Rptr. 172], italics added by the *Natural Resources* court.) (11c) "It is, of course, too late to argue for a grudging, miserly reading of CEQA.... [T]he Legislature intended CEQA `to be interpreted in such manner as to afford the *fullest possible protection* to the environment within the reasonable scope of the statutory language.' (Italics added.) ... [¶] One ... overwhelming consideration which militates against deferring the preparation and consideration of an EIR ... is the mandate of CEQA that environmental considerations do not become submerged by chopping a large project into many little ones — each with a minimal potential impact on the environment — which cumulatively may have disastrous consequences." (*Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 274, 283-284 [118 Cal. Rptr. 249, 529 P.2d 1017].)

The administrative record shows that from the outset, the demolition of the Theatre and Bank Building was considered *part* of the Project under consideration. The findings of both the Board and the Planning Commission begin by describing the "Project" under review as "involving the removal of existing improvements *and* construction of a ... building complex...." (Italics added.) Both sets of findings describe the Project as a "single Project" for purposes of CEQA, and the draft EIR described demolition of the subject buildings as one of the Project's significant environmental impacts. Most important, both the Board and the Planning Commission imposed *conditions* on the demolition of the Theatre and Bank Building as part of their approval of the Project. Crossroads Associates obviously does not propose demolition of the Theatre and Bank Building as p. 102 in itself, but as part of its larger

proposed Project. If demolition could be segregated from other development activities and made nonreviewable, the requirements of CEQA would be avoided altogether, and the statute would have no effect on the one development activity most threatening to an arguably important historic resource.

In view of this conclusion, we need not address the question of whether the issuance of the demolition permit by itself was actually a discretionary or mixed discretionary-ministerial act, subject as such to CEQA review separate and apart from the rest of the Project.^[16]

1173

*1173 The judgment denying appellants' petitions for mandate is reversed, and the cause is remanded with directions to the superior court to issue a writ of mandate requiring the Board and the Planning Commission to vacate and set aside their approval of the development plan and zoning variances for the proposed Project, and a writ of mandate requiring the County building inspection department and any other agencies involved to vacate and set aside the issuance of the permit to demolish the Theatre and Bank Building. The superior court shall exercise its discretion under Code of Civil Procedure section 1021.5 with respect to an award of attorneys' fees to the Association.

White, P.J., and Barry-Deal, J., concurred.

[1] Although the Project was discussed at one more meeting of the Board on September 18, 1984, this was only briefly and in the context of voting on the adoption of the findings and conclusions.

[2] Cantin collaborated with James R. Miller and Timothy Pfleuger in the design of the San Francisco New Montgomery Street Telephone Building (1925), and designed three other San Francisco buildings: the Pacific States Telephone and Telegraph Building on Bush Street (rated as of "Highest Importance" by the City of San Francisco in terms of architectural quality, historical value, and relationship to the environment) (1905); the Elks Building on Powell Street (1909); and the East Office Telephone & Telegraph Building on Hyde Street (circa 1905). None of these buildings shows the dominant Art Deco design of the Theatre. Cantin also designed the Alhambra Union High School in Martinez, the Rheem Theatre in Moraga, and the Marin Junior College in Kentfield.

[3] The actual listing has not occurred because the property owner, Crossroads Associates, has resisted inclusion of the buildings on the Register.

[4] The following provisions of the Zoning Ordinance are pertinent to this litigation: 84-49.204: "Purposes. The purposes of this chapter's regulations are to enhance and stabilize the retail sales and personal services activities within central areas and to foster development of ever more attractive, higher quality retail shopping areas, creating more concentrated, easily accessible retail shopping and personal services central areas for the benefit of businesses and consumers alike."

84-49.802: "Maximum Building Height. No building or structure or part of it hereafter erected or moved on a lot or building site in this district shall exceed thirty-five feet above the average existing natural ground level at the center of all walls of the building."

84-50.1606: "Review, approval, changes, conditions. [¶] (a) Review. The zoning administrator shall review development plan applications, for approval, modification, or denial, in public hearing pursuant to and otherwise regulated by the land use permit provisions of Chapter 26-2. [¶] (b) Approval. In approving the application, he shall find that it is consistent with the purpose of this district and that it is architecturally compatible with other uses in the vicinity, both inside and outside the district. [¶] (c) Changes. When any plan has been approved by the zoning administrator, it shall not thereafter be changed except with his approval after review, for which he may schedule a public hearing. [¶] (d) Conditions. The zoning administrator may impose reasonable conditions and limitations in addition to the requirements listed in this article, to carry out the purpose of this district."

26-2.2006: "Variance, conditional use and special permits — Variance permit standards. An application for a variance permit is an application to modify zoning regulations as they pertain to... setback, auto parking space, building or structure height, or any other regulation pertaining to the size, dimension, shape or design of a lot, parcel, building or structure, or the placement of a building or structure on a lot or parcel. The division of the planning agency hearing the matter either initially or on appeal shall find the following conditions that must exist prior to approval of an application: [¶] (1) That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located; [¶] (2) That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district; [¶] (3) That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located. Failure to so find shall result in a denial."

[5] In this regard, the General Plan states that "[t]he existing and future types of commercial uses anticipated by this plan are those local service and retail outlets which will meet the needs of residents of the community. They should primarily serve the everyday needs of the customer, providing for a wider variety of goods and services than the traditional neighborhood shopping center, yet maintain a local orientation. Among the acceptable uses are branch banks, variety stores, clothing stores, grocery stores, restaurants, flower shops, drug stores, and such services as barber and beauty shops, shoe repair, and radio and television repair shops. Large retail commercial uses intended to serve regional or countywide markets should not be developed in these areas. Such uses would seriously alter the character of the

[App.3d 988, 997-999 \[165 Cal. Rptr. 514\].](#))

[11] In fact, the evidence in the record regarding variances granted to other properties in the vicinity indicates that every previous request for a variance from the 35-foot height limitation has been denied, and that the only buildings higher are either in different zoning areas with more liberal regulations or were built before the creation of the C-B district.

[12] To the contrary, the uncontroverted evidence in the record establishes that a 35-foot building would block the visual impact of the freeway; a building higher than 35 feet would have no more noticeable noise abatement impact than a building only 35 feet in height; the completed Project would create more noise in the surrounding area than now exists without any "buffering"; increased automobile traffic generated by the scale of the Project itself would have a greater impact on undesirable fumes and decreased air quality in the vicinity than now exists, even with the freeway; and existing businesses adjacent to the freeway near the Project site have operated successfully for many years despite the absence of the alleged "buffering" provided by buildings over 35 feet in height, and would be more threatened by the increased congestion created by the size of the proposed development.

[13] *Friends of Mammoth v. Board of Supervisors*, *supra*, 8 Cal.3d at p. 263, fn. 8 ["[M]itigation measures and alternatives to the proposed action [must] be considered. Obviously if the adverse consequences to the environment can be mitigated, or if feasible alternatives are available, the proposed activity, such as the issuance of a permit, should not be approved...."]; *San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino*, *supra*, 155 Cal. App.3d at pp. 749-753 ["the Board is required ... to identify project alternatives contained in the EIR as feasible or infeasible. Further, the Board must state why the alternative is infeasible. [Citation.]" (*Id.*, at p. 753.)]; *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors*, *supra*, 134 Cal. App.3d at pp. 1032-1035 ["Having not made changes or alterations in the project to avoid or mitigate the listed significant environmental effects, the board was required by CEQA to find that some consideration made 'the mitigation measures or project alternatives identified in the' EIR infeasible. [Citation.]" (*Id.*, at p. 1034.)] "Thus, when a project is approved that will significantly affect the environment, CEQA places the burden on the approving agency to affirmatively show that it has considered the identified means of lessening or avoiding the project's significant effects and to explain its decision allowing those adverse changes to occur." (*Id.*, at p. 1035.)

[14] Code of Civil Procedure section 1021.5 provides: "Upon motion, a court may award attorneys' fees to a successful party against one or more opposing parties in any action which has resulted in the enforcement of an important right affecting the public interest if: (a) a significant benefit, whether pecuniary or nonpecuniary, has been conferred on the general public or a large class of persons, (b) the necessity and financial burden of private enforcement are such as to make the award appropriate, and (c) such fees should not in the interest of justice be paid out of the recovery, if any. With respect to actions involving public entities, this section applies to allowances against, but not in favor of, public entities, and no claim shall be required to be filed therefor."

[15] Our decision in this case requires the developer and the responsible reviewing agency to start afresh, either with a new examination of the existing Project proposal, or else with an entirely new project. In either case, future proceedings must of course be in strict compliance with the considerations addressed in this opinion, all applicable land-use regulations, CEQA and the case law interpreting it. If a new or redesigned Project is proposed, it may well require the preparation of a new or supplemental EIR. (Pub. Resources Code, § 21166; Cal. Admin. Code, tit. 14, §§ 15162-15164; *Mira Monte Homeowners Assn. v. County of Ventura*, *supra*, 165 Cal. App.3d 357, 365; *Rural Landowners Assn. v. City Council* (1983) 143 Cal. App.3d 1013, 1024-1025 [192 Cal. Rptr. 325]; *Stevens v. City of Glendale* (1981) 125 Cal. App.3d 986, 998-999 [178 Cal. Rptr. 367]; *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App.3d 185, 192-200 [139 Cal. Rptr. 396].)

[16] On March 18, 1986, one day before the date for oral argument on these appeals, appellants Friends and BAHA submitted an ex parte request that we take judicial notice of a resolution of the Orinda City Council relating to a recent submission by the developer in this case of a new design for the Project. As was made clear by a letter from counsel for respondents and in oral argument, this new submission by the developer was part of ongoing settlement negotiations between the parties. As such, it was inappropriate for this matter to be placed before us, and we will not take judicial notice thereof.

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Planning Commission: August 22, 2011
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION STAFF REPORT
DOLLAR GENERAL

Case: SITE PLAN REVIEW, SPR 01-11 DOLLAR GENERAL

THE REVIEW AND APPROVAL OF THE OLD TOWN SPECIFIC PLAN (OTSP) INCLUDED A PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR). THE EIR EVALUATED FUTURE PROJECTS WITHIN THE BOUNDARIES OF THE OTSP. THE PROPOSED PROJECT WAS EVALUATED TO DETERMINE IF ADDITIONAL CEQA DOCUMENTATION NEEDED TO BE PREPARED. THE PROPOSED PROJECT WILL NOT HAVE ANY EFFECTS NOT CONSIDERED WITHIN THE SCOPE OF THE PROGRAM EIR. THE PROJECT IS CONSISTENT WITH PROGRAM EIR AND WILL NOT CREATE ANY ADDITIONAL IMPACTS NOT PREVIOUSLY CONSIDERED. NO ADDITIONAL ENVIRONMENTAL REVIEW IS REQUIRED.

Request: APPLICANT REQUESTS APPROVAL OF SITE PLAN REVIEW, SP-1-11 TO ALLOW THE DEVELOPMENT OF A 12,480 SQUARE FOOT DOLLAR GENERAL RETAIL BUILDING INCLUDING 50 ONSITE PARKING SPACES, LANDSCAPING AND STORMWATER RETENTION ON 1.3 ACRES.

Applicant: DYNAMIC DEVELOPMENT COMPANY LLC
1725 21ST STREET
SANTA MONICA, CA 90404

Property Owner:

MS GERALDINA HORAK
57646 SUNNYSLOPE DRIVE
YUCCA VALLEY, CA 92284

Representative:

DYNAMIC DEVELOPMENT COMPANY LLC
ATTN: TIM SAIVAR
1725 21ST STREET
SANTA MONICA, CA 90404

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

Location: THE PROJECT IS LOCATED AT THE NORTHWEST CORNER OF TWENTYNINE PALMS HIGHWAY AND HOPI TRAIL, AND IS FURTHER IDENTIFIED AS APN: 586-121-06.

Existing General Plan Land Use Designation:

THE SITE IS DESIGNATED OLD TOWN HIGHWAY COMMERCIAL (OTHC), HIGHWAY ENVIRONS OVERLAY

Existing Zoning Designation:

THE SITE IS DESIGNATED OLD TOWN HIGHWAY COMMERCIAL (OTHC), HIGHWAY ENVIRONS OVERLAY

Surrounding General Plan Land Use Designations:

NORTH: OLD TOWN INDUSTRIAL/ COMMERCIAL (OTIC), HIGHWAY ENVIRONS OVERLAY
SOUTH: ACROSS SR 62, OLD TOWN HIGHWAY COMMERCIAL (OTHC)
WEST: OLD TOWN HIGHWAY COMMERCIAL (OTHC), HIGHWAY ENVIRONS OVERLAY
EAST: ACROSS HOPI TRAIL, OLD TOWN MIXED USE (OTMU), HIGHWAY ENVIRONS OVERLAY

Surrounding Zoning Designations:

NORTH: OLD TOWN INDUSTRIAL/ COMMERCIAL (OTIC), HIGHWAY ENVIRONS OVERLAY
SOUTH: ACROSS SR 62, OLD TOWN HIGHWAY COMMERCIAL (OTHC)
WEST: OLD TOWN HIGHWAY COMMERCIAL (OTHC), HIGHWAY ENVIRONS OVERLAY
EAST: ACROSS HOPI TRAIL, OLD TOWN MIXED USE (OTMU), HIGHWAY ENVIRONS OVERLAY

Surrounding Land Use:

NORTH: VACANT LAND
SOUTH: ACROSS SR62 SMALL COMMERCIAL BUSINESS AND SCATTERED VACANT LOTS
WEST: DESERT SKY MOTEL AND RV PARK
EAST: YUCCA VALLEY TRAILER COURT AND STORAGE

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

THE REVIEW AND APPROVAL OF THE OLD TOWN SPECIFIC PLAN (OTSP) INCLUDED A PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR). THE EIR EVALUATED FUTURE PROJECTS WITHIN THE BOUNDARIES OF THE OTSP. THE PROPOSED PROJECT WAS EVALUATED TO DETERMINE IF ADDITIONAL CEQA DOCUMENTATION NEEDED TO BE PREPARED. THE PROPOSED PROJECT WILL NOT HAVE ANY EFFECTS NOT CONSIDERED WITHIN THE SCOPE OF THE PROGRAM EIR. THE PROJECT IS CONSISTENT WITH PROGRAM EIR AND WILL NOT CREATE ANY ADDITIONAL IMPACTS NOT PREVIOUSLY CONSIDERED. NO ADDITIONAL ENVIRONMENTAL REVIEW IS REQUIRED.

OUTSIDE AGENCIES COMMENTS RECEIVED

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT:

A LETTER WAS PROVIDED, DATED JULY 14, 2011 INDICATING THE MDAQMD HAS NO COMMENTS ON THE APPLICATION.

SAN BERNARDINO COUNTY FIRE:

IN AN EMAIL DATED JULY 14, 2011 THE SBCFD INDICATED THERE WERE NO IMMEDIATE CONCERNS, HOWEVER THE DEPARTMENT IS REQUESTING FIRE CALCULATION INFORMATION, AVAILABLE WATER DATA, AND SITE PLAN IDENTIFYING UTILITY LOCATIONS.

SAN BERNARDINO COUNTY ENVIRONMENTAL HEALTH:

AN EMAIL WAS PROVIDED DATED JULY 13, 2011 INDICATING THAT IF MORE THAN 25 SQUARE FEET OF FOOD DISPLAY AREA IS PROPOSED THE PLANS SHALL BE REVIEWED AND APPROVED BY DEHS.

HI DESERT WATER DISTRICT:

A LETTER WAS PROVIDED ON AUGUST 8, 2011 WITH FOUR (4) CONDITIONS OF APPROVAL. THESE HAVE BEEN INCORPORATED INTO THE PROJECT CONDITIONS.

UNITED STATES MARINE CORPS

A LETTER DATED AUGUST 2, 2011 WAS RECEIVED ADVISING THE APPLICANT OF MILITARY AIRCRAFT AND CONVOYS IN THE AREA.

COPIES OF ALL LETTERS ARE INCLUDED IN THE PACKET.

RECOMMENDATIONS:

SITE PLAN REVIEW, SPR 01-11: That the Planning Commission approves, based upon the findings contained within the Staff report and the Conditions of Approval:

- a) The review and approval of the Old Town Specific Plan (OTSP) included a program environmental impact report (EIR). The EIR evaluated future projects within the boundaries of the OTSP. The proposed project was evaluated to determine if additional CEQA documentation needed to be prepared. The proposed project will not have any effects not considered within the scope of the program EIR. The project is consistent with program EIR and will not create any additional impacts not previously considered. No additional environmental review is required.
- b) Approve the development of a 12,480 square foot Dollar General retail building including 50 onsite parking spaces, landscaping and stormwater retention on 1.3 acres.

Project Planner: Robert Kirschmann

Reviewed by: Shane Stueckle

Appeal Information:

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

I. GENERAL INFORMATION

PROJECT DESCRIPTION: The applicant requests approval of a Site Plan Review to allow the development of a 12,480 square foot Dollar General retail building including 50 onsite parking spaces, landscaping and stormwater retention on 1.3 acres.

LOCATION: The project is located at the northwest corner Of Twentynine Palms Highway and Hopi Trail, and is further identified as APN: 586-121-06.

PROJECT SYNOPSIS:

SITE COVERAGE

| | |
|--------------------------------|---|
| PROJECT AREA | 1.3 acres |
| BUILDING AREA | 12,480 square feet |
| PHASED CONSTRUCTION: | None |
| FLOOD ZONE | Map 8855 zone X and A. The building is proposed outside of Zone A (100 year flood plain) |
| ALQUIST PRIOLO ZONE | No |
| OFF-SITE IMPROVEMENTS REQ. | Yes, sidewalks, and street lights, street lights |
| ASSESSMENT DISTRICTS REQ. | Yes |
| RIGHT-OF-WAY DEDICATION REQ. | Verification of appropriate dedications |
| UTILITY UNDERGROUNDING: | All new service lines shall be underground in conformance to Ordinance No. 169, or as amended by the Town Council |
| AIRPORT INFLUENCE AREA: | Located outside the Influence area |
| TRAILS & BIKE LANE MASTER PLAN | No facilities on or adjacent to the project. |
| PUBLIC FACILITY MASTER PLAN | No facilities on or adjacent to the project. |

PARKS AND RECREATION MASTER PLAN

No public facilities are identified for this site.

MASTER PLAN OF DRAINAGE:

No facilities on or adjacent to the project, however an existing "bubbler" occurs along the eastern property line and will be required to be addressed in the final design

STATE OF CALIFORNIA STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIRED:

Yes, more than 1 acre disturbed

REDEVELOPMENT PROJECT AREA:

Yes, located in the Downtown RDA sub-area

STREET LIGHTS:

No new lights required, one exists on site along SR 62 and future driveway, one exists near the intersection of Hopi and SR62 and one just beyond site on Hopi

SPECIFIC PLAN/ PLANNED DEVELOPMENT AREA:

Yes, Old Town Specific Plan

FUTURE PLANNING COMMISSION ACTION REQUIRED

Final review of landscape plans.

FUTURE TOWN COUNCIL ACTION REQUIRED

None for the Site Plan Review, unless appealed

Yes, for the Assessment District formation

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: The project is designated Old Town Highway Commercial (OTSP), Highway Environs Overlay. This designation is intended to allow a wide range of retail sales, business uses and personal services oriented to the automobile customer. The proposed project is consistent with the designations in which it occurs.

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

GENERAL LAND USE

GOAL 1

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

COMMERCIAL

GOAL

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

POLICY 1

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

ENVIRONMENTAL CONSIDERATIONS: The review and approval of the Old Town Specific Plan (OTSP) included a Program Environmental Impact Report (EIR), adopted by the Town Council on December 13, 2007. The EIR evaluated future projects within the boundaries of the OTSP. The proposed project is consistent with Program EIR and will not create any additional impacts not previously considered.

ADJACENT LAND USES: The proposed site is an existing rough graded lot. The site is bounded by roads on the north, south, and east sides. Across SR62 to the south are existing commercial buildings, to the east across Hopi Trail a mobile home park, to the west a recreational vehicle park and to the north an existing graded dirt lot.

SITE CHARACTERISTICS: The site is a relatively flat, previously rough graded lot. There are currently annual grasses and weeds covering the site. There are two Joshua trees onsite that are proposed to remain in their locations. However one is in close proximity to the State Highway and maybe required to be removed for off-site improvements.

BUILDING ELEVATIONS: The 12,480 square foot building is proposed to be located at the northwest portion of the subject site. The building foot print measures 80' by 156'. The proposed building elevations include both vertical and horizontal relief. The highest point of the building is proposed at 24'9". The overall building height varies from 24'9" down to almost 17'9". The elevations are proposed to be primarily stucco with a 3' 4" strip of stone veneer along the lower portion of the building. Other banding and plant-ons are proposed to break up the wall planes. The proposed colors consist

of sandstone, beige, and mahogany stone. A small metal canopy is proposed around the entry of the building and will be painted to match.

The elevations as proposed are consistent with Commercial Design Guidelines. The colors selected can be found with in the approved color pallet and are consistent with desert. The wall plains are broken up by trellis, stone veneer and color banding.

ROADWAY IMPROVEMENTS: The proposed project is bounded by Twentynine Palms Highway on the south, Hopi Trail on the east and an alley to the north. Hopi Trail currently has existing curb and gutter. The project will repair any damaged curb and install a sidewalk. Street lights currently exist near the intersection of SR 62 and Hopi trail, on SR 62 near the proposed driveway and one existing just north of the site on Hopi Trail. No additional street lighting is required or recommended. There is an existing drain under SR62 that drains to a “bubbler” on the project site approximately where the sidewalk will be located. The project is conditioned to continue positive drainage through the site. Approval may be required from CalTrans for this drainage feature.

Improvements to the Highway way include full improvements consisting of curb, gutter, and sidewalk. These improvements are consistent with the Old Town Specific Plan, which established a 55’ half width section for SR 62 at this location. The project is conditioned to dedicate an easement for additional right of way should the OTSP be amended in the future. These plans will require review and approval by Cal-trans.

As the Commission is aware the Town is beginning the General Plan update process. It is possible that in those discussions the proposed realignment of SR62 currently approved may be modified. Staff is recommending this dedication due to the uncertainty surrounding the future realignment through the Old Town area

This site is located in the Gateway Reimbursement District. The district improvements were completed by the Town and then each property was assessed a portion of the cost. This property received a curb, gutter and paving along Hopi Trail. According to the analysis this property is responsible to pay \$9,353. This is included as a condition of approval.

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: Hopi Trail and the Alley 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

SPECIFIC PLAN DISCUSSION: The project is located within the Old Town Specific Plan. The project site is designated Old Town Highway Commercial and in the

Highway Environs Overlay. The Old Town Highway Commercial District is “intended to provide a wide range of retail sales, business uses and personal services oriented to the automobile customer. This project is consistent with that intent.

The site is also located within the Highway Environs Overlay District (HE). The site is close to the possible relocation of SR 62 on the west side of the Specific Plan. The intent of the HE overlay district is to “provide a heightened level of discretionary review for development proposals in areas where changes in land use regulations are contemplated by the potential future realignment of SR62. The HE Overlay District ensures that future development proposals are not adversely affected by the realignment of SR-62”.

This project is located to the east of the proposed realignment. If/when the realignment occurs; this business will be located on “Main Street”. At this location “Main Street” is proposed to be a total of 110’ wide (55’ half width). Tract Map 3081 indicates that there is a 55’ half with dedication existing on SR 62 today. Verification of this dedication is included in the conditions of approval. However, due to the uncertainty of if/when the rerouting of SR-62 will occur Staff has conditioned the project to dedicate an additional 12’ of right of way. This additional 12’ will provide for a 67’ half width if the highway is to be widened in the current location. Should the Highway be widened in its current location at the smallest point there will still be approximately 12’ of landscaping outside of the right of way. The Old Town Specific Plan, Table 4-2 states the front setback for parking is ten (10’) and therefore will comply with the Code.

CIRCULATION: The project is located within the Gateway Reimbursement area. As part of the area certain street improvements were made and then a fair share for those improvements was determined and assessed on each property. For this particular site improvements included curb, gutter and pavement on Hopi Trail. As previously mentioned the applicant is responsible to pay \$9,353 dollars towards these improvements. Additional improvements conditioned for this project include sidewalk along Hopi, street lights at Hopi and the Alley, Hopi and SR62 and SR62 and the west driveway. SR62 improvements will include curb, gutter, and sidewalk. Additionally, the project is conditioned to improve the highway at the current 55’ half width but dedicate the full 67’ half width incase the Old Town Highway realignment project is amended through the General Plan update.

Access to the site is proposed on SR62, Hopi Trail and the Alley. Per discussions with the applicant, CalTrans has indicated that the driveway on SR62 will be limited to right out only. The project is conditioned to provide a right turn only sign at the driveway to SR62. Final review and approval is required by CalTrans.

The internal driveways are much larger than required by code, proposed at 39’ but required to be a minimum of 26’. The driveways are larger to ensure that delivery trucks are able to completely maneuver onsite.

The building is proposed at 12,480 square feet. General Retail requires parking at one stall per 250 square feet. This would require 50 stalls, which the applicant has provided for onsite.

FLOOD CONTROL/DRAINAGE: The project may result in the construction of minor drainage facilities along Hopi Trail. There is an existing inlet on the south side of SR62. This water goes into a pipe under the Highway and outlets on the project site, approximately where the sidewalk is proposed to be located. The project is conditioned to continue positive flow of this water through the site.

The site is conditioned to retain its incremental 100 year 24-hour storm volume, plus 10% minimum, 20% desired on the site. The applicant is proposing a retention basin in the landscape area along Hopi Trail.

UTILITIES: The extension of utilities to the site and on the site will be necessary, including natural gas, electricity, water services (for fire suppression, landscaping, etc), telephone, and associated improvements.

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

Electrical services are provided by Southern California Edison. Electrical service is available at the site, as there are existing overhead electrical facilities running parallel to SR 62 as well as west of the project site. Services to the site shall be placed underground in accordance with the Utility Undergrounding Ordinance in effect at the time of construction.

Natural gas services are provided to by The Gas Company. All adjacent properties are serviced with natural gas, and both high and low pressure gas lines are available to the project site.

The Hi-Desert Water District (HDWD, District) serves the Town of Yucca Valley with groundwater from the Warren Valley Basin and Ames/Means Valley Basin.

Solid waste services are provided by Burrtec Inc. The Town of Yucca Valley requires mandatory solid waste services and the project will be served by Burrtec.

The Trash enclosure as proposed does not meet Town standards. A condition of approval has been added that requires the enclosure to meet standards. The enclosure is also conditioned to be constructed of a material and color (stucco, stone, etc) to match the architecture of the building. A trellis has been proposed to help screen the enclosure.

LANDSCAPING: The applicant has provided a conceptual landscaping plan. The Plan includes 2 existing Joshua Trees proposed to remain in place, and various shade

and accent trees, shrubs, and groundcovers. Plant materials include palm trees which the Planning Commission has historically discouraged from being installed in projects. Based upon historical direction by the Commission, Staff recommends that the palm trees be replaced with other trees such as pines, crape myrtles, etc. Staff would also recommend, and has included a condition that requires the wall, particularly along SR to meander and that landscaping be included on both sides. A Condition of Approval is included for the landscaping on the west side of the building. Currently only Pyracanthas are proposed for a long screen hedge. Staff has also included a condition that requires additional vertical screening to be provided such as italian cyprus. This will help screen the building from the adjacent RV Park. The trellises provided on the east and west elevations are conditioned to be planted with plants compatible for this area.

A final plan is required to be reviewed and approved by both the Town and Hi-Desert Water District. The final landscaping plan shall be reviewed by the Planning Commission.

WALLS/FENCES: The project includes 30" tall block walls along Hopi trail and SR62, to meet the requirements of the parking code and screen the vehicles. As mentioned above Staff has included a Condition of Approval requiring the walls, particularly the Wall along the Highway to meander and include landscaping on both sides. An addition condition has been included requiring the materials of the wall to be decorative and consist of stucco, split face block, or similar materials. No wall is proposed on the west property line, however solid screens of hedges are proposed.

CONCLUSION: The proposed project is consistent with the Old Town Specific Plan, General Plan and Zoning designations assigned to it. The review and approval of the Old Town Specific Plan (OTSP) included a Program Environmental Impact Report (EIR). The EIR evaluated future projects within the boundaries of the OTSP. The proposed project is consistent with Program EIR and will not create any additional impacts not previously considered.

SITE PLAN REVIEW FINDINGS:

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

The Dollar General Project serves to implement the Old Town Specific Plan designation of "Old Town Highway Commercial (OTHC)". The OTHC allows for retail sales with in this area. The site has been designed to accommodate appropriate numbers of parking stalls, onsite retention, and landscape areas. Further, in regards to the Highway Environs Overlay, the dedication for future widening (if required) has been conditioned. The current improvements proposed are consistent with the Old Town Specific

Plan, Town Standards and Cal-Trans. Therefore, the projects location, size, density and intensity are consistent with the General Plan.

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

The Building proposes both horizontal and vertical relief. The maximum height is proposed at 24' 9" and varies down to 17' 9". The elevation provides a transition from the surrounding mobile homes and Motel/ RV park. The site is a flat previously rough graded lot with no significant topographic features. The site is compatible with the surrounding commercial business located along the Highway for the development of this scale of project.

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

The proposed project is designed to blend in height with existing development, through the use of incremental height changes ranging from 17' 9" to 24' 9". The proposed development provides compatible transitions in the scale, bulk, density and character of the development.

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

The buildings include areas windows and doors along the south and eastern walls near the entrance. These will allow for natural light to filter through, eliminating the need for some lighting.

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

The proposed project is designed to blend in height with existing development, through the use of incremental height changes ranging 24' 9" to 17' 9". Architectural design includes desert tone stucco, trellises, a canopy and stone enhancements throughout the exterior of the structure. Project materials and colors are consistent with and complement or enhance the surrounding development. The project as designed is consistent with the Commercial Design Guidelines.

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

The proposed development, as discussed above has been designed from 24' 9" to 17' 9". The height is compatible with the surrounding developments. The Building has been setback from the mobile home. A 15' landscaping and parking area separate the two uses. The building is setback approximately 15' from the Motel/ RV park and is landscaped to help screen and break up the building. Additionally the west side will be screened from the RV park by landscaping. These should help to avoid blocking or dominating the views. This will help provide a transition between the various surrounding land uses in the area, providing sensitivity to structure height with surrounding development.

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

The project meets and exceeds the requirements of the Development Code. The parking area landscaping exceeds the minimum landscape area required by 14%. The project includes landscaping, lighting, hardscape improvements, on-site water retention which are compatible with the design and functions of the site.

8. 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;

The architectural design of the building is visually appealing. There is both horizontal and vertical relief provided. The building will utilize materials to protect the economic value of existing structures. The proposed project is designed to blend in height with existing development, through the use of incremental height changes. Architectural design includes desert tone stucco; metal trellises a metal canopy and stone enhancements throughout the exterior of the structure. Project materials and colors are consistent with and complement surrounding development. The project is consistent with the Commercial Design Guidelines.

9. 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;

The project is a small commercial infill development. There will be minimal impacts to existing public facilities, services and utilities. Each responsible entity has been notified of the project and provided the opportunity to comment. Additionally the project has been conditioned to participate in a future public safety assessment district.

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

The proposed project provide safe circulation both onsite and offsite for pedestrians and vehicles. The driveway on SR62 will be limited to right out movements only through the use of signage. The onsite driveways are designed wider than required by the Town or San Bernardino County Fire. The site is also designed with stripped walkways from the sidewalks to the building. The improvements will be consistent with the Old Town Specific Plan, General Plan, and Town standards.

11. 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;

Due to the size and type of business proposed the amount of traffic to be generated is expected to be minor. Potential conflicts at the Highway have been eliminated by requiring right out through installation of signage. Additionally, the driveway on Hopi Trail has been shifted north in excess of 150' to help avoid conflicts at traffic at the intersection with the Highway.

12. 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;

The project is anticipated to not have any significant impacts on surrounding roads. A signal is anticipated to be constructed in the future at Inca and SR62 as a result of another project in Town. This signal will ensure that this intersection operates at a level of service (LOS) C or better. This project is consistent with that installation.

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

The project site is a previously rough graded dirt lot surrounded on the south, east and west by developments and a vacant rough graded lot to the north. The site has two Joshua Trees onsite that are proposed to remain in place. A letter was provided by a biologist that the site s not suitable habitat for desert tortoise. The Program EIR for the OTSP evaluated projects similar to this. There is no further Environmental review required. The review and approval of the Old Town Specific Plan (OTSP) included a Program Environmental Impact Report (EIR). The EIR

evaluated future projects within the boundaries of the OTSP. The proposed project is consistent with Program EIR and will not create any additional impacts not previously considered.

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

The review and approval of the Old Town Specific Plan (OTSP) included a Program Environmental Impact Report (EIR). The EIR evaluated future projects within the boundaries of the OTSP. The proposed project is consistent with Program EIR and will not create any additional impacts not previously considered.

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

No negative impacts are anticipated as a result of the project. There will be no impacts to the public health, safety, and welfare of the community. The review and approval of the Old Town Specific Plan (OTSP) included a Program Environmental Impact Report (EIR). The EIR evaluated future projects within the boundaries of the OTSP. The proposed project is consistent with Program EIR and will not create any additional impacts not previously considered.

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

The project, as proposed complies with all applicable provisions of the Development Code, Specific Plan and applicable Town policies.

Attachments:

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

**TOWN OF YUCCA VALLEY
CONDITIONS OF APPROVAL
SITE PLAN REVIEW, SPR 01-11
DOLLAR GENERAL**

Site Plan Review SPR 01-11 approves the development of a 12,480 square foot Dollar General retail building including 50 onsite parking spaces, landscaping and stormwater retention on 1.3 acres.

The project is located at the northwest corner Of Twentynine Palms Highway and Hopi Trail, and further identified as APN: 586-121-06.

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: August 22, 2011
Expiration Date: August 22, 2014

- G3. The applicant shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project. These include, but are not limited to, 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. If phasing is proposed, 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 **One sign shall be posted at the south east corner of the project site facing SR 62,** 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. The director shall have the authority to allow occupancy and business operation prior to the completion of minor punch list items as deemed necessary.
- 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. If proposed, 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.

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. **In conjunction with building and grading plan submittals the**

plan shall show the extent of the Flood Zone and demonstrate that the new construction is outside of the designated Flood Zone. This site plan shall be stamped by licensed land surveyor or engineer.

- 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. **The project shall comply with any future amendments made to Ordinance 169.**
- P3. All exterior lighting shall comply with the Ordinance 90 or as amended, Outdoor Lighting and shall be illustrated on all construction plans.
- P4. **Should either native plant onsite require removal or transplantation the applicant shall comply with all provisions of Ordinance No. 140 or as amended.**
- 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 50 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 the sign ordinance in place at time of application.
- P8. 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 pay their portion of the Gateway Reimbursement District in the amount of \$9,353.**
- P11. The screen walls located along SR62 and Hopi Trail shall meander to the extent feasible and landscaping shall be provided on both sides of the wall.**
- P12. The final landscape and irrigation plan shall include vines, such as wisteria, cats claw vine or similar vines compatible with the desert on both the east and west trellis.**
- P13. All walls shall be decorative and consist of stucco, split face block or similar materials.**

ENGINEERING CONDITIONS

- E1. Dedicate an additional 17 feet of right of way along SR 62 to provide a total of 67 feet (half street). Improvements proposed along SR 62 shall be constructed such that the width matches at the existing curb return (55' half-width, consistent with the Old Town Specific Plan). Improvements on SR 62 shall include concrete sidewalk, and curb and gutter. The driveway onto SR62 shall have a right turn only sign installed. The highway improvements shall include an ADA compliant ramp at the curb return of SR 62 and Hopi Trail consistent with current Caltrans standards. All improvement plans for SR 62 shall be processed through Caltrans.**
- E2. 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.

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.

- E3. **The grading plan shall show the proposed sidewalk and driveway entrance onto Hopi Trail and the alleyway at the north edge of the site, however a separate encroachment shall be obtained for the sidewalk and construction of the driveways.**
- E4. **The existing drain pipe under SR 62 that outlets onto the site from the south shall be accommodated into the project design. A positive outlet shall be provided for the storm drain. Any anticipated alterations shall be approved by Caltrans.**
- E5. The Applicant's engineer shall provide easement legal descriptions and plats if any off-site facilities including retention areas and/or sewer septic systems are these proposed.
- E6. 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.
- E7. 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.
- E8. Prior to the issuance of a Grading Permit for the onsite areas, a Grading Plan, including Rough 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.
- E9. A licensed civil engineer or land surveyor shall survey and provide pad certification and **compliance with the Flood Plain Management Ordinance** for the development prior to issuance of building permits.
- E10. 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.

- E11. All recommended approved measures identified in the Geotechnical and Soils Engineering report shall be incorporated into the project design.
- E12. 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. 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.
- E27. The Applicant shall install all water and septic systems required to serve the project. All water septic systems, and sewer dry lines shall be completed to the requirements of the Hi Desert Water District.
- E28. 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.

- E29. 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.
- E30. All improvement plans shall be designed by a Registered Civil Engineer.
- E31. 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.
- E32. 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.
- E33. 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.
- E34. Drainage easements, when required, shall be shown on the grading plan and separate legal descriptions and plats prepared delineating the location of the easements.
- E35. Private drainage easements for cross-lot drainage shall be dedicated by separate instrument and delineated on the grading plan.

E36. 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.

E37. The following information regarding the presence of the Marine Corps Air Ground Combat Center (MGAGCC) shall be recorded on the title of the property, and included in the information presented to each new tenant.

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

E38. Improvement plans shall be based upon a curb line profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the Town Engineer.

E39. With submittal of grading plans, street improvement plans, storm drain and retention/detention basin plans, and erosion and sediment control plans, the Applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town. The Applicant shall initiate the maintenance and benefit assessment district(s) formation by submitting a landowner petition and consent form (provided by the Town) and deposit necessary fees concurrent with the application for street and grading plan review and approval; and said maintenance and benefit assessment district(s) shall be established concurrent with the approval of the final map in the case of the subdivision of land, or prior to issuance of any certificate of occupancy where there is no subdivision of land.

E40. The Applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property. Not to exceed \$1,619 per year plus CPI increases.

E41. **Provide a non-interference letter from the utility company (ies) for the existing utility lines crossing the site stating that development of the site will not interfere with their facilities.**

E42. 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 and for food sales.
- B7. Provide required access plan (parking, path of travel, building access, restroom, workspace, etc.) in compliance with 2010 Building Codes.
- 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.
- 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.

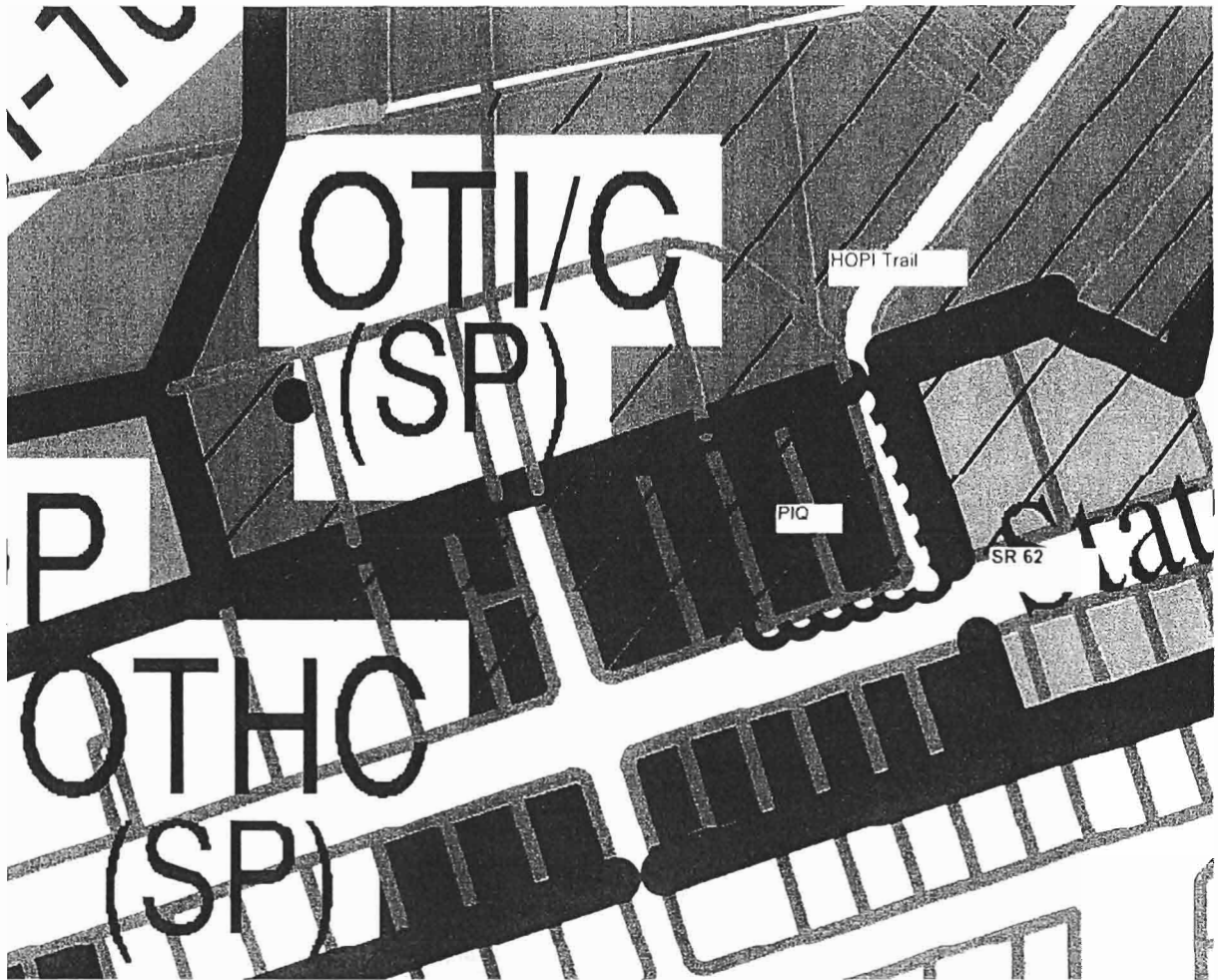
WQ3. General Waste Discharge Requirements maybe required if the project involves sanitary sewer systems.

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 _____

TOWN OF YUCCA VALLEY

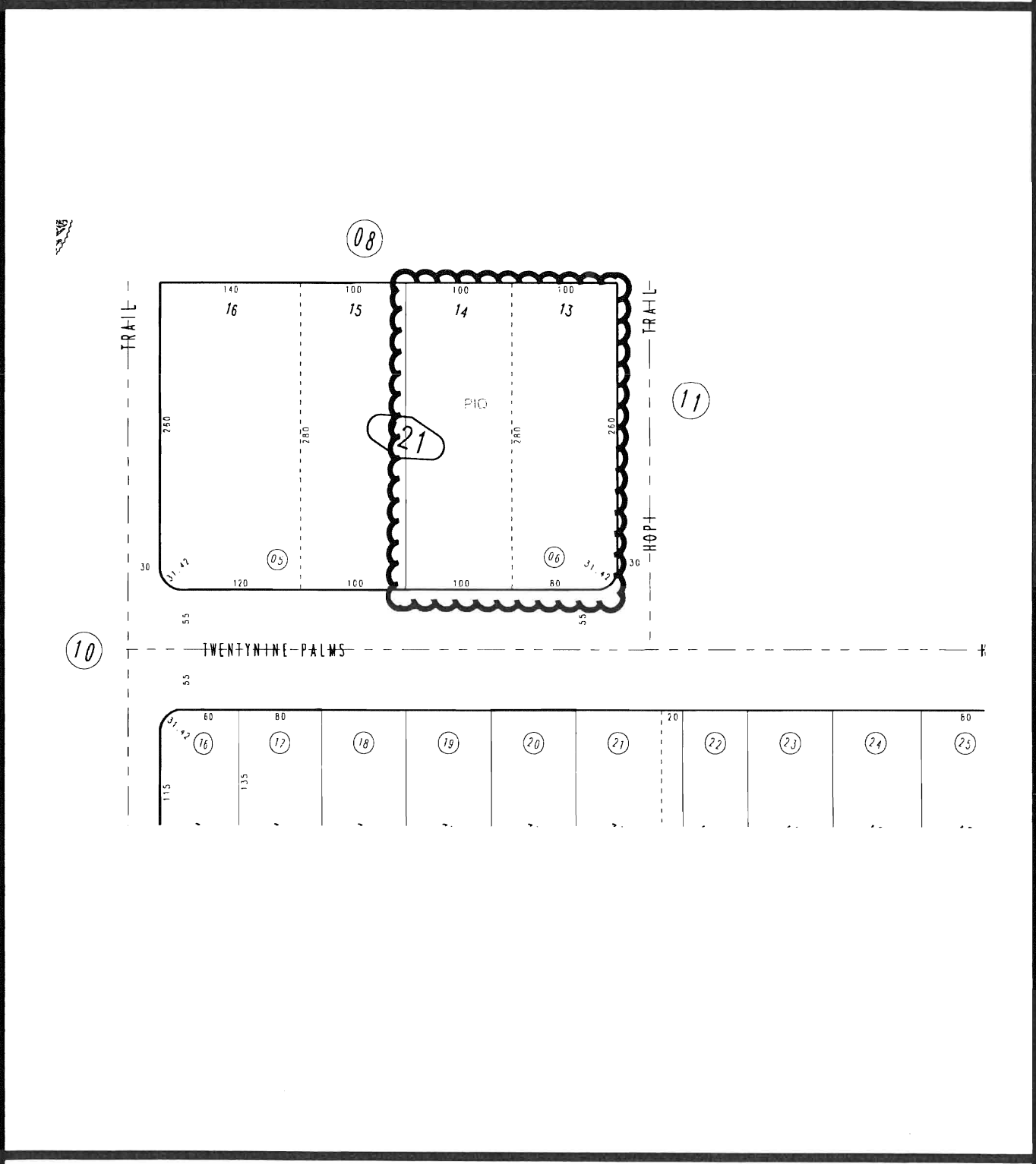
PROJECT NO.: SITE PLAN REVIEW, SPR 01-11 DOLLAR GENERAL



ZONING AND GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

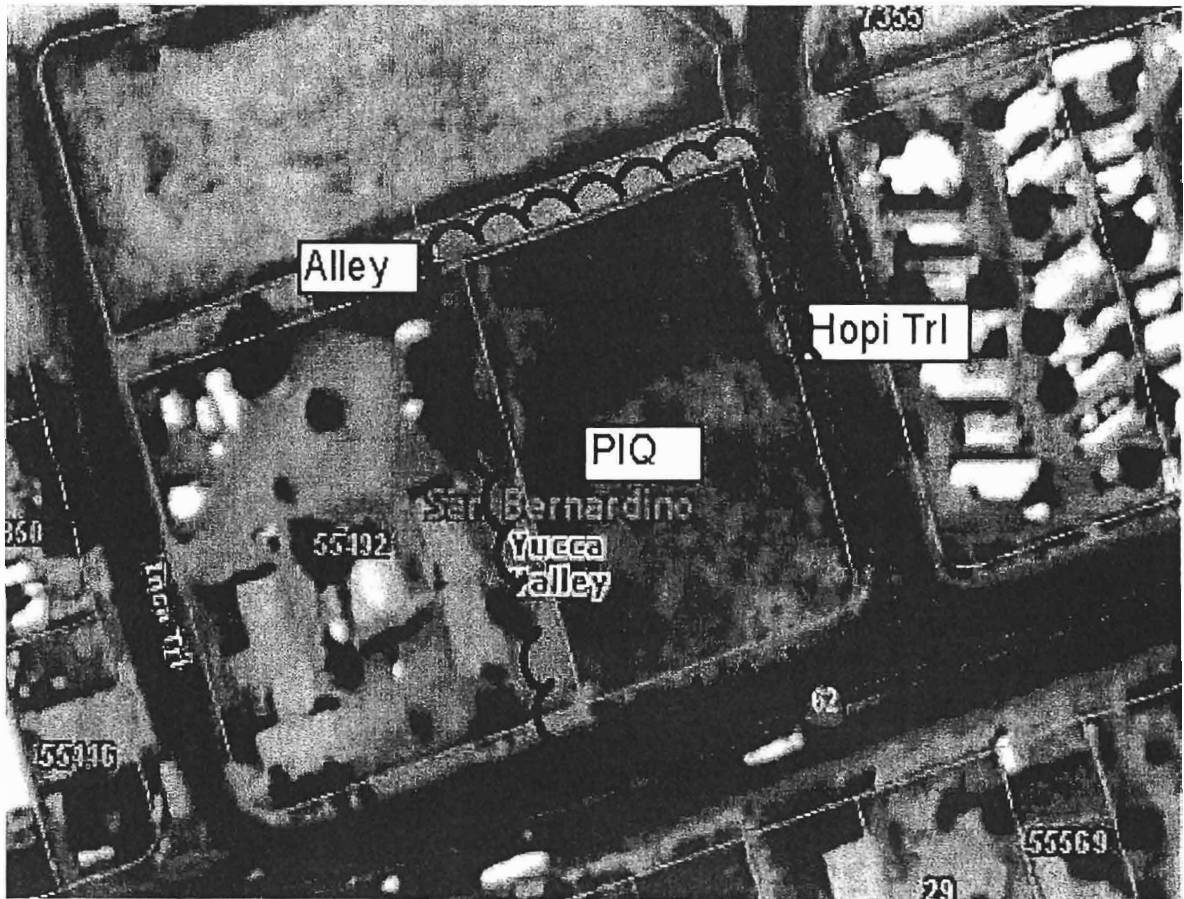
PROJECT NO.: SITE PLAN REVIEW, SPR 01-11 DOLLAR GENERAL



Assessor's Parcel Map

TOWN OF YUCCA VALLEY

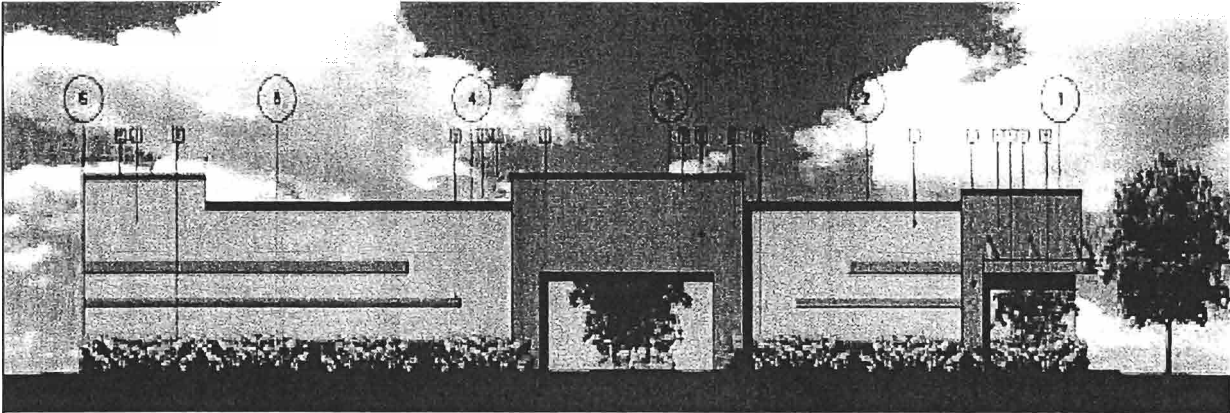
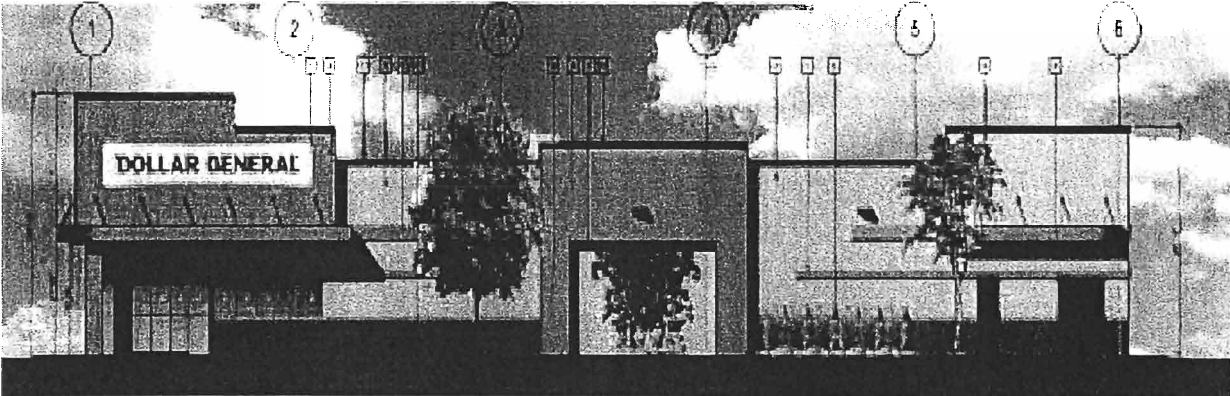
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AERIAL PHOTO

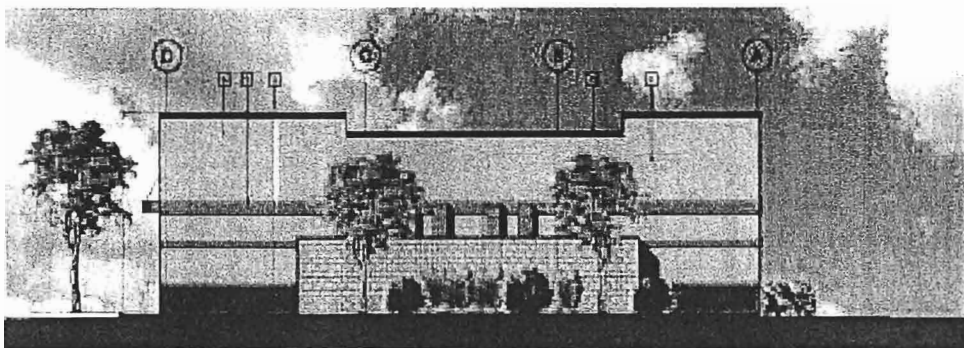
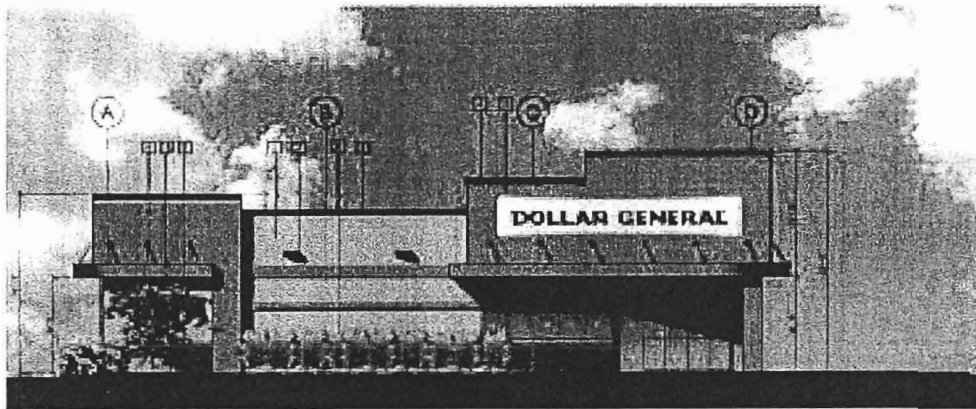
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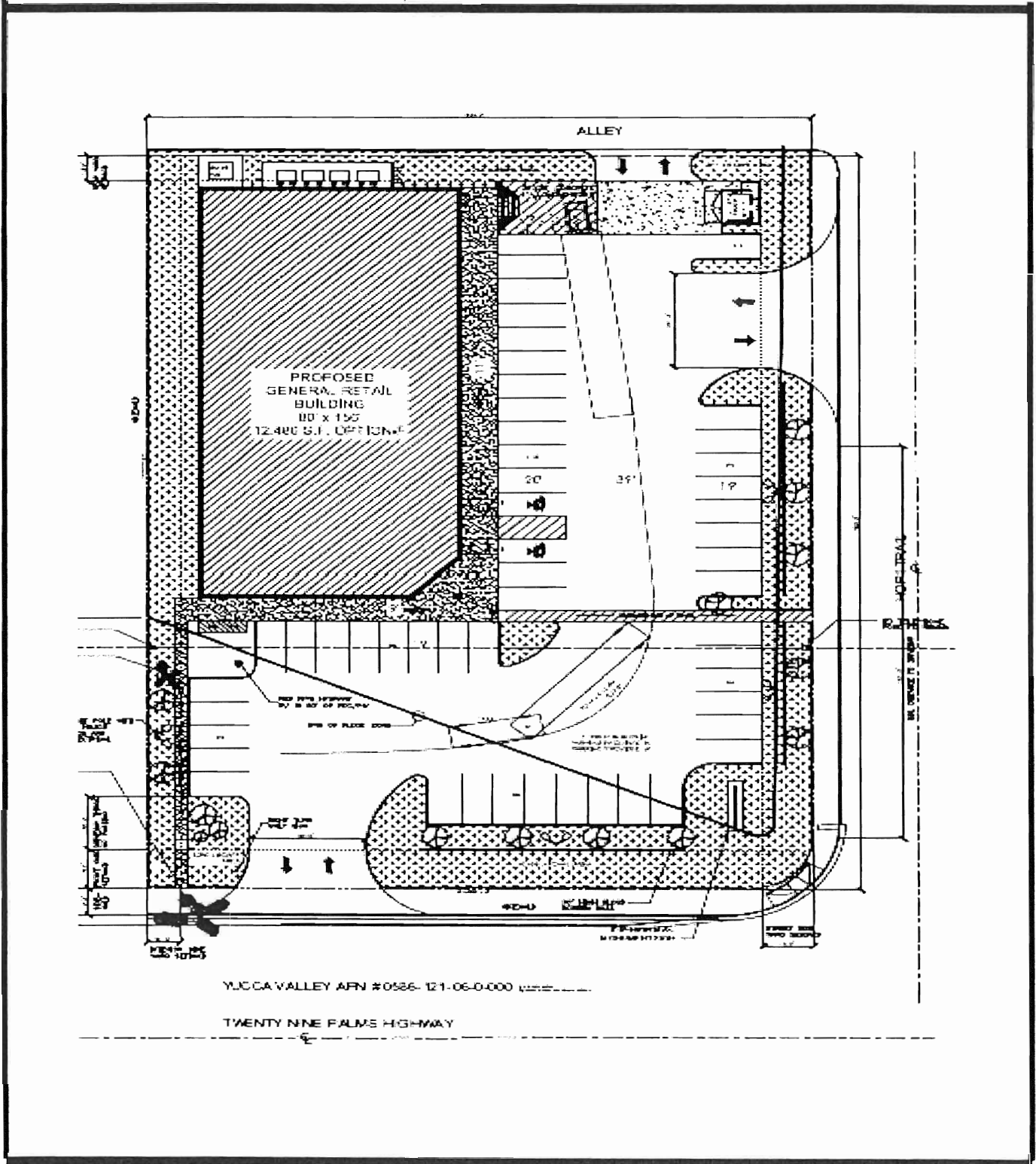
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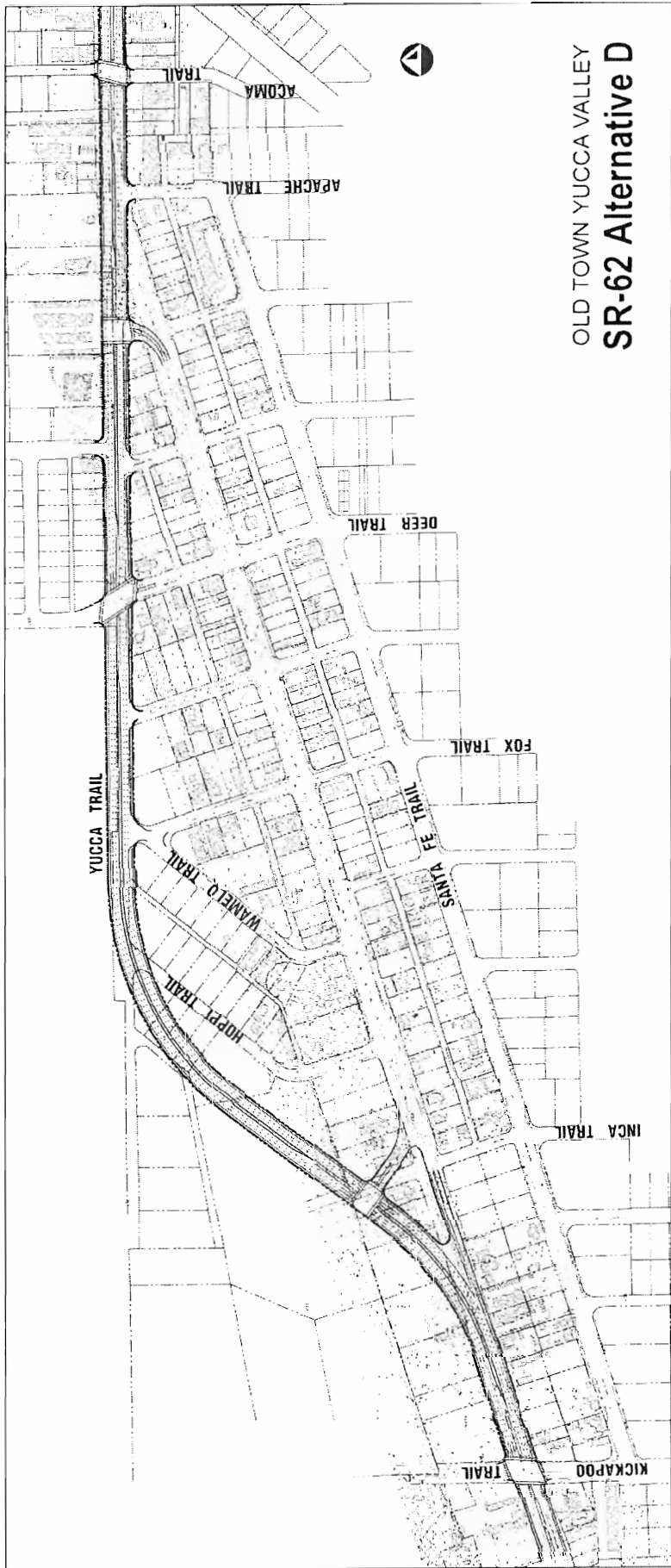


TOWN OF YUCCA VALLEY

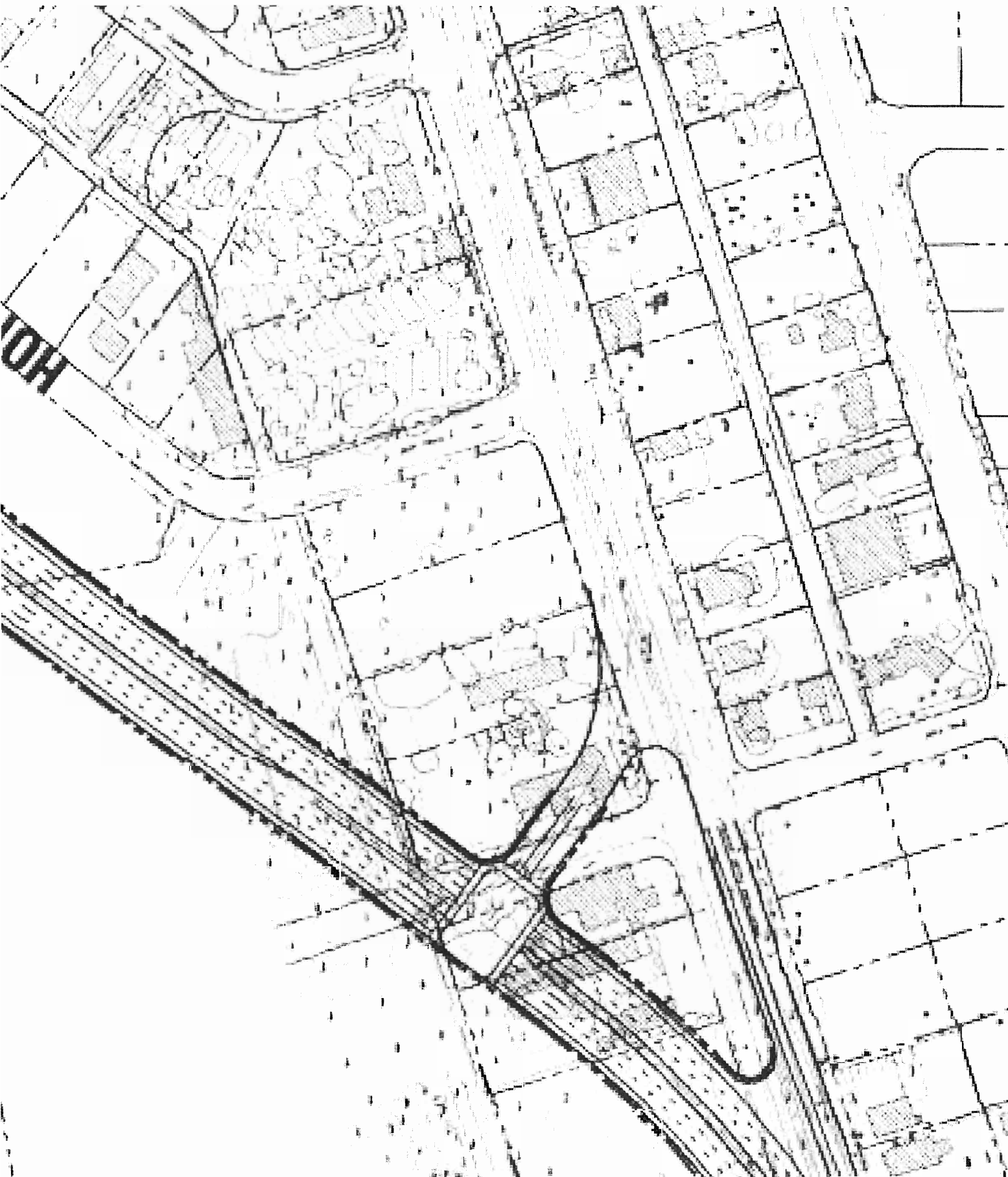
PROJECT NO.: SITE PLAN REVIEW, SPR 01-11 DOLLAR GENERAL



Site Plan



OLD TOWN YUCCA VALLEY
SR-62 Alternative D





| | | | |
|-----------|------------------|-----|-------|
| Date: | <u>07/07/11</u> | Fee | _____ |
| Case No. | <u>SPP-01-11</u> | Fee | _____ |
| Case No.: | _____ | Fee | _____ |
| Case No. | _____ | Fee | _____ |
| EA No.: | _____ | Fee | _____ |

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

(Please Type or Print Legibly)

Applicant Dynamic Development Company, LLC

Address 1725 21st St. City Santa Monica State CA Zip 90404

Phone 310-315-5411 x18 Cell 310-699-1426

E-mail Address mward@dynamicdevco.com

Project Name (if any) Dollar General - Yucca Valley

Contact Person/Representative Tim Saivar

Address 1725 21st St. City Santa Monica State CA Zip 90404

Phone 310-315-5411 x20 Cell 805-501-2828

E-mail Address tmsnia@att.net or tsaivar@dynamicdevco.com

Property Owner Ms. Geraldina Horak Phone 760-228-3187

Address 57646 Sunnyslope Drive City Yucca Valley State CA Zip 92284

E-Mail Address tmarie337@yahoo.com

Assessor Parcel Number(s) 0586-121-06-0 Tract Map # _____ Lot # _____

Property Dimensions 200' x 280' Existing Land Use Vacant

Structure Square Footage 12,480 General Plan Designation/Zoning Old Town, Comm., MU

Location: (Example: Address & Street or SW corner of Elk & Onaga or 300 ft N of Paxton on W side of Airway)
Northwest corner of Twenty-Nine Palms Highway (Highway 62) & Hopi Trail

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.

See Attached

Owner's Signature *Ms. Geraldina Horak* Date 6/14/2011

NOTE: THE PLANNING APPLICATION DOES NOT GUARANTEE APPROVAL OR CONSTITUTE A BUILDING PERMIT APPLICATION. ADDITIONAL FEES MAY BE REQUIRED DEPENDING ON ANY ADDITIONAL ADMINISTRATIVE COSTS. ALL DOCUMENTS, MAPS, REPORTS, ETC. SUBMITTED WITH THIS APPLICATION ARE DEEMED TO BE PUBLIC RECORDS.

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

I am/We are the legal owner(s) of said property described in the project application and do hereby certify that all the foregoing information is true and correct and recognize that if any information proves to be false or incorrect the Town shall be released from any liability incurred and any permits or approvals may be null and void. This will serve to notify you and verify that I/we do hereby authorize the listed representative to file this application and represent my/our interest during this planning and approval process.

Owner's Signature(s) MS (Lorena) Arce Date 6/17/2011

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

Project Description

N.W.C. of Twenty-Nine Palms Hwy (Hwy 62) & Hopi Trail

The proposed project will be a single story 12,480 SF retail sales, single use tenant building. The proposed development meets all of the Municipal Code requirements and is consistent with the Zoning Code for setbacks, building heights, walls, parking and landscaping. The zoning and General Plan designates the property to be Old Town Commercial Mixed Use.

Twenty-Nine Palms Highway (Highway 62) is a Super Arterial roadway, under the jurisdiction of Cal Trans - District 8, and is a major street and commercial corridor. The subject property is vacant land and is located with commercial zoning surrounding the property on three sides; to the north across the alley is Industrial zoning. The land use to the north is vacant, to the east across Hopi Trail is a mobile home park, to the west is a motel and across Hwy 62 are commercial developments. The proposed retail sales use provides an orderly development of the land with the existing and contemplated future uses in the general area.

The property will be developed with a landscape buffer around the interior perimeter of the property and adjacent to the street with interior landscaping. We have provided direct pedestrian access along the west property line from Twenty-Nine Palms Highway without conflict to vehicle traffic to the building. The site has been designed to fit into the surrounding developments. The site has been developed with a no left turn driveway on Twenty-Nine Palms Highway. This driveway location has been reviewed and approved by Cal Trans, the city engineer and the city planning department. We have a driveway for circulation on Hopi Trail and also to the rear, on the alley as well. We will provide Security lighting in the parking area.

The building will be metal frame with a column & beam system. The façade exterior walls will have a Stucco material finish and incorporate a decorative open metal trellis overhangs. The building has varying height raised parapet walls with molding and is integrated with decorative light fixtures. The parapet walls will screen all mechanical units from view. The storefront will be anodized with clear glass. The building will have decorative wall treatments with vine trellises integrated into the design of the façade.

The proposed project will complement the surrounding developments with an aesthetically pleasing exterior façade design that will conserve property values and promote development according to the zoning and general plan, while providing goods and services to the surrounding neighborhood. We have developed the site plan to match the surrounding developments.

ENVIRONMENTAL ASSESSMENT

1. Property boundaries, dimensions and area (also attach an 8 ½ x 11" site plan):
200' x 280'
2. Existing site zoning: Old Town Commercial Mixed-Use
3. Existing General Plan designation: Commercial Mixed-Use
4. Precisely describe the existing use and condition of the site:
Vacant
5. Zoning of adjacent parcel:

| | | | | | | | |
|-------|-------------------|-------|-----------------|------|-----------------|------|-----------------|
| North | <u>Industrial</u> | South | <u>Comm. MU</u> | East | <u>Comm. MU</u> | West | <u>Comm. MU</u> |
|-------|-------------------|-------|-----------------|------|-----------------|------|-----------------|
6. Existing General Plan designation of adjacent parcels:

| | | | | | | | |
|-------|-------------------|-------|-----------------|------|-----------------|------|-----------------|
| North | <u>Industrial</u> | South | <u>Comm. MU</u> | East | <u>Comm. MU</u> | West | <u>Comm. MU</u> |
|-------|-------------------|-------|-----------------|------|-----------------|------|-----------------|
7. Precisely describe existing uses adjacent to the site:
See Attached
8. Describe the plant cover found on the site, including the number and type of all protected plants:
Vacant Land, one Joshua Tree to remain

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

Yes Maybe No

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

PROJECT DESCRIPTION

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

1. Commercial, Industrial, or Institutional Projects:

- A. Specific type of use proposed: Retail Sales
- B. Gross square footage by each type of use: 12,480 SF
- C. Gross square footage and number of floors of each building: Single Story, 12,480 SF
- D. Estimate of employment by shift: 4 Persons
- E. Planned outdoor activities: N/A

2. Percentage of project site covered by:

5 % Paving, 22 % Building, 24 % Landscaping, 47 % Parking

3. Maximum height of structures 23 ft. 9 in.
4. Amount and type of off street parking proposed: 50 Standard Stalls
5. How will drainage be accommodated? On-site drainage to catch basin then to storm drain.
6. Off-site construction (public or private) required to support this project: N/A
7. Preliminary grading plans estimate 0 cubic yards of cut and 0 cubic yards of fill
8. Description of project phasing if applicable: Single Phase
9. Permits or public agency approvals required for this project: Building Permit
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

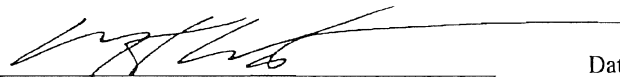
11. **During construction, will the project:** (Explain any "yes" or "maybe" responses to questions below – attach extra pages if necessary.)

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: 7/8/11



June 23, 2011

Dynamic Development Company, LLC
1725 21st. Street
Santa Monica, CA 90404

Subject: Tortoise Assessment for the Proposed Yucca Valley Dollar General Site.

Dear Mr. Tanury

The desert tortoise is a federal-listed threatened species. Its range extends from central Nevada and extreme southwestern Utah south through southeastern California and southwestern Arizona into northern Mexico. In California, the historic range of this species includes northeastern Los Angeles, eastern Kern, eastern San Diego, and southeastern Inyo counties, as well as most of San Bernardino, Riverside, and Imperial counties. The desert tortoise inhabits river washes, rocky hillsides, slopes, and flat deserts with sandy or gravelly soils. Soil conditions must be friable for burrow and nest construction. Creosote bush, white bursage, saltbush, Joshua tree, Mojave yucca, and cacti are often present in the habitat along with other shrubs, grasses, and wildflowers. It is entirely herbivorous and forages on a variety of plants, including cactus species and annual vegetation.

I reviewed the site plans, aerial photographs, site photos, and the California Natural Diversity Database developed by California Department of Fish and Game. Desert tortoises are frequently found in the Yucca Valley and surrounding areas; however, your site does not contain the elements necessary to support a population of desert tortoise. The site consists of disturbed habitat with non native weedy species (other than one Joshua tree). The site does not serve as a dispersal corridor for desert tortoise and it is completely surrounded by development (a road, mobile home park, motel, liquor store). Based on the lack of habitat and surrounding land use I would not recommend focused surveys for desert tortoise at the proposed Yucca Valley Dollar General Site.

Mike McEntee
Vice President, Biology

www.chambersgroupinc.com
A Certified Disabled Veteran Business Enterprise

REDLANDS
302 Brookside Avenue
Redlands, California 92373
909 • 335 • 7088
909 • 335 • 6318 fax

SAN DIEGO
8767 Complex Drive, Suite 220B
San Diego, California 92123
858 • 541 • 2800
858 • 565 • 8950 fax

CORPORATE OFFICE
5 Hilton Centre Drive, Suite 750
Santa Ana, California 92707
949 • 261 • 5414
714 • 545 • 2255 fax

RENO
1755 E. Plumb Lane, Suite 260
Reno, Nevada 89502
775 • 323 • 3555
fax 775 • 323 • 3554

COACHELLA
38-953 Cook Street, Suite 103
Palm Desert, California 92211
760 • 779 • 0108



- CONSTRUCTION PLAN SYMBOLS**
- 1. UNFINISHED FLOOR - SEE SCHEDULE
 - 2. FINISHED FLOOR - SEE SCHEDULE
 - 3. FINISHED FLOOR - SEE SCHEDULE
 - 4. FINISHED FLOOR - SEE SCHEDULE
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 - 53. FINISHED FLOOR - SEE SCHEDULE
 - 54. FINISHED FLOOR - SEE SCHEDULE
 - 55. FINISHED FLOOR - SEE SCHEDULE
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 - 96. FINISHED FLOOR - SEE SCHEDULE
 - 97. FINISHED FLOOR - SEE SCHEDULE
 - 98. FINISHED FLOOR - SEE SCHEDULE
 - 99. FINISHED FLOOR - SEE SCHEDULE
 - 100. FINISHED FLOOR - SEE SCHEDULE

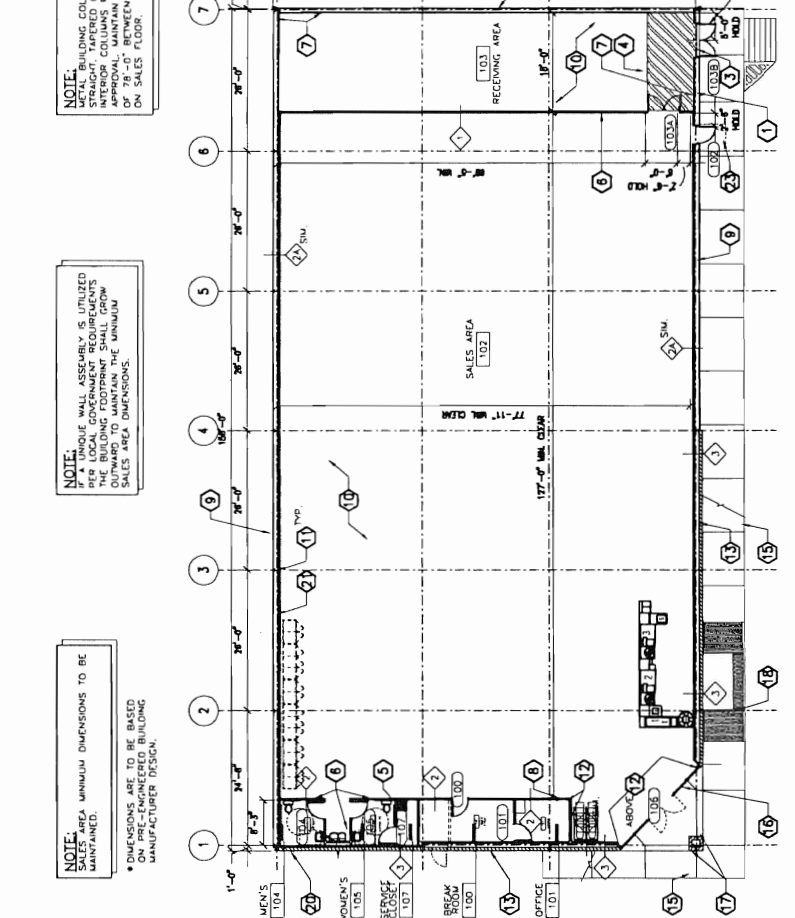
NOTE: BUILDING WALL ASSEMBLY IS UTILIZED PER LOCAL GOVERNMENT REQUIREMENTS. THE BUILDING FOOTPRINT SHALL BE WRITTEN ON SALES AREA DIMENSIONS.

NOTE: INTERIOR COLUMNS SHALL BE STRAIGHT, TAPERED COLUMNS AND INTERIOR COLUMNS REQUIRE CLEARANCE OF 36"-0" BETWEEN FACE OF COLUMNS ON SALES FLOOR.

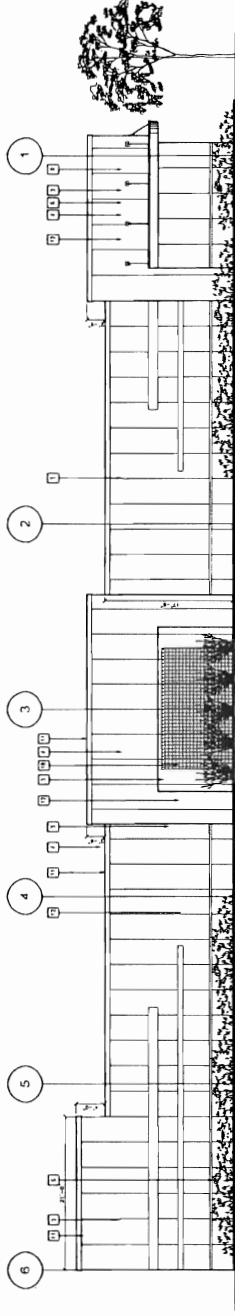
NOTE: DIMENSIONS ARE TO BE BASED ON PRE-ENGINEERED BUILDING MANUFACTURER DESIGN.

NOTE: ADDITIONAL REGISTERS MAY BE REQUIRED IF THE ANNUAL SALES PROJECTION IS IN EXCESS OF A STANDARD STORE.

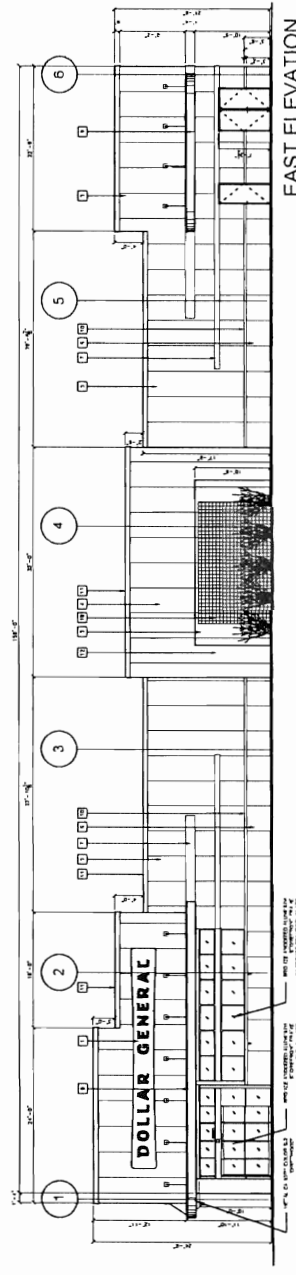
NOTE: SEPARATE THE PLAN LOCATION AND AMOUNT OF THE REGISTERS WITH THE APPROVED FIXTURE PLAN.



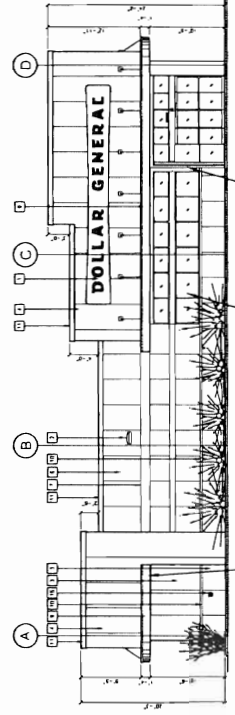
FLOOR PLAN
 SCALE: 1/8" = 1'-0"



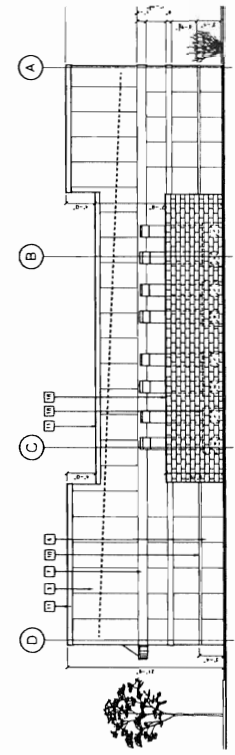
WEST ELEVATION
SCALE 1/8" = 1'-0"



EAST ELEVATION
SCALE 1/8" = 1'-0"



SOUTH ELEVATION
SCALE 1/8" = 1'-0"



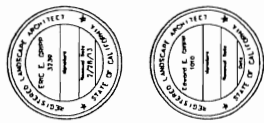
NORTH ELEVATION
SCALE 1/8" = 1'-0"

ELEVATION KEYED NOTES

- 1 ROOF PERMITS AND IS INSTALLED BY CHANGES OF COLOR, WITH CENTERED ON FRONT OF BUILDING. CONTRACTOR IS TO PROVIDE ADEQUATE SLOPE AND DRAINAGE AS REQUIRED BY SUCH PERMITS. EXTENSIVE CATCH-BASE SHALL BE INSTALLED BY THE CONTRACTOR TO PREVENT WATER FROM THE ROOF FROM BEING TO BE DIRECTLY ONTO THE DRIVE.
- 2 EXTENSIVE FINISHING, REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
- 3 STUCCO WALL PANEL, COLOR S-1
- 4 STUCCO WALL PANEL, COLOR S-2
- 5 STUCCO WALL PANEL, COLOR S-3
- 6 RECEIPLAGE REFER TO E1 FOR ADDITIONAL INFORMATION.
- 7 STUCCO BANDING APPLIED OVER INSULATED STUCCO PANEL, COLOR S-2
- 8 CONCEALED DOWNSPOUT TO DRAIN ONTO PAVEMENT.
- 9 TUBE STEEL JOIST WITH STEEL ROD & FACERPLATE SUPPORTS, COLOR S-2
- 10 STUCCO BANDING APPLIED OVER INSULATED STUCCO PANEL, COLOR S-2
- 11 FASCIA PANEL, PARAPET GAP, COLOR S-3
- 12 STUCCO PLASTER
- 13 VERIFY FOR BATHROOM EXHAUST, REFER TO M1 FOR ADDITIONAL INFORMATION.
- 14 COLOR BANDING REFER TO E1 FOR ADDITIONAL INFORMATION.
- 15 INFORMATION, REFER TO M1 FOR ADDITIONAL INFORMATION.
- 16 INFORMATION, REFER TO MECHANICAL SHEET M1 FOR MORE INFORMATION.
- 17 OUTSIDE AIR TEMP. SENSOR MOUNTED OVER RECEIPLAGE DOOR @ 8' 0" A.F.F.
- 18 WRIGHT IRON PLANTING TRELLE.
- 19 4" CONG. BLOCK WALL
- 20 MINIMUM SLOPE HEIGHT IS 1' 0" A.F.F.

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|----------|--------------------|
| 1 | 07/05/11 | ISSUED FOR PERMITS |
| 2 | 07/05/11 | ISSUED FOR PERMITS |
| 3 | 07/05/11 | ISSUED FOR PERMITS |
| 4 | 07/05/11 | ISSUED FOR PERMITS |
| 5 | 07/05/11 | ISSUED FOR PERMITS |
| 6 | 07/05/11 | ISSUED FOR PERMITS |
| 7 | 07/05/11 | ISSUED FOR PERMITS |
| 8 | 07/05/11 | ISSUED FOR PERMITS |
| 9 | 07/05/11 | ISSUED FOR PERMITS |
| 10 | 07/05/11 | ISSUED FOR PERMITS |
| 11 | 07/05/11 | ISSUED FOR PERMITS |
| 12 | 07/05/11 | ISSUED FOR PERMITS |
| 13 | 07/05/11 | ISSUED FOR PERMITS |
| 14 | 07/05/11 | ISSUED FOR PERMITS |
| 15 | 07/05/11 | ISSUED FOR PERMITS |
| 16 | 07/05/11 | ISSUED FOR PERMITS |
| 17 | 07/05/11 | ISSUED FOR PERMITS |
| 18 | 07/05/11 | ISSUED FOR PERMITS |
| 19 | 07/05/11 | ISSUED FOR PERMITS |
| 20 | 07/05/11 | ISSUED FOR PERMITS |



NOT FOR CONSTRUCTION

CLIENT AND PROJECT
 Viseca Valley, CA - 201 Plains Highway
 and Hopi Trail

FOR:
 Dynamic Development Company, LLC
 10000 Wilshire Blvd., Suite 1000
 Beverly Hills, CA 90210
 Telephone: (310) 274-1111

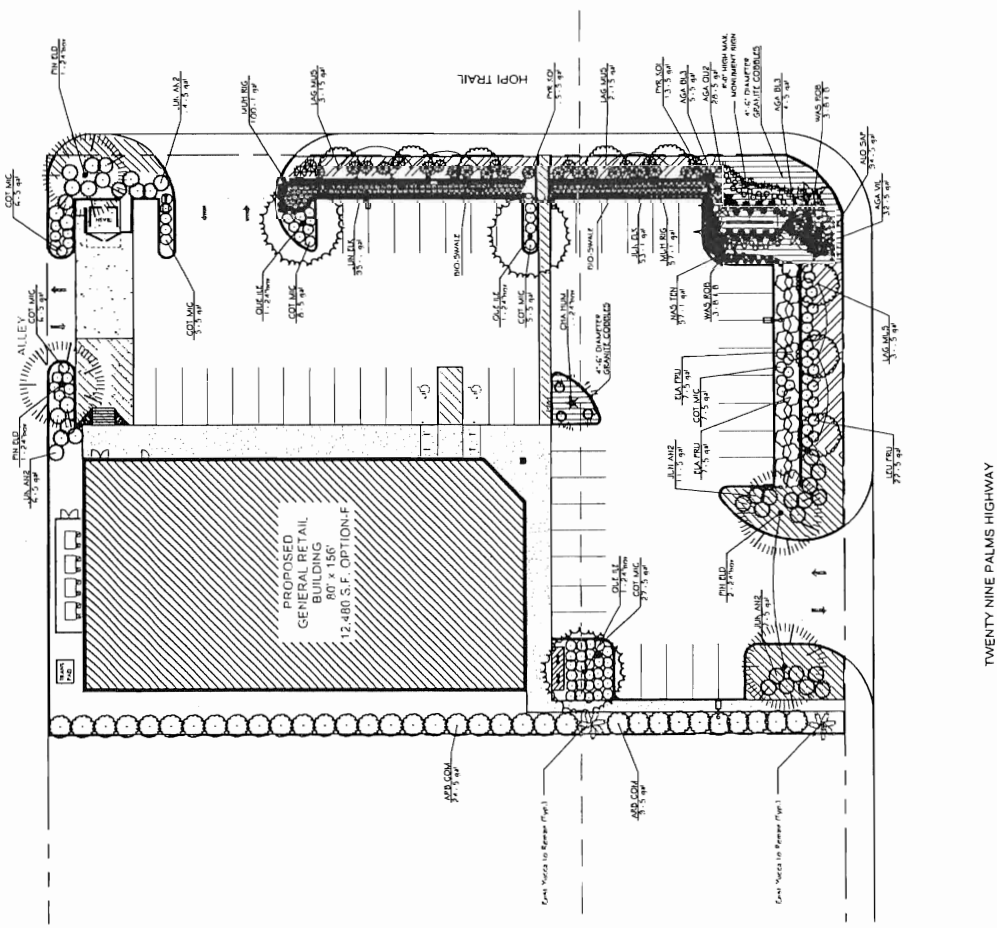
SHEET DESCRIPTION
 Conceptual Landscape Plan

DATE: 07/05/11
SCALE: 1" = 20'
DRAWN BY: Edward Grupp
SHEET NUMBER:

PL-1.1
 of 1

PLANT SCHEDULE

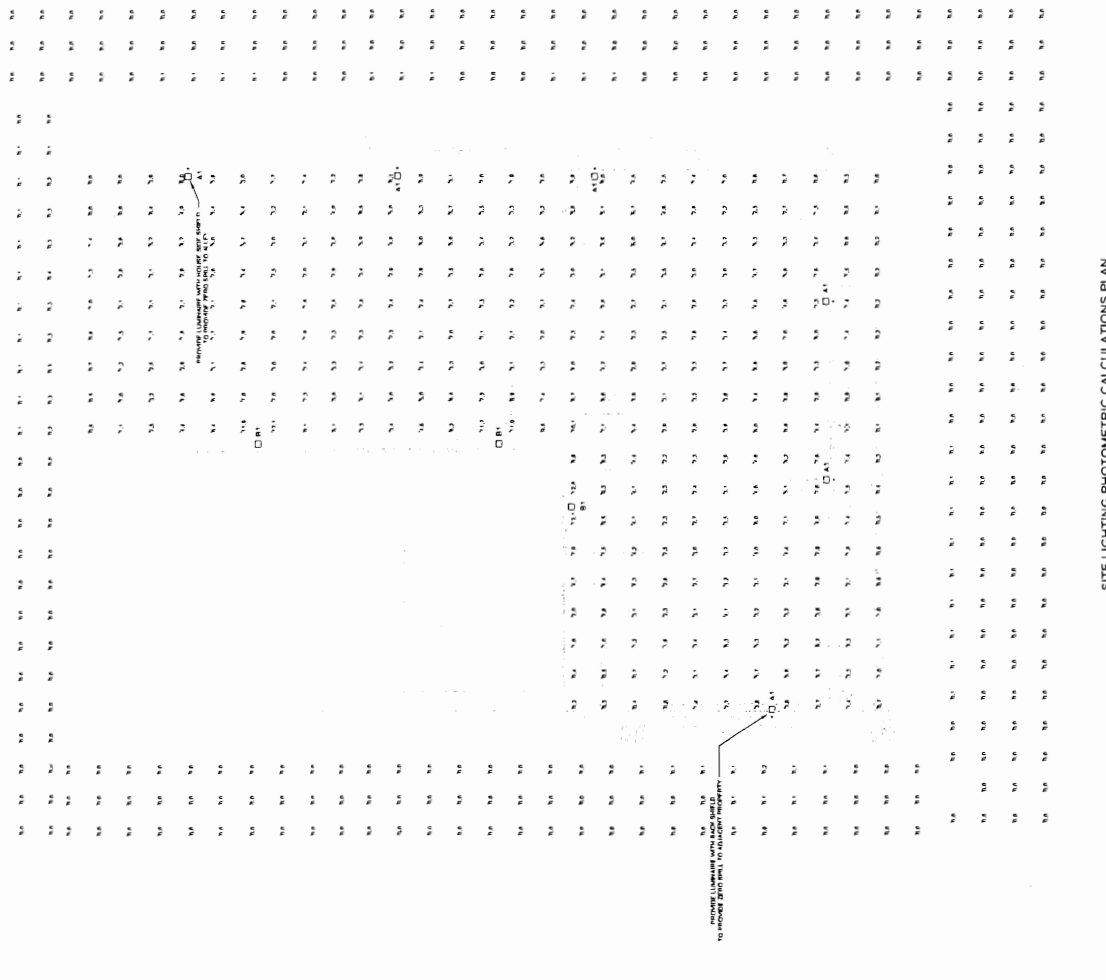
| SYMBOL | BOTANICAL NAME (COMMON NAME) | SIZE | QTY |
|-----------|-----------------------------------|--------|----------------|
| LAG 01.5 | Lagotis linearis / Meadow Foxtail | 1.5' H | 0 |
| LAG 02.5 | Lagotis linearis / Meadow Foxtail | 2' H | 4 |
| LAG 03.5 | Lagotis linearis / Meadow Foxtail | 3' H | 3 |
| LAG 04.5 | Lagotis linearis / Meadow Foxtail | 4' H | 10 N. to 10 S. |
| LAG 05.5 | Lagotis linearis / Meadow Foxtail | 5' H | 0 |
| LAG 06.5 | Lagotis linearis / Meadow Foxtail | 6' H | 0 |
| LAG 07.5 | Lagotis linearis / Meadow Foxtail | 7' H | 0 |
| LAG 08.5 | Lagotis linearis / Meadow Foxtail | 8' H | 0 |
| LAG 09.5 | Lagotis linearis / Meadow Foxtail | 9' H | 0 |
| LAG 10.5 | Lagotis linearis / Meadow Foxtail | 10' H | 0 |
| LAG 11.5 | Lagotis linearis / Meadow Foxtail | 11' H | 0 |
| LAG 12.5 | Lagotis linearis / Meadow Foxtail | 12' H | 0 |
| LAG 13.5 | Lagotis linearis / Meadow Foxtail | 13' H | 0 |
| LAG 14.5 | Lagotis linearis / Meadow Foxtail | 14' H | 0 |
| LAG 15.5 | Lagotis linearis / Meadow Foxtail | 15' H | 0 |
| LAG 16.5 | Lagotis linearis / Meadow Foxtail | 16' H | 0 |
| LAG 17.5 | Lagotis linearis / Meadow Foxtail | 17' H | 0 |
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| LAG 19.5 | Lagotis linearis / Meadow Foxtail | 19' H | 0 |
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| LAG 21.5 | Lagotis linearis / Meadow Foxtail | 21' H | 0 |
| LAG 22.5 | Lagotis linearis / Meadow Foxtail | 22' H | 0 |
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| LAG 25.5 | Lagotis linearis / Meadow Foxtail | 25' H | 0 |
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| LAG 31.5 | Lagotis linearis / Meadow Foxtail | 31' H | 0 |
| LAG 32.5 | Lagotis linearis / Meadow Foxtail | 32' H | 0 |
| LAG 33.5 | Lagotis linearis / Meadow Foxtail | 33' H | 0 |
| LAG 34.5 | Lagotis linearis / Meadow Foxtail | 34' H | 0 |
| LAG 35.5 | Lagotis linearis / Meadow Foxtail | 35' H | 0 |
| LAG 36.5 | Lagotis linearis / Meadow Foxtail | 36' H | 0 |
| LAG 37.5 | Lagotis linearis / Meadow Foxtail | 37' H | 0 |
| LAG 38.5 | Lagotis linearis / Meadow Foxtail | 38' H | 0 |
| LAG 39.5 | Lagotis linearis / Meadow Foxtail | 39' H | 0 |
| LAG 40.5 | Lagotis linearis / Meadow Foxtail | 40' H | 0 |
| LAG 41.5 | Lagotis linearis / Meadow Foxtail | 41' H | 0 |
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| LAG 43.5 | Lagotis linearis / Meadow Foxtail | 43' H | 0 |
| LAG 44.5 | Lagotis linearis / Meadow Foxtail | 44' H | 0 |
| LAG 45.5 | Lagotis linearis / Meadow Foxtail | 45' H | 0 |
| LAG 46.5 | Lagotis linearis / Meadow Foxtail | 46' H | 0 |
| LAG 47.5 | Lagotis linearis / Meadow Foxtail | 47' H | 0 |
| LAG 48.5 | Lagotis linearis / Meadow Foxtail | 48' H | 0 |
| LAG 49.5 | Lagotis linearis / Meadow Foxtail | 49' H | 0 |
| LAG 50.5 | Lagotis linearis / Meadow Foxtail | 50' H | 0 |
| LAG 51.5 | Lagotis linearis / Meadow Foxtail | 51' H | 0 |
| LAG 52.5 | Lagotis linearis / Meadow Foxtail | 52' H | 0 |
| LAG 53.5 | Lagotis linearis / Meadow Foxtail | 53' H | 0 |
| LAG 54.5 | Lagotis linearis / Meadow Foxtail | 54' H | 0 |
| LAG 55.5 | Lagotis linearis / Meadow Foxtail | 55' H | 0 |
| LAG 56.5 | Lagotis linearis / Meadow Foxtail | 56' H | 0 |
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| LAG 70.5 | Lagotis linearis / Meadow Foxtail | 70' H | 0 |
| LAG 71.5 | Lagotis linearis / Meadow Foxtail | 71' H | 0 |
| LAG 72.5 | Lagotis linearis / Meadow Foxtail | 72' H | 0 |
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| LAG 74.5 | Lagotis linearis / Meadow Foxtail | 74' H | 0 |
| LAG 75.5 | Lagotis linearis / Meadow Foxtail | 75' H | 0 |
| LAG 76.5 | Lagotis linearis / Meadow Foxtail | 76' H | 0 |
| LAG 77.5 | Lagotis linearis / Meadow Foxtail | 77' H | 0 |
| LAG 78.5 | Lagotis linearis / Meadow Foxtail | 78' H | 0 |
| LAG 79.5 | Lagotis linearis / Meadow Foxtail | 79' H | 0 |
| LAG 80.5 | Lagotis linearis / Meadow Foxtail | 80' H | 0 |
| LAG 81.5 | Lagotis linearis / Meadow Foxtail | 81' H | 0 |
| LAG 82.5 | Lagotis linearis / Meadow Foxtail | 82' H | 0 |
| LAG 83.5 | Lagotis linearis / Meadow Foxtail | 83' H | 0 |
| LAG 84.5 | Lagotis linearis / Meadow Foxtail | 84' H | 0 |
| LAG 85.5 | Lagotis linearis / Meadow Foxtail | 85' H | 0 |
| LAG 86.5 | Lagotis linearis / Meadow Foxtail | 86' H | 0 |
| LAG 87.5 | Lagotis linearis / Meadow Foxtail | 87' H | 0 |
| LAG 88.5 | Lagotis linearis / Meadow Foxtail | 88' H | 0 |
| LAG 89.5 | Lagotis linearis / Meadow Foxtail | 89' H | 0 |
| LAG 90.5 | Lagotis linearis / Meadow Foxtail | 90' H | 0 |
| LAG 91.5 | Lagotis linearis / Meadow Foxtail | 91' H | 0 |
| LAG 92.5 | Lagotis linearis / Meadow Foxtail | 92' H | 0 |
| LAG 93.5 | Lagotis linearis / Meadow Foxtail | 93' H | 0 |
| LAG 94.5 | Lagotis linearis / Meadow Foxtail | 94' H | 0 |
| LAG 95.5 | Lagotis linearis / Meadow Foxtail | 95' H | 0 |
| LAG 96.5 | Lagotis linearis / Meadow Foxtail | 96' H | 0 |
| LAG 97.5 | Lagotis linearis / Meadow Foxtail | 97' H | 0 |
| LAG 98.5 | Lagotis linearis / Meadow Foxtail | 98' H | 0 |
| LAG 99.5 | Lagotis linearis / Meadow Foxtail | 99' H | 0 |
| LAG 100.5 | Lagotis linearis / Meadow Foxtail | 100' H | 0 |



VISCEA VALLEY APN # 02906-121-000-0000

LUMINAIRE LOCATIONS

| Symbol | Height | Intensity | Location |
|--------|--------|-----------|----------|
| 1 | 14.1' | 100,000 | 1 |
| 2 | 14.1' | 100,000 | 2 |
| 3 | 14.1' | 100,000 | 3 |
| 4 | 14.1' | 100,000 | 4 |
| 5 | 14.1' | 100,000 | 5 |
| 6 | 14.1' | 100,000 | 6 |
| 7 | 14.1' | 100,000 | 7 |
| 8 | 14.1' | 100,000 | 8 |



STATISTICS

| Parameter | Summed | Max | Min | Std. | Length |
|---------------------------|--------|------|------|------|--------|
| 1000 FOOT CPT | 4 | 0.12 | 0.05 | 0.04 | 0.12 |
| 1000 FOOT RESPONSE | 2 | 0.03 | 0.01 | 0.02 | 0.03 |
| 1000 FOOT RESPONSE (LINE) | 4 | 0.03 | 0.01 | 0.02 | 0.03 |
| 1000 FOOT RESPONSE (LINE) | 4 | 0.03 | 0.01 | 0.02 | 0.03 |
| 1000 FOOT RESPONSE | 4 | 0.03 | 0.01 | 0.02 | 0.03 |
| 1000 FOOT RESPONSE (LINE) | 4 | 0.03 | 0.01 | 0.02 | 0.03 |

LUMINAIRE SCHEDULE

| Symbol | Label | Qty | Capacity | Height | Intensity | Location | LL | Height |
|--------|-------|-----|----------|--------|-----------|----------|-------|--------|
| 1 | 14.1' | 1 | 100,000 | 14.1' | 100,000 | 1 | 14.1' | 14.1' |
| 2 | 14.1' | 1 | 100,000 | 14.1' | 100,000 | 2 | 14.1' | 14.1' |
| 3 | 14.1' | 1 | 100,000 | 14.1' | 100,000 | 3 | 14.1' | 14.1' |
| 4 | 14.1' | 1 | 100,000 | 14.1' | 100,000 | 4 | 14.1' | 14.1' |
| 5 | 14.1' | 1 | 100,000 | 14.1' | 100,000 | 5 | 14.1' | 14.1' |
| 6 | 14.1' | 1 | 100,000 | 14.1' | 100,000 | 6 | 14.1' | 14.1' |
| 7 | 14.1' | 1 | 100,000 | 14.1' | 100,000 | 7 | 14.1' | 14.1' |
| 8 | 14.1' | 1 | 100,000 | 14.1' | 100,000 | 8 | 14.1' | 14.1' |

SITE LIGHTING PHOTOMETRIC CALCULATIONS PLAN



| NO. | REVISION | BY | DATE |
|-----|----------|----|------|
| | | | |
| | | | |
| | | | |
| | | | |

GRADING IMPROVEMENT PLANS
 55532 28 PALMS HIGHWAY, YUCCA VALLEY, CALIFORNIA
 (APN 0598-121-03-0-000 & 0598-121-04-0-000)
 APN: 0598-121-03-0-000 & 0598-121-04-0-000

APPROVED BY: _____
 CHECKED BY: _____
 DATE: 2.2.2.
 DRAWN BY: _____
 DATE: _____

APPROVED BY: _____
 CHECKED BY: _____
 DATE: _____
 DRAWN BY: _____
 DATE: _____

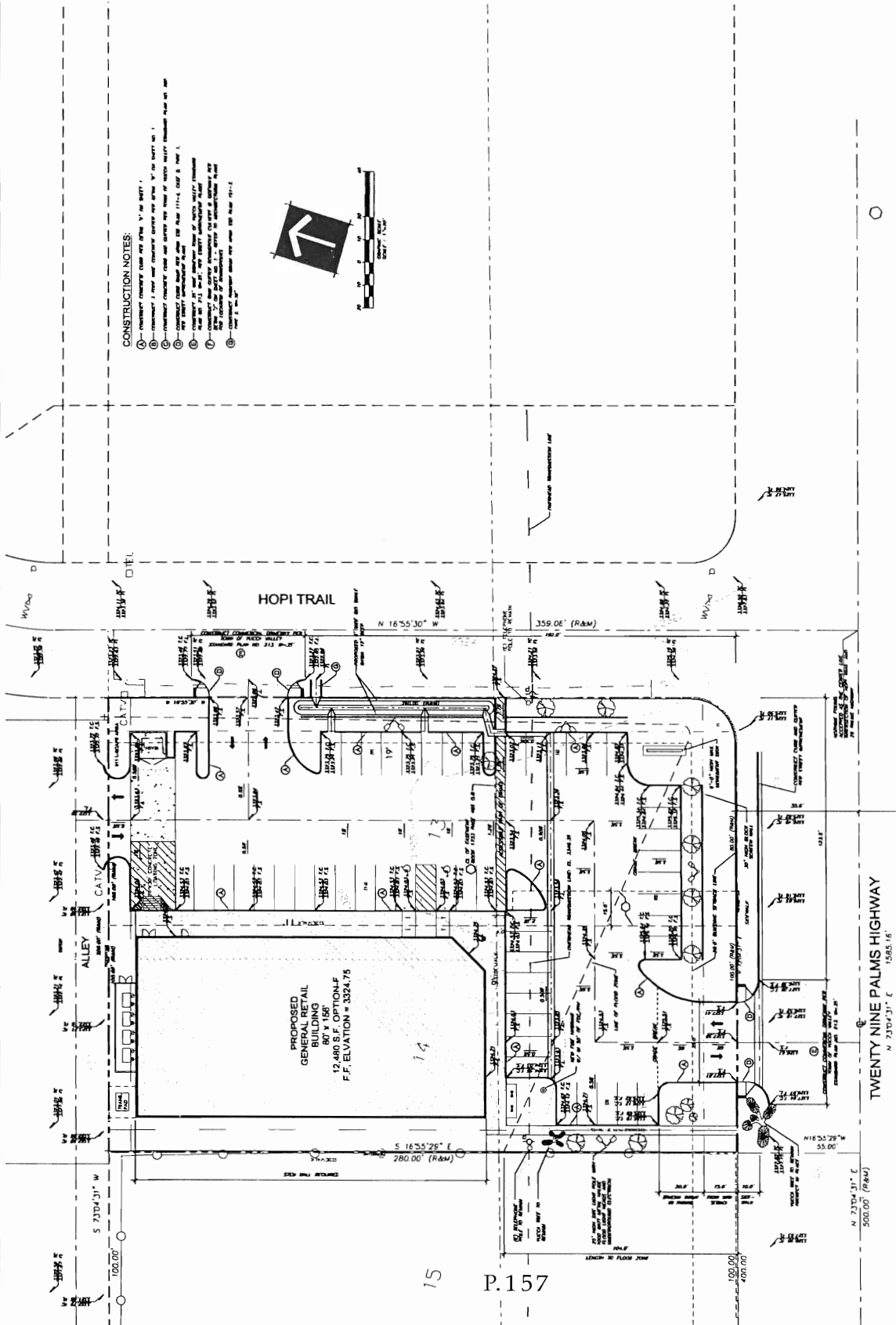
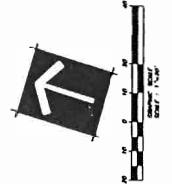
APPROVED BY: _____
 CHECKED BY: _____
 DATE: _____
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APPROVED BY: _____
 CHECKED BY: _____
 DATE: _____
 DRAWN BY: _____
 DATE: _____

APPROVED BY: _____
 CHECKED BY: _____
 DATE: _____
 DRAWN BY: _____
 DATE: _____

- CONSTRUCTION NOTES:**
1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PALMS VALLEY SPECIFICATIONS.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PALMS VALLEY SPECIFICATIONS.
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PALMS VALLEY SPECIFICATIONS.
 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PALMS VALLEY SPECIFICATIONS.
 5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PALMS VALLEY SPECIFICATIONS.
 6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PALMS VALLEY SPECIFICATIONS.
 7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PALMS VALLEY SPECIFICATIONS.
 8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PALMS VALLEY SPECIFICATIONS.
 9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PALMS VALLEY SPECIFICATIONS.
 10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PALMS VALLEY SPECIFICATIONS.





June 23, 2011

Michael Ward
Dynamic Development Company, LLC
1725 21st Street, Santa Monica, CA 90404

Legal Description: 0586-121-06

Dear Mr. Ward,

This letter indicates the District's preliminary willingness to provide water service to the above referenced parcel subject to the terms, conditions, limitations and restrictions set forth by the District at the time that water service is requested.

Water service availability is additionally subject to the following:

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

Please be advised, this letter is valid for one year, from the date of issuance.

If you have any questions and/or concerns, please feel free to call me at (760) 228-6286.

Sincerely,

Martha Ostrander
Associate Engineer





August 8, 2011

Town of Yucca Valley
Community Development / Public Works
58928 Business Center Drive
Yucca Valley, CA 92284
Attn: Robert Kirschmann

Dear Robert:

I have reviewed the Site Plan for SPR 01-11, Dollar General and have the following comments:

1. Landscape plans should be submitted in accordance with Hi Desert Water District Ordinance 72 Landscape Package if total landscape area exceeds 500 sf. A separate landscape meter will also be required.
- ~~2. All onsite water mains shall be private.~~
3. The proposed project is within the Phase 1 Sewer Area and will be conditioned to connect to the sewage collection system when constructed.
4. Reduced pressure (RP) backflow devices shall be required if fire sprinklers are required.

Sincerely,

Martha Ostrander
Associate Engineer



Robert Kirschmann

From: Diane Olsen
Sent: Wednesday, July 13, 2011 2:58 PM
To: Robert Kirschmann
Subject: FW: SPR01-11

From: Houser, Hal [mailto:Hal.Houser@dph.sbcounty.gov]
Sent: Wednesday, July 13, 2011 2:57 PM
To: Diane Olsen
Subject: SPR01-11

Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 9-884-4056. (if the store plans on more than 25 sq. ft. of food display area)

*Hal Houser, MS REHS
Lead Environmental Health Specialist
San Bernardino County DPH, Div. of Env. Health
San Bernardino, CA 92415
9-387-4655*

Robert Kirschmann

From: Diane Olsen
Sent: Thursday, July 14, 2011 9:20 AM
To: Robert Kirschmann
Subject: FW: Site Plan Review, SPR 01-11, Dollar General

From: Snow, Michael [mailto:msnow@sbcfire.org]
Sent: Thursday, July 14, 2011 9:09 AM
To: Diane Olsen
Subject: Site Plan Review, SPR 01-11, Dollar General

Good morning Diane,

I've reviewed the plans and do not see anything that stands out immediately with concern. I would be interested in knowing the fire calc information and available water from the distribution system supplying the building. Also, if you have access to get me an 8.5 x 11 site plan that identifies utility locations and the FDC that would be beneficial in our pre-planning efforts.

For the file updates, Chief Stocker is now retired so any future correspondents can be addressed to me at the address below.

Thank you and have a great week

Michael Snow, Battalion Chief

South Desert Division - SBCFire

5942 Airway Ave., Suite A

Yucca Valley, CA. 92284

(760) 953-3506

(760) 365-3337 fax

<mailto:msnow@sbcfire.org>



Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

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

Eldon Heaston, Executive Director

July 14, 2011

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

Project: Site Plan Review, SPR 01-11 (Dollar General)

Dear Ms. Olsen:

The Mojave Desert Air Quality Management District (District) has received the Request for Comments for Site Plan Review, SPR 01-11, Dollar General. The project proposes to construct a 12,480 square foot retail building with associated landscaping, on-site retention and on-site parking. The project is located on the northwest corner of 29 Palms Highway and Hopi Trail.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Alan J. De Salvia". The signature is fluid and cursive, written over a horizontal line.

Alan J. De Salvia
Supervising Air Quality Engineer

AJD/tw

YV SPR 01-11 Dollar General.doc

RECEIVED

JUL 18 2011

TOWN OF YUCCA VALLEY
COM DEV



UNITED STATES MARINE CORPS
G 5 COMMUNITY PLANS
MARINE CORPS AIR GROUND COMBAT CENTER
BOX 788105
TWENTYNINE PALMS, CALIFORNIA 92278-8105

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AUG 02 2011

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

Dear Ms. Olsen,

The Marine Air Ground Task Force Training Command/Marine Corps Air Ground Combat Center (MAGTFTC/MCAGCC) is interested in ensuring all new businesses and developments are compatible with its mission. Since 1952, the remoteness of the High Desert area has ensured MAGTFTC/MCAGCC's ability to train Marines in their critical competencies essential to mission success and saving lives. However, a recent increase in incompatible developments now threatens the long-term sustainability of MAGTFTC/MCAGCC operational ranges and military training. This letter provides the Town of Yucca Valley general information regarding how the proposed SPR 01-11 Dollar General may become more compatible with the long-term military training mission of MAGTFTC/MCAGCC.

The proposed project lies directly under airspace used by the military. Continued, uninterrupted use of airspace is an essential part of military training. Large-scale, sustained, combined arms (air and ground), live-fire and maneuver training and numerous smaller scale training events using live ordnance occur at all hours at MAGTFTC/MCAGCC as critical parts of its overall mission. Due to the project's location, occupants will experience military aircraft, training, noise and vibrations. MAGTFTC/MCAGCC encourages the Town of Yucca Valley to consider this letter official disclosure of nearby and overhead operations of MAGTFTC/MCAGCC'S to future occupants of the building.

Another unique aspect of living near a military installation is periodic military convoy traffic. As this project is located on the primary westbound route from the Installation, any traffic entering or exiting the project should avoid slowing military convoys. Ingress and egress onto Hopi Trail, rather than curb cuts directly onto Highway 62 may resolve this issue.

In addition, the project is encouraged to exceed the minimal requirements of Yucca Valley Ordinance 90 "Lighting Standards." Keeping the desert sky dark maintains the essence of the desert community and allows MAGTFTC/MCAGCC to continue to train pilots using night vision techniques without combating the effects of light pollution created by non-compliant fixtures.

Thank you for providing us the opportunity to comment. Any questions regarding this matter may be directed to Bob Johnson at 760-830-3446 or robert.a.johnson2@usmc.mil.

Sincerely,

J. M. RICKER
Assistant Chief of Staff, G-5

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

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

Commissioners Present: Alberg, Bridenstine, Hildebrand, and Vice Chair Humphreville

Pledge of Allegiance was led by Vice Chair Humphreville

APPROVAL OF AGENDA

Commissioner Alberg moved to approve the agenda. Commissioner Bridenstine seconded. Motion carried 4-0 on a voice vote.

PUBLIC COMMENTS

None

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

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.

Commissioner Bridenstine questioned the difference the cost of placing service underground and above ground, noting if the costs are essentially the same she would prefer the underground requirement. Deputy Town Manager Stueckle advised that the costs are higher for undergrounding than overhead service and will vary based on the length of run etc. Commissioner Bridenstine agreed that undergrounding distribution lines would be a significant cost but it seems the service lines should be underground.

Commissioner Alberg stated that Section 87.1150 (l) gives an exemption to the Town and Redevelopment Agency sponsored projects and commented the Town needs to set a good example and do the same thing others are required to do.

Commissioner Hildebrand stated he would prefer not to have the exception 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.

Vice Chair Humphreville questioned who determines the 75%. Associate Planner Kirschmann advised it could be a combination of staff findings and/or information provided by the applicant. Vice Chair Humphreville commented regarding the cost of undergrounding service lines, noting when talking about under 100' the cost is not unreasonable unless it is in some sort of really hard soil, however the high costs come in when the distance to be undergrounded is over 100'. He disagreed with having to underground on infill property, but would like to see it when developing a subdivision. He questioned what would trigger the requirement for a service line drop on a remodel of a building in the Old Town area. Deputy Town Manager Stueckle advised the only potential trigger would be if all the abutting commercial properties have underground service. Vice Chair Humphreville questioned the time frame involved in getting items to the Commission. Associate Planner Kirschmann stated it can vary depending on the work flow. Vice Chair Humphreville recommended that staff should be able to make the decision in some areas where soil conditions do not allow undergrounding, rather than having to wait for a decision from the Planning Commission.

Vice Chair Humphreville opened the public hearing

Howard Parrett, Yucca Valley, commented regarding the requirement to pay in lieu fees for his project, explained the issues and requested the money be returned.

There being no one else wishing to speak, Vice chair Humphreville closed the public hearing.

Commissioner Bridenstine commented stated she understands the concerns noting the problem with in lieu of fees can widely vary.

Commissioner Humphreville commented that the present Commission did not work on the ordinance, and is now trying to update the ordinance and fix the problems that have come up.

Deputy Town Manager Stueckle stated that unless the Commission has any more comments the Ordinance will be forward to the upcoming joint meeting between the Commission and Council.

Commissioner Bridenstine questioned if staff has contacted Southern California Edison

to talk about equitable generalized costs per linear foot. Deputy Town Manager Stueckle advised that SCE typically will only generate costs if they have their own plans and approved projects.

Vice Chair Humphreville stated he feels that in-lieu fees that have been paid should be returned.

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

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. He advised that staff did modify the project's Conditions of Approval for consistency with current practices for conditions on commercial land development projects. The amended conditions were given to the applicant who did not have comments or concerns.

Mike Ali, Applicant, commented he hopes to be able to build in the next three years, noting he is trying to bring an IHOP into the project.

Commissioner Bridenstine moved to approve the Extension of Time for Site Plan Review, SPR 02-08 for an additional three (3) years, expiring on November 18, 2013. Commissioner Hildebrand seconded. Motion carried 4-0 on a voice vote.

CONSENT AGENDA

3. MINUTES

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

Commissioner Alberg moved to approve the minutes as presented. Commissioner Bridenstine seconded. Motion carried 4-0 on a voice vote.

STAFF REPORTS AND COMMENTS

None

COMMISSIONER REPORTS AND REQUESTS

Commissioner Alberg – questioned plans for the August 9th meeting.

Deputy Town Manager Stueckle advised that staff may be looking at juggling items originally scheduled for the meeting of the 23rd, but will be moving forward not back and he does not believe there are any items scheduled at this time.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission is Tuesday, August 9, 2011 at 6:00 p.m. in the Yucca Valley Community Center.

ADJOURNMENT

The meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk