

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING



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

TUESDAY
OCTOBER 25, 2011
6:00 p.m.

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

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PLANNING COMMISSION MEMBERS

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

AGENDA

MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 6:00 P.M., TUESDAY, OCTOBER 25, 2011

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

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

CALL TO ORDER:

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

DEPARTMENT REPORTS:

1-123 1. **CONDITIONAL USE PERMIT, CUP 02-10 AND ENVIRONMENTAL ASSESSMENT, EA 02-10 BREHM YOUTH SPORTS PARK**

Request for the Planning Commission to review the proposed modifications to the project and phasing and find that the project is in substantial conformance to the original approval and adopted Mitigated Negative Declaration.

Recommendation: That the Planning Commission approves the Addendum to the Mitigated Negative Declaration adopted on August 24, 2010, and finds that the proposed phasing of the project is in substantial conformance to the Planning Commission's approval of August 24, 2010.

Action: Moved by ___ 2nd by _____ Voice Vote

124-191 2. **SITE PLAN REVIEW, SPR 02-07 ART MILLER JR. BUILDING**

Request for the Planning Commission to approve an extension of time for a period of three (3) years.

Recommendation: That the Planning Commission approves the Extension of Time for Site Plan Review, SPR 02-07 for an additional three (3) years, establishing an expiration date of November 6, 2014

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.

192-197 4. **MINUTES-**

A request that the Planning Commission approve as submitted the minutes of the special meeting held on August 22, 2011.

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

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Bridenstine
Commissioner Drozd
Commissioner Hildebrand
Vice Chairman Alberg
Chairman Humphreville

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, November 8, 2011 at 6:00 p.m.

ADJOURN

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Commissioners
From: Robert Kirschmann, Associate Planner
Date: October 12, 2011
For Commission Meeting: October 25, 2011

Subject: Conditional Use Permit, CUP 02-10, Environmental Assessment, EA 02-10
Brehm Youth Sports Park
Approved: Planning Commission Meeting of August 24, 2010
First Amendment: Planning Commission meeting of October 25, 2011
Addendum to Mitigated Negative Declaration
Approval of Phasing

Prior Commission Review: The Planning Commission approved Conditional Use Permit, CUP 02-10 and Environmental Assessment, EA 02-10 at the meeting at its meeting August 24, 2010.

Recommendation: That the Planning Commission approves the Addendum to the Mitigated Negative Declaration adopted on August 24, 2010, and finds that the proposed phasing of the project and is in substantial conformance to the Planning Commission's approval of August 24, 2010.

Executive Summary: The Planning Commission approved CUP 02-10 and EA 02-07 at its meeting of August 24, 2010. The approval included: An expansion and enhancement the existing park facilities to include two new lighted 75,600 square foot soccer fields, two new lighted 21,600 square foot soccer fields, 1 new lighted T-ball field, 2 volleyball courts, 5 horseshoe pits, approximately 3,253 square foot office, restroom and concession building, tot and child play areas, water play area, walking trail, demolition of an approximately 3,000 square foot existing single family residence, maintenance area (including an existing 1,600 square foot single family residence), covered picnic areas and walkways, landscaping and parking in two phases on multiple parcels totaling approximately 24.8 acres. Phase 2 was to include enhancements including walkways, covered picnic, trailhead improvements, and parking improvements all generally south and east of the existing Boys and Girls Club and Miracle League Ball field. Based upon available resources, project phasing was anticipated based upon available resources and community need. It is anticipated that many of these modifications will be reviewed and approved by staff pursuant to Ordinance 207, section 83.03014. Potential Future improvements following those in Phase I and Phase II, subject to additional environmental review and land use approvals, potentially included an approximate 10,000 square foot Boys and Girls Club building and a croquet/bocce ball area or other amenities such as basketball, tennis courts and racquet ball. The project approval included the vacation of Little League Drive from approximately 525' from the westerly right of way line at Grand Avenue to the easterly right of way line at Palm Avenue.

As indicated in the original project description modifications to project phasing was anticipated

Since the Planning Commission approved the project on August 24, 2010, several minor changes have been made to the project, which are described in further detail below.

Order of Procedure:

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

Discussion: Since the Planning Commission approved the project on August 24, 2010, several minor changes have been made to the project as follows.

1. Additional property has been acquired for the portion of the project north of Little League Drive. This property consists of a .64 acre property, identified as APN 595-131-47. This additional property will be utilized for additional parking at the facility.
2. The Miracle League Field has been relocated to the north side of Little League Drive,
3. Three (3) 75,600 square foot soccer fields are planned to replace the two, 75,600 square foot fields and two (2) 21,600 square foot fields, which represents a 35,400 square foot increase in turf area.
4. The addition of a remote control vehicle race track where a future croquet and bocce ball area was planned at the time the Commission's approval on August 24, 2010.

Conditional Use Permit, CUP-02-10 was reviewed under the California Environmental Quality Act (CEQA). An Initial Study (IS) was prepared for the project and a MND was adopted.

When changes are proposed to a project where an Environmental Impact Report (EIR) or Negative Declaration was adopted CEQA allows for an addendum subject to meeting certain requirements.

CEQA Regulations, Section 15164 *Addendum to an EIR or Negative Declaration* provides five (5) requirements or findings that a project must meet in order approve the addendum.

These sections require:

15164. Addendum to an EIR or Negative Declaration:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

15162. Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Staff finds that the proposed modifications are minor and will not cause any additional impacts not considered under the adopted MND or that were not addressed in the Conditions of Approval and the Mitigation Measures. The modifications meet the

requirements of the CEQA regulations for addendums to the Mitigated Negative Declaration approved for the project.

The addition of the adjacent lot will not cause any additional impacts not previously considered. The addition of the lot will provide an additional 68 parking stalls. There are no impacts that were not previously considered to moving the Miracle League field north of Little League Drive. The modifications to the soccer fields are minor and will not result in any substantial increase to the expected attendance at the park. Finally, the addition of the RC track is not expected to generate any impacts that were not previously considered under the MND.

As was indicated during the original Planning Commission hearing this project and its components are fluid and subject to minor modifications, phasing modifications and sub phasing dependent upon project funding. The proposed modifications are minor and should not generate any impacts that were not addressed under the adopted MND.

Alternatives: None recommended

Fiscal impact: N/A

Attachments: Revised Site Plan
Planning Commission packet and Minutes from August 24, 2010
Sections 15162 and 15164 from CEQA

**ADDENDUM TO ENVIRONMENTAL ASSESSMENT, EA-2-10
MITIGATED NEGATIVE DECLARATION
BREHM YOUTH SPORTS PARK**

15164. Addendum to an EIR or Negative Declaration

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling the preparation of a subsequent EIR or negative declaration have occurred.

The proposed changes to the project are all minor. The revisions include:

1. Additional property has been acquired for the portion of the project north of Little League Drive. This property consists of a .64 acre property, identified as APN 595-131-47. This additional property will be utilized for additional parking at the facility.

The additional .64 acre property only represents a five (5) percent increase in the project area and would be a minor increase in area. Therefore, this change will not create additional impacts not previously considered. Parking areas do not generate additional traffic or increase use of the facility and therefore no additional impacts have been identified that were not previously evaluated

2. The Miracle League Field has been relocated to the north side of Little League Drive,

The relocation of the Miracle League Field has no affect on the impact the project creates. The size of the field is unchanged and there are no increases in the amount of event participants as a result of the relocation. Therefore, this change will not create additional impacts not previously considered.

3. Three (3) 75,600 square foot soccer fields are planned to replace the two, 75,600 square foot fields and two (2) 21,600 square foot fields.

The overall number of soccer fields will be reduced by one (1). However, there will now be three full size fields instead of two, representing an increase of 35,400 square feet of turf area. It is expected that the number of participants will remain similar to the projections expected with the originally approved four fields. Therefore, this change will not create additional impacts not previously considered.

4. The addition of a remote control vehicle race track where a future croquet and bocce ball area was planned at the time the Commission's approval on August 24, 2010.

The plan calls to replace the proposed croquet and bocce ball area with a remote control vehicle race track. The proposed use is not in addition to, but as a replacement to the courts. Therefore, this change will not create additional impacts not previously considered.

15162. Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

There are no substantial changes proposed to the project. The site will be adding a 27,878 square foot lot to a 574,992 square foot project. This results in an increase on five (5) percent. This area will be utilized for parking and not creating any new uses which might attract more visitors than previously considered. Additionally, the relocation of the Miracle League Field, the modification of the soccer fields, and the replacement of the croquet and bocce ball courts with an RC race track is not expected increase visitors to the site or increase any impacts.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

There are no new significant environmental effects or an increase in severity of previously identified significant effects. The changes area all minor and will not result in any additional impacts nor increase the severity of previously identified significant effects.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

The proposed minor changes will not have any significant effects that were not discussed in the previous mitigated negative declaration.

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

After the completion of the Initial Study it was determined that an EIR would not be required for the project. A mitigated Negative Declaration was prepared and adopted. However, no impacts previously identified in the MND will be more severe as a result of the minor changes proposed.

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

There are no changes proposed to the mitigation measures previously adopted. The minor changes will not result in any additional impacts not previously considered under the MND and therefore no modification is necessary. The mitigations measures as currently adopted will reduce the impacts to a level that is less than significant.

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No new mitigation measures are proposed or required as a result of the minor modifications to the project.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

The minor changes proposed to the project do not meet the requirements under subdivision (a) to require the preparation on an EIR. After evaluation of the minor modifications and review of CEQA staff has determined that an addendum to the adopted MND would be the appropriate course of action.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

The proposed changes to the project are minor. The modifications do not meet any of the conditions described in subdivision (a) and therefore a subsequent EIR or negative declaration is not required.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

NA, a subsequent EIR or negative declaration is not required under CEQA. The minor changes are considered minor and an addendum to the MND is the appropriate document.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

The proposed changes to the project are all minor and none of the conditions described in Section 15162. The revisions include:

1. Additional property has been acquired for the portion of the project north of Little League Drive. This property consists of a .64 acre property, identified as APN 595-131-47. This additional property will be utilized for additional parking at the facility.

The additional .64 acre property only represents a five (5) percent increase in the project area and would be a minor increase in area. Therefore, this change will not create additional impacts not previously considered. Parking areas do not generate additional traffic or increase use of the facility and therefore no additional impacts have been identified that were not previously evaluated

2. The Miracle League Field has been relocated to the north side of Little League Drive,

The relocation of the Miracle League Field has no affect on the impact the project creates. The size of the field is unchanged and there are no increases in the amount of event participants as a result of the relocation. Therefore, this change will not create additional impacts not previously considered.

3. Three (3) 75,600 square foot soccer fields are planned to replace the two, 75,600 square foot fields and two (2) 21,600 square foot fields.

The overall number of soccer fields will be reduced by one (1). However, there will now be three full size fields instead of two, representing an increase of 35,400 square feet of turf area. It is expected that the number of participants will remain similar to the projections expected with the originally approved four fields. Therefore, this change will not create additional impacts not previously considered.

4. The addition of a remote control vehicle race track where a future croquet and bocce ball area was planned at the time the Commission's approval on August 24, 2010.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

As stated above the document is not required to be re-circulated, however the addendum is attached to the adopted MND and available for review by the public.

(d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

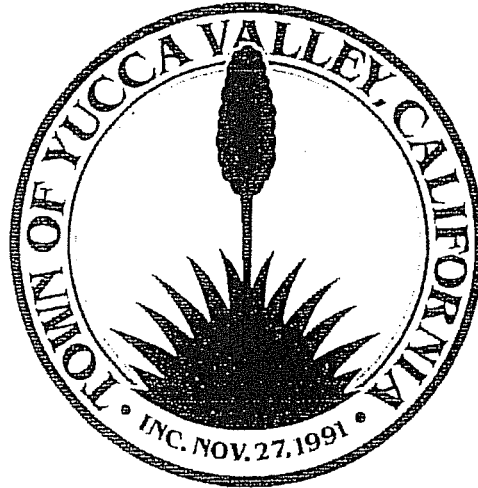
The addendum is scheduled for the Planning Commission meeting of October 25, 2011. With the approval of the Planning Commission, the addendum will be attached to the adopted MND.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

As discussed in other sections of this addendum the proposed changes to the project are minor in nature. These include the addition of a lot. The total area added as a result of the lot is five (5) percent of the total project area. The new lot will be used to accommodate additional parking for the site. The soccer fields are being modified to have only three (3) full size fields (75,600 square feet each); when 2 full size fields and two smaller (21,600 square foot each) was proposed. The modification is not anticipated to

result in a significant increase of park attendees. The Miracle League Field is proposed to be moved to the north side of Little League Drive. There is no change in size or amount of people that the field can accommodate. Finally, a Remote Control race track is proposed to replace the croquet and bocce ball courts. Again, there is no increase in participants expected, as this is replacing uses previously approved.

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING



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

**TUESDAY
AUGUST 24, 2010
7:00 p.m.**

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

* * * *

PLANNING COMMISSION MEMBERS

*Robert Lombardo, Chairman
Dawn Rowe, Vice-chair
Mike Alberg, Commissioner
Gregory Graham, Commissioner
Tim Humphreville, Commissioner*

AGENDA

REGULAR MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 7:00 P.M., TUESDAY, AUGUST 24, 2010

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

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

CALL TO ORDER:

ROLL CALL: Mike Alberg, Commissioner
Gregory Graham, Commissioner
Tim Humphreville, Commissioner
Dawn Rowe, Vice-chair
Robert Lombardo, Chairman

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

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

PUBLIC HEARINGS:

P.1 1. **CONDITIONAL USE PERMIT CUP 02-10, ENVIRONMENTAL ASSESSMENT
EA 02-10, BREHM YOUTH SPORTS PARK**

A proposal to expand and enhance the existing park facilities to include two new lighted 75,600 square foot soccer fields, two new lighted 21,600 square foot soccer fields, 1 new lighted t-ball field, 2 volleyball courts, 5 horseshoe pits, an approximately 3,253 square foot office, restroom and concession building, tot and child play areas, water play area, walking trail, demolition of an approximately 3,000 square foot existing single family residence, maintenance area (including an existing 1,600 square foot single family residence), covered picnic areas and walkways, landscaping and parking in two phases on multiple parcels totaling approximately 24.8 acres. Phase 2 enhancements will include walkways, covered picnic, trailhead improvements, and parking improvements all generally south and east of the existing boys and girls club and miracle league ball field. Based upon available resources, it is possible that the project may be completed in multiple phases and sub-phases. It is anticipated that many of these modifications will be reviewed and approved by staff pursuant to ordinance 207, section 83.030145. Future improvements following those in Phase I and Phase II include an approximate 10,000 square foot boys and girls club building and a croquet/bocce ball area or other amenities such as basketball, tennis courts and racquet ball. The project proposes the vacation of little league drive from approximately 525' from the westerly right of way line at Grand Avenue to the easterly right of way line at Palm Avenue. The proposal includes a request that the project be found to be exempt from undergrounding of utilities per section 87.1150(k) which states "nonprofit agencies identified as institutional land use activities, subject to planning commission and town council approval". The project is located at the NE corner of Little League Dr. and Palm Ave., identified as APN's: 595-131-01, 11, 45 & 49

Applicant: Basin Wide Foundation
56711 29 Palms Highway
Yucca Valley, Ca 92284

Representative: Same

Staff Report:

Recommendation:

ENVIRONMENTAL ASSESSMENT, EA 02-10: That the Planning Commission approve Mitigated Negative Declaration and Mitigation Monitoring Program for Environmental Assessment 02-10.

CONDITIONAL USE PERMIT, CUP 02-10: That the Planning Commission approve Conditional Use Permit, CUP 02-10 based on the findings contained within the staff report and the recommended Conditions of Approval.

UTILITY UNDERGROUNDING: That the Planning Commission recommends to the Town Council that the project is exempt from the requirement to underground existing utilities pursuant to Ordinance 169, Section 87.1150(k) which states "Nonprofit agencies identified as institutional land use activities"

STREET VACATION: That the Planning Commission recommends to the Town Council approval of the vacation of Little League Drive approximately 525' from the westerly right of way line at Grand Avenue to the easterly right of way line at Palm Avenue.

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

P.153 2. **TENTATIVE TRACT MAP TM 18773, ENVIRONMENTAL ASSESSMENT
EA 02-09, LUCAS TRACT**

The applicant requests approval for Tentative Tract Map 18773 to subdivide an 86.79 acre parcel into 60 residential lots, as well as lots for storm water retention and waste water treatment and disposal. There will be 47 lots of 18,000 square feet or more in the RS-2 designation (lots 1-47), 8 lots of 5 acres or more in the RL-5 designation (lots 48-55), and 5 lots of 2.5 acres or more in the RL-2.5 designation (lots 56-60). Lots 50-54 are located on the southern end of the project and have been designated no disturbance areas. Lots 54 and 55 have no build areas designated on them. It is anticipated that some road grading will be required for water tank access on lots 54 and 55, but a large portion will remain undisturbed. Approximately 28.7 acres of the site are to be left undisturbed, including portions of lots 50 through 54. The map is proposed to be built in up to 6 phases, with the first phase being located on the north end of the site, and the last in the south end of the site. Primary access to the site will be from Cholla Avenue and Carlyle Drive. Church Street, Tamarisk and Golden Bee are proposed to extend through the subdivision. Three retention basins are proposed at different locations through the site. An existing high desert water district reservoir occurs at the southern end of the property, and will remain in what is designated as lot 55. The project is located on the west side of Cholla Avenue, north and south of Golden Bee Drive and is identified as APN 585-131-63

Applicant: Beverly Lucas
1829 West Bay Avenue
Newport Beach, Ca 92663

Representative: Same

Staff Report:

Recommendation:

ENVIRONMENTAL ASSESSMENT 02-09: That the Planning Commission approve Mitigated Negative Declaration and Mitigation Monitoring Program for Environmental Assessment 02-09.

TENTATIVE TRACT MAP 18773: That the Planning Commission approve Tentative Tract Map 18773 based on the findings contained within the staff report and the recommended Conditions of Approval and recommends approval of the proposed street names to the Town Council in conjunction with final map approval.

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

DEPARTMENT REPORTS:

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.

P.259 **MINUTES -**

A request that the Planning Commission approve as submitted the minutes of the regular meeting held on July 27, 2010.

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

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Alberg
Commissioner Graham
Commissioner Humphreville
Vice-chair Rowe
Chairman Lombardo

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, September 7, 2010 at 7:00 p.m.

ADJOURN

Planning Commission: August 24, 2010
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION STAFF REPORT
BREHM YOUTH SPORTS PARK

Case: CONDITIONAL USE PERMIT CUP 02-10
 ENVIRONMENTAL ASSESSMENT, EA 02-10
 BREHM YOUTH SPORTS PARK

Request: A PROPOSAL TO EXPAND AND ENHANCE THE EXISTING PARK FACILITIES TO INCLUDE TWO NEW LIGHTED 75,600 SQUARE FOOT SOCCER FIELDS, TWO NEW LIGHTED 21,600 SQUARE FOOT SOCCER FIELDS, 1NEW LIGHTED T-BALL FIELD, 2 VOLLEYBALL COURTS, 5 HORSESHOE PITS, AN APPROXIMATELY 3,253 SQUARE FOOT OFFICE, RESTROOM AND CONCESSION BUILDING, TOT AND CHILD PLAY AREAS, WATER PLAY AREA, WALKING TRAIL, DEMOLITION OF AN APPROXIMATELY 3,000 SQUARE FOOT EXISTING SINGLE FAMILY RESIDENCE, MAINTENANCE AREA (INCLUDING AN EXISTING 1,600 SQUARE FOOT SINGLE FAMILY RESIDENCE), COVERED PICNIC AREAS AND WALKWAYS, LANDSCAPING AND PARKING IN TWO PHASES ON MULTIPLE PARCELS TOTALING APPROXIMATELY 24.8 ACRES. PHASE 2 WILL INCLUDE ENHANCEMENTS INCLUDING WALKWAYS, COVERED PICNIC, TRAILHEAD IMPROVEMENTS, AND PARKING IMPROVEMENTS ALL GENERALLY SOUTH AND EAST OF THE EXISTING BOYS AND GIRLS CLUB AND MIRACLE LEAGUE BALL FIELD. BASED UPON AVAILABLE RESOURCES, IT IS POSSIBLE THAT THE PROJECT MAY BE COMPLETED IN MULTIPLE PHASES AND SUB-PHASES. IT IS ANTICIPATED THAT MANY OF THESE MODIFICATIONS WILL BE REVIEWED AND APPROVED BY STAFF PURSUANT TO ORDINANCE 207, SECTION 83.030145. FUTURE IMPROVEMENTS FOLLOWING THOSE IN PHASE I AND PHASE II ON THE PLANS INCLUDE AN APPROXIMATE 10,000 SQUARE FOOT BOYS AND GIRLS CLUB BUILDING AND A CROQUET/BOCCE BALL AREA OR OTHER AMENITIES SUCH AS BASKETBALL, TENNIS COURTS AND RACQUET BALL. THE PROJECT PROPOSES THE VACATION OF LITTLE LEAGUE DRIVE FROM APPROXIMATELY 525' FROM THE WESTERLY RIGHT OF WAY LINE AT GRAND AVENUE TO THE EASTERLY RIGHT OF WAY LINE AT PALM AVENUE. THE PROPOSAL INCLUDES A REQUEST THAT THE PROJECT BE FOUND TO BE EXEMPT FROM UNDERGROUNDING OF UTILITIES PER SECTION 87.1150(K) WHICH STATES "NONPROFIT AGENCIES IDENTIFIED AS INSTITUTIONAL LAND USE ACTIVITIES, SUBJECT TO PLANNING COMMISSION AND TOWN COUNCIL APPROVAL"

Applicant: BASIN WIDE FOUNDATION
 56711 29 PALMS HIGHWAY
 YUCCA VALLEY, CA 92284

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

Property Owner:

BASIN WIDE FOUNDATION
56711 29 PALMS HIGHWAY
YUCCA VALLEY, CA 92284

TRI-VALLY LITTLE LEAGUE INC
PO BOX 2555
YUCCA VALLEY, CA 92286

BOYS AND GIRLS CLUB OF THE HI-DESERT
PO BOX 402
YUCCA VALLEY, CA 92286

Representative:

CINDY MELLAND/ BRET MORRISON
7227 CAMINO DEL CIELO
YUCCA VALLEY, CA 92284

Location: THE PROJECT IS LOCATED ON THE EAST SIDE OF PALM AVENUE,
BOTH NORTH AND SOUTH OF LITTLE LEAGUE DRIVE AND IS
IDENTIFIED AS APN'S: 595-131-01, 11, 45 & 49, 595-071-01-04 AND
595-091-06.

Existing General Plan Land Use Designation:

THE PARCELS TO THE NORTH OF LITTLE LEAGUE ARE
DESIGNATED RURAL LIVING (RL-1) 1 ACRE MINIMUM. THE
EXISTING BALL FIELDS ARE DESIGNATED AS OPEN SPACE-PARK
(OS-P), WHILE THE BOYS AND GIRLS CLUB AND SOCCER FIELDS
ARE DESIGNATED RURAL LIVING (RL-1).

Existing Zoning Designation:

THE PARCELS TO THE NORTH OF LITTLE LEAGUE ARE
DESIGNATED RURAL LIVING (RL-1) 1 ACRE MINIMUM. THE
EXISTING BALL FIELDS ARE DESIGNATED AS OPEN SPACE-PARK
(OS-P), WHILE THE BOYS AND GIRLS CLUB AND SOCCER FIELDS
ARE DESIGNATED RURAL LIVING (RL-1).

Surrounding General Plan Land Use Designations:

NORTH: RL-1, RURAL LIVING 1 ACRE MINIMUM
SOUTH: RS-5, SINGLE FAMILY RESIDENTIAL 5 PER ACRE
WEST: RS-5, (ACROSS PALM AVE) SINGLE FAMILY
RESIDENTIAL 5 PER ACRE
EAST: RL-1, RURAL LIVING 1 ACRE MINIMUM

Surrounding Zoning Designations:

NORTH: RL-1, RURAL LIVING 1 ACRE MINIMUM
SOUTH: RS-5, SINGLE FAMILY RESIDENTIAL 5 PER ACRE
WEST: RS-5, (ACROSS PALM AVE) SINGLE FAMILY
RESIDENTIAL 5 PER ACRE
EAST: RL-1, RURAL LIVING 1 ACRE MINIMUM

Surrounding Land Use:

NORTH: SINGLE FAMILY RESIDENTIAL
SOUTH: YUCCA CREEK, MULTI AND SINGLE FAMILY
RESIDENCES
WEST: SINGLE FAMILY RESIDENCES ACROSS PALM AVENUE
EAST: SINGLE FAMILY RESIDENTIAL

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 AND PUBLISHED ON **July 28, 2010**. THERE HAS BEEN NO WRITTEN RESPONSE TO THE PUBLIC NOTICE FROM THE PROPERTY OWNERS AT THE WRITING OF THIS STAFF REPORT.

RECOMMENDATIONS:

ENVIRONMENTAL ASSESSMENT, EA 02-10: That the Planning Commission approve Mitigated Negative Declaration and Mitigation Monitoring Program for Environmental Assessment 02-10.

CONDITIONAL USE PERMIT, CUP 02-10: That the Planning Commission approve Conditional Use Permit, CUP 02-10 based on the findings contained within the staff report and the recommended Conditions of Approval.

UTILITY UNDERGROUNDING: That the Planning Commission recommends to the Town Council that the project is exempt from the requirement to underground existing utilities pursuant to Ordinance 169, Section 87.1150(k) which states "Nonprofit agencies identified as institutional land use activities"

STREET VACATION: That the Planning Commission recommends to the Town Council approval of the vacation of Little League Drive approximately 525' from the westerly right of way line at Grand Avenue to the easterly right of way line at Palm Avenue..

PROJECT MANAGER: ROBERT KIRSCHMANN

REVIEWED BY: SHANE STUECKLE

Appeal Information:

Actions by the Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the Town Council within 10 calendar days. Appeal filing and processing information may be obtained from the Planning Section of the Community Development Department. Town Staff cannot modify Planning Commission Actions except for substantial conformance determinations and in conformance with Ordinance 207, section 83.030145.

I. GENERAL INFORMATION

PROJECT DESCRIPTION: A proposal to expand and enhance the existing park facilities to include two new lighted 75,600 square foot soccer fields, two new lighted 21,600 square foot soccer fields, 1 new lighted T-ball field, 2 volleyball courts, 5 horseshoe pits, an approximately 3,253 square foot office, restroom and concession building, tot and child play areas, water play area, walking trail, demolition of an approximately 3,000 square foot existing single family residence, maintenance area (including an existing 1,600 square foot single family residence), covered picnic areas and walkways, landscaping and parking in two phases on multiple parcels totaling approximately 24.8 acres. Phase 2 will include enhancements including walkways, covered picnic, trailhead improvements, and parking improvements all generally south and east of the existing Boys and Girls Club and miracle league ball field. Based upon available resources, it is possible that the project may be completed in multiple phases and sub-phases. It is anticipated that many of these modifications will be reviewed and approved by staff pursuant to Ordinance 207, section 83.030145. Future improvements following those in Phase I and Phase II on the plans include an approximate 10,000 square foot Boys and Girls Club building and a croquet/bocce ball area or other amenities such as basketball, tennis courts and racquet ball. The project proposes the vacation of Little League Drive from approximately 525' from the westerly right of way line at Grand Avenue to the easterly right of way line at Palm Avenue.

The proposal includes a request that the project be found to be exempt from undergrounding of utilities per section 87.1150(k) which states "Nonprofit agencies identified as Institutional land use activities, subject to Planning Commission and Town Council approval"

LOCATION: The project is located at the Northeast corner of Little League Dr. and Palm Ave and is identified as APN'S: 595-131-01, 11, 45 & 49, 595-071-01-04 and 595-091-06.

PROJECT SYNOPSIS:

SITE COVERAGE

PROJECT AREA

Approx. 24.8 acres total
Approx. 11.3 acres for the new facilities
Approx. 13.5 acres of existing parks facilities

BUILDING AREA

Existing Boys and Girls Club approx. 13,000 s. f.
Existing SFR, to be removed approx 3,000 s. f.
Existing SFR, used for maintenance approx. 1,600 s. f.
New Restrooms/Concessions/meeting approx. 3,253 s. f.
Various shade structures and picnic areas at approx. 20,000 s. f.
Future Boys and Girls Club, at approx. 10,000 s. f.

PHASED CONSTRUCTION:

Yes, 2 phases proposed, with multiple sub-phases anticipated

FLOOD ZONE

Maps 8120 and 8860 Zones AE "Floodway", AE and X

ALQUIST PRIOLO ZONE

Yes

OFF-SITE IMPROVEMENTS REQ.

Full half width improvements are required Palm Ave and Little League Dr. including paving, curb gutter, and sidewalk

ASSESSMENT DISTRICTS REQ.

As this project will function as a quasi-public facility assessment districts are not recommended

RIGHT-OF-WAY DEDICATION REQ.

Confirm existing or dedicate, Little League Dr. and Palm Ave.

UTILITY UNDERGROUNDING:	The applicant is requesting that the project be determined to be a eligible for an exception, subject to section 87.1150(k)
AIRPORT INFLUENCE AREA:	Horizontal Surface & Approach Surface and Safety Review area 3 of the Yucca Valley Airport. This type of development is normally acceptable.
TRAILS & BIKE LANE MASTER PLAN	Type "B" pedestrian and bike trail along Yucca Creek in Phase 2
PUBLIC FACILITY MASTER PLAN	No facilities on or adjacent to the project
PARKS AND RECREATION MASTER PLAN	The project will construct a park as similar to that discussed in the Plan in section 9.2.6.
MASTER PLAN OF DRAINAGE:	Facility Y-01 is the existing and partially improved Yucca Creek Facility Y 05-01 is proposed at 7.6 deep, 20' wide at bottom with a soft bottom through the project site
STATE OF CALIFORNIA STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIRED:	Yes, greater than 1 acre
REDEVELOPMENT PROJECT AREA:	No
STREET LIGHTS:	Yes, Little League at Palm
FUTURE PLANNING COMMISSION ACTION REQUIRED	Yes, reviewing of grading and landscape plan.

FUTURE TOWN COUNCIL
ACTION REQUIRED

Yes, approval of exception to utility undergrounding, approval of street vacation.

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: The proposed project is located in two different General Plan and Zoning designations, Rural Living 1 acre minimum (RL-1) and Open Space-Park (OS-P). The open space park designation is where the existing ball fields are located, south of Little League Drive and East of the existing Boys and Girls Club building. The remaining portion, which includes the existing Boys and Girls Club, the existing soccer fields, and all of the project located north of Little League Dr is designated as Rural Living 1 acre minimum (RL-1). Subject to the additional uses section of the Development Code a park may be constructed in any land use district, subject to the review and approval of a Conditional Use Permit. Therefore, the project is consistent with and does not require a General Plan Amendment or rezoning of the site.

The Parks and Recreation Master Plan specifically discusses this park in section 9.2.6. The Plan calls for a new Boys and Girls Club building, new soccer fields, etc. The proposed project is similar in design to that identified in the Master Plan. Additionally, a trailhead is shown at Yucca Creek and Palm Avenue in the Master Plan and is included in the project design.

ENVIRONMENTAL CONSIDERATIONS: The proposed project was reviewed under the requirements of the California Environmental Quality Act (CEQA) and an Initial Study was prepared. The Study found that although there will be potentially significant impacts related to Biological Resources, Greenhouse Gas Emissions, Land Use/Planning, Air Quality, Geology/Soils, Hydrology/ Water Quality and Noise associated with development of the site, mitigation measures included in the study will reduce these

impacts to less than significant levels. A Mitigated Negative Declaration is recommended.

ADJACENT LAND USES: Existing single family residences occur to the north, east and west (across Palm Ave). Single and multiple family residences occur to the south across Yucca Creek.

SITE CHARACTERISTICS: The project site has a slight slope from north to south. There are no washes located within the proposed expansion areas. The site has minimal native vegetation as the site has been used extensively for off-roading and vehicles parking.

A General Biological Assessment, Focused Tortoise Survey and Habitat Assessment for the Western Burrowing Owl was completed by Circle Mountain Biological Consultants in May of 2010. The report concludes that tortoises are absent from the property.

The report also concludes that based upon a field survey and habitat assessment the Western Burrowing Owl will not be adversely affected by the project.

Native Plant Permit 30-10 was issued to the property owners to help facilitate the relocation of 18 onsite Joshua Trees. These plants were large and required the use of a large tree spade from outside the Morongo Basin. That spade was already completing another job in the basin and could be utilized for this job to help save on time and cost. The majority of the Joshua Trees onsite were large clumps and would typically not be able to be relocated. The Joshua trees were to be relocated to the perimeter of the site where they would not interfere with the future construction and be a part of the final landscaping.

Additionally, the site has had approximately 30,000 cubic yards of soil stockpiled on the northern portion to be used during the construction phase.

BUILDING ELEVATIONS: The restroom/concession/meeting building elevations proposed consist of split face block with a blue standing metal seam roof. The structure is similar to those seen at other park facilities.

The proposed carports and covered walk ways will be primarily metal with solar panels mounted to the roofs and canvas type covers over the play areas. The existing residence on the far northern portion of the site will remain as a maintenance yard and the existing single family near Little League Drive will be demolished.

No elevations have been provided for the future Boys and Girls Club and will require additional review and approval in the future.

ROADWAY IMPROVEMENTS: Development of the site will result in roadway improvements to Palm Avenue and a small portion of Little League Drive. Improvements will include full half with improvements on Palm Avenue, including pavement, curb, gutter and a meandering sidewalk, as proposed by the applicant. The project proposes the vacation of Little League Drive from approximately 525' from the westerly right of way line at Grand Avenue to the easterly right of way line at Palm Avenue. A small portions of Little League not vacated will be improved to full Town standards, including curb gutter and sidewalk.

Little League Drive is proposed to be vacated and improved, in conjunction with phase one. Also with phase one Palm Avenue north of Little League will receive full half widths improvements. Palm Avenue south of Little League Drive will be improved in conjunction with phase 2.

ASSESSMENT DISTRICTS: The applicant is proposing to construct a quasi-public park intended for use by the general public. Therefore, staff is not recommending the formation of assessment districts in conjunction with the project.

DISCUSSION: The proposal is to expand and enhance the existing park facilities. Construction of new facilities will include two new 75,600 square foot soccer fields, two

new 21,600 square foot soccer fields, 1 ball field, 2 volleyball courts, 5 horseshoe pits, an approximately 3,253 square foot office, restroom and concession building, tot and child play areas, water play area, walking trail, demolition of an approximately 3,000 square foot existing single family residence, maintenance area (including an existing 1,600 square foot single family residence), covered picnic areas and walkways, landscaping and parking in two phases on multiple parcels totaling approximately 24.8 acres. Future projects include an approximately 10,000 square foot Boys and Girls Club building and a croquet/bocce ball area.

A parking analysis was provided by the applicant to detail the types of attendance that is expected for the various seasons. The two main seasons will be the football/soccer and little league seasons. With soccer and football seasons running concurrently it is expected that there will be a total of 801 users including referees, players, coaches, spectators and guests present for other activities (walking, tot lot, volleyball, etc). The little league season expects approximately 441 users including umpires, players, coaches, spectators, and guests present for other activities. Since there are more participants anticipated for the football/soccer season the parking was based upon these requirements. The parking code requires 1 space per 200 square feet in an enclosed building and 1 space per every three people at maximum capacity. Total number of spaces required for maximum occupancy is 267 and the total spaces for the restroom/ concession/ meeting building at 3,253 square feet is 16. Therefore, a total of 283 parking stalls are required and the project proposes 304 total parking spaces.

Although the plan submitted shows two phases for development of the project it is likely that depending on available resources the project may require multiple sub-phases. The following potential sub-phases are conceptual and may change based upon the resources available. Should these sub-phases be required it is anticipated that all the proposed soccer fields and parking along Palm Ave and the north side of Little League Dr. would be constructed first. This will possibly include a 4' tall chain link fence to separate the parking area from the fields. During this time the tot and child play would be graded but not constructed. This would be followed by the parking to the east of the

existing Boys and Girls Club Building, followed by the restroom/ concession /meeting building, tot and child play areas the miracle league field, and the permeable pavers surrounding this area. After these would be constructed the parking lot to east of the Miracle League Field would be reconfigured. As this project will require modifications as time passes and more funding is secured it is important that the Staff have discretion to allow phasing similar to that described above. Ordinance 207, section 83.030145 provides this ability and states:

An approved Conditional Use Permit may be modified upon the request of the property owner, or by the Town. 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 this Code, Required Findings, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit; including modifications to phasing schedules for the project.

Although the new restroom/concession/meeting building may not be constructed and operational when the new athletic fields are operational and it use, it is important to note that there are existing restroom facilities onsite that can be utilized. These are inside the Boys and Girls Club, outside the Boys and Girls Club building to the south, and near the existing ball fields. These could be used for the soccer fields if the new athletic fields are functional prior to the construction of the new restroom/concession/meeting building.

In regards to onsite parking, it is anticipated that all parking north of Little League Dr. and along Palm Ave would be completed with the first phase. This will add an additional 194 parking spaces to the project, along with the existing 141 spaces. This will provide approximately 335 parking spaces onsite. This will exceed the required 283 parking stalls.

The project includes a request to vacate Little League Drive from approximately 525' from the westerly right of way line at Grand Avenue to the easterly right of way line at Palm Avenue. Little League Drive is a local 60' wide road which travels east west between Palm Avenue and Grand Avenue. Although vacating this portion will prevent

through traffic from traveling east west on Little League vehicle may still use Sunnyslope drive to the north or Cassia to the south. The General Plan designates Sunnyslope Drive as an 80' wide four lane collector and Palm Avenue as a 66' wide 2 lane collector. Grand Avenue located to the east is designated a 60'wide local street which travels north and south between Sunnyslope and State Route 62. These surrounding roads will provide adequate access and circulation in the area.

The project is also requesting an exemption to utility undergrounding of both existing and proposed utilities. Ordinance 169, Section 87.1150(k), Exceptions states "Nonprofit agencies identified as institutional land use activities, subject to Planning Commission and Town Council approval". Staff believes that this project meets the intent of this section of the code and is recommending that that the Planning Commission recommend to the Town Council that this project is not required to underground the existing and proposed overhead utilities.

CONDITIONAL USE PERMIT FINDINGS:

- (a) The location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;
- The proposed project is located in two different General Plan and Zoning designations, Rural Living 1 acre minimum (RL-1) and Open Space-Park (OS-P), The open space park designation is where the existing ball fields are located, south of Little League Drive and East of the existing Boys and Girls Club. The remaining portion is designated as Rural Living. Subject to the additional uses section of the Development Code a park may be constructed in any land use district, subject to the review and approval of a Conditional Use Permit. Therefore, the project is consistent and will not require a General Plan Amendment.*
- (b) The location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;
- The proposed park facilities will expand the existing facilities already occurring on the south side of Little League Drive. The proposed structures will be compatible to the site as well as surrounding structures and streetscapes. The proposal includes meandering sidewalks, the length of*

Palm Ave along with perimeter landscaping. The overall height of the restroom/concession/meeting building is proposed to be approximately 18', which would be consistent to the height of surrounding residential uses.

- (c) The proposed development produces compatible transitions in the scale, bulk, coverage, density and character of the development between adjacent land uses;
As discussed above the project will provide a compatible transition in scale, bulk, coverage and density.
- (d) The building site and architectural design is accomplished in an energy efficient manner;
The project includes the possibility of using solar to provide some power to the site. The applicant will also be using drought tolerant landscaping, including the installation of a desert demonstration garden. The buildings will be required to meet all Title 24 standards specified in the Building Code.
- (e) The materials, textures and details of the proposed construction, to the extent feasible, are compatible and consistent with the adjacent and neighboring structures;
The proposed park facility will have structures and landscaping features that are designed, to the extent feasible to be compatible with adjacent and neighboring structures.
- (f) The development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;
The proposed construction will be no taller than surrounding structures. The proposed height is approximately 18'. This will not block views from other buildings or from public ways.
- (g) That the amount, location, and design of open space and landscaping conforms to the requirements of the Development Code, enhances the visual appeal and is compatible with the design and functions of the structure(s), site and surrounding area;
The project as proposed and conditioned meets the amount, location, and design of open space and landscaping requirements of the Development Code.
- (h) The quality in architectural design is maintained in order to enhance the visual desert environment of the Town and to protect the economic value of existing structures;
The proposed structures will be consistent to those typical of parks. The park will include desert native landscaping as well as turf areas for the sports

fields. The park will help to enhance the visual desert environment and protect the economic value of existing structures.

- (i) There are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;
This proposal will provide a new quasi-public facility to the community. It will provide additional recreational opportunities to the community. The utilities are already in place to serve the project.
- (j) That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;
In order to insure safe access for pedestrians the applicant is proposing meandering sidewalks along Palm Ave and vacating a portion of Little League Dr. This ensures the safe movement between the various areas of the park. The project will also be improving Palm Ave and providing properly spaced driveways to ensure proper access to the public streets.
- (k) That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;
It is not expected that this project will and the proposed activities would substantially affect existing traffic volumes. Activities generally will take place on during evenings and on weekends and would not generally affect peak-hour traffic volumes (generally 7AM-9AM and 4PM-6PM Monday through Friday).
- (l) That traffic improvements and/or mitigation measures have been applied or required in a manner adequate to maintain a Level of Service C or better on arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan;
The project has been conditioned to construct street improvements on both Palm Ave and Little League Dr. The expansion of the existing facilities are not anticipated to affect the level of service and will construct improvements consistent with the General Plan.
- (m) There will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;
A General Biological Assessment, Focused Tortoise Survey and Habitat Assessment for the Western Burrowing Owl was completed by Circle Mountain Biological Consultants in May of 2010. The report concludes that

tortoises are absent from the property and also concludes that based upon a field survey and habitat assessment the Western Burrowing Owl will not be adversely affect by the project. There are no natural washes onsite, nor is their significant natural vegetation.

- (n) There are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;
The proposed project was reviewed under the requirements of the California Environmental Quality Act (CEQA) and an Initial Study was prepared. The Study found that although there will be potentially significant impacts related to Biological Resources, Greenhouse Gas Emissions, Land Use/Planning, Air Quality, Geology/Soils, Hydrology/ Water Quality and Noise associated with development of the site, mitigation measures included in the study will reduce these impacts to less than significant levels. A Mitigated Negative Declaration is proposed.

- (o) The impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be considered to be detrimental to the public health, safety and welfare of the community or be materially injurious to properties and/or improvements within the immediate vicinity or be contrary to the General Plan; and
There are no anticipated issues resulting form the approval of this project that would be detrimental to the public health, safety and welfare of the community.

- (p) The proposed development will comply with each of the applicable provisions of the Development Code, and applicable Town policies, except approved variances.
The project, as conditioned will comply with applicable provisions of the Development Code and Town Policies. No variances are proposed.

Attachments:

1. Initial Study
2. Standard Exhibits
3. Site Plan
4. Floor plan/ Elevations of restroom/concession/meeting building and solar canopies
5. Ball field lighting plan
6. Application materials
7. Notice of Hearing
8. Other agency correspondence
9. Ordinance 169, Utility Undergrounding
10. Safety Review table from the Comprehensive Airport Land Use Plan
11. Section 9.2.6 of the Parks Master Plan
12. Excerpt from Master Plan of Drainage
13. Ordinance 90, Outdoor Lighting
14. Ordinance 201, Floodplain Management Ordinance
15. Excerpt from Trails Master Plan
16. Ordinance 110, Additional Uses

The following Special Studies are available for review at the Community Development Department and will be present at the Planning Commission Meeting:

1. Biological Assessment
2. Acoustical Study
3. Preliminary Drainage Study
4. Air Quality/Greenhouse Gas

**DRAFT
TOWN OF YUCCA VALLEY
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT, CUP 02-10
BREHM YOUTH SPORTS CENTER**

A proposal to expand and enhance the existing park facilities to include two new lighted 75,600 square foot soccer fields, two new lighted 21,600 square foot soccer fields, 1 new lighted T-ball field, 2 volleyball courts, 5 horseshoe pits, an approximately 3,253 square foot office, restroom and concession building, tot and child play areas, water play area, walking trail, demolition of an approximately 3,000 square foot existing single family residence, maintenance area (including an existing 1,600 square foot single family residence), covered picnic areas and walkways, landscaping and parking in two phases on multiple parcels totaling approximately 24.8 acres. Phase 2 will include enhancements including walkways, covered picnic, trailhead improvements, and parking improvements all generally south and east of the existing Boys and Girls Club and miracle league ball field. Based upon available resources, it is possible that the project may be completed in multiple phases and sub-phases. It is anticipated that many of these modifications will be reviewed and approved by staff pursuant to Ordinance 207, section 83.030145. Future improvements following those in Phase I and Phase II on the plans include an approximate 10,000 square foot Boys and Girls Club building and a croquet/bocce ball area or other amenities such as basketball, tennis courts and racquet ball. The project proposes the vacation of Little League Drive from approximately 525' from the westerly right of way line at Grand Avenue to the easterly right of way line at Palm Avenue.

The proposal includes a request that the project be found to be exempt from undergrounding of utilities per section 87.1150(k) which states "Nonprofit agencies identified as institutional land use activities, subject to Planning Commission and Town Council approval"

The project is located at the Northeast corner of Little League Dr. and Palm Ave and is identified as APN'S: 595-131-01, 11, 45 & 49, 595-071-01-04 and 595-091-06.

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

Approval Date: August 24, 2010
Expiration Date: August 24, 2013

- G3. The applicant shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project. These include, but are not limited to, County of San Bernardino Environmental Health Services, County of San Bernardino Transportation/Flood Control, County of San Bernardino Fire Department, Yucca Valley Building and Safety, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, Colorado River Region, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.
- G4. All conditions are continuing conditions. Failure of the applicant to comply with any or all of said conditions at any time may result in the revocation of any construction permits for the project.
- G5. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utilities. The approved permits shall be readily available on the job site for inspection by Town personnel.
- G6. The applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or inspections. The fee amounts shall be those which are applicable and in effect at the time work is undertaken and accomplished. Fees for entitlement prior to construction permits are based on estimated costs for similar projects. Additional fees may be incurred, depending upon the specific project. If additional fees for services are incurred, they must be paid prior to any further processing, consideration, or approval(s).

- G7. All improvements shall be inspected by the Town as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
- G8. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
- G9. During construction, the Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town to eliminate any site related dirt and debris within the roadways. During business activities, the applicant shall keep the public right-of-way adjacent to the property in a clean and sanitary condition.
- G10. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way of streets or other public improvements that have been accepted into the Town's maintained system
- G11. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
- G12. Each phase of the 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, 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 plan required for obtaining native plant plan approval, and on any other plan as deemed necessary by the Town.
- G13 At least one sign per fronting street shall be posted on the site and must contain the following information: the grading permit number, the project name, map number (if appropriate), the authorized dust controller phone number(s), the Town phone number and the Mojave Desert Air Quality Management District (MDAQMD) phone number. The signs must be obtained and installed by the developer using the sample format to be provided. The signs must be present at the pre-construction meeting or the grading permit will not be issued. The developer 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.

- G14. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents
- G15. The Applicant shall reimburse the Town for the Town's costs incurred in monitoring the developer's compliance with the Conditions of Approval including, but not limited to, inspections and review of developer's operations and activities for compliance with all applicable dust and noise operations. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Yucca Valley Municipal Code.
- G16. Prior to the issuance of a Certificate of Occupancy for any habitable structure in each phase of the project, all improvements shall be constructed, final inspection performed, punch-list items completed, and all installations approved by the appropriate agency.
- G17. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original mylars submitted for Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.
- G18. For any import or export of material, the Project proponent shall provide the following for review by the Town Engineer: the route of travel, number of trucks, daily schedule, and length of time required. No hauling of material shall begin without the Town Engineer's approval.
- G19. Prior to any work being performed within the public right-of-way, the Project proponent shall provide the name, address, telephone, facsimile number, and e-mail address of the Contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work shall be supplied. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, shall be provided and such other details as may be required by the Town Engineer.
- G20. The site shall be developed in accordance with the approved plans on file with the Town of Yucca Valley, in accordance with the Conditions of Approval approved for the project, and in accordance with the General Plan and Development Code. Prior to any use of the project site or business activity being

commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Town.

- G21. Prior to issuances of building permits, all site plans, grading plans, landscape and irrigation plans, drainage/flood control plans, public improvement plans, erosion and sediment control plans, shall be coordinated for consistency with this approval.
- G22. The Town may allow phased constructed of the project provided that the improvements necessary to adequately serve or mitigate the impacts of each phase of development are completed prior to the issuance of a Certificate of Occupancy for that phase.
- G23. The applicant or the applicant's successor-in-interest shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust.
- G24. If archaeological, paleontological or historical resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person with appropriate expertise shall be consulted by the applicant regarding mitigation measures to preserve or record the find. Recommendations by the consultant shall be implemented as deemed necessary and feasible by the Town before work commences in the affected area. If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains might be those of a Native American, the California Native American Heritage Commission shall be notified and appropriate measures provided by State law shall be implemented.
- G25. All street dedications shall be irrevocably offered to the public and shall continue in force until the Town accepts or abandons such offers. All dedications shall be free of all encumbrances as approved by the Town Engineer.
- G26. The street design and circulation pattern of this project shall be coordinated with adjoining developments.
- G27. The final conditions of approval issued by the approving authority shall be photographically or electronically placed on bond (blue/black line) paper and included in the Grading and Street Improvement plan sets on 24" x 36" bond (blue/ black line) paper and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field and during construction. Plan check fees shall not be charged for sheets containing the Conditions of Approval.

- G28. Prior to issuance of a certificate of occupancy, the applicant shall submit all improvement plans on compact disks in digital format acceptable to the Town Engineer.
- G29. Violations of any condition or restriction or prohibition set forth in these conditions, including all approved construction plans, public and private, for this project and subject to the Town's overall project approval and these conditions of approval, shall subject the owner, applicant, developer or contractor(s) to the remedies as noted in the Municipal Code. In addition, the Town Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

PLANNING CONDITIONS

- P1. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to modifying existing facilities or by securing a drainage easement.
- P2. 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. **If the Planning Commission and Town Council determine that this project satisfies section 87.1150(k) "Exceptions" which states "Nonprofit agencies identified as institutional land use activities, subject to Planning Commission and Town Council approval" then overhead utilities would be allowed to remain.**
- P3. All exterior lighting shall comply with the Ordinance 90, Outdoor Lighting and shall be illustrated on all construction plans.

- P4. **All mitigation measures identified in the Initial Study and included in the Mitigation Monitoring Program are included as conditions of approval by this reference.**
- P5. A final plan identifying all protected plants as well as a Native Plant Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of any construction permits, including grading and utility installations, for the project. **The applicant shall make every effort to relocate the native plants back onsite. The adoption of native plants shall be consistent with the Native Plant Ordinance in effect at the time of grading permits. The final native plant plan shall be reviewed and approved by the Planning Commission prior to the issuance of any construction permits for the project site.**
- P6. Prior to the issuance of any permits the applicant/owner shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall 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 Landscape and Irrigation review requires a separate application and a current Town fee of \$685. **The final Landscape and Irrigation Plan shall be reviewed and approved by the Planning Commission prior to the issuance of any permits.**

ENGINEERING CONDITIONS

- E1. **Dedicate, or show there exists, sufficient right of way for a 2-Lane collector street (66' right of way and 46' curb to curb) on Palm Avenue(east half) per Town of Yucca Valley standard 102.**
- E2. **Construct curb, gutter, and sidewalk 23 feet from centerline on Palm Avenue (east half) per Town of Yucca Valley Standard Drawing 102 and 200. Any existing pavement on Palm Avenue shall be removed and replaced to centerline. Construct a six (6) foot wide meandering sidewalk (as proposed by applicant) along Palm Avenue. Provide an easement for sidewalk and landscaping purposes wherever the sidewalk extends outside the street right of way.**
- E3. **The portion of Little League Drive along the project's eastern boundary to remain a public street shall be improved to Rural Local Road standards per Town of Yucca Valley Standard Drawing 101 and 200.**

- E4. **The applicant's engineer shall prepare a street vacation application and submit to the Town for that portion of Little League Drive through the project which will be a non-public street.**
- E5. **Install one street light at the following locations per of Yucca Valley Standard Drawing No. 302:
Palm Drive at Little League Drive,**
- E6. **Dedicate an easement to the High Desert Water District for access to the well site at the southeast corner of the project site.**
- E7. **Relocation of the existing water line in Little League Drive shall be completed to the satisfaction of the High Desert Water District. Relocation plans shall be approved prior to issuance of a grading permit for the project.**
- E8. **The Restroom/Concession Building shall be elevated one (1) foot minimum above the 100 year base flood elevation. Handicapped access to the Restroom/Concession Building must be maintained per ADA requirements.**
- E9. **The Y05-01 channel as shown in the Town of Yucca Valley Master Plan of Drainage is shown to ultimately cross the site. The applicant will need to demonstrate how this channel will be accommodated with the proposed design and may require dedication of said easement. In addition the Applicant's engineer shall provide calculations detailing the required sizes and construction cost estimates of underground facilities anticipated in lieu of the Y05-01 channel crossing the site**
- E10. **The Applicant's engineer shall provide a signed and stamped letter certifying that the proposed improvements will not adversely affect the floodway. Pursuant to the Town's Floodplain Ordinance, not causing an adverse affect means the cumulative effect of the proposed development when combined with all other all other existing and anticipated development will not increase the water surface elevation of the base flood one foot or more. As part of the Floodplain Ordinance the Flood Plain Administrator is required to notify state and federal agencies of development within the floodplain if the Base Flood Elevation is changed due to physical alterations. The Applicants engineer shall be responsible to provide backup information, if requested by such state and federal agencies, supporting his certification.**
- E11. **Prior to the issuance of a Grading Permit, a Grading Plan prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town prior to any grading activity. The rough and precise Grading Plans shall be reviewed and approved by the Town Engineer prior to issuance of grading permits. The applicant/owner is responsible for all fees incurred by the Town. Prior to Certificate of Occupancy, the Engineer-of-**

Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.

- E12. **All manufactured slopes over the height of 3 feet shall be irrigated and landscaped immediately following grading. Prior to issuance of a grading permit for any portion of the site, the applicant/owner shall submit, for review and approval, an irrigation and landscaping plan or other appropriate treatment for all slope areas.**
- E13. The rough grading shall be certified by a civil engineer that it was completed in substantial conformance with the approved rough Grading Plans. Prior to the issuance of any building permits the project Engineer shall certify the finished lot was graded in conformance to approved plans.
- E14. The Engineer-of-Record or other civil engineer shall survey and provide pad certification for the site prior to issuance of building permits.
- E15. 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 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.
- F16. All property corners, lots, 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 prior to certificate of occupancy.
- E17. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.
- E18. A retention basin **and/or underground storage system** shall be constructed and functional prior to the issuance of certificate of occupancy for the any structure within the project. The applicant shall provide on-site retention for the

incrementally larger flows caused by development of the site, pursuant to a final drainage report, subject to review and approval by the Town Engineer.

- E19. 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 20%, is retained on-site.
- E20. In lieu of an engineered drainage report the retention basin and/or underground storage system shall be sized to retain 550 cubic feet of storm water for each 1,000 square feet, and increments thereof, of impervious area proposed (structures, driveways, parking areas, etc.).
- E21. Basin(s) shall be designed to fully dissipate storm waters within a 48 hour period.
- E22. A pre-filtration system shall be installed for all drain lines connected to any underground storage system to collect sediment and hydrocarbon material prior to discharge into the underground system.
- E23. Any grading or drainage onto private off-site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected property owner.
- E24. In conjunction with precise grading certification, all retention/detention basins shall be certified by a civil engineer that they have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity and will operate in accordance with the approved drainage reports for the project.
- E25. In conjunction with precise grading certification, all drainage systems, both public and private, shall be certified by a civil engineer that they have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity and will operate in accordance with the approved drainage reports for the project.
- E26. 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.
- E27. All grading activities shall minimize dust through compliance with MDAQMD Rules 402 and 403.
- E28. Prior to issuance of a grading permit, a Fugitive Dust and Erosion and Sediment Control Plan shall be submitted and approved by the Town Engineer. The

Fugitive Dust and Erosion and Sediment Control Plan shall illustrate all proposed phasing for construction of the project.

- E29. 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. The Applicant shall comply with NPDES requirements as applicable. The Applicant shall install devices on his property to keep erodible material, rocks, and gravel on the site. To eliminate any site related dirt and debris within the roadways, the Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town Staff.
- E30. 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.
- E31. The Applicant shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the Applicant is required to patch the cuts to Town standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a width 4 feet beyond the edge of the trench on each side, or as determined by the Town Engineer, and replacement with a full-depth asphalt concrete recommended by the Soils Engineer.
- E32. In conjunction with the rough grading plan submittal, street plans prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town. The final street plans shall be reviewed and approved by the Town Engineer. The applicant/owner is responsible for all fees incurred by the Town. Prior to Certificate of Occupancy, the Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.
- E33. The Applicant shall accept and properly dispose of all off-site drainage flowing onto or through the site.
- E34. The Applicant shall construct the replacement of any identified damaged curb and gutter, sidewalk, drive approach, asphalt concrete pavement, meter boxes, and other infrastructure that may be required by the Town Engineer or another Agency.

- E35. The Applicant shall install all water and sewer systems required to serve the project. All water and sewer systems shall be completed to the requirements of the Hi Desert Water District.
- E36. 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.
- E37. 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 by the Applicant. The Applicant shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.
- E38. All improvement plans shall be designed by a Registered Civil Engineer.
- E39. 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.
- E40. Prior to the issuance of any grading permit to disturb, expose or stockpile an aggregate of more than one acre of land, an erosion and sediment control plan for the project shall be submitted to and approved by the Town Engineer and securities meeting the requirements contained herein shall be posted with the Town. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the erosion and sediment control system(s). The permittee's estimate of such cost shall be subject to the review and approval of the Town engineer. The erosion and sediment control security shall be in the form of a Cash Deposit.
- E41. The Applicant shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the Applicant fails or refuses to properly maintain the erosion control devices, the Town official may cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be deducted from the erosion control security posted for the project and shall include all costs related to the emergency

maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.

- E42. If the Applicant fails or refuses to properly maintain the erosion control devices, the Town Engineer may cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be deducted from the erosion control security posted for the project and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.

- E43. If construction of erosion control systems outside of the project boundaries is necessary, permission to construct such systems from the owner of such off-site property is required. Plans for the off-site system shall be included with the on-site plans submitted to the Town Engineer. The plans for the off-site erosion control system shall include permission to grade and maintain the erosion control system from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities.

- E44. The Applicant shall submit a post construction erosion and sediment control plan which identifies and illustrates all necessary improvements to prevent the movement and or loss of any soil and sediment materials from the project site, including all individual lots for construction of habitable structures, all slope banks, and all areas of the site capable of resulting in the deposit of soils and sediments with the street or storm drain system. The post construction erosion and sediment improvements shall be certified by a civil engineer that they were constructed in substantial conformance with the approved plans and specifications.

- E45. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. Soil testing for the subsurface disposal system shall meet the requirements of the Department of Environmental Health Services. Applicant shall submit a minimum of three (3) copies of percolation reports for the project site and an appropriate fee to DEHS for review and approval, a copy of the cover sheet with an approval stamp to Building and Safety Division at the time of building permit application, and two (2) copies of the approved percolation report to the Building and Safety Division at the time of construction plan check. The location of the septic system shall be shown on the project grading plans. **It shall be the developer's responsibility to ensure that the location of the septic system and any proposed underground stormwater collection system meet applicable codes related to separation distances.**

- E46. Prior to the approval of the improvements plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb to curb improvements, and the 100-year storm flow shall be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed.
- E47. It is understood that the Conditional Use Permit plans correctly shows all existing easements, traveled ways and drainage courses, and that their omission may require the Conditional Use Permit plans to be resubmitted for further consideration.
- E48. Private drainage easements for cross-lot drainage shall be dedicated and delineated on the final map.
- E49. 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.
- E50. All street closures must be approved by Town Council action.
- E51. The following shall information regarding the presence of the Marine Corps Air Ground Combat Center (MGAGCC) shall be recorded on the title of each property contained within the boundaries of the Conditional Use Permit.
- "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".
- E52. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original mylars submitted for the Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.
- E53. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patters with respect to tributary drainage area and outlet points. Unless otherwise approved by the Town Engineer, lot lines shall be located at the top of slopes.

- E54. Improvement plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the Town Engineer.

BUILDING AND SAFETY CONDITIONS

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

Fire Conditions

- F1. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
- F2. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code (Standard 903.1). The fire flow for this project shall be:
1,500GPM for 2 hour duration at 20PSI residual operating pressure, based upon a 3,600 square foot structure.
- F3. The Applicant shall be responsible for all fees required by San Bernardino County Fire Department.

- F4. The Development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and evacuation routes.
- F5. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.
- F6. Not less than 2 complete sets of Building Plans shall be submitted to the Fire Department for review and approval.
- F7. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12% grade and have a minimum of forty five (45) foot radius for all turns. In FS1, FS2 or FS3 Fire Safety Overlay District areas, there are additional requirements.
- F8. 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.
- F9. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufactures specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.

Mojave Desert Air Quality Management District Condition

- M1. A "Notification of Demolition/Renovation" application must be completed and submitted to the District pursuant to Health and Safety Code Section 19827.5 for the demolition of any load bearing wall or foundation.

Conditional Use Permit, CUP 02-10, Environmental Assessment, EA 02-10
Brehm Youth Sports Park
August 24, 2010 Planning Commission Meeting

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

Applicant's Signature _____ Date _____

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION, CONDITIONAL USE PERMIT, CUP 02-10, ENVIRONMENTAL ASSESSMENT, EA 02-10 BREHM YOUTH SPORTS PARK

TO: Responsible and Trustee Agencies/Interested Organizations and Individuals
FROM: Town of Yucca Valley
RE: Conditional Use Permit, CUP 02-10, Environmental Assessment, EA 02-10

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

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

Project Location/ Description:

Project location: The project is located at the NE corner of Little League Dr. and Palm Ave.
APN's: 595-131-01, 11, 45 & 49

Project description: A proposal to expand and enhance the existing park facilities to include two new 75,600 square foot soccer fields, two new 21,600 square foot soccer fields, 1 ball field, 2 volleyball courts, 5 horseshoe pits, an approximately 3,253 square foot office, restroom and concession building, tot and child play areas, water play area, walking trail, demolition of an approximately 3,000 square foot existing single family residence, maintenance area (including an existing 1,600 square foot single family residence), covered picnic areas and walkways, landscaping and parking in two phases on multiple parcels totaling approximately 20.17 acres. Future projects include an approximately 10,000 square foot Boys and Girls Club building and a croquet/bocce ball area. The project also proposes the vacation of Little League Drive approximately 525' east of Palm Ave.

Other permits: Not applicable

Toxic Sites: None

Public Hearing: The Planning Commission public hearing for this item has been set for August 24, 2010, beginning at 7:00 p.m. at the Yucca Valley Community Center, 57090 29 Palms Highway, Yucca Valley, CA 92284.

Public Review: The Initial Study and related documents are available for public review daily. Members of the public may view these documents at the Planning Department, 58928 Business Center Drive, Yucca Valley, CA 92284, and submit written comments at or prior to the Planning Commission hearing.

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

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Robert Kirschmann at 760-369-6575 X 328.

Comment Period: Based on the time limits defined by CEQA, your response should be sent at the earliest possible date. The public comment period on this project is from **July 28, 2010 to August 16, 2010**. All comments and any questions should be directed to:

Robert Kirschmann
Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284
(760) 369-6575 X 328
RKirschmann@yucca-valley.org

Note to Press: Publish on Wednesday July 28, 2010

Dated: July 26, 2010

CEQA Environmental Checklist

PROJECT DESCRIPTION AND BACKGROUND

Project Title:	Conditional Use Permit, CUP 02-10 Environmental Assessment, EA 02-10 Brehm Youth Sports Park
Lead agency name and address:	Town of Yucca Valley 58928 Business Center Yucca Valley, CA 92284
Contact person and phone number:	Robert Kirschmann, Associate Planner 760- 369-6575 ext 328 RKirschmann@yucca-valley.org
Project Location:	The project is located at the NE corner of Little League Dr. and Palm Ave. APN's: 595-131-01, 11, 45 & 49
Project sponsor's name and address:	Basin Wide Foundation 56711 29 Palms Highway Yucca Valley, Ca 92284
General plan description:	The project area has both an Open Space-Park (OS-P) and Rural Living (RL-1) designations. Subject to the additional uses section of the Development Code a park may be constructed in any land use district, subject to a Conditional Use Permit. Therefore, the project is consistent and will not require a General Plan Amendment.
Zoning:	The project area is zoned Open Space-Park (OS-P) and Rural Living (RL-1). As stated above, the additional uses section of the Development Code allows a park to be constructed in any land use district, subject to a Conditional Use Permit. Therefore, the project is consistent and will not require a Development Code Amendment.

<p>Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.)</p>	<p>A proposal to expand and enhance the existing park facilities to include two new 75,600 square foot soccer fields, two new 21,600 square foot soccer fields, 1 ball field, 2 volleyball courts, 5 horseshoe pits, an approximately 3,253 square foot office, restroom and concession building, tot and child play areas, water play area, walking trail, demolition of an approximately 3,000 square foot existing single family residence, maintenance area (including an existing 1,600 square foot single family residence), covered picnic areas and walkways, landscaping and parking in two phases on multiple parcels totaling approximately 20.17 acres. Future projects include an approximately 10,000 square foot Boys and Girls Club building and a croquet/bocce ball area. The project also proposes the vacation of Little League Drive approximately 525' east of Palm Ave.</p>
<p>Surrounding land uses and setting; briefly describe the project's surroundings:</p>	<p>North: RL-1, existing single family homes South: O-S-P and RL 1, existing Boys and Girls Club, soccer and baseball fields, restrooms and parking facilities West: RS-5, existing single family residences and vacant land East: RL-1, existing single family homes</p>
<p>Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements):</p>	

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

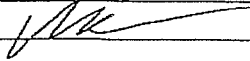
The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 3 for additional information.

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

DETERMINATION:

On the basis of this initial evaluation:

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

Signature: 	Date: 7-27-10
Printed Name: Robert Kirschmann	For: Town of Yucca Valley

CEQA Environmental Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista (General Plan exhibit 3.13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (aerial photo, site visit)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Application materials, site visit)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Application materials)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>l. a)-c) The proposed project occurs in the center of Town, in an area that is already largely developed with single family residences. The site has been cleared for many years and disturbed by vehicle parking, off road activities, etc. The site was additional disturbed by the import of approximately 30,000 cubic yards of dirt from the Warren Vista Retail Center. The site is slightly sloping to flat with no rock outcroppings and no historic structures.</p> <p>d) The construction of the new sports fields and ancillary buildings will create additional lighting in the area. Ordinance 90, which regulates Outdoor lighting, states "There shall be no illumination of public recreational facilities unless the facilities are being utilized. The illumination must be turned off no later than 11:00PM or one hour after the termination of the event and/or use, whichever occurs first". Additionally, staff is recommending that the field light chosen be "night-sky" friendly with cut-off lenses. All other site lighting will be required to comply with the Ordinance.</p> <p>A-1 The project shall comply with all applicable standards of the Outdoor Lighting, Ordinance 90.</p>				

With mitigation measure A-1 the overall impacts associated with aesthetics are expected to be less than significant.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project, and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (General Plan Land Use Element, site inspection) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (zoning map) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Zoning map, Application materials) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? (Zoning Map) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Application materials) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

II. a)-e) The proposed project site is not in an agricultural area. There are no lands of an agricultural nature in the vicinity of the project. There are no Williamson Act contracts either on the property or on nearby properties. There are no lands which might be converted from agriculture in the vicinity of the project site. There are no designated forest lands occurring within Town boundaries. There will be no impacts associated with agricultural and forest resources as a result of implementation of the proposed project.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Project Description, MDAQMD, Air Quality Assessment by Lilburn Corporation dated June 2010)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Project Description, MDAQMD, Air Quality Assessment by Lilburn Corporation dated June 2010)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Project Description, MDAQMD, Air Quality Assessment by Lilburn Corporation dated June 2010)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations? (Project Description, Aerial Photo, Site Inspection)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people? (Project description)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. a)-e) An Air Quality Assessment was prepared for this project by Liburn Corporation in June of 2010. The report was a study of the potential impacts the proposed project may have on the local and regional air quality during the construction and after project completion. The report also addresses the effects that this project could have on Greenhouse Gases (discussed later in this report). It was determined that the construction emissions from the proposed project will not exceed MDAQMD thresholds of significance with the implementation of two mitigation measures. These are as follows:

AQ-1 The project shall comply with all MDAQMD rules and regulations including 402 and 403.

AQ-2 The project shall limit the daily earthwork disturbance to 3.3 acres-per day.

In order to comply with the MDAQMD rules and regulations the Applicant shall implement the following dust control conditions applicable to the site as recommended by Rules 402 and 403:

AQ-3 The applicant shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.

- a.) The applicant shall ensure that all watering of the site or other soil stabilization method shall be employed on an ongoing basis after the initiation of any grading activity on the site at least 2 times per day. Portions of the site that are actively being graded shall be watered regularly to ensure a crust is formed on the ground surface, and shall be watered at the end of each workday.

- b.) The applicant shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed upon.
- c.) The applicant shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.
- d.) The applicant shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.

During the construction portion of the project it is expected that exhaust emissions from construction vehicles and equipment, as well as fugitive dust from these vehicles traveling would increase NOx and PM10 levels. The following mitigation measures shall be implemented to reduce the impacts:

AQ-4 To reduce emissions all equipment used in grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.

AQ-5 The applicant shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation.

AQ-6 The applicant shall ensure that construction personnel are informed of ride sharing and transit opportunities.

AQ-7 All buildings on the site shall conform to energy use guidelines in Title 24 of the California Administrative Code as updated to reduce energy consumption and reduce Greenhouse gas emissions.

The operational emissions from the proposed project would not exceed MDAQMD regional thresholds of significance and no impacts to local or regional air quality are anticipated. The potential impacts from operational activities are determined to be less than significant.

With the included mitigation measures the project is expected to have a less than significant impact.

IV. BIOLOGICAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

IV. a)-f) A General Biological Assessment, Focused Tortoise Survey and Habitat Assessment for the Western Burrowing Owl was completed by Circle Mountain Biological Consultants in May of 2010. The report concludes that tortoises are absent from the property and recommends no mitigation measures.

The report also concludes that based upon a field survey and habitat assessment the Western Burrowing Owl will not be adversely affect by the project and no mitigation measures are recommended.

Native Plant Permit 30-10 was issued to the property owners to help facilitate the relocation of 18 Joshua Trees. The majority of the Joshua Trees were large clumps. At least 4 were slated to be removed. The remaining plants were to be relocated to the perimeter where they would not interfere with the future construction and be a part of the final landscaping.

BR-1 The applicant was and is required to conform to the requirements of the Towns Native Plant Management Ordinance 140.

The impacts to Biological Resources are expected to be less than significant.

V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

V. a)-d) The proposed project site does not occur in a probability area for archaeological or paleontological resources, as defined by the General Plan. There are no historic structures or features on the site. The project will have no impact on cultural resources.

VI. GEOLOGY AND SOILS: Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (Alquist Priolo Map)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (General Plan pg. V-1, Wes Reeder, County Geologist letter dated July 20, 2010)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (General Plan pg. V-1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?(General Plan Exhibit V-2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?(General Plan pg. V-2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (General Plan pg. V-9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (General Plan exhibit V-2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (General Plan exhibit V-2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

= VI. a)i)-iv) The north western corner of the proposed project has an Alquist-Priolo Special Study area. The applicant provided a report dated May 24, 2010 and a letter dated July 14, 2010 from Sladden Engineering. The report and the letter was forwarded to the San Bernardino County geologist for review and approval. According to the letter dated July 14, 2010 Sladden Engineering determined that "...no evidence of active faulting was observed on aerial photos or during geologic reconnaissance of the site, it is our opinion that the potential for primary surface ground rupture impacting the proposed facility as currently planned is negligible". The County Geologist stated that "the report in conjunction with the clarification letter satisfies my previous recommendation for a fault evaluation and is recommended to be approval." Therefore, since there are no habitable structures proposed within the Alquist Priolo area fault trenching was not required. The County Geologist did state that the "...site may be subjected to severe seismic shaking; therefore, structures should be designed accordingly.

GS-1 All structures shall be designed and constructed to withstand severe seismic shaking.

According to Exhibit V-2 the proposed project area is not located in an area subject to landslides. Therefore, it is anticipated that the impacts will be less than significant.

VI. b)-e) The site will be subject to soil erosion during the construction process. The impacts associated with wind erosion will be addressed by the mitigation measures required under the Air Quality portion of this report. The impacts of water erosion will be reduced by the implementation of the Town's NPDES standards, which will include the preparation of an erosion and sediment control plan and the State Regional Water Quality Control Board SWPPP, which are required to reduce the potential impacts of surface water during and after construction of the site. These standards and requirements will assure that the impacts associated with soil erosion will be reduced to less than significant levels.

GS-2 The project shall implement the Town's NPDES standards by preparing an erosion and sediment control plan.

GS-2 The applicant shall prepare and submit a State RWQCB SWPPP.

The project site is not located in an area subject to liquefaction, and is relatively flat, so there is no hazard of a landslide. Soils in Yucca Valley are not expansive.

Therefore, the impacts will be less than significant.

VII. GREENHOUSE GAS EMISSIONS: Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VII) An Air Quality Assessment, including a review of the Greenhouse Gas was prepared by Lilburn Corporation in June 2010. The report evaluated the impacts that this project would have on Greenhouse gases. The following table prepared by Lilburn identifies how the operation would be in compliance with the GHG voluntary reduction strategies.

Table 12

Greenhouse Gas Emission Reduction Strategies

Strategy	Project Compliance
<p>Vehicle Climate Change Standards AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the ARB in September 2004.</p>	<p>Compliant. These are CARB enforced standards; vehicles that access the project that are required to comply with the standards will comply with the strategy.</p>
<p>Other Light Duty Vehicle Technology</p>	
<p>New standards would be adopted to phase in beginning in the 2017 model year</p>	
<p>Diesel Anti-Idling In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.</p>	<p>Compliant. These are CARB enforced standards; heavy duty construction equipment/vehicles that are used for site grading/construction on the project site that are required to comply with the standards, will comply with the strategy.</p>
<p>Achieve 50% Statewide Recycling Goal Achieving the State's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48% has been achieved on a statewide basis. Therefore, a 2% additional reduction is needed.</p>	<p>Compliant. The project proposes to minimize waste through construction practices and design features.</p> <p>Construction generated waste will have to adhere to a Waste Management Plan. This usually means that lumber, cardboard, and concrete waste is hauled off site and recycled, and only the remaining non-recycled trash is disposed of.</p> <p>After construction the waste would be handled two different ways. The tenants would individually separate garbage/trash waste and recycle paper and cardboard into individual containers as handled by a County contracted-waste hauler.</p>
<p>Zero Waste - High Recycling Additional recycling beyond the State's 50% recycling goal.</p>	

Source: As applicable via CA 2007.

No official thresholds have been developed yet. It is anticipated that the project will have a less than significant effect on Greenhouse gas emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Airport Comprehensive Plan, table 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Airport Comprehensive Plan)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. a)-c) The project would be expected to store small amounts of fuel, fertilizer and other chemicals typical for park activities. The amounts will be small and in domestic quantities. No significant impacts are expected.

d) There are no known hazardous materials sites on or near the proposed project site.

e)-f) The project is located in the horizontal surface and safety review area 3 of the Yucca Valley Airport. Playgrounds and neighborhood parks are normally acceptable. The Airport District was notified of the project and provided no comments to the Town. No significant impacts are expected as a result of the project

g) The project is requested to vacate Little League Drive approximately 525 feet west of Palm Avenue. Little League Drive is designated as a Local road in the Circulation Element of the General Plan. Although this will cut east west traffic on Little League Drive, traffic can still move east west on Sunnyslope Drive to the North and Cassia Drive to the South. Therefore, there is no impact expected.

h) The area is surrounded by existing development and therefore no impact should be expected from wildfires.

IX. HYDROLOGY AND WATER QUALITY: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX.) a)-j) The High desert Water District Water District will provide water to the proposed project. The District has facilities and water supplies available to serve the project. The District provided a will-serve commitment letter on March 4, 2010 indicating the District's preliminary willingness to provide water to the project. The project will have large turf areas for the sports fields; however the remainder of the site landscaping will be drought tolerant, including a demonstration garden.

The proposed project does not have any watercourses running through the site, although a portion of the site is located in a FEMA designated zone AE. Any structures proposed to be located in the flood zone will be required to be elevated one foot above the base flood elevation. The project is proposing to bring fill into the zone AE.

There are two Master Plan of Drainage Facilities on or adjacent to the site. On the southern boundary of the project there is Y-01 (existing and improved Yucca Creek) and in the northern area, approximately where the soccer fields are proposed is Y 05-01. This channel is shown in the Master Plan at 7.6 deep, 20' wide at bottom with a soft bottom. The project is proposing to dedicate the easement for future improvement of the facility.

HWQ-1 The applicant shall dedicate the necessary easements for Master Plan of Drainage facility Y 05-01.

HWQ-2 The project shall comply with all applicable Federal, State, and local requirements for developments in a Flood Zone, including Ordinance 201, which implements the Federal Emergency Management Agency National Flood Insurance Program.

It is anticipated that the overall impacts associated with hydrology and water resources are expected to be less than significant.

X. LAND USE AND PLANNING: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Physically divide an established community? (application materials) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (application materials) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (General Plan EIR pg III-66) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

X. a) The proposed project is proposing to vacate Little League Drive, approximately 525' east of Palm Avenue. Little League Drive is a local 60' wide road which travels east west between Palm Avenue and Grand Avenue. Although vacating this portion will prevent through traffic from traveling east west on Little League vehicle may still use Sunnyslope drive to the north or Cassia to the south. The General Plan designates Sunnyslope Drive as an 80' wide four lane collector and Palm Avenue as a 66' wide 2 lane collector. Grand Avenue located to the east is designated a 60' wide local street which travels north and south between Sunnyslope and State Route 62. These surrounding roads will provide adequate circulation in the area and will have a less than significant impact.

b) The property is zoned RL-1, Rural Living 1 single family residence per acre. Ordinance 110, section 84.0410 (23) allows for recreation and community centers, gymnasiums and athletic clubs to be allowed in any land use district subject to the review and approval of a Conditional Use Permit. There will be no impact.

c) The site has been heavily impacted by off-road activities and the import of approximately 30,000 cubic yards of fill. However, project provided a Biological Assessment with the application materials. The Desert Tortoise was found to be absent from the site. The site was also found to not be suitable habitat for the burrowing owl. No impacts are expected.

XI. MINERAL RESOURCES: Would the project:

- | | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (General Plan pg. IV-29) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (General Plan pg. IV-29) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XI. a) & b) The Town of Yucca Valley has no known significant mineral resources.

XII. NOISE: Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (RKK report, General Plan Noise Element)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (RKK report)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (RKK report, General Plan Noise Element)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (RKK report page 6-1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (RKK report page 6-1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII a)-f) The proposed project submitted an acoustical study prepared by RK Engineering Group, Inc. The project evaluated the on-site generated noise impacts from the project site to the adjacent properties. The properties to the immediate east and north, and properties across Palm to the west are all single family structures.

The report evaluated long term and short term noise impacts. The short term would include those associated with the construction of the project, while the long term would be those associated with sports park and play areas. The report has recommended mitigation measures which will reduce the projects short and long term impacts to less than significant levels.

Short term (construction) mitigation measures:

N-1 Construction shall follow Development Code Section 87.0901 Performance standards which limits the hours of construction to 7AM-7PM Monday through Saturday, except federal holidays.

N-2 During Construction the contractor shall ensure that that all construction equipment is equipped with appropriate noise attenuating devices.

N-3 Idling equipment shall be turned off when not in use.

N-4 Equipment will be maintained so that parts of vehicles and their loads are secured from rattling and banging.

Long term (Sports park/play areas)

N-5 The project may be limited to operating during daytime hours only, between the hours of 7AM and 1000PM, pending final noise report by RK.

N-6 The project shall comply with the requirements of the Town of Yucca Valley Noise Standards, Code section 87.0901 with regards to neighboring residential units. If excess noise levels occur beyond the Town Standards, then additional mitigation measures should be considered.

XIII. POPULATION AND HOUSING: Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (aerial photo) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (aerial photo, application materials) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (aerial photos, application materials) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

XIII.

- a) The project will not lead to substantial growth in the area. The area is primarily developed with single family residential homes and scattered infill lots. There are no large, vacant, readily developable properties that could be developed either directly or indirectly as a result of this project. Therefore, the impacts are expected to be less than significant.
- b) The project site contains two existing single family residences. One of the residences is clearly vacant, while the other appears to have residents. One of the residences is proposed to remain as a maintenance facility and the other be demolished for the park facility. This will be a less than significant impact on housing.
- c) There is only one occupied residence on the project site. This structure will be used as a maintenance facility and will require that the occupants relocate. This is expected to be a less than significant impact.

XIV. PUBLIC SERVICES:

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

1. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XIV

1. The proposed project would not result in significant impacts on fire protection services. The proposed project is a proposal to construct park facilities including soccer fields, playground and a concession/meeting room building. The project would be used by the surrounding communities. There may be a slight increase in calls to the park but this is expected to be less than significant.
2. The proposed project is intended to bring members of the community together primarily for youth sports activities. It is anticipated that demands of police calls will be less than significant.
3. The proposed project will not increase the population or result in the construction of new housing. The project would not increase demands on local schools or affect and school operations. Once constructed the project may be able to provide additional outdoor activities. There will be no impacts to schools as a result of this project.
4. The proposal is to develop a park. The project will provide the community with additional recreational opportunities. The proposed project will likely reduce or relieve the burden on the existing Community Center and other surrounding parks. There will be no negative impacts to parks as a result of this project.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XV. RECREATION.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XV. a) The increased demand for or use of existing parks generally is associated with the increase in housing or population in the Town. The proposed project is a public park which provides additional recreational amenities to the public. The proposed project will likely reduce or relieve the burden on the existing Community Center and other surrounding parks. Therefore, the proposed park would have no negative impacts on recreational facilities.

b) The proposed project would increase the accessibility of recreational facilities to citizens in the community. Potential adverse impacts such as air quality, noise, etc were evaluated in separate areas of this initial study and were either found to be less than significant or able to be reduced to a level of less than significant with mitigation measures implemented. Therefore, the proposed park would have construction which would have an adverse physical effect on the environment that could not be mitigated to less than significant level.

XVI. TRANSPORTATION/TRAFFIC: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. a)-f) It is not expected that this project will and the proposed activities would substantially affect existing traffic volumes. Activities generally will take place on during evenings and on weekends and would not generally affect peak-hour traffic volumes (generally 7AM-9AM and 4PM-6PM Monday through Friday).

The project is bounded to the west by Palm Avenue (a 2 lane collector 66' ROW). Little League Drive (local road 60' ROW), separates the existing facilities from the proposed facilities (General Plan exhibit III-2). Little League Drive, approximately 525' east of Palm Avenue is proposed to be vacated and used as part of the project.

The purpose of this would be to provide a safe crossing point for children between the existing and proposed portions of the park. These two points of access will provide adequate ingress and egress to the proposed park facilities. The site proposes to provide a total of 304 off-street parking stalls which will be able to accommodate the project.

Therefore, a less than significant impact is expected on transportation and traffic.

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

XVII. a)-g) Utilities are available at or near the project site. Each of the utility provider's charges connection and service fees which are designed to include the need for additional utilities as growth occurs. The proposed project will be required to pay those fees.

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

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

XVIII. a) The proposed project does not have the potential to impact biological resources. The site has been used by substantial off road activities and approximately 30,000 cubic yards of dirt has been imported to the site. Additionally, a general biological assessment, focused survey for Desert Tortoise, and a habitat assessment for Western Burrowing Owl. The report concluded that tortoise are absent from the site and that no impacts are anticipated and no mitigation measures are necessary. The report also concluded that the western burrowing owl will not be adversely affected by site development and no mitigation measures are recommended.

XVII. b) The proposed project supports the long term goals of the General Plan and Park and Recreation Master Plan by providing additional park facilities to the residents of Yucca Valley.

XVII. c) The proposed project has the potential to impact human beings due to short term air quality impacts. The mitigation measures contained in this report will lower these impacts to less than significant levels

**TOWN OF YUCCA VALLEY
MONITORING PROGRAM AGREEMENT FOR CEQA COMPLIANCE**

DATE:	July 26, 2010	ASSESSORS PARCEL NO.:	585-131-63
CASE NO.:	Tentative Tract Map 18773	PROJECT LOCATION:	West side of Cholla Avenue, both north and south of Golden Bee
EA/EIR NO:	02-09	APPROVAL DATE:	In Process
APPLICANT:	Beverly Lucas		

FOLLOWING REPRESENTS THE TOWN'S MITIGATION MONITORING PROGRAM IN CONNECTION WITH THE MITIGATED NEGATIVE DECLARATION FOR THE ABOVE CASE NUMBER

SUMMARY MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	COMPLIANCE CHECKED BY	DATE
I. Aesthetics					
A-1 The project shall comply with Ordinance 90, Outdoor Lighting.	Planning Department	Prior to certificate of Occupancy	Site inspection		

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SUMMARY MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	COMPLIANCE CHECKED BY	DATE
III. AIR QUALITY					
AQ-1 The project shall comply with all MDAQMD rules and regulations including 402 and 403.	Public Works/ Engineering	During construction	Site inspection		
AQ-2 The project shall limit the daily earthwork disturbance to 6 acres per day.	Public Works/ Engineering	During construction	Site inspection		
AQ-3 The applicant shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.	Public Works/ Engineering	During construction	Site inspection		

<p>a.) The applicant shall ensure that all watering of the site or other soil stabilization method shall be employed on an ongoing basis after the initiation of any grading activity on the site at least 2 times per day. Portions of the site that are actively being graded shall be watered regularly to ensure a crust is formed on the ground surface, and shall be watered at the end of each workday.</p> <p>b.) The applicant shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed upon.</p> <p>c.) The applicant shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.</p> <p>d.) The applicant shall ensure that all grading activities are suspended during the first and second stage ozone episodes or when winds exceed 25 miles per hour.</p> <p>AQ-4 To reduce emissions all equipment used in grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.</p> <p>AQ-5 The applicant shall utilize (to the extent possible) pre-coated building materials and coating transfer or spray equipment with high transfer efficiency, such as high volume, low pressure (HVLP) spray method or manual coatings application such as a paint brush, hand roller, trowel, dauber, rag, or sponge.</p>	<p>Public Works/ Engineering</p> <p>Public Works/ Engineering</p> <p>Planning Department</p> <p>Public Works/ Engineering</p> <p>Public Works/ Engineering</p> <p>Building and Safety</p>	<p>During construction</p> <p>During and after construction</p> <p>During construction</p> <p>During construction</p> <p>During construction</p> <p>Building permit submittal/ during construction</p>	<p>Site inspection</p> <p>Grading plans. Site inspection</p> <p>Site inspection</p> <p>Site inspection</p> <p>Site inspection</p> <p>Building permit materials/ site inspection</p>
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AQ-6 The contractor shall utilize water-based or low VOC coating per MDAQMD Rule 1113. The following measures shall also be implemented:

- a) Use Super-Compliant VOC paints whenever possible.
- b) If feasible, avoid painting during peak smog season: July, August, September
- c) Recycle leftover paint. Take any left over paint to a household hazardous waste center; do not mix leftover water-based and oil-based.
- d) Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.
- e) For water-based paints, clean up with water only. Whenever possible, do not rinse the clean up water down the drain or pour it directly into the ground or the storm drain. Set aside the can of clean up water and take it to the hazardous waste center (www.cleanup.org)
- f) Recycle the empty can
- g) Look for non-solvent containing stripping products
- h) Use compliant Low VOC cleaning solvents to clean paint application equipment

Building and Safety	Building permit submittal/ during construction	Building permit materials/ during construction	
Building and Safety	Building permit submittal/ during construction	Building permit materials/ site inspection	
Building and Safety	During construction	Site inspection	
Building and Safety	During construction	Site inspection	
Building and Safety	During construction	Site inspection	
Building and Safety	During construction	Site inspection	
Building and Safety	During construction	Site inspection	
Building and Safety	Building permit submittal/ during construction	Building permit materials/ site inspection	
Building and Safety	Building permit submittal/ during construction	Building permit materials/ site inspection	

<p>i) Keep all paint and solvent laden rags in sealed containers to prevent VOC emissions</p> <p>AQ-6The applicant shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation.</p> <p>AQ-7The applicant shall ensure that construction personnel are informed of ride sharing and transit opportunities.</p> <p>AQ-8 All buildings on the site shall conform to energy use guidelines in Title 24 of the California Administrative Code as updated to reduce energy consumption and reduce Greenhouse gas emissions.</p> <p>AQ-9 The applicant shall maintain and actively utilize and schedule on-site equipment and delivery trucks in order to minimize exhaust emissions from truck idling</p>	<p>Building and Safety</p> <p>Building and Safety</p> <p>Planning Department</p> <p>Building and Safety</p> <p>Building and Safety</p>	<p>During construction</p> <p>During Construction</p> <p>Prior to start of construction</p> <p>Building permit submittal</p> <p>During construction</p>	<p>Site inspection</p> <p>Site inspection</p> <p>Site inspection</p> <p>Building plan review</p> <p>Site inspection</p>	
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SUMMARY MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	COMPLIANCE CHECKED BY	DATE
<p>IV. BIOLOGICAL RESOURCES</p> <p>BR-1 A minimum of 30 days prior to ground disturbing activities the applicant shall have the site resurveyed. The applicant shall secure incidental take permits, if required from the US Fish and Wildlife Service and the California Department of Fish and Game (Section 2081 and Section</p>	<p>Planning Department</p>	<p>Prior to grading</p>	<p>Permits</p>		

10(a)(1)(B), respectively). Copies of the permits shall be provided to the Town.

BR-2 The project proponent shall comply with the Town's Native Plant Management Ordinance 140, which includes the protection in place and transplanting on and off site.

Planning
Department

Plan submitted in
conjunction with grading
permits, during
construction

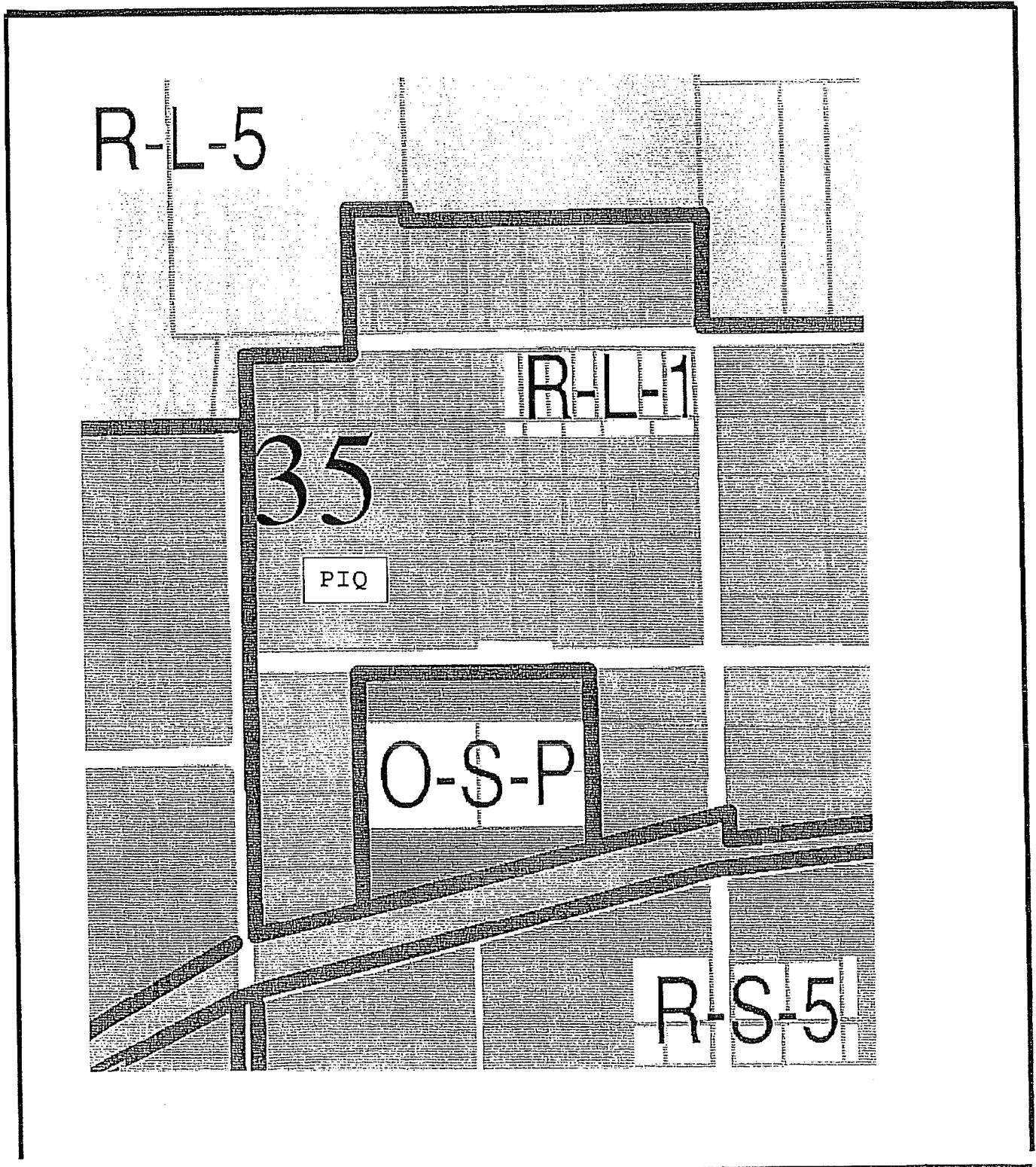
Native
permit/plan
review, site
inspection

SUMMARY MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	COMPLIANCE CHECKED BY	DATE
VI. Geology and Soils					
GS-1 A site specific analysis shall be completed by a qualified geologist or geological engineer, and submitted to the Town Engineer for review and approval prior to issuance of any grading permits for lots 49 through 56 (inclusive). The analysis shall include recommendations or cut and fill, compaction and recompaction to assure that the manufactured slopes are not subject to landslides. The analysis shall also include analysis of adjacent areas to the manufactured slopes, to assure that their disturbance does not result in a landslide hazard. The recommendations of the report shall be implemented in the grading plans for these lots.	Engineering Department	Prior to grading permits	Approval of report		

SUMMARY MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	COMPLIANCE CHECKED BY	DATE
XI. NOISE					
N-1 Construction stockpiling, equipment storage and maintenance shall occur at the western boundary of the site, near the intersection of Golden Bee and Church Street.	Public Works/ Engineering	During construction	Inspection		
N-2 All grading equipment shall be muffled and properly maintained throughout construction of the project.	Public Works/ Engineering	During construction	Inspection		
N-3 Grading and construction activities shall be limited to those hours prescribed in the Municipal Code.	Public Works/ Engineering	During construction	Inspection		

TOWN OF YUCCA VALLEY

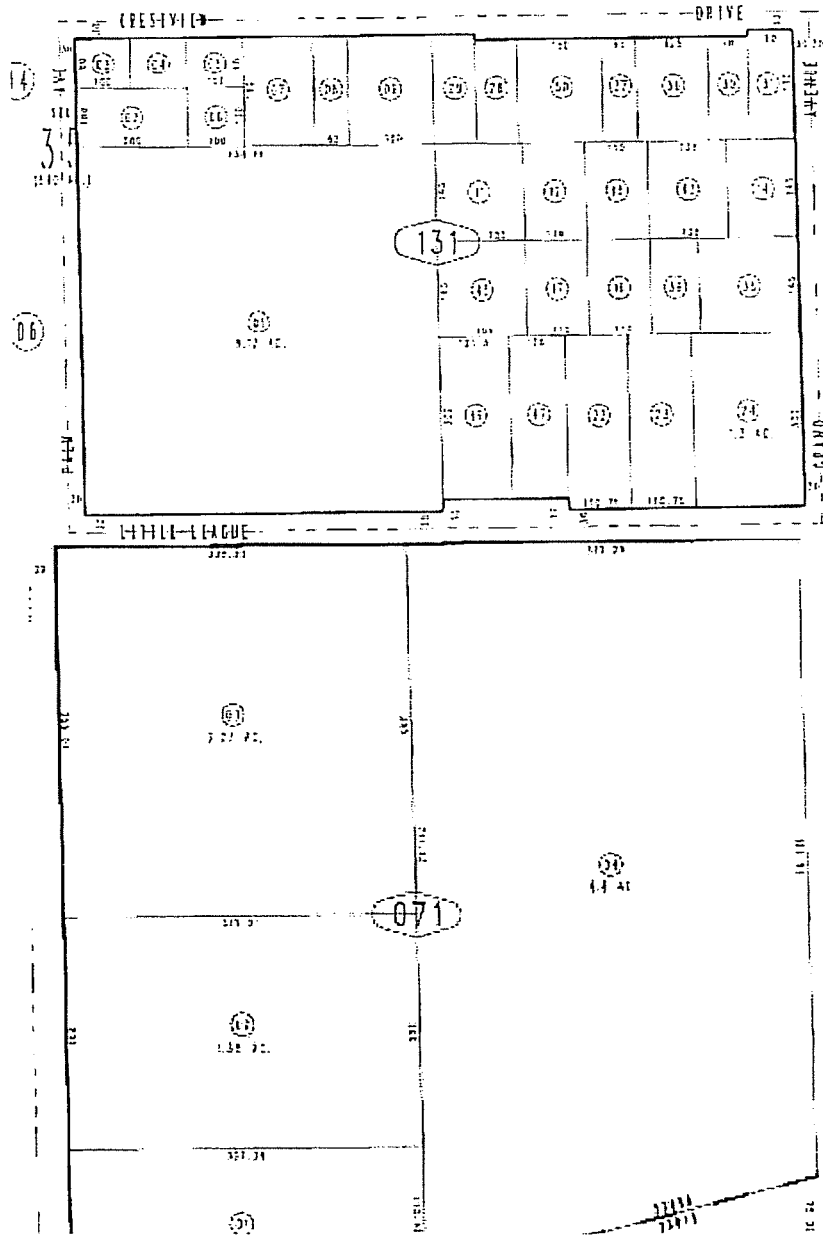
PROJECT NO.: CONDITIONAL USE PERMIT, CUP 02-10 BREHM YOUTH SPORTS PARK



ZONING AND GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

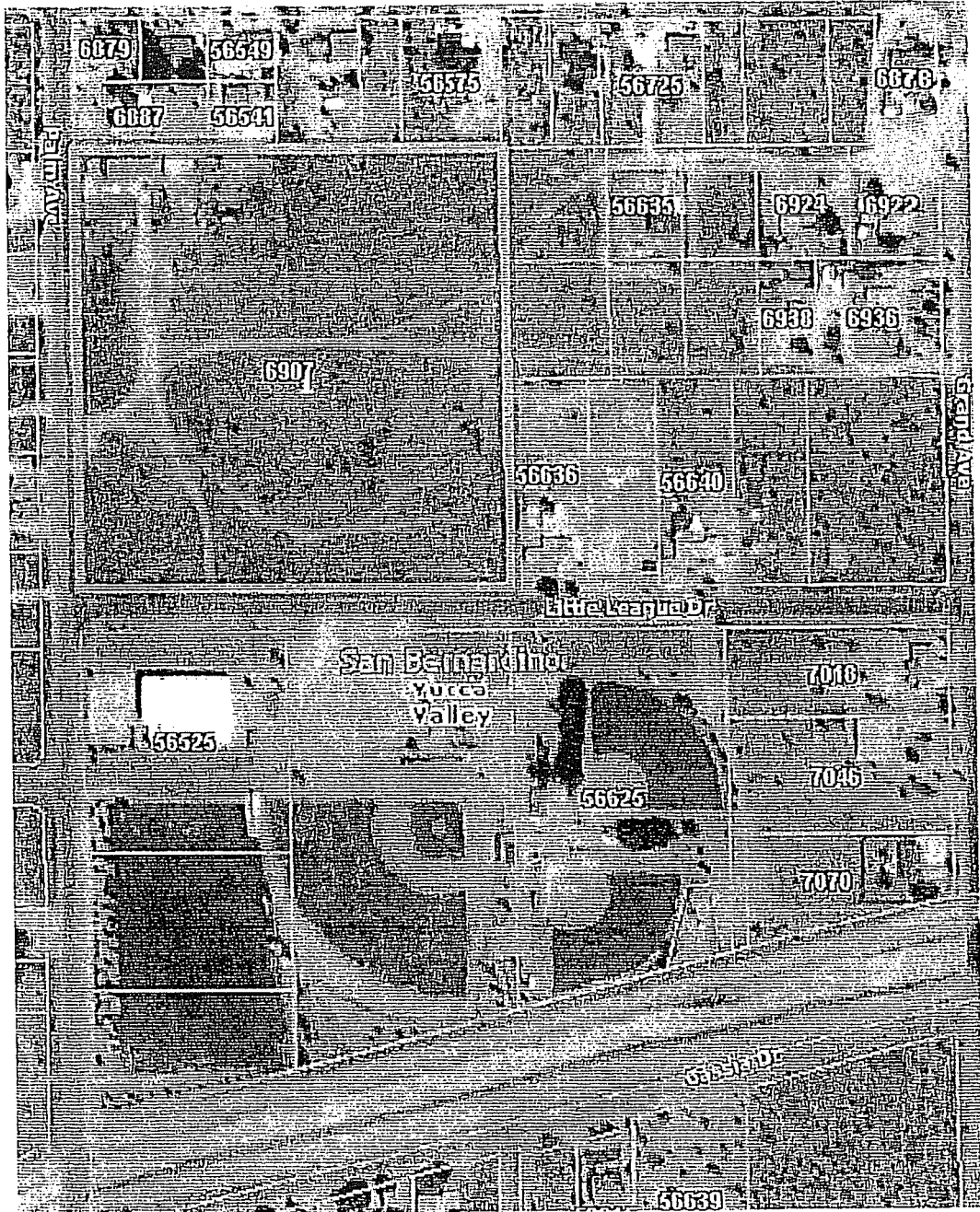
PROJECT NO.: CONDITIONAL USE PERMIT, CUP 02-10 BREHM YOUTH SPORTS PARK



Assessor's Parcel Map

TOWN OF YUCCA VALLEY

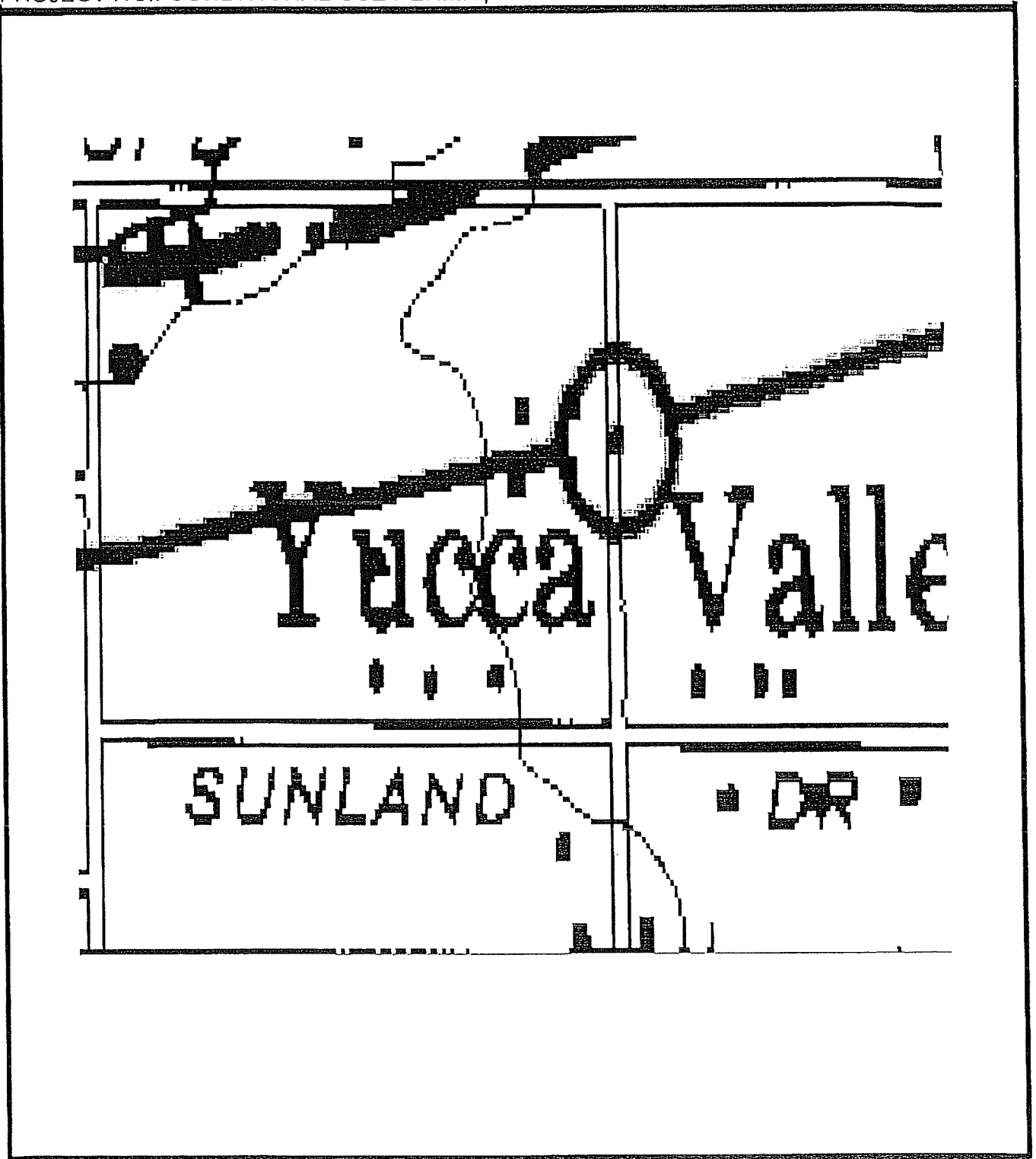
PROJECT NO.: CONDITIONAL USE PERMIT, CUP 02-10 BREHM YOUTH SPORTS PARK



AERIAL PHOTO

TOWN OF YUCCA VALLEY

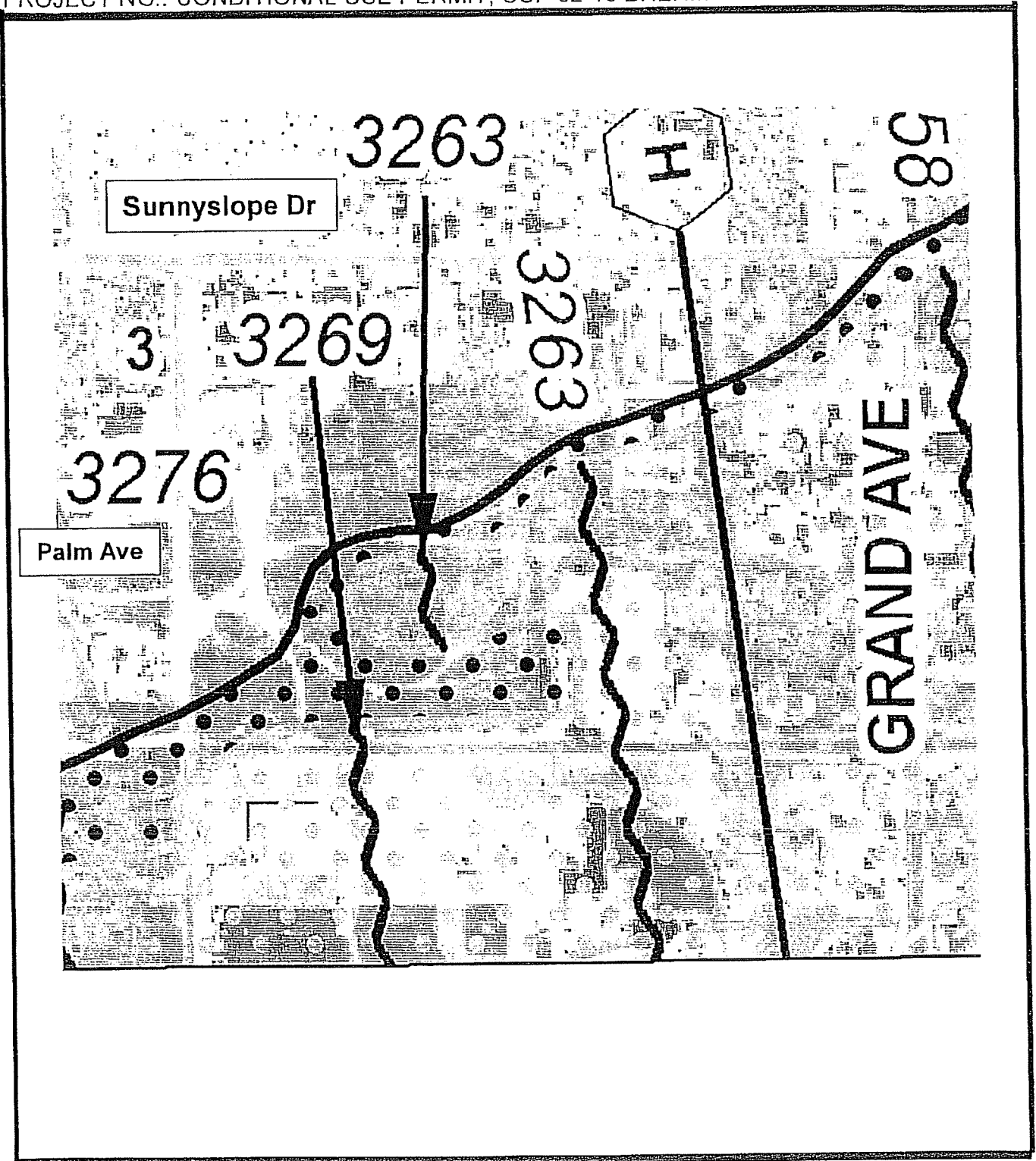
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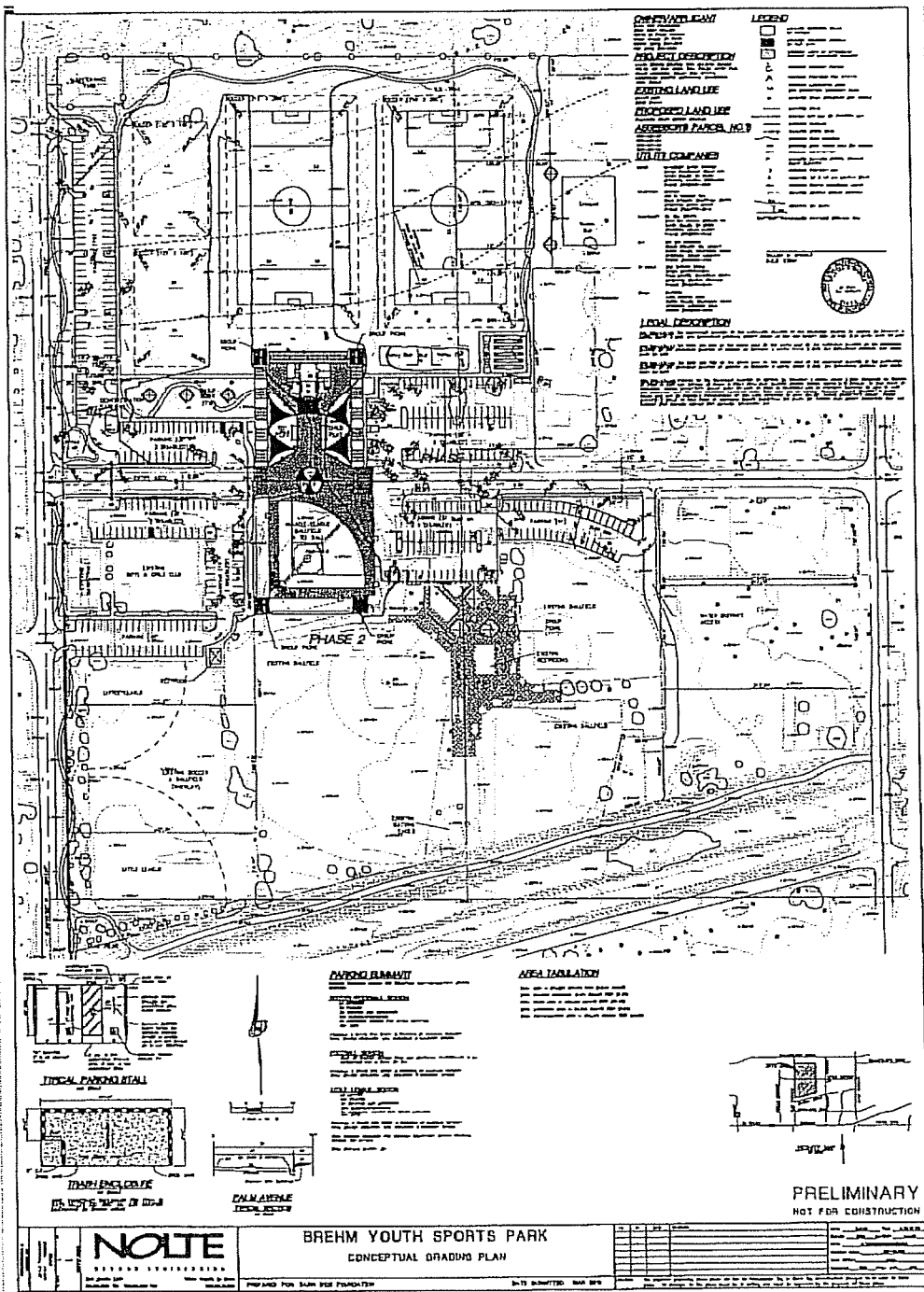
Alquist-Priolo Map

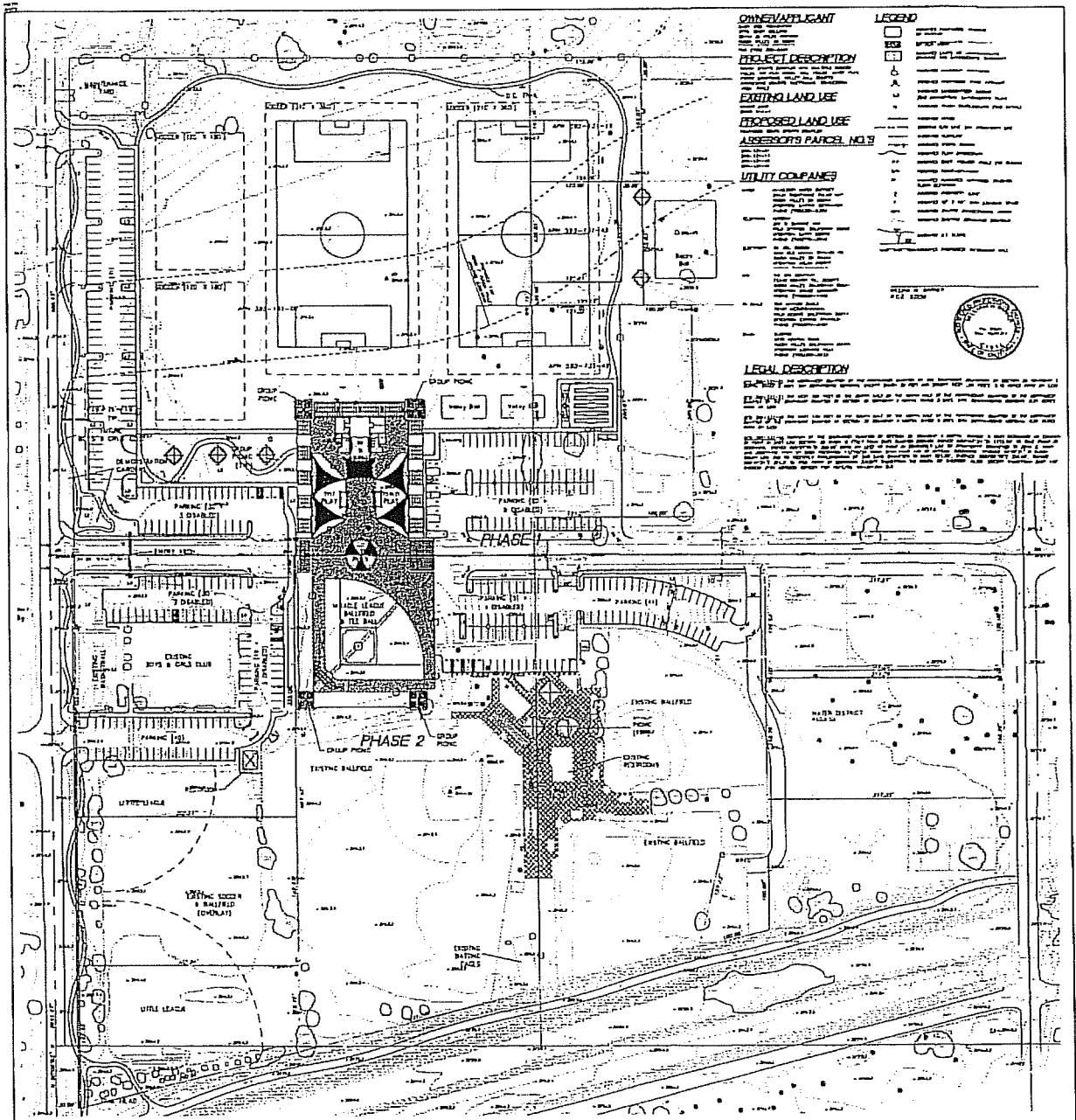
TOWN OF YUCCA VALLEY

PROJECT NO.: CONDITIONAL USE PERMIT, CUP 02-10 BREHM YOUTH SPORTS PARK



FEMA Map





OWNER/APPLICANT
 BREHM YOUTH SPORTS PARK

PROJECT DESCRIPTION
 BREHM YOUTH SPORTS PARK

EXISTING LAND USE
 EXISTING BALDFIELD

PROPOSED LAND USE
 BREHM YOUTH SPORTS PARK

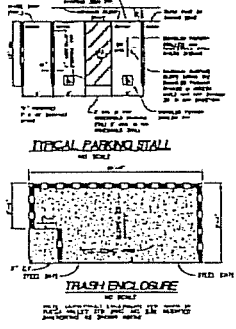
ASSESSOR'S PARCEL NO'S
 123-456-789

UTILITY COMPANIES
 CITY OF CHICAGO
 CHICAGO WATER DEPARTMENT
 CHICAGO DEPARTMENT OF PUBLIC WORKS

LEGEND

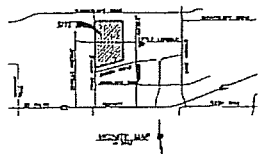
- EXISTING BALDFIELD
- EXISTING WETLANDS
- EXISTING UTILITIES
- PROPOSED BUILDING FOOTPRINT
- PROPOSED PARKING LOT
- PROPOSED DRIVEWAY
- PROPOSED SIDEWALK
- PROPOSED BIKEWAY
- PROPOSED PLAY AREA
- PROPOSED LIGHT FIXTURE
- PROPOSED SIGN
- PROPOSED FENCE
- PROPOSED LANDSCAPE
- PROPOSED TREE
- PROPOSED SHrub
- PROPOSED GRASS
- PROPOSED PAVEMENT
- PROPOSED CURB
- PROPOSED GROUND COVER
- PROPOSED EROSION CONTROL
- PROPOSED DRAINAGE
- PROPOSED RETENTION BASIN
- PROPOSED BIOMECHANICAL FILTER
- PROPOSED BIOMEDIATION
- PROPOSED BIOPROCESSING
- PROPOSED BIODEGRADATION
- PROPOSED BIODESTRUCTION
- PROPOSED BIODECOMPOSITION
- PROPOSED BIODEGRADATION
- PROPOSED BIODESTRUCTION
- PROPOSED BIODECOMPOSITION

LEGAL DESCRIPTION
 THE SOUTH 1/2 OF SECTION 18, TOWNSHIP 36 N., RANGE 12 E., CHICAGO PLAT 123, CITY OF CHICAGO, ILLINOIS



PARKING SUMMARY
 TOTAL PARKING SPACES: 100
 STANDARD PARKING SPACES: 80
 DISABLED PARKING SPACES: 20

AREA TABULATION
 TOTAL AREA: 100,000 SQ. FT.
 BALDFIELD: 50,000 SQ. FT.
 BUILDING FOOTPRINT: 10,000 SQ. FT.
 PARKING: 20,000 SQ. FT.
 DRIVEWAY: 5,000 SQ. FT.
 SIDEWALK: 5,000 SQ. FT.
 BIKEWAY: 5,000 SQ. FT.
 PLAY AREA: 5,000 SQ. FT.
 LIGHT FIXTURE: 5,000 SQ. FT.
 SIGN: 5,000 SQ. FT.
 FENCE: 5,000 SQ. FT.
 LANDSCAPE: 5,000 SQ. FT.
 TREE: 5,000 SQ. FT.
 SHRUB: 5,000 SQ. FT.
 GRASS: 5,000 SQ. FT.
 PAVEMENT: 5,000 SQ. FT.
 CURB: 5,000 SQ. FT.
 GROUND COVER: 5,000 SQ. FT.
 EROSION CONTROL: 5,000 SQ. FT.
 DRAINAGE: 5,000 SQ. FT.
 RETENTION BASIN: 5,000 SQ. FT.
 BIOMECHANICAL FILTER: 5,000 SQ. FT.
 BIOMEDIATION: 5,000 SQ. FT.
 BIOPROCESSING: 5,000 SQ. FT.
 BIODEGRADATION: 5,000 SQ. FT.
 BIODESTRUCTION: 5,000 SQ. FT.
 BIODECOMPOSITION: 5,000 SQ. FT.



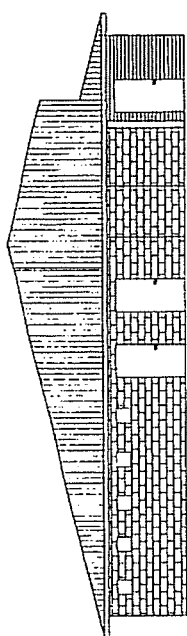
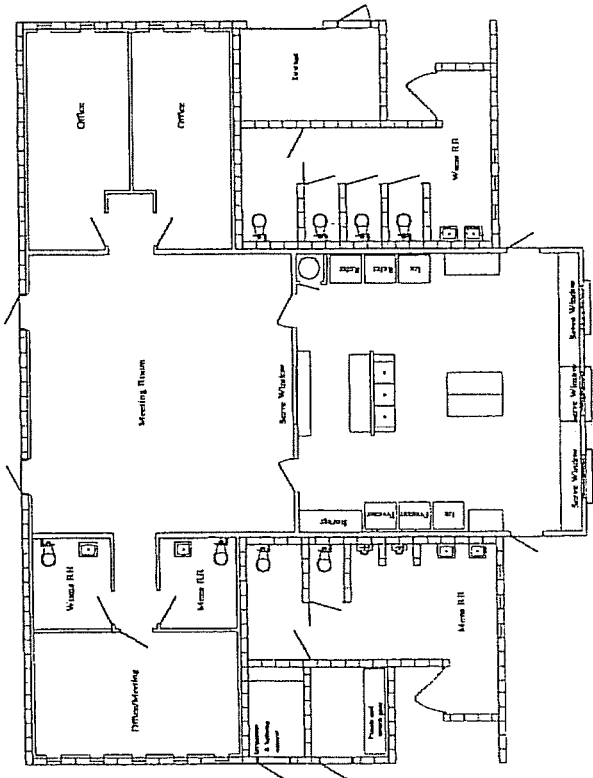
PRELIMINARY
 NOT FOR CONSTRUCTION

	BREHM YOUTH SPORTS PARK CONDITIONAL USE PERMIT SITE PLAN	NO. 1	DATE	1/1/2024	BY	J. SMITH	SCALE	AS SHOWN
		NO. 2	DATE	1/1/2024	BY	J. SMITH	SCALE	AS SHOWN

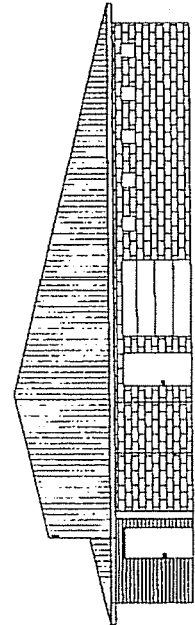
Concessions and Offices (3253 sq.ft.) Solar Canopies

Bret K. Morrison
 Architect
 10000 Wilshire Blvd., Suite 1000
 Los Angeles, CA 90024
 Tel: (310) 206-1111
 Fax: (310) 206-1112

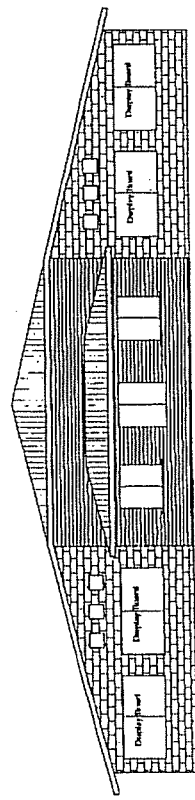
Project No. 98-01
 Design & Construction
 10000 Wilshire Blvd., Suite 1000
 Los Angeles, CA 90024
 Tel: (310) 206-1111
 Fax: (310) 206-1112



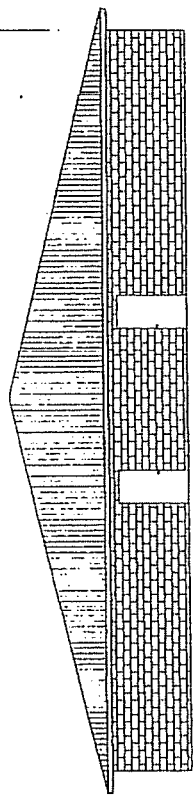
West Elevation



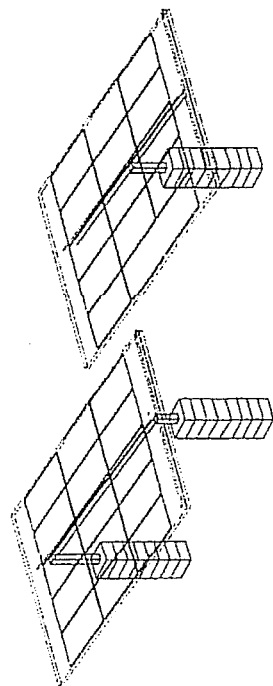
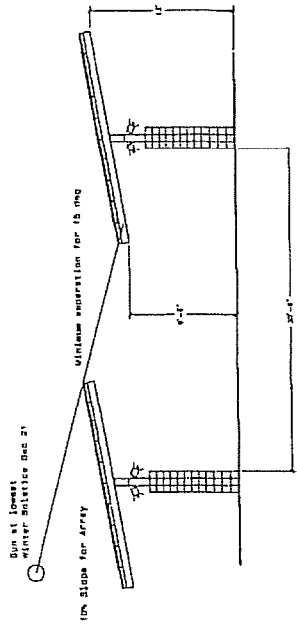
East Elevation



South Elevation



North Elevation





GUARANTEED PERFORMANCE

ILLUMINATION SUMMARY

T-Ball

Brahm Youth Sports Park 2
Yucca Valley, CA

T-Ball

- Size: 115/115/115' - basepath 50'
- Grid Spacing = 20.0' x 20.0'
- Values given at 3.0' above grade

- Luminaire Type: Green Generation
- Rated Lamp Life: 5,000 hours
- Avg Lumens/Lamp: 134,000

HORIZONTAL ILLUMINATION

No. of Target Points:	Infield	Outfield
Average:	16	25
Maximum:	56.95	36.75
Minimum:	56	50
Avg/Min:	40	23
Max/Min:	1.28	1.57
UG (Adjacent Pts):	1.41	2.14
CV:	1.22	1.67
	0.08	0.24

Average Lamp Till Factor: 1.000
 Number of Luminaires: 10
 Avg KW over 5,000 hours: 15.64
 Max KW: 17.0

Guaranteed Performance: The CONSTANT ILLUMINATION described above is guaranteed for the rated life of the lamp.

Field Measurements: Averages shall be +/-10% in accordance with IESNA RP-6-01 and CIBSE LG4. Individual measurements may vary from computer predictions.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume +/- 3% normal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.

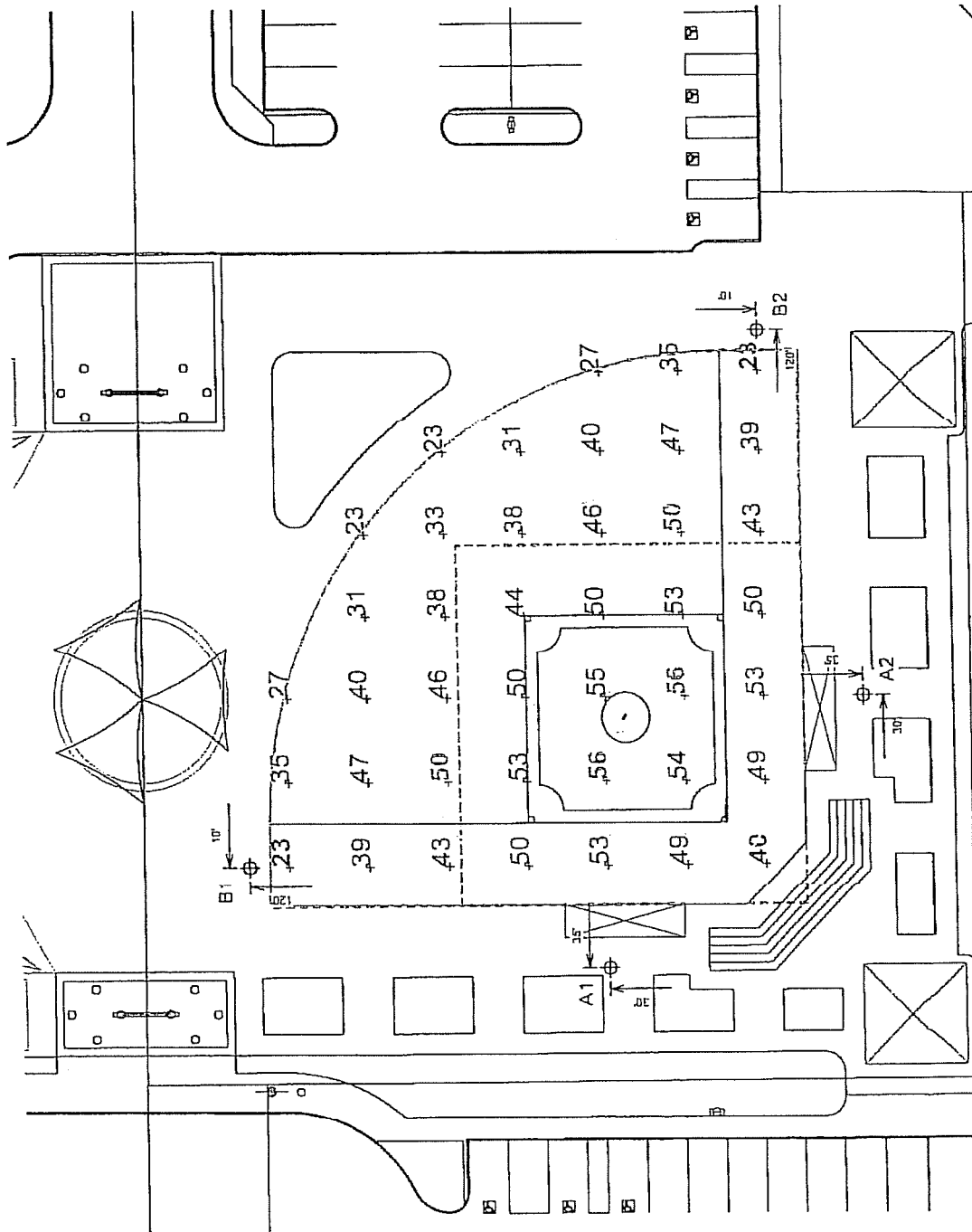
By: Shawn Moyer

File #: 142506R Date 04-Mar-10

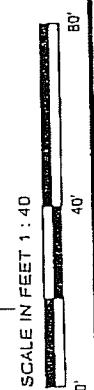
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EQUIPMENT LIST FOR AREAS SHOWN

QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	Luminaires			
					LAMP TYPE	QTY / POLE	THIS ORDR	
2	A1-A2	60'	-	60'	1500W MZ	2	2	
2	B1-B2	60'	-	60'	1500W MZ	3	3	
4	TOTALS							10
						10	10	
						0	0	



Pole location(s) ± dimensions are relative to 0,0 reference point(s)





MUSCO
GREEN GENERATION LIGHTING™

GUARANTEED PERFORMANCE

ILLUMINATION SUMMARY

Soccer 1

Brehm Youth Sports Park 2
Yuca Valley, CA

Soccer 1

- Size: 360' x 210'
- Grid Spacing = 30.0' x 30.0'
- Values given at 3.0' above grade
- Luminaire Type: Green Generation
- Rated Lamp Life: 5,000 hours
- Avg Lumens/Lamp: 134,000

HORIZONTAL ILLUMINATION

Entire Grid
No. of Target Points: 84
Average: 34.09
Maximum: 49
Minimum: 20
Avg/Min: 1.70
Max/Min: 2.46
UG (Adjacent Pts): 1.64
CV: 0.21

Average Lamp Till Factor: 1.000
Number of Luminaires: 32
Avg KW over 5,000 hours: 50.05
Max KW: 54.4

Guaranteed Performance: The CONSTANT ILLUMINATION described above is guaranteed for the rated life of the lamp.

Field Measurements: Averages shall be +/-10% in accordance with IESNA RP-6-01 and CIBSE LG4. Individual measurements may vary from computer predictions.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume +/- 3% nominal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.

By: Shawn Moyer

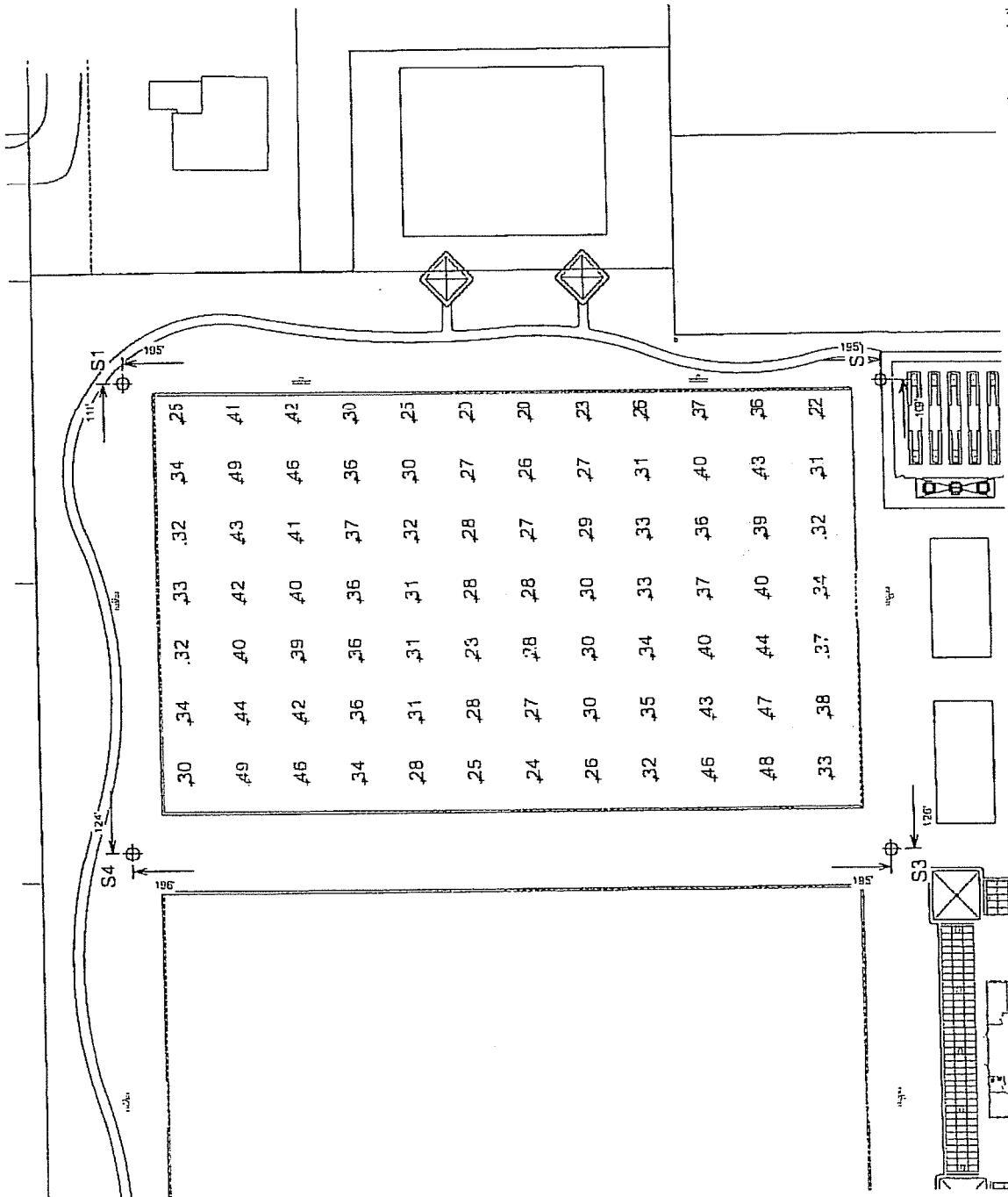
File #: 142506R

Date: 04-Mar-10

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EQUIPMENT LIST FOR AREAS SHOWN

QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	Luminaires				
					LAMP TYPE	QTY/POLE	THIS GRID/CORNER		
2	S1-S2	80'	-	80'	1500W MZ	8	0		
2	S3-S4	80'	-	80'	1500W MZ	16	8		
4	TOTALS							48	32
							16		



Pole location(s) ± dimensions are relative to 0,0 reference point(s) ⊕



MUSCO
GREEN GENERATION LIGHTING™

ILLUMINATION SUMMARY

Soccer 2

Breitm Youth Sports Park 2
Yucca Valley, CA

Soccer 2

- Size: 360' x 210'
- Grid Spacing = 30.0' x 30.0'
- Values given at 3.0' above grade

- Luminaire Type: Green Generation
- Rated Lamp Life: 5,000 hours
- Avg Lumens/Lamp: 134,000

HORIZONTAL ILLUMINATION

Entire Grid

No. of Target Points:	84
Average:	32.77
Maximum:	49
Minimum:	22
Avg/Min:	1.49
Max/Min:	2.22
UG (Adjacent PIs):	1.64
CV:	0.23

Average Lamp Till Factor:	1.000
Number of Luminaires:	34
Avg KW over 5,000 hours:	53.18
Max KW:	57.8

Guaranteed Performance: The CONSTANT ILLUMINATION described above is guaranteed for the rated life of the lamp.

Field Measurements: Averages shall be +/-10% in accordance with IESNA RP-6-01 and CIBSE LG4. Individual measurements may vary from computer predictions.

Electrical System Requirements: Refer to Apperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume +/-3% nominal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.

By: Shawn Moyer

File #: 142506R

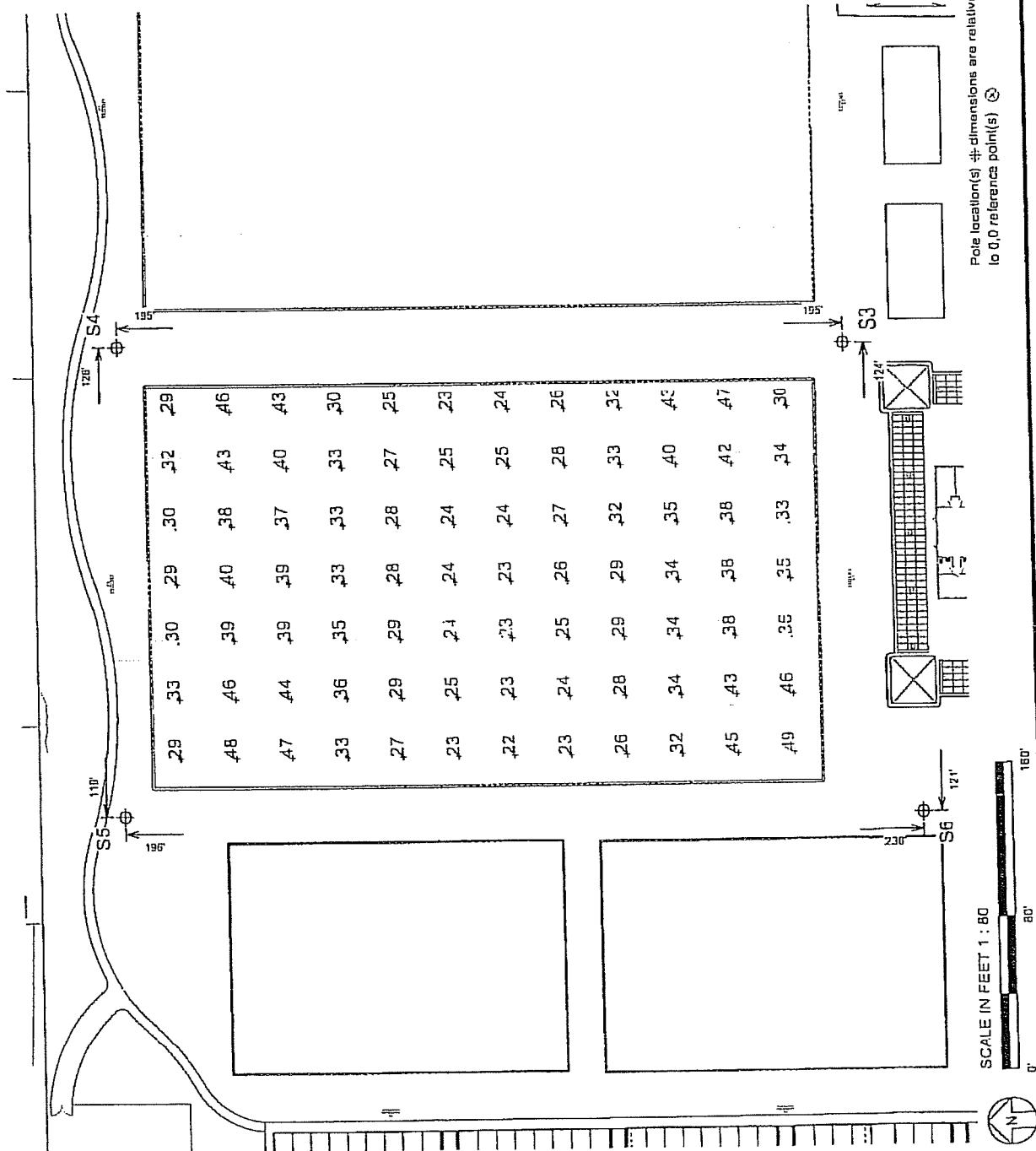
Date: 04-Mar-10

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Print Date (04/Mar/2010) & Time (10:37)

EQUIPMENT LIST FOR AREAS SHOWN

QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LAMP TYPE	Luminaires			
						POLE	THIS GRID	OTHER GRID	
2	S3-S4	80'	-	80'	1500W MZ	16	8	8	
2	S5-S6	80'	-	80'	1500W MZ	12	9	3	
4	TOTALS								22





MUSCO
GREEN GENERATION LIGHTING™

ILLUMINATION SUMMARY

Soccer 3

Brahm Youth Sports Park 2
Yucca Valley, CA

Soccer 3

- Size: 120' x 180'
- Grid Spacing = 20.0' x 20.0'
- Values given at 3.0' above grade

- Luminaire Type: Green Generation
- Rated Lamp Life: 5,000 hours
- Avg Lumens/Lamp: 134,000

**CONSTANT ILLUMINATION
HORIZONTAL FOOTCANDLES**

Entire Grid	
No. of Target Points:	54
Average:	32.04
Maximum:	41
Minimum:	22
Avg/Min:	1.44
Max/Min:	1.85
UG (Adjacent Pts):	1.50
CV:	0.15
Average Lamp Till Factor:	1.000
Number of Luminaires:	11
Avg KW over 5,000 hours:	17.2
Max KW:	18.7

Guaranteed Performance: The CONSTANT ILLUMINATION described above is guaranteed for the rated life of the lamp.

Field Measurements: Averages shall be +/- 10% in accordance with IESNA RP-6-01 and CIBSE LG4. Individual measurements may vary from computer predictions.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume +/- 3% nominal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.

By: Shawn Moyer

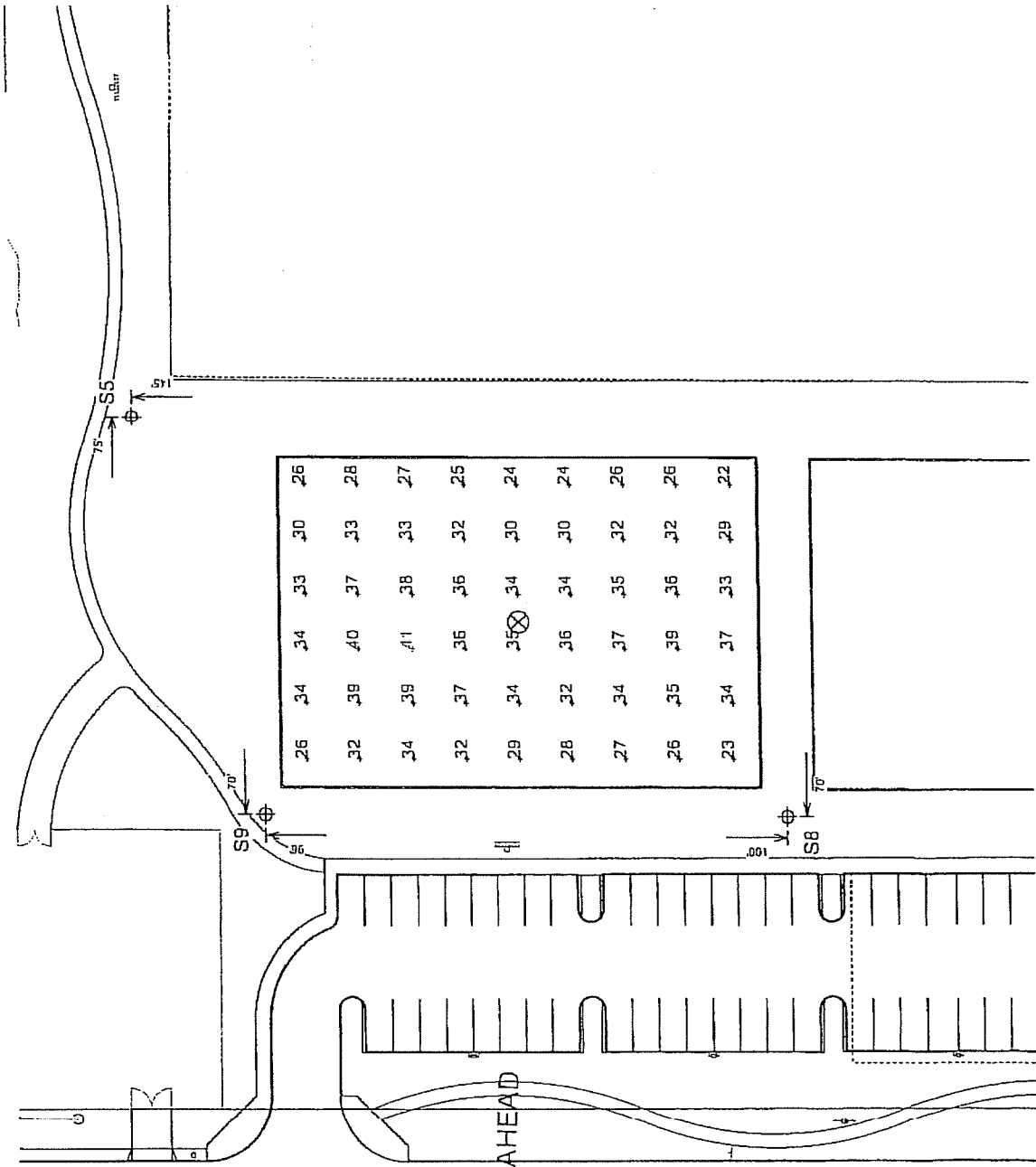
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Date: 04-Mar-10

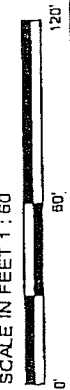
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EQUIPMENT LIST FOR AREAS SHOWN

QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LAMP TYPE	QTY / POLE	Luminaires		
							THIS GRID	OTHER GRIDS	
1	S5	80'	-	80'	1500W MZ	12	3	9	
1	S8	70'	-	70'	1500W MZ	8	4	4	
1	S9	70'	-	70'	1500W MZ	4	4	0	
3	TOTALS						24	11	13



SCALE IN FEET 1 : 60





GUARANTEED PERFORMANCE

ILLUMINATION SUMMARY

Soccer 4

Brehm Youth Sports Park 2
Yucca Valley, CA

Soccer 4

- Size: 120' x 180'
- Grid Spacing = 20.0' x 20.0'
- Values given at 3.0' above grade

- Luminaire Type: Green Generation
- Rated Lamp Life: 5,000 hours
- Avg Lumens/Lamp: 134,000

**CONSTANT ILLUMINATION
HORIZONTAL FOOTCANDLES**

Entire Grid	
No. of Target Points:	54
Average:	33.76
Maximum:	42
Minimum:	23
Avg/Min:	1.48
Max/Min:	1.85
UG (Adjacent Pts):	1.45
CV:	0.14
Average Lamp Till Factor:	1.000
Number of Luminaires:	11
Avg KW over 5,000 hours:	17.2
Max KW:	18.7

Guaranteed Performance: The CONSTANT ILLUMINATION described above is guaranteed for the rated life of the lamp.

Field Measurements: Averages shall be +/-10% in accordance with IESNA RP-6-01 and CIBSE LG4. Individual measurements may vary from computer predictions.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume +/- 3% nominal voltage at line side of the tallest and structures located within 3 feet (1m) of design locations.

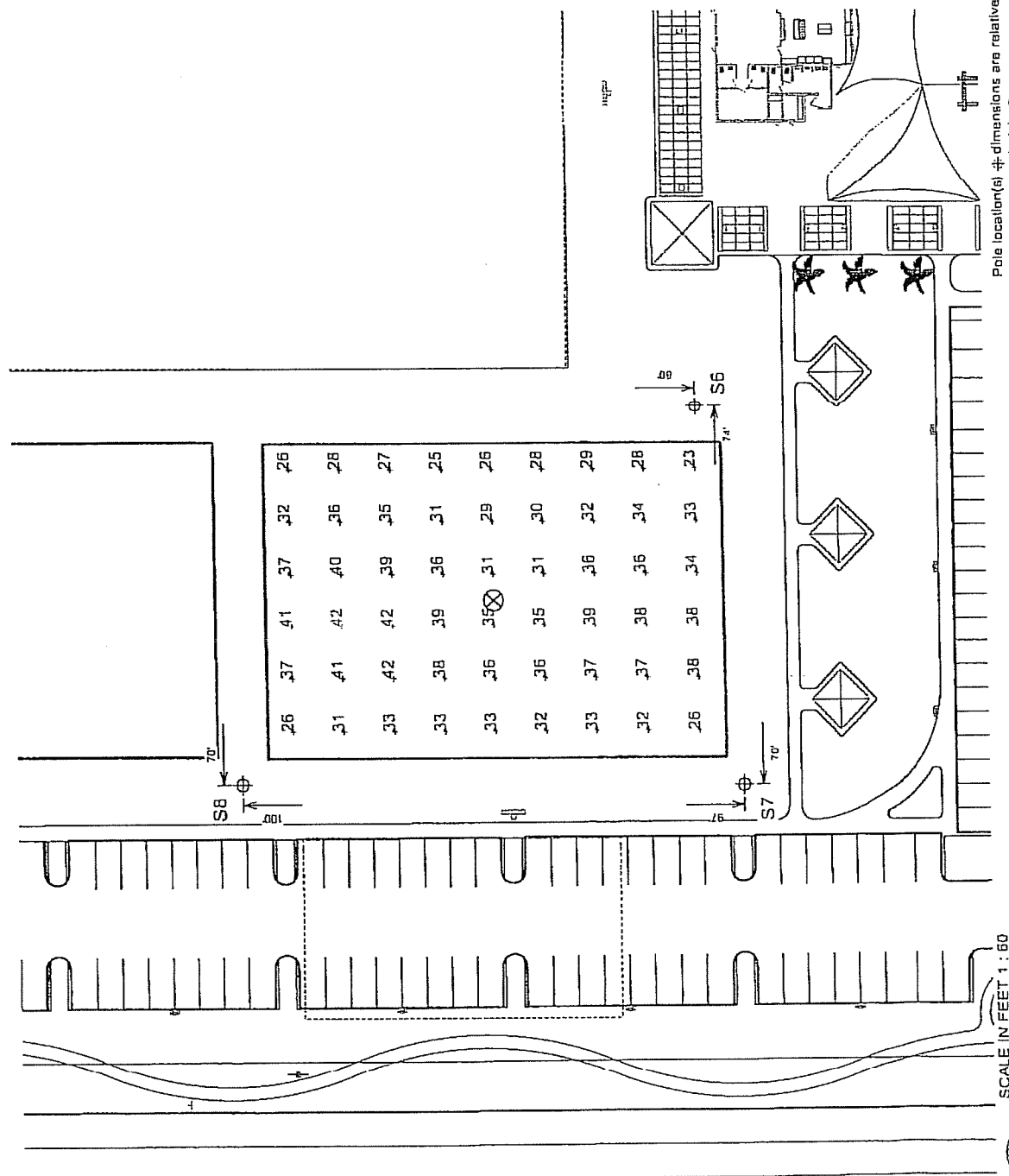
By: Shawn Moyer

File #: 142508R

Date: 04-Mar-10
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EQUIPMENT LIST FOR AREAS SHOWN

QTY	LOCATION	Pole	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LAMP TYPE	Luminaires		
							QTY/POLE	THIS PROJ.	OTHER PROJ.
1	S6	80'	-	8'	1500W MZ	12	3	9	
1	S7	70'	-	7'	1500W MZ	4	4	0	
1	S8	70'	-	7'	1500W MZ	8	4	4	
3	TOTALS						24	11	13



SCALE IN FEET 1 : 60



Pole location(s) ± dimensions are relative to 0.0 reference point(s) ⊕



Date:	<u>03/05/10</u>	Fee	_____
Case No.:	<u>CU-02-10</u>	Fee	_____
Case No.:	_____	Fee	_____
Case No.:	_____	Fee	_____
EA No.:	<u>D2-10</u>	Fee	_____

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

(Please Print Legibly)

Applicant BASIN WIDE FOUNDATION
 Address 56711 29 PALMS HWY City Yucca Valley State CA Zip 92284
 Phone 760 365-7211 Fax 365-5770 Cell 760 217-0133
 E-mail Address cmelland@hidesertstar.com
 Project Name (if any): Brehm Youth Sports Park Complex

Contact Person/Representative Cindy Melland / Bret Morrison
 Address 7227 Caminodel Cielo City YV State CA Zip 92284
 Phone 760 217-0133 Fax 760 365-8084 Cell Bret (760) 401-0525
 E-mail Address cmelland@hidesertstar.com / landarkdesign@yahoo.com

Property Owner Basin Wide Foundation Phone 760 365-7211
 Address 56711 29 PALMS HWY City YV State CA Zip 92284
 E-Mail Address cmelland@hidesertstar.com Fax (760) 365-5770
 Assessor Parcel Number(s) 595-131-01 595-131-45 Tract Map # _____ Lot # _____
 Property Dimensions SEE EXHIBIT Existing Land Use VACANT
 Structure Square Footage 3253 General Plan Designation/Zoning RL1

Location: (Example: Address & Street or SW corner of Elk & Onaga or 300 ft N of Paxton on W side of Airway)
NW CORNER Little League Drive and Palm in YV.

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.

Brehm Youth Sports Complex - Soccer / Baseball / Fitness / more

Owner's Signature [Signature] Date 2-19-10

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

Applicant's Signature [Signature] Date 2-19-10

ENVIRONMENTAL ASSESSMENT

1. Property boundaries, dimensions and area (also attach an 8 1/2" x 11" site plan):
800' x 600' 13.2 AC ±

2. Existing site zoning: RL-1

3. Existing General Plan designation: RL-1

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

5. Zoning of adjacent parcel:

North <u>RL-1</u>	South <u>DSP RS 5</u>	East <u>RL-1</u>	West <u>RS-5</u>
-------------------	---------------------------	------------------	------------------

6. Existing General Plan designation of adjacent parcels:

North <u>RL-1</u>	South <u>DSP RS 5</u>	East <u>RL-1</u>	West <u>RS-5</u>
-------------------	---------------------------	------------------	------------------

7. Precisely describe existing uses adjacent to the site:

8. Describe the plant cover found on the site, including the number and type of all protected plants:
SPARSE DESERT PLANTS

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 type="checkbox"/> | <input checked="" type="checkbox"/> | 10. Has the site been surveyed for historical, paleontological or archaeological resources? (If yes, a copy of the survey report is to accompany this application.) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 11. Is the site within a resource area as identified on the archaeological and historical resource General Plan map? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 12. Does the site contain any unique natural, ecological, or scenic resources? |
| <input 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) |

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

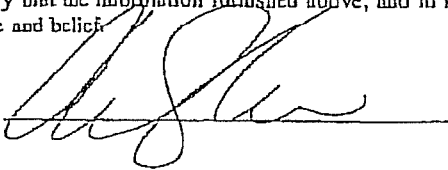
Yes Maybe No

- 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: _____

3-5-10

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: PARK
- B. Gross square footage by each type of use: 13 AC ±
- C. Gross square footage and number of floors of each building: 3253 SF
- D. Estimate of employment by shift: NA
- E. Planned outdoor activities: PICNICS, SPORTS & FITNESS

2. Percentage of project site covered by:

18 % Paving, .5 % Building, 81.5 % Landscaping, 100 % Parking

- 3. Maximum height of structures 18 ± ft. _____ in.
- 4. Amount and type of off street parking proposed: SEE EXHIBIT
- 5. How will drainage be accommodated? SHEET FLOW ACROSS SITE
- 6. Off-site construction (public or private) required to support this project: NONE
NEEDED
- 7. Preliminary grading plans estimate 3,000 cubic yards of cut and 26,000 cubic yards of fill
- 8. Description of project phasing if applicable: SEE EXHIBIT
- 9. Permits or public agency approvals required for this project: CUP & IMP. PLANS
- 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

BASIN
WIDE
FOUNDATION

56711 Twentynine Palms Hwy.
Yucca Valley, CA 92284

(760) 365-7219 * www.basinwidefoundation.com * 501c3 - 33-0688147

May 10, 2010

Memo to: the Town of Yucca Valley

From: Youth Sports Park, BWF

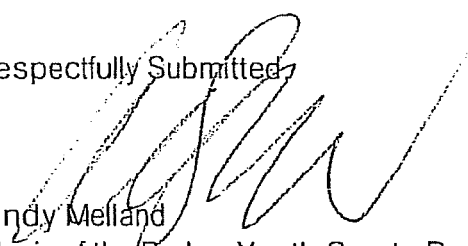
Re: Vacation of portion of Little League Drive

Pursuant to our recent plan review, the Basin Wide Foundation Youth Sports Park Committee is requesting that the Town of Yucca Valley vacate Little League Drive for the safety of children at play in the proposed new sports park area. The vacation request is for 525 feet from the westerly right of way line at Grand to the easterly right of way line at Palm Ave.

As a non-profit organization, we also respectfully request that the fee of \$1340 be waived.

Thank you for your valued partnership.

Respectfully Submitted,



Cindy Melland
Chair of the Brehm Youth Sports Park committee
Basin Wide Foundation

BASIN
WIDE
FOUNDATION

56711 Twentynine Palms Hwy.
Yucca Valley, CA 92284

(760) 365-7219 • www.basinwidefoundation.com • 501C3 - 33-0688147

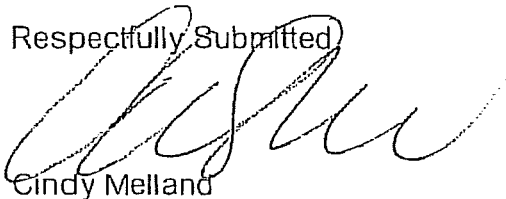
May 10, 2010

Memo to: the Town of Yucca Valley
From: Youth Sports Park committee, BWF
Re: Underground utilities

Pursuant to your request, we are formalizing our request to exercise the non-profit agency exception under section 87.1150 of ordinance 169 regarding underground utilities in the sports park area. While we would love to see the utilities go underground, we are asking for the exception to be approved to keep the project budget under control.

Thank you for being a valued partner in the Brehm Youth Sports Park project.

Respectfully Submitted



Cindy Melland
Chair, Brehm Youth Sports Park committee
Basin Wide Foundation president

BASIN
WIDE
FOUNDATION

56711 Twentynine Palms Hwy.
Yucca Valley, CA 92284

(760) 365-7219 * www.basinwidefoundation.com * 501c3 - 33-0688147

BREHM YOUTH SPORTS COMPLEX PARKING

PARKING ANALYSIS

This parking analysis assumes that the two halves of this project, Soccer/Football complex, and Little League, are exclusive seasons. Therefore, the analysis will only include soccer/football by itself or Little league by itself. Also, some additional use of the park outside of soccer or little league will be included.

Soccer/Football Season:

Soccer: 3 full size fields, 22 players at a time per field
2 under 10 fields, 16 players at a time per field

Assuming all fields are in use at the same time, 98 soccer players, 12 referees, 16 coaches and 2 additional guests per player.

Assume 75 additional park guests in non soccer capacity

12 referees
98 players
20 coaches and assistants
196 guests/spectators
75 additional

401 total people at one time for soccer activities.

Football: Assume similar situation as soccer team numbers and use of the Little League outfields for football an additional 400 people are possible.

800 total people possible during soccer/football combined.

At 1 parking stall per 3 persons, 266 needed (325+ available on plan, plus 20+ handicapped)

Little League:

Assuming all fields are in use at the same time, 108 little league players, 18 umpires, 24 coaches, and 2 additional guests per player.

Assume 75 additional park guests in non little league capacity.

1 little League field, 18 players at a time
1 softball field, 18 players at a time
1 full size baseball, 18 players at a time
2 overflow fields, (Brehm existing), 36 players at a time.
1 miracle league field, 18 players at a time

18 umpires
24 coaches and assistants
108 players
216 guests/spectators
75 additional

441 total people at one time for Little League activities

At 1 parking stall per 3 persons, 147 needed.

The Boys and Girls Club facility is also located in the sports park area. The club hosts occasional events in the evenings, rarely during the same time as games would occur. In the event of any overlap, there are still enough parking spaces allocated to accommodate up to another 200 plus people during soccer/football season and up to an additional 594 during Little league season if all fields were at capacity. This does not include the street parking that is allowed in that area.

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

TUESDAY, AUGUST 24, 2010, BEGINNING AT 7:00 P.M.

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

CASE NUMBER: Conditional Use Permit, CUP 02-10, Environmental Assessment, EA 02-10
Brehm Youth Sports Park

APPLICANT: Basin Wide Foundation
56711 29 Palms Highway
Yucca Valley, Ca 92284

PROPOSAL: A proposal to expand and enhance the existing park facilities to include two new 75,600 square foot soccer fields, two new 21,600 square foot soccer fields, 1 ball field, 2 volleyball courts, 5 horseshoe pits, an approximately 3,253 square foot office, restroom and concession building, tot and child play areas, water play area, walking trail, demolition of an approximately 3,000 square foot existing single family residence, maintenance area (including an existing 1,600 square foot single family residence), covered picnic areas and walkways, landscaping and parking in two phases on multiple parcels totaling approximately 20.17 acres. Future projects include an approximately 10,000 square foot Boys and Girls Club building and a croquet/bocce ball area. The project also proposes the vacation of Little League Drive approximately 525' east of Palm Ave.

LOCATION: The project is located at the NE corner of Little League Dr. and Palm Ave.
APN's: 595-131-01, 11, 45 & 49

ENVIRONMENTAL

DETERMINATION: The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to implement same. The Town determined that although the project could have significant impacts on the environment, the mitigation measures included in the Initial Study reduce the potential impacts to less than significant levels. A Mitigation Negative Declaration is proposed.

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

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

Publish Date: Posted and published on July 28, 2010.

July 26, 2010

Date

/s/ Jeannie Lindberg

JEANNIE LINDBERG

Deputy Town Clerk

02/12/2010 15:46

7603675519

JOSHUA TREE NP

PAGE 02/02

Andrea



United States Department of the Interior

NATIONAL PARK SERVICE

Joshua Tree National Park
74485 National Park Drive
Twentynine Palms, California 92277-3597

IN REPLY REFER TO:

N1415 (JOTR-RM)

February 5, 2010

Kelley Carson, Executive Director
Basin Wide Foundation
56711 29 Palms Hwy.
Yucca Valley, California 92284

Dear Ms. Carson:

The Town of Yucca Valley requested assistance from Joshua Tree National Park staff to assess an area that is being considered for a city park. The town asked for assistance to determine if desert tortoise were present on the site.

On January 12, 2010, Michael Vamstad, Wildlife Ecologist for the park, met with Cindy Melland and Brett Morrison at the intersection of Little League Drive and Palm Avenue. Architectural plans and a description of the project area (principally located on the opposite side of the street from the Hi-Desert Boys & Girls Club) were provided to Vamstad for the purpose of pre-construction tortoise survey. Vamstad, an U.S. Fish and Wildlife Service approved authorized desert tortoise biologist, performed a 100% clearance survey of the area.

No tortoise or tortoise sign (scat, burrows, tracks, etc.) were found in the proposed construction area.

Sincerely,

Curt Sauer
Superintendent

LAND USE SERVICES DEPARTMENT

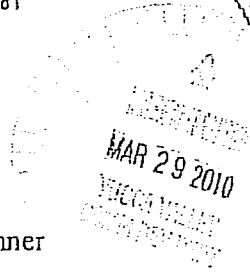
COUNTY OF SAN BERNARDINO



BUILDING AND SAFETY DIVISION
385 North Arrowhead Avenue • San Bernardino, CA 92415-0181
(909) 387-8311 Fax (909) 387-4301
<http://www.sbcounty.gov/landuseservices>

DENA M. SMITH
Director

March 25, 2010



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

SUBJECT: GEOLOGIC REQUIREMENTS, PROPOSED BREHM YOUTH SPORTS PARK, LITTLE LEGUE DRIVE AND PALM AVENUE, YUCCA VALLEY

The Conditional Use Permit Site Plan for the proposed Brehm Youth Sports Park, prepared by Nolte dated March 5, 2010 indicates that the multi-parcel site will be developed with soccer and baseball fields as well as volleyball courts, picnic and play areas and restrooms. The plan also indicates that several ball fields, a basketball court and a Boys and Girls Club facility currently exist on the site.

The site lies partially within the Alquist-Priolo Earthquake Fault Zone designated by the State of California to include traces of suspected active faulting associated with the Pinto Mountain fault zone. The Pinto Mountain fault is a left-lateral strike slip fault that is considered capable of producing an earthquake of Richter magnitude 7.0.

The active trace of the Pinto Mountain fault is mapped just north of the site immediately southeast of the intersection of Palm Avenue and Sunnyslope Drive. Overlaying the Alquist-Priolo Earthquake Fault Zone Map of the Yucca Valley North Quadrangle prepared by the California Geological Survey onto the County parcel map database indicates that the southern boundary of the Alquist-Priolo Earthquake Fault Zone is located approximately 300 feet north of the intersection of Palm Avenue and Little League Drive (enclosure). The boundary traverses across the site through APN 0595-131-01 and 0595-131-45.

With the exception of certain projects meeting specific criteria, a fault rupture hazard investigation is required when a development is proposed within the boundaries of an Alquist-Priolo Earthquake Fault Zone. The purpose of this requirement is to "prohibit the location of developments for human occupancy across the trace of active faults".

Typically, subsurface trenching is the recommended method for determining the presence or absence of active faulting through the site of a proposed development. However, according to the site plan, no structures are proposed within the northern portion of the site within the Alquist-Priolo Earthquake Fault Zone. Therefore, it does not appear that trenching is required.

GREGORY C. DEVEREAUX
County Administrative Officer

		Board of Supervisors	
BRAD MITZELFEL.....	107.....First District	NEIL DERRY	Third District
PAUL BIANE.....	Second District	GARY C. OVITT.....	Fourth District
	JUSIE GONZALES.....		Fifth District

ROBERT KIRSCHMANN, ASSOCIATE PLANNER
SUBJECT: GEOLOGIC REQUIREMENTS, PROPOSED BREHM YOUTH
SPORTS PARK, LITTLE LEGUE DRIVE AND PALM AVENUE,
YUCCA VALLEY

PAGE 2

Although extensive trenching may not be required, it is recommended that at a minimum, a geologic hazard evaluation be conducted. Considering the proximity of the site to the active fault zone and the proposed site use as well as the fact that unexpectedly wide zones of faulting have recently been encountered along the Pinto Mountain fault east of the site near Twentynine Palms, it appears that a geologic hazard evaluation is warranted.

The geologic hazard evaluation should demonstrate by review and analysis of published mapping, aerial photographs and field geomorphology that active faulting is located off site and a safe distance from any proposed structures.

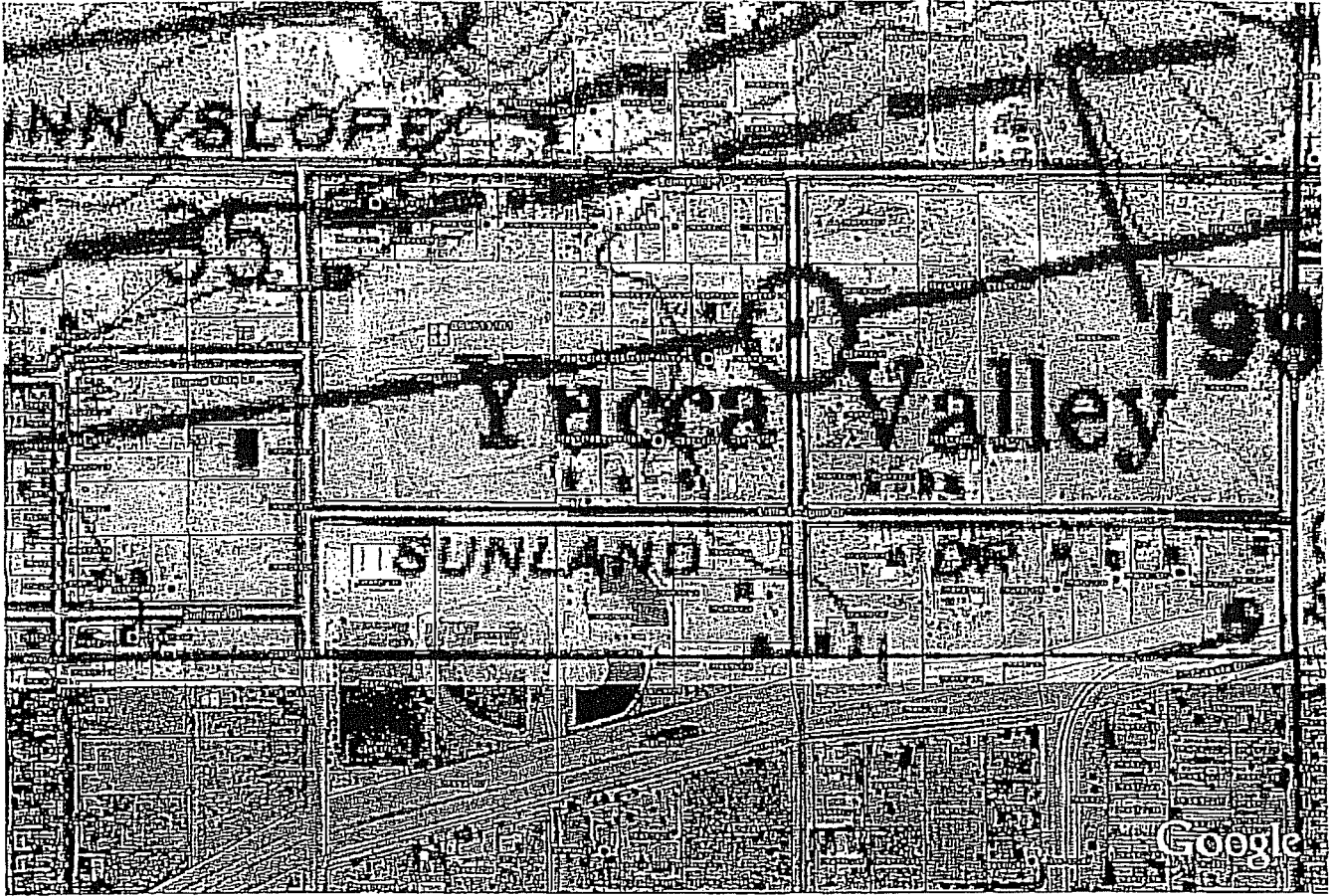
Sincerely,



WESSLY A. REEDER, County Geologist
PG 4270 EG 1447
Building and Safety Division
Land Use Services Department
Public and Support Services Group
(909) 387-4240

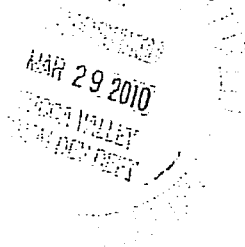
WAR:ljj

Enclosure





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



March 25, 2010

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

**Project: Conditional Use Permit 02-10
 Environmental Assessment 02-10
 Brehm Youth Sports Park**

Dear Mr. Kirschmann:

The Mojave Desert Air Quality Management District (District) has received CUP 02-10 and EA 02-10 for the Brehm Youth Sports Project. This project includes the construction of several new sports fields and associated amenities. This project also includes the demolition of existing structure(s). The project will be completed in two phases on multiple parcels totaling approximately 20.17 acres.

A "Notification of Demolition/Renovation" application must be completed and submitted to the District pursuant to Health and Safety Code §19827.5 for the demolition of any load bearing wall or foundation. This application may be located at <http://www.mdaqmd.ca.gov/index.aspx?page=80> under the Asbestos Program section. Please contact Stephen Jenkins at extension 1899 with any questions regarding the demolition/renovation.

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

Sincerely,

Alan J. De Salvo
 Supervising Air Quality Engineer

AJD/tw

YV Brehm Youth Sports Park.doc

**SAN BERNARDINO COUNTY
FIRE DEPARTMENT**

COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP



**OFFICE OF THE FIRE MARSHAL
COMMUNITY SAFETY DIVISION**
15456 West Sage Street, 2nd FLOOR, STE 205-
Victorville, Ca 92392
(760) 843-4375 – Fax (760) 843-4378

PAT A DENNEN
Fire Chief
County Fire Warden

JULY 21, 2009 - REVISED 4/13/2010

EXPIRATION: APRIL 2011

BASIN WIDE FOUNDATION
56711 TWENTYNINE PALMS HWY
YUCCA VALLEY, CA 92284

FILE: ENG YVY09/30313
LOCATION: E OF PALM AVE – YUCCA VALLEY
PROJECT TYPE: TO EXPAND EXISTING PARK
NUMBER OF LOTS: N/A
APN: 595-131-01, 11, 45, 49
SQARE FOOTAGE: 3600

Dear Applicant:

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

The following information of this document sets forth the *FIRE CONDITIONS* and *STANDARDS* of which are applied to this project.

FIRE CONDITIONS:

Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]

Additional Requirements. In addition to the Fire requirements stated herein, other on site and off site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. [F-1a]

Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code. Standard 903.1 [F-5]

The Fire Flow for this project shall be:

1500 GPM for a 2 Hour duration at 20 psi residual operating pressure.

Fire Flow based on 3600 sq.ft. Structure.

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

Single Story Road Access Width:

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

Multi-Story Road Access Width:

Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. [F-41]

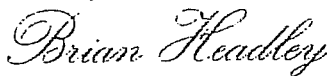
Building Plans. Not less than two (2) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F-42]

Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty five (45) foot radius for all turns. In the FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. Standard 902.2.1 [F-43]

Water System Certification. 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. [F-57]

Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufactures specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. Standard 101.1 [F-59]

Sincerely,



—BRIAN HEADLEY, Fire Prevention Specialist
San Bernardino County Fire Department
Victorville Community Safety Division
"Duty, Honor, Community"

BH:lb



Sladden Engineering

45090 Golf Center Parkway, Suite F, Indio, California 92201 (760) 863-0713 Fax (760) 863-0847
6782 Stanton Avenue, Suite A, Buena Park, CA 90621 (714) 523-0952 Fax (714) 523-1369
450 Egan Avenue, Beaumont, CA 92223 (951) 845-7743 Fax (951) 845-8863
800 E. Florida Avenue, Hemet, CA 92543 (951) 766-8777 Fax (951) 766-8778

July 14, 2010

Project No. 544-10060
10-07-162

Basin Wide Foundation
56711 Twenty Nine Palms Highway
Yucca Valley, California 92284

Project: Proposed Brehm Youth Sports Park Improvements
Palm Avenue and Sunland Drive
Yucca Valley Area
San Bernardino County, California

Ref: "Fault Hazard Evaluation, Proposed Brehm Youth Sports Park Improvements, Palm Avenue and Sunland Drive, Yucca Valley Area, San Bernardino County, California"; prepared by Sladden Engineering, dated May 24, 2010; Project No. 544-10060, Report No. 10-05-109

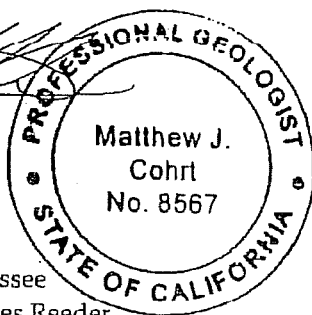
This letter has been prepared to provide the requested clarification with respect to the potential risks associated with fault hazards on the subject site. Sladden Engineering (Sladden) has reviewed the referenced report with consideration to the current site plan¹. The current plan illustrates that no habitable structures are currently proposed within the State of California designated Fault Zone.

Because no evidence of active faulting was observed on the aerial photographs reviewed or during our geologic reconnaissance of the site, it is our opinion that the potential for primary surface ground rupture impacting the proposed facilities as currently planned is negligible.

If you have questions regarding this letter or the referenced report, please contact the undersigned.

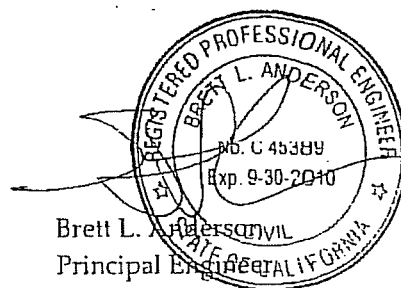
Respectfully submitted,
SLADDEN ENGINEERING

Matthew J. Cohrt
Project Geologist



Letter/mc

Copies: 2/ addressee
2/Mr. Wes Reeder



Brett L. Anderson
Principal Engineer

¹ Brehm Youth Sports Park, Conditional Use Permit Site Plan; dated 6/1/10, prepared by Nolte Associates Inc., sheet 1 of 1, reduced scale.

LAND USE SERVICES DEPARTMENT

COUNTY OF SAN BERNARDINO



BUILDING AND SAFETY DIVISION

385 North Arrowhead Avenue • San Bernardino, CA 92415-0181

(909) 387-8311 Fax (909) 387-4301

<http://www.sbcounty.gov/landuseservices>

July 20, 2010

DENA M. SMITH
Director

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

SUBJECT: FAULT HAZARD EVALUATION, PROPOSED BREHM YOUTH SPORTS
PARK, LITTLE LEGUE DRIVE AND PALM AVENUE, YUCCA VALLEY

In accordance with your request, the following report prepared by Sladden Engineering was reviewed:

*Fault Hazard Evaluation, Proposed Brehm Youth Sports Park Improvements,
Palm Avenue and Sunland Drive, Yucca Valley Area, San Bernardino County,
California, dated May 24, 2010, Project No. 544-10060, Report No. 10-05-109.*

In addition, a clarification letter, dated July 14, 2010 (Report No. 10-07-162) was submitted. The report as well as the letter are signed and sealed by Matthew J. Cohrt, California Professional Geologist and Brett L. Anderson, California Professional Engineer.

The Conditional Use Permit Site Plan for the proposed Brehm Youth Sports Park, prepared by Nolte dated March 5, 2010 indicates that the multi-parcel site will be developed with soccer and baseball fields as well as volleyball courts, picnic and play areas and restrooms. The plan also indicates that several ball fields, a basketball court and a Boys and Girls Club facility currently exist on the site.

The site lies partially within the Alquist-Priolo Earthquake Fault Zone designated by the State of California to include traces of suspected active faulting associated with the Pinto Mountain fault zone. The Pinto Mountain fault is a left-lateral strike slip fault that is considered capable of producing an earthquake of Richter magnitude 7.0.

The active trace of the Pinto Mountain fault is mapped just north of the site immediately southeast of the intersection of Palm Avenue and Sunnyslope Drive, approximately 300 feet north of the intersection of Palm Avenue and Little League Drive.

With the exception of certain projects meeting specific criteria, a fault rupture hazard investigation is required when a development is proposed within the boundaries of an Alquist-Priolo Earthquake Fault Zone. The purpose of this requirement is to "prohibit the location of developments for human occupancy across the trace of active faults".

Typically, subsurface trenching is the recommended method for determining the presence or absence of active faulting through the site of a proposed development. However, according to the site plan, no structures are proposed within the northern portion of the site within the Alquist-Priolo Earthquake Fault Zone. Therefore, it does not appear that trenching is required.

GREGORY C. DEVEREAUX
County Administrative Officer

Board of Supervisors

BRAD MITCHELL, 1st District
PAUL BIANCHI, 2nd District
JOSIE GONZALES, 3rd District

NEIL DERRY, 4th District
GARY C. SMITH, 5th District
ERIC FREEMAN, 6th District

Third District
Fourth District

ROBERT KIRSCHMANN, ASSOCIATE PLANNER

SUBJECT: FAULT HAZARD EVALUATION, PROPOSED BREHM YOUTH SPORTS
PARK, LITTLE LEGUE DRIVE AND PALM AVENUE, YUCCA VALLEY

PAGE 2

However, considering the proximity of the site to the active fault zone and the proposed use of the site as well as the fact that unexpectedly wide zones of faulting have recently been encountered along the Pinto Mountain fault east of the site near Twentynine Palms, it was recommended that a fault evaluation be completed.

The subject report was submitted to comply with this recommendation.

The May 24, 2010 report indicates that the scope of the investigation included review of published and unpublished geologic and geotechnical literature, review of aerial photographs and lineament analysis as well as a geologic field reconnaissance of the site.

The report states "*no evidence of faulting or secondary seismic effects (e.g. lurching, lateral spreading, subsidence, etc.) was observed during our field reconnaissance.*"

The July 14, 2010 clarification letter specifically states "*Because no evidence of active faulting was observed on the aerial photographs reviewed or during our geologic reconnaissance of the site, it is our opinion that the potential for primary surface ground rupture impacting the proposed facilities as currently planned is negligible.*"

The report in conjunction with the clarification letter satisfies my previous recommendation for a fault evaluation and is recommended for approval.

If the location of proposed structures changes or if new structures are proposed, additional evaluation may be warranted.

Also note that although no evidence for on-site faulting was observed, the proximity of the Pinto Mountain fault to the site indicates that the site may be subjected to severe seismic shaking; therefore, structures should be designed accordingly.

Sincerely,



WESSLY A. REEDER, County Geologist
PG 4270 EG 1447
Building and Safety Division
Land Use Services Department
Public and Support Services Group
(909) 387-4240

WAR:ljjg

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

AUGUST 24, 2010

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

Commissioners present: Chair Robert Lombardo, Commissioners Mike Alberg, Gregory Graham, Tim Humphreville and Dawn Rowe

Chairman Lombardo led the Pledge of Allegiance.

APPROVAL OF AGENDA:

PUBLIC COMMENTS:

David Fick of Joshua Tree and the Morongo Basin Conservation Assn. commented on a mailer he said was recently sent out by Walmart and prior comments by a Commissioner regarding the Super Walmart project in a letter to the editor; stating those comments had escalated and polarized the situation. Mr. Fick stated he has never supported the Super Walmart project and the mailer has been referred to their attorneys.

Margo Sturges of Yucca Valley discussed her concerns that a letter of credit was accepted when a performance bond had been required for the AM/PM Arco project, referencing a printed materials which was distributed to the Commissioners and is preserved in the meeting file. She noted the Town of Yucca Valley is not named in the letter of credit and commented a "temporary" certificate of occupancy could have been issued.

PUBLIC HEARINGS:

1. CONDITIONAL USE PERMIT CUP 02-10, ENVIRONMENTAL ASSESSMENT EA 02-10, BREHM YOUTH SPORTS PARK

A proposal to expand and enhance the existing park facilities to include two new lighted 75,600 square foot soccer fields, two new lighted 21,600 square foot soccer fields, 1 new lighted t-ball field, 2 volleyball courts, 5 horseshoe pits, an approximately 3,253 square foot office, restroom and concession building, tot and child play areas, water play area, walking trail, demolition of an approximately 3,000 square foot existing single family residence, maintenance area (including an existing 1,600 square foot single family residence), covered picnic areas and walkways, landscaping and parking in two phases on multiple parcels totaling approximately 24.8 acres. Phase 2 enhancements will include walkways, covered picnic area, trailhead improvements, and parking improvements all generally south and east of the existing boys and girls club and miracle league ball field. Based upon available resources, it is possible that the project may be completed in multiple phases and sub-phases. It is anticipated that many of these modifications will be reviewed and approved by staff pursuant to ordinance 207, section 83.030145. Future improvements following those in Phase I and Phase II include an approximate 10,000 square foot boys and girls club building and a croquet/bocce ball area or other amenities such as basketball, tennis courts and racquet ball. The project proposes the vacation of little league drive from approximately 525' from the westerly right of way line at Grand Avenue to the easterly right of way line at Palm Avenue.

The proposal includes a request that the project be found to be exempt from undergrounding of utilities per section 87.1150(k) which states "nonprofit agencies identified as institutional land use activities, subject to planning commission and town council approval". The project is located at the NE corner of Little League Dr. and Palm Ave., identified as APN's: 595-131-01, 11, 45 & 49, 595-071-01-04 and 595-091-06.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. A water feature and pavers are proposed to block off Little League Dr. along with a cul-de-sac for safety of the children. An aerial photograph of the site was projected and discussed, as were the General Plan and Zoning designations. Portions of the project area are designated as Rural Living 1 acre minimum (RL-1) and Open Space-Park (OS-P). The Additional Uses section of the Development Code allows for parks in any land use district subject to review and approval of a CUP. Therefore the project is consistent and does not require a General Plan Amendment or Rezone.

Section 9.2.6 of the Parks Master Plan discusses this park. It includes new soccer fields, a new boys and girls club, Little League street vacation and other amenities similar to this proposal. The project was reviewed under CEQA and an Initial Study was prepared. Though it was found that the project could potentially have significant impacts to the environment, they could be mitigated to reduce the impacts to less than significant levels. As of the writing of the staff report, no written comments have been received on this project. The staff recommendations were displayed and discussed, including additional suggested Findings pertaining to utility undergrounding which were handed out at the meeting and are preserved in the meeting and project files.

Deputy Town Manager Shane Stueckle commented the additional findings include the recommendation that the Commission find the project exempt under the current ordinance. It also includes findings that establish the benefit that would be derived from the undergrounding those overhead facilities should the Town or other entities choose to use available funds for that undergrounding.

Mr. Alberg asked if an agreement existed with the Town for the eventual maintenance of this facility. Mr. Stueckle replied discussions have been initiated but there is no finalized agreement at this time.

Mr. Graham requested that permeable parking lot and sidewalk materials be considered to put the water back into the aquifer. Mr. Kirschmann replied there have been discussion but no final material has been chosen.

Ms. Rowe asked if the Parks Master Plan calls for the Town to acquire this property eventually. Mr. Stueckle replied it does discuss that eventually. Ms. Rowe asked if that is the desire of the Council. Mr. Stueckle replied the Council has held one preliminary policy discussion but the issue will be returned to the Council by staff.

Mr. Lombardo opened the hearing to public comments.

Cindy Melland, President of the Basin Wide Foundation, commented this park has been a community vision for 25 years, is located in a flood zone where homes cannot be built and is adjacent to the existing youth facilities. The entire middle section is proposed to have

permeable pavers and they have looked at a permeable surface for the parking lots. Maintenance cost is an issue. In partnership with the Water District and others they have designed a fitness walk around the perimeter that will have a demonstration garden with drought tolerant plants, educating people on desert plants. A more sophisticated timer for the field lights will be installed. If funding permits, solar covered breezeways will be installed to allow the community to gather for art festivals, farmers markets, etc. Kids are practicing and playing until late into the evening because of the current lack of playing fields. The Miracle League Field is the heart and soul of the project and will fill the regional need for sports opportunities for disabled youth. The park would attract league tournaments which provide short term economic benefits. When people think about moving into a community they look for family recreation opportunities. If we don't provide that we can't grow our community. They request flexibility on phasing because that will be based on public/private partnerships. They want to do it right and build something to be proud of.

Bill Warner of Yucca Valley stated there has been an effort to be responsive to all the issues mentioned by Ms. Melland. They are challenged by a complex set of drainage conditions. Part of the site is in a FEMA Flood Zone A and another part is in a Floodway, which is a more severe designation. The concession building and restrooms are technically outside of the flood zone. It will be elevated nevertheless, to correspond with the adjacent zone. Most of the issues were discussed very well in the staff report; they take exception with none of the COA and agree with the proposed findings and mitigation measures. He requested an opportunity to respond to any questions or comments that may be raised by the public.

Tom Slusher and Sheila Trunkhill of Yucca Valley stated they live directly across the street from the project. Their house is the only one in the lower area and they are concerned about water running from the project into their yard. The street has no curbs. They suggested the project install a levy curb or other protection from run-off for the surrounding properties. They questioned the location of the entrance to the project if Little League and Palm are both closed off and asked how that would affect them. They also questioned security for the park and the timers on the existing field lights.

Benny Reyes of Yucca Valley stated he lives on the corner of Little League and Grand, is a contractor and is for the project. He is involved in the community, coaches football, his kids use the park and he donates his time and equipment to maintaining the current park. He asked that the local contractors be involved in the project and be given a chance to bid for these projects, and to keep the jobs local.

Robert Dunn of Yucca Valley spoke as a representative of the Yucca Valley Airport District stating at the meeting of August 11th the Airport District reviewed the information provided on the project and agrees with Town staff that it is a good project. It will not affect the Airport in any way.

Kim Close of Yucca Valley stated we need this park and is excited about the project. The main thing is having to drive all over Town to drop kids at the different parks. This park would solve those problems. There is also nowhere to walk while soccer games are in progress. This park would solve that. We have to travel for tournaments in every sport except little league. We don't have the facilities to hold soccer tournaments here. This will also improve the number and kind of tournaments we can host for little league. Currently only 8 teams can play in a softball tournament, and that includes using Machris and Jacobs Parks.

Margo Sturges of Yucca Valley stated this is a good idea, however, her concern is for the increase in water usage. How much energy will this project need when it is completed? This dream started when energy was inexpensive and water was abundant. We don't want it to become the nightmare of tomorrow. If this park is turned over to the Town maintenance will cost \$350,000 per year, almost \$1,000 per day. She doesn't know where Yucca Valley will find the money. Will it be a new property tax or a bond? The Parks Master Plan calls for artificial turf. Will there be any chemicals used that can leach into the aquifer?

Charles McHenry of Yucca Valley stated it is a great project and there is a lack of facilities. He is concerned about the additional lights because the existing lights are a problem. He lives adjacent to the proposed park and would not want to see the lights be accidentally left on until 11:00 pm.

Thomas Teleha of Yucca Valley stated he is the current president of Tri-Valley Little League. This is a wonderful community and we need this park. He knows there is a problem with the lights and they are concerned for the people who live there. Little League has been discussing an improved park with the Town for a long while. The community has come together for this and it is important. Kim Close was appointed by the Tri-Valley Little League board to represent the board during discussions of this park project with the Town and the Basin Wide foundation.

David Fick of Joshua Tree stated a concern about all synthetic turf, requesting they compare notes with Twentynine Palms about Lucky Park and Copper Mtn. College regarding it's 18 acres. The water use must be considered as well as the cost of synthetic.

Mr. Warner stated the site being mostly in a flood zone raised concerns. COA E10 on P25 addressed fairly rigidly concerns about drainage, the floodway, backwater and the flood elevation. Retention basins are proposed between the playfields. Underground basins may be necessary. The finished topography was looked at carefully so as not to block the drainage as it enters the site. The flow is generally west to east towards Grand. Some improvements could be done on Palm regarding driveways by those homeowners to perhaps help some of those existing situations. Modest improvements to the streets can help localized conditions. Regarding circulation, Little League presently extends through the property but will be terminated for the project. However, there will be driveways from the termination point into the project. It will be possible to drive through the parking areas of the project and exit to the west. People from the west can enter the project. It will not force the traffic back onto Palm.

Mr. Lombardo commented one of the concerns is the inconvenience of having to go around the project.

Mr. Warner replied Sunnyslope is designated as an east/west collector and it runs all the way to Old Woman Springs Rd. They do not want to invite a lot of traffic through the park. If people learn that Little League is closed, and it will be signed "Not a thru street", then there will be less likelihood of people wanting to get from Grand over to Palm through the site. Speed bumps can be installed in the park to help.

Ms. Melland commented they decided to vacate Little League Dr. for the safety of the kids to avoid accidents from kids running through traffic on a street to get to the other playing fields. Antelope to the south goes through to Sage. She agreed with Mr. Reyes about local builders. Regarding the lights, they are looking at sophisticated timers to make sure it doesn't become

a nuisance. Security lighting around the pathways is also being discussed. They have spent a few years researching artificial turf and there are issues. In our climate, besides the injury issue, the greatest issue is the heat. In 98 degree weather, the surface temperature is 200 degrees. It requires water to cool it. Due to the cost of installation and the cost of the water, it takes a long time to recoup. When artificial turf gets hot it lets off plastic emissions and kills the micro-biology under the ground. Grass gives off oxygen. There are advantages to going with real grass. They will look at the fertilizers and low flow toilets. They will be as responsible as they can.

Mr. Lombardo closed the hearing to public comments.

Mr. Stueckle commented there is an approximate 1,300 to 1,400 linear travel distance from Little League Dr. to Sunnyslope. At posted speeds it would be take approximately 2 minutes to make the loop. Staff believes that the closure would be appropriate with that circulation provided.

Mr. Humphreville questioned undergrounding of utilities. Mr. Stueckle replied staff provided additional findings which support the recommendation and the ordinance. Based on preliminary discussions, there may be an opportunity to use Rule 28 funds, which are ratepayer payments in support of an undergrounding fund. The additional findings would support the initial steps of approaching SoCal Edison for the formation of an undergrounding utility district.

Ms. Rowe commented she drives all over town delivering her children to different parks for activities. They often don't get home from soccer until after 8:30pm. If we had more fields the lights would be off earlier, which is better for the night sky. And no one wants to have school children out that late. She supports the project. The police patrol the parks regularly. Water issues are a concern but so should quality of life.

Mr. Alberg commented it has been 38 years since we developed a park here. It is necessary. He sees a lot of dollar signs for the engineering COA. He would hope that the Town could help with the streets, utilities and water flow. Regarding artificial turf, it melts if someone throws a cigarette on it and gum is difficult to get out of it. He has no problem with the land use and strongly supports parks. He would like to see an agreement with the Town as soon as possible regarding who will do what and what the end result will be. He is concerned about Phasing. If a phase goes uncompleted some will say the Town should finish it. If the Town could finish it we would be building it.

Mr. Graham commented, because this will be a huge benefit to the Town, there should be more Town buy-in early on. He would like the Commission to urge the Town Council to find resources up-front for underground utilities, and maybe some assistance for streets or curbing, not the internal facilities.

Mr. Stueckle replied there is no disagreement on a community based project. Unfortunately the role of the Planning Commission is one of land use and it is outside the Commissions purview to address and step into the finance issues and those kinds of policy questions. Individual discussions with your Town Council mentors about the importance of the project would be appropriate.

Ms. Melland commented one of the reasons they are asking for the phasing is that they are in those negotiations with the Town now to see what the construction and development looks

like. How do we phase this and who does what. The Town has been very cooperative. Everyone has come to the table and agrees that it's time to do something. She doesn't know how we can't afford to do this. They are moving ahead with the little bits as they can but don't have a complete time line.

Mr. Lombardo commented this is a great project and he supports it.

Mr. Alberg moved:

ENVIRONMENTAL ASSESSMENT, EA 02-10: That the Planning Commission approve Mitigated Negative Declaration and Mitigation Monitoring Program for Environmental Assessment 02-10.

CONDITIONAL USE PERMIT, CUP 02-10: That the Planning Commission approve Conditional Use Permit, CUP 02-10 based on the findings contained within the staff report and the recommended Conditions of Approval.

UTILITY UNDERGROUNDING: That the Planning Commission recommends to the Town Council that the project is exempt from the requirement to underground existing utilities pursuant to Ordinance 169, Section 87.1150(k) which states "Nonprofit agencies identified as institutional land use activities"

STREET VACATION: That the Planning Commission recommends to the Town Council approval of the vacation of Little League Drive approximately 525' from the westerly right of way line at Grand Avenue to the easterly right of way line at Palm Avenue.

The motion was seconded by Mr. Graham.

Mr. Lombardo commented this is a great opportunity for undergrounding the utilities. Mr. Stueckle commented the primary concentration of over head facilities is on Little League Dr. Mr. Lombardo stated he would also like the motion to say we are exempting the need for but encouraging the finding of funds if they are available for undergrounding and supporting possible future undergrounding of the facilities. The recommendation is for complete exemption. Mr. Stueckle discussed the exemption in the ordinance and the recommended additional findings.

Mr. Alberg amended the motion to include the additional findings as follows:

While the project has been found and recommended by the Planning Commission to the Town Council as exempt from the requirement to underground overhead utilities:

Providing for the orderly construction of new underground facilities Town wide and the undergrounding of existing overhead lines in all land use districts, to avoid or eliminate the over concentration of overhead facilities along Little League Drive and Palm Avenue and the services lines which extend from those distribution lines is in the general publics interest; and

The undergrounding of existing and proposed above ground utility lines on Little League Drive and Palm Avenue will eliminate potential hazards to life and

(b) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project described in subsection (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21096, Public Resources Code.

Article 11. Types of EIRs Sections 15160 to 15170

15160 General

This article describes a number of examples of variations in EIRs as the documents are tailored to different situations and intended uses. These variations are not exclusive. Lead agencies may use other variations consistent with the guidelines to meet the needs of other circumstances. All EIRs must meet the content requirements discussed in Article 9 beginning with Section 15120.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21061, 21100, and 21151, Public Resources Code.

15161 Project EIR

The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21061, 21100, and 21151, Public Resources Code.

15162 Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project was approved, any of prior to the occurrence

of the conditions described in § subsection (a) occurs, a the subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

Note: Authority cited: Public Resources Code Sections 21083 and 21087. Reference: Section 21166, Public Resources Code; *Bowman v. City of Petaluma* (1986) 185 Cal. App.3d 1065 (1986); and *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467 (1991); and *Fort Mojave Indian Tribe v. California Department of Health Services et al.* (1995) 38 Cal.App.4th 1574

Discussion: This section implements the requirements in Section 21166 of CEQA which limit preparation of a subsequent EIR to certain situations. This section provides interpretation of the three situations in which the statute requires preparation of a subsequent EIR. These interpretations are necessary to add certainty to the process.

This section also clarifies that a subsequent EIR may be prepared where a negative declaration had previously been adopted. Further, a subsequent negative declaration may be adopted where none of the situations described in subsection (a) have occurred.

Subsections (b) and (c) explain which agency would have responsibility for preparing a subsequent EIR under different circumstances. A subsequent EIR must, of course, receive the same circulation and review as the previous EIR.

Fund for Environmental Defense v. Orange (1988) 204 Cal.App.3d 1538, contains a discussion of the application of §15162 and §15163. The Court in *Bowman v. Petaluma* (1986) 185 Cal.App.3d 1065 distinguished requirements for a subsequent EIR from the threshold required for initial EIR preparation, saying "whereas §15064 (§21151 PRC) requires an EIR if the initial project may have a significant effect on the environment, §15162 (§21166 PRC) indicates a quite different intent, namely, to restrict the powers of agencies by prohibiting them from requiring a subsequent or supplemental EIR unless "substantial changes" in the project or its circumstances will

require major revisions to the EIR. §15162 (§21166 PRC) comes into play precisely because in-depth review has already occurred, the time for challenging the sufficiency of the original EIR has long since expired, and the question is whether circumstances have changed enough to justify repeating a substantial portion of the process.

15163 Supplement to an EIR

- (a) The lead or responsible agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:
- (1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
 - (2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.
- (b) The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.
- (c) A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.
- (d) A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.
- (e) When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21166, Public Resources Code.

Discussion: This section provides a short-form method where only minor additions or changes would be necessary in the previous EIR to make that EIR apply in the changed situation. The section also provides essential interpretations of how to handle public notice, public review, and circulation of the supplement.

A supplement to an EIR may be distinguished from a subsequent EIR by the following: a supplement augments a previously certified EIR to the extent necessary to address the conditions described in section 15162 and to examine mitigation and project alternatives accordingly. It is intended to revise the previous EIR through supplementation. A subsequent EIR, in contrast, is a complete EIR which focuses on the conditions described in section 15162.

15164 Addendum to an EIR or Negative Declaration

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21166, Public Resources Code; *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065 (~~1986~~); and *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467 (~~1991~~).

Discussion: This section is designed to provide clear authority for an addendum as a way of making minor corrections in EIRs and negative declarations without recirculating the EIR or negative declaration.

15165 Multiple and Phased Projects

Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the lead agency shall prepare a single program EIR for the ultimate project as described in Section 15168. Where an individual project is a necessary precedent for action on a larger project, or commits the lead agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects,

or one for each project, but shall in either case comment upon the cumulative effect.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21061, 21100, and 21151, Public Resources Code; *Whitman v. Board of Supervisors*, 88 Cal.App.3d 397 (1979).

Discussion: This section follows the principle that the EIR on a project must show the big picture of what is involved. If the approval of one particular activity could be expected to lead to many other activities being approved in the same general area, the EIR should examine the expected effects of the ultimate environmental changes. This section is consistent with the *Whitman* decision cited in the note interpreting CEQA.

15166 EIR as Part of a General Plan

- (a) The requirements for preparing an EIR on a local general plan, element, or amendment thereof will be satisfied by using the general plan, or element document, as the EIR and no separate EIR will be required, if:
- (1) The general plan addresses all the points required to be in an EIR by Article 9 of these guidelines, and
 - (2) The document contains a special section or a cover sheet identifying where the general plan document addresses each of the points required.
- (b) Where an EIR rather than a negative declaration has been prepared for a general plan, element, or amendment thereto, the EIR shall be forwarded to the State Clearinghouse for review. The requirement shall apply regardless of whether the EIR is prepared as a separate document or as a part of the general plan or element document.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21003, 21061, 21083, 21100, 21104, 21151, and 21152, Public Resources Code.

Discussion: A separate section is provided to authorize combining the general plan document with the EIR. This section allows the use of the general plan document as the EIR if the document contains a special section or a cover sheet identifying where each of the points required in an EIR may be found. This section also identifies the special requirement for an EIR on a general plan to be submitted to the State Clearinghouse for review as a project of areawide, regional, or statewide significance as provided in Section 15207.

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Commissioners
From: Robert Kirschmann, Associate Planner
Date: October 12, 2011
For Commission Meeting: October 25, 2011

Subject: Site Plan Review, SPR 02-07 Art Miller Jr.
6,000 Square Foot Commercial Building on a .55 Acre lot
Request for Three Year Extension of Time
Approved: Planning Commission meeting of November 6, 2007
First Time Extension: Planning Commission meeting of September 22, 2009

Prior Commission Review: The Planning Commission approved Site Plan Review, SPR 02-07 at its meeting of November 6, 2007. At the Planning Commission Meeting of September 22, 2009 the project received a two year time extension establishing an expiration date of November 6, 2011.

Recommendation: That the Planning Commission approves the Extension of Time for Site Plan Review, SPR 02-07 for an additional three (3) years, establishing an expiration date of November 6, 2014

Executive Summary: The Planning Commission approved SPR 02-07 at its meeting of November 6, 2007. The approval was for a 6,000 square foot office building on .55 acres, located at the southeast corner of Barberry Avenue and Twentynine Palms Highway. Staff is recommending an extension of three (3) years pursuant to ORD 207, Title 8, Division 3, Chapter 3, Article 7, Section 83.030755 of the Development Code.

Order of Procedure:

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

Discussion: At the meeting of November 6, 2007 the project was approved, under the previous Site Plan Review Ordinance, for two years, expiring on November 18, 2009. In 2009, again under the previous Site Plan Review Ordinance, the project was granted a two (2) year extension of time.

The Town Council adopted Ordinance 207 in March of 2010. Ordinance 207 provides for three (3) year approvals and three (3) year extensions of time. Staff is recommending a

three (3) year time extension authorized by Ordinance 207.

Due to the continuing economic conditions the applicant is requesting additional time to complete the project.

Staff has modified the projects' Conditions of Approval for consistency with current practices for conditions on commercial land development projects.

If approved by the Planning Commission, the recommended action would extend the life of the Site Plan Review to November 6, 2014.

Alternatives: None recommended

Fiscal impact: N/A

Attachments:

1. Applicant's request
2. Revised Conditions of Approval
3. Planning Commission Packet and Minutes from September 22, 2009
4. Ordinance 207, Land Use Design Procedures

**TOWN OF YUCCA VALLEY
CONDITIONS OF APPROVAL
SITE PLAN REVIEW, SPR 02-07
ART MILLER JR. BUILDING**

Site Plan Review 02-07, approves a 6,000 square foot office building, parking, landscaping and retention on 0.55 acres.

The property is located on the south east corner of Barberry Avenue and Twentynine Palms Highway and is identified as Assessor Parcel Number 595-371-21.

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:	November 6, 2007
Expiration:	November 6, 2009
First Extension Expiration:	November 6, 2011
Second Extension Expiration:	November 6, 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. 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. A minimum of one sign shall be posted on the site at the north west corner of the site, and must contain the following information: the grading permit number, the project name, map number (if appropriate), the authorized dust controller phone number(s), the Town phone number and the Mojave Desert Air Quality Management District (MDAQMD) phone number. The signs must be obtained and installed by the developer using the format provided by the Town. The signs must be present at the pre-construction meeting or the grading permit will not be issued. The Applicant must keep the contact name and phone number active and current at all times. Failure of the contact system may be considered grounds for revocation of the permit. All signs shall be a minimum of 4' x 8' in size.
- G14. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents
- G15. The Applicant shall reimburse the Town for the Town's costs incurred in monitoring the developer's compliance with the Conditions of Approval including, but not limited to, inspections and review of developer's operations and activities for compliance with all applicable dust and noise operations. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Yucca Valley Municipal Code.
- G16. Prior to the issuance of a Certificate of Occupancy in each phase of the project, all improvements shall be constructed, final inspection performed,

punch-list items completed, and all installations approved by the appropriate agency.

- G17. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original mylars submitted for Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.
- G18. Prior to any work being performed within the public right-of-way, the Applicant shall provide the name, address, telephone, facsimile number, and e-mail address of the Contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work shall be supplied. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, shall be provided and such other details as may be required by the Town Engineer.
- G19. The site shall be developed in accordance with the approved plans on file with the Town of Yucca Valley, in accordance with the Conditions of Approval approved for the project, and in accordance with the General Plan and Development Code. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Town.
- G20. Prior to issuances of building permits, all site plans, grading plans, landscape and irrigation plans, drainage/flood control plans, public improvement plans, composite development plans, erosion and sediment control plans, and assessment district plans and formations shall be coordinated for consistency with this approval.
- G21. The Town Engineer may allow phased constructed of the project provided that the improvements necessary to adequately serve or mitigate the impacts of each phase of development are completed prior to the issuance of a Certificate of Occupancy for that phase.
- G22. The applicant or the applicant's successor-in-interest shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust.
- G23. If archaeological, paleontological or historical resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person with appropriate expertise shall be consulted by the applicant regarding mitigation measures to preserve or record the find. Recommendations by the consultant shall be implemented as deemed necessary and feasible

by the Town before work commences in the affected area. If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains might be those of a Native American, the California Native American Heritage Commission shall be notified and appropriate measures provided by State law shall be implemented.

- G24. All street dedications shall be irrevocably offered to the public and shall continue in force until the Town accepts or abandons such offers. All dedications shall be free of all encumbrances as approved by the Town Engineer.
- G25. The final Conditions of Approval issued by the approving authority shall be photographically or electronically placed on bond (blue/black line) paper and included in the Grading and Street Improvement plan sets on 24" x 36" bond (blue/ black line) paper and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field and during construction. Plan check fees shall not be charged for sheets containing the Conditions of Approval.
- G26. A construction-phasing plan, if phasing is proposed, 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.
- P2. In accordance with Ordinance 169, or as modified by Town Council action, utility undergrounding shall be required for all new service and distribution lines that provide direct service to the property being developed; existing service and distribution lines that are located within the boundaries being developed; existing service and distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed; existing Service and Distribution lines located on adjacent properties along or within 10 feet of the lot lines of the property being developed; or existing service and distribution lines being relocated as a result of a project.
- P3. All exterior lighting shall comply with the Ordinance 90 or as modified by Town Council action, Outdoor Lighting and shall be illustrated on all construction plans.
- P4. 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 24 parking spaces shall be provided based upon only retail and general office uses.
- P6. Prior to the issuance of any permits the Applicant shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by Hi-Desert Water District. The final Landscape and Irrigation Plan shall be reviewed and approved by the Planning Commission.
- P7. No signs are approved with this Permit. Sign application(s) shall be made separately for all signage on the property, and all signage, shall comply with Ordinance No. 156.
- P8. 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.

ENGINEERING CONDITIONS

- E1. Twentynine Palms Highway is a State facility with an ultimate half-street right-of-way requirement of 67 feet. The Applicant/Owner shall dedicate to Caltrans and the Town of Yucca Valley adjacent to the property the additional required ultimate half width street right-of-way for SR 62 from the existing right-of-way line to the 67 feet of width from the Highway centerline. The dedication shall conform to Caltrans requirements. To provide room for ADA required wheel chair ramp and access at the corner, the applicant shall dedicate a "corner cut-off" at the northwest corner of the property. This dedicated width shall be shown on the plans.**
- E2. The Applicant shall construct a 0.10 foot overlay of the existing pavement of the half street for Barberry Avenue from the south edge of the SR 62 cross gutter to the south end of the driveway adjacent to the project. If determined by the Town Engineer a 0.10 foot grind**

of the existing pavement may be required. A 0.08 foot (1 inch) grinding shall be completed adjacent to the gutter.

- E3. The Applicant's Engineer shall provide a striping plan for Barberrry Avenue replacing the existing striping after construction of the street improvements meeting the Town Engineer's approval.**
- E4.** Applicant's contractor shall not begin work on the street improvements prior to the Town's approval.
- a) **The developer's contractor shall complete the improvements for Barberrry Avenue from the edge of the cross gutter to the south edge of the driveway.**
 - b) The Applicant shall complete all other improvements including replacement of, damaged curb and gutter, damaged sidewalk, and other damaged infrastructure on Barberrry Avenue and on SR 62 as determined by the Town.
 - c) Work within SR 62 right-of-way will require an encroachment permit from Caltrans. The Contractor shall conform to the requirements of the approved encroachment permit.
 - d) The contractor shall complete the landscape improvements within the SR 62 dedicated area adjacent to the project. No structures are allowed within this area without an encroachment permit.
- E5. 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.
- E6. 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.
- E7. Prepare precise grading plans for review/approval by the Town. Grading plans shall include details of any retention area proposed.
- E8. Prior to issuance of a grading permit for any portion of a site, the Applicant shall submit, for review and approval, an irrigation and landscaping plan or other appropriate treatment for all slope areas. After certification of final grading all manufactured slopes over the height of 3 feet shall be irrigated and landscaped unless otherwise approved by the Town.
- E9. A licensed civil engineer or land surveyor shall survey and certify that the rough grading was completed in substantial conformance with the approved Rough Grading Plans. Prior to the issuance of any building permits the project Engineer shall certify the finished lot was graded in

conformance to approved plans. Certification to be on Town of Yucca Valley supplied form(s), included with the permit package.

- E10. Prior to the issuance of a Grading Permit for the onsite areas, a Grading Plan, including Rough Grading and Precise Grading Plans, prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town prior to any grading activity. The Rough and Precise Grading Plans shall be reviewed and approved by the Town Engineer prior to issuance of grading permits. The Applicant is responsible for all fees incurred by the Town.
- E11. A licensed civil engineer or land surveyor shall survey and provide pad certification for each individual lot or structure prior to issuance of building permits.
- E12. Prior to the issuance of Permits, the Applicant shall comply with the recommendations of a site-specific Geotechnical and Soils Report which shall be reviewed and subject to Town approval. The report shall include recommendations for any onsite and offsite grading, foundations, compaction, structures, drainage, and existence of fault zones. It shall include recommendations for retention basins, slope stability and erosion control. The Geotechnical and Soils engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, when necessary and opinions and recommendation covering the adequacy of sites for development. The report shall identify if the site contains any areas susceptible to landslide risk, liquefaction potential and/or subsidence potential on the project site. The report shall identify and include the location of major geologic features, topography and drainage, distribution and general nature of rock and soils, a reasonable evaluation and prediction of the performance of any proposed cut or fill in relation to geological conditions, and the capability of soils and substrata to support structures.
- E13. All recommended approved measures identified in the Geotechnical and Soils Engineering report shall be incorporated into the project design.
- E14. When a development is constructed in phases, each phase of the development shall function independent of the others. Retention basin(s) shall be constructed and functional prior to the issuance of Building Permits for any structure within that phase of the project. The applicant shall provide on-site retention for the incrementally larger flows caused by each phase of development of the site, pursuant to a final drainage report, subject to approval by the Town Engineer.
- E15. A final drainage report, prepared by a registered Civil Engineer, shall be prepared to determine the flows exiting the site under current undeveloped conditions compared to the incrementally larger flows due to the development of the site. The retention basin size will be determined, per County of San Bernardino Flood Control methodology, such that

incremental 100 year 24-hour storm volume, plus 10% minimum, 20% desired, is retained on-site.

- E16. Basin(s) shall be designed to fully dissipate storm waters within a 48 hour period.
- E17. Prior to acceptance and final construction approval, all retention/detention basins shall be certified by a civil engineer that all retention/ detention basins have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity and will operate in accordance with the approved final drainage report for the project.
- E18. Prior to acceptance or final construction approval, all drainage systems, both public and private, shall be certified by a civil engineer that they have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity and will operate in accordance with the approved final drainage report(s) for the project.
- E19. No on-site or off-site work shall commence without obtaining the appropriate permits for the work involved from the Town. The approved permits shall be readily available on the job-site for inspection by the Town personnel.
- E20. All grading activities shall minimize dust through compliance with MDAQMD Rules 402 and 403.
- E21. Prior to issuance of a grading permit, a Fugitive Dust and Erosion and Sediment Control Plan shall be submitted and approved by the Town Engineer. The Fugitive Dust and Erosion and Sediment Control Plan shall be illustrated on all proposed phasing for construction of the project.
- E22. 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.
- E23. 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.
- E24. 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.

- E25. In conjunction with rough grading plan submittal for plan check, street plans prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town. The final street plans shall be reviewed and approved by the Town Engineer
- 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 sewer systems required to serve the project. All water and sewer systems 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. The wastewater collection and treatment system shall be maintained so as not to create a public nuisance and shall be serviced by a maintenance company approved by the Regional Water Quality Control Board. The wastewater collection and treatment system shall be approved by the Regional Water Quality Control Board and functional prior to the issuance of grading permits for the project.
- E31. All improvement plans shall be designed by a Registered Civil Engineer.
- E32. 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.

- E33. 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.
- E34. 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.
- E35. Drainage easements, when required, shall be shown on the grading plan and separate legal descriptions and plats prepared delineating the location of the easements.
- E36. Private drainage easements for cross-lot drainage shall be dedicated by separate instrument and delineated on the grading plan.
- E37. 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.
- E38. All permanent street closures must be approved by Town Council action.
- E39. 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”.

- E40. Improvement plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the Town Engineer.
- E41. 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.
- E42. 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.
- E43. All street improvements shall be constructed in conjunction with the first phase.

BUILDING AND SAFETY CONDITIONS

- B1. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
 - a. The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
 - b. Fire hydrants are accepted by the County Fire Department and the Hi Desert Water District. The fire hydrants associated with each phase shall be functioning prior to issuance of building permits.
- B2. The applicant shall submit three complete sets of plans and provide all plans and calculations electronically at the time of plan review.
- B3. At the time of building plan check submittal, the applicant shall provide approval from the San Bernardino County Fire Dept.
- B4. Prior to final inspection, all required improvements shall be constructed, finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.
- B5. Obtain California Regional Water Quality Control Board approval for on-site septic/ treatment system if discharge exceeds 2,500 gallons per day.
- B6. Obtain San Bernardino Environmental Health Approval for on-site septic/treatment system.

- B7. Provide required ADA access plan (parking, path of travel, building access, restroom, ADA workspace, etc.).
- B8. All plans to be stamped and wet signed by California Licensed Engineer or Architect.
- B9. All plans to comply with 2010 California Building Codes including Green Building Code.
- B10. Following approval of the building plans electronic copies of all plans and documents provided shall be provided in electronic form approved by the Town.

FIRE CONDITIONS

- F1. Prior to any construction occurring the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
- F2. The Applicant shall be responsible for all fees required by San Bernardino County Fire Department.
- F3. A water system approved by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site.
- F4. This project is required to have an approved street name sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior to any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.
- F5. Prior to issuance of a Certificate of Occupancy, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with County Fire Department Requirements.
- F6. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job-site.

HIGH DESERT WATER DISTRICT CONDITIONS

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

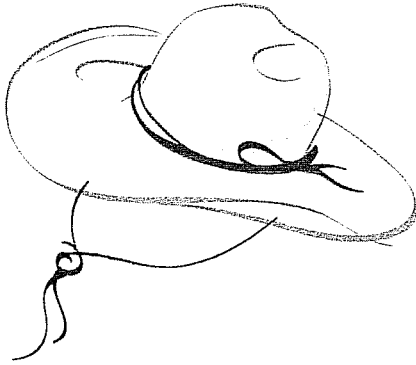
- WQ1. A National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with construction activities is required for projects disturbing one or more acres. An NPDES storm water permit is also required for projects that are part of a common plan and disturb one or 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 _____



Art Miller, Jr.
P.O. Box 820
Yucca Valley, CA 92286-0820
(760) 365-3984 home
(760) 401-3984 cell
(760) 365-0762 fax

October 3, 2011

Regard: Site Plan 02-07 (amended 1-10-08)
Art Miller, Jr.

Town of Yucca Valley
Att: Robert Kirschmann
58928 Business Center Dr.
Yucca Valley, Calif. 92284

Dear Robert,

I am enclosing my personal check #4587 for \$610.00 to start the process to renew the approvals for the above project for another 3 years.

Due to the drop in the state and our local economies, I am requesting this extend on the town's approvals. If you have any further questions, please contact me. I thank you in advance for your prompt consideration to this matter.

Sincerely,

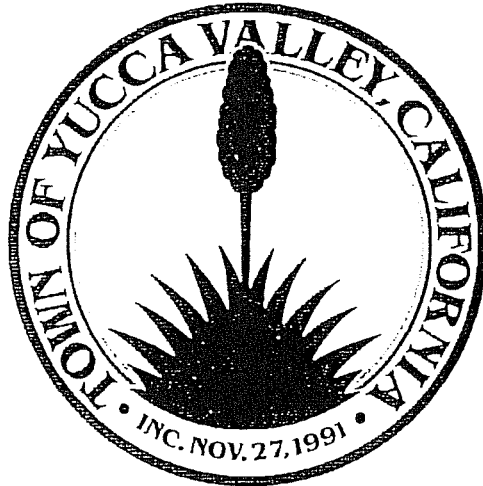
PS. Please review your records and refund any remaining deposits that I have with the town regarding my lot merger on 29 Palms Highway to the address above.

RECEIVED

OCT 03 2011

TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING



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

TUESDAY
SEPTEMBER 22, 2009
7:00 p.m.

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

PLANNING COMMISSION MEMBERS

*Shannon Goodpaster, Chair
Robert Lombardo, Vice Chair
Dennis McKoy, Commissioner
Dawn Rowe, Commissioner
Margo Sturges, Commissioner*

AGENDA

REGULAR MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 7:00 P.M., TUESDAY, SEPTEMBER 22, 2009

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

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

CALL TO ORDER:

ROLL CALL: Shannon Goodpaster, Chairman
Robert Lombardo, Vice Chair
Dennis McKoy, Commissioner
Dawn Rowe, Commissioner
Margo Sturges, Commissioner

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

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

PUBLIC HEARINGS:

P.1 **1. SITE PLAN REVIEW SPR 02-07 ART MILLER JR.
EXTENSION OF TIME**

A request for a two (2) year extension of time for the previously approved 6,000 square foot office building project; located on the southwest corner of Barberry Ave. at SR62 and identified as Assessors Parcel Number 595-371-12.

Applicant: Art Miller Jr.
 P. O. Box 820
 Yucca Valley, CA 92286

Representative: Same

Staff Report:

Recommendation: That the Planning Commission approves the extension of time request for the maximum allowable time of two (2) years.

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

P.27 **2. REVISION OF THE DESERT NATIVE PLANT PROTECTION ORDINANCE**

A Town initiated amendment to the Desert Native Plant Protection Ordinance.

Applicant: Town of Yucca Valley

Representative: Staff

Staff Report:

Recommendation: That the Planning Commission reviews the Ordinance, provides direction to staff, and continues the matter to the Planning Commission meeting of October 27, 2009.

DISCUSSION ITEMS:

P.91 **3. DEVELOPMENT STANDARDS TO BE APPLIED TO DEVELOPMENT
PROJECTS PROPOSING PHYSICAL EXPANSION OF EXISTING
DEVELOPED COMMERCIAL AND INDUSTRIAL PROPERTIES**

A request by staff that the Planning Commission discuss the application of Development Code and other standards for expansion of use of existing developed properties within commercial and industrial land use designations; and provide direction to staff.

CONSENT AGENDA:

Recommendation: Adopt all listed items on the Consent Agenda in one motion. The consent agenda is composed of routine, non-controversial items of business and will be adopted in whole, in one motion, unless a request is made by a Planning Commission Member or a member of the public to remove a specific item. Is there any member of the public who wishes to comment on any item on the Consent Agenda?

P.145 **4. MINUTES –**

A request that the Planning Commission approve as submitted the minutes of the regular Commission meeting held on August 25, 2009.

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

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Vice Chair Lombardo
Commissioner McKoy
Commissioner Rowe
Commissioner Sturges
Chair Goodpaster

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, October 13, 2009 at 7:00 p.m.

ADJOURN

PLANNING COMMISSION STAFF REPORT

To: Chairman and Planning Commission

From: Robert Kirschmann, Associate Planner

Date: September 10, 2009

For Planning Commission Meeting: September 22, 2009

SUBJECT: Site Plan Review 02-07 Art Miller Jr. Building Extension of Time
South West Corner of Barberry and SR 62
6,000 square foot office building

RECOMMENDATION: That the Planning Commission approves the extension of time request for the maximum allowable time of two (2) years.

Background: At the November 6, 2007 meeting, the Planning Commission approved Site Plan Review, SPR 02-07 to allow the construction of a 6,000 square foot office building on a site previously occupied by a fast food restaurant. The mix of the tenants remains undetermined at this time.

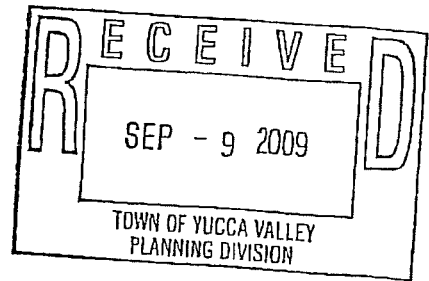
The applicant has not been able to commence construction within the two year time limit, and with the current state of the economy the applicant is requesting a time extension for the Commissions consideration.

Section 83.031255 of Ordinance 91, Site Plan Review allows for a maximum extension of time of two (2) years. Since there have been no changes to the Development Code at this time that would adversely affect this, staff can support a time extension. Based on these facts, Staff is recommending that the Planning Commission extend the Site Plan Review approval until November 6, 2011.

Attachments:

1. November 6, 2007 Planning Commission Staff Report
2. November 6, 2007 Planning Commission Minutes
3. Applicants extension request

Art Miller, Jr
P.O. Box 820
Yucca Valley, Ca. 92284
760-401-3984



Robert Kirschman
Town of Yucca Valley Planning Dept.
Yucca Valley California

September 9, 2009

Re: Site Plan 02-07, APN0595-371-21

Dear Mr. Kirschman,

As owner and original applicant regarding the above CUP, I am asking the Town of Yucca Valley to extend the currently expiration date from 11/6/09 to the maximum time possible allowed.

Due to the current slow economy in our local, state and federal economies, I have put this project on hold and want to have the opportunity to develop the property when economic conditions improved.

In the past you've talked to David Rodriguez from Nolte Engineering about this time extension about being the contact person. From this date forward I will personally will the primary contact person in this situation. Please call me at your earliest convenience at 760-401-3984 so we can discuss the extension fees, time involved and other issues that you may have. Thank you for your consideration and looking forward in working you in the matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Art Miller Jr.", written over a horizontal line.

Art Miller Jr.
Owner and Applicant.

Planning Commission: November 6, 2007
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION
STAFF REPORT

Case: SITE PLAN REVIEW 02-07

Request: A REQUEST TO CONSTRUCT A 6,000 SQUARE FOOT OFFICE BUILDING ON 0.55 ACRES.

Applicant: ART MILLER JR.
56475 29 PALMS HIGHWAY
YUCCA VALLEY, CA 92284

Property Owner: ART MILLER JR.
56475 29 PALMS HIGHWAY
YUCCA VALLEY, CA 92284

Representative: SY GOLUB
56279 BUENA VISTA, #15
YUCCA VALLEY, CA 92284

Location: THE SOUTHEAST CORNER OF BARBERRY AVENUE AND HIGHWAY 62; ASSESSORS PARCEL NUMBER 595-371-21

Surrounding Land Use:

NORTH: HWY 62, EXISTING COMMERCIAL DEVELOPMENT
SOUTH: EXISTING COMMERCIAL DEVELOPMENT
WEST: BARBERRY AVE., EXISTING COMMERCIAL DEVELOPMENT
EAST: EXISTING COMMERCIAL DEVELOPMENT

Surrounding General Plan Land Use Designations:

NORTH: GENERAL COMMERCIAL
SOUTH: NEIGHBORHOOD COMMERCIAL
WEST: OFFICE COMMERCIAL
EAST: NEIGHBORHOOD COMMERCIAL

Existing General Land Use Designations:

NEIGHBORHOOD COMMERCIAL

Surrounding Zoning Designations:

NORTH: GENERAL COMMERCIAL
SOUTH: NEIGHBORHOOD COMMERCIAL

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

Site Plan Review 02-07
Art Miller Jr.
November 6, 2007 Planning Commission Meeting

WEST: OFFICE COMMERCIAL
EAST: NEIGHBORHOOD COMMERCIAL

Existing Zoning Designations:

NEIGHBORHOOD COMMERCIAL

Public Notification:

PURSUANT TO SECTION 83.010330, LEGAL NOTICE IS REQUIRED TO BE GIVEN TO ALL PROPERTY OWNERS WITHIN A THREE (300) HUNDRED FOOT RADIUS OF THE EXTERIOR BOUNDARIES OF THE SUBJECT SITE. AS REQUIRED, THIS PROJECT NOTICE WAS MAILED TO ALL PROPERTY OWNERS WITHIN A 300 FOOT RADIUS OF THE PROJECT SITE ON OCTOBER 24, 2007 AND PUBLISHED ON OCTOBER 24, 2007. PROPERTY OWNERS WITHIN 300 FEET WERE NOTIFIED. THERE HAS BEEN NO RESPONSE TO THE PUBLIC NOTICE FROM THE PROPERTY OWNERS AT THE WRITING OF THIS STAFF REPORT.

RECOMMENDATIONS:

SITE PLAN REVIEW 02-07: That the Planning Commission approve Site Plan Review 02-07 based on the findings contained within the staff report and the recommended Conditions of Approval.

PROJECT MANAGER: NICOLE SAUVIAT CRISTE

REVIEWED BY: TOM BEST

Appeal Information:

Actions by the Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the Town Council within 10 calendar days. Appeal filing and processing information may be obtained from the Planning Section of the Community Development Department.

I. GENERAL INFORMATION

PROJECT DESCRIPTION: The applicant proposes the construction of a 6,000 square foot office building on a site previously occupied by a fast food restaurant. 3,465 square feet of the space will be occupied by the applicant's realty office. The balance will be leased to unspecified tenant(s).

LOCATION: The parcel is located at the southeast corner of Barberry Avenue and State Route 62.

PROJECT SYNOPSIS:

SITE COVERAGE

PROJECT AREA	0.55 acres
FLOOD ZONE	Zone B
ALQUIST PRIOLO ZONE	No
OFF-SITE IMPROVEMENTS REQ.	No, see below
RIGHT-OF-WAY DEDICATION REQ.	Yes, Highway 62
AIRPORT INFLUENCE AREA	No

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: The proposed subdivision is located in the Neighborhood Commercial land use designation. The proposal is for an office structure, with a mix of tenants. The Neighborhood Commercial designation allows a wide range of commercial uses, including professional office. The project is therefore considered consistent with the General Plan.

ENVIRONMENTAL CONSIDERATIONS: The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to Implement same. The Town determined that the proposed project was exempt from CEQA under Categorical Exemption 15332, Infill Development.

ADJACENT LAND USES: The project occurs in an area which is fully developed. Commercial land uses occur on all sides of the proposed project.

SITE CHARACTERISTICS: The site is flat, and includes the previous building's foundation and similar abandoned improvements. The site is part of an existing retail complex.

BUILDING ELEVATIONS: The applicant proposes a contemporary architecture for the building. Further analysis is provided below.

OFF-SITE IMPROVEMENTS: The right of way for Highway 62 has for many years been 110 feet. As the Planning Commission is aware, a few years ago, CalTrans changed the right of way to 134 feet, and the Town processed a General Plan Amendment consistent with that change. There is no timeline from Caltrans on the widening of the Highway. As a result, the Town has previously conditioned projects to dedicate the additional right of way and pay in lieu fees for the widening of the Highway. The improvements will be completed in the future, and in an organized and consecutive fashion. The same condition has been placed on this application.

Barberry Avenue is constructed to its full width, but is in very poor condition. The applicant will be required to reconstruct a portion of Barberry as part of the project.

DISCUSSION: The proposed project will result in a single story, 6,000 square foot contemporary office building on 0.55 acres. Also included in the project is a parking area consisting of 17 parking spaces, immediately east of the building an additional 8 parking spaces are proposed along the entry drive on the south side of the building. Landscaping is proposed along the frontage of Barberry and Highway 62. In the case of Highway 62, this landscaping would be 30 feet in width immediately, and 15 feet in width when the Highway is widened. The proposed landscaping on the project site meets the Development Code requirements.

The applicant proposes a 25 foot wide driveway from Barberry Avenue into the project site. The Fire Department requirement for interior drives is 26 feet in width. The Fire Department advised the applicant in Development Review Committee that the driveway was to be 26 feet in width. The resubmittal made by the applicant still reflects a shortfall. Staff contacted the Fire Department to enquire as to the requirement, and has been unsuccessful in receiving a response. The project has therefore been conditioned to require approval by the Fire

Department of the 25 foot driveway width and demonstrate same to the Town prior to the issuance of building permits.

The proposed project requires 24 parking spaces for general office use. A total of 25 spaces have been provided. This includes the row of parking on the south side, which could be affected by the width of the driveway. However, should the additional foot of width be required by the Fire Department, the building could be adjusted to allow the additional foot of width. The parking area is landscaped, and includes a garden wall 3 feet in height on the Highway 62 frontage, to shield the parking area from view.

The applicant proposes a contemporary architecture, including stucco walls, stone veneer accents, and a metal standing seam roof. Earth tones are proposed, which will blend well with the center in which the project is located. Extensive windows have been provided on all sides, under an overhang which goes around the entire building. The building is proposed to be 20 feet in height at the highest ridge. The roof will appear to be a gabled, but will include an equipment well in the center. This will serve to screen mechanical equipment from view. The main entry to the building will be from the parking lot on its east side, accented by an integrated canopy which will extend to the parking area. Access to the smaller lease space will be from the west.

The applicant's engineer submitted a letter on September 19, 2007 which requested amendment to a number of the proposed conditions of approval. The Town Engineer considered the requests, and made amendments in a response dated September 25, 2007. The conditions of approval below reflect this response. The two letters are attached to this staff report as Attachments 4 and 5.

In conclusion, the project will make an attractive addition to the Town's commercial corridor. All Development Code standards have been met, and the findings for approval can be made.

FINDINGS:

1. The conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare. The Conditions of Approval ensure the proposed project is in compliance with the requirements of the Town of Yucca Valley in relation to access,

circulation, fire protection, building construction, and compatibility with surrounding land uses.

2. The proposed project is consistent with the goals, policies, standards and maps of the Town of Yucca Valley General Plan insofar as office space is a permitted use in the Neighborhood Commercial land use designation.
3. The proposed use is consistent with development within the Neighborhood Commercial Land Use District, with implementation of the conditions of approval.
4. The site is physically suitable for the proposed type and intensity of development insofar as the site is flat, and served by all utilities.
5. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features have been included in the proposed site plan and conditions of approval.
6. The site for the proposed use has adequate access, by providing access on Barberry Avenue.
7. The proposed use will not have a substantial adverse effect on abutting property or on the permitted use thereof, insofar as the project site is an integral part of an existing retail complex.
8. The lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

Attachments:

1. Standard Exhibits
2. Application materials
3. Site Plan, Landscaping Plan and Elevations
4. Letter from Warner Engineering dated September 19, 2007.
5. Response from Town Engineering dated September 25, 2007.

CONDITIONS OF APPROVAL
Site Plan Review 02-07

1. This approval is for Site Plan Review 02-07, an application to allow the construction of a 6,000 square foot office building on 0.55 acres. The property is identified as Assessor Parcel Number 595-371-21.
2. The applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
3. This Site Plan Review application shall become null and void if construction has not been commenced within two (2) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council. The applicant is responsible for the initiation of an extension request.

Approval Date: November 6, 2007
Expiration Date: November 6, 2009
6. The applicant/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire 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.
7. All conditions are continuing conditions. Failure of the applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
8. All improvements shall be inspected by the Town's Building and Safety Division, as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
9. All garbage shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.

10. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.
11. Construction site shall be kept clean at all times. Scrap materials shall be consolidated, and a container must be provided to contain trash that can be carried away by wind.
12. Prior to the issuance of a building permit the applicant shall obtain Fire Dept. approval of the site plan and building plans. The applicant shall comply with the conditions and requirements of the Town's Fire Dept. Prior to any construction occurring on any parcel, the applicant shall contract the Fire Dept. for verification of current Fire Protection requirements. The applicant shall in particular demonstrate, in writing, that the Fire Department approves the 25 foot width of the southerly driveway from Barberry Avenue into the project site.
13. An exterior lighting plan, in conformance with Town Outdoor Lighting Ordinance, and including a photometric plan, shall be submitted to the Town for approval prior to the issuance of grading permits.
14. Prior to the issuance of a building permit certification from the appropriate school district shall be provided as required by California Government Code Section 53080 (b) that any fee charge, dedication, or other form of requirement levied by the governing board of the district pursuant to Government Code Section 53080 (a) has been satisfied.
15. A plan identifying all protected plants under the California Food and Agriculture Code as well as a Joshua Tree Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. A minimum 60 day adoption period before land disturbance in accordance with the grading plan may commence.
16. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
 - a) The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
 - b) Fire hydrants are accepted by the Fire Marshal and the Department of Public Works.
17. No signs are approved with this Site Plan Review. Sign application(s) shall be made separately for all signage (including the proposed horse) on the property.

18. Twentynine Palms Highway is a State facility with an ultimate half street right-of-way requirement of 67 feet. The Applicant/Owner shall dedicate to Caltrans and the Town of Yucca Valley adjacent to the property the additional required ultimate half width street right-of-way for SR 62 from the existing right-of-way line to the 67 feet of width from the Highway centerline. The dedication shall conform to Caltrans requirements. To provide room for ADA required wheel chair ramp and access at the corner, the applicant shall dedicate a "corner cut-off" at the northwest corner of the property. This dedicated width shall be shown on the plans.
19. Rather than constructing the ultimate improvements for Twentynine Palms Highway with his project approval, the Applicant shall pay in-lieu fees that will be compensation for this portion of a future SR 62 widening project. The in-lieu fees shall be paid prior to certificate of occupancy.
20. The applicant shall landscape and maintain the area of the added right-of-way.
21. The contractor shall be responsible to sweep public paved roads and parkways adjacent to the project as necessary and as requested by the Town staff to eliminate construction related dirt and debris within the roadways.
22. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
23. 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 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.
24. In conjunction with the preparation of street improvement plans, the applicant shall cause to be formed a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town.
25. The applicant shall record a non-opposition agreement to the future formation of a public safety assessment district on the properties.

PRIOR TO ISSUANCE OF GRADING PERMIT

26. Prior to issuance of a Grading Permit, the Grading and Improvement Plan 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 onsite and offsite grading, foundations, compaction, structures, drainage, and existence of fault zones. Recommendations for onsite and offsite pavement structural section design, pavement mix design, and any requirement for base material beneath the concrete improvements shall be included.
27. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.
28. Prior to the issuance of a Grading Permit, a Grading Plan prepared by a recognized civil engineer professional shall be submitted by the applicant for Town review and approval. Show all easements crossing the property. No clearing or grading shall commence without issuance of a Grading Permit by the Town. The prepared Grading Plan shall conform to the approved site plan. The final Grading Plan shall be reviewed and approved by the Engineering Division prior to issuance of Grading Permits. No grading on the property may begin without an approved Grading Plan and Grading Permit. The applicant/owner is responsible for all fees incurred by the Town for review and inspection.
29. Any off-site stockpile location shall require the approval of the Town Engineer. Any stockpile in excess of 200 cubic yards shall require a Grading Plan and permit.
30. For any import or export of material, the developer's contractor shall provide for review by the Town Engineer, the route of travel, number of trucks, daily schedule, and length of time required. No hauling of material shall begin without the Town Engineer's approval.
31. All grading activities shall minimize dust through compliance with AQMD Rule 403 which requires watering during earth moving operations. Water spraying or other approved methods shall be used during any grading operations to control fugitive dust. A Dust Mitigation Plan shall be submitted to the Town Planning Department and Engineering Department prior to issuance of Grading Permits for the project. Dust control shall be in conformance with MDAQMD requirements. Graded, undeveloped and other open area shall be treated with a dust polymer as approved by the Community Development Department.

32. The developer shall comply with NPDES requirements as applicable. The applicant shall develop and submit a SWPPP to the Town and appropriate agencies for review and approval prior to Grading Plan issuance. Erosion control devices shall be included on the Grading Plan and installed and maintained by the contractor to the satisfaction of the Town Engineer. Prior to rough grading, erosion control devices shall be installed at all perimeter openings and slopes. No sediments are to leave the job site. This information shall be provided as part of the grading plan subject to approval by the Town Engineer. **Tom: I believe that this project is too small for a SWPPP (1 acre minimum). Please review this with Duane and delete or modify as needed.**
33. The applicant's Engineer shall submit a final Drainage Report with the engineered grading plan submittal. The Report shall include the property's tributary area, amount of property run-off and location of drainage "pick-up" points. The project shall detain the required incremental increase in runoff generated by the improvements. Calculate the required volume to be retained and include the bottom elevation, the water surface elevation, and the required freeboard for the retention basin. Provide a complete, clear, and accurate overall drainage map of the project. Reference the tributary areas in the report and show the Q's resulting from those areas on the drainage map. Include the ten year Q, the 25 year Q, the 100 year Q, the on-site and off-site drainage patterns, both the existing and the proposed.
34. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties at the time the site is developed.
35. The developer shall establish a mechanism to maintain any retention/detention basins and keep them free from brush and other debris. They shall be cleaned and scraped on a regularly scheduled maintenance program.
36. The applicant shall accept and properly dispose of all offsite drainage flowing onto or through the site.
37. Any grading or drainage onto private off-site or adjacent property shall require written permission to grade and/or permission to drain letter from the affected landowner.
38. No cross lot drainage shall be permitted without an approved private drainage easement.
39. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utilities. The approved permits shall be readily available on the job site for inspection by Town personnel.

40. Prior to any work being performed within the public right-of-way, the applicant shall pay the required fees and obtain an encroachment permit from the Department of Community Development. The applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The applicant shall be responsible for the associated costs and arrangements with each public utility. The approved permits shall be readily available on the job-site for inspection by the Town personnel.
41. Prior to any work being performed within Twentynine Palms Highway (SR 62), the applicant shall be required to process his improvement plans through Caltrans and obtain an encroachment permit from Caltrans.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

42. The Applicant shall retain a qualified Civil Engineer to develop a preliminary design for Twentynine Palms Highway and design and prepare construction plans and specifications for the improvements to Barberry Avenue, street lighting, and drainage improvements that comply with Town ordinances and standard drawings. The plans shall include a block for the Town Engineer's approval.
43. The Applicant's Engineer shall provide a preliminary design for Twentynine Palms Highway to ultimate half street standards to determine the estimated cost of construction for the in-lieu fees payment. The Town Engineer shall review the estimate to determine its accuracy based upon prevailing wages and other conditions prior to approval. The improvements shall include the widening of the Twentynine Palms Highway half street along the property's frontage, 8-inch concrete curb and gutter and sidewalk, asphalt concrete pavement, drainage, street lighting, landscaping, extension of required utilities to service the development, and other infrastructure that may be identified and required by the Town or another Agency. The estimate shall include the cost of any added site preparation that may be necessary for the future highway widening, e.g. retaining wall, fence, substructure removals, etc. Pavement section shall be provided by a Soils Engineer for review and approval by Caltrans and the Town Engineer.
44. The Applicant's Engineer shall design the pavement section based upon the Soils Engineer's recommendation for the reconstruction of the half street pavement for Barberry Avenue from the south edge of the SR 62 cross gutter to the south end of the driveway adjacent to the project. The Engineer shall design the reconstruction of the full-width pavement section from the edge of the cross gutter at SR 62 to 10 feet south of the cross gutter. The contractor shall maintain the minimum required cross-fall from the street crown to the gutter edge.
45. The Applicant shall replace the cross gutter at the Barberry Avenue and SR 62 intersection. The new cross gutter design shall conform to Town Standard Drawing #230.

46. All damaged curb & gutter, sidewalk, and other damaged infrastructure surrounding the site must be replaced to Town/Caltrans standards, as pertains.
47. The developer shall install two street lights on Twentynine Palms Highway, one light near the end of the curb return and the other near the east border in conformance with Town Standard 300. He shall install one street light on Barberry Avenue along the property's frontage near the driveway entrance in conformance with Town Standard Drawing 301. The Engineer shall locate the street lights on the plans for review and approval of the Town Engineer.
48. The Applicant's Engineer shall provide a striping plan for Barberry Avenue replacing the existing striping after construction of the street improvements meeting the Town Engineer's approval.
49. A Traffic Control Plan for the street improvements shall be designed and stamped by a Traffic Engineer and submitted for review and approval by the Town Engineer.
50. The Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

51. All required improvements shall be constructed and finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.
52. The applicant shall retain the services of a recognized soils engineering firm to analyze the soils and base materials within Barberry Avenue and Twentynine Palms Highway to provide recommendations for the trenching requirements, asphalt pavement structural section (AC/Base and full depth), pavement mix design, overlay thickness based upon the pavement condition, and requirements for any base material beneath the concrete improvements. The Soils Engineer's report, including a narrative with project recommendations, backup material, and sealed by the Civil Engineer in responsible charge, shall be submitted to the Town Engineer for review with the submittal of the engineered Grading Plan. The developer's contractor shall not begin work on the street improvements prior to the Town Engineer's approval of the report. The developer shall construct the following:
 - a) The developer's contractor shall complete the improvements for Barberry Avenue from the edge of the cross gutter to the south edge of the driveway. The structural section determined by the Soils Engineer shall be rounded up to the nearest inch or 0.05 feet. The trenching for subsurface improvements shall conform to the Soils Engineer's requirements.

- b) The contractor shall complete all other improvements including replacement of the concrete cross gutter, damaged curb and gutter, damaged sidewalk, and other damaged infrastructure on Barberry Avenue and on SR 62 as determined by the Town Engineer.
 - c) Installation of the cross gutter, landscaping on the projects frontage, installation of a street light, repair of damaged concrete infrastructure, and other work within SR 62 will require an encroachment permit from Caltrans. The Contractor shall conform to the requirements of the approved encroachment permit.
 - d) The contractor shall complete the landscape improvements within the SR 62 dedicated area adjacent to the project. No structures are allowed within this area without an encroachment permit.
53. The applicant shall install all required water and sewer systems necessary to serve the project.
54. 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 City standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a width four feet beyond the edge of the trench on each side, or as determined by the Town Engineer, and replacement with a full-depth asphalt concrete as recommended by the Soils Engineer. All trenching work shall be completed prior to the required street improvements.
55. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant/developer shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
56. All property corners, lots, 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 prior to certificate of occupancy.
57. 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. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, and such other details as may be required by the Town Engineer.

Site Plan Review 02-07

Art Miller Jr.

November 6, 2007 Planning Commission Meeting

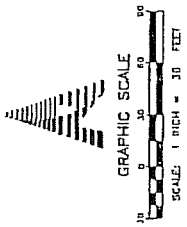
58. All exterior lighting shall comply with the Outdoor Lighting Ordinance and shall be illustrated on all construction plans.
59. The applicant shall pay Development Impact Fees in place at the time of issuance of any Building Permits.

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 _____

SITE/GRADING PLAN

PARCEL 4 PM# 5498



UTILITY COMPANIES

POWER: SOUTHERN CALIFORNIA EDISON COMPANY
 WATER: SOUTHERN CALIFORNIA GAS COMPANY
 TELEPHONE: SOUTHERN CALIFORNIA TELEPHONE COMPANY
 CABLE: SOUTHERN CALIFORNIA CABLE COMPANY
 GAS: SOUTHERN CALIFORNIA GAS COMPANY
 SANITARY: SOUTHERN CALIFORNIA GAS COMPANY
 SEWER: SOUTHERN CALIFORNIA GAS COMPANY

NOTES

1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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EASEMENT NOTES

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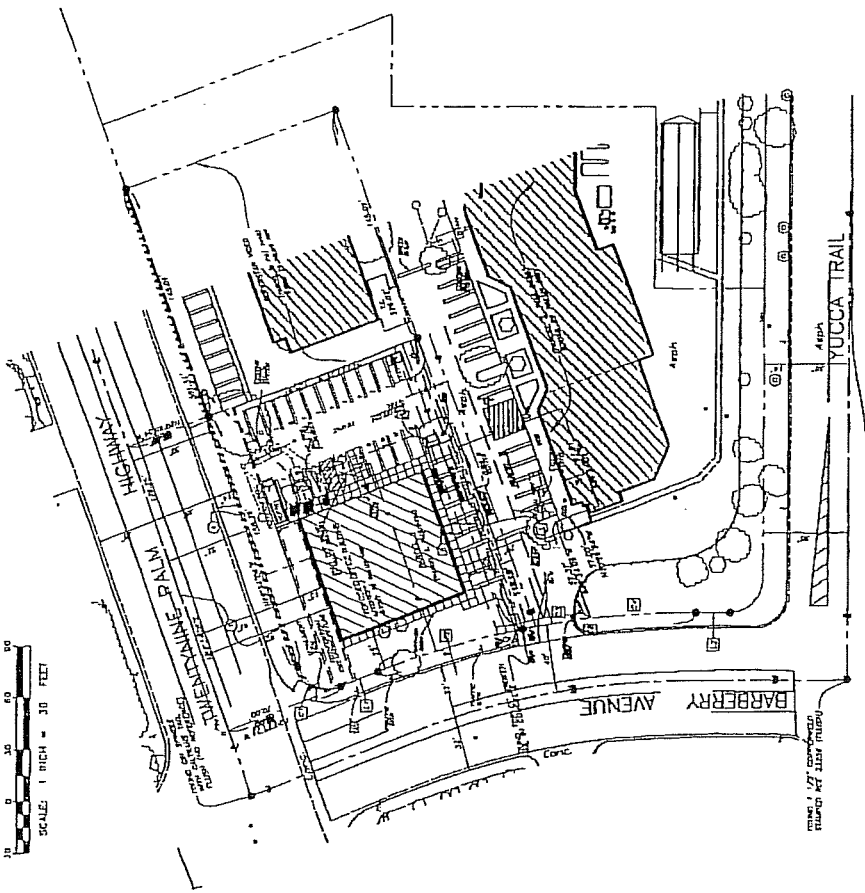
LEGEND

- 1. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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IMPORTANT NOTICE

THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE LOCAL AGENCIES. THE OWNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ENGINEER'S LIABILITY IS LIMITED TO THE PREPARATION OF THIS PLAN AND DOES NOT EXTEND TO THE CONSTRUCTION THEREOF.

VICINITY MAP



IMPORTANT NOTICE
 THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE LOCAL AGENCIES. THE OWNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ENGINEER'S LIABILITY IS LIMITED TO THE PREPARATION OF THIS PLAN AND DOES NOT EXTEND TO THE CONSTRUCTION THEREOF.

CURVE DATA

Stationing	Radius (ft)	Delta (degrees)	Length (ft)	Offset (ft)
1+00.00 - 1+100.00	100.00	90.00	157.08	78.54
1+100.00 - 1+200.00	100.00	90.00	157.08	78.54
1+200.00 - 1+300.00	100.00	90.00	157.08	78.54
1+300.00 - 1+400.00	100.00	90.00	157.08	78.54

LINE DATA

Stationing	Grade (%)	Vertical Curve Length (ft)
1+00.00 - 1+100.00	2.00	100.00
1+100.00 - 1+200.00	2.00	100.00
1+200.00 - 1+300.00	2.00	100.00
1+300.00 - 1+400.00	2.00	100.00

PREPARED BY:
GERALD S. GOLOB
 ARCHITECT
 56278 RICHMOND AVE. DR. #15
 YUCCA VALLEY, CA 92284
 PH/775 (760) 365-5800

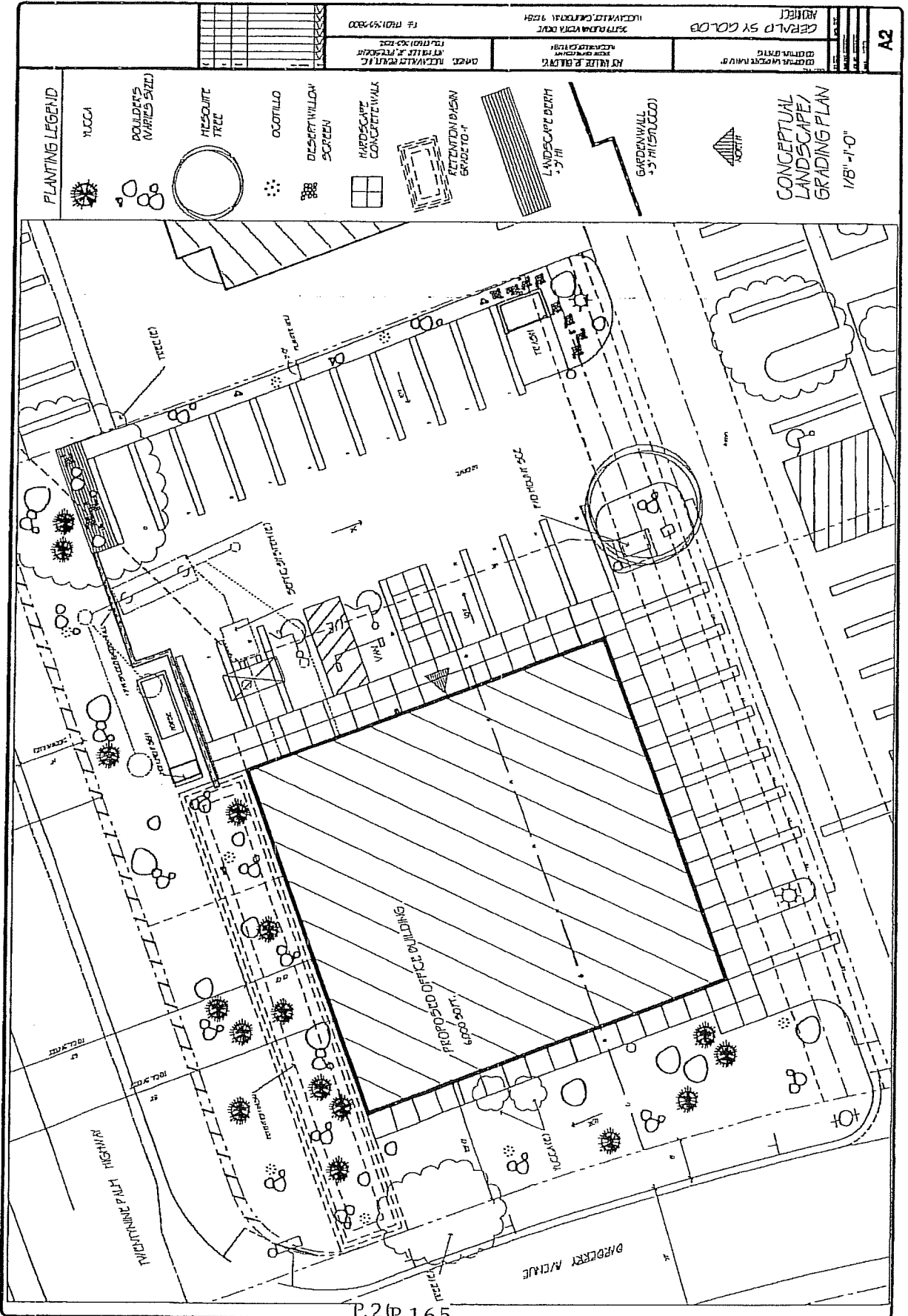
SITE PLAN
 PREPARED FOR:
 [Client Name]
 [Client Address]
 [Client City, State, Zip]

TITLE REPORT
 [Title Report Information]

BASIS OF BEARINGS
 [Basis of Bearings Information]

LEGAL DESCRIPTION
 [Legal Description Information]

FLOOD ZONE
 [Flood Zone Information]



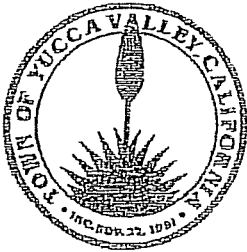
PLANTING LEGEND

- YUCCA
- PALMS (VARIOUS SIZES)
- MESQUITE TREE
- OCOTILLO
- DESERT WILLOW SCREEN
- HARDSCAPE CONCEPTUAL
- RETENTION BASIN 600-001
- LANDSCAPE BERM 12'-0"
- GARDEN WALL 5'-0" (125000)



CONCEPTUAL
LANDSCAPE/
GRADING PLAN
1/8"=1'-0"

ARCHITECT GERALD SY GOLDBERG 3577 RIVERVIEW DRIVE LOS ANGELES, CALIFORNIA 90024 TEL: (213) 475-2800	ENGINEER MORRIS E. BILBY 1000 WEST 10TH STREET LOS ANGELES, CALIFORNIA 90057	LANDSCAPE ARCHITECT DANIEL NEWMAN 1000 WEST 10TH STREET LOS ANGELES, CALIFORNIA 90057	
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Date Received: 5/3/07
 By: Robert
 Fee: 4,410
 Case No: 5PR-02-07
 EA No: EA-09-07

SITE PLAN REVIEW

(Print Legibly)

Applicant ART MILLER JR. Phone 760 365 2152
 Address 56475 29 PALMS HWY City YUCCA VALLEY State CA Zip 92286
 E-mail Address ART@YUCCAVALLEYREALTY.COM Fax 365-0762
 Project Name (if any) ART MILLER JR. BUILDING

Contact Person/Representative SY GOLOB Phone 365 5800
 Address: 56279 BUENA VISTA DR #15 City YUCCA VALLEY State CA Zip 92284
 E-mail Address GISAKFA@VERIZON.NET Fax 365 5800

Property Owner ART MILLER JR. Phone 760 365 2152
 Address: 56475 29 PALMS HWY City YUCCA VALLEY State CA Zip 92286
 E-Mail Address ART@YUCCAVALLEYREALTY.COM Fax 365-0762

57037 29 Palms
 Assessor Parcel Number(s) 0505-371-210 Existing Land Use VACANT
 Property Dimensions 183.93 x 134.81 General Plan Designation C-N
 Structure Square Footage 6,000 Existing Zoning (C-N) COMMERCIAL NEIGHBORHOOD
 Location: (Example: Address & Street or SW corner of Elk & Onaga or 300 ft N of Paxton on W side of Airway)
57037 29 PALMS HWY SW CORNER 29 PALMS HWY & BARBERRY AVE.

Proposed Project Description: Precisely describe the proposed project for which approval is being sought and the application is being submitted. Use additional sheets and attach to application if necessary.
THE PROJECT CONSISTS OF A 1-STORY 6,000 S.F. OFFICE BUILDING OF WHICH 3,469 SQFT SHALL BE USED BY MR. MILLER AS A REALTY OFFICE. THE REMAINING SPACE SHALL BE OFFICE LEASE.

Owner's Signature Cottie E. Miller Date 5-2-07

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

Applicant's Signature Cottie E. Miller Date 5-2-07

Mr. Lombardo stated he is comfortable with the wall the way it is because it is slightly angled. Mr. Huntington said it's only about 8%. Mr. McKoy commented its going to have to hold back a lot of dirt. Ms. Criste confirmed it will be pretty steep.

Mr. Huntington stated the wall is 13 feet tall for half the length of the building. A 3 foot terrace should be built at the 13 foot height along the rest of the building with 9 feet of wall above the terrace to break up the expanse. Ms. Criste stated with a 3 foot deep terrace there will still be room for parallel and possibly angled parking in the rear.

Ms. Criste requested that COA #8 be amended to delete the number 499.

Mr. Huntington moved that the Planning Commission amend COA #8 to delete the number 499; add a COA requiring terracing of the wall to a depth of approximately 3 feet with landscaping for that portion of the wall which rises above 13 feet; that the Commission determine that a Fitness Center shall be considered a permitted use within the building, subject to the same conditions as all other permitted uses; and, approve Site Plan Review SPR 06-05, Amendment #1 based on the findings contained within the staff report and the recommended conditions of Approval as amended. The motion was seconded by Mr. Goodpaster and passed unanimously by voice vote of the commissioners present.

Mr. McKoy recessed the meeting for 10 minutes at 8:50 p.m.

Mr. McKoy called the meeting back to order at 9:00 p.m.

Mr. Lombardo moved that the Planning Commission reconsider the amendment requiring terracing of the wall for Site Plan Review 06-05. The motion died for lack of a second. Mr. Willman rejoined the meeting.

5. SITE PLAN REVIEW SPR 02-07 – MILLER

A request to construct a 6,000 square foot office building on 0.55 acres located on the southeast corner of Barberry Avenue and Highway 62 and identified as APN 595-371-21.

With reference to the complete printed staff report, copies of which are preserved in the project and meeting files and are contained in the meeting packet, Contract Planner Nicole Criste presented the project discussion to the meeting. The driveway is shown at 25 feet wide. The Fire Dept. requires 26 feet and the project is conditioned to either widen the drive or acquire approval from the Fire Dept. The equipment well in the center of the building will be screened by the design of the roof and will not be visible from the street.

The applicant has an issue with the payment of in-lieu fees for the widening of SR62. The right-of-way designation for SR62 was changed from 110 feet to 134 feet for future construction based on Caltrans plans to widen the highway. Projects along SR62 since that change have been conditioned to dedicate the additional right-of-way and to provide in-lieu fees so as not to create a patch-work of widened pavement through town. SPR 06-05, the project just heard by the Commission, was conditioned to pay in-lieu fees two years ago.

The Town Engineer has requested that COA #42 be amended to read: The Applicant shall construct the pavement section of the half street pavement for Barberry Avenue from the

south edge of the SR 62 cross gutter to the south end of the driveway adjacent to the project with a 0.10 foot overlay. If required, 0.10 foot grinding shall be completed adjacent to the gutter.

The Town Engineer has requested that COA #47(a) be amended to read: The developer's contractor shall complete the improvements for Barberry Avenue from the edge of the cross gutter to the south edge of the driveway.

Mr. Goodpaster asked if the new overlay on Barberry would be part of the required maintenance district. Ms. Criste replied the maintenance district will maintain the pavement after it is installed, but the applicant is required to install the pavement. Because of the traffic on Barberry the Town Engineer feels requiring only the repair of the ½ width would be ineffective so repairs to the full width of Barberry are being required. Mr. Goodpaster felt that may be too extensive for the project.

Mr. Goodpaster asked if the in-lieu fees required by COA #19 are assessed against only new development or also against existing businesses on SR62. Ms. Criste replied, in this case, the calculation will be for only that portion of the highway on which this project fronts. As projects have been brought forward since the right-of-way changed, the COA for the in-lieu fee has occurred on redevelopment projects like this one and SPR 06-05. New projects, Home Depot for example, are being conditioned to construct the improvements. The Town Engineer will do a linear calculation based on today's costs.

Mr. Huntington commented there is no condition for sidewalks on SR62. Ms. Criste replied that is included in the in-lieu fees.

Mr. Willman asked if new development on the Outer Highway is subject to in-lieu fees. Ms. Criste replied if the Outer Highway would be eliminated by the widening and the property would then be adjacent to SR62, we have conditioned for in-lieu fees. The recently approved Oncology building may get land back because of it's proximity to SR62, as may In-N-Out Burger.

Mr. Lombardo questioned the size of the building on the lot. Ms. Criste replied it will not exceed the building coverage ratio of 60%.

Mr. McKoy requested and received confirmation that once the in-lieu fee is paid in today's dollars, no future payment will be required from this project for the widening of SR62.

Mr. McKoy opened the hearing to public comments.

Applicant representative Bill Warner of Nolte/Warner Engineering stated they estimate the in-lieu fee will be approximately \$117,000 for this project at prevailing rates. Mr. Shah believes the in-lieu fee was set aside for SPR 06-05. Neither the hotel nor Applebee's was charged the fee. SR62 is a regional arterial highway which creates the traffic but only the property owners fronting on the highway are being asked to pay. This has been a blighted property since the previous business burned down. The applicant is not opposing the loss of land through the additional dedication of right-of-way which is valued at \$34,000. However, Caltrans will have to purchase right-of-way from other property owners along the highway while the applicant has to give it away for free. The applicant is requesting that a waiver of the in-lieu fee be granted. Because the funding mechanism to completely

widen SR62 does not exist, charging an in-lieu fee now is premature. The applicant is not delighted with the change to COA #42 but it is more acceptable than the original COA.

Applicant Art Miller, Jr. of Yucca Valley agrees they are being unfairly burdened by the in-lieu fees which could be higher than \$117,000. That fee would add 22% to the cost of construction which could make the project infeasible. The improvements to Barbary aren't necessary either because there are two other access points for the project; one from Dumosa and the other from SR62 in front of the Stater Brothers store. The parcel is currently an eyesore. When the original shopping center was developed all the on and off-site improvements required at the time were made.

Project architect Sy Golob of Yucca Valley stated a 26 foot wide driveway is possible and that they have elected to install a tile roof in the same color as the originally proposed composite roof.

Mr. Robert Gray of Yucca Valley stated the project will be a distinctive commercial building the Town needs. If the Town charges excessive fees, developers will go to other cities where they are welcomed and given incentives. The proposed fee is excessive.

Suresh Shah of Rancho Mirage stated what is happening here is opposite to what is happening in Palm Desert, Rancho Mirage and Indian Wells. When you develop along SR111 there, the cities do the off-site improvements for you. They did the off-site improvements for The Gardens and Desert Crossing. Here more burden is being put on the developer for the dedication of land and payment for future highway expansion. Let them dedicate the land and that should be enough.

Mr. McKoy closed the hearing to public comments.

Ms. Criste stated any new project in Town, regardless of its location, would be required to dedicate for roadways to the ultimate ½ width. Under normal conditions the Town would also require that the improvements be made. In this case, because of the small size of the project and discontinuous result if the improvements were made, in-lieu fees are being requested. The Commission has approved in-lieu fees for other projects which were discontinuous.

Regarding other cities in the lower desert, she is a contract planner for Palm Springs, Rancho Mirage, La Quinta, Coachella and San Bernardino. In all cases, a project would be required to complete all of its own off-site improvements at the developers' expense. The projects referred to by Mr. Shah are Redevelopment Projects funded by the city of Palm Desert which has an extremely rich Redevelopment Agency. The off-site improvements in the case of The Gardens on El Paseo were not required because El Paseo was already built out. The RDA contributed to the construction of the parking structure. It is standard for all communities in southern California to require off-site improvements when new development is proposed.

Mr. Goodpaster stated it seems unfair to burden redevelopment projects with paying in-lieu fees when there are other business along the highway that not only won't have to pay anything but will also be paid for the land taken for right-of-way.

Deputy Town Manager Shane Stueckle referred to comments made regarding regional transportation issues. Caltrans has adopted Concept Route Plans, formal legal

documents, for both SR62 and 247 stating that 4 traffic lanes are sufficient for regional traffic. The only reason the widening to 6 lanes is necessary is because of local development. The Town of Yucca Valley is 100% responsible for the widening of SR62 and SR247. This is not a regional issue, it is a local issue. Prop 13 tied the hands of local government and created the "new guy" tax. The recommendation before the Commission this evening is standard. There is nothing unusual or exorbitant in this approach to off-site improvements. There is a nexus between the impact of the project and SR62 because of trips generated, turning movements, etc. What is in question is the proportion and cost estimates of the fees. We cannot say today that existing developed lands will pay nothing. It is possible they will be paying their fair share. The underlying policy question is; how does the Town implement the requirements for infrastructure in the community. In the last 7 years, except for one that slipped through, every project has been required to either build or pay their fair share.

The opposite side of the fence is to not require improvements. Home Depot not only constructed their off-site improvement but also contributed to other improvements in the community based upon the traffic study. If new development projects do not construct improvements, we can fall below Levels of Service ("LOS") at intersections. If we go below LOS "D"; Federal resources can be cut off to the Town because we as a community would not be making the effort to keep traffic moving. We would also start to approach non-compliance with the SBDO County Congestion Management Program ("CMP") if we are not requiring improvements to the 2 roadways in the CMP which are SR62 and 246.

SR62 and SR247 are the two most expensive pieces of infrastructure for developing land today. We understand that and empathize. It is the standard approach. That doesn't necessarily make it right or fair or have equity but it is the end result of how cities in California have to do business.

Mr. Lombardo asked if the Town would be purchasing property along SR62. Ms. Criste stated if the widening occurs on property which is not developed and does not have COA for future development, or on a property that is currently developed and being asked to widen, the right-of-way would normally be purchased and the cost of the improvements would be assessed against the property on a fair share basis. Mr. Lombardo asked if the in-lieu fee can be reduced by the value of the land being dedicated for the right-of-way. Ms. Criste replied that is not the way it is normally done but the Commission could consider it. Normally, the dedication is part of the cost of development. Mr. Best stated that is how the Town has conducted business here and how it is done in other parts of the state and country.

Mr. Huntington stated the only problem we have is the in-lieu fee. All other projects approved along the highway in the past few years have been tasked with paying in-lieu fees or widening the highways, other than Applebees.

Mr. McKoy reopened the hearing to public comments.

Bill Warner stated this property is unique and distinct. There was a building there that created double the traffic proposed by the applicant. That building burned down. This is in-fill, re-establishing a commercial use. Home Depot required all of the improvements Shane discussed but this is a very different case on a much smaller scale. Ms. Criste commented that the site of the proposed In-N-Out Burger is very similar to this project and

In-N-Out was conditioned to make full ½ width improvements to SR247 and on the Outer Highway.

Mr. McKoy closed the hearing to public comments.

Mr. McKoy stated he sees this as sort of a reclamation project because the lot currently is an eyesore. He asked if that is taken into account. Ms. Criste replied ultimately no; the standard is the standard which is applied evenly to all projects. The requirement is for dedication and improvement of adjacent roadways. The applicant has the ability to request relief from the Redevelopment Agency.

Mr. Willman requested and received confirmation that no funds are available to widen SR62 unless the Town secures grants.

Mr. Huntington stated this is a difficult situation and we are not in the position to set a precedent. Mr. Miller can apply to the RDA or Town Council for relief but the Commission cannot do that. He moved that the Planning Commission approve Site Plan Review 02-07 based on the findings contained within the staff report as amended below:

COA #42 be amended to read: The Applicant shall construct the pavement section of the half street pavement for Barberrry Avenue from the south edge of the SR 62 cross gutter to the south end of the driveway adjacent to the project with a 0.10 foot overlay. If required, 0.10 foot grinding shall be completed adjacent to the gutter.

COA #47(a) be amended to read: The developer's contractor shall complete the improvements for Barberrry Avenue from the edge of the cross gutter to the south edge of the driveway.

(And allowing tile roofing to be installed.)

The motion was seconded by Mr. Goodpaster and passed unanimously by voice vote.

6. PARCEL MAP PM 18472 – INVERNO

A request to subdivide a 28,174 square foot parcel into two 14,000± parcels in the residential single family, 5 units per acre land use designation located on the northwest corner of Onaga Trail and Camino Del Cielo and identified as APN 586-482-01.

With reference to the complete printed staff report, copies of which are preserved in the project and meeting files and are contained in the meeting packet, Contract Planner Nicole Criste presented the project discussion to the meeting. In the land use designation 8,000 s.f. lots could be proposed. These are significantly larger than that. Staff requests that the following COA be added in its entirety:

In conjunction with the preparation of street improvement plans, the applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town. The applicant shall initiate the maintenance and benefit assessment district(s) formation by submitting a landowner petition and consent form (provided by

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

SEPTEMBER 22, 2009

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

Commissioners present: Chair Shannon Goodpaster, Commissioners Robert Lombardo, Dawn Rowe and Margo Sturges

Commissioner Dennis McKoy was absent due to a family emergency.

Chairman Goodpaster led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Ms. Sturges moved that the Agenda be approved, which motion was seconded by Ms. Rowe and passed unanimously by voice vote.

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

1. SITE PLAN REVIEW SPR 02-07 ART MILLER JR. - EXTENSION OF TIME

A request for a two (2) year extension of time for the project which was approved on November 6, 2007 for a 6,000 square foot office building project; located on the southwest corner of Barberry Ave. at SR62 and identified as Assessors Parcel Number 595-371-12.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. Mr. Kirschmann reported that this item was incorrectly listed on the agenda as a public hearing and is a discussion item for the Commission. He requested that the item be discussed at this time so the agenda items can be taken in the order as they appear on the agenda.

Due to the economy, the applicant has not been able to commence construction and requests the maximum 2 year extension of time for the project. Staff recommends that the Commission grant the extension of time to November 6, 2011.

Mr. Goodpaster opened the discussion to public comments.

Applicant Art Miller, Jr. of Yucca Valley stated he is continuing all the necessary permits and is working with Caltrans on the Barberry design and landscaping for the highway frontage. He would appreciate approval of the 2 year extension.

Mr. Goodpaster closed the discussion to public comments.

Ms. Sturges stated this is a wonderful project and she supports the extension of time due to the economy. She questioned the aesthetics of a sign which is currently on the property. Mr. Kirschmann replied staff will work with the applicant.

Ms. Sturges moved that the Planning Commission approve the extension of time request for the maximum allowable time of two (2) years. The motion was seconded by Mr. Lombardo and passed unanimously by voice vote of the Commissioners present.

2. REVISION OF THE DESERT NATIVE PLANT PROTECTION ORDINANCE

A Town initiated amendment to the Desert Native Plant Protection Ordinance.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. A printed copy of the PowerPoint presentation used by staff at the meeting is also preserved in the project and meeting files.

The Planning Commission most recently discussed this matter at its meeting of April 21, 2009. The Planning Commission and Town Council held a joint meeting to discuss the matter on October 2, 2008.

Structural changes between the Draft and Existing ordinance were discussed as demonstrated in the charts below:

Draft Ordinance		Existing ORD 140	
89.0101	Purpose and Intent.	89.0101	Purpose.
89.0102	Regulated Desert Native Plants	89.0105	Intent.
89.0103	Scope.	89.0107	Regulated Desert Native Plants
89.0104	Permit Required.	89.0110	Scope.
89.0105	Regulated Native Plant Removal Procedures for all new commercial, industrial, multifamily development projects and single family residential subdivisions	89.0115	Permit Required.
89.0106	Single-family residential infill	89.0120	Findings for Removal.
89.0107	Regulated Native Plant Adoption Program	89.0125	Plot Plan Requirements.
89.0108	Construction Standards.	89.0130	Construction Standards.
89.0109	Transplanting of Desert Native Plants.	89.0131	Transplanting of Desert Native Plants
		89.0132	Findings for the Transplanting of Desert Native Plants
		89.0133	Retention of Joshua Trees and Yuccas

Some of the ordinance changes to the requirements for development project applications are: a discussion of the Native Plant Permit, Native Plant Survey – no expert has been required,

ORDINANCE NO. 207

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

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

SECTION 1. Code Amended

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

Articles:

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

**Article 1
Conditional Use Permit**

Sections:

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

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

**Article 7
Site Plan Review**

Sections:

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

83.030705 Purpose and General Plan Consistency.

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

83.030710 Applicability. The provisions of this Article apply to:

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

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

83.030715 Authority.

(a) Level of Review:

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

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

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

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

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

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

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

83.030720 Application Submittal Requirements.

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

83.030725 Application Fee.

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

83.030730 Investigation and Report.

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

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

83.030735 Action by Review Authority.

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

83.030740 Required Findings.

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

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

- (i) That there are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;
- (j) That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;
- (k) That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;
- (l) That traffic improvements and/or mitigation measures have been applied or required in a manner adequate to maintain a Level of Service C or better on arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan;
- (m) That there will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;
- (n) That there are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;
- (o) That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity or be contrary to the adopted General Plan;
- (p) That the proposed development will comply with each of the applicable provisions of this code, and applicable Town policies; except approved variances.

83.030745 Minor Modification of Previously Approved Site Plan Review Permits.

An approved Site Plan Review Permit may be modified upon the request of the property owner, or by the Town. Minor Modifications may be approved by Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030740 of this Code, *Required Findings*, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit; including modifications to phasing schedules for the project.

83.030750 Lapse of Permits/Permit Expiration.

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

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

83.030755 Extension of Time.

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

83.030760 Revocation/Modification.

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

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

83.030765 Development of Property Before Final Decision.

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

**Article 8
Specific Plans**

Sections:

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

83.030805 Purpose

The purpose of these Specific Plan provisions is:

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

- (f) To reduce, through clustering and master planning, the amounts of public and private improvements normally required by developments;
- (g) To maximize the choice in types of housing and living environments available to Town residents; and
- (h) To allow for the non-sequential development of more remote areas in Yucca Valley provided community facilities, services, and infrastructure are supplied.

83.030810 General Plan Consistency

The General Plan provides for the adoption of Specific Plans in the Town where remoteness, environmental constraints or unique land use concerns require specific land use and/or design controls. All Specific Plans shall be consistent with the provisions of the adopted General Plan. Any proposed Specific Plan which is not consistent with the existing adopted General Plan designation may only be adopted concurrent with the adoption of the appropriate amendments to the General Plan necessary to maintain consistency.

83.030815 General Provisions for A Specific Plan District

The following provisions shall apply to the designation of a Specific Plan District. All other applicable provisions of the Town Development Code shall also apply. Where conflicts in regulations occur, the regulations specified in this Article shall supersede and apply.

- (a) Upon approval of a Specific Plan, the Specific Plan zoning designation shall be applied to the Zoning District Map for the properties included in the Specific Plan.
- (b) Specific Plan districts may provide innovative design and development standards that may vary from adopted Town standards and between Specific Plan Districts.
- (c) Specific Plans may combine several land uses in the development plan. Mixed uses may include any combination of residential, commercial, industrial, open space, and agricultural uses, and may occur among or within buildings as long as the uses are not incompatible with each other and with existing and potential uses surrounding the Specific Plan zone.
- (d) Standards for building coverage, height, orientation, as well as light and air, sign placement and design, site planning, street furniture placement and design, setback requirements, open spaces, off-street parking, screening for Specific Plan uses, and other specified standards, shall be governed by the development standards set forth in the Specific Plan and other applicable codes and ordinances. Standards in an adopted Specific Plan may supersede the same or similar standards in other Town codes and ordinances. Where no standards are provided in a Specific Plan, adopted Town codes and standards shall apply.

- (e) The Specific Plan shall contain criteria providing for any required public and/or private open space and performance standards for the improvement and maintenance of such open space.
- (f) In accordance with Town ordinances, all electrical and telephone facilities, fire alarm conduits, street light wiring, cable television, and other wiring, conduits or facilities shall be placed underground. Underground electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities.

83.030820 Application Procedure

- (a) General Requirements for a Specific Plan Proposal. Property that is held in single or multiple ownership may be considered for a Specific Plan. The Town, property owner(s), or owner's representative, may initiate the Specific Plan.
- (b) Pre-Submittal and Preparation of Specific Plans. A pre-submittal application and a draft Specific Plan shall be submitted to the Planning Division before filing a formal Specific Plan application. A pre-application conference with Planning Division representatives is required prior to the filing of the formal Specific Plan application.
- (c) Draft Specific Plan. A draft Specific Plan application shall contain text and diagrams which include all of the elements outlined in State Government Code Sections 65451 and 65452. In addition, Specific Plans shall include an inventory of natural resources that are deemed to be significant to the project area and environmentally sensitive habitat areas, an analysis of existing infrastructure, and a proposal for detailed land uses, regulations, conditions, and programs as are necessary or convenient for the systematic implementation of the General Plan and its various elements as may be appropriate. The Town's Planning Section shall make available detailed guidelines for the preparation of Specific Plans. Specifically, a draft Specific Plan shall include the following information:
 - (1) A survey of the property, showing existing features including trees, structures, fences and walls, streets, easements, utility lines, land uses, existing zoning, and existing ownership;
 - (2) An illustrative plan and conceptual site plan of the development of the entire Specific Plan area delineated on one or more maps showing:
 - (A) Project land use, densities, existing and proposed streets, public use areas (schools, parks, fire stations, etc.), and open space and major landscape features;
 - (B) General Plan, regional and sub-regional or area plan land use designations; and
 - (C) Where appropriate, a slope analysis, including the number of acres in each slope category.

- (3) A general outline of the Specific Plan text describing the goals, objectives, and policies/concept; a tabulation of the land area to be devoted to various uses, including open space; a calculation of the overall density and the average densities per net residential acre of the various residential areas; and a summary of development standards for residential, commercial and/or industrial uses when those uses are proposed;
- (4) The text shall include development standards to be implemented as performance standards for the Specific Plan, including:
 - (A) A statement proposing the method of maintaining common open areas and facilities;
 - (B) A description of the proposed grading program including a topographic map showing areas of major grading;
 - (C) Identification of proposed future ownership and maintenance of streets, driveways, sidewalks, pedestrian ways and open space areas;
 - (D) A brief discussion of the project as it relates to each of the General Plan elements, including Land Use, Circulation, Housing, Open Space/Conservation, Public Facilities, Noise, and Safety. If a regional, sub-regional, or area plan is adopted or pending that includes the project site, the relationship to that plan should also be briefly discussed; and
 - (E) Proposed standards for height, open space, building intensity and public improvements.
 - (F) A statement and detailed description for the method of financing for the installation of any public infrastructure.
- (5) After reviewing the draft Specific Plan, the Planning Division shall furnish the applicant with written comments regarding the review conference(s), including appropriate recommendations to inform and assist the applicant prior to preparing the final Specific Plan.
- (d) Final Specific Plan. The final Specific Plan shall contain the information contained in the draft Specific Plan and other additional information as determined to be necessary by the Planning Division, Planning Commission, or Town Council. This additional information may include, but shall not be limited to, the following:
 - (1) Copies of legal documents required for dedication or reservation of public or private open space, for the creation of homeowners' associations for open space maintenance, or for the creation of financing districts;
 - (2) A fiscal impact analysis as may be required by the Planning Division,

- (3) A market study discussing the viability of the proposed project as may be required by the Planning Division.

83.030825 Required Findings

Before taking any action to approve a Specific Plan, the Planning Commission and Town Council shall find that the proposed Specific Plan conforms to the following criteria:

- (a) The proposed Specific Plan meets all of the following content criteria:
 - (1) Specifies through text and/or diagrams, the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan;
 - (2) Specifies through text and/or diagrams, the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;
 - (3) Specifies through text and/or diagrams, the standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
 - (4) Specifies a program of implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out Findings (a)(1), (a)(2) and (a)(3) above;
 - (5) Includes a statement of the relationship of the Specific Plan to the General Plan, Development Code, and any other applicable plan or ordinance;
 - (6) Addresses any other subjects which are necessary for implementation of the General Plan.
- (b) The location and design of the proposed development will be consistent with the goals and policies of the General Plan and with any other applicable plan or policies adopted by the Town and with any other applicable provisions of the Development Code.
- (c) The proposed location will allow the development to be well integrated with or adequately buffered from its surroundings, whichever may be appropriate.
- (d) All vehicular traffic generated by the development, either in phased increments or at full build-out, will be accommodated safely and without causing significantly increased congestion upon adjoining streets.
- (e) The final Specific Plan will identify a methodology to allow land uses to be adequately serviced by existing or proposed public facilities and services. In

appropriate circumstances, and as provided elsewhere by this Development Code, the Town may require that suitable areas be reserved for uses such as schools, parks and pedestrian ways; public open spaces may be dedicated or reserved by private covenant for the common use of residents, establishments or operations in the development.

- (f) In accordance with the requirements of the *California Environmental Quality Act* (CEQA), environmental impacts have been reduced to a level of non-significance; or in the case where such impacts remain, a statement of overriding considerations must be adopted to justify the merits of project implementation after certification of the Environmental Impact Report.
- (g) The proposed Specific Plan should contribute to a balance of land uses so that local residents may work and shop in the community in which they live.
- (h) The proposed Specific Plan will not be detrimental to the public health, safety, or welfare of the Town.

83.030830 Specific Plan Approval, Denial and Modifications

- (a) Upon receipt in proper form of a Specific Plan application, or direction of the Town Council, and following Planning Division review as provided for in this Article, public hearings shall be set before the Planning Commission and Town Council.
- (b) The Planning Commission may recommend to the Town Council approval or denial of a proposed Specific Plan, or may recommend approval subject to specified modifications or conditions.
- (c) The Town Council may approve, approve with modifications or conditions, or deny the final Specific Plan provided that, in overruling a Planning Commission recommendation for denial, the Town Council shall make the findings listed in Section 83.030820 of this Article, *Required Findings*.
- (d) Minor changes to an approved final Specific Plan may be made by the Planning Division, provided that such changes are non-significant and consistent with all of the purposes and character of the approved final Specific Plan. Minor changes shall not include:
 - (1) Changes in the densities established in the approved final Specific Plan;
 - (2) Changes to the boundaries of the subject property, or any use as shown on the approved final Specific Plan;
 - (3) Substantial changes in the locations or amounts of land devoted to specific land uses.
- (e) All modifications or amendments to an approved final Specific Plan, other than minor changes as provided for in Subsection 83.030830(d) above, shall be processed as a Specific Plan amendment and shall be subject to all Specific Plan procedures.

83.030835 Approval by Ordinance

Approval of the final Specific Plan and the establishment of Specific Plan (SP) zoning shall be by ordinance. Approval of zoning to the SP district shall include, but not be limited to, the following stipulations:

- (a) Unless otherwise specified in the final Specific Plan, the regulations provided in the Town Development Code shall apply. Approval of the Specific Plan shall not be interpreted as waiving compliance with other provisions of the Town Development Code, except in those instances where the Specific Plan expressly regulates a use.
- (b) The approved final Specific Plan shall be filed in the office of the Town Clerk and in the office of the Planning Division.
- (c) No building within the boundaries of an approved Specific Plan shall be constructed, maintained or used other than for the purpose specified in the approved final Specific Plan.

83.038340 Dedication and Maintenance Of Open Space

- (a) The Planning Commission and Town Council, in conjunction with the Yucca Valley Parks, Recreation and Cultural Commission, may as a condition of approval, require that suitable areas for parks be dedicated or in-lieu fees be paid as determined for the entire Specific Plan area, and in compliance with applicable ordinances and requirements.
- (b) The Planning Commission and Town Council, in conjunction with the Morongo Unified School District, may as a condition of approval, require that land for schools and other public uses be reserved for public use, or be reserved for the owners and residents in the development by deed restrictions.
- (c) Whenever group or common open space is provided, whether required or not, the Planning Commission or Town Council shall, as a condition of approval, require that some provision be made for applicable perpetual maintenance of such open space.
- (d) The form of any instrument used to assure open space maintenance shall be approved by the Town Attorney and Planning Division as to form and content. Agreements and covenants running with the land shall include provisions for charges to be levied for carrying out the specified functions and administrative expenses of such perpetual maintenance. The Town may be party in interest in any such development for purposes of enforcing the provisions of this Chapter, including bringing of any enforcement actions deemed appropriate by the Town.
- (e) To assure that open space is provided within Specific Plan areas, public and open space sites shall be dedicated in advance of development (prior to the issuance of building permits) whenever such dedication is so required, even in those cases when a subdivision map is not required. Other appropriate dedications for street, utility and flood control rights-of-way and for easements

and other public purposes may also be required before the issuance of the first building permit, or when otherwise determined to be appropriate by the Council.

83.030845 Fees for Subsequent Development Approvals

When the Town prepares a Specific Plan for an area, the Town Council may establish a special fee upon applicants seeking approval of development projects which are located within said Specific Plan area. The fees shall be sufficient, in the aggregate, to recover the costs of preparation, adoption, and administration of the Specific Plan. The fees to each applicant shall be a prorated amount in accordance with the applicant's relative benefit derived from the plan.

83.030850 Specific Plan Consistency

No land use application may be approved, no public works projects may be approved, and no land use designation within an adopted Specific Plan may be amended unless it is consistent with the adopted Specific Plan."

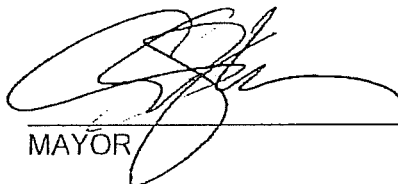
83.030855 Environmental Exemption for Subsequent Development

If a Specific Plan is prepared and receives approval of a Program EIR, then all subsequent development within the boundaries of the Specific Plan are exempt from further environmental review, unless otherwise required by the California Environmental Quality Act.


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

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

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 16th day of March, 2010.


MAYOR

ATTEST:


TOWN CLERK

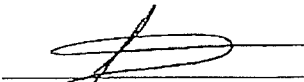
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 207 as duly and regularly introduced at a meeting of the Town Council on the 2nd day of March, 2010, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 16th day of March, 2010, by the following vote, to wit:

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 17th day of March, 2010.

(SEAL)



Town Clerk of the Town of
Yucca Valley

**TOWN OF YUCCA VALLEY
SPECIAL PLANNING COMMISSION MEETING MINUTES
AUGUST 22, 2011**

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

Town Clerk Anderson administered the Oath of Office to Jeff Drozd.

Commissioners Present: Alberg, Bridenstine, Drozd, 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 5-0 on a voice vote.

PUBLIC COMMENTS

None

DISCUSSION ITEM:

1. SELECTION OF PLANNING COMMISSION CHAIRMAN AND VICE-CHAIRMAN

Deputy Town Manager Stueckle gave the staff report.

Commissioner Bridenstine moved to appoint Commissioner Humphreville to serve as the Chairman of the Planning Commission for the next twelve months. Commissioner Alberg seconded. Motion carried 5-0 on a voice vote.

Commissioner Hildebrand moved to appoint Commissioner Alberg to serve as the Vice Chairman of the Planning Commission for the next twelve months. Chair Humphreville seconded. Motion carried 5-0 on a 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

Associate Planner Kirschmann presented the staff report contained in the packet and retained in the permanent files. Findings cannot be made for the request to allow the existing freestanding sign to remain at 26'6" where a 12' tall sign is allowed and to allow the existing freestanding sign to remain at 198 square feet where 40 square feet is allowed. There are no physical differences between this property and other surrounding similarly zoned commercial property. Further, case law demonstrates that variances cannot be approved due to financial hardships, community benefit, or the worthiness of the project. Findings can be made for the 3rd request to allow two 28.5 square foot menu boards where a maximum of two 25 square foot menu boards are permitted. Recommendation No. 4 is amended to read "that the Planning Commission permits the freestanding sign to remain onsite for 180 days beyond the adoption of the Sign Code. Should the Sign Code not be amended in one (1) year, the item shall be returned to the Planning Commission for consideration.

Commissioner Bridenstine expressed concern regarding lessening the amount of time to bring the sign into compliance from one year to 180 days. Deputy Town Manager Stueckle clarified that the amendment states that the sign must be brought into compliance 180 days after the sign code is amended and adopted, but if the code isn't adopted in 1 year, they must return to the Commission for review.

Commissioner Hildebrand existing sign board there can't be seen from street. Associate Planner Kirschmann correct.

Commissioner Humphreville questioned if the ordinance restricts signs behind the building where they can't be seen. Deputy Town Manager Stueckle advised there is a square footage for signage ratio based on the size of the building.

Commissioner Bridenstine questioned how soon the sign ordinance will be reviewed again. Deputy Town Manager Stueckle advised that the Commission and Council are expected to prioritize which ordinances they want to look at when, when they meet in joint session tomorrow.

Chair Humphreville opened the public hearing.

Jeff Martinez, Applicant, thanked staff for all work done they have with them on application, noting the project has been rushed through and challenging.

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

Commissioner Bridenstine commented that the sign ordinance we currently have is one of the biggest complaints received at the Chamber of Commerce. People say they can't see the signs installed under the code, and she would like to the code revised sooner than later.

Chair Humphreville stated he receives the same comment regularly also and agreed with the request to revise it as soon as possible.

Commissioner Alberg moved to find the project is categorically exempt from CEQA under Section 15301, class 1, existing facilities, and: 1) deny 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) deny 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; 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; and 4) permit the freestanding sign to remain onsite for 180 days beyond the adoption of the Sign Code. Should the Sign Code not be amended in one (1) year, the item shall be returned to the Planning Commission for consideration. Commissioner Hildebrand seconded. Motion carried 5-0 on a 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.

Associate Planner Kirschmann gave the staff report contained in the packet and retained in the Department files, noting the project is consistent with commercial design guidelines.

Commissioner Hildebrand questioned if the project would affect the widening of SR 62. Associate Planner Kirschmann advised it would not.

Tim Saivar, Applicant, advised they have read the Conditions of Approval and only have one minor comment regarding the requirement to provide a meandering wall along Hopi Trail and along 29 Palms Highway. They will have a water recycling area using plant materials along Hopi and it would be difficult to put a meandering wall in that area. Also it is their preference to provide a hedge along the highway rather than a wall. They will work with staff on those issues.

Commissioner Humphreville commented he did highlight the meandering wall noting he hasn't seen that requirement in the past. Mr. Saivar commented they have a bio swale on the Hopi side to purify the water before it reaches the storm drainage system. The meandering wall would prevent a straight flow and if they were able to use a bio swale they would have to put in a retention basin to clarify water from the parking lot.

Commissioner Alberg questioned if a wall must be put in. Associate Planner Kirschmann advised the code requires a 3' high berm that can be a solid hedge or a wall. The meandering wall was requested to offset the look

Commissioner Humphreville commented he doesn't feel they should be required to meander the wall.

Commissioner Bridenstine agreed noting that would require them to take up more land space.

Commissioner Drozd expressed concern regarding allowing hedges noting a lot of business seem to let them go and die.

Associate Planner Kirschmann questioned if the consensus is to eliminate condition P-11. The Commission agreed that they want the word "meandering" removed from the condition. The condition is amended to read "The screen walls located along SR 62 and Hopi Trail shall provide landscaping on both sides of the wall."

Commission Alberg moved, based upon the findings contained within the Staff report and the amended 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; and b) to 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. Commissioner Bridenstine seconded. Motion carried 5-0 on a voice vote.

CONSENT AGENDA

4. MINUTES

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

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

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle advised that the joint meeting on August 23rd is to discuss Phase 1 of the Development Code Analysis. As we walk through the process a number of the more recent issues will be discussed and it is anticipated that the Town Council and Planning Commission will be meeting jointly once a month or every 6 weeks to discuss specific policy topics. He noted that part of the process at the first meeting tomorrow is an opportunity to prioritize those topics.

FUTURE AGENDA ITEMS:

Deputy Town Manager Stueckle commented that the revision to the Brehm Youth Sports Park will probably be brought to the second meeting in September to create consistency between the approval and the Prop 84 grant application.

COMMISSIONER REPORTS AND REQUESTS

Vice Chairman Humphreville Welcome Commissioner Drozd

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission is Tuesday, September 13, 2011 at 6:00 p.m. in the Yucca Valley Community Center.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:51 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk