

GPAC COMMENT WORKSHEET FOR DRAFT GENERAL PLAN AND DRAFT EIR

| COMMENTS BY: GPAC – Recommendations Regarding Draft General Plan Land Use Element | | DATE: 6 December 2010 |
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| | <p>Ineffective Implementation Policies</p> <p>Implementation Policies of the draft General Plan should be rewritten because they do not provide policy direction nor do they reflect the State's General Plan Guidelines. Per the Guidelines, a policy is a specific statement that guides decision-making and indicates a commitment of the City to a particular course of action. Per General Plan Guidelines Chapter One, a policy is carried out by implementation measures.</p> <p>The State's General Plan Guidelines provide direction on General Plan Implementation. The guidelines state:</p> <p style="padding-left: 40px;">Adopting infeasible planning policies or implementation measures is a waste of time. To avoid this, the planners who will be implementing the plan should be involved in its preparation. In addition, the general plan should identify, where appropriate, the local agencies responsible for carrying out implementing actions (i.e., the current planning division of the planning department or the development/traffic engineering division of the public works department).</p> <p>The draft General Plan does not establish these required responsible parties or schedules of action.</p> | |
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| | <p>Casino Not Referenced in General Plan Documents Potential impacts of a casino are not addressed in the Land Use Element. The Twentynine Palms Band of Mission Indians own 160 acres at the southeast corner of Baseline Road and Adobe Road and have plans to construct a casino and other commercial development at some future point. Such a development is a significant land use issue. Impacts created by this possible future development have not been analyzed or planned for in the General Plan nor are they discussed in the draft EIR.</p> | <p>The GPAC recommends that such impacts be considered and that appropriate goals, policies and implementation measures be included in the Land Use Element of the new General Plan.</p> |
| | <p>Add Historic Land Use (from the current GP) “The original inhabitants of Twentynine Palms were the Serrano and Chemehuevi Indians. The Oasis of Mara provided water and shelter for these early Native American inhabitants. Partly due to its geographic setting, Twentynine Palms was a center of activity for a succession of settlers over the last 150 years; mineral deposits in the nearby mountains attracted miners and prospectors; upland valleys provided grazing land for cattlemen; the clean, dry air was sought by wounded war veterans after World War; the uninhabited desert valleys and mountain ranges to the north proved to be ideal for military training grounds; and the opening of vast tracts for settlement through the Small Tract Act attracted hundreds of homesteaders after World War II. It is the 5 acre homestead tracts which help to explain the pattern of small parcels of land throughout the area.</p> <p>Over the years, people have been drawn to the area for a variety of reasons. Today, the community is a rich mixture of visitors and residents who come to the High Desert seeking clean air, wide open spaces, and a high quality of life.”</p> | <p>The GPAC recommends that the following text from the current General Plan be added to the new one in place of the first paragraph on page 7:</p> |
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| | <p>Wastewater Treatment Facility Text on EIR page 2.0-4 indicates that the Downtown Specific Plan addresses <i>infrastructure</i> concerns for the Downtown area. But the DSP does not state that a centralized wastewater system is needed or recommended. On DSP page 2-6, under “Vision” the DSP states the City should <i>consider</i> developing a wastewater treatment plant or package plant. (<i>Emphasis added.</i>) However, on General Plan page LU-80 it states that a centralized wastewater treatment plant will help the city achieve the vision and goals identified by the Downtown SP.</p> <p>There is no recommendation for a centralized plant in the DSP as is stated on General Plan page LU-80. This leads to Implementation Policy LU-8.4, which states:</p> <p style="padding-left: 40px;">Consider planning for the construction and operation of a centralized wastewater treatment plant to serve the Downtown area, including cost and funding options, to provide more efficient treatment of waste water than individual septic systems and package treatment plants.</p> <p>Implementation Policy LU-8.4 is based on information that is not supported by facts in the Technical Report, the EIR, The Winzler & Kelly report or the Downtown Specific Plan. Text within these documents should be consistent.</p> <p>Given the lack of information, the GPAC recommends that the city investigate this further before making a commitment for a wastewater treatment facility for the downtown area.</p> <p>8 March Update:</p> <p>Per presentation by Jose Angel from the California Regional Water Quality Control Board, recommend the City partner with the 29 Palms Water District to create a Waste Water Management Plan.</p> <p>Per presentation by Jose Angel from the California Regional Water Quality Control Board, recommend the City partner with the 29 Palms Water District to create a Salt/Nutrient Management Plan by year 2014.</p> | <p>The GPAC recommends that policies be developed to require owners of package plants to provide duplicate copies of monitoring data that is now being sent to the Regional Water Quality Control Board.</p> <p>The GPAC recommends the City document the existing septic systems, including their age, type and any history of problems and that the City continue looking at long-term solutions to water quality and quantity, including monitoring of nitrate levels.</p> |

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| | <p>Land Use Constraints</p> <p>Land use constraints are discussed on page 78 of the Land Use Technical Report. The report concludes that “The lack of industrial and commercial development in Twentynine Palms can be attributed to...the lack of properties adequately zoned for industrial and commercial uses.”</p> <p>This statement is fundamentally flawed and leads to unfounded conclusions in the Land Use Element.</p> <p>The Report acknowledges that the city has 1.6 square miles of industrially zoned property. However, it states that “this area” is subject to, “significant topographical, seismic and flooding hazards.” What is not acknowledged is that much of the industrial area <i>can</i> be developed but that, during the 23 year period since incorporation, only one new development has been approved in this 1.6 square mile area. Also, there is no discussion regarding how much of the industrially-zoned land is buildable and how much of it has topographical, seismic or flooding issues.</p> <p>The conclusion that additional industrially-zoned lands are necessary is flawed and the factual basis for additional industrially-zoned land is not provided in the Technical Report, the EIR or the General Plan.</p> <p>Regarding commercial development, the Technical Report states that the “most evident” constraint to the lack of commercial development is the lack of commercial land. Then, it states that there are currently 1,409.2 acres of commercially zoned property in the city. This leads to a recommendation that the city should:</p> <p>Allow greater flexibility in regards to development standards for all non-residential uses. The city should</p> | See GPAC Comments |

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| | <p>be more flexible with commercial projects in regards to parking and lot coverage requirements.</p> <p>But, there is nothing in the Land Use Element to indicate that “greater flexibility” in commercial development is desired and nothing to indicate that such a policy is being implemented by the General Plan. Instead, see Implementation Policy LU 4.7 which states that City codes shall be STRICTLY ENFORCED on all development, including commercial development.</p> <p>Implementation Policy LU 4.7 does not reflect the conclusions reached in the Land Use Technical Report.</p> | |
| | <p>General Plan Inconsistencies</p> <p>Inconsistencies in the General Plan are discussed in the Land Use Technical Report beginning on page 79. The Report identifies as a problem issue the city’s five existing Specific Plans, stating, “...the specific plans provide no direct planning policy direction, thus making the plans ineffective.” This leads to a recommendation within the Technical Report (page 80) that the Specific Plans undergo a “comprehensive update.”</p> <p>The Specific Plans are discussed in the General Plan Land Use Element beginning on page LU-43 but, contrary to the advice given in the technical report, there is no discussion regarding any update to the specific plans, much less the recommended “comprehensive update” discussed in the Land Use Technical Report. Further, there are no implementation policies stating that such updates should be undertaken in the future.</p> <p>The lack of policy direction identified in the Technical Report should be addressed in the General Plan Land Use Element or, at a minimum, a policy directive for a future revision of the Specific Plans should be included in the Land Use Element.</p> | See Comments |
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| | <p>Design and Landscape Guidelines Text in the final paragraph of page 79 in the Land Use Technical Report states that the General Plan should provide specific direction regarding design and landscape requirements. This is also found on Technical Report page 80 as a recommendation that the new General Plan include “a clear and specific set of architectural and landscape standards.” However, this recommended action is not carried forth in the draft Land Use Element.</p> <p>The Land Use Element does not address community design in any meaningful way. It is discussed only briefly in the Land Use Element under Density and Intensity and on page LU- 28 where it states only that the intent of the density and intensity standards are to result in high-quality design. (Additionally, the EIR contains no discussion of aesthetics as it relates to community design, relegating design to a Development Code matter.)</p> <p>The design standard offered for the General Commercial land use district (CG) is, “Architectural design of structures proposed within a commercial center shall be consistent.” This text provides no specific design standard other than to state that those within a center must have common themes and the text exempts all other development within the CG district from any General Plan design directive. Per design requirements for Neighborhood Commercial (CN) land use districts, commercial developments must only complement surrounding residential districts. And only nominal design policy direction is provided for Office Commercial and Tourist Commercial districts. The proposed standard is “high quality design” but there is no discussion on the meaning of high-quality design anywhere in the General Plan.</p> | See Comments |
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| | The Land Use Element should be revised because it is deficient in not providing design direction as is recommend in the Land Use Technical Report. | See Comments |

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| | Regarding landscape directives, the draft Land Use Element is silent. The Land Use Element should be revised to include direction regarding a landscaping policy. | |
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| | <p>Single Map System Text on page LU-44 indicates that the land use designations for the Downtown Specific Plan are not shown on the City's Land Use Map." This conflicts with text on page LU-17 which states, "To ensure land use and zoning consistency, Twentynine Palms uses a "single map system," in which the City's Land Use Map also serves as the City's official Zoning Map." This conflict within the General Plan must be resolved to avoid internal inconsistency.</p> | See Comments |
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| | <p>Residential Clustering Clustering provides fiscal and physical benefits such as minimizing soil disturbance, maintaining wildlife habitat, reducing home construction costs. Clustering encourages more efficient and effective transportation, maintains community view sheds, and allows for natural hydrologic flow; clustering saves money while protecting the environment. There no discussion of the benefits of clustering in the Land Use Element (or Conservation Element) and it should include information regarding the environmental benefits of clustered development.</p> <p>The Land Use Technical Report states (page 80) that a clustering and density transfer policy should be developed. However, the draft Land Use Element includes only casual mention of the residential clustering (implementation policies, LU 5.4 and 7.5) and both policies repeat the same message simply rearranging the wording to state that clustering "may" be allowed in overlays.</p> <p>The Land Use Element should be revised to include a clear policy on clustering and density transfer as stated in the Land Use Technical Report.</p> | See Comments |

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| | <p>Hillside Development Implementation Policy LU-7.4 states:</p> <p style="padding-left: 40px;">Discourage development in the hillsides or other areas where such development would require significant infrastructure investment adversely impacting natural resources and/or creating adverse visual impacts.</p> <p>To <i>discourage</i> a type of development does not constitute a meaningful policy. The Implementation Policy should be rewritten and specific standards should be provided.</p> | See Comments |
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| | <p>Multiple Wastewater Studies Text on page LU-79 indicates that “several wastewater studies have been conducted in the past...” This statement is misleading, giving the impression that several wastewater studies have been conducted specifically for and within the City of Twentynine Palms. The only wastewater study referenced in the technical reports and in the EIR is the Winzler & Kelly report. Winzler and Kelley recommend <i>decentralized</i> facilities and this is discussed on page 59 of the Conservation technical report; so what data supports the plan for a centralized system?</p> <p>The Land Use Element should accurately reflect the wastewater studies conducted for the city. If others,</p> | See Comments |

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| | besides Winzler & Kelly, were conducted, they should be cited in the EIR. If other studies were not conducted for the city, the text on page LU-79 should be corrected. | |
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| | <p>Development of 38,917,800 s.f. of Commercial Area EIR Table 4.10-7 on page 4.10-21 states that the city will grow from 1,154,445 square feet of non-residential development to 38,917,800 square feet. Detail regarding this increase is shown in Land Use Element Table LU-17. This is an increase of 3271%, or nearly a 33-fold increase. There is no supporting data to indicate that such an increase is reasonable. The conclusions appear to be flawed and, at a minimum, do not provide sufficient supporting data and should be either amended or explained.</p> <p>The amount of commercial land in the adopted land use map should reflect conclusions based on factual data.</p> | See Comments |
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| | <p>Land Use Goals LU- 1 and LU-2 The GPAC recommends that land use goals LU-1 and LU-2 be combined and revised to state:</p> <p style="padding-left: 40px;">Development protects the area's natural surroundings and is compatible with the existing neighborhoods and small town character.</p> <p>The GPAC recommends the following implementation policies following the revised (combined) goal:</p> <p>LU-1.1 Build-out is guided by the City's official Land Use Map, which also serves as the zoning map.</p> | See Comments |

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| | <p>LU-1.2 General Plan Amendments to the Land Use Map are discouraged except as required by law.</p> <p>LU-1.3 The Land Use Map will be updated as needed to ensure that it accurately reflects the City's land use policy.</p> <p>LU-1.4 General Plan Amendments shall only be approved if they do not adversely impact the existing community and if they help achieve the vision and goals established by the General Plan.</p> <p>LU-1.5 "Spot Zoning" shall be prohibited and all land use requests shall meet the minimum contiguous land area specified in Table LU-5.</p> <p>LU-1.6 Discourage development extremes which are out of context with the existing neighborhood.</p> | |
| | <p>Net vs. Gross *The GPAC forwarded this concern to Hogel Ireland, requesting clarification as to why the change was made and Hogel Ireland agreed that the existing policy of using gross instead of net should be retained.</p> <p>Table LU-8 of the Land Use Element specifies minimum lot sizes. Because these sizes for the one acre, 2.5 acre and 5-acre districts are stated as "net" this represents a change in property rights for thousands of acres of land in the City. Historically, the minimum lot size in these "large parcel" districts has been based on gross size. For example, the owner of a 10-acre parcel in the RS-2.5 land use district could divide the property by four, resulting in four 2.5-acre "gross" lots. After reducing the parcels to allow for right-of-way dedication, the resulting lots are about 2.3 acres "net". Per Table LU-8, the above hypothetical subdivision would not be possible. If the minimum lot size is 2.5 acres "net" the owner of the 10-acre parcel could only get three parcels in the RS 2.5 land use district.</p> <p>Per the <i>current</i> General Plan, page I-3, "When followed by a suffix number, that number shall represent the maximum dwelling units permitted per gross acre for that territory..." For Rural living, text on page I-</p> | See Comments |

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| | <p>6 of the Land Use Element specifies minimum lot sizes in the RL districts are “gross” sizes.</p> <p>The proposed use of “net” lot sizes in table LU-8 of the draft Land Use Element changes the historic land use policy in these districts and deprives many property owners of rights they have enjoyed since before incorporation. The table should be changed to reflect “gross” not “net” minimum sizes.</p> <p>This issue is also present in Table LU-5 and Implementation Policy LU 1.6, both of which state that minimum district sizes should be based on net size. This too is a departure from the city’s historic practice.</p> <p>The Land Use Element should be revised to indicate that parcel sizes for changes of zoning are based on gross not net sizes as has been historically done in the community.</p> | |
| | <p>Overlay Standards LU Implementation Policies 5.1 and 5.5 conflict. LU Policy 5.1 states that overlay standards will be established but 5.5 states that these standards are found in the Development Code. This conflict should be resolved.</p> | See Comments |
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| | <p>Growth One of the recommendations contained in the Land Use Technical Report under “Growth” is that military families be encouraged to reside and shop in the City during their tour and beyond. The Land Use</p> | See Comments |

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| | Element should include policy direction to encourage such growth. | |
| | <p>Comments on LU 5- Overlays</p> <p>The Mesquite Dunes and Bosque (MDB) provide an excellent natural buffer for the Marine Base and is a scenic resource for the City. The MDB includes Mesquite Lake Playa and Mesquite Springs and are all part of the same hydrological and biological system. The Bosque is one of two wetland habitats in the planning area and is classified as a sensitive natural community. The Playa is a wetland habitat with riparian vegetation along its edge. (See EIR p 4.4-32 through 34)</p> <p>The eastern edge of the MDB is defined by the Mesquite Fault, the hydrologic barrier separating the Mesquite Lake Subbasin from the Dale Subbasin to the east. Within the basin, groundwater flows toward Mesquite Dry Lake from all directions. This MDB is an important component of the Twentynine Palms Water District regional plan for the future. (See TPWD 2010 Groundwater Study for the Mesquite Lake Subbasin)</p> <p>The MDB is the terminus for the Indian Cove/Mesquite Drainage Area (Safety Overlay). This surface water is important for the maintenance of the existing plant and animal life in the MDB. The dominant mesquite is also responsible for holding the dunes in place. Loss of the mesquite will further reduce air quality in the planning area. The EIR does not mention threats to the dune system and its hydrology from the extensive OHV riding which severs root systems and interferes with drainage in the MDB. The Overlay cannot carry out its function to preserve and protect without developing policies to contain this activity. OHV activity should be addressed in Goal LU-5 (and in the CO Element under Water Resources (CO-3), Air Quality (CO-4).</p> | See Comments |
| | <p>Revision of Goal LU-5</p> <p>Goal LU-5 is poorly stated and needs revision. The GPAC recommends the following text:</p> <p style="text-align: center;">Goal LU-5</p> | See Comments |

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| | <p>The City preserves natural systems and their biological resources and protects the public health, safety, and general welfare through the use of Overlay Zones.</p> <p>Policy 5.A: Establish Overlay standards to protect and preserve natural systems, their biological resources, and the public's health, safety, and general welfare.</p> <p>Implementation Program LU-5.1 In the event that the overlay standards differ from those of the underlying land use designation, the more restrictive standards shall apply.</p> <p>Implementation Program LU-5.2 Development within the GP Overlays shall preserve and protect existing natural systems, their biological resources, and the public's health, safety, and general welfare.</p> <p>Implementation Program LU-5.3 The Municipal Code should include enforcement of OHV uses in the MDB.</p> <p>Implementation Program LU-5.4 The Municipal Code should include enforcement of illegal dumping in the MDB.</p> <p>Policy 5.B: The City shall minimize disruption of natural water flow to preserve wildlife corridors and ensure public safety.</p> <p>Implementation Program LU-5.5 Clustering shall be permitted for properties—and may be required for some properties—located within the GP Overlays to provide for the protection and preservation of open space, scenic, biological, and natural resources in perpetuity.</p> | |

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| | <p>Implementation Program LU-5.6 The Development Code shall include standards for clustering within safety and preservation overlays.</p> | |
| | <p>Additional Miscellaneous Recommendations</p> <p>The City's Master Plan of Drainage does not reflect Low Impact Development Standards (LID) for stormwater management. A policy should be added to the General Plan to revise the MPD to reflect the most current standards. The revised MPD with LID would enable the City to qualify for state and federal funded stormwater improvements.</p> <p>The GPAC recommends policies to encourage solar uses in the City.</p> <p>Recommended revision of line 6 on page 63, Wildlife Corridors, to state, "... design patterns that allow for the movement needs and living requirements of focal species through the wildlife corridors.</p> <p>Land Use Element, Page 21. Please note that access to Condor Elementary is through the Marine Corps Base.</p> <p>The Land Use Element, Page 21, a notation should be included as to whether there is a site designated for a centralized waste water treatment plant in relation to the Downtown Economic Revitalization Specific Plan.</p> | |

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| | <p>On page LU-33 and LU-48 the > (greater than) symbol in Table LU-8 means, for example, in the RS-2 land use district, a property owner could not build a SFR on his/her land if it was two acres. The literal meaning of the density standard is that the owner may only build something greater than one dwelling unit per acre and not more than two per acre. One dwelling unit on two acres would not be allowed in RS-2 because it is less than the minimum specified. This may not be problematic because a determination could be made at the counter that a dwelling unit is allowed by right. However, consider that a property owner who owns 20 acres of RS-4 land may want to propose a subdivision consisting of 14 dwelling units. The proposed density standard here is "> 3", therefore at least 15 units must be proposed to be compliant with the General Plan. The GPAC recommends that only the maximum density be stated, eliminating the minimum density requirement. This problem also appears on Table LU-15, page LU-48. Multifamily densities are 4.1-8.0 du/ac. This means a one-acre development could not be approved if it was only four units. Same issue with density in the downtown specific plan which states density in HDR, for example, is 10.1 to 24 du/ac.</p> <p>Land Use Element page 96. The GPAC recommends removing Cones Field from the General Plan as a viable airport. Recommendation is addressing it as a historical airport that is no longer a functional. No one maintains the runway and the GPAC recommendation is based on safety concerns.</p> <p>Recommendation to modify Implementation Policy LU 8.3 to state "new development <i>and city</i> shall work together to adequately address wastewater – solid waste disposal."</p> | |
| | <p>The GPAC recommends the following Grammar/consistency corrections:</p> <p>Page. LU-15, Line 4 after Storm Water Drainage System section. Should it be "increased" not "increase"?</p> <p>Page LU-41 Military designation M. Add "that are" after the word "City" as in "those properties within the City <i>that are</i> under federal control..."</p> <p>Page. LU-50 this is, verbatim, a copy of LU-8's description. Please consider suggestion for use of</p> | See Comments |

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