



STAFF REPORT

TO: City Council/Redevelopment Agency Board
FROM: City Manager
CITY COUNCIL MEETING: September 13, 2011

SUBJECT Authorization to Purchase Asphalt Paver and Roller for Street Maintenance

RECOMMENDATION

Authorize the purchase of asphalt paver and roller for street maintenance.

ORDER OF PROCEDURE

Request Staff Report (City Manager)
Council Questions of Staff
Council Discussion
Motion/Second
Discussion of Motion
Call the Question

Attachment

Picture of 1998 Lee Boy Asphalt Paver

BACKGROUND

The Public Works Department has employees that previously worked for asphalt paving contractors in the private sector. The City can save a substantial amount of money and increase the amount of street paving if an asphalt paver and roller is purchased and the Public Works Department paved and performed other maintenance on City side streets.

DISCUSSION

The Public Works Director has identified a 1998 Lee Boy L8500 diesel asphalt paver that is for sale. The paver has a minimum paving width of eight feet and a maximum paving width of 14 feet. The paver and the skills of the Public Works Department employees were recently tested on Palm Vista Avenue. The Public Works Department used 125 tons of asphalt to pave the street with outstanding results. The City also proposes to purchase a roller. This equipment will be used to perform asphalt paving and maintenance on other City streets.

FISCAL IMPACT

The cost of the asphalt paver is \$25,000 and the roller is \$15,000-\$20,000. Funds will come from the existing Transportation Development Act Special Revenue Fund budget.



STAFF REPORT

TO: City Council/Redevelopment Agency Board
FROM: City Manager
CITY COUNCIL MEETING: September 13, 2011

SUBJECT Agreement Between the City of Twentynine Palms and HdL Coren & Cone (HdLCC) for Property Tax Auditing and Consulting Services.

RECOMMENDATION

Approve the agreement between the City of Twentynine Palms and HdL Coren & Cone (HdLCC) for property tax auditing and consulting services.

ORDER OF PROCEDURE

Request Staff Report (City Manager)
Council Questions of Staff
Council Discussion
Motion/Second
Discussion of Motion
Call the Question

Attachments

- **Agreement for Property Tax Auditing and Consulting Services.**
- **Proposal for Property Tax Services.**

BACKGROUND

Property tax revenues can be verified and potentially increased through a system of continuous monitoring, identification and reconciliation to San Bernardino County records. In addition, an effective property tax management system will assist the City in its fiscal, economic, and community development planning. Twentynine Palms has never conducted a property tax audit nor has it implemented a system to effectively analyze and manage its property tax base and property tax collections. A property tax management system will maximize City revenues and provide more accurate property tax budget projections.

DISCUSSION

HdL Coren & Cone (HdLCC) will audit the Secured Property Tax Roll to identify property tax misallocation errors and reconcile the annual Auditor-Controller Assessed Valuations Report to the assessor's Lien Date Rolls to identify any discrepancies. The firm will also review parcels on the Unsecured Property Tax Roll to identify inconsistencies such as value variations, values being reported to a mailing address rather than the situs address and other errors.

In addition to these audits, HdLCC will also audit the documentary transfer tax remittances provided by the County to the City and identify misallocations that may be recovered by the City. The company will also audit redevelopment agency property tax increment revenues, including but not limited to, base year values, tax sharing agreement payments, and County allocations and payments.

HdLCC will also provide a wide range of property tax reports that will assist the City in estimating property tax revenues as well provide historical trending reports involving taxable assessed values for the City, median and average sales prices, foreclosure activity and related economic trends.

HdL Coren & Cone (HdLCC) was founded in 1992 and was the first company to develop a computer software system for tracking property tax revenues for cities, counties, special districts and redevelopment agencies. HdLCC audit team has developed specialized data bases and audit techniques to provide comprehensive property tax analysis and recover all misallocated property tax revenues and documentary transfer taxes. Its organization is made up of individuals with extensive experience in property tax assessment, administration, auditing, economic development and financial management.

FISCAL IMPACT

Base fee is \$13,500 plus 25 percent of net funds recovered or reallocated resulting directly or indirectly from audits conducted by the firm.



STAFF REPORT

TO: City Council
FROM: Community Development Director
CITY COUNCIL MEETING: September 13, 2011

SUBJECT: PC 11-09 – Consideration of a Development Code Amendment to Section 19.48.030 “Accessory Uses in Residential Districts” regarding architectural compatibility.

RECOMMENDATION

Open and conduct the Public Hearing, consider public comment, determine that PC 11-09 is Exempt from further environmental review and introduce Ordinance No. 242 approving an amendment to Section 19.48.030 “Accessory Uses in Residential Districts” of the Development Code regarding architectural compatibility.

Attachments:

Draft Ordinance No. 242
Minute Excerpt from August 16, 2011
Notice of Determination

ORDER OF PROCEDURE

Request Staff Report (Charles LaClaire Presenting)
Council Questions of Staff
Open Public Hearing
Receive Public Comment
Close Public Hearing
Council Discussion
Motion/Second
Discussion of Motion
Call the Question

PROJECT DESCRIPTION

The City of Twentynine Palms Community Development Department is proposing to amend the City’s Development Code by amending the provisions and requirements of Code Section 19.48.030 “Accessory Uses in Residential Districts” regarding the architectural compatibility requirements applicable to any accessory structure within the City of Twentynine Palms.

BACKGROUND

Beginning on February 15, 2011, the City’s Planning Commission conducted a series of Study Sessions, open to the public, with the last being held on July 19, 2011, at which the Commission discussed and provided guidance to staff regarding amending the language within Development Code Section 19.48.030 “Accessory Uses in Residential Districts” as it pertains to the architectural compatibility between the main and accessory structures upon the same property.

In consideration of the history of the issue at hand, the Commission had taken the opportunity to address accessory structure standards in conformance to the guidance given by the City Council at its meeting of May 24, 2011. To that end, the Commission, during the above noted Study Sessions, discussed what structures should be subject to the Code’s requirement for “architectural compatibility”, and what architectural compatibility meant. At both meetings of July 19, 2011 and June 21, 2011, the Commission commented upon the material that had been

presented within the Study Session reports, providing guidance to staff. Comments made dealt with an array of issues, such as non-habitable structures, visibility, painting (“similar” not “same”), retaining side yard accessibility and creating the opportunity for the Commission to review a Minor Use Permit for deviations from the otherwise applicable standards.

At a Public Hearing before the Planning Commission on August 16, 2011 (Minute Excerpt attached), the Commission considered the Code Amendment based upon the guidance provided during the Study Sessions and the draft language that had been presented by staff. Although many interested individuals had addressed the Commission during the various Study Sessions, no member of the public spoke at the August 16th Public Hearing. Following a brief staff report and discussion, and as no one wished to address the Commission, a motion was offered, seconded and unanimously approved to adopt Planning Commission Resolution No. 11-09 forwarding a recommendation that the City Council determine that PC 11-09 is Exempt from further environmental review and approve the proposed amendment to the Development Code amending Section 19.48.030 “Accessory Uses in Residential Districts” regarding architectural compatibility.

ANALYSIS

In consideration of the guidance provided by the Commission at past meetings, changes to the existing language of Code Section 19.48.030 “Accessory Uses in Residential Districts” were examined by the Commission at several Study Sessions and a Public Hearing. Listed below is the language resulting from these Study Sessions and the Public Hearing for Council consideration under this Development Code Amendment. The language presented below, recommended by the Planning Commission, may be modified in any manner wished by the Council.

It is noted that within the past, the Planning Commission has attempted to forward to the Council changes that simplify the language of the Code to focus upon fewer standards and criteria, attempting to make it easier for the average individual to understand the requirements of the City. The language proposed below illustrates the changes to the existing language (with additions shown in ***bold italics*** and deletions shown in ~~double strikethrough~~) considered and forwarded by the Commission. While the language below clearly does not “simplify” the existing language of the Code, it should, if adopted by the Council, make it easier for the average community resident to understand what is allowed for and required of accessory buildings.

Proposed Language recommended by the Planning Commission in its action of August 16, 2011:

19.48.020 General Standards.

- C. Permitted accessory buildings shall be located ***only*** on the same parcel as the primary use within the building envelope. ***A property owner or other may not establish (build or place) an accessory building upon a property where there is not a primary building.***

19.48.030 Accessory Uses and Structures in Residential Districts. The following uses shall be permitted as accessory uses to each ~~primary~~ ***primary*** single dwelling unit which is allowed:

- A. Guest Housing. Residential occupancy of a living unit, with no kitchen plumbing, located on the same parcel as the primary dwelling unit, but separated from it by at least ten (10) feet. This housing is for use by the occupants or temporary guests of the occupants of the premises and is not to be rented or otherwise used as a separate dwelling, except as provided by this Section.
- B. Accessory animal ***boarding, breeding, housing, lodging, sheltering or*** raising as

specified by Chapter 19.52, *Animal Keeping*. (***Held in reserve until updated Development Code has a Chapter 19.52 “Animal Keeping”.***)

C. ***Exceptions.*** Non-habitable accessory ***structures*** facilities such as a ~~cabana~~, ***an improved*** play yard, tennis court, ~~porch, ramada, awning,~~ patio slab, water tower and well, swimming pool, ~~storage buildings~~ and similar ***at grade or below grade structures*** uses.

D. Accessory Structure Regulations. The following ~~additional~~ regulations shall apply to ***all*** accessory structures as specified:

1. ***All accessory buildings, whether or not requiring a Building Permit, which enclose or shelter 200 square feet or less of floor area, and which maintain a color similar to the main structure on site, are not located within any required setback area and do not exceed the height of the main structure on site, shall not be required to be architecturally compatible with the main structure(s) on site. Further, any accessory building which by its location is not visible from any individual at ground or second story level within any public right-of-way or adjoining property shall not be required to be architecturally compatible with the main structure(s) on site.***

2. All accessory buildings ***which enclose or shelter more than 200 square feet of floor area*** shall be required to be architecturally compatible with the main ***building(s) on site*** ~~structure(s)~~. ***Architectural compatibility shall be determined where the accessory building is at least a similar color as the dominant color of the primary building on site and does not exceed the height of that primary building. In addition to these absolute requirements for each such architecturally compatible building, that building must also possess at least two (2) traits of the primary building on site coming from the following list of architectural features:***

- Wall covering materials (wood, stucco, metal);***
- Wall texture (smooth, stucco, lace stucco, lap siding);***
- Roofing material (tile, shake, composition, metal);***
- Roofing pitch (flat, 2 and 12, steep);***
- Structural eaves (present or absent, and when present the extent/distance projecting from supporting wall);***
- Fascia materials (present and if so, decorative or functional);***
- Mass and scale of structure relative to structural height (short and broad, tall and thin, massive);***
- Windows size (proportionally large and/or small relative to surrounding wall)***
- Window characteristics (few or numerous, single pane, multi-pane, decorative); and***
- Decorative treatments (pop-outs, columns, dormers, window surrounds, decorative arches).***

In lieu of the above conformity, under review of a Minor Use Permit, the Planning Commission may determine an accessory building to be architecturally compatible with the main building on a site where the Commission finds that the proposed accessory structure shall be consistent, compatible and complimentary to the main building on site and/or to the buildings within the immediate area.

At all times one side yard shall remain unencumbered (a minimum width as defined within Table 19.82-D “Required Driveway and Aisle Width” for a driveway width) to provide access to the rear yard of the property.

All such accessory buildings shall be subject to the size limitations established under Development Code Section 19.48.030 "Accessory Uses in Residential Districts", subsection "D".

No such accessory building subject to the above requirements shall be located within any required front, side, street side or rear yard setback area.

3. In RM and RS districts, the following size restrictions shall apply to accessory structures unless a greater size is approved with a Minor Use Permit:
 - a. In the RS District, the **cumulative total** area of **all** accessory buildings ~~or features~~ **upon a recorded lot** may not exceed fifty percent (50%) of the area of the main structure or 1,000 sq. ft., whichever is larger. **Within the Rural Living (RL) Districts, the cumulative total area of all accessory buildings upon a recorded lot may not exceed one hundred percent (100%) of the area of the main structure or 2,500 square feet, whichever is larger, without first obtaining approval from the Planning Commission of a Minor Use Permit.**
 - b. In both districts, an accessory building may not be higher than the height of the established main structure.
 4. In all districts, the setback of an accessory building shall be greater than the minimum established for the district in question when the height of the structure is greater than the yard setback; in which case the structure shall be setback at least to the line where the height is not greater than the distance from the structure to the property line.
- E. Permanent use of sea-going cargo containers and similar storage devices may be permitted as permanent storage facilities on a lot containing a residence subject to the following conditions:
1. Approval of an Administrative Cargo Container Review where it is demonstrated that the requested container(s) is proposed to be located within the rear yard area of the lot, screened from view of the neighbors and the public rights-of-way by residential structures, landforms or physical features of the lot, landscaping or opaque fencing of up to six (6) feet in height with any visible remaining exterior portion of the container(s) painted in a manner compatible with the principal residence on site.
 2. Screening shall be waived if the container(s) is/are completely encased within an on-site, stick-built skin and eaves, which are architecturally consistent with the main home on site and located no closer than fifty (50) feet to any adjoining property line.
 3. Containers shall be maintained in "reasonable aesthetic condition" at all times, shall not exceed fifty percent (50%) of the floor area of the primary building on site nor be stacked one atop another, and shall not be used for habitation of persons or animals.
 4. Alternative allowances, including size, screening, condition, location, habitation, etc., may be considered and approved by the Planning Commission under review and approval of a Conditional Use Permit.

CEQA Environmental Review

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposal has been reviewed for its potential to impact the environment. As the Development Code Amendment proposed will modify and further define the requirements and allowances of the existing Code with regard to small accessory structure, by defining architectural compatibility or establishing alternative allowances for those accessory structures, it can be seen with certainty that the proposed amendment will not have an adverse impact upon the environment, therefore, under Section 15321 it is EXEMPT from further environmental review.

General Plan/Zoning Designations Citywide

With consideration of any Code Amendment, the City, both Commission and Council, must review the proposal in light of its conformity to the Goals and Policies of the City's adopted General Plan. As such, the following General Plan Goals and Policies were offered for consideration by the Commission during its review of the proposed changes to the standards and criteria applicable to accessory structures. The Commission, upon review of the offered Goals and Policies, found that the changes proposed to the Development Code under this Amendment were consistent with the stated Goals and Policies as the change will improve the desirability of the City by preserving the low density and aesthetic nature and character (as a community resource) of residential properties within the community while allowing consistency and flexibility in development. Further, this change shall allow development in a manner that is consistent with development standards that minimization potential land use conflicts by establishing and enforcing high quality land use standards, as well as allow creative alternative development requirements under Commission review. As such, the Commission, in adopting Resolution No. 11-10, forwards a recommendation that the Council also find that the proposed amendment is consistent with these Goals and Policies.

Land Use

Goal #1

A Land Use Plan which provides a desirable City in which to live.

Policy #1.1

Traffic, noise and other impacts will be considered prior to any land use designation change and/or land use intensification.

Policy #1.2

Quality standards will be applied to all new developments.

Policy #1.3

Uses shall be located in a manner which will minimize conflict and mitigate impacts.

Goal #5

The City will be environmentally sensitive and all land uses shall minimize adverse environmental impacts and shall maintain and enhance existing natural resources.

Conservation

Goal #1

The City of Twentynine Palms will be environmentally conscious in administering its responsibility to ensure that resources are protected.

Policy #1.1

Land use decisions by the City will consider long-term impacts to natural resources, and development will occur in a manner which does not unnecessarily damage or reduce the City's resources.

Policy 1.2

Intensity of development will occur in a manner which ensures environmental protection.

Safety

Goal #1

The City of Twentynine Palms will be a safe place to live and visit.

Noise

GOAL #1

Noise levels will be anticipated prior to the City taking actions on land use proposals and potential conflicts will be avoided so that noise levels will not exceed acceptable levels.

Findings

Section 19.22.050 "Findings" of the City's Development Code requires that the City Council, following a recommendation by the Planning Commission, make specific Findings in a positive manner prior to approval of a Development Code Amendment. Similar to the issue of General Plan Goals and Policies noted above, these Findings, along with a comment to address each, were considered and adopted within the Commission's Resolution No. 11-10, which forwards a recommendation that the Council also consider and adopt these Findings.

- A. The Zone Change or Development Code Amendment is consistent with the intent of the goals and policies of the General Plan; and

Comment: The proposed amendment to the Development Code is consistent with the goals and policies of the adopted General Plan by improving the livability of the City by enhancing established high quality land use standards, while still allowing flexibility and continuity to existing development within the community.

- B. The Zone Change or Development Code Amendment prescribes reasonable controls and standards to ensure compatibility with other established uses; and

Comment: The proposed amendment to the Development Code will establish clear and detailed standards and criteria for accessory structures that will allow both flexibility to preserve the nature and character of development within the community, and continuity with existing development. No changes to the basic permitted land uses would accompany the proposed Development Code Amendment.

- C. The Zone Change or Development Code Amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species; and

Comment: The proposed Code Amendment will minimally alter development rights to existing land uses within the community, but such alteration shall enhance the ability of the community to preserve the character of the community by providing clear development criteria and limitation, while still allowing flexibility of the development requirements to address the unique circumstances. As such, the proposed Amendment will enhance the use of properties within the community, assuring the provision of development rights, while continuing to protect environmentally sensitive land uses.

- D. The Zone Change or Development Code Amendment ensures protection of the general health, safety, and welfare of the community

Comment: No changes are proposed under this Code Amendment that would reduce or compromise existing standards that protect the health, safety or general welfare of the citizens, residents and visitors to the City of Twentynine Palms.

Approval Process

The Planning Commission is the Reviewing Authority for any amendment to the City's Development Code, with the City Council being the Approval Authority. With the Planning Commission's action to adopt Commission Resolution No. 11-10, it forwards a recommendation that the City Council determine that the proposed amendment is exempt from further environmental review, find that the proposed Amendment is consistent with the Goals and Policies of the City's adopted General Plan and adopt the proposed Amendment as detailed within the Commission's Resolution (incorporated within the draft Ordinance No. 242).

MINUTE EXCERPT

**TWENTYNINE PALMS PLANNING COMMISSION
CITY COUNCIL CHAMBER, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, AUGUST 16, 2011**

6:00 P.M.

MINUTES

- 1.0 CALL TO ORDER-** Chair Easter called the meeting to order at 6:00 p.m.
PLEDGE OF ALLEGIANCE- Commissioner Mendoza led the Pledge of Allegiance.
ROLL CALL- The following Commissioners were present: Alderson, Benton, Mendoza, Whitten and Easter.

>>>>>

2.0 PUBLIC HEARINGS

- 2.1 PC 11-09 – Consideration of an amendment to Development Code Section 19.48.030 “Accessory Uses in Residential Districts” regarding architectural compatibility.

RECOMMENDATION: Open and conduct the Public Hearing, consider public comment and approve PC Resolution No. 11-10 forwarding a recommendation that the City Council determine that PC 11-09 is Exempt from further environmental review and approve the proposed amendment to the Development Code amending Section 19.48.030 “Accessory Uses in Residential Districts” regarding architectural compatibility.

Community Development Director LaClaire (Director LaClaire) presented a staff report to the Planning Commission.

Chair Easter opened the Public Hearing.

Chair Easter closed the Public Hearing after there were no requests to speak from the public.

Chair Easter raised the issue of similar verses same color requirements, stating that he was not comfortable with either as a requirement. Other commissioner’s noted that the term “similar” color was a compromised worked out during the Study Sessions.

ACTION: On a motion made by Commissioner Mendoza, seconded by Commissioner Whitten and carried with a 5-0 roll call vote, the Planning Commission approved PC Resolution No. 11-10 forwarding a recommendation that the City Council determine that PC 11-09 is Exempt from further environmental review and approve the proposed amendment to the Development Code amending Section 19.48.030 “Accessory Uses in Residential Districts” regarding architectural compatibility.

>>>>

9.0 ADJOURNMENT- Chair Easter adjourned the meeting at 6:50 p.m.

Respectfully Submitted,

Jacqueline

Palmer,

Deputy

City

Clerk

**CITY OF TWENTYNINE PALMS
CITY COUNCIL**

ORDINANCE No. 242

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, FINDING THAT PC 11-09 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMENDING TITLE 19 “DEVELOPMENT CODE” OF THE CITY’S MUNICIPAL CODE BY AMENDING SECTIONS 19.48.020 and 19.48.030 OF CHAPTER 19.48 “ACCESSORY USES AND STRUCTURES”.

WHEREAS, the City of Twentynine Palms General Plan was adopted by the City Council on April 12, 1988; and

WHEREAS, Title 19 (Development Code) of the Municipal Code of the City of Twentynine Palms was adopted by the City Council on April 12, 1988, and subsequently amended upon the recommendation of the Planning Commission; and

WHEREAS, there is no developmental project proposed as part of Development Code Amendment PC 11-09; and

WHEREAS, on August 16, 2011 the Planning Commission of the City of Twentynine Palms conducted a duly noticed and advertised Public Hearing on PC 11-09, an amendment to Title 19 “Development Code” of the City of Twentynine Palms Municipal Code, Chapter 19.48 “Accessory Uses and Structures”, Sections 19.48.020 “General Standards” and 19.48.030 “Accessory Uses and Structures in Residential Districts”, receiving testimony from the public and adopting Planning Commission Resolution No. 11-10 forwarding a recommendation to the Council to adopt the proposed Code Amendment; and

WHEREAS, on September 1, 2011 Development Code Amendment PC 11-09 was duly noticed in the Desert Trail, a newspaper of general circulation within the City of Twentynine Palms for a Public Hearing before the City Council; and

WHEREAS, on September 13, 2011 the City Council of the City of Twentynine Palms conducted a duly noticed and advertised Public Hearing on PC 11-09, an amendment to Title 19 “Development Code” of the City of Twentynine Palms Municipal Code, Chapter 19.48 “Accessory Uses and Structures”, Sections 19.48.020 “General Standards” and 19.48.030 “Accessory Uses and Structures in Residential Districts”, receiving testimony from the public and adopting Planning Commission Resolution No. 11-10 forwarding a recommendation to the Council to adopt the proposed Code Amendment; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), it has been determined that the proposal, consisting of the a modification and further refinement of the requirements and allowances of the existing Code with regard to small accessory structure, by defining architectural compatibility or establishing alternative allowances for those accessory structures, can be seen with certainty will not have an adverse impact upon the environment, and therefore, under Section 15321 it is EXEMPT from further environmental review; and

WHEREAS, the City Council finds on the basis of the whole record before it (including any comments received at the Public Hearing) that there is no substantial evidence that the

project will have a significant effect on the environment and that the Determination of Exemption reflects the Council's independent judgment and analysis; and

WHEREAS, the proposed amendment to the Development Code by way of PC 11-09 is consistent with the Goals and Policies of the City of Twentynine Palms General Plan and Title 9 (Development Code) of the Municipal Code of the City of Twentynine Palms and shall promote the health, safety and general welfare of the citizens of the Community; and

WHEREAS, the City Council, in its consideration of the proposed Code Amendment, considered the Goals and Policies of the adopted General Plan, including:

Land Use

Goal #1

A Land Use Plan which provides a desirable City in which to live.

Policy #1.1

Traffic, noise and other impacts will be considered prior to any land use designation change and/or land use intensification.

Policy #1.2

Quality standards will be applied to all new developments.

Policy #1.3

Uses shall be located in a manner which will minimize conflict and mitigate impacts.

Goal #5

The City will be environmentally sensitive and all land uses shall minimize adverse environmental impacts and shall maintain and enhance existing natural resources.

Conservation

Goal #1

The City of Twentynine Palms will be environmentally conscious in administering its responsibility to ensure that resources are protected.

Policy #1.1

Land use decisions by the City will consider long-term impacts to natural resources, and development will occur in a manner which does not unnecessarily damage or reduce the City's resources.

Policy 1.2

Intensity of development will occur in a manner which ensures environmental protection.

Safety

Goal #1

The City of Twentynine Palms will be a safe place to live and visit.

Noise

GOAL #1

Noise levels will be anticipated prior to the City taking actions on land use proposals and potential conflicts will be avoided so that noise levels will not exceed acceptable levels.

WHEREAS, the City Council, upon the, in its review of the proposed Development Code Amendment PC 11-09, and with consideration of the recommendation of the Planning Commission, makes the following “Findings”:

- A. The proposed amendment to the Development Code is consistent with the goals and policies of the adopted General Plan by improving the livability of the City by enhancing established high quality land use standards, while still allowing flexibility and continuity to existing development within the community.
- B. The proposed amendment to the Development Code will establish clear and detailed standards and criteria for accessory structures that will allow both flexibility to preserve the nature and character of development within the community, and continuity with existing development. No changes to the basic permitted land uses would accompany the proposed Development Code Amendment.
- C. The proposed Code Amendment will minimally alter development rights to existing land uses within the community, but such alteration shall enhance the ability of the community to preserve the character of the community by providing clear development criteria and limitation, while still allowing flexibility of the development requirements to address the unique circumstances. As such, the proposed Amendment will enhance the use of properties within the community, assuring the provision of development rights, while continuing to protect environmentally sensitive land uses.
- D. No changes are proposed under this Code Amendment that would reduce or compromise existing standards that protect the health, safety or general welfare of the citizens, residents and visitors to the City of Twentynine Palms.

NOW, THEREFORE, the City Council of the City of Twentynine Palms, California, does ordain as follows:

Section 1. Based upon review of the proposed amendment of the Development Code by way of PC 11-09, that the City Council finds that the proposed amendment does not have the potential to have an adverse impact upon the environment and, therefore, under Section 15321 of the State Guidelines the proposal is exempt from further CEQA review.

Section 2. That the City Council finds that the proposed Amendment is consistent with the adopted General Plan Goals and Policies as set forth above as the change proposed under the Amendment as the change will improve the desirability of the City by preserving the low density and aesthetic nature and character (as a community resource) of residential properties within the community while allowing consistency and flexibility in development. Further, this change shall allow development in a manner that is consistent with development standards that minimization potential land use conflicts by establishing and enforcing high quality land use standards, as well as allow creative alternative development requirements under Commission review.

Section 3. That the City Council approves and adopts the Findings required for approval for a Development Code Amendment as set forth above.

Section 4. That the City Council of the City of Twentynine Palms hereby amends Title 19 “Development Code” of the City’s Municipal Code, Chapter 19.48 “Accessory Uses and Structures”, Section 19.48.020 “General Standards”, Subsection “C” to read, in its entirety, as follows:

19.48.020 General Standards.

- C. Permitted accessory buildings shall be located only on the same parcel as the primary use within the building envelope. A property owner or other may not establish (build or place) an accessory building upon a property where there is not a primary building.

Section 5. That the City Council of the City of Twentynine Palms hereby amends Title 19 "Development Code" of the City's Municipal Code, Chapter 19.48 "Accessory Uses and Structures", Section 19.48.030 "Accessory Uses and Structures in Residential Districts", to read, in its entirety, as follows:

19.48.030 Accessory Uses and Structures in Residential Districts. The following uses shall be permitted as accessory uses to each primary dwelling unit which is allowed:

- A. Guest Housing. Residential occupancy of a living unit, with no kitchen plumbing, located on the same parcel as the primary dwelling unit, but separated from it by at least ten (10) feet. This housing is for use by the occupants or temporary guests of the occupants of the premises and is not to be rented or otherwise used as a separate dwelling, except as provided by this Section.
- B. Accessory animal boarding, breeding, housing, lodging, sheltering or raising as specified by Chapter 19.52, *Animal Keeping*. (Held in reserve until updated Development Code has a Chapter 19.52 "Animal Keeping".)
- C. Exceptions. Non-habitable accessory structures such as an improved play yard, tennis court, patio slab, water well, swimming pool, and similar at grade or below grade structures.
- D. Accessory Structure Regulations. The following regulations shall apply to all accessory structures as specified:
1. All accessory buildings, whether or not requiring a Building Permit, which enclose or shelter 200 square feet or less of floor area, and which maintain a color similar to the main structure on site, are not located within any required setback area and do not exceed the height of the main structure on site, shall not be required to be architecturally compatible with the main structure(s) on site. Further, any accessory building which by its location is not visible from any individual at ground or second story level within any public right-of-way or adjoining property shall not be required to be architecturally compatible with the main structure(s) on site.
 2. All accessory buildings which enclose or shelter more than 200 square feet of floor area shall be required to be architecturally compatible with the main building(s) on site. Architectural compatibility shall be determined where the accessory building is at least a similar color as the dominant color of the primary building on site and does not exceed the height of that primary building. In addition to these absolute requirements for each such architecturally compatible building, that building must also possess at least two (2) traits of the primary building on site coming from the following list of architectural features:
 - Wall covering materials (wood, stucco, metal);
 - Wall texture (smooth, stucco, lace stucco, lap siding);
 - Roofing material (tile, shake, composition, metal);
 - Roofing pitch (flat, 2 and 12, steep);
 - Structural eaves (present or absent, and when present the extent/distance projecting from supporting wall);
 - Fascia materials (present and if so, decorative or functional);

Mass and scale of structure relative to structural height (short and broad, tall and thin, massive);
Windows size (proportionally large and/or small relative to surrounding wall)
Window characteristics (few or numerous, single pane, multi-pane, decorative); and
Decorative treatments (pop-outs, columns, dormers, window surrounds, decorative arches).

In lieu of the above conformity, under review of a Minor Use Permit, the Planning Commission may determine an accessory building to be architecturally compatible with the main building on a site where the Commission finds that the proposed accessory structure shall be consistent, compatible and complimentary to the main building on site and/or to the buildings within the immediate area.

At all times one side yard shall remain unencumbered (a minimum width as defined within Table 19.82-D "Required Driveway and Aisle Width" for a driveway width) to provide access to the rear yard of the property.

All such accessory buildings shall be subject to the size limitations established under Development Code Section 19.48.030 "Accessory Uses in Residential Districts", subsection "D".

No such accessory building subject to the above requirements shall be located within any required front, side, street side or rear yard setback area.

3. In RM and RS districts, the following size restrictions shall apply to accessory structures unless a greater size is approved with a Minor Use Permit:
 - a. In the RS District, the cumulative total area of all accessory buildings upon a recorded lot may not exceed fifty percent (50%) of the area of the main structure or 1,000 sq. ft., whichever is larger. Within the Rural Living (RL) Districts, the cumulative total area of all accessory buildings upon a recorded lot may not exceed one hundred percent (100%) of the area of the main structure or 2,500 square feet, whichever is larger, without first obtaining approval from the Planning Commission of a Minor Use Permit.
 - b. In both districts, an accessory building may not be higher than the height of the established main structure.
4. In all districts, the setback of an accessory building shall be greater than the minimum established for the district in question when the height of the structure is greater than the yard setback; in which case the structure shall be setback at least to the line where the height is not greater than the distance from the structure to the property line.
- E. Permanent use of sea-going cargo containers and similar storage devices may be permitted as permanent storage facilities on a lot containing a residence subject to the following conditions:
 1. Approval of an Administrative Cargo Container Review where it is demonstrated that the requested container(s) is proposed to be located within the rear yard area of the lot, screened from view of the neighbors and the public rights-of-way by residential structures, landforms or physical features of the lot, landscaping or opaque fencing of up to six (6) feet in height with any visible remaining exterior portion of the container(s) painted in a manner compatible with the principal residence on site.

2. Screening shall be waived if the container(s) is/are completely encased within an on-site, stick-built skin and eaves, which are architecturally consistent with the main home on site and located no closer than fifty (50) feet to any adjoining property line.
3. Containers shall be maintained in "reasonable aesthetic condition" at all times, shall not exceed fifty percent (50%) of the floor area of the primary building on site nor be stacked one atop another, and shall not be used for habitation of persons or animals.
4. Alternative allowances, including size, screening, condition, location, habitation, etc., may be considered and approved by the Planning Commission under review and approval of a Conditional Use Permit.

Section 6. Notice of Adoption. The City Clerk of the City of Twentynine Palms shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted by Section 36933 of the Government Code of the State of California.

Section 7. Introduction Date. Ordinance No. 242 was introduced by Council action on the 13th day of September, 2011.

Section 8. Effective Date. Ordinance No. 242 becomes effective on _____, 2011, thirty (30) days after its adoption by Council action on the _____th day of _____, 2011.

Section 9. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____, 2011.

Jim Harris, Mayor

ATTEST:

Charlene L. Sherwood MMC, City Clerk

I hereby certify that the foregoing is a true copy of Ordinance No. 242, introduced on the 13th day of September, 2011 and duly adopted by the City Council of the City of Twentynine Palms in a meeting held on the _____ day of _____, 2011, in Twentynine Palms, California by the following vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

Charlene L. Sherwood MMC, City Clerk



STAFF REPORT

TO: City Council
FROM: Community Development Director
CITY COUNCIL MEETING: September 13, 2011

SUBJECT: Encelia Avenue Pavement Project

RECOMMENDATION

Provide staff with input for the construction of the Encelia Avenue Pavement Project.

Attachment:

Street Typical Section

ORDER OF PROCEDURE

- Request Staff Report (Richard Pedersen Presenting)
- Council Questions of Staff
- Request Public Comment
- Council Discussion
- Motion/Second
- Discussion of Motion
- Call the Question

BACKGROUND

Recently, the City Council approved the City's budget for FY 2011/2012. Included in the budget is the Encelia Avenue Paving Project. The project includes paving with asphalt concrete (A.C.) Encelia Avenue, an existing dirt road, from Sunnyslope Drive to Two Mile Road. This new section of street is a one-quarter (1/4) mile long. The proposed project includes grading the existing dirt road approximately forty-six (46) feet wide to accommodate a new paved road section, which will be thirty-six (36) feet wide. (See attached typical section.) This project is estimated to cost \$250,000, which is included in the City's Capital Improvement (CIP) project list of the City's budget for this fiscal year.

Because the proposed project will connect Two Mile Road with the existing paved section of Encelia Avenue at Sunnyslope Drive, it is anticipated that the new roadway will redistribute traffic in the area. It will decrease existing traffic from other adjacent streets and will increase traffic on Encelia Avenue from Two Mile Road to SR 62. A short presentation will be provided to the Council at the September 13th meeting regarding the project.

DISCUSSION

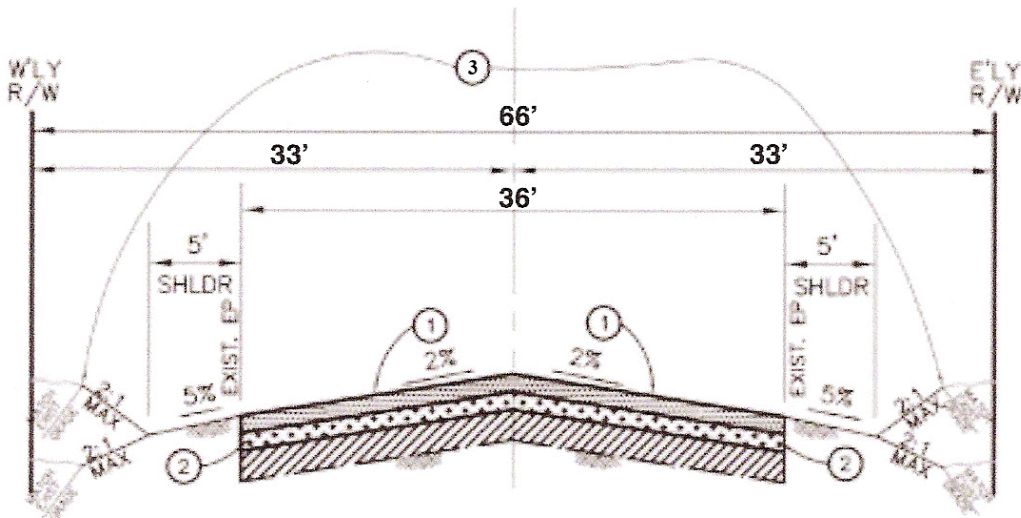
Staff has begun contacting the property owners at the location of the new road section. It is anticipated that plans and specifications for this project could be available for construction later this calendar year. The plans and specifications will be presented to Council prior to advertising the project for approval.

FISCAL IMPACT

Sufficient funds have been budgeted in the current City's budget for this final phase of this project, which is construction.

CITY OF TWENTYNINE PALMS

Encelia Avenue Two Mile Road to Sunnyslope Drive



TYPICAL SECTION

NOT TO SCALE

CONSTRUCTION NOTES

- ① 2.5" AC OVERLAY
- ② 2.5" AC LEVELING COURSE
- ③ REGRADE EXISTING ROADWAY



STAFF REPORT

TO: City Council/Redevelopment Agency Board
FROM: City Manager
CITY COUNCIL MEETING: September 13, 2011

SUBJECT: Review Public Arts Advisory Committee (PAAC) Recommendation to Commission a Mobile 29! Public Art Piece and Authorize Project Request for Proposals (RFP) and Construction

RECOMMENDATION

(1) Review Public Arts Advisory Committee (PAAC) recommendation to commission a Mobile 29! Public Art Piece and (2) authorize project Request for Proposals (RFP) and construction.

ORDER OF PROCEDURE

Request Staff Report (City Manager)
Council Questions of Staff
Council Discussion
Motion/Second
Discussion of Motion
Call the Question

Attachment

Mobile 29! Public Art Piece Concept Plan

BACKGROUND

The steel 29! public art sculpture at the base of Donnell Hill on Twentynine Palms Highway is a community asset. It is a source of community pride and has become an "iconic image" readily identifying the viewer with the City of Twentynine Palms. This public art piece has become a community focal point where hundreds of people have taken pictures with their family and friends. These images have circulated around the globe.

The FY2011-2012 City budget contains \$15,000 for the Public Arts Advisory Committee. They have recommended that the City Council Commission a Mobile 29! Public Art Piece.

DISCUSSION

The purpose of the Mobile 29! Public Art Piece with trailer is to have a mobile sculpture that can be displayed at various civic and community funds throughout the year. These functions would include displaying the Mobile 29! at monthly Chamber of Commerce mixers, new business openings, Pioneer Days events, annual car show and area parades. It could also be displayed randomly at the Senior Citizen Center, library, City Hall, City parks and at various recreation activities and events.

The proposed Mobile 29! Public Art Piece will be built as follows: (See Attached Concept Plan)

- Custom 29! sculpture and base will be mounted on a trailer.

- Numerals 29 and the exclamation point will be constructed from two-pound high-density polystyrene and fiberglass, finished and prime for painting.
- Numeral pedestals and base constructed of plywood with fiberglass finish, primed and painted with selected colors.
- “A DESERT OASIS” lettering on the sculpture base (one side only) in wood or metal cut outs.
- Numerals and exclamation mark to have custom painted scenes painted by a contracted artist. Three artists would be paid \$200 to submit designs. One design would be accepted and selected artist would be paid \$1,000 for art on numerals and exclamation point.
- Trailer will have wheels below the trailer bed for best viewing of the sculpture and “A DESERT OASIS” lettering on the sculpture base.
- Contractors chosen for this project will be through the City’s Request for Proposals (RFP) review and selection process.
- Vectored (CD) image of 29! will be provided to selected contractors.

ALTERNATIVES

1. City Council could modify proposed Mobile 29! Public Art Piece.
2. City Council could reject proposed Mobile 29! Public Art Piece.

FISCAL IMPACT

Construction of Mobile 29! Public Art Piece, including lettering is estimated to be approximately \$3,500. Trailer is estimated to cost \$1,500 to \$2,000 and art work is estimated to be \$1,600.