



STAFF REPORT

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To: Planning Commission
From: Community Development Director
Date: May 4, 2004
RE: PC 02-17
Development Code Update, proposed revision to Chapter 19.54 Bed and Breakfast Uses.

RECOMMENDATION: Conduct the Public Hearing and formulate a recommendation to the City Council for adoption.

BACKGROUND: At the April 20, 2004 meeting, the Planning Commission discussed proposed changes to the City's requirements for bed and breakfast uses. Staff was directed to delete the requirement for historic structure designation for such uses exceeding five guest units.

Attachments

- Chapter 19.54, Bed and Breakfast Uses

The attached draft, if adopted, will allow bed and breakfast uses in any residential area provided that the standards are met, subject to approval of a Conditional Use Permit

Environmental Clearance

The California Environmental Quality Act (CEQA), provides for several areas of exemptions. Class 7 allows for actions by regulatory agencies to maintain, restore, or enhance natural resources, other than construction activities, where the regulatory process includes procedures to protect the environment.

Summary

If the Commission is satisfied with the draft text after conducting the Public Hearing, a recommendation for Council adoption would be in order. Staff recommends that the Planning Commission conduct the Public Hearing and formulate a recommendation to the City Council for adoption. The City Council will hold a Public Hearing on May 25, 2004 to consider the Planning Commission's recommendation. If introduced by the Council at the May 25th meeting, the chapter may be adopted by the Council at the June 8th meeting and would become effective on July 8, 2004.

Recommended Motion for Approval

I move that the Planning Commission recommend adoption of revised Chapter 19.54, Bed and Breakfast Uses, as presented.



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To: Planning Commission
From: Community Development Director
Date: May 4, 2004
RE: **PC 04-09**

Conditional Use Permit (CUP) amendment for 73501 Twentynine Palms Highway (APN 617-111-15), amending parking requirement, and Site Plan Review application to establish a fitness center at 73487 Twentynine Palms Highway (APN 617-105-10) with parking proposed offsite (APNs 617-111-03 and 04).

RECOMMENDATION: Conduct the hearing and approve the request, subject to the requirements and standards of the City's General Plan and Development Code.

BACKGROUND: On March 31, 1998, Friends Can Do, Inc. received Planning Commission approval for a change of use, converting the existing structure at 73501 Twentynine Palms Highway from general retail to restaurant. Condition No. 5 of the Conditions of Approval requires that parking be provided on parcels identified as APN 617-111-03 and 617-111-04.

On February 10, 2004, the City's parking requirements for restaurants were reduced and the applicant seeks to have the new, reduced requirements applicable to the property at 73501 Twentynine Palms Highway. This action requires Planning Commission approval of a CUP amendment. Also, the applicant seeks to establish a fitness center at 73487 Twentynine Palms Highway and utilize the parking on APN 617-111-03 and 04 for, 1) the existing restaurant at 73501 Twentynine Palms Highway, 2) the existing retail outlets at 73501 Twentynine Palms Highway, 3) the new fitness center at 73487 Twentynine Palms Highway and 4) the existing retail outlet at 73487 Twentynine Palms Highway.

The reduction in the parking requirement for 73501 Twentynine Palms Highway requires amendment of the 1998 approval. The new fitness center requires approval of a Site Plan Review. The Planning Commission is the Approval Authority for both matters.

All existing and proposed uses can be allowed in the General Commercial (CG) land use district if the Planning Commission determines that the proposal meets all applicable standards established by the City.

Attachments

- CUP Amendment application
- Site Plan Review application
- Locator Map
- Site Plan
- 1998 Conditions of Approval
- Draft Conditions of Approval
- Draft Parking Agreement

Parking Generally

The City's parking requirements are contained in Chapter 19.82. Per Section 19.82.020 (A) (2), the requirements of Chapter 19.82 are applicable to 73487 Twentynine Palms Highway because the applicant proposes a change of use (fitness center) which requires a greater number of parking than was provided for the previous use or activity. Chapter 19.82 is also applicable to 73501 Twentynine Palms Highway because of the 1998 change of use, converting the retail area to a restaurant and the addition of the outdoor dining area.

Section 19.82.030 provides an exemption for existing structures but this is only applicable if there is no change of use in which the new use requires a greater number of parking spaces.

Section 19.82.040 specifies the number of parking spaces required. Section 19.82.040 (B) allows for a 25% reduction in the quantity requirement if the parking is provided as shared parking and posted as public parking. The reduction in the requirement is discussed in more detail below under the heading *Shared Parking/Reciprocal Parking*.

Per Section 19.82.060 *Design and Construction of Facilities*, all off-street parking, if proposed offsite, shall be located within 300 feet from an entrance to the use it serves. The subject proposal provides parking within 230 feet of the back entrance of the fitness center. All other distances are less than 230 feet; the proposal complies with this requirement.

Section 19.82.060 specifies parking stall width, length and depth. Parking on parcel 617-111-04 is proposed at 45-degree angles, with a 13-foot wide, one-way aisle. Parking on parcel 617-111-03 is 90-degree with a 26-foot wide two-way aisle. The proposed dimensions are per standards established in Table 19.82-C. Subsection D (1) requires that all paved parking stalls are to be clearly marked by painted (or other easily distinguished and durable material) pavement striping. To be compliant with this requirement, striping of the lots will be required.

Parking for 73487 (Fitness Center/Jewelry Store)

Athletic and health clubs are required to provide one parking space for each 150 square feet of gross floor area (GFA). The proposed fitness center is 2,800 square feet. Therefore, the parking requirement for Curves is 19 spaces.

On the same parcel, APN 617-105-10, is a jewelry store of 1,400 square feet. The parking requirement for a retail outlet is one parking space per 200 square feet. Therefore, the parking requirement for the jewelry store is 7 parking spaces.

Total parking requirement for 73487 Twentynine Palms Highway is 26 spaces.

Parking for 73501 (Restaurant/Retail)

Parcel 617-111-15 includes a restaurant with indoor and outdoor dining and retail/commercial facilities. Per Chapter 19.82, all retail/commercial uses require one parking space per each 200 square feet GFA. For restaurants, the parking requirement is:

- 1 space/80 square feet of dining/open customer area +
- 1 space/200 square feet of all remaining floor area +
- 1 space/150 square feet outdoor dining or customer area

The structure at 73501 Twentynine Palms Highway is comprised of the following uses:

Dining/open customer area	854 square feet	@	1/80	=	11 spaces required
Restaurant other areas	1500 square feet	@	1/200	=	8 spaces required
Outdoor dining area	207 square feet	@	1/150	=	2 spaces required
Remaining area (retail)	3084 square feet	@	1/200	=	<u>15 spaces required</u>
TOTAL					36 spaces required

Shared Parking/Reciprocal Parking

The total parking requirement for all above described uses at 73487 and 73501 Twentynine Palms Highway is 62 spaces. Per Section 19.82.040 (B), a 25% reduction in the quantity of parking spaces is allowed if the parking is shared and is posted as public parking. This takes the parking requirement down to 47 parking spaces. The applicant proposes to provide 44 parking spaces to serve all above described uses.

Per Section 19.82.070 *Reciprocal Parking Facilities*, the proposal can be approved with the 44 spaces if the Planning Commission finds that parking to meet peak demand is provided. The section states:

Joint use of parking facilities for two or more uses may only be allowed with approval of an Administrative Site Plan Review application, pursuant to Chapter 19.28 *Site Plan Review* (or with approval of a CUP or MUP where required) when the parties sharing the parking facility provide a recordable document which demonstrates that:

- A. The hours of parking demand for the uses do not overlap.
- B. The parking facility provides a total number of spaces sufficient to meeting the peak parking demand of any combination of simultaneous uses.
- C. Upon approval, the document shall be recorded in the County Recorder's Office as a Deed Restriction on all properties subject to the agreement.

If the Planning Commission finds that peak parking demand can be met, and the applicant is agreeable to the recordable instrument prepared by the City Attorney, then the Planning Commission can approve the proposed parking arrangement.

Conditions of Approval

Staff has prepared draft Conditions of Approval that include the new requirements as well as the Conditions from the 1998 approval. The standard Conditions of Approval, adopted by the Planning Commission on March 16, 2004, are incorporated into the draft Conditions.

Handicap Parking

Per the Americans With Disabilities Act and Title 24 of the California Code of Regulations, two of the required parking spaces are to be handicap accessible. The handicapped spaces are to be as close to the entryway as is reasonably possible. The applicant is proposing to locate one along the northerly edge of APN 617-111-03 and another near the rear entrance to the fitness center.

Findings for Approval

Per Section 19.28.050 of the Development Code, the Planning Commission can approve the Site

Plan Review application if the following findings can be made:

- A. The proposal meets the standards of the Development Code, and will result in an appropriate and desirable development; and
- B. The proposal's design and appearance are aesthetically and architecturally pleasing while enhancing the character of the surrounding neighborhood; and
- C. The site is suitable in size, shape, and topography for the proposed development; and
- D. The site improvements are appropriate and will result in a safe, well-designed facility; and
- E. Approval of the project is consistent with the General Plan.

Per Section 19.30.060 of the Code, the following findings are required for approval of the CUP amendment:

- A. That the proposed design and location of the conditional use and the conditions under which it will be operated are in accordance with the purpose of this Development Code, the zoning regulations applicable to the site, the City of Twentynine Palms General Plan, and other applicable development policies and standards of the City; and
- B. That the proposed design and location of the conditional use and the conditions under which it will be operated will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity; and
- C. That the proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity.

Environmental Clearance

The California Environmental Quality Act (CEQA), provides for several areas of exemptions. Class 1 includes, "Operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses." Staff believes that this class of exemption can be applied to the proposed project. If the Planning Commission concurs, a motion to approve the Site Plan Review and CUP amendment should include a finding that the project is exempt from CEQA. If the Commission does not concur, the matter should be referred back to staff for completion of an environmental analysis.

Approval Authority

The Planning Commission is the Approval Authority for this project. If the CEQA Exemption is approved, the Commission may, 1) Make the required findings and take action to approve the Site Plan Review and CUP Amendment subject to the attached Conditions of Approval, 2) Make the required findings and take action to approve the Site Plan Review and CUP Amendment subject to a modified list of Conditions, 3) Continue the matter to a future specific date to allow additional time for consideration of the issues, or 4) Direct staff to develop findings for denial and take action to deny the project.



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To: Planning Commission
From: Community Development Director
Date: May 4, 2004
RE: PC 04-07

Minor Use Permit (MUP) application from Gospel Fellowship Outreach Worship Center for placement of 8'x20' cargo container on property located at 5898 Adobe Road (APNs 618-333-08 and 09).

RECOMMENDATION: Conduct the Public Hearing and approve the Minor Use Permit.

BACKGROUND: Gospel Fellowship Outreach Worship Center seeks approval of a MUP for a cargo container on their property. The church is located on the parcel identified as APN 618-333-09 with parking located on parcel 618-333-08. Zoning for the church parcel is General Commercial (CG) and zoning for the parking parcel is Multi-family Residential (RM).

Accessory Use

Because the container is located on parcel APN 618-333-08, and the primary use of the parcel is parking for the church, the cargo container is considered an Accessory Use. Chapter 10.06.010 defines an Accessory Use as:

A use of land or of a building or portion thereof customarily incidental and subordinate to the primary use of the land or building and located on the same lot with the primary use or building.

Section 19.48.040 specifies regulations for accessory uses in Commercial Districts. Subsection (D) of the section states:

Permanent use of sea-going cargo containers and similar storage devices may be used as accessory structures on lots designated for commercial uses subject to the following conditions:

1. All uses shall be reviewed by the Planning Commission after due application for a Conditional Use Permit (CUP) if the total square footage of the container(s) is over two hundred (200) square feet, or a Minor Use Permit (MUP) if the total square footage of the container(s) is two hundred (200) square feet or less.

Attachments

- Locator Map
- MUP Application
- Site Plan (2)
- Photo of container
- Dimensioned drawing of container
- Image of proposed screening
- Draft Parking Agreement

2. The container(s) shall be reasonably screened from the view of neighboring property and the view from the public rights-of-way and painted with a compatible color to the satisfaction of the Planning Commission.
3. A Building Permit shall be obtained for the container.
4. No such container may be used for habitation by any person or animal.
5. No commercial signs may be painted onto or attached to these containers.

Because the subject container is 160 square feet, Planning Commission approval of a MUP is required.

The Planning Commission is required to make a determination on the proposed screening and the color of the cargo container. From the materials provided by the applicant, it appears that they are proposing an eight-foot high chain link fence with slats. A photo of the slat sample is provided and the sample will be available at the hearing. The slats are dark green and made of a plastic material.

Per the Code, the cargo container is to be painted with a compatible color to the satisfaction of the Planning Commission. The applicant has submitted a three-dimensional drawing depicting a gray container. This appears to be the current color of the container and there is no indication in the proposal that the color will change. The Planning Commission will make a determination on the proposed colors, green slatted chain-link fencing surrounding the gray colored cargo container.

Parking

Section 19.82.060 of the Code specifies design of parking facilities. Subsection (G) deals with location of required parking. It states:

All off-street parking...shall be located on the same lot as the use it is designed to serve, unless...the applicant...provide(s) a recordable instrument guaranteeing use of such parking facility for the benefit of the property and its use(s) for the duration of the use(s) for which the parking is provided. Said instrument shall be approved by the City Attorney and, upon approval, shall be recorded in the County Recorder's Office as a deed restriction on all subject properties.

Because the cargo container is being placed on the parking parcel, staff recommends that the applicant comply with the above requirement as a condition of the approval. To assist the applicant in this matter, a draft agreement has been provided to the applicant for their advance review.

Environmental Clearance

The California Environmental Quality Act (CEQA), provides for several areas of exemptions. Class 1 includes, "Operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses." Staff believes that this class of exemption can be applied to the proposed project. If the Planning Commission concurs, a motion to approve the project should include a finding that the project is exempt from CEQA. If the Commission does not concur, the matter should be referred back to staff for completion of an environmental analysis.

Summary

The Planning Commission is the approval authority for the MUP and will review the proposed colors and make a determination on whether they comply with the requirements of Chapter 19.48. Once this has been determined, the Commission may approve or deny the application. Staff recommends approval subject to the applicant providing a recordable instrument for the offsite parking. To approve the project, the following motion could be made.

I move approval of the Class 1 environmental clearance and the Minor Use Permit as proposed (or as modified if colors are not approved as proposed), subject to the conditions that the applicant 1) secure the required Building Permit for the cargo container, and 2) provide a recordable instrument for offsite parking as required by Chapter 19.82 of the Development Code.

If the Commission is not ready to take action on the MUP at this time, the hearing can be continued to a future specific date.



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To: Planning Commission
From: Community Development Director
Date: May 4, 2004
RE: PC 04-11

Completion of Development Code update, revising Circulation Plan, Land Use Plan, and Land Use Map of the General Plan to ensure consistency, and adoption of the General Plan Land Use Map as the City's Zoning Map.

RECOMMENDATION: Conduct the Public Hearing and formulate a recommendation to the City Council for adoption.

BACKGROUND: To ensure consistency between the City's Development Code and General Plan, as required by the Government Code, amendment to the Land Use and Circulation Plans of the General Plans is proposed. The amendments are minor in nature and were reviewed by the Planning Commission in March 2 and April 20, 2004 Study Sessions.

To complete the Development Code/General Plan update process, the City should also adopt the General Plan Land Use Map as the City's zoning map. This action requires that we address three errors that were made in the 2001 adoption of the map. The parcel-specific errors are discussed in more detail below.

Attachments

- Revised Land Use Plan
- Revised Circulation Plan
- Parcel map for APNs 615-071-20, 21, 22,23 and 24
- Parcel map for APN 617-161-04
- Parcel map for APNs 621-241-34, 43 and 44

Land Use Plan

On October 23, 2001, the City Council adopted the Land Use Plan of the General Plan. Subsequently, the Planning Commission and Council adopted revised zoning requirements as part of the Development Code update. To ensure consistency between the Development Code and the General Plan, minor modification to the Land Use Plan, as discussed in Study Session, is presented to you at this time for consideration. Edits are shown in the attached Land Use Plan, with text proposed to be added shown in redline and text proposed for deletion shown in ~~strikeout~~. The following is a discussion of each of the recommended edits.

Pages I-3, I-5 and I-6.

Reference to "bed and board" facilities being limited to five guest units has been changed. This edit deletes the text, "Uses exceeding five guest rooms shall only be permitted in a single-family dwelling which has been designated as a Historic Landmark by the City." Deletion of the text clears the way for amendment of Chapter 19.54, Bed and Breakfast operations.

Page I-7

Based on discussion at the April 20, 2004 meeting, staff is recommending that the section entitled “Gated Communities” be changed to “Perimeter Block Walls.” Staff is recommending revised text which deletes the requirement for “openness” and instead emphasizes decorative, non-monotonous treatment. The draft text retains the requirement for visual accessibility for all common areas.

Page I-12

In Section VII (C), Office Commercial (CO), deletion of the text which states, “Vehicle storage lots shall be screened from public view.” The purpose of this edit is that vehicle storage facilities are not included among allowable uses in the CO district and the text, if left in, leaves the impression that such facilities can be approved.

Section VII (D) Commercial Neighborhood (CN), deletion of the text which states, “Generally, these commercial centers will be surrounded by RS or RM districts.” and “Vehicle storage lots shall be screened from public view.” The purpose of the first of the two above edits is that CN districts are compatible when adjacent to other types of commercial districts or adjacent to Multi-family residential districts. The purpose of the second edit above is the same as the purpose stated in the previous paragraph regarding the CO district.

Page I-14

Section VIII, Industrial Land Use, deletion of the standard that states, “Off-street parking shall be provided for employees and customers; employee parking need not be paved if adequate dust control is provided.” The purpose of this recommendation is that the City’s revised parking code, Chapter 19.82, does not provide an exemption for paving for employee parking areas.

Page I-20

Section XIV (B), Building Height, amended to reflect the standards established in the Development Code. The current text states that the height of a commercial structure shall not exceed 35 feet and the height of an industrial structure shall not exceed 40 feet. The revised standard established in Development Code is 45 feet for commercial and industrial structures and the recommended change puts the two documents in sync.

Page I-21

Because Special Use Permits are no longer used, this is to be replaced with “Minor” Use Permit.

Page I-27

Staff held several discussions with a consultant hired by the MCAGCC for development of a joint use sewage treatment facility. At the conclusion of the study, the consultant’s recommendation was that a joint facility was not feasible. Therefore, the following text will be deleted, “Discussions are underway with MCAGCC for development of a joint powers authority.”

Page I-28

Because the City has worked toward development of improved flood control facilities, the following text is added to Section XXV (F), “The City has identified enhancement of the Donnell Basin and development of new flood control facilities in the Pinto Cove watershed as high priorities.”

Page I-28

Three updates in Section XXV(G) to reflect changes in the City's recreation facilities.

Page I-36

Modification of Program 1.2.1 to include Service Commercial among the land use districts in which a Desert Southwest design theme is required. This change makes the General Plan and Development Code consistent with regard to design requirements in the Service Commercial land use district.

Page I-37

Program 1.2.2 is modified to delete reference to waivers for public improvements.

Page I-40

Because the Desert Southwest design theme is required for commercial development Downtown, Program 3.1.3 is changed to reflect the requirement.

Page I-43

The City has typically encouraged desert vegetation but allowed for other types of vegetation when proposed in moderation. For this reason, the word "encouraged" will be inserted in place of "required" in Program 5.3.5.

Circulation Plan

To ensure consistency between the Circulation Plan and the recently updated Development Code, the Planning Commission directed staff to amend the Circulation Plan per the attached draft Circulation Plan. In the attached draft, text proposed to be added is shown in redline and text proposed for deletion is shown in ~~strikeout~~. The following is a discussion of each of the edits.

Page II-2

The text incorrectly states that the widening project is from Encelia to Canyon. It should instead say Sunrise to Canyon. Also, because of delays caused by Caltrans, staff is recommending deletion of the anticipated construction times.

Page II-5

Extension of Two Mile Road is still anticipated. However, because of Caltrans delays in releasing funding, the completion date is unknown.

Page II-11

MBTA provided updated information.

II-16

General Street Rule is duplicated in the Circulation Plan. It is also found on page II-22 so it is deleted from page II-16.

II-38

The Twentynine Palms Airport upgrade has been completed so the text is revised to reflect the completion.

II-44

MCAGCC has completed its study which concluded that a joint facility was not feasible.

II-47

Public improvements can be deferred not waived so Program 1.2.1 has been revised.

General Plan Map Corrections

In updating the Land Use Plan in 2001 the city adopted the General Plan Land Use Map. Since that time, staff has been notified that the land use designation on nine parcels is not consistent with their underlying zoning. Therefore, it is recommended that the General Plan Land Use designation for these properties be changed to make them consistent. The subject parcels are depicted in attached maps, they are:

APNs 615-071-20, 21, 22, 23, and 24

These properties are located south of Twentynine Palms Highway near Mojave. Their underlying zoning is Single Family Residential but they were inadvertently identified as General Commercial on the General Plan Land Use Map. It is recommended that the Single Family Residential designation be retained. This ensures consistency between the zoning and the General Plan Land Use Map.

APN 617-161-04

This property is located along the east side of Adobe Road, south of Cottonwood. It has historically had a Service Commercial designation but was inadvertently identified as Tourist Commercial on the 2001 General Plan Land Use Map. To ensure consistency, the Service Commercial designation should be retained.

APNs 621-241-34, 43 and 44

These properties are located along the east side of Adobe Road, north of Amboy Road. Their underlying zoning is General Commercial but the easterly portion of the properties were identified as Multi-family Residential on the Land Use Map. General Commercial is recommended to ensure consistency between the zoning and the General Plan Land Use Map.

Zoning Map Adoption

With the Development Code update complete and the above errors in the map identified and corrected, the City should adopt the General Plan Land Use Map as the official zoning map for the City. This action ensures consistency among the Development Code, zoning and General Plan

Review Authority

The Planning Commission is the Review Authority for the General Plan amendment and adoption of the General Plan Land Use Map as the City's zoning map. Acting in your role as Review Authority, you are required to formulate a recommendation to the City Council.

If the Commission concurs with the recommended actions, the following motion would be in order:

I move that the Planning Commission recommend amendment of the General Plan Land Use and Circulation Plans, as identified in the Public Hearing, and adoption of the General Plan Land Use Map as the City's zoning map.