



STAFF REPORT

6136 Adobe Road
Twentynine Palms, CA 92277
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To: Planning Commission
From: Community Development Director
Date: August 3, 2004
RE: PC 04-29

Change of zoning from Service Commercial (CS) to General Commercial, and Site Plan Review for proposed 5,219 square-foot general commercial/office facility, southwest corner of Amboy Road and Adobe Road (APN 621-051-08). Applicant John Peruzzi Architects representing Navy Federal Credit Union.

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

BACKGROUND: Navy Federal Credit Union proposes construction of a 5,219 square foot, single level, commercial office facility on the vacant parcel located at the southwest corner of Amboy Road and Adobe Road.

Present zoning for the property is Service Commercial (CS). Per Section 19.12.020 of the Development Code, a credit union is not allowed in the CS land use district. Therefore, the applicant proposes a change of zoning to General Commercial (CG). The change of zoning is accomplished through a General Plan Amendment for which the Planning Commission is the Review Authority and the City Council is the Approval Authority. Per Section 19.40.040 (D), projects that require approval of multiple permits—in this case, General Plan Amendment and Site Plan Review—are to be reviewed concurrently and the final decision on the project is to be made by the highest Approval Authority of all the required permits. Because the City Council is the Approval Authority for the General Plan Amendment, they are also the Approval Authority for the Site Plan Review.

Attachments

- Application
- Locator Map
- Draft Negative Declaration
- DeMinimis Impact Finding
- Initial Study
- Draft Conditions of Approval
- Site Plan
- Elevations
- Landscape Plan
- Artist Rendering

As Review Authority, the Planning Commission's role is to conduct the public hearing and formulate a recommendation to the City Council.

After receiving the application, staff routed it to the following agencies and City departments requesting their comment:

Richard Pedersen, City Engineer
Fred Fogel, Building Official

Ray Britain, San Bernardino County Environmental Health Division
Mike Wright, Twentynine Palms Water District
Jim Thompson, Twentynine Palms Fire Department
Planning/Engineering, Southern California Edison Company
Joseph Sullivan, Morongo Unified School District
Charles Springer, California Regional Water Quality Control Board

Conditions of Approval

Comment was received from the City Engineer and standard conditions of approval are recommended for adoption with the approval.

Amboy Road Bypass

Amboy Road is designated as a Bypass in the Circulation Plan of the General Plan. As such, it will ultimately be developed as a state highway, replacing SR 62, with access only at half-mile intervals and structures oriented toward side streets and parallel routes, as shown Exhibit A-1 on page II-5 of the Circulation Plan. While this is many years in the future, prudent planning dictates that we do what is necessary today to ensure that it can be developed per the General Plan when the need arises. For today's needs, however, it makes sense to allow the Amboy Road access as proposed. To ensure that today's and tomorrow's needs are met, staff is recommending Condition # P12 which allows for use now, with the provision that it be closed and replaced with curb, gutter and sidewalk to the City's standards upon the future development of Amboy Road as the Bypass.

Parking

Per Table 19.82-A of the Development Code, one parking space for each 200 square feet of gross floor area is required. The proposed facility is 5,219 square feet resulting in a requirement of 26 parking spaces. The applicant proposes to provide 42 spaces, two of which are handicap accessible. The quantity of parking spaces proposed for this facility exceeds the City's requirements.

Per Table 19.82-E, one van accessible loading zone is required. The loading zone will be useful for armored vehicles and other deliveries to the site. It is not shown on the site plan but the applicant is agreeable to providing the required loading zone. Therefore, it is included in the draft Conditions of Approval and the location can be worked out at staff level following approval.

Desert Southwest Design

An artist rendering of the facility is provided in your packet. In formulating its recommendation, the Planning Commission will need to determine whether the proposal meets the adopted Design Guidelines.

Findings for Approval

Pursuant to Section 19.22.040 of the Development Code, the Planning Commission shall hold a Public Hearing on the requested zone change and may make a recommendation to the City Council to approve, approve with modifications, or deny the application. The City Council, as the Approval Authority, will hold a Public Hearing on August 10, 2004 and may approve, approve with modifications, or deny the application.

Required findings for approval of a change of zoning are found in Development Code Section 19.22.050:

- A. The Zone Change...is consistent with the intent of the goals and policies of the General Plan; and
- B. The Zone Change...prescribes reasonable controls and standards to ensure compatibility with other established uses; and
- C. The Zone Change...provides reasonable property development rights while protecting environmentally sensitive land uses and species; and
- D. The Zone Change...ensures protection of the general health, safety, and welfare of the community.

Section 19.28.050 sets forth the required Findings for Approval for Site Plan Review:

- 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.

Staff recommends the following Findings of Approval:

- A. Because of the proximity of the site, in relation to existing and planned commercial development, the City finds that changing the zoning designation from Service Commercial to General Commercial is consistent with the intent of the goals and policies of the General Plan; and
- B. The City finds that the proposal meets or exceeds standards established in the Development Code with regard to parking, public improvements, lighting and design, and approval will therefore result in an appropriate and desirable development; and
- C. The site is approximately 1.5 acres (gross) and can accommodate the proposed development and meet the maximum impervious coverage requirement of the City and is therefore suitable in size and shape for the proposed development; and
- D. The proposal includes development of parking facilities in excess of City requirements and development of street improvements adjacent to the site in compliance with standards established by the General Plan and therefore will result in a safe, well-designed facility; and

- E. The proposed design meets or exceeds the City's requirement for a Desert Southwest Design and the appearance therefore is aesthetically and architecturally pleasing and will enhance the character of the surrounding neighborhood; and
- F. Approval of the project is consistent with all elements of the General Plan and is not inconsistent with any goal or policy established by any element of the General Plan.

Environmental Clearance

The project is subject to the California Environmental Quality Act (CEQA). Accordingly, staff prepared an Initial Study to assess the potential environmental affects of the project. Based on staff's analysis, significant environmental effects will not result from project approval. Therefore, a Negative Declaration is proposed.

De Minimis Impact FindingDe Minimis Impact Finding

Separate from the CEQA requirement, Section 711.2 of the California Department of Fish and Game Code requires that the applicant pay a mitigation fee to the Department if project approval will result in an adverse affect on wildlife resources. However, if a finding can be made that project approval will not result in an adverse affect on wildlife resources, the fee is not required. Because the project will not disturb any wildlife habitat, staff believes the finding can be made. This finding should be cited in the motion to approve the Negative Declaration if/when such motion is made.

Review Authority

The Planning Commission is the Review Authority for this project and is required to formulate a recommendation to the City Council. If the Commission recommends approval of the Negative Declaration, then a recommendation to approve the project could be made. Alternatively, if the Commission cannot recommend adoption of the Negative Declaration, mitigation measures should be implemented to reduce impacts to a level of insignificance. In this event, the matter should be referred back to staff for additional analysis and development of mitigation measures. If all environmental impacts cannot be mitigated, an Environmental Impact Report would be required pursuant to CEQA.

If the Commission would like additional time for consideration of the issues, the hearing can be continued to a future specific date.

Motion for Approval

If the Planning Commission would like to recommend approval of the Negative Declaration, deminimis impact finding, General Plan Amendment (change of zoning) and the Site Plan Review, the following motion could be made:

I move that the Planning Commission recommend Council adoption of the Negative Declaration with a finding of de minimis environmental impact and approval of the General Plan Amendment and Site Plan Review subject to the draft Conditions of Approval.



STAFF REPORT

Attachment

Hazard Mitigation Plan

August 3, 2004

To: Planning Commission via Community Development Director
From: Finance Director
Subject: Hazard Mitigation Plan

Recommendation:

Conduct the public hearing and receive public comment.

Discussion:

The Planning Commission reviewed the Hazard Mitigation Plan at the meeting of July 20. It is back tonight for any further public comment that might be helpful.

Staff would welcome any comments relating to the Plan.

Thank you for your consideration of the Plan.



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To: Planning Commission
From: Community Development Director
Date: August 3, 2004
RE: PC 03-61
Construction of additional model homes, prior to final approval, for Tentative Tract Map No. 16729. (APN 615-211-09)

RECOMMENDATION: Conduct the hearing and provide staff direction.

BACKGROUND: On January 20, 2004, the Planning Commission approved Tentative Tract Map No. 16729 for Penca Capital, LLC. The approval was subject to Conditions of Approval and cleared the way for the applicant to commence construction of the site which will result in a 132-lot subdivision in the Single Family Residential (RS) land use district. The site is located south of Sunnyslope Drive, north of El Paseo Drive, between Enceila Avenue and Panorama Avenue.

Attachments

- July 21, 2004 request
- Approved Conditions of Approval
- Tract Map (8 ½ X 11)
- Government Code 66499.30

With the proposal, the applicant requested approval to commence construction of three residential units, prior to final map approval of the first phase, to serve as models for potential buyers. In approving the Tentative Tract, the Planning Commission approved Condition P13 which allowed for the three units, with the applicant providing a \$10,000 cash deposit for the removal of the third unit if the subdivision is not finalized. This approach allowed the applicant to commence construction right away. Condition P13, approved by the Planning Commission, states:

Three single family dwelling units (model homes) may be constructed prior to final map approval. Development of one unit is permitted by right, development of the second unit shall be in conformance with Chapter 19.53, *Second Units*, of the Development Code and all applicable City requirements. A \$10,000 deposit shall be provided to the City prior to building permit issuance for the third unit and the deposit shall be retained by the City as security to ensure demolition and removal of the unit if the developer does not receive final map approval. Upon final map approval, the \$10,000 deposit shall be returned to the developer.

Based on market conditions, the developer has determined that additional models are necessary. On July 21, 2004, a request was submitted to allow ten additional models on the property prior to the final map approval.

California Government Code section 66499.30 allows for the development of model homes prior to final map approval. This provision of the Code does not compel the City to approve the request, but does provide a legal basis for the approval if desired. The Planning Commission, therefore, may approve the request but should only do so if there is a willingness to extend the same approval to future developers if/when similar requests are made.

If approved, the developer will be required to provide a \$15,000 per unit deposit with the City to ensure removal of the units in the event the final map is not approved. Additionally, the developer will provide a written agreement, to be approved by the City Attorney, specifying the terms of the Planning Commission's action with regard to the cash deposit and method and timing of removal of the units, should it be required.

The Planning Commission may approve or deny the request.



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To: Planning Commission
From: Community Development Director
Date: August 3, 2004
RE: Study Session to review City requirements for modular homes.

RECOMMENDATION: Conduct the Study Session and provide staff direction.

BACKGROUND: Placement of modular homes in residential areas is regulated by Sections 65852.3-65852.5 of the Government Code, a copy of the Code is attached. The City's recently updated Development Code contains requirements for manufactured homes in residential areas. Section 19.08.090 of the Code contains requirements for the Single Family Residential land use district (RS) and similar text is found in Chapters 19.07 Rural Living, 19.09 Multi-family Residential and 19.14 Open Space Residential. Section 19.08.090 states:

Attachments

- Government Code Sections 65852.3-65852.5

19.08.090 Manufactured and Mobile Home Standards. Any manufactured or mobile home shall comply with the following minimum standards:

1. The home and accessory structures shall be subject to all provisions of the Development Code applicable to residential structures.
2. The home shall be constructed to meet the standards of the National Mobilehome Construction and Safety Standards Act pursuant to Section 18551 of the California Health and Safety Code.
3. The roof live loads, wind and seismic loads, and other environmental standards shall be the same as established for conventionally built structures.
4. The home shall be attached to an engineered, permanent perimeter foundation approved by the Building Division.
5. The home shall have a minimum width of twenty (20) feet excluding garages, porches, patios, eaves, cabanas, and popouts.
6. The siding material shall consist of stucco, wood, brick, stone, or decorative concrete block. Synthetic siding material and textures may be used when determined by the Planning Division to be compatible with the neighborhood.

7. The exterior coving material shall extend to surrounding grade.
8. The roofing material shall be tile, rock, shingles, or materials customarily used on conventional residential structures in the neighborhood.
9. The roof shall have a pitch not less than two (2) inches of vertical rise for each twelve (12) inches of horizontal run.
10. The roof shall have sloping lines with a minimum eighteen (18) inch eaves overhang, measured from the vertical side of the home. The Planning Commission may approve an alternate design with application for Site Plan Review, if the Planning Commission finds that the alternate design is architecturally compatible with conventionally built homes in the vicinity or that the alternate design is compatible with the Desert Southwest Design Guidelines adopted by the City.

The State dictates that we will allow manufactured homes in residential districts. The Government Code says, "Except with respect to architectural requirements, a city shall only subject the manufactured home...to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject..." Regarding architectural requirements, the Government Code states, "Any architectural requirements imposed on the manufactured home...shall be limited to its roof overhang, roofing material, and siding material." Per the Government Code, architectural requirements for overhangs up to 16" may be required on manufactured homes even if similar requirements are not imposed on conventional single-family residential dwellings. If we want to require a greater overhang on modulars we must also require the same thing of conventionally built homes in that district.

Government Code Section 65852.4 prohibits the City from establishing a permit process for manufactured homes that is different than the process or requirement on a conventional single-family residential dwelling.

In our Development Code update, we revised the overhang requirement for modular homes from 24" to 18". Because the City's current code is not compliant with the Government Code, it should be amended. We could amend it to a 16" overhang requirement or require an overhang of greater than 16". If we increase the overhang beyond 16", we should establish a review procedure for all single-family dwellings and architectural criteria and guidelines for their review.

Until the Development Code is amended, staff will approve applications for single-family residential dwellings with a 16" overhang.