



STAFF REPORT

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To: Planning Commission
From: Community Development Director
Date: November 2, 2004
RE: PC 04-45

General Plan Amendment for proposed Change of Zoning for six parcels located north side of Gorgonio Drive, west of Aztec Avenue (APNs 623-062-10, 11, 12, 13, 14 and 15).

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

BACKGROUND: Applicant Joseph Sporkin, representing Remus Investments of Hermosa Beach, CA, proposes a General Plan Amendment to change the land use designation (zoning) from General Commercial (CG) to Multi-family Residential (RM) for the above referenced properties. The change of zoning, if approved, would allow for development of multi-family units, up to a maximum density of eight (8) units per acre. However, no development is proposed at this time.

Attachments

- General Plan Amendment application
- Locator Map

The Planning Commission is the Review Authority for this matter and, following the Public Hearing, will formulate a recommendation to Council. As Approval Authority, Council will conduct a Public Hearing on November 23, 2004.

Project Routing

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

Richard Pedersen, City Engineer
Bobby Matz, Public Works
Mike Wright, Twentynine Palms Water District
Jim Thompson, Twentynine Palms Fire Department
Planning/Engineering, Southern California Edison Company
Joseph Sullivan, Morongo Unified School District
Vern Keener, Southern California Gas Co.
John Poole, Verizon
Charles Springer, California Regional Water Quality Control Board
Brad Kloos, Waste Management
Michael Tree, Morongo Basin Transit Authority

No concerns were expressed as a result of project routing.

Development Code

Chapter 19.09 establishes the Development Code standards and requirements for development in the RM land use district and will be applicable to the site if the General Plan Amendment is approved.

Section 19.09.010 establishes the purpose of the RM district which is:

This district is intended to create, preserve and enhance neighborhoods where two or more dwelling units on the same lot are predominant. The district provides an additional range of housing types to meet the varying needs of different individuals and families within the City. The higher density residential area may either be part of a predominately one-family neighborhood or an independent neighborhood, normally close to public and private transportation facilities and commercial districts or other employment and service areas.

Table 19.09-A in Section 19.09.020 establishes Permitted and Conditional Uses. One of the “permitted uses” is multi-family dwelling projects of up to four (4) dwelling units. Accordingly, the applicant will be entitled to develop to a density of eight (8) units per gross acre (1 unit per 5,445 sq. ft. of lot area) as a permitted use, subject to meeting the standards. Because the lots are already created, the applicant could propose development on each of the lots separately and they would be processed as such.

Development Standards are found in Section 19.09.030 of the Code. The minimum lot size is 10,000 sq. ft.; the lots are currently about twice the minimum size. Minimum lot dimensions (width x depth) are 80 ft. x 125 ft.; each of the lots exceeds these minimums.

Street Dedications and Improvements requirements are contained in Section 19.09.060. Per this section, dedication of additional right-of-way and construction of required street improvements in accordance with the General Plan Circulation Element is required (including curb and gutter, sidewalks, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade, and the placement of paving, and other necessary improvements) before building permits are issued for the construction of the multi-family units.

Section 19.09.070 specifies that all utilities serving new projects of more than four (4) dwelling units are to be underground.

Section 19.09.100 establishes additional standards for larger projects. While this development may ultimately result in development of more than 20 units, they will be viewed as small developments because they will each be constructed on half-acre lots. For this reason, the standards applicable to projects “exceeding ten (10) dwelling units” or “large scale projects” described in this section will not be applicable.

General Plan

Section VI (B) of the General Plan Land Use Plan establishes standards for Multi-family Residential (RM) land use districts, and establishes the purpose of the RM land use district as follows:

These territories are intended to serve the housing needs of non-long term residents or residents not needing or desiring a single family, detached household situation. However, diverse residential development may occur; this may include single family units, duplexes,

apartment complexes, and mobile home parks. This designation is most suitable for planned communities, affordable and senior housing, where smaller units are appropriate.

Findings for Approval

Sections 19.20.070 and 19.22.050 of the Development Code establishes required Findings for approval of a General Plan amendment. Per the section, the City Council will be required to make the following findings to approve the change of zoning:

- A. That the amendment is consistent with the intent of the goals and policies of the General Plan as a whole, and is not inconsistent with any element thereof; and
- B. That the amendment prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses; and
- C. That the amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species; and
- D. That the amendment provides for the protection of the general health, safety, or welfare of the community.

Staff has developed the following Findings of Approval for the Planning Commission's consideration as a recommendation to the City Council:

- A. Because of the proximity of the site, in relation to existing residential development, the City finds that changing the zoning designation from General Commercial to Multi-family Residential 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. Each of the parcels can accommodate development of multi-family units to the allowable density and meet the maximum impervious coverage requirement of the City and is therefore suitable in size and shape for potential development; and
- D. Review and approval of Building Permits for proposed development will include requirements for development of adequate parking facilities, as set forth in the Development Code, and 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. Review and approval of Building Permits for proposed development will include requirements for development of street improvements adjacent to the site in compliance with standards established by the General Plan and Development Code; and

- F. Approval of the General Plan Amendment 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 and will therefore result in development that can be safely integrated into the existing and planned development of 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." Because impacts generated by uses in the General Commercial land use district generally exceed those that result from Multi-family land uses, it is anticipated that impacts and potential impacts are reduced as a result of approval of the General Plan Amendment. Additionally, staff-level review of Building Permits and implementation of requirements for development of public improvements such as curb & gutter, sidewalks, and street improvements, will ensure that development occurs without causing environmental impacts. Therefore, staff believes that this class of exemption can be applied to the proposed General Plan Amendment. If the Planning Commission concurs, a motion to approve the General Plan 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.

Review Authority

The Planning Commission is the Review Authority for this matter and is required to formulate a recommendation to the City Council. If the Commission recommends approval of the CEQA Exemption, then a recommendation to approve the project could be made. If the Commission does not recommend approval of the CEQA Exemption, the General Plan Amendment should not be recommended for approval.

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 CEQA Exemption and General Plan Amendment (change of zoning), the following motion could be made:

I move that the Planning Commission recommend Council approval of the CEQA Exemption and approval of the General Plan Amendment as proposed.



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To: Planning Commission
From: Community Development Director
Date: November 2, 2004
RE: PC 04-51

Development Code update, review of chapters 19.06 Definitions, 19.07 Rural Living (RL), 19.08 Single Family Residential (RS), 19.09 Multi-family Residential (RM), 19.10 Commercial Land Use Districts, 19.14 Open Space Residential (OSR), 19.15 Public, 19.20 General Plan Amendments, 19.40 Application Process and Submittal Requirements, 19.48 Accessory Uses, 19.66 Commercial Vehicle Parking, and 19.70 Lighting Standards.

RECOMMENDATION: Review recommended changes and provide staff direction on setting matters for adoption.

BACKGROUND: The City recently completed update of the Development Code. Since that time, staff and the Planning Commission have had an opportunity to put the revised and updated policies into effect. Utilizing the new code has afforded an opportunity to determine areas in which fine-tuning or minor modification may be necessary. The following minor modifications are presented at this time for discussion.

Attachments
• None

They are presented in numerical order per their respective chapters.

19.06 Definitions

Sections 19.12.050 and 19.10.050 of the Code establish outdoor storage and use standards for a variety of uses, including:

Vehicle storage, tow yards, appliance or vehicle repair or service, and similar uses.

One of the requirements for these uses is:

A solid block wall shall be constructed around the perimeter of the use and substantially block the view of the yard. A minimum of three (3) feet of landscaping shall be provided along the street frontage to provide aesthetic relief along the wall or fence.

However, the Code does not define Tow Yards. Councilmember Spear has recommended that a definition be created. The following is provided for consideration as an addition to Section 19.06.200:

Tow Yard. Any facility for the storage of tow trucks or other vehicles related to a towing business.

19.07 Rural Living (RL)

19.08 Single Family Residential (RS)

19.09 Multi-family Residential (RM)

At the September 7, 2004 meeting, the Planning Commission formulated a recommendation to Council regarding amendment of the City's design requirements for residential development in the Rural Living (RL), Single Family Residential (RS), Multi-family Residential (RM), and Open Space Residential (OSR) land use districts. Council adopted the amended requirements as recommended by the Planning Commission.

One of the recommendations was the implementation of an 18" overhang on all residential development in all residential zones. However, during the hearing, Council discussion focused on increasing the overhang requirement to 24" with some Councilmembers expressing concern about the additional cost of increasing the requirement to 24". The end result was Council's adoption of the 18" requirement and direction for staff to have the Planning Commission research the matter and determine if the required standard should be increased to 24".

Staff has contacted three local building contractors who state that additional costs would be minimal, stating that on a 2000 square foot home, the increased overhang (from 18" to 24") could result in additional costs of a few hundred dollars. If the home has tile roofing, the increased cost could be, by one estimate, about \$1000 on a 2000 square foot home. One contractor pointed out that the 4x8 plywood used on the underside of the overhang, when ripped, results in no wasted materials because two 2'x '8 pieces are used; with the 18" overhang, a 12" piece is left over that is usually not useable. Additionally, one contractor pointed out that 24" overhangs result in increased energy efficiency, especially in a desert climate.

19.10 Commercial Districts (CG, CO, CT, and CN)

19.12 Service Commercial (CS) and Community Industrial (IC)

Because residential development is allowable in some commercial districts, either as a primary use in Office Commercial or as caretaker quarters in other districts, staff is recommending that the residential standards discussed above be added to Chapters 19.10 and 19.12. Recommended text would be the same as that text found in the residential chapters, but would indicate that the residential standards are applicable to residential development "if allowed" per the Code.

All land use districts include a building height standard. For residential, Public, and the CO, CN, and CT districts, the building height limit is 35', for CG, CS, and IC, the Development Code establishes 45' as the height limitation. The Code has historically included an allowance for a 50% increase over the maximum height limitation for specified improvements. All of the residential chapters (19.07, 19.08, 19.09 and 19.14) have the following provision regarding building height, "Structures such as chimneys, cupolas, flagpoles, steeples, and the like may exceed height limits up to fifty (50) percent." This provision allows for a 52½ ' height limitation in districts where a 35' height limitation would otherwise apply and a 67½' height limitation in districts where a 45' limit is established. However, in the recent Development Code update, the 50% allowance was inadvertently omitted from Chapters 19.10 and 19.12. Staff is recommending that the 50% allowance be applicable to these districts also.

19.10 Commercial Districts (CG, CO, CT, and CN)

The General Plan and Development Code establish a maximum residential density of eight units per acre. Because residential development can be allowed in the Office Commercial Land Use District, staff is recommending that we include the eight unit per acre limitation on residential development, where allowed. In the absence of this limitation, a developer could argue that a higher density could be developed so long as the lot coverage maximum is not exceeded.

19.12 Service Commercial (CS) and Community Industrial (IC)

The General Plan Land Use Plan states that building design in the Service Commercial land use district is to be Desert Southwest pursuant to the Design Guidelines adopted by the City. However, section 19.12.040 (A) of the Development Code states:

A Desert Southwest theme is encouraged where possible. A modern industrial building design may be acceptable where the Desert Southwest theme is not feasible and the proposed design will not detract from or conflict with the established theme of the neighborhood.

This conflict needs to be resolved. Staff seeks either direction to amend Chapter 19.12 to state that the Desert Southwest theme is *required*, or direction to amend the General Plan Land Use Plan to state that the Desert Southwest design is encouraged and therefore optional.

19.20 General Plan Amendments

This chapter establishes the City's requirements for amending the General Plan. Section 19.20.050 establishes the Approval Authority for such actions. The section states:

The Planning Commission shall hold a Public Hearing on every complete application for a General Plan amendment. The Planning Commission shall act as the Review Authority and shall make a recommendation to the City Council to approve, approve with modifications, or deny the application.

The City Council shall act as the Approval Authority and shall hold a Public Hearing on every complete application for a General Plan amendment. The City Council may approve, approve with modifications, or deny applications for General Plan amendments.

Staff is recommending an amendment to Section 19.20.050 to make the Planning Commission the Approval Authority for denial of General Plan Amendments. The affect of this change, if adopted, is that Planning Commission denial of a General Plan Amendment would be a final action, avoiding a situation where the Council is asked to approve a General Plan Amendment that is not recommended for approval by the Planning Commission. It would, however, leave intact the provision for an applicant to appeal a Planning Commission denial of a proposed General Plan Amendment. The following text is provided for consideration.

The Planning Commission shall hold a Public Hearing on every complete application for a General Plan amendment. *Following the Public Hearing, the Planning Commission shall, either recommend Council approval of the General Plan Amendment, or take action to deny the General Plan Amendment. Action by the Planning Commission to deny a General Plan Amendment shall be considered final.* ~~act as the Review Authority and shall make a recommendation to the City Council to approve, approve with modifications, or deny the application.~~

The City Council shall act as the Approval Authority for all General Plan Amendments recommended by the Planning Commission, and shall hold a Public Hearing on every complete application for a General Plan amendment. The City Council may approve, approve with modifications, or deny applications for General Plan amendments.

19.40, Application Process and Submittal Requirements

Table 19.40.040-A on page 40-5 of Chapter 19.40 specifies the Approval Authority for the various land use applications. The following clarification is recommended.

The Conditional Use Permit information is incomplete. To ensure that the table is in sync with Chapter 19.30, it should be revised as follows:

Permit Type	Development Code Chapter	Notice and Advertisement	Public Hearing	Approval Authority	Appeal Authority
Conditional Use Permit	19.30	Yes	PC	PC	CC
Minor Amendment (per Section 19.30.130)	19.30	NA	NA	PD	PC
Major Amendment	19.30	Yes	PC	PC	CC

Discussed above is modification to Chapter 19.20 which would establish the Planning Commission as the Approval Authority for denial of General Plan Amendments. If this Development Code amendment is adopted, Table 19.40.040-A will need to reflect this change, as follows:

Permit Type	Development Code Chapter	Notice and Advertisement	Public Hearing	Approval Authority	Appeal Authority
General Plan Amendment - Approval	19.20	Yes	PC/CC	CC	NA
General Plan Amendment - Denial	19.20	Yes	PC	PC	CC

In the recent Development Code update, the City established two levels of Site Plan Review, they are referenced as “Site Plan Review” and “Administrative Site Plan Review.” To ensure consistency, Table 19.40.040-A should be updated to reflect the change, as follows:

Permit Type	Development Code Chapter	Notice and Advertisement	Public Hearing	Approval Authority	Appeal Authority
Site Plan Review	19.28	Yes	PC	PC	CC
Administrative Site Plan Review	19.28	NA	NA	PD	PC

Chapter 19.48 Accessory Uses

Section 19.48.030 establishes standards for accessory uses in residential areas. Subsection 19.48.030 (E) on page 48-2 of the Code, provides regulation of “permanent use of sea-going cargo containers and similar storage devices.” The standards in this subsection are suitable for residential development but staff is recommending that a distinction be made regarding the placement/use of such containers on properties with institutional or nonconforming commercial

uses. For example, under the Code as currently worded, a church could establish a cargo container of any size with only a building permit. Additionally, a nonconforming commercial use could argue that, because they are in a residential district, the provision is applicable to their business the same as it would be applicable to a residence.

Staff is recommending that section 19.48.030 be expanded, adding subsection (E)(5) to state:

Placement/use of sea-going cargo containers and similar storage devices for institutional and nonconforming commercial uses shall comply with requirements for commercial districts as established in section 19.48.040 of this chapter.

19.66 Commercial Vehicle Parking

Chapter 19.66 of the Code establishes standards for parking commercial vehicles (trucks) in the RS and RM land use district. The regulations were adopted by the City on July 9, 1991 and codified into the updated code as Chapter 19.66 last year. The Purpose of the Chapter is in Section 19.66.010, which states:

The purpose of this chapter is to prohibit the parking or standing of commercial vehicles having an unladen vehicle weight of 10,000 pounds or more in “RS” or “RM” classified residential districts or on any adjacent city street or right-of-way, except for existing vehicles which must obtain a permit and meet various requirements.

Restrictions contained in Section 19.66.020 make it unlawful to park a commercial vehicle having an unladen vehicle weight of 10,000 pounds or more on private property or on City streets in the RS or RM land use district. Section 19.66.030 provides an exception for deliveries and pick-ups and Section 19.66.040 provided a means for vehicles that were parked in residential areas at the time of adoption (1991); subject to an annual permit from the City. Two such permits were issued and remain active.

Earlier this year, staff received a request from Bailey’s Auto Repair/Towing that the City consider amending the Code to create an exception for tow trucks. They state that the current standard for tow trucks is 26,000 Gross Vehicle Weight and that the City’s limitation of 10,000 pounds of unladen weight prohibits their parking in residential areas. Their concern is in response time which is increased if a driver is not allowed to have the tow truck available during nighttime hours. In making their request, reference was made to the Town of Yucca Valley’s code which states, in part:

A tow truck operator may apply for a Commercial Vehicle Parking permit subject to the following standards:

The tow truck must be registered to a permanent tow truck business located within a commercial or industrial land use district.

The tow truck shall be used for emergency calls only between the hours of 5 p.m. and 8 a.m. and on weekends and legal holidays. No parking shall occur at the residence between 8 a.m. and 5 p.m., except on weekends and legal holidays.

The Yucca Valley code prohibits tow truck parking on parcels of 10,000 square feet or less. For parcels 10,001 or greater, their code requires a Commercial Vehicle Parking Permit and sets the following standards:

25 foot front yard setback. The truck tractor shall maintain a minimum 75-foot setback from any livable dwelling on adjacent properties to the side and rear while the semi-trailer shall maintain a minimum 45 foot setback from any livable dwelling on the adjacent properties to the side and rear. In the case of adjacent vacant property a minimum 15-foot side and rear yard setback is required until such time adjacent property is developed.

The City of Palm Desert code specifies that it is unlawful to park or leave standing any commercial vehicle, truck, trailer or semi-trailer having a manufacturer's gross vehicle weight rating of ten thousand pounds or more on any highway, street, road, alley or private property within any residential district.

The City requested, through the League of California Cities website, information on how other cities dealt with the issue. The cities of Elk Grove and Turlock responded, both stating that they prohibit parking of commercial vehicles in residential areas.

If the Planning Commission would like to formulate a recommendation to the Council on this matter, items for consideration could be:

Establishing a minimum parcel size, for example one acre or greater
Standards for required screening

Additional setbacks from adjacent residences and/or property lines

Limitations on the hours in which such vehicles may be parked in residential areas.

Restrictions on the size and quantity of such vehicles that can be parked in residential areas.

The review/approval process, either staff level or Planning Commission

19.70 Lighting Standards

In May of 2002 the Planning Commission recommended and the Council adopted revised standards for lighting. Three matters are recommended for review with regard to the lighting requirements.

Light trespass:

Measurement of lighting is done by a light meter. Chapter 19.70 deals with Light Trespass which is defined as:

A measurement of lighting intensity exceeding one-half (.5) foot candle measured at the property line utilizing a light meter held four feet above ground level directed at the light source.

Staff has determined during the past two years that .5 foot candles is an extreme amount of lighting and recommends that this standard be changed to .2 or .3. Staff has ordered an additional

light meter and encourages Commissioners to stop by City Hall and pick it up for the purpose of taking light measurements. This is really the only way the Commission will be able to engage in a meaningful discussion regarding lighting intensity.

Shielding:

Section 19.70.030 of the Code specifies that “new” lighting must be shielded to, “...preclude light trespass onto adjacent property or to any member of the public who may be traveling on adjacent roadways or rights-of-way.” Staff recommends that this be reworded to apply to all lighting fixtures, not just those that are new. The effect of this is that existing lighting will have to conform to Chapter 19.70.

Mercury Vapor Lights:

When the “Night Sky Ordinance” was initially adopted in 1995, it included a prohibition on mercury vapor lighting. Because the focus of the revised regulations were on lighting intensity, it was decided that there was not a need for this restriction. Staff recommends that the prohibition be reinstated.

Summary

Staff recommends that the Planning Commission conduct the Study Session and provide staff direction. Direction could include scheduling of additional Study Sessions, additional revision to the Code, or setting all or part of the revisions for public hearing leading to adoption.