



STAFF REPORT

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To: Planning Commission
From: Community Development Director
Date: December 7, 2004
RE: PC 04-55
Application from Elizabeth H. Meyer for proposed Vacation of public right-of-way, Sunnyslope Drive between Fuchsia Road and Sunrise Road.

RECOMMENDATION: Consider the request and formulate a recommendation to the City Council regarding compliance with the General Plan.

BACKGROUND: On January 20, 2004, the Planning Commission approved Tract No. 16729, a 132-lot subdivision of the existing 40-acre parcel (APN 615-211-09), and development of up to 132 single-family residential units. Per the approval, the applicant for the subdivision, Penca Capital, is required to provide an access road via Sunnyslope Drive, connecting the subdivision to Sunrise Road. This requirement was a result of the traffic study that revealed that connection to Sunrise Road was necessary to facilitate traffic movement.

However, prior to development of the access road, an application was submitted requesting that a portion of Sunnyslope Drive be vacated. Per Section 8313 of the California Streets and Highways Code, vacation of a roadway requires that the City consider the General Plan before taking action and that the action be consistent with the adopted General Plan.

The Circulation Plan of the General Plan identifies Sunnyslope Drive as a Collector. Section V (D) (6) on page II-22 of the Circulation Plan provides the policy statement on this matter. This section of the Plan establishes Collectors at each quarter mile. Because Sunnyslope Drive is on a quarter-section line, it is a Collector unless specific findings are made. The Section states:

Half-street dedication along section, half-section, quarter section and three-quarter section lines *shall* be developed to the Collector standard unless designated higher on the Circulation Plan map and shall be required as a condition of development or as a standard of any public street project. This requirement may be reduced to the Local Street standard

Attachments

- Application for Vacation of public right-of-way
- Vicinity Map
- Attachment A, applicant's assessment of proposed traffic impacts
- Attachment B, applicant's conditional grant of easement for El Paseo Road
- City Engineer recommendation of denial

under the following circumstances:

- a. The modification will not adversely affect the health, safety and welfare of the Community;
- b. Neither the improvements being waived nor the modifications authorized would delete improvements which are a necessary prerequisite to the orderly development of the surrounding area;
- c. The width is not necessary due to the street function being limited to minor traffic impacts, and the street will not connect to two other Expressways, Arterials, or Collectors.

The above findings are necessary to reduce the road from Collector to Local. To *vacate* the right-of-way is to say that the roadway is not necessary at all. Because of the four-unit-per-acre density immediately east of the subject roadway, considerable traffic generation can be expected in the area that would utilize Sunnyslope Drive for efficient traffic movement.

In submitting the application for right-of-way vacation, the applicant states that an alternate access, via El Paseo Drive, ¼ mile south of the subject roadway, will be dedicated to the Collector standard. The offer of dedication for El Paseo Drive is contingent upon City's vacation of the Sunnyslope Drive right-of-way. Penca Capital is agreeable to relocating the access road from Sunnyslope Drive to El Paseo Drive. Staff has no concern with the relocation of the access road; the concern is in the vacation of an existing right-of-way. Accordingly, staff recommended that the applicant provide the El Paseo Drive roadway dedication to accommodate the Penca traffic. This approach would delay the development of Sunnyslope Drive connecting to Sunrise Road but would retain the right-of-way for future use.

If Sunnyslope Drive is vacated between Fuchsia Road and Sunrise Road, a future developer will be required to purchase the right-of-way to provide efficient circulation in the vicinity. Under State law, the developer will pay fair market value. If the property owner refuses to sell at fair market value, then imminent domain proceedings are initiated and the developer pays the legal costs in addition to the fair market value. Imminent domain proceedings can cost \$50,000 or more and take nine months to a year to complete. Therefore, vacation of the right-of-way will eventually result in additional development cost of nearby properties.

Staff has had recent discussions with two developers who are considering development of parcels in the immediate area of the requested right-of-way vacation. Based on these discussions, staff anticipates the likelihood of up to 170 residential units being proposed in the next few months along the north side of Sunnyslope Drive, between Lupine Avenue and Fuchsia Road. If/when proposed, connection of Sunnyslope Drive to Sunrise Road will be necessary to avoid unnecessary impacts to Two Mile Road.

Staff has requested that the City Engineer review the requested Vacation. The City Engineer's recommendation for denial is attached.

General Plan Consistency

To vacate the right-of-way requires a finding that the vacation is consistent with the General Plan. Development Code Section 19.04.040 (B) states, in part:

...no street shall be vacated or abandoned...until such project has been submitted to, and reported upon, as to conformity with the General Plan....

Because Sunnyslope Drive is identified by the General Plan as a Collector or Local Road, and there is no provision in the General Plan for vacation of a street on a quarter-section line, vacation of Sunnyslope Drive does not conform with the General Plan. Therefore, staff recommends that the Planning Commission recommend Council's denial of the application.



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To: Planning Commission
From: Community Development Director
Date: December 7, 2004
RE: PC 04-52
Chapter 19.66 Commercial Vehicle Parking.

RECOMMENDATION: Review recommended changes and provide staff direction on setting the revised Chapter for adoption.

BACKGROUND: The Planning Commission held November 2 and November 16, 2004 Study Sessions to review the Development Code and consider a variety of amendments. Following the November 16th discussion, amendment to Chapter 19.66, to provide an exception for on-call emergency vehicles, was continued. David Bailey of Bailey's Auto Repair stated that he would prepare a draft for the Commission's consideration and present it to the Commission at the meeting. As directed by the Planning Commission, the text from the November 16, 2004 meeting is provided below. Additionally, staff is recommending a provision to require a CUP for truck parking in the CO, CG, CN and CT land use districts; this is discussed in more detail below.

Attachments

- DC Chapter 19.66

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 renewal of a Home Occupation Permit. Two such permits were issued and remain active.

In response to a citizen inquiry, the Planning Commission began the discussion on modifying the chapter to create an exception for tow trucks. Staff recommends that the following section be added to Chapter 19.66:

Exception for Emergency On-call Vehicles

This Chapter shall not apply to emergency on-call vehicles (tow trucks) of 25,999 Gross Vehicle Weight (GVW) or less, subject to the following:

The tow truck must be registered to a permanent tow truck business, with a valid City Business License, located within a commercial or industrial land use district. In making application for a Business License, the tow truck operator shall register the location of all residences where tow trucks will be parked. Prior to changing a location or establishing a new location, the operator shall apply for a Business License amendment, specifying the new location(s).

Tow trucks may only be parked in residential districts during the hours of 5:00 p.m. and 8:00 a.m., and weekends and legal holidays, and only during such time that the vehicle driver residing at the residence is on call. No parking shall occur at the residence between 8 a.m. and 5 p.m., except on weekends and legal holidays.

No more than one such tow truck may be parked at any residence at any given time.

The tow truck may only be parked on private property, on a paved driveway.

The tow truck shall be unladen at all times when parked in a residential area pursuant to this Section, and shall not be parked in the residential area with a towed, wrecked or inoperable vehicle upon it.

Discussion occurred regarding limitations on parking at apartment complexes and trailer parks. However, this aspect was not resolved. Staff recommends that tow truck parking either be not allowed in a multi-family or mobile home park setting, or that a Minor Use Permit be required. The purpose of a Minor Use Permit is that it would provide a means for analysis of the land use issues to avoid conflicts with neighboring properties.

In the previous two staff reports, staff had recommended discussion regarding minimum parcel size, screening standards, and additional setbacks. These issues were not thoroughly covered during the meetings; staff is recommending consideration of these at this time. The purpose of the minimum lot size is to ensure that there is ample room for the truck parking. Minimum setbacks should be considered for the front yard to ensure that truck parking does not occur in a manner that would affect motorists' visibility; 25 feet is recommended. Also, truck parking in a front yard can be unsightly and detrimental to surrounding residential properties.

The Yucca Valley code establishes a 75-foot setback from any livable dwelling on adjacent properties to the side and rear. The purpose of this is to minimize or avoid noise impacts. Staff recommends consideration of these standards.

Additionally, staff recommends that the Commission discuss requirements and standards for screening.

If setbacks are required, the need for screening is lessened. The Commission may want to implement front and adjacent-resident setbacks and require screening only in cases where the setbacks cannot be met. To do this, staff recommends the following addition:

All tow trucks shall be parked a minimum of 25 feet from the front property line and shall not be parked closer than 75 feet from an adjacent residence. In the event that the required setback from an adjacent residence cannot be met, the tow truck parking area shall be screened with a solid wall or fence between the tow truck and adjacent residence that will reduce noise impacts to a level suitable for residential areas and in compliance with Development Code Chapter 19.74, *Noise Control*.

Truck Parking in Commercial Land Use

In addition to the changes for on-call emergency vehicles, staff is recommending that Chapter 19.66 also include a provision that parking of commercial vehicles of 26,000 Gross Vehicle Weight (GVW) or more in a CO, CG, CN and CT district, be subject to a Conditional Use Permit. The purpose of this amendment is to ensure that potential negative impacts are avoided. For example, Chapter 19.10 of the Code establishes Antique Shops as permitted uses. To establish a permitted use, only a business license is required. In most cases, antique shops include a retail section and possibly an area for storage; therefore no impacts of concern. In some cases, however, an operator of an antique shop could have a semi-truck that is used in transporting antiques. In this event, the parking of the truck (or trucks) could result in negative impacts. The operator could argue that his/her fleet of trucks is part of the business and is therefore “permitted.” If the above change is made to Chapter 19.66, a CUP would be required for any business in the CO, CG, CN or CT land use district that included a truck of 26,000 GVW or greater.

In the Service Commercial (CS) and Community Industrial (IC) land use districts, fewer impacts would result from truck parking. However, the Chapter could include a provision that vehicles of 26,000 GVW are allowed in conjunction with a business or industry if a designated parking area is provided.

In cases where truck parking is allowed, either through CUP in the CO, CG, CN or CT districts, or as permitted uses in the CS or IC districts, restrictions on where the parking area is located could also be included. This could include a restriction on parking in a front setback and/or minimum setbacks from either adjacent properties or adjacent structures.

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 the revised Chapter for public hearing leading to adoption.