



STAFF REPORT

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To: Planning Commission via City Manager
From: Community Development Technician
Date: June 7, 2005

RE: PC 05-17

Minor Use Permit (MUP) application, from Infranext Inc., for Cingular Wireless, for construction of communications facility, south of Twentynine Palms Highway, on property owned by Twentynine Palms Water District, located on Donnell Hill.
(APN 0617-031-10)

RECOMMENDATION

Approve as submitted, subject to findings in staff report.

BACKGROUND

Cingular Wireless proposes construction of a 1,375sq. ft. unmanned telecommunications facility, with antennas placed on the water tank at the above referenced location. Present zoning for the property is Single Family Residential (RS). The proposed use is allowed in the RS land use district, subject to approval of a Conditional Use Permit, however, this site is an existing co-location telecommunications facility and pursuant to Development Code Chapter 19.58.606,A.,3 ... The co-location of a new wireless telecommunications facility to an existing approved support structure, or the replacement of an existing approved support structure in order to co-locate a new facility, without an increase in height...allows for approval under a Minor Use Permit.* The Water District has approved this use for its property.

*The proposed use is allowed in the RS land use district, subject to approval of a Minor Use Permit and the standards established in Chapter 19.58, which is discussed in more detail below.

Project Routing

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

Richard Pedersen, City Engineer
Fred Fogel, Building Official
Bobby Matz, Public Works
Lt. R. E. Jones, Commander, California Highway Patrol
Administrative Sergeant, San Bernardino County Sheriff's Department
Jim Thompson, Twentynine Palms Fire Department

Attachments

- Locator Map
- MUP Application
- March 3, 2005 Water District Letter
- Site Plan

Planning/Engineering, Southern California Edison Company
I & L, FMD, Lt. Commander Bennett, MCAGCC
Airports Department, County of San Bernardino
Michael Tree, Morongo Basin Transit Authority
Al Faoro, Mornogo Basin Ambulance

No comments were received. Because of the nature of this proposal, specific Conditions of Approval have not been developed. If approved, the applicant will be required to meet requirements of the Uniform Building Code, the City's Development Code, and any other applicable law or regulation.

Chapter 19.58 Standards

Section 19.58.030 establishes general requirements for telecommunications facilities. The height limitation for the RS land use district is 52.5 feet, the applicant proposes to place antennas on the existing water tank. Per Section 19.58.030 (B), telecommunications facilities cannot be located closer than 300 feet from any residence. Existing residences are within 300 feet of the existing telecommunications facility. The Planning Commission could deny the application based on this standard. However, because the site was previously approved by the City at this location, it can be considered a non-conforming use. Per Section 19.86.040 of the Code, *Alteration of Nonconforming Uses*, a nonconforming use may be altered if a finding can be made that the alteration of the nonconforming use will not result in an expansion of more than twenty-five percent (25%) and that it will not adversely affect surrounding properties or uses. Because this is a minor modification to an existing facility, staff believes that a reasonable interpretation is it would not adversely affect surrounding property and that the expansion is less than 25%. With this interpretation, the facility can be approved without conflicting with the established standard. If the Planning Commission does not concur with this interpretation, staff could be directed to develop findings for denial of the MUP.

Per Section 19.58.070, the Planning Commission, as Approval Authority, shall consider the following factors in determining whether to approve the Minor Use Permit:

- A. Height of the proposed telecommunications facility;
- B. Proximity of the telecommunications facility to residential structures and residential district boundaries;
- C. Nature of the uses on adjacent and nearby properties;
- D. Surrounding tree coverage and foliage or other existing structures;
- E. Design of the telecommunications facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- F. Proposed ingress and egress;
- G. Availability of suitable existing towers and other structures.

Required Findings of Approval

Per Section 19.58.060 (A) (3), approval of a Minor Use Permit, in accordance with Chapter 19.31 of the Development Code is required for this project. Accordingly, the Planning Commission is required to make all of the findings specified in Section 19.31.060 of the Code. The specified findings are:

- A. That the proposed design and location of the conditional minor 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 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 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.

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 MUP as proposed, 2) Make the required findings and take action to approve the MUP subject to Conditions of Approval, 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.



STAFF REPORT

To: Planning Commission

From: City Manager

Date: 06072005

Subject: Public Hearing, Amendments to Residential Land Use Criteria for Street Infrastructure

Recommendation: Conduct Public Hearing, review and amend Development Code, recommend changes to City Council

Discussion:

The Planning Commission conducted a study session on May 17th to analyze and discuss the residential street improvements (curb, gutter, sidewalk, berms, drainage structures) associated with each kind of residential district.

The Development Code mandates that certain street improvements be provided by each property at the time building permits are issued. The requirements identified in the Code are extensive and the Commission's interest was to ensure that what was required is what is intended, and to prepare an amendment to the code that clearly states what the anticipated requirements will be. The code identifies dedication requirements for each of the residential districts and the sub-zones within each district.

After discussion, the Planning Commission reached a general consensus of what street improvements the community would require from each district in the future. The consensus is summarized in the attached spread sheet.

Planning Commission determined that distinction necessarily needs to be made between the requirements for existing developed neighborhoods and new development. It was also important to recognize that the Estate, Open Space Residential, and Rural Living neighborhoods needed to maintain their rural character. It recognized that a balance needs to be made between 'no paved streets' that would result in dust and a loss of air quality and 'paving all the future streets' in town with the associated potential untenable cost of maintaining hundreds of miles of low density streets. The Commission's focus is on the development of paved streets for high density development and on the development of paved collectors and arterials in low density neighborhoods.

The draft changes to the ordinance reflect the Commission's consensus. Commission should review them, conduct the public hearing and make any necessary changes and formulate a recommendation to Council for adoption.

Summary: Commission Study session May 17, 2005. The below matrix represents the Commission's discussion and delineates what streets will be paved with each residential land use and what accompanying infrastructure should be provided.

Land Use	Local St	Collector	Arterial	Expressway			
	Paved	Paved	Paved	Paved	Curb & Gutter	Berm	Sidewalk
MFR	X	X	X	X	X		X
SFR 4	X	X	X	X	X		X
SFR 3	X	X	X	X	X		
SFR 2	X	X	X	X	X		
SFR1	X	X	X	X		X	
SFR E		X	X	X		X	
RL 1		X	X	X		X	
RL2.5		X	X	X		X	
RL 5		X	X	X		X	
OSR		X	X	X			

Notes:

1. New development in established SFR neighborhoods shall provide CGS and/or berming consistent with the neighborhood, however CGS shall be provided on collector, arterials, expressways.
2. All expressways shall receive curb gutter and sidewalk, (CGS) city may develop an alternative design for walkways in rural living areas.
3. Dust control shall be encouraged on local unpaved streets, City shall consider requiring.
4. Elevated street designs shall be considered in 'rural living' areas.
5. The City shall consider a CGS in lieu fee for use on new development in existing neighborhoods.
6. The City shall re-examine classifications of collectors to ensure list in GP is complete
7. The City shall consider developing a capital plan to provide CGS on collectors in existing neighborhoods.

MultiFamily Residential Land Use District
19.09.060 Street Dedications and Improvements.

- A.** Before building permits are issued for the construction of a structure or improvement which would result in an increase or change in vehicular traffic, the dedication of additional right-of-way and construction of required street improvements in accordance with the General Plan Circulation Element shall be required. "Street improvements" include any or all of 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, unless otherwise approved pursuant to Chapter 19.85 *Public Improvements - Delaying or Deferring*.
- B.** Before occupancy shall be granted for any such building or improvement, the Building Official shall determine the following:
1. That all of the required dedications have been provided.
 2. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of surety acceptable to the City Council in an amount equal to the estimated cost of the street improvements has been posted with the City to assure the installation of said street improvements.
- C.** The following street improvement standards shall apply to Local, Collector, Arterial, and Expressway Streets in the RM District:
1. Curbs and gutters shall be installed.
 2. Sidewalks shall be installed.

Single Family Residential Land Use District
19.08.060 Street Dedications and Improvements.

- A. Before building permits are issued for the construction of a structure or improvement which would result in an increase or change in vehicular traffic, the dedication of additional right-of-way and construction of required street improvements in accordance with the General Plan Circulation Element shall be required. "Street improvements" include any or all of 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, unless otherwise approved pursuant to Chapter 19.85 *Public Improvements - Delaying or Deferring.*
- B. Before occupancy shall be granted for any such building or improvement, the Building Official shall determine the following:
1. That all of the required dedications have been provided.
 2. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of surety acceptable to the City Council in an amount equal to the estimated cost of the street improvements has been posted with the City to assure the installation of said street improvements.
- C. In all districts, the following street improvements shall apply to Expressways, Arterials, and Collector Streets:
1. Concrete curbs and gutters shall be installed in SFR-4, SFR-3, and SFR-2 Districts.
 2. Sidewalks, per City standards, shall be installed in SFR-4, SFR-3, and SFR-2 Districts.
 3. IN SFR-1 and SFR-E Districts asphalt berms may be placed in lieu of concrete curbs and gutters.
- D. In the RS-4 Districts, the following street improvement standards shall apply to Local Streets:
1. Curbs and gutters shall be installed.
 2. Sidewalks, per City standards, shall be installed.
- E. In RS-2 and RS-3 Districts, the following street improvement standards shall apply to Local Streets:
1. Curbs and gutters shall be installed.
 2. Sidewalks shall not be required.
- F. In RS-1 and ~~RS-E~~ Districts, the following street improvements standards shall apply to Local Streets:

1. Asphalt berms may be installed in lieu of curb and gutter.
2. Sidewalks shall not be required.

G. In RS-E Districts, the following street improvements standards shall apply to Local Streets:

1. Local Streets may be constructed of native material or compacted aggregate.

H. New Development on local streets in existing, established single family residential neighborhoods shall provide paved streets, curb, gutter, sidewalk, and/or asphalt berms consistent with city standards and the neighborhood street. New development shall provide curb, gutter, and sidewalk on collectors, arterials, and expressways. New SFR-4, SFR-3, SFR-2 development on unpaved streets shall pave the street and provide infrastructure as specified in the above paragraphs A through F.

Rural Living Land Use District

19.07.060 Street Dedications and Improvements.

- A. Before building permits are issued for the construction of a structure or improvement which would result in an increase or change in vehicular traffic, the dedication of additional right-of-way and construction of required street improvements in accordance with the General Plan Circulation Element shall be required. "Street improvements" include any or all of 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, unless otherwise approved pursuant to Chapter 19.85 *Public Improvements - Delaying or Deferring*.
- B. Before occupancy shall be granted for any such building or improvement, the Building Official shall determine the following:
1. That all of the required dedications have *been provided*.
 2. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of surety acceptable to the City Council in an amount equal to the estimated cost of the street improvements has been posted with the City to assure the installation of said street improvements.
- C. In all districts, the following street improvements shall apply to Expressways, Arterials, and Collector Streets:
1. Concrete curbs and gutters shall be installed *on Expressways*. *Asphalt Berms may be substituted for curb and gutter on arterials and collector streets.*
 2. Sidewalks, per City standards, shall be installed *on Expressways*.
 3. *Expressways, arterials, and collectors shall be paved and constructed of asphalt to City standards.*
- D. The following street improvement standards shall apply to Local Streets in the RL District:
1. ~~Asphalt berms may be installed in lieu of curb and gutter.~~ *Local Streets may be constructed of native material or compacted aggregate in lieu of asphaltic paving.*
 2. Sidewalks shall not be required.

Open Space Residential Land Use District

19.14.060 Street Dedications and Improvements.

A. Before building permits are issued for the construction of a structure or improvement which would result in an increase or change in vehicular traffic, the dedication of additional right-of-way and construction of required street improvements in accordance with the General Plan Circulation Element shall be required. "Street improvements" include any or all of 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 unless otherwise approved pursuant to Chapter 19.85, *Public Improvements - Delaying or Deferring*.

B. Before occupancy shall be granted for any such building or improvement, the Building Official shall determine the following:

1. That all of the required dedications have been provided.
2. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of surety acceptable to the City Council in an amount equal to the estimated cost of the street improvements has been posted with the City to assure the installation of said street improvements.

~~C. The following street improvement standards shall apply to Local Streets in the OSR District:~~

~~1. Asphalt berms may be installed in lieu of curb and gutter.~~

~~2. Sidewalks shall not be required.~~

C. In all districts, the following street improvements shall apply to Expressways, Arterials, and Collector Streets:

1. Concrete curbs and gutters shall be installed on Expressways. Asphalt Berms may be substituted for curb and gutter on arterials and collector streets.

2. Sidewalks, per City standards, shall be installed on Expressways.

D. The following street improvement standards shall apply to Local Streets in the OSR District:

1. Streets may be constructed of native material or compacted aggregate in lieu of asphaltic paving.

2. Sidewalks shall not be required.



STAFF REPORT

To: Planning Commission via City Manager
From: Community Development Technician
Date: June 7, 2005
RE: PC 05-21
Minor Use Permit (MUP) for Painted Wall Sign, applicant Sean Pulliam, Stumps Bar and Grill, of Twentynine Palms at 5947 Adobe Road (APN 623-091-23)

BACKGROUND: A Minor Use Permit (MUP) application for a proposed Painted Wall Signs was submitted by the applicant.

Development Code Chapter 19.84.060, requirements for Painted Wall Signs are:

1. A Sign Permit, as identified in this Ordinance, and a Minor Use Permit (MUP) approved by the Planning Commission, is required.
2. The Painted Wall Sign must be painted by a State licensed contractor (with C-61/D-42 classification) or individual similarly qualified as determined by the Planning Commission.
3. In addition to the requirements of the Sign Permit Application, the applicant shall provide:
 - (a) The dimensions of the wall upon which the Sign will be painted.
 - (b) Name, address, telephone number, and State Contractors License Number (if applicable), of the individual or individuals who will be painting the Sign.
4. Prior to approval of a MUP for a Painted Wall Sign, the Planning Commission must make all of the following Findings:
 - (a) The proposed Painted Wall Sign is centered or otherwise in balance upon the wall.
 - (b) The proposed Painted Wall Sign will have the appearance of having been professionally painted and will not create a visual blight.
 - (c) The design of the proposed Painted Wall Sign (including without limitation the colors thereof) will be compatible with and enhance the aesthetics of surrounding buildings, neighborhoods, other Signs, the general surrounding area, and the City, such that it will be consistent with the intent and goals of this Ordinance.

Attachments
● MUP Application
● Sign Permit Application
● Building Elevations

RECOMMENDATION: Pursuant to the above and the requirements of the Development Code, the Planning Commission must conduct a Public Hearing and make a determination on the proposed MUP. Staff believes the Findings cited above can be made, and therefore recommends approval of the MUP.