



STAFF REPORT

6136 Adobe Road
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To: Planning Commission via City Manager
From: Brenda Simmons, Community Development Technician
Date: August 16, 2005
RE: PC 04-38
136 lot subdivision of existing 40-acre parcel (APN 621-061-01), and development of up to 136 single-family residential units. Tentative Tract Map No. 17172

BACKGROUND: Penca Capital, LLC proposes a 136-lot subdivision in the Single Family Residential (RS-4) land use district. The site is located south of Calle Todd Lane, north of Samarkand Drive, between Adobe Road and Bullion Avenue.

The proposed density of the subdivision is allowed in the RS-4 land use district, subject to the Planning Commission's approval of a Tentative Tract Map. If the Tentative Tract Map is approved by the Planning Commission, the applicant is required to construct the subdivision per the Conditions of Approval and then submit the Final Map to the City Council for approval. Following approval of the Final Map, the applicant may begin development and/or sale of the individual lots.

Attachments

- Major Subdivision application
- Locator Map
- Draft Conditions of Approval
- Draft Negative Declaration and DeMinimis Impact Finding
- Tract Map

Regulation and control of the design and improvement of subdivisions are regulated by Government Code Section 66410 through 66413.5, known as the Subdivision Map Act. In adoption of the Act, the state confers upon the City the power to regulate subdivisions through adoption of local law. The City's subdivision regulations are contained in Chapters 19.94 through 19.112 of the City's development code.

Project Routing/Notification

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
Administrative Sergeant, San Bernardino County Sheriff's Department
Tracy Walters, 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
Vern Keener, Southern California Gas Co.
Rick Jones, Adelphia
Larry Moore, Verizon
Caltrans District 8, Linda Grimes IGR/CEQA Coordinator
Charles Springer, California Regional Water Quality Control Board
Mojave Desert Air Quality Management District (AQMD)
California Department of Fish & Game
County of San Bernardino Clerk of the Board of Supervisors
Brad Kloos, Waste Management
Michael Tree, Morongo Basin Transit Authority

All conditions proposed have been incorporated into the attached draft Conditions of Approval.

Surrounding General Plan Designations/Zoning and Land Use

Property to the north is zoned Single Family Residential (RS-4) allowing up to four dwelling units per acre.

Property to the west, is zoned Single Family Residential (RS-4) allowing up to four dwelling units per acre.

Property to the south is zoned Single Family Residential (RS-4) allowing up to four dwelling units per acre.

Property east of the subject site has the RS-4 designation allowing up to four dwelling units per acre.

Density/Lot Size

The RS-4 district allows for up to four dwelling units per acre and a minimum lot size of 7,200 square feet. The tentative tract map shows a density of approximately 4 units per acre, minimum lot size of 7,200 square feet. The proposed density and lot sizes meet the City's Code requirements for density and size.

Site Characteristics

Terrain for the subject site slopes north to northeast, with typical desert vegetation. The applicant has provided a General Biological Survey and Focused Desert Tortoise Survey, prepared by a biologist, and found no evidence of desert tortoise and concluded that desert tortoise is absent from the site.

Phasing

The map is proposed with 2 separate phases. The phasing plan is indicated on the site plan. The first phase, consisting of 68 lots, encompassing the eastern side of the tract map. Phase 2 to the west consists of the 68 lots.

Per the Subdivision Map Act and the City's subdivision regulations, phasing is allowed. The tentative map of a phased development can be approved with one action. Then, the developer is required to construct all offsite improvements (curb & gutter, sidewalks, streets) for the phase and then the phase is taken to the City Council for final approval. If the Council finds that the improvements meet the requirements of the City and the Subdivision Map Act, then the final

approval is given and the developer may commence sale and development of the lots for that phase. As proposed, therefore, the applicant seeks one approval from the Planning Commission of the Tentative Map, and will be seeking two separate approvals (one for each phase) of the final map.

Traffic and Circulation

Staff has required that the applicant provide a traffic study to determine if existing roadway systems are capable of accommodating the existing traffic and the increased traffic that will result from project approval. The findings are as follows:

In summary, our Traffic Impact Analysis shows that existing traffic volumes at Adobe Road and Two Mile Road in Twentynine Palms are operating at Level of Service A and will continue to do so after the proposed project is in operation. Similarly, the volumes due to the project on Adobe and SR 62 are below 1 peak hour trip in every 2 minutes for the eastbound PM peak hour left turn and will continue to operate at Level of Service A after project opening. The highest volume of left turns to or from Two Mile Road at Adobe in any hour is one per minute in PM peak hour, which is negligible.

Our Level of Service tabulations were based on the street segment standards established in General Plans for rural cities.

Accordingly, staff is not recommending that the applicant install stop lights at Calle Todd Lane and Adobe Road or at Samarkand Dr. and Adobe Road. Per the Conditions of Approval, the developer will improve all adjacent streets (Calle Todd Lane, Desert Queen Ave., Samarkand Dr., and Bullion Ave.) on the development side of the streets. Additionally, all interior streets will be constructed to City Standards. Per City standards, all street improvements will include curb, gutter, sidewalks and street pavement.

Sewage Disposal

The California Regional Water Quality Control Board (CRWQCB) has reviewed this project and determined that the proposed discharge of sewage effluent from the project poses a threat to ground water quality and waste discharge requirements will be necessary. The applicant is proposing to reduce the lot count by two lots to accommodate an on site waste treatment facility as required by CRWQCB.

The applicant's engineer will be required to submit an application and receive approval for an on site sewage treatment facility from CRWQCB as a condition of approval for this project.

Drainage

The applicant has submitted a preliminary drainage study for the subject property to determine and accommodate drainage flows affecting the site. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm.

Environmental Assessment

Based on the findings of the Initial Study, a Negative Declaration is recommended. Because the project will not impact wildlife resources, a De Minimis impact finding can be made, thereby exempting the application from the California Department of Fish and Game environmental fee.

Approval

The Planning Commission is the Approval Authority for the Tentative Map. In taking action to approve, the Commission must find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan. Because the subject property has the RS-4 General Plan land use designation, development of single-family residential units at the proposed density is consistent with the General Plan Land Use Plan.

In considering the application, the Planning Commission should consider the effects of its action upon the housing needs of the region and balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Subdivision Map Act Section 66412.3). Because the applicant proposes residential development, approval results in an increase in housing stock and will not negatively impact housing for the region.

General

Staff is recommending and applicant has proposed formation of a Home Owner's Association (HOA) to operate and maintain the common facilities of the project. The common facilities include street lighting, perimeter walls, landscaping, storm drainage and sewer facilities. Formation of the HOA requires approval by the California Department of Real Estate. The formation of the HOA will enable the project to be self-sustaining and not become a burden to the public.

RECOMMENDATION: Conduct the Public Hearing, consider all public comment, adopt the Negative Declaration and De Minimis Impact Finding, and approve Tentative Tract Map No. 17172 subject to the attached Conditions of Approval.



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To: Planning Commission via City Manager
From: Brenda Simmons, Community Development Technician
Date: August 18, 2005
RE: PC 05-25

BACKGROUND: Temporary Use Permit (TUP) application from applicant Paolo Ficara, Ficara Enterprises for placement of 12' x 56' temporary office building at 4733 Desert Knoll Ave., APN 621-241-47. Proposed environmental clearance, Class 3 Exemption.

Attachments

- Temporary Use Permit Application
- Site Plan
- Chapter 19.32

The applicant placed a portable office facility on the property located at 4733 Desert Knoll Avenue in the City without approval. Such a facility requires a Temporary Use Permit, as specified in Chapter 19.32 of the Development Code. A copy of the Chapter is included in your packet.

Rather than deal with the matter as a Code Enforcement issue, staff notified the applicant of the TUP requirement. The applicant subsequently submitted an application for the required TUP. Section 19.32.050 of the Code specifies that the Planning Commission is the Approval Authority for Temporary Use Permits for model homes/sales offices.

The Section states, in part:

The Planning Commission is authorized to approve, conditionally approve, or deny applications for Temporary Use Permits for the following temporary uses or activities:

- B. Manufactured homes, mobile offices, or other approved structures to provide temporary office, retail, meeting, assembly, wholesale, manufacturing and/or storage space for commercial, industrial, or institutional uses.

The Planning Commission must determine if the use can be allowed/continued and may impose any conditions if finds necessary to protect the public health safety and welfare.

Pursuant to Section 19.32.100, approval of the TUP cannot exceed one year. The applicant may apply for an extensions. Often there is concern that a site will not be cleaned up or returned to its natural state. If this is a concern, the Planning Commission could require a bond or other financial assurance.

CEQA Exemption

The California Environmental Quality Act provides for exemptions of certain actions. Class 3 exemptions are provided for new construction of limited small facilities, which would apply to the proposed TUP.

Approval Authority

The Planning Commission is the Approval Authority for this project. The Planning Commission could either, 1) approve the TUP, 2) approve the TUP subject to specified Conditions of Approval, 3) approve the project unconditionally, 4) deny the application, or 5) continue the matter to a later date.

RECOMMENDATION: Conduct the Public Hearing and take action on the proposed Temporary Use Permit.



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To: Planning Commission via City Manager
From: Brenda Simmons, Community Development Technician
Date: August 16, 2005
RE: PC 05-31

Conditional Use Permit (CUP) from applicant Perry Ford for Change of Use to establish a church at 4751 Adobe Road. Proposed Environmental Clearance, Class 1 Exemption. (APN 621-241-44)

BACKGROUND: The applicant seeks approval of a CUP to facilitate a change of use at an existing facility. The proposed change is the establishment of the Spirit and Truth Worship Center at the existing structure (formerly The Arena Bar and Grill). Zoning for the subject parcel is General Commercial (CG).

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| <p style="text-align: center;">Attachments</p> <ul style="list-style-type: none">● CUP Application● Draft Conditions of Approval● Site Plan |
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The proposed use can be allowed in the CC Land Use District with Planning Commission approval of a CUP.

Project Routing

Plans submitted for this project were routed to the following agencies and City departments requesting comment:

- Richard Pedersen, City Engineer
- Fred Fogel, Building Official
- Bobby Matz, Public Works
- Administrative Sergeant, San Bernardino County Sheriff's Department
- Tracy Walters, Environmental Health Services
- 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.
- Larry Moore, Verizon
- Michael Tree, Morongo Basin Transit Authority
- County of San Bernardino Clerk of the Board of Supervisors

Conditions of Approval

Draft Conditions of Approval are attached. Comments received as a result of staffs routing the project to the above agencies and City departments are incorporated into the draft Conditions.

Parking

Total square footage of the building is 3,384. The proposed assembly area is 1,910 square feet. The remaining portions will be utilized for offices, restrooms, etc. Chapter 19.82 specifies the quantity of parking spaces required. For a church, the requirement is one parking space per 40 square feet of assembly area. Based on this, the parking requirement for this project is 48 spaces, of which two must be handicap accessible.

The applicant proposes to provide 52 parking spaces, three of which will be handicap accessible. The number of proposed parking spaces exceed the requirement.

Findings for Approval

In approving the project, staff recommends that the Planning Commission make the following Findings:

The subject site is identified on the General Plan Land Use Map as Community Commercial and the Planning Commission finds that the proposed project is compatible with the surrounding land uses and the proposed site.

Sufficient traffic circulation systems are in place adjacent to the site and in the vicinity of the site.

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) Approve the CUP subject to the attached Conditions of Approval, 2) Approve the CUP subject to a modified list of Conditions, 3) Continue the matter to allow the Commission time to get additional information, or 4) Deny the project.

RECOMMENDATION: Conduct the Public Hearing and approve the CUP.