



STAFF REPORT

6136 Adobe Road
Twentynine Palms, CA 92277
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Commdev@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: October 4, 2005
RE: PC 05-38/ TTM 17735 - An application by Frank Curtin for a tentative tract map to subdivide ±35.42 acres into 135 lots for future development as single family residences, located at the south east corner of Amboy Road and Bullion Avenue, Zone RS-4, Section 20, APN 621-041-02, -03 & -05.

RECOMMENDATION: Conduct the Public Hearing, consider all public comment, adopt the Negative Declaration and De Minimis Impact Finding, and approve Tentative Tract Map No. 17735, subject to the attached Conditions of Approval.

BACKGROUND: Frank Curtin proposes a 135-lot subdivision in the Single Family Residential (RS-4) land use district. The site is located south of Amboy Road, east of Bullion Avenue. No architecture is proposed at this time.

The density of the subdivision, 3.81 dwelling units per acre (du/ac), is under the maximum allowed density of 4 du/ac in the RS-4 land use district.

Pursuant to Chapter 19.98 of the Development Code (Subdivision regulations), a tentative tract map project is subject to approval by the Planning Commission. Once approved by the Commission, the applicant then prepares subdivision improvement plans in accordance with the Conditions of Approval. These improvement plans are then reviewed by appropriate departments and agencies, including the Fire Department, Regional Water Quality Control District, Water District, Edison, Gas Company, Verizon, Transit Authority, School District, City Engineer and Community Development Director. Once the plans are determined to comply with the conditions of approval, the applicant submits 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.

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

Attachments

1. Major Subdivision application
2. Locator Map
3. Draft Negative Declaration
4. DeMinimis Impact Finding
5. Tentative Tract Map
6. Draft Conditions of Approval

Bobby Matz, Public Works
 Paula Harold, 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.
 Larry Moore, Verizon
 Caltrans District 8, Linda Grimes IGR/CEQA Coordinator
 Charles Springer, California Regional Water Quality Control Board
 I & L, FMD, Attn: Lt. Commander Bennet, MCAGCC
 Mojave Desert Air Quality Management District (MDAQMD)
 Governors Office of Planning and Research, State Clearing House
 Michael Tree, Morongo Basin Transit Authority
 California Department of Fish & Game

Input from these agencies has been reviewed and, where appropriate, incorporated into the attached draft Conditions of Approval for the project.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Vacant	RS-4	RS-4
North	Vacant	RS-4	RS-4
East	Vacant	RS-4	RS-4
South	Vacant, approved for TTM 17172 (PC 04-38)Turtle Rock Subdivision	RS-4	RS-4
West	Vacant	RS-4	RS-4

Density, Lot area and Lot dimensions

The RS-4 district allows for up to four dwelling units per acre and a minimum lot size of 7,200 square feet. As previously noted, at 3.81 du/ac the project is less dense than the maximum of 4 du/ac allowed by the RS-4 zone. Lot sizes range from 7,200 square feet to 13,533 square feet in area. The project also complies with minimum lot dimensions. The proposed density, lot sizes and lot dimensions meet the City’s Code requirements for the RS-4 zone.

Site Characteristics

The subject site slopes from southwest to northeast, with typical desert vegetation.

Phasing

The applicant has not proposed phasing of this project. However, the Subdivision Map Act and the City’s subdivision regulations allow phasing. The tentative map of a phased development can be approved with one action. Then, the developer is required to design all offsite improvements (curb & gutter, sidewalks, streets) related to a particular phase, prior to City Council approval of that phase of the Final Map. If the Council finds that the improvements meet the requirements of the City and the Map Act, Final Map 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 one approval (one per phase) of the final map.

Traffic and Circulation

A traffic impact analysis has been prepared for this project to determine if the existing and proposed general plan roadways can accommodate increased traffic resulting from the project. The study found that the project would generate 1,321 trip ends per day, with 104 trips during the AM peak and 139 trips during the PM peak hour. In order for the street system to continue to operate at a Level of Service "C" during peak hours, the range of stable flow, the applicant is required to construct the following improvements:

- Amboy Road (Bypass Expressway 64' half street) adjacent to the project;
- Bullion Avenue, Yucca Avenue and Calle Todd Lane (Collector, 40' half street);
- Provide stop sign at project site access at Amboy Road;
- Traffic signing and striping;
- Traffic signal at Calle Todd and Adobe Road. The applicant shall enter into a reimbursement agreement with the City, in order to become eligible for future reimbursement for costs above their "fair share" of the cost of the improvement, when future development occurs in the area; and
- Offsite improvements, including right of way dedication and construction of two points of access, per the Paved Access Road standard (28 feet in width), of Amboy Road from the project site eastward to Adobe Road and Calle Todd Lane from the project site eastward to Adobe Road.

Additionally, all interior streets will be constructed to City Standards. Per City standards, all street improvements will include curb, gutter, sidewalks and connecting street pavement.

Transit Service

Morongo Basin Transit Authority MBTA has reviewed the project and recommends requiring the applicant to provide two covered bus shelters with trash receptacles on Adobe Road, one at Amboy Road and the other at Calle Todd Lane.

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 proposes to construct the appropriate site waste treatment facility, as required by CRWQCB.

As a condition of approval, the project engineer will be required to submit an application and receive approval for an on site sewage treatment facility from CRWQCB, prior to approval of the Final Map.

Drainage

A preliminary drainage study has been prepared for the project. The retention design accommodates storm flows from a 100-year design storm on site. Prior to issuance of a grading permit, the applicant will prepare the final drainage plan, which will receive and conduct offsite and onsite tributary drainage flows through the site in a manner, which will not adversely affect adjacent or downstream properties.

Biological Resources

The Biological Habitat Assessment, prepared by Britton Estep, biologist, notes that the site is classified as Mojave Desert creosote-white bursage scrub. No sensitive plant or wildlife species were found on the site. The study, conducted in accordance with protocol established by the US Fish and Wildlife Service (USFWS) for the threatened desert tortoise, found no evidence of desert tortoise and concluded that desert tortoise is absent from the site. However, as a precaution, the study recommends having a biological monitor at the site during the initial

phases of construction (clearing, grubbing and grading) to verify that tortoises are not present. The recommendation is based on the fact that although tortoises were not observed on site, they could appear at a later date. If tortoises were discovered during construction, the California Fish and Game Department would be called to have a qualified biologist relocate any tortoises from the site. Any relocation would be completed in accordance with USFWS standards.

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.

Development Impact Fees

The City is in the process of undertaking two studies critical for the long range planning and development of the community, a Citywide Traffic Study and a Park Master Plan. When complete, both of these studies may result in the imposition of development impact fees.

Development impact fees are fees, which are paid by developers to the City, to mitigate community-wide impacts that result from new development projects. In essence these fees are paid to reduce the significance of an impact of a project upon the community. For example, a builder applying for building permits for construction of a new home is currently required to pay the school district a fee to help cover to cost of increased school enrollment associated with the new residence. In the event that a City-wide Traffic Impact Fee or Park Impact Fee is implemented prior to issuance of building permits for this project, this project has been conditioned to require payment of the respective fee, by the developer, prior to permit issuance.

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 balance 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 lot development, approval results in an increase in available residential lots, and will not negatively impact housing for the region.

General

Staff recommends formation of a Home Owner's Association (HOA) to operate and maintain the common facilities of the project. The common facilities include street maintenance and lighting, perimeter walls, landscaping, storm drainage retention and sewage treatment 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. 17735, subject to the attached Conditions of Approval.



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To: Planning Commission
From: Community Development Director
Date: October 4, 2005
RE: PC 05-39, Conditional Use Permit (CUP) - An application by Eugene McMenamin for a Conditional Use Permit to operate a used car dealership in the General Commercial (CG) zone, at 4082 Adobe Road, at the northwest corner of Adobe Road and Mesa Drive, Zone CG, Section 17, APN# 620-111-22

RECOMMENDATION: Conduct the public hearing and approve a Conditional Use Permit (CUP), subject to the Conditions of Approval.

BACKGROUND: Pursuant to Sections 19.10 (CG zone) and 19.30 (Conditional Use Permits) of the Development code, Eugene McMenamin has applied for a Conditional Use Permit to operate a used car dealership in the General Commercial (CG) zone. The use is conditionally permitted in this zone.

- | Attachments | |
|-------------|------------------------------|
| 1. | Land Use application |
| 2. | Locator Map |
| 3. | Notice of Exemption |
| 4. | Site plan, elevation |
| 5. | Draft Conditions of Approval |

Project Routing

The proposal was routed to the following agencies and City departments for review and comment:

- Richard Pedersen, City Engineer
- Fred Fogel, Building Official
- Bobby Matz, Public Works
- Mike Wright, Twentynine Palms Water District
- Jim Thompson, Twentynine Palms Fire Department
- Karen Messaros, Joshua Tree National Park

No comments were received in response to routing of the project.

On November 15, 1995, a CUP (PC 95-17) was approved for a used car dealership on this site. The last business license for used car sales on this site expired on December 31, 2000. The matter is returning to the Planning Commission because CUPs expire if the use is discontinued for one year. Time extensions for a CUP may be granted by the Community Development Director; however, they must be requested prior to expiration.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Former sales lot	CG	CG
North	Car Wash	CG	CG
East	Vacant	CG	CG
South	Fairgrounds	CG	CG
West	Auto repair	CG	CG

Site issues

The site is paved and has an existing modular building, which will serve as the business office. Existing street improvements, including curb sidewalks and gutter are presently in place. According to the site plan, 13% of the site is landscaped. The code allows maximum lot coverage of 80%. To comply with the development standards of the GC zone, the applicant will need to landscape a minimum of 20% of the project site. Staff will work with the applicant to ensure that the installation of additional landscaping and the required irrigation system, which will allow the applicant to meet the minimum 20% permeable surface requirement, is installed prior to issuance of a certificate of occupancy.

Findings for Approval

Pursuant to Section 19.30.050 of the Development Code, the Planning Commission is required to make the following findings prior to approval of a CUP. The required findings are:

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

If the required findings cannot be made, the application should be denied.

Staff has prepared the following findings of approval for consideration:

- A. The proposed project will utilize an existing, previously developed, site. As a condition of approval, the applicant will be required to landscape the project. Therefore, the proposed CUP will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 22,000 square feet in area, and is therefore adequate in size to accommodate the proposed use. Maximum lot coverage allowed by the CG zone is 80%. The remainder of the project will be required to be landscaped.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. The proposed use will not generate excessive noise, vibration, traffic or other disturbance and will therefore not have a substantial adverse effect on abutting property or uses located or potentially developed in an industrial area.
- E. Routing of the proposal to the responsible agencies has afforded an opportunity for review and comment by these agencies.
- F. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.

- G. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

Environmental Review

Section 21480 of the Public Resources Code provides a list of classes of projects which have been determined not to have a significant effect on the environments and which shall be, therefore, exempt from the California Environmental Quality Act (CEQA). Section 15301 of the Guidelines provides for the exemption of Existing Facilities, those involving negligible or no expansion, from further environmental review under state law.

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 CUP subject to the attached Conditions of Approval, 2) Make the required findings and take action to approve the CUP subject to a modified list of Conditions, 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 Recommendation

Staff recommends approval of the CUP, subject to the attached Conditions of Approval. To approve the project, the following motion could be made:

I move that the Planning Commission approve the Categorical Exemption (CEQA), make the required findings of approval contained in the staff report, and approve of the CUP subject to the draft Conditions of Approval.