



## STAFF REPORT

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**To:** Planning Commission  
**From:** Community Development Director  
**Date:** October 18, 2005  
**RE:** PC 05-45

An application by Fredrick Noel, representing the 29 Palms Historical Society, for a Variance to Section 19.152.02.B.3.b.4 of the Twentynine Palm Development Code, to permit a variance of five and one-half feet (30.57%) to the maximum allowed building height of 18', as permitted in the West Central Section of Specific Plan #10, to allow a 23'-6" tall, 1,500 square foot building addition. Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) guidelines, New Construction of Small Structures, this project is categorically exempt from further environmental review. The project is located in the West Central planning area of Specific Plan #10, at 6760 National Park Drive at Inn Ave., Zone P, Section 33, APN# 0617-262-07.

**RECOMMENDATION:** Conduct the Public Hearing, and approve the Variance subject to the Conditions of Approval.

### BACKGROUND:

On August 23, 2005, the applicant submitted this application for a Variance to allow an expansion of the Old Schoolhouse Museum. The application states that the Museum was relocated to its present site in 1992, and has an existing height of 21'-4".

The applicant seeks a variance of five and one-half feet (30.5%), to the maximum allowed building height of 18' permitted in the West Central Section of Specific Plan #10 (Section 19.152.02.B.3.b.4 TPDC), to allow a 23'-6" tall, 1,500 square foot addition to the existing 2,640 square foot museum.

#### Attachments

- Vicinity Map
- Application with correspondence
- Site plan
- Elevations
- Conditions

Relocation of the schoolhouse to this property site resulted in the preservation of an important cultural and historic resource for the community. The museum provides a number of important services for the community, which include architectural and historic preservation, educational programs, tours, social events and gatherings.

### 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

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

### Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Museum	P-Public	P-Public
North	SFR, Vacant	RS4	RS4
East	SFR, Vacant	RS4, CT	RS4, CT
South	29 Palms Inn, Art Museum, Vacant	RS4, CT	RS4, CT
West	Vacant	RS4	RS4

The proposed use is consistent with the General Plan and Zoning Ordinance. With conditions of approval, the project can be constructed in a manner consistent with the Development Code.

The site is partially developed with an existing building and parking lot. The project is located in the West Central planning area of Specific Plan #10. The Intent and Purpose of Specific Plan #10 is as follows:

1. To enhance the economic base of the City;
2. To establish Land Uses that are compatible with the Joshua Tree National Monument and comply with appropriate low profile, natural tourist oriented facility and amenity purposes.
3. To provide adequate Land Use area for a Cultural Center incorporating Tourist Commercial, Public and Institutional uses as accommodated in the text of the Land Use Element of the General Plan.
4. To contribute to the Community goal of becoming as relatively self-sufficient as possible by attracting Commercial Tourist facilities to compliment the economic impact of the Marine Base.
5. To establish and preserve an appropriate design theme for the area that is representative of the historical and desert environmental setting of the community; such theme to represent an "adobe" and/or other southwestern theme.

The project is consistent with the intent and purpose of Specific Plan.

#### Site issues

Specific Plan #10 includes Major Design Policies, with code requirements to achieve the highest aesthetic standards. When implemented as conditions of approval, these requirements will ensure consistency with the approved specific plan:

1. **Design Quality**  
Western style architecture is required. A high level of design quality shall be required. The Community Development Director will review the final construction documents prior to building permit issuance.
2. **National Park Drive**  
Detailed landscape, lighting and irrigation plans are required. Pedestrian and bicycle paths are also required. Pedestrian paths must be located several feet away from roadside paving. Parking areas must be screened from view from adjacent residential zones by a four-foot tall wall. Landscaping located between the roadway and pedestrian pathways, if irrigated and allowed to attain an average height of four feet, could serve as a living screen. All landscaping must be native species.

### **3. Aesthetic issues**

Mechanical equipment must also be fully screened from ground view in a manner that is architecturally integrated with related structures.

#### **Landscaping**

The site is presently landscaped. The code allows maximum lot coverage of 80%. Staff will work with the applicant to ensure that the installation of additional landscape screening and the required irrigation system is installed prior to issuance of a certificate of occupancy.

#### **Code Requirements**

In order for the Variance to be approved, the Planning Commission must find the project in compliance with the Development Code. With conditions requiring specific site improvements, the Commission can make this finding. The following site improvements must be made by the applicant prior to issuance of a certificate of occupancy:

1. Provide two handicapped parking spaces and one RV/bus space (19.82.060.H).
2. Construct minimum five-foot wide sidewalks along all street frontages (19.15.040.D).
3. Install six-foot wide landscape area behind sidewalk (19.82.060.J).
4. Comply with night lighting requirements (19.82.060.L).
5. Provide a trash enclosure (19.80.020).

Compliance with the aforementioned code provisions for lighting, landscaping, parking and trash enclosure will result in compliance with the Development Code and will maintain the high aesthetic standards of the existing development on the project site.

#### **Circulation and Right of way**

The site has street frontage on three roads including National Park Drive, Inn Avenue and Cottonwood Avenue. Existing street improvements include paving only. National Park Drive is classified as an Arterial (80' right of way), while Inn Avenue and Cottonwood Avenue are designated as Local streets (60' right of way). The applicant has previously entered into an agreement with the City to defer the provision of right of way and the installation of street improvements, which include curb, gutter, connecting pavement and sidewalks. The agreement requires the applicant to construct these roadways according to the following schedule: Cottonwood Drive by December 31, 2005, Inn Avenue by December 31, 2009 and National Park Drive by December 31, 2011. No changes to the schedule are proposed at this time.

#### **Consistency with Redevelopment Plan**

The project is located in the Four Corners redevelopment area. With the proposed conditions of approval, the project is consistent with approved redevelopment plan.

#### **CEQA**

Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) guidelines, New Construction of Small Structures, this project is categorically exempt from further review.

#### **Variance**

The Planning Commission may cite the above facts pertaining to the project's consistency with the General Plan, Zoning, Specific Plan and Redevelopment Plan as Findings in approving this Variance.

The State of California Government Code, Article 3, Section 65906 specifies:

- Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- A variance shall not be granted for a parcel of property, which authorizes a use or activity, which is not otherwise expressly authorized by the zone regulation governing the parcel or property.

Prior to approving a Variance, Section 19.34.050 of the City's Development Code requires the Planning Commission to make the following findings:

- A. That, because of special circumstances applicable to the property, (size, shape, topography, location or surroundings) or the intended use of the property, the strict application of the Development Code deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
- B. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning classification; and
- C. That granting the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements; and
- D. That granting of the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located; and
- E. That granting the Variance does not allow a use or activity which is prohibited by the zoning regulation governing the parcel; and
- F. That granting the Variance will not be inconsistent with the City of Twentynine Palms General Plan.

Staff believes these required Findings can be made and recommends approval of the Variance.

As required by law, owners of property within 300 feet of the subject site have been notified of this proposal. Staff has received no comment regarding the requested Variance.

Because the Variance requested is under 50% of the allowable height, the Planning Commission is the Approval Authority for this project. Therefore, the Planning Commission must determine if the required Findings can be made, and if so, approve the request.



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**To:** Planning Commission  
**From:** Community Development Director  
**Date:** October 18, 2005  
**RE:** PC 05-48, Conditional Use Permit (CUP) - An application by Liem T. Huynh, L. L. Used Cars, for a Conditional Use Permit to operate a used car dealership in the General Commercial (CG) Zone (Section 19.10.020 TPDC). Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) guidelines, Existing Facilities are categorically exempt from further environmental review. The site is located at 5984 Adobe Road at Sunnyvale Dr., Zone CG, Section 29, APN 0618-302-14 & 15.

**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, the applicant 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                    |
| 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

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

### Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Barber shop	CG	CG
North	Used car lot	CG	CG
East	Retail	CG	CG
South	Retail	CG	CG
West	Multi Family Res.	RM	RM

### Site issues

The site is partially paved and has an existing building, which will serve as the business office. Several businesses, including a barbershop, check cashing and photo studio, are currently licensed at this site.

### **Circulation and Right of way**

Adobe Road, adjacent to the site, is designated by the General Plan as a 104' wide Arterial (52' half street). Existing street improvements are installed at the proper locations, per the General Plan Circulation Element. The improvements include including curb gutter and sidewalk. An existing covered patio encroaches into the right of way. The applicant recently provided insurance for this encroachment.

### **Landscaping**

According to the site plan, the site is not 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.

### **Parking**

Section 19.82.060 of the Development Code provides for the design and construction of parking facilities. As designed by the applicant the project can accommodate 18 parking spaces. Existing uses require twelve parking spaces, leaving the remaining six parking spaces for the used car lot, which by code requires a minimum of three parking spaces.

Staff has redesigned the parking lot, minimizing unnecessary driveway area accommodating additional parking (27 spaces). This will allow the applicant to display more vehicles on the lot.

### **Code Requirements**

In order for the permit to be approved by the Planning Commission, the finding must be made that the site is in compliance with the Development Code. Without conditions requiring specific site improvements, the Commission could not make this finding. The following site improvements must be made by the applicant prior to issuance of a certificate of occupancy:

1. Stripe all parking stalls (19.82.060.D).
2. Provide one handicapped parking space (19.82.060.H).
3. Screen parking areas from adjoining residential lot by a six-foot block wall (19.82.060.I).
4. Install six-foot wide landscape area behind sidewalk (19.82.060.J).
5. Comply with night lighting requirements (19.82.060.L).
6. Pave entire parking lot (19.82.060.M).

### **Signs**

The site contains ten signs, some of which are redundant, and some of which lack permits. The site appears to be over-signed, based upon allowable sign square footage. As a condition of approval, the applicant will be required to bring the site into compliance with the sign ordinance (19.84.130).

### **Aesthetic concerns**

Compliance with code provisions for lighting, landscaping, paved parking and signage should result in an overall improved appearance of the building site.

### **Consistency with Redevelopment Plan**

The Four Corners Redevelopment Plan was approved in December 1993. Section 400.10 of the redevelopment plan, General Project Objectives, lists the following objective, which can be achieved through completion of the aforementioned improvements:

- Beautification activities to eliminate all forms of blight, including but not limited to, visual blight, in order to encourage community identify.

With the proposed conditions, the project is consistent with the redevelopment plan.

### **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 14,800 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 a commercial 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.