



**CITY OF TWENTYNINE PALMS
STAFF REPORT**

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To: Planning Commission
From: Community Development Director
Date: December 20, 2005
RE: PC 04-44 An application by Thomas Hart, dba Twentynine Palms 2005, LLC for approval of Tentative Tract Map 17528, to subdivide 16.4 gross acres (15.2 net acres) into 61 lots for future development of single-family residences. The project is located on a vacant and unimproved site, between La Buena Tierra Avenue and Datura Avenue, south of Two Mile Road, Zone RS-4, Section 30, APN # 618-081-13.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration and De Minimis Impact Finding, and approve Tentative Tract Map No. 17528, subject to the attached Conditions of Approval.

BACKGROUND: The applicant proposes a 61-lot subdivision in the Single Family Residential (RS-4) land use district. No architecture is proposed at this time. The density of the project, 3.71 dwelling units per acre (du/ac), is under the maximum allowed density of 4 du/ac in the RS-4 land use district.

- | Attachments |
|----------------------------------|
| 1. Major Subdivision Application |
| 2. Locator Map |
| 3. Draft Negative Declaration |
| 4. DeMinimis Impact Finding |
| 5. Tentative Tract Map #17528 |
| 6. Conditions of Approval |

Pursuant to Chapter 19.98 of the Development Code (Subdivision regulations), a tentative tract map is subject to approval by the Planning Commission. Once approved by the Commission, the applicant prepares subdivision improvement plans in accordance with the Conditions of Approval. These improvement plans are reviewed by appropriate departments and agencies, including the Fire Department, Regional Water Quality Control Board, Water District, Edison, Gas Company, Verizon, Morongo Basin Transit Authority, School District, City Engineer and Community Development Director. When it has been determined that the plans 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 records the Final Map with the county and may then begin development and/or sale of the individual lots.

Regulation of the design and improvement of subdivisions are regulated by Government Code Section 66410 through 66413.5 (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

The project was routed to the following agencies and departments for review:

San Bernardino County Clerk
Twentynine Palms Water District
County Sheriff's Department
County Department of Solid Waste Mgmt.
County Assessor's Office
San Bernardino Associated Governments
Southern California Edison Company
Verizon
Waste Management
Morongo Basin Ambulance
Regional Water Quality Control Board
California Department of Fish & Game
MCAGCC

City Engineer
Twentynine Palms Fire Department
County Environmental Health Division
County Flood Control District
County Recorder
Morongo Unified School District
Southern California Gas Co.
David Jones, Adelphia
Morongo Basin Transit Authority
Air Quality Management District
Division of Mines and Geology
Joshua Tree National Park
State Clearinghouse

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	Residential and vacant	RS-4	RS-4
East	Residential and vacant	RS-4	RS-4
South	Residential	RS-4	RS-4
West	Residential	RS-4	RS-4

Density, Lot area and Lot dimensions

The RS-4 district allows a maximum of four dwelling units per acre and permits a minimum lot size of 7,200 square feet. As previously noted, at 3.71 du/ac the project is less dense than the maximum of 4 du/ac allowed by the zone. Lot sizes range from 7,200 square feet to 12,358 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 the center of the project to the north and southeast, 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 for 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. The study found that the project would generate 558 trip ends per day, with 45 trips during the AM peak and 58 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, existing roadways adjacent to the project site will be required to be improved, including the following improvements:

- Two Mile Drive (Arterial with 52' half street);
- La Buena Terra Avenue (Collector with 40' half street);
- Provide stop signs at project site access; and
- Traffic signing and striping; and
- Bike paths on Two Mile Road and La Buena Terra Avenue.

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

Transit Service

The Morongo Basin Transit Authority has reviewed the project and recommends that the applicant provide one covered bus shelter with bench and trash receptacle, off-site, on Sunnyslope Drive. This will serve Line #3B.

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.

The basin could be designed and improved as a multi-use facility, and serve as a pocket park on the 355 days per year without rain. The Homeowners Association would be responsible for construction and maintenance of this facility.

Biological Resources

A biological study was prepared by CMBC for this project. The site is classified as Mojave Desert creosote-white bursage scrub. 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 USFWES 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.

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.



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To: Planning Commission

From: Community Development Director

Date: December 20, 2005

RE: PC 04-58 – An application by Geraldine Hagman, on behalf of Sky's the Limit, for approval of a General Plan Amendment and a Change of Zone from RS-E to P (Public), and site plan approval to construct an observatory, amphitheater, classroom facility, and related facilities on 10 acres, located on a vacant and previously unimproved site, at 9701 Adobe Road, east of Adobe Road, north of the Joshua Tree National Park, Zone RS-E, Section 15, APN # 591-081-13 and –14.

RECOMMENDATION: Conduct the Public Hearing, adopt the Mitigated Negative Declaration and recommend that the City Council amend the General Plan and change the Zone from RS-E to P, and grant site plan approval, subject to conditions of approval.

Attachments
1. Application
2. Site plan
3. Elevations
4. Mitigated Negative Declaration
5. Conditions

BACKGROUND:

The City received an application for a General Plan Amendment, Change of Zone and Site plan review on June 8, 2005. The Planning Commission previously reviewed this project on November 15, 2005.

The table summarizes Land Use, General Plan and Zoning in the project area.

Land Use, General Plan and Zoning			
Parcel	Land Use	General Plan	Zone
Site	Unimproved	RS-E	RS-E
North	Unimproved	RS-E	RS-E
East	Unimproved	RS-E	RS-E
South	National Park	NP National Park	NP National Park
West	National Park	NP National Park	NP National Park

PROJECT DESCRIPTION

Geraldine Hagman, on behalf of Sky's the Limit, a non-profit organization, has filed an application with the City for a General Plan Amendment, Change of Zone and site plan approval to construct an observatory, amphitheater, classroom facility, meditation center, nature trails, desert observation area, caretakers unit, public restrooms and related parking facilities on 10 acres.

The observatory includes a total of 8,255 square feet of building area, with a 1,605 sq ft conference room facility, with seating for 72, a visitors wing with two classrooms, a volunteers room, an office, a lobby, restrooms and vending area. The research wing, is also 3,160 sq.ft. in area, and includes a classroom, workshop, imaging room, an equipment monitoring room and restrooms. An amphitheater will seat 150 people. The facility also includes a Zen garden, an Orrey, a Sun Circle, picnic facilities and individual telescope pads. The project includes 45 parking spaces, bus parking, RV parking, and unpaved overflow parking. The objective of the applicant is to minimize site disturbance and, in lieu of landscaping, retain as much of the existing native plant material as possible.

General Plan

The site is designated by the General Plan as RS-E. The Single Family Residential (RS) General Plan designation allows Institutional uses that are designed to be integrated into the neighborhood in which they are located, so as to maintain the integrity of the neighborhood. The applicant requests a General Plan amendment to Public (P). This designation allows City and county facilities and offices, parks, golf courses, schools and other public uses. With the proposed amendment, the application would be consistent with the General Plan. Staff recommends approval of this amendment.

Zoning

The project site is zoned RS-E (Residential Single Family-Estate), which allows residential development with a maximum density of one dwelling unit per 2.5 acres. The zone also allows Institutional uses that are accessible from Expressways, Arterials and Collectors, such as churches, conference centers, camps, government facilities, hospitals and schools. The application includes a request for a Change of Zone from RS-E to P (Public). The P (Public) land use district is intended for properties, which have public uses, such as City and county facilities and offices, parks, golf courses and schools. With the proposed change of zone, this application would be consistent with the General Plan. Staff recommends approval of the change of zone.

Visitor Services

The proposed project represents a potentially dynamic educational resource for the community. The project could allow for advanced scientific field study of astronomy, expand educational resources and opportunities, and could generate additional tourism.

Required improvements

As a condition of approval, the applicant will be required to make street improvements, provide drainage improvements and pave driveways. The applicant is likely to request deferral of some of these improvements. Staff will summarize these requests at the public hearing. The applicant, a non-profit organization, has limited resources available for development for the project. It is reasonable that some of these improvements may be deferred for a period of time.

Phasing of Improvements

The applicant proposes completing the project in phases. The first phase includes the Orrey, Sun Circle and hiking paths. The second phase includes the remaining uses.

ADA Compliance

Disabled accessibility is a high priority. Per the Americans With Disabilities Act and Title 24 of the California Code of Regulations, the project will be handicapped accessible. Accessibility improvements, including sidewalks are to be constructed in the first phase of project improvements.

Environmental Clearance

A copy of the draft Mitigated Negative Declaration and Initial Study are included. As of the writing of this report, the City has not received correspondence on this project.

A Desert Tortoise and General Biological Survey was prepared for this project. No desert tortoises were found on site during the survey. Furthermore, no special status species, including any plant or animal species considered to be rare, threatened or endangered, were observed or are expected to be impacted by the project. Mitigation measures will ensure that the project's biological impacts are less than significant.

A traffic study was not prepared for this project. The project will be required to widen Utah Trail to General Plan standards, with a 52' wide half-street. When complete, the citywide traffic survey currently underway will allow further refinement of the street classification system.

The potential for uncovering paleontological, archaeological, and/or cultural resources could occur during grading activities. In order to mitigate the potential for the loss of such resources, archeological monitoring during grading activities shall be required.

Approval Authority

The City Council, as legislature, is the final Approval Authority for the General Plan Amendment and Change of Zone. The Planning Commission may make recommendations on the General Plan and Change of Zone. The Planning Commission is the final authority for site plan approvals and may approve the project.