



**CITY OF TWENTYNINE PALMS**  
**STAFF REPORT**  
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**To:** Planning Commission via Community Development Director  
**From:** Community Development Technician  
**Date:** April 18, 2006  
**RE:** PC 06-24 An application by Judi M. Williams for a Variance to the RS-4 zone development standards, to establish a substandard lot depth of 92', (where a 100' lot depth is required), to allow a minor subdivision of 4 lots on 1 acre, on Araby Avenue, Zone RS-4, T1N, R9E, Section 34, APN # 0624-111-25.

**RECOMMENDATION:** Conduct the Public Hearing, find that the project is categorically exempt from CEQA and approve the Variance, subject to the Conditions of Approval for the Tentative Parcel Map #17757.

**BACKGROUND:** On February 21, 2006, the applicant submitted this application for a Variance to allow for substandard lot depth for a minor subdivision of 4 parcels on 1 acre. The 40' road dedication requirement for Araby Avenue renders the lots substandard.

- | <b>Attachments</b>            |
|-------------------------------|
| • Vicinity Map                |
| • Application                 |
| • Correspondence              |
| • Tentative Parcel Map #17757 |
| • Conditions of Approval      |

The applicant seeks a Variance of eight feet (8 %) to the lot depth requirement of one hundred feet. Under current RS-4 land use standards, the right-of-way dedication for Araby Avenue (Collector, 40' half-street right of way) will create substandard lot depth.

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

	Land Use	General Plan
Site	RS-4	RS-4
North	RS-4	RS-4
East	RS-4	RS-4
South	RS-4	RS-4
West	RS-4	RS-4

The proposed use, single family residences, are 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 undeveloped. The proposed Tentative Parcel Map is located in east of Utah Trail, north of Sullivan Road, south of Old Dale, on the west side of Araby Avenue.

**Circulation and Right of way**

The site has street frontage on Araby Avenue. There are currently no existing street improvements adjacent to the project. Araby Avenue is located on a Quarter Section

line. Street improvements will be required as part of the final subdivision improvements, which include dedication of 40' right of way and construction of street improvements including curb, gutter and sidewalk, to the Quarter Section Collector standard.

### **CEQA**

Pursuant to Section 15305 of the California Environmental Quality Act guidelines (minor alterations in land use limitations), this project is categorically exempt from further review under state law.

### **Variance**

The Planning Commission may cite the above facts pertaining to the project's consistency with the General Plan and Zoning, 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.

In addition, parcels in the area were created with a 30' right of way dedication. This resulted in substandard right of way dedication. Parcels created by this tentative parcel map will have the required 40' half street right of way, consistent with the Collector standard.

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 less than 50% of the required depth, 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 via Community Development Director  
**From:** Community Development Technician  
**Date:** April 18, 2006  
**RE:** **PC 06-18** - Correction of General Plan Land Use Map, changing the Land Use Designation from Office Commercial (CO) to Multi-family Residential (RM) of the area commonly known as Specific Plan #3, generally located north of Twentynine Palms Highway, south of Gorgonio Drive, east of Mesquite Avenue and West of Desert Knoll Avenue, T1N, R9E, Section 28

**RECOMMENDATION:** That the Planning Commission recommend that the City Council approve the General Plan Amendment/Change of Zone.

**BACKGROUND:** Recent inquiry by property owner Karen Harper for clarification regarding the General Plan Land Use Designation (zoning) of a parcel in the above-referenced area, led to staff determination that the map inaccurately depicts this property as being Office Commercial (CO). The land use designation of a three-block section was designated Multi-family Residential, Specific Plan #3 January 24, 1989 and it was inadvertently identified as CO on the General Plan/Zoning map adopted October 23, 2001.

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|---|
| <p><b>Attachments</b></p> <ul style="list-style-type: none"><li>• Locator Map</li><li>• Specific Plan 3 and Map</li></ul> |
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Correction of this error may be handled as a General Plan Amendment/Change of Zone.

The Planning Commission may amend the map to reflect:

- The specific plan zoning established prior to the October 21, 2001 change;
- Adopt zoning represented on the current map
- Adopt zoning represented on the current map with the Specific Plan #3 overlay;
- Repeal Specific Plan #3 overlay;
- Provide an alternative zoning plan.

Because the City's General Plan Land Use Map specifies zoning, changing the General Plan designation will change the zoning.

As review authority, the Planning Commission will conduct a public hearing and formulate a recommendation to the City Council. The City Council will consider the Planning Commission's recommendation at a future meeting.

**Street Improvements**

No development is proposed at this time and the requirement for street improvements is

not triggered.

### **General Plan Issues**

Section VI (B) of the General Plan Land Use Plan sets the following standards for Multi-family Residential (RM) properties:

#### **Multi-Family Residential (RM)**

The RM category is depicted by the letters “RM” on the Land Use map. These territories are intended to serve the housing needs of non-long term residents or residents not needing or desiring a single family, detached household situation. However, diverse residential development may occur: this may include single-family units, duplexes, apartment complexes, and mobile home parks. This designation is most suitable for planned communities, affordable and senior housing, where smaller units are appropriate.

The following policies and standards shall apply to the RM districts:

- The density of any proposed development is to be not more than eight units per(gross) acre. However a twenty-five percent (25%) density bonus may be granted for development of affordable housing pursuant to Section 65915 of the California Government Code.
- Unit design will strive for individual privacy for each unit.
- As a means of minimizing wind and water erosion, grading and removal of native vegetation on parcels one acre or larger shall be limited to pad areas for structures, necessary, driveways, and uses permitted in the RM Land Use Districts. In cases where native vegetation is removed, landscaping reflecting a desert theme, utilizing drought resistant plants, is highly recommended. Desert landscaping may be complemented by rock and other architectural features related to the Desert Southwest design (e.g. wagon wheels, statues, dry fountains, etc.)
- Institutional uses, such as churches, lodges and schools appropriate in the RM district.
- Safe recreational areas for both adults and children shall be provided onsite on any proposed multi-family project exceeding ten dwelling units.
- Lighting for safety and security will be provided.
- All projects will be designed to create safe and open walkways and driveways utilized for ingress and egress.
- Applicants for multi-family projects shall demonstrate, through traffic studies or other suitable evidence, that the anticipated vehicular traffic can be accommodated by the existing and proposed roadway system.

- Concrete curb, gutter, and sidewalks are required along rights-of-way for all new projects in all RM zones.
- Bus benches and shelters shall be designed into the large-scale projects when service is available or planned.
- Home occupations may be permitted in the RM District only when the use will not interfere or impact the residential integrity of the district.
- I-5 Bed and board facilities may be allowed. Such uses shall not conflict with the residential character of the district.
- The use of solar energy is encouraged; actively, for the heating of water and passively, by designing window exposure and eaves overhang, allow warming or shading, thereby conserving other energy sources.
- All new projects will install underground utilities.
- Off-street parking shall be required as specified in the Development Code.

Section VII (C) of the General Plan Land Use Plan sets the following standards for Office Commercial properties:

### **Office Commercial (CO)**

The Office Commercial category shall be designated by the letters “CO” on the Land Use Map of the General Plan. The intent of the CO designation is to provide areas of professional services, offices and small retail outlet, intermixed with residential uses. Uses shall be those which do not generate high volumes of traffic and which, generally do not depend on impulse customers. Residential development will consist of single-family units and duplexes.

Typically uses would be medical offices, insurance, real estate, legal and government services, tourist courts/cabins, hair salons, art galleries, and other similar types of uses. Ancillary commercial facilities to support these services, such as coffee shops, cafes, gift shops, copying services, and newsstands, are permitted on a scale generally smaller than that found in the CG districts. The CO territory may provide a buffer between more intense commercial areas and residential uses of the RS & RM categories.

The following policies and standards shall apply in the CO district:

- Office/Professional uses are encouraged to be established in clusters and contain categories that are similar or mutually supporting.
- Building designs may either be Desert Southwest pursuant to the Design Guidelines adopted by the City, or residential in nature.
- Balconies, open stairways, window pop-outs and generous eave overhangs are encouraged.

- As a means of minimizing wind and water erosion, grading and removal of native vegetation on parcels one acre or larger shall be limited to pad areas for structures, necessary driveways, and uses permitted in the CO land use district. In cases where native vegetation is removed, landscaping reflecting a desert theme, utilizing drought resistant plants, is highly recommended.
- Signs shall be low key, such as sand blasted wood, or other material with low intensity or indirect lighting.
- Direct solar energy, primarily for water heating, is strongly advocated, with passive solar design for heating and shading integrated in to the project design.
- Lighting should be modest, sufficient for evening visibility, but not excessive or glaring.
- All new projects shall install underground utilities.
- Concrete curb, gutter, and sidewalks are required along all rights-of-way for all new projects in all CO zones.
- Off street parking shall be provided.

### **Specific Plan #3**

#### 19.150.030 Specific Plan #3

A. Purpose. The purpose of Specific Plan #3 is to reclassify a Land Use designation of RM 3,000, which is inconsistent with the General Plan and Community Plan; to an entitlement in compliance with said General Plan and Community Plan.

B. Recitals.

1. The territory in Specific Plan #3 shall be governed by the regulations of the RM Land Use classifications except as otherwise stated in this Specific Plan.
2. Entitlement.
  - A. Each lot over 7,200 sq. ft. or greater shall have a minimum entitlement of two units
  - B. Each lot with a net area of less than 7,200 sq. ft. shall have a maximum entitlement of one unit.
  - C. Proposed development that combine lots or utilize lots larger than 10,000 sq. ft. net, shall have a maximum entitlement of 1) two units per lot for each lot 7,200 sq. ft. (net) or greater in size and one unit per each lot less than

7,200 sq. ft. (net) in size; or 2) one unit per 5,000 sq. ft. (net) of territory, which of the two alternatives is greater.

3. Those lots smaller than 7,200 sq. ft. (net) containing more than one unit shall be deemed legal not-conforming uses.
4. This Specific Plan renders the territory encompassed herein, consistent with the General Plan and Community Plans of the City of Twentynine Palms.

### **General Plan Amendment Procedure**

Section 19.20.070 of the Development Code sets forth required Findings for General Plan Amendments. The Section states:

Prior to approving a General Plan amendment as prescribed by this Chapter, the City Council shall make the following Findings:

- A. That the amendment is consistent with the intent of the goals and policies of the General Plan as a whole, and is not inconsistent with any element thereof; and
- B. That the amendment prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses; and
- C. That the amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species; and
- D. That the amendment provides for the protection of the general health, safety, or welfare of the community.

Section 19.20.080 of the Development Code states the City Council's approval of a General Plan amendment shall be in the form of a Resolution. Accordingly, staff will prepare a draft Resolution for consideration, which contains the above reference Findings.

### **CEQA**

The action is exempt from CEQA pursuant to Section 15305, Minor Alterations in Land Use Limitations. No further environmental review is required under state law.

### **Review Authority**

The Planning Commission, acting in their role as the Review Authority for this matter, will conduct a Public Hearing and formulate a recommendation to the City Council.