



**CITY OF TWENTYNINE PALMS  
STAFF REPORT**  
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Twentynine Palms, CA 92277  
(760) 367-6799, Fax (760) 367-5400  
*commdev@ci.twentynine-palms.ca.us*

**To:** Planning Commission  
**From:** Community Development Director  
**Date:** August 15, 2006  
**RE:** PC 06-15 - An application by Spectrum Engineering on behalf of Los Angeles SMSA Limited Partnership for approval of a Conditional Use Permit for a telecommunication facility in the RL-2.5 zone, and a Variance to the maximum allowed height of 35' to allow a 52.5' tall commercial telecommunication tower and site plan approval. The project is located at an existing Edison substation, at the northeast corner of Twentynine Palms Highway (SR 62) and Dorth Place, RL-2.5 zone, T1N, R8E, Section 30, APN # 0613-121-25.

**RECOMMENDATION:** Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration, and De Minimis Impact Finding pursuant to CEQA, adopt the resolution and approve the project, subject to the attached Conditions of Approval.

**BACKGROUND:** A public hearing was conducted on July 18, 2006. At the applicant's request, the public hearing was continued until August 1, 2006.

The applicant provided additional supporting materials on July 27, 2006, after the cut-off date for mailing of packets for an August 1, 2006 Planning Commission meeting. As a result of the late submittal by the applicant, that meeting was subsequently canceled.

Attachments	
1.	Conditions of Approval
2.	Resolution
3.	Application
4.	Locator Map
5.	Aerial Photo
6.	Mitigated Negative Declaration
7.	Correspondence
8.	Site Plan

The applicant is, as of the writing of this report:

- Unable to secure additional right of way along State Hwy 62 from Edison; and
- Unwilling to agree to make the required improvements as outlined in the conditions.

In addition, the City has received correspondence recommending denial of the project, because the applicant has not pursued co-location of the project to other antennae farms in the community. These exist on Copper Mountain, Donnell Hill and on Adobe Road.

In response, the applicant states that they have investigated all of the available co-location sites and have ruled these other possible locations out for technical reasons.

The project includes construction of an un-manned 52.5' tall telecommunications facility and 11'-6" x 16' equipment cabinet at the above referenced location.

Present zoning for the property is Rural Living (RL-2.5). The proposed use is allowed in the RL-2.5 land use district, subject to approval of a Conditional Use Permit. No habitable structures are proposed.

**CEQA Environmental Review**

Pursuant to the California Environmental Quality Act (CEQA), the project was routed to the following agencies and departments for public review and comment:

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  
Division of Mines and Geology  
MCAGCC (Two offices)  
County Surveyors Office

City Engineer  
Twentynine Palms Fire Department  
County Environmental Health Division  
County Flood Control District  
County Recorder  
Morongo Unified School District  
Southern California Gas Co.  
Adelphia  
Morongo Basin Transit Authority  
Mojave Air Quality Management District  
Joshua Tree National Park  
Caltrans

Input from these agencies has been reviewed, attached as Correspondence and, where appropriate, incorporated into the Conditions of Approval for the project. Based on the findings of the Initial Study, a Mitigated Negative Declaration is recommended.

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

	Land Use	General Plan	Zone
Site	SCE sub-station	RL-2.5	RL-2.5
North	Vacant	RL-2.5	RL-2.5
East	Single family and vacant	RL-2.5	RL-2.5
South	Vacant	RL-2.5	RL-2.5
West	Vacant	RL-2.5	RL-2.5

**General Plan**

The RL-2.5 land use district allows utilities and infrastructure. As designed the project is consistent with the General Plan Land Use Element.

**Zoning**

The project exceeds RL-2.5 zone standards for height. The zone allows non-commercial antennas up to 52’ in height. At 11’-6”, the equipment cabinet is within the allowable building height for the zone. With approval of the Conditional Use Permit and Variance, the project is consistent with the Zoning Ordinance.

**Site Characteristics**

The subject site slopes as it moves north from the highway, south to north. The site includes an Edison electrical sub-station, contains typical desert vegetation and has been used by off-road vehicles.

Comment was received from the City Engineer in response to staff’s routing of the project. The City Engineer is recommending that street improvements not be required as a condition of this development. The City Attorney has previously advised the Planning Commission and Council to do a case-by-case analysis of potential impacts in determining what public improvements are required for development proposals. This is especially true on a large parcel where the road

improvements would be excessive in relation to the proposed impacts. Traffic generated by the use will be minimal. Therefore, the City Engineer is recommending that road dedication be required, but that street improvements not be required as a condition of approval.

### **Development Code Chapter 19.58**

Development of the proposed facility is subject to the requirements contained in Chapter 19.58, that establishes regulation of wireless telecommunications facilities in the City.

Section 19.58.030 establishes general requirements for telecommunications facilities. Subsection 19.58.030 (A) states that the structure height shall be as established in the Land Use District regulations of the Development Code for the underlying land use district. The land use designation (zoning) for the subject property is Rural Living (RL-2.5). The height limitation for the RL-2.5 district is 35 feet. Non-commercial antennas in the RL-2.5 zone are allowed at 52' tall.

Section 19.58.030 (B) establishes separation requirements to ensure that telecommunications facilities do not conflict with existing or planned residential uses. The requirement is that proposed telecommunications facilities be at least 200 percent of the height of the facility from an adjacent residential property line; for a 52.5' tower, the separation requirement is 105'. The proposed tower is located 132' from the property line. The subsection also requires a minimum 300' separation from any residence. The development is 320 feet from the property lines of the adjoining single family residence and 630 feet from the residence.

Subsection 19.58.030 (C) sets forth standards to minimize negative visual impact. Subsection 19.58.030 (C) (1) requires that facilities either be co-located or camouflaged and that they blend, "...with the surrounding existing natural and manmade environment in such a manner so as to be effectively unnoticeable...." The project is collocated with an existing electrical substation and thus meets the requirement for co-location.

Subsection 19.58.030 (C)(6) requires that equipment shelters be constructed to look like a structure or facility typically found in the area. The Planning Commission will have to make a determination on the design and its appropriateness in the RL-2.5 land use district.

Outside lighting is indicated in the proposal. Per Section 19.58.030 (C)(8), outside lighting is prohibited unless required by the FAA or the Uniform Building Code. Staff has included a condition that requires that the lighting be shielded in conformance with the City's night sky regulations.

### **Conditional Use Permit**

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 tower is co-located with an existing Edison electrical substation. Therefore, the design matched existing utility infrastructure in the vicinity. The site is located approximately 302 feet from the nearest traveled roadway and will therefore 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 9.24 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and RL-2.5 land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

#### **Variance**

Pursuant to Section 19.34.050 of the Development Code, prior to approving a Variance, the Planning Commission shall 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.

If the required findings cannot be made, the application should be denied. Staff has prepared the following findings of approval for consideration:

- A. The RL-2.5 zone allows non-commercial telecommunication antennas up to 52' feet in height. The proposed tower is co-located with an existing Edison electrical substation. Therefore, the design matched existing utility infrastructure in the vicinity. The site is

located approximately 302 feet from the nearest traveled roadway and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. Denial of this application would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.

- B. The subject site is approximately 9.24 acres and is therefore adequate in size to accommodate the proposed use. Non-commercial telecommunication antennas of the height proposed are currently permitted for non-commercial users with a Minor Use Permit. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- C. The project will provide for additional telecommunication infrastructure in the community, which will enhance the public health, safety and welfare.
- D. That granting of the Variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located.
- E. That granting the Variance would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- F. That granting the Variance is consistent with the City of Twentynine Palms General Plan and Development Code.
- G. 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.
- H. Routing of the proposal to the County Clerk of San Bernardino has afforded an opportunity for review and comment by the County.
- I. With the recommended conditions, the proposed project will meet the objectives of the General Plan and RL-2.5 land use designation.
- J. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

### **Traffic and Circulation**

Because the project will not result in the development of any new residences, a traffic impact analysis was not prepared for this project. The project will generate minimal traffic during construction, which is expected to be less than ten vehicles per day. When fully operational, the project will receive regular maintenance visits, not expected to exceed two trips per week. The project will be served from Dorth Place. Because this project is not expected to generate regular traffic, the City will request that the applicant dedicate an additional 10' of right of way along the Twentynine Palms Highway (SR 62) to meet the requirement for a 120' Expressway (60' half street). Street improvements to the Highway or Dorth Place will not be required at this time.

### **Transit Service**

The Morongo Basin Transit Authority has had an opportunity to review the project and, as of the writing of this report has not commented on the project. However, in general, the MBTA recommends that applicants provide a bus shelter with bench and trash receptacle, with the specific location will be determined at a later date.

**Approval Process**

The Planning Commission is the Approval Authority for the Conditional Use Permit and Variance. In taking action to approve, the Commission must find that the proposed project is consistent with the General Plan. Because the subject property has the RL-2.5 General Plan land use designation, development of a telecommunication facility is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS

CONDITIONS OF APPROVAL

PC 06-15

Applicant: Spectrum Engineering/Los Angeles SMSA Limited Partnership

Project: 52.5' Telecommunication facility

Location: Northeast corner of SR 62 and Dorth Place

APN: 0613-121-25

Approved: August 15, 2006

Expire: August 14, 2007

The following Standard Conditions of Approval shall be applicable to all Conditional Use Permits in the City. Additionally, site specific conditions will be applicable as necessary to protect the public health, safety and welfare.

Planning Division

Per Section 19.30.090 (A) of the Development Code, Conditional Use Permits shall expire one (1) year from the date the approval was granted, unless prior to the expiration date:

1. A Building Permit is issued and remains active for any approved phase of the project; or
2. A Certificate of Occupancy is issued for the use or structure; or
3. The site is occupied in accordance with the approved use. (A use permit for a public utility installation may be valid for a longer period if specified by the Approval Authority or City Council.)
4. The site is occupied in accordance with an approved phase as part of a phased development.

Per Section 19.30.090 (B), an approved Conditional Use Permit shall expire if the use has been commenced and then is discontinued for a period of one (1) year or more.

**Planning Conditions**

- P1. Conditional approval is granted by the Planning Commission acting as Approval Authority on July 18, 2006, to permit the construction/use of 52.5' unmanned telecommunications facility and 11'-6" x 16' equipment cabinet at the above referenced location. All development of the site shall be in substantial conformance with the adopted site plan and shall comply with all Conditions of Approval.
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.
- P4. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.

- P5. Prior to construction, the applicant shall submit three sets of plans to the City's Building Official and secure a Building Permit in conformance with the Uniform Building Code.
- P6. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district.
- P7. The applicant shall defend, at its sole expense (with attorneys approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
- P8. A copy of the final grading plan shall be submitted to the Building and Safety Division for review and approval by the Community Development Director.
- A. All on-site cut and fill slopes shall conform to the Uniform Building Code and Development Code (Chapter 19.64) relating to maximum slope, height and setbacks. Slopes shall be limited to a maximum slope ratio of 3 to 1 and a maximum vertical height of thirty (30) feet.
  - B. Slopes shall be contour graded to blend with existing natural contours.
  - C. All slopes over five (5) feet in vertical height and all fill slopes over three (3) feet in vertical height and steeper than 3:1, shall incorporate erosion control.
  - D. Minimize elevation differences between adjacent parcels and project.
  - E. Fill-slopes shall not be permitted to be located on the perimeter of the project.
- P9. The Mitigation Measures from the Initial Study shall be incorporated herein, as conditions of approval, by reference.
- P10. To serve the MBTA, the applicant shall provide a bus stop, including a pull-out and shelter. The bus stop shall include a bench and trash receptacle. Bus stop locations and specifications shall be coordinated with Morongo Basin Transit Authority (MBTA), [contact MBTA (760) 366-2986].

### **General Conditions**

- G1. All Conditions are continuing Conditions. Failure of the Applicant and/or operator to comply with any of the said Conditions at any time may result in the revocation of the Conditional Use Permit and/or citation for code violation.
- G2. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees, including reimbursement for all City expense in ensuring compliance with the Conditions of Approval.

## **Building and Safety**

- B1. Grading and drainage plans are to be submitted to, and approved by, the Building Official prior to permit issuance.
- B2. The applicant/developer shall submit plans and obtain building permits for all structures and walls. No work is to be done prior to approvals and permit issuance.

## **Engineering**

- E1. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site. Prior to the issuance of a grading permit, the applicant's engineer shall submit a comprehensive grading plan in conformance with the Uniform Building Code (UBC) and the requirements of the City. A preliminary soils report and a current preliminary title report shall be submitted to the Engineering Division concurrently with the grading plan.
- E2. Road dedications shall be provided as follows:
  - A 60-ft wide (Expressway) half-width road dedication along Twentynine Palms Highway (SR 62) adjacent to the property shall be granted to the City of Twentynine Palms prior to issuance of building permits.
  - A 30-ft wide (Local street) half-width road dedication along Dorth Place adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.
- E3. An encroachment permit shall be obtained from the City prior to performing any work in any public right of way.
- E4. A final grading plan shall be submitted to the City Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the City Engineer for review and substantial completion of the street plans has been attained as determined by the City Engine
- E5. Utility lines shall be placed underground in accordance with the requirements of the City.
- E6. The applicant shall pave all driveways and parking areas.

## **Fire Department**

- F1. Prior to any construction, the owner shall contact the Twentynine Palms Fire Department for verification of current fire protection requirements.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.
- F4. Street addresses shall be posted with numbers a minimum height of three (3) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street

names and addresses within the project.

- F5. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:

A: SYSTEM STANDARDS

Fire Flow: 1500 GPM @ 20 PSI Residual Pressure  
Duration: 2 Hours  
Hydrant Spacing: 660 Feet

B: DISTRIBUTION SYSTEM

Mains: 6-Inch Minimum  
Laterals: 6-Inch Minimum  
Riser: 6-Inch Minimum

C: FIRE HYDRANTS

Number: To be determined  
Type: 6-Inch, with one (1) two and one half (2 ½) inch outlet and one (1) four (4) inch outlet with National Standard Threads.  
Street Valve: 6-Inch Gate

- F6. The developer shall furnish the fire department with a copy of the water system improvement plans. A letter from the water purveyor stating what fire flow can be met shall be required.

The undersigned applicant verifies that he/she has read the Conditions of Approval, understands each Condition, and agrees to adhere to the Conditions of Approval.

\_\_\_\_\_  
Applicant/Developer

\_\_\_\_\_  
Date

CITY OF TWENTYNINE PALMS  
PLANNING COMMISSION  
RESOLUTION NO. 06-\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-15, AN APPLICATION BY SPECTRUM ENGINEERING ON BEHALF OF LOS ANGELES SMSA LIMITED PARTNERSHIP, FOR APPROVAL OF A CONDITIONAL USE PERMIT TO PERMIT A TELECOMMUNICATION FACILITY IN THE RL-2.5 ZONE AND A VARIANCE TO ALLOW A 52.5' TALL TELECOMMUNICATION TOWER IN THE RL-2.5 ZONE, AT THE NORTHEAST CORNER OF THE INTERSECTION OF THE TWENTYNINE PALMS HIGHWAY (SR 62) AND DORTH PLACE, ZONE RL-2.5, T1N, R8E, SECTION 30, APN # APN: 0613-121-25

WHEREAS, on January 19, 2006 an application was received from Spectrum Engineering for approval of a Conditional Use Permit to construct a telecommunication facility in the RL-2.5 zone and a Variance to allow a 52.5' tall tower; and

WHEREAS, Section 19.58.030 establishes general requirements for telecommunications facilities. Subsection 19.58.030 (A) states that the structure height shall be as established in the Land Use District regulations of the Development Code for the underlying land use district; and

WHEREAS, the land use designation (zoning) for the subject property is Rural Living (RL-2.5) and the maximum building height allowed in the RL-2.5 district is 35 feet; and

WHEREAS, non-commercial antennas are a Permitted Use (Table 19.07a) in the RL-2.5 zone and are allowed up to 52' in height in the zone; and

WHEREAS, the proposed project is a commercial communication structure; and

WHEREAS, with the proposed conditions of approval, the proposed project design is consistent with the General Plan and Development Code; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration, with De Minimis Impact finding was prepared and the project was routed to public agencies and departments for public review and comment; and

WHEREAS, public hearing notice was published in a newspaper of record and notice was mailed to all property owners located within 300 feet of the project site; and

WHEREAS, public hearings were held by the Planning Commission on July 18, 2006 and August 15, 2006; and

WHEREAS, with respect to the Conditional Use Permit application the Planning Commission finds the following:

- A. The proposed tower is co-located with an existing Edison electrical substation. The proposed design is similar to existing utility infrastructure in the vicinity. The site is located approximately 302 feet from the nearest traveled roadway and will therefore 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 9.24 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and RL-2.5 land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

WHEREAS, with respect to the Variance application the Planning Commission finds the following:

- A. The RL-2.5 zone allows non-commercial telecommunication antennas up to 52' feet in height. The proposed tower is co-located with an existing Edison electrical substation. The project design is similar to existing utility infrastructure in the vicinity. The site is located approximately 302 feet from the nearest traveled roadway and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. Denial of this application would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.
- B. The subject site is approximately 9.24 acres and is therefore adequate in size to accommodate the proposed use. Non-commercial telecommunication antennas of the height proposed are currently permitted for non-commercial users with a Minor Use Permit. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- C. The project will provide for additional telecommunication infrastructure in the community, which will enhance the public health, safety and welfare.
- D. That granting of the Variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located.
- E. That granting the Variance would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- F. That granting the Variance is consistent with the City of Twentynine Palms General Plan and Development Code.

- G. 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.
- H. Routing of the proposal to the County Clerk of San Bernardino has afforded an opportunity for review and comment by the County.
- I. With the recommended conditions, the proposed project will meet the objectives of the General Plan and RL-2.5 land use designation.
- J. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts the Mitigated Negative Declaration with the De Minimis Impact Finding, adopts this resolution, and approves the Conditional Use Permit and Variance applications (PC 06-15), subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 15th DAY OF August, 2006

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

\_\_\_\_\_  
Irving Stone, Chairman

ATTEST:

Charlene L. Sherwood, City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. \_\_\_\_\_ duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in Twentynine Palms, California.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Charlene L. Sherwood, City Clerk



**CITY OF TWENTYNINE PALMS  
STAFF REPORT**

6136 Adobe Road  
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*plantech@ci.twentynine-palms.ca.us*

**To:** Planning Commission  
**From:** Community Development Technician  
**Date:** August 15, 2006  
**RE:** PC 06-88 - An Application by Kerry Keyes for a Variance to Section 19.48.030 of the RS-E Zone, to allow an accessory structure exceeding 50% the size of the primary structure, at 6636 Valley View Drive, Zone RS-E, APN 0614-263-23, Section 35, T1N, R8E

**RECOMMENDATION:** Conduct the Public Hearing, make the appropriate findings and approve the Variance.

**BACKGROUND:** On July 17, 2006, the applicant submitted an application requesting a Variance for the construction of an 1,800 sq. ft. addition to an existing 1,248 sq. ft. detached garage. The combined footprint of the existing garage and the proposed addition will be 3,048 sq. ft. The main structure, a single-family residence is 4,327 sq. ft. (3,646 sq. ft. living area and a 680 sq. ft. covered patio).

Pursuant to Section 19.48.030, D, 2, a, of the Development Code, in RS land use districts, the area of accessory buildings or features may not exceed fifty percent (50%) of the area of the main structure or 1,000 sq. ft., whichever is larger.

The development pattern for this neighborhood, as originally permitted under San Bernardino County, is of larger lots with larger homes. The residence in question is located on 2.5 gross acres. Approval of this application would allow for an accessory structure footprint of 3,048 sq. ft., exceeding the Development Code allowance by 885 sq. ft.

- | Attachments            |
|------------------------|
| • Application          |
| • Site plan            |
| • Elevations           |
| • Assessors Parcel Map |
| • Resolution 06-09     |

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

	Land Use	General Plan	Zoning
Site	RS-E	RS-E	RS-E
North	RS-E	RS-E	RS-E
East	RS-E	RS-E	RS-E
South	RS-E	RS-E	RS-E
West	RS-E	RS-E	RS-E

The land use, an existing single-family residence, is consistent with the General Plan and Zoning Ordinance. The project, construction of a 1,800 sq. ft. garage addition can be constructed in a manner consistent with the Development Code.

**CEQA**

Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, the project, which consists of the construction of a minor addition to an existing structure, is Categorically Exempt from further environmental review under state law.

**Variance**

In approving a Variance, the Development Code (Section 19.34.050) 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.

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

**Public Notification**

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.

**Approval Authority**

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.

CITY OF TWENTYNINE PALMS  
PLANNING COMMISSION  
RESOLUTION NO. 06-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-88 – AN APPLICATION BY KERRY KEYES FOR A VARIANCE TO SECTION 19.48.030 OF THE RS-E ZONE, TO ALLOW AN ACCESSORY STRUCTURE EXCEEDING 50% THE SIZE OF THE PRIMARY STRUCTURE, AT 6636 VALLEY VIEW DRIVE, ZONE RS-E, APN 0614-263-23, SECTION 35, T1N, R8E,

WHEREAS, on July 17, 2006, an application was received from Kerry Keyes for approval of a variance to accessory structure requirements to allow construction of a garage addition; and

WHEREAS, Pursuant to Section 19.48.030 of the Development Code, the applicant seeks approval of an accessory structure exceeding 50% the size of the primary residential structure; and

WHEREAS, the land use, an existing single-family residence, is consistent with the General Plan and Zoning Ordinance; and

WHEREAS, the development pattern for the neighborhood, as developed under the County, includes large lots with larger structures; and

WHEREAS, Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, the project, a minor addition to an existing structure, is Categorically Exempt from further environmental review under state law; and

WHEREAS, a public hearing notice was published in a newspapers of record and the notice was mailed to all property owners located within 300 feet of the project site; and

WHEREAS, the State of California Government Code, Article 3, Section 65906 specifies that 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; and

WHEREAS, the State of California Government Code, Article 3, Section 65906 further specifies that 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.; and

WHEREAS, the State of California Government Code, Article 3, Section 65906 specifies that 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.

WHEREAS, a public hearing was held by the Planning Commission on August 15, 2006; and

WHEREAS, the Planning Commission finds:

- 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) and approves the Variance.

APPROVED AND ADOPTED THIS 15th DAY OF August, 2006

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\_\_\_\_\_  
Irving Stone, Chairman

ATTEST:

Charlene L. Sherwood, City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. \_\_\_\_\_ duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in Twentynine Palms, California.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Charlene L. Sherwood, City Clerk



**CITY OF TWENTYNINE PALMS**  
**STAFF REPORT**  
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**To:** Planning Commission  
**From:** Community Development Technician  
**Date:** August 15, 2006

**Re:** PC 06-96 – An application by William O. Talley for a temporary use permit, to allow a new and used mobile home sales office in the existing structure at the 29 Palms RV and Golf Resort located at 4949 Desert Knoll Avenue, Zone CT, APN 0621-241-81, Section 16, T1N, R8E

**RECOMMENDATION:** Conduct the Public Hearing, make the appropriate findings, adopt the resolution and approve the Temporary Use Permit for three years.

**BACKGROUND:** On July 18, 2006, the applicant submitted an application requesting a Temporary Use Permit to establish a temporary new and used mobile home sales office in the existing office structure at the 29 Palms RV and Golf Resort.

<b>Attachments</b>
<ul style="list-style-type: none"><li>• Application</li><li>• Site plan</li><li>• Resolution 06-10</li></ul>

Pursuant to Section 19.32 of the Development Code the Planning Commission is authorized to approve, conditionally approve, or deny applications for Temporary Use Permits for the following temporary uses or activities:

- A. Temporary model home/sales office for the sale or lease of residential property or vacant lots that meet the following minimum requirements:
1. The model home/sales office shall be located in the subdivision or development for which the property is being offered.
  2. A minimum of four (4) paved parking spaces shall be provided.
  3. A cash performance bond shall be provided, in an amount appropriate to guarantee removal and/or conversion of the sales office and attendant facilities.
  4. Other conditions that the Planning Commission deems necessary to ensure that the sales office will not constitute a nuisance or be objectionable to the residential uses in the neighborhood.
- 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.

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

	Land Use	General Plan	Zoning
Site	RV /Mobile Home Park	CT	CT
North	Golf Course	P and CT	P and CT
East	Golf Course And Vacant	RS-2 and CT	RS-2 and CT
South	P and Vacant	P and CT	P and CT
West	Vacant	CT	CT

The land use, an RV/Mobile Park is consistent with the General Plan and Zoning Ordinance. The project, a temporary sales office is consistent with the Development Code.

### **Previous Approval**

On May 7, 1996, the Planning Commission approved the conversion of the RV Park to a Mobile Home/RV Park. Under this approval the Planning Commission allowed 175 mobile homes and 22 RV spaces. Under State law, the State Department of Housing and Community Development govern mobile home parks.

### **CEQA**

Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, the project is Categorical Exempt from further environmental review under state law.

### **Temporary Use Permits**

Prior to approving a Temporary Use Permit the Planning Commission shall make the following findings:

- A. The operation will not jeopardize, endanger, or otherwise constitute a risk to public health, safety, or welfare; and
- B. The proposed site will accommodate the temporary use without being materially detrimental to the use and enjoyment of other properties in the vicinity; and
- C. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the traffic that the temporary use will or could reasonably be expected to generate; and
- D. Adequate temporary parking will be available either on-site or at an acceptable alternate location.

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 Temporary Use Permit. Staff believes these required Findings can be made and recommends approval of the Temporary Use Permit.

### **Public Notification**

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 Temporary Use Permit.

### **Approval Authority**

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.

CITY OF TWENTYNINE PALMS  
PLANNING COMMISSION  
RESOLUTION NO. 06-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-96 – AN APPLICATION BY WILLIAM O. TALLEY FOR A TEMPORARY USE PERMIT, TO ALLOW NEW AND USED MOBILE HOME SALES OFFICE IN THE EXISTING STRUCTURE, AT THE 29 PALMS RV AND GOLF RESORT, AT 4949 DESERT KNOLL AVENUE, ZONE CT, APN 0621-241-81, SECTION 16, T1N, R8E.

WHEREAS, on July 18, 2006, an application was received from William O. Talley for approval of a Temporary Use Permit to allow a new and used mobile home sales office; and

WHEREAS, Pursuant to Section 19.32 of the Development Code, the applicant seeks approval of a Temporary Use Permit; and

WHEREAS, the land use, an existing Mobile Home/RV park, is consistent with the General Plan and Zoning Ordinance; and

WHEREAS, the surrounding land use is for Tourist Commercial and Public uses; and

WHEREAS, on May 7, 1996, the Planning Commission allowed the conversion of the RV Park to a hybrid Mobile Home and RV Park, with a total of 175 single wide mobile home spaces and 22 RV spaces; and

WHEREAS, under State law mobile home parks are governed by the State Department of Housing and Community Development; and

WHEREAS, Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, the project is Categorical Exempt from further environmental review under state law; and

WHEREAS, a public hearing notice was published in a newspapers of record and the notice was mailed to all property owners located within 300 feet of the project site; and

WHEREAS, a public hearing was held by the Planning Commission on August 15, 2006; and

WHEREAS, the Planning Commission finds:

- A. The operation will not jeopardize, endanger, or otherwise constitute a risk to public health, safety, or welfare; and
- B. The proposed site will accommodate the temporary use without being materially detrimental to the use and enjoyment of other properties in the vicinity; and
- C. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the traffic that the temporary use will or could reasonably be expected to generate; and

D. Adequate temporary parking will be available either on-site or at an acceptable alternate location.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) and approves the Temporary Use Permit.

APPROVED AND ADOPTED THIS 15th DAY OF August, 2006

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\_\_\_\_\_  
Irving Stone, Chairman

ATTEST:

Charlene L. Sherwood, City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. \_\_\_\_\_ duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in Twentynine Palms, California.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Charlene L. Sherwood, City Clerk