



**CITY OF TWENTYNINE PALMS
STAFF REPORT**

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799, Fax (760) 367-5400
plantech@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Technician
Date: December 5, 2006
RE: PC 06-127 – An application by Tim Cassel of GMID Architecture and Interiors for a Variance for a block wall height exceeding 8 feet, at the Church of Jesus Christ of Latter Day Saints, located at 73002 El Paseo Drive, east of Mesquite Springs Road, RS-4 Zone, on APN 0618-161-05, T1N, R9E, Section 29.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, find the project Exempt pursuant to CEQA, adopt the resolution and approve the project, subject to the attached Conditions of Approval.

- | Attachments | |
|-------------|------------------------|
| 1. | Conditions of Approval |
| 2. | Resolution |
| 3. | Application |
| 4. | Locator Map |
| 5. | Site Plan |

BACKGROUND: Present zoning for the property is Single Family Residential (RS-4). The proposed use, a block wall exceeding 8 feet in height on the west property line may be approved with a Variance, subject to Conditions of Approval.

CEQA Environmental Review

Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guideline, the project, which consists of the modification of a small structure, is Categorically Exempt from further environmental review under state law.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Institutional	RS-4	RS-4
North	Residential	RS-4/RM	RS-4/RM
East	Residential	RS-4	RS-4
South	Vacant/School	RS-4/Public	RS-4/Public
West	Residential	RM	RM

General Plan

The RS-4 land use district allows walls on the property line. With approval of the Variance, the project is consistent with the General Plan Land Use Element.

Zoning

The RS-4 land use district zone allows fence and wall height Variances with Planning Commission approval, subject to Conditions of Approval. As designed and with approval of the Variance for fence height, the project is consistent with the Development Code.

Site Characteristics

The subject site slopes from west to east and is fully developed.

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. Generally, the MBTA recommends that applicants provide a bus shelter with bench a trash receptacle, with the specific location to be determined at a later date. To enhance transit service in the city, staff recommends installation of a bus bench and trash receptacle on El Paseo.

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 RS-4 zone allows fences in side-yard setbacks. The proposed use 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 3.99 acres and is therefore adequate in size to accommodate the proposed use. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- C. 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.
- D. That granting the Variance would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- E. That granting the Variance is consistent with the City of Twentynine Palms General Plan and Development Code.

- F. 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.

- G. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- H. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.
- I. The wall is necessary for the protection of private property and to keep people out of the church grounds during off-hours.

Approval Process

The Planning Commission is the Approval Authority for the Variance. In taking action to approve, the Commission must find that the proposed project is consistent with the General Plan and Development Code. Because the subject property has the RS-4 land use designation, the project is consistent with the General Plan and Development Code.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 06-127

Applicant: GMID Architecture and Interiors / Tim Cassel
Project: Fence Height Variance
Location: 73002 El Paseo Drive
APN 0618-161-05
Approved: December 12, 2006
Expire: December 11, 2007

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

Planning Division

Per Section 19.34.060 Variances approved pursuant to this Code shall expire one (1) year from the date the original approval was granted, unless prior to the expiration date:

- A. A Building Permit is issued and remains active for the project or structure that was the subject of the Variance, or
- B. A Certificate of Occupancy is issued for the structure that was the subject of the Variance.

Planning Conditions

- P1. Conditional approval is granted by the Planning Commission acting as Approval Authority on December 5, 2006, all development 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. Within ten days of approval, the applicant shall submit to the Planning Division a signed copy of the Conditions of Approval, verifying that he/she understands each Condition and agreeing to adhere to each of the Conditions of Approval.
- P9. The applicant or applicant's successors shall provide a bus stop to include a bench and trash receptacle. Bus stop locations and specifications shall be coordinated with Morongo Basin Transit Authority (MBTA), [contact MBTA General Manager Joe Meer (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, if applicable.
- B2. The applicant/developer shall submit engineered plans and obtain building permits for all structures and walls. No work is to be done prior to approvals and permit issuance.

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 06-127, AN APPLICATION BY TIM CASSEL OF GMID ARCHITECTURE AND INTERIORS FOR APPROVAL OF A VARIANCE TO ALLOW A FENCE HEIGHT OF 12 FEET, TO BE PLACED IN THE SIDE-YARD SETBACK, LOCATED ALONG THE WESTERN PROPERTY LINE OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, LOCATED AT 73002 EL PASEO DRIVE, ZONE RS-4, T1N, R9E, SECTION 29, APN 0618-161-05.

WHEREAS, on October 16, 2006 an application was received from Tim Cassel of GMID Architecture and Interiors for approval of a Variance to allow a fence up to 12 feet in height; and

WHEREAS, the land use designation (zoning) for the subject property is Single Family Residential (RS-4); and

WHEREAS, the proposed project is the construction of a 8' to 12' tall Concrete Masonry Unit wall on the west property line; 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 Section 15303 of the California Environmental Quality Act (CEQA) Guideline, the project, which consists of the modification of a small structure, is Categorically Exempt from further environmental review under state law; and

WHEREAS, the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; and

WHEREAS, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

WHEREAS, the site can be adequately served by all required utilities and public services; 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 hearing was held by the Planning Commission on December 5, 2006; and

WHEREAS, the Variance application the Planning Commission finds the following:

- A. The site is located approximately adjacent to the Twentynine Palms Highway 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 3.99 acres and is therefore adequate in size to accommodate the proposed use. The shape of the parcel is typical, and allows for

orderly development such as the proposed use.

- C. The RS-4 zone allows fences in side-yard setbacks. The proposed use will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- D. The subject site is approximately 3.99 acres and is therefore adequate in size to accommodate the proposed use. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- E. 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.
- F. That granting the Variance would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- G. That granting the Variance is consistent with the City of Twentynine Palms General Plan and Development Code.
- H. 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.
- I. The wall is necessary for the protection of private property and to keep people out of the church grounds during off-hours.
- J. With the recommended conditions, the proposed project will meet the objectives of the General Plan and RS-4 land use designation.
- K. 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 Categorical Exemption, adopts this resolution, and approves the Variance application, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 5th DAY OF December, 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**

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Twentynine Palms, CA 92277
(760) 367-6799, Fax (760) 367-5400
plantech@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Technician
Date: December 5, 2006
RE: PC 06-132 An application by Soon Hee Hong for approval of a Conditional Use Permit and letter of Public Convenience and Necessity for the Off-Sale General permit of alcoholic beverages at Plaza Market, an existing 9,000 sq. ft. retail at 5668 Historic Plaza, CG Zone, APN 0621-133-01 and 02, Section 20, T1N, R9E.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, recommend the City Council find the project Exempt pursuant to CEQA, adopt the resolution and approve the letter of Public Convenience and Necessity, subject to the attached Conditions of Approval.

- | Attachments | |
|-------------|--|
| 1. | Conditions of Approval |
| 2. | Resolution |
| 3. | Application |
| 4. | Letter of Public Convenience and Necessity |
| 5. | Site Plan |

BACKGROUND: Present zoning for the property is General Commercial (CG). Currently there is a Department of Alcoholic Beverage Control (ABC) permit for Off-Sale Beer & Wine. The applicant is seeking approval of a Conditional Use Permit to allow the off-sale of alcoholic beverages. The proposed use is allowed in the CG land use district, subject to review of the Conditional Use Permit by the City Council, and approval by the City Council.

CEQA Environmental Review

Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guideline, the project, which consists of the permitting and licensing of an existing facility, is Categorically Exempt from further environmental review under state law.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Commercial	CG	CG
North	Commercial	CG	CG
East	Commercial	CG	CG
South	Commercial	CG	CG
West	Commercial	CG	CG

General Plan

The CG land use district allows alcoholic beverage sales with a Conditional Use Permit. As conditioned the project is consistent with the General Plan Land Use Element.

Zoning

The CG zone allows alcoholic beverage sales with a Conditional Use Permit. The project is consistent with the zoning ordinance.

Parking

No additions or alterations to the existing building are proposed. Pursuant to Development Code Chapter 19.82.030, Exemptions, any building or structure existing on November 23, 1987 is exempt from the provisions of this chapter, unless it is altered in any of the following ways:

- A. Increases the floor area by more than two hundred (200) square feet;
- B. Changes the use to one requiring a greater number of parking spaces pursuant to this Chapter; and/or
- C. Increases the number of dwelling units or guest rooms

However, staff recommends the addition of one additional handicapped accessible space and striping of the parking spaces on the north side of the building.

Site Characteristics

The subject site slopes as it moves north towards the Homestead Drive. The site approximately 90% developed. No curb and gutter or sidewalk exists along Homestead Drive.

Street Improvements

Curb, gutter and sidewalk exist along the property frontage abutting Historic Plaza. No street improvements exist along Homestead Drive. The parcel has 100' of street frontage on Homestead Drive. Staff recommends the installation of street improvements including curb, gutter and sidewalk with connecting pavement, to the City's Collector standard.

Traffic and Circulation

Because the project will not result in any new development, a traffic impact analysis was not prepared for this project.

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. Generally, 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. To not overburden the applicant with improvement costs, staff recommends installation of a bus beach and trash receptacle.

Conditional Use Permit

Pursuant to Section 19.30.050 of the Development Code, the City Council 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.

In approving an application for a Conditional Use Permit the City Council may impose reasonable and appropriate conditions in order to achieve the purposes of this Code and to

justify making necessary findings. Conditions may include, but shall not be limited to:

- A. Requirements for special building setbacks, open spaces, buffers, fences, walls and screening.
- B. Requirements for installation and maintenance of landscaping, and erosion control measures.
- C. Requirements for street and other infrastructure improvements and related dedications.
- D. Regulation of vehicular ingress, egress, and traffic circulation.
- E. Regulation of hours of operation or other characteristics of operation.
- F. Requirements for increased security.
- G. Requirements for periodic review.
- H. Requirements for special building design and features to enhance the visual impact and integrate the use into the community.
- I. Other conditions as may be deemed necessary to make the findings required by this Chapter.

Approval Process

The Planning Commission is the Review Authority and the City Council is the Approval Authority for the Conditional Use Permit and Letter of Public Convenience and Necessity. In recommending taking action to approve, the Commission must find that the proposed project is consistent with the General Plan. Because the subject property has the CG General Plan land use designation, the project with Conditions of Approval is consistent with the General Plan and Development Code.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 06-132

Applicant: Soon Hee Hong, Plaza Market

Project: Addition of a Liquor License to an existing Grocery Store

Location: 5668 Historic Plaza

APN 0621-133-01 and 02

Approved: December 12, 2006

Expire: December 11, 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 City Council acting as Approval Authority on November 7, 2006, to permit alcohol sales 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 applicant shall submit landscape plans consistent with Go Native Landscape Design Guidelines, for review and approval by the Community Development Director, prior to issuance of building permits.
- P10. The applicant or applicant's successors shall provide a bus stop including a bench and trash receptacle. Bus stop locations and specifications shall be coordinated with Morongo Basin Transit Authority (MBTA), [contact MBTA General Manager Joe Meer (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. The project shall comply with all applicable City ordinances and resolutions.
- E2. All road easements required shall be offered for dedication to the public and shall continue in force until the City accepts or abandons such offers. All dedications shall be free from all encumbrances. Easements, when required for roadway slopes, drainage facilities, landscaping, utilities, etc., shall be submitted and recorded as directed by the City Engineer. No structures shall be placed on any part of the easements except those directly related to the purposes of said easements.

Drainage

- E3. Prior to the submittal of any improvement plans or issuance of a grading permit, the Developer/representative shall submit to the City Engineer, detailed drainage studies indicating how potential grading in conjunction with the drainage conveyance systems, will allow building pads to be safe from inundation from rainfall run off, which may be expected from all storms up to, and including, the theoretical 100 year storm.

Grading

- E4. Prior to the issuance of a grading permit, the developer's engineer shall submit a comprehensive grading plan in conformance with California Building Code and the requirements of the City.
- E5. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site.
- E6. A preliminary soils report and a current preliminary title report shall be submitted to the Engineering Department concurrently with the grading plan. The soils report shall include a geologists report and address the geology, stability of the site as well as the grading requirements. The Soil Engineer shall state the "R" value (soils resistance) for the site, based upon a "TI" value set by the City Engineer.

Improvements

- E7. Street improvements to the Collector standard shall be required along Homestead Drive.
- E8. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb and gutter on the development side.
- E9. Improvement plans shall be based upon a centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries.
- E10. The minimum structural section of all public streets shall be four (4) inches of asphalt concrete over compacted native soil. A soils report containing a design structural section based on a traffic index assigned by the City Engineer shall be submitted prior to the approval of street improvement plans.
- E11. Sidewalks shall be constructed adjacent to the project to City Standards.

- E12. An encroachment permit separate from the grading onsite permit shall be obtained from the City of Twentynine Palms (760-367-6799) prior to any construction occurring within the public right-of-way.
- E13. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
- E14. Any developer fees, including but not limited to traffic impact fees shall be paid by the developer as per City enactment.

Utilities

- E15. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the City.
- E16. All proposed construction of utilities adjacent to and onsite shall be underground.

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. 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.
- F4. 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

- F5. 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.
- F6. The applicant shall install a Knox Box.

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
CITY COUNCIL
RESOLUTION NO. 06-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-132, AN APPLICATION BY SOON HEE HONG OF PLAZA MARKET FOR APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW SALE OF ALOCHOLIC BEVERAGES AND APPROVAL OF A LETTER OF PUBLIC CONVENIENCE AND NECESSITY AT AN EXISTING 9,000 SQ. FT. EXISTING RETAIL FACILITY LOCATED AT 5668 HISTORIC PLAZA, ZONE CG, T1N, R9E, SECTION 20, APN # APN: 0621-131-01.

WHEREAS, on October 25, 2006 an application was received from Soon Hee Hong of Plaza Market for approval of a Conditional Use Permit to allow alcoholic beverage sales at an existing retail grocery store in the CG zone; and

WHEREAS, the land use designation (zoning) for the subject property is General Commercial (CG); and

WHEREAS, the proposal is for the sale of alcoholic beverages and a letter of Public Convenience and Necessity; 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 Section 15301 of the California Environmental Quality Act (CEQA) Guideline, the project, which consists of the permitting and licensing of an existing facility, is Categorically Exempt from further environmental review under state law; and

WHEREAS, the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; and

WHEREAS, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

WHEREAS, the site is adequately served by all required utilities and public services; 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 December 5, 2006 and by the City Council on December 12, 2006; and

WHEREAS, with respect to the Conditional Use Permit application the City Council finds the following:

- A. The proposed site is located adjacent to the Twentynine Palms Highway 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 1.87 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 CG 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.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Twentynine Palms adopts the Categorical Exemption, adopts this resolution, and approves the Conditional Use Permit, subject to the attached Conditions of Approval and approves the Letter of Public Convenience and Necessity.

APPROVED AND ADOPTED THIS 12th DAY OF December, 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 City Council 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

December 13, 2006

Department of Alcoholic Beverage Control
42-700 Bob Hope Drive
Suite 317
Rancho Mirage, CA 92270

RE: PC 06-132
Letter of Public Convenience and Necessity for Plaza Market, 5668 Historic Plaza, for the reclassification of a liquor license from On-Sale Beer and Wine to On-Sale General.

At their regular meeting on December 12, 2006, the Twentynine Palms City Council reviewed a request from Soon Hee Hong of Plaza Market, for a Conditional Use Permit to allow the sale of alcoholic beverages and for the issuance of a Letter of Public Convenience and Necessity for a change of license classification for the above referenced facility in Twentynine Palms. After considering the request, the City Council approved the Conditional Use Permit and issuance of the Letter of Convenience and Necessity. This action is recorded in the official minutes of the December 12, 2006 meeting.

The case files related to this application will be retained at the Community Development Department at City Hall and are available for inspection during business hours. Any questions regarding this action should be directed to the City Clerk or the Community Development Department.

Sincerely,

Brenda Simmons
Community Development Technician

cc: Soon Hee Hong, Plaza Market



CITY OF TWENTYNINE PALMS
STAFF REPORT
6136 Adobe Road
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: December 5, 2006
RE: PC 06-137 - Zoning Ordinance Amendment to Section 19.49 (Outdoor Dining Facilities) of the Development Code to allow outdoor dining and drinking areas to be approved through Administrative Site Plan Review.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, recommend the City Council find the zoning ordinance amendment Categorical Exempt pursuant to CEQA, and amend the Ordinance.

- | Attachments |
|---|
| 1. Resolution |
| 2. Site Plan Review (Section 19.28 of the Development Code) |
| 3. Minor Use Permit (Section 19.31) |
| 4. Outdoor Dining (Section 19.49) |

BACKGROUND: Section 19.49 of the Development Code regulates the approval of outdoor dining and drinking areas through the Minor Use Permit Process. Pursuant to the Outdoor Dining Ordinance, outdoor dining areas of 200 square feet or greater may be approved through the Minor Use Permit process, in accordance with Section 19.31 of the Development Code (Minor Use Permits). Outdoor dining areas less than 200 square foot in area may be approved through administrative or staff level site plan review.

Staff has reviewed this code provision with a number of business owners who find the provision to be an expensive and time consuming regulatory barrier to the provision of outdoor dining facilities. Minor Use Permits are approved by the Planning Commission following a noticed public hearing.

As part of ongoing community and economic development activities, the provision of new outdoor dining opportunities is viewed as an important aspect of communities with high qualities of life. Outdoor dining is generally viewed as desirable enhancements which may attract other similar dining and entertainment related businesses.

Administrative Site Plan Review

The Community Development Director may approve or deny applications for Administrative Site Plan Review and may impose conditions upon such approval.

In approving projects, reasonable and appropriate conditions may be imposed in order to achieve the purposes of this Code and to justify making necessary findings. Conditions may include, but shall not be limited to:

- A. Requirements for special building setbacks, open spaces, buffers, fences, walls and screening.
- B. Requirements for installation and maintenance of landscaping, and erosion control measures.

- C. Requirements for street and other infrastructure improvements and related dedications.
- D. Regulation of vehicular ingress, egress, and traffic circulation.
- E. Regulation of hours of operation or other characteristics of operation.
- F. Requirements for increased security.
- G. Requirements for periodic review.
- H. Requirements for special building design and features to enhance the visual impact and integrate the use into the community.
- I. Other conditions as may be deemed necessary to make the required findings.

When the Community Development Director determines that it is in the public interest for the application to be considered by the Planning Commission, the Community Development Director shall refer the application to the Planning Commission for review. The Planning Commission shall become the Approval Authority for all applications referred by the Community Development Director.

An application for Administrative Site Plan Review is required for the following, if listed as a permitted use in the underlying land use district:

1. Multi-family residential projects of five (5) to ten (10) units.
2. New construction of or addition to commercial, industrial, or institutional projects where such new construction or addition exceeds 1,000 square feet, but does not exceeds 2,500 square feet of floor area.
3. New construction, expansion, or significant reconstruction, of parking lots.
4. The establishment and/or construction of an outdoor storage area on the same site as, and in conjunction with, an existing business.
5. Placement/construction of accessory uses which are not subject to Minor Use Permit or Conditional Use Permit and which are visible from public view and may result in aesthetic or visual impacts.
6. Projects involving a change or intensification of land use.
7. Reciprocal Parking Agreements in conformance with Section 19.82.070 of the Development Code.

Staff suggests making the following Ordinance Amendment to Section 19.49 of the Development Code:

Section 19.49.030 ~~Minor Use Permit (MUP) Administrative Site Plan Review Requirement.~~
 Unless approval is required pursuant to Chapter 19.30 *Conditional Use Permits*, an outdoor dining area of 200 square feet or greater shall require approval of a MUP, ~~in accordance with Chapter 19.31 of the Development Code, *Minor Use Permits Administrative Site Plan Review*, in accordance with Chapter 19.28 of the Development Code, *Site Plan Review*.~~

Minor Use Permits

Pursuant to Section 19.31.050 of the Development Code, the Planning Commission is required to make findings prior to approving a Minor Use Permit. 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.

Site Plan Review

Administrative Site Plan Review applications may be approved in cases where all the following findings can be made:

- A. The proposal meets the standards of the Development Code, and will result in an appropriate and desirable development; and
- B. The proposal's design and appearance are aesthetically and architecturally pleasing while enhancing the character of the surrounding neighborhood; and
- C. The site is suitable in size, shape, and topography for the proposed development; and
- D. The site improvements are appropriate and will result in a safe, well-designed facility; and
- E. Approval of the project is consistent with the General Plan.

Approval Process

The Planning Commission is the Review Authority and the City Council is the Approval Authority for Ordinance Amendments.

CITY OF TWENTYNINE PALMS
CITY COUNCIL
ORDINANCE NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-137, AMENDING SECTION 19.49 (OUTDOOR DINING FACILITIES) OF THE DEVELOPMENT CODE TO ALLOW OUTDOOR DINING AND DRINKING AREAS TO BE REVIEWED AND APPROVED THROUGH THE ADMINISTRATIVE SITE PLAN REVIEW PROCESS.

WHEREAS, the community desires to expand the number of outdoor dining facilities; and

WHEREAS, the beautiful desert creates unparalleled opportunities for year round outdoor dining; and

WHEREAS, the existing regulation of Outdoor Dining Facilities may create costly and timely regulatory barriers to commerce; and

WHEREAS, it is the City of Twentynine Palms's intent to eliminate unnecessary barriers to commerce; and

WHEREAS, public hearing notice was published in a newspaper of record; and

WHEREAS, public hearings were held by the Planning Commission on December 5, 2006; and

NOW, THEREFORE, THE CITY COUNCIL ORDAINS AS FOLLOWS:

Development Code Section 19.49.030, Administrative Site Plan Review Requirement. Unless approval is required pursuant to Chapter 19.30 *Conditional Use Permits*, an outdoor dining area of 200 square feet or greater shall require approval of *Administrative Site Plan Review*, in accordance with Chapter 19.28 of the *Development Code*, *Site Plan Review*.

APPROVED AND ADOPTED THIS ____ DAY OF December, 2006

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Kevin Cole, Mayor

ATTEST:

Charlene L. Sherwood, City Clerk

I hereby certify that the foregoing is a true copy of Ordinance No. _____ duly adopted by the City Council 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