



**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: May 15, 2007
RE: PC 07-31 - An application by William O. Talley of 29 Palms RV and Golf Resort for a Conditional Use Permit to allow five (5) 36' tall WiFi (telecommunication facilities) towers and a Letter of Public Convenience and Necessity to allow the sale of beer and wine at the clubhouse to resort guests. The site is located at 4949 Desert Knoll Avenue, Section 16, APN 0621-241-81, T1N, R9E.

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

Attachments	
1.	Resolution 07-11
2.	Conditions of Approval
3.	Application
4.	Locator Map
5.	Site Plan
6.	WiFi Antenna Mast Design

BACKGROUND: William O. Talley is requesting approval of a Conditional Use Permit to allow five (5) 36' tall WiFi (telecommunication facilities) towers. In addition the applicant is also requesting a Letter of Public Convenience and Necessity to allow the sale of beer and wine at the clubhouse to RV Resort guests. Zoning for the property is Tourist Commercial (CT). The proposed uses, telecommunications and sale of alcoholic beverages, are allowed in the CT land use district, subject to approval of a Conditional Use Permit.

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:

City Manager
Community Development Director
City Engineer
Morongo Basin Transit Authority
Joshua Tree National Park
MCAGCC (Two offices)
Southern California Gas Co.
Regional Water Quality Control Board
Alcoholic Beverage Control Board

Burrtec
Caltrans
Twentynine Palms Water District
Twentynine Palms Fire Department
Morongo Unified School District
Southern Calif. Edison Company
Verizon
Co. Environmental Health Division

Comments from the Twentynine Palms Fire Department are incorporated in the Conditions of Approval.

Section 21084 of the Public Resources Code established a list of classes of projects which have been determined by the State of California not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA.

Pursuant to Sections 15301 and 15303 of the California Environmental Quality Act (CEQA) Guideline this project is Categorically Exempt from further environmental review under state law.

Class 1 CEQA Exemptions are intended to allow for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures or facilities. Class 3 CEQA Exemptions allow for construction and location of limited numbers of new, small facilities or structures. These classes are not intended to be applied to projects, which would result in any significant traffic, noise, air quality, or water quality effects. Based upon this information, staff recommends that the Planning Commission direct to staff file a Notice of Exemption for the project.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	RV Park	CT	CT
North	Golf Course	P	P
East	Golf Course	P	P
South	Water Treatment	P	P
West	Vacant	CT	CT

General Plan

Uses allowed in the Tourist Commercial (CT) land use district provide services to the traveling public, economic enhancement for the community and opportunities for resorts and retreat facilities to take advantage of the Joshua Tree National Park and the hot springs resources in the City. Uses such as hotels, motels, resorts, restaurants, souvenir shops, RV parks and entertainment facilities are appropriate in the CT district.

Sidewalks are required along rights of way for all new projects in all CT zones.

Zoning

The purpose of the Tourist Commercial district is to create, preserve and enhance areas for businesses, which provide for the needs of recreational or resort uses. This district provides a location for commercial establishments that meet the needs of those who reside in or are transient residents of a resort or recreational area as well as day visitors to the area. The CT zone allows convenience stores including alcoholic beverage sales with City Council approval of a Conditional Use Permit.

Site Characteristics

The subject site slopes as it moves north towards the west, east to west. The site developed as an RV Resort and has been entirely cleared of desert vegetation.

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 recommendation for 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 site is located on Desert Knoll Avenue at Amboy Road, is conveniently located in proximity to the Joshua Tree National Park and the Marine Corps Air Ground Combat Center, 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 0.41 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 CT 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.

Alcoholic Beverage Permit

This project is located in Census Tract 0104.14. The number of residents in Census Tract 0104.14 is 7,363. The state determines the allowed number of liquor licenses based on license /population ratio as follows: Off-Sale license per population 1:1,474; On-Sale per population 1:1,271. This formula allows for 5 Off-sale and 6 On-Sale licensed in Census Tract 014.14.

When the number of liquor licenses exceeds the ratio allowed by ABC applicants must obtain a Letter of Public Convenience and Necessity from the City Council before a license can be issued. The current number of Off-Sale (i.e., grocery store, convenience stores) licenses in Twentynine Palms is 11, plus this application pending for a total license count of 12. Additionally, the current number of On-Sale (bar and restaurant) licenses in Twentynine Palms is 19.

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 new traffic during construction, which is expected to be less than ten vehicles per day. The

applicant will be required to dedicate right of way and construct street improvements along the project boundaries at Twentynine Palms Outer Highway (SR 62) as a condition of approval. Caltrans may require additional improvements, no comment has been received at the time this report was prepared.

Parking

The number of parking stalls on the site plan approved March 30, 2006 is eleven (11) regular stalls and three (3) RV stalls for check in (PC 06-23). No handicap accessible parking space is depicted. The requirement for 1 to 25 regular parking stalls is one handicap assessable parking space. With the addition of a handicap accessible space, the project will be consistent with the Development Code parking requirements.

Transit Service

The Morongo Basin Transit Authority has had an opportunity to review the project did not request a bus stop at this location.

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 taking action to recommend approval, the Commission must find that the proposed project is consistent with the General Plan. Because the subject property has the CT General Plan land use designation, the project is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 07-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF PC 07-31, AN APPLICATION BY WILLIAM O. TALLEY (29 PALMS RV & GOLF RESORT) FOR A CONDITIONAL USE PERMIT TO ALLOW FIVE (5) 36' TALL WiFi (COMMUNICATIONS FACILITIES) TOWERS AND A LETTER OF PUBLIC CONVENIENCE AND NECESSITY, LOCATED AT 4949 DESERT KNOLL AVENUE, ZONE CT, T1N, R9E, SECTION 16, APN 0621-241-81.

WHEREAS, on April 19, 2007 an application was received from William O. Talley of 29 Palms RV & Golf Resort, for approval of a Conditional Use Permit to allow five (5) 36' tall WiFi (communication facilities) towers and sale of beer and wine in the CT zone; and

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

WHEREAS, the proposed project includes construction of five (5) 36' tall WiFi (communication facilities) towers and the on-site or off-sale sale of beer and wine; 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 (Class 1), CEQA Exemptions allow for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures or facilities and therefore is Categorical Exempt from further environmental review under state law; and

WHEREAS, Pursuant to Section 15303 (Class 3), CEQA Exemptions allow for construction and location of limited numbers of new, small facilities or structures and therefore is Categorical 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, the project site has no value as habitat for endangered, rare or threatened species; 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 hearings were held by the Planning Commission on May 15, 2007 and by the City Council on June 12, 2007; and

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

- A. The proposed site is located adjacent to Desert Knoll Avenue and Amboy Road in the Tourist Commercial land use district 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 17± 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 CT 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, following the public hearing, the Planning Commission, vote to recommend that the City Council approve the project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms recommends adopting the Categorical Exemption, adopts this resolution, and recommends approval the Conditional Use Permit application, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 15th DAY OF May, 2007

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Daniel Mintz, 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 _____, 2007.

Charlene L. Sherwood, City Clerk

CITY OF TWENTYNINE PALMS
DRAFT CONDITIONS OF APPROVAL

PC: 07-31

Applicant Name: William O. Talley
4949 Desert Knoll Avenue
Twentynine Palms, CA 92277

Project Description: Conditional Use Permit for (5) 36' tall WiFi (telecommunication facilities) towers and a Letter of Public Convenience and Necessity to allow the sale of beer and wine at the clubhouse to resort guests.

Location: 4949 Desert Knoll Avenue, Section 16, T1N, R9E

Parcel Number: APN 0621-241-81

Approved: June 12, 2007
Expires: June 11, 2008

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 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 June 12, 2007, to permit the installation of five (5) 36' high WiFi (communication facilities) towers and Letter of Public Convenience and Necessity for an off-sale beer and wine license. 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. The Applicant shall subscribe to trash collection service with the City's authorized hauler [(760) 367-9168]. A minimum service level of once weekly, will be required.
- P5. Trash enclosure(s) shall comply with standards established in Section 19.80.020 of the Development Code.
- P6. 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.
- P7. 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.
- P9. Parking shall be designed and provided for the duration of the use in accordance with previous land use approvals and the Development Code Chapter 19.82, *Off-street Parking and Loading Regulations*, as follows:
 - A. Ten (10) standard parking spaces and 3 RV Parking spaces shall be provided on site.
 - B. One (1) handicap accessible parking space shall be provided in accordance with the Americans With Disabilities Act and Title 24 of the California Code of Regulations.
- P12. Landscaping shall not interfere with sight distances at vehicular access points.
- P13. Maximum lot coverage (impervious surface) shall not exceed fifty-five percent (55%) of the total project area.
- P14. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district. Minimum setbacks are:
 - Front: 25 feet
 - Street side: 25 feet
 - Interior side: 10 feet
 - Rear: 10 feet
- P15. Applicant shall comply with any pre-existing Conditions of Approval for this site.

Engineering Conditions

No engineering conditions were placed on this project, PC 07-31.

Fire Department Conditions

- F1. The Applicant shall comply with all Conditions and requirements of the Twentynine Palms Fire Department. Written verification from the Fire Department shall be provided by the Applicant prior to issuance of any Building Permit.
- 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. The project shall have two (2) points of vehicular access for fire and other emergency vehicles and equipment. The unobstructed width of a fire apparatus access road, to include access gates, shall be not less than twenty (20) feet. A turn-around shall be required at the end of each roadway that is one hundred and fifty (150) feet or more in length and shall be approved by the fire department.
- F4. All flammable vegetation shall be cleared a minimum distance of thirty (30') feet, or to the property line, from any flammable building materials or finished structures.
- F5. Automatic extinguishing systems are required for any commercial style kitchens and require fire department approval.
- F6. F8. A Knox-Box shall be placed on the building with keys providing access into the building.
- F7. The street address shall be posted with numbers that are four (4) inches or greater in size. Posted numbers shall contrast with their background and be clearly visible and legible from the street.

General Conditions

- G1. In compliance with San Bernardino County Ordinance #2684, adopted by reference by the City of Twentynine Palms, the Applicant agrees to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval. The Applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fee which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. 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 his obligations under this Condition.

- G2. 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.
- G3. Within ten days of approval, the applicant shall submit to the Community Development Department a signed copy of the Conditions of Approval, verifying that he/she understands each Condition and agrees to adhere to each of the Conditions of Approval.
- G4. 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.

Applicant Signature

Date



**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: May 15, 2007
RE: PC 06-108 – An application by Liem Huyhn for a Conditional Use Permit to convert an existing building to a used car dealership (592 sq. ft.), barber shop (624 sq. ft.) and retail store (576 sq. ft.) on 2.78 acres, located at 3787 Adobe Road, CG Zone, on APN# 0621-261-15, T1N, R9E, Section 9.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, find the project Categorical 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 07-10 |
| 3. | Application |
| 4. | Locator Map |
| 5. | Site Plan |
| 6. | Correspondence |

BACKGROUND: The project includes the conversion of an existing structure to allow a used car dealership, a barbershop and a retail store on 2.78 acres, located at 3787 Adobe Road. Zoning for the property is General Commercial (CG). The proposed use, motor vehicle sales, is allowed in the CG land use district, subject to approval of a Conditional Use Permit. In addition, barber shops and retail sales facilities are permitted uses in the CG zone.

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:

- | | |
|--------------------------------------|--------------------------------------|
| City Manager | City Engineer |
| Twentynine Palms Water District | Burrtec |
| County Sheriff's Department | Morongo Basin Transit Authority |
| Twentynine Palms Fire Department | Regional Water Quality Control Board |
| County Environmental Health Division | Joshua Tree National Park |
| Morongo Unified School District | MCAGCC (Two offices) |
| Southern California Edison Company | Southern California Gas Co. |
| Verizon | |

Input from these agencies has been reviewed, attached as Correspondence and, where appropriate, incorporated into the Conditions of Approval for the project.

Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines (Existing Facility), the project which consists of the modification of an existing small structure is Categorical Exempt from further environmental review under state law.

This section of CEQA, Categorical Exemptions is intended to allow the operation, repair, maintenance and expansion not exceeding 2,500 sq. ft. in floor area. This class is not intended to be applied to projects, which would result in any significant traffic, noise, air quality, or water

quality effects. Based upon this information, staff recommends that the Planning Commission direct staff to file a Notice of Exemption for the project.

- (a) 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.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Commercial	CG	CG
North	Vacant	CG	CG
East	Vacant	RL 2.5	RL 2.5
South	Vacant	CG	CG
West	Vacant	CG	CG

General Plan

The CG land use district allows automotive dealerships with approval of a Conditional Use Permit. Barbershops and general retail are permitted uses in the CG land use district. As designed the project is consistent with the General Plan Land Use Element.

Zoning

The CG zone allows automotive dealerships with approval of a Conditional Use Permit. Barbershops and general retail are permitted uses in the CG zone. As designed the project is consistent with the zoning.

Nine parking spaces are required. A total of 8 regular parking spaces and one handicap accessible space are required, for a total of 9 vehicle spaces. This project includes a total of 10 customer parking spaces and four vehicle display spaces. As designed the project is consistent with the Development Code. Four display parking spaces are indicated on the site plan. Sufficient lot area in the rear of the site exists, should the need to expand the parking lot arise in the future, at which time the applicant could apply for an amendment to this Conditional Use Permit.

Site Characteristics

The subject site slopes east as it moves from west to east. The site contains an existing commercial building and single-family residence. The remaining portion of the parcel contains over one acre of typical desert.

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 site is located on Adobe Road 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 2.78 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.

Traffic and Circulation

Full right-of-way has previously been dedicated. Curb and gutter exist on Adobe Road along the project’s west boundary. The applicant will be required to construct sidewalk improvements along Adobe Road.

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 to be determined at a later date.

Approval Process

The Planning Commission is the Approval Authority for the Conditional Use Permit. In taking action to approve, the Commission must find that the proposed project qualifies for a Categorical Exemption under CEQA, and is consistent with the General Plan. Because the subject property has the CG General Plan land use designation, development of the car dealership, barbershop and general retail are consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 06-108

Applicant: Liem Huynh

Project: Conditional Use Permit for an Automobile Dealership, Barber Shop and Retail Sales

Location: 3787 Adobe Road

APN# 0621-261-15

Approved: May 15, 2007

Expire: May 14, 2008

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 May 15, 2007, to permit an automobile dealership, barber shop and retail 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. The applicant shall submit a landscape plan consistent with Go Native Landscape Design Guidelines, for review and approval by the Community Development Director, prior to issuance of the certificate of occupancy.
- P9. A minimum of 9 paved parking spaces shall be provided, (8 regular parking spaces and one handicap accessible space.) Ingress, egress, parking areas and driveways shall comply with Development Code Chapter 19.82 – Off-Street Parking and Loading Regulations.
- P10. Vehicle display spaces shall be in addition to customer parking requirement and shall be limited to four display parking spaces per the approved site plan. Approval of additional vehicle display parking shall require a Conditional Use Permit Amendment.
- P11. A trash dumpster enclosure shall be provided to meet the standards established by the City's Authorized Waste Hauler. Contact Burrtec, Inc. at (760) 367-9168.

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.
- G3. The applicant shall provide a signed copy of the Conditions of Approval to the Planning Division within 10 days of approval.

Building and Safety

- B1. 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 Division

- E1. An encroachment permit shall be obtained from the City prior to performing any work in any public right of way.
- E2. 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.
- E3. A final grading plan shall be submitted to the City Engineer prior to issuance of a grading permit for review and approval.
- E4. All proposed construction of utilities adjacent to and onsite shall be relocated underground.
- E5. Applicant shall construct sidewalk adjacent to Adobe Rd. (10 feet minimum).

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 four (4) 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. 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
PLANNING COMMISSION
RESOLUTION NO. 07-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-108, AN APPLICATION BY LIEM HUYNH FOR APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW AN AUTOMOBILE DEALERSHIP, BARBER SHOP AND RETAIL SALES ON 2.78 ACRES, LOCATED AT 3787 ADOBE ROAD, ZONE CG, T1N, R9E, SECTION 9, APN # APN: 0621-261-15.

WHEREAS, on August 10, 2006 an application was received from Liem Huynh for approval of a Conditional Use Permit to modify an existing facility to allow an automobile dealership, barber shop and retail sales in the CG zone; and

WHEREAS, the application was deemed incomplete on August 31, 2006; and

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

WHEREAS, the proposed project is an automobile dealership, barber shop and retail sales; and

WHEREAS, automobile dealerships are permitted in the CG Zone with a Conditional Use Permit; 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 CEQA Guidelines, (Class 1) the project, which consists of the modification of an existing 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, biology, cultural resources 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 Hearings were held by the Planning Commission on May 15, 2007; and

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

- A. The proposed site is located adjacent to Adobe Road 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 2.78 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 Planning Commission 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.

APPROVED AND ADOPTED THIS 15th DAY OF May, 2007

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Dan Mintz, 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