

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 07-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, DENYING PC 05-81 – AN APPLICATION TO AMEND THE GENERAL PLAN LAND USE MAP, CHANGING THE LAND USE DESIGNATION FROM RURAL LIVING (RL 1) TO GENERAL COMMERCIAL (CG), AND DENYING A CONDITIONAL USE PERMIT FOR A MINI-STORAGE FACILITY, AND DENYING A VARIANCE FOR THE ELIMINATION OF SIDE YARD SETBACKS, LOCATED AT 73441 INDIAN TRAIL, WEST OF BULLION ROAD AND EAST OF DESERT QUEEN AVENUE, APN #0620-121-04, T1N, R9E, SECTION 8.

WHEREAS, an application for a General Plan Amendment from Rural Living (RL 1) to General Commercial (CG) was received from Judy Beltz; and

WHEREAS, the applicant also seeks approval of a Conditional Use Permit for a 26,576 square foot mini-storage facility, including 1,320 square foot office and managers residence, and a Variance to eliminate the side yard setback, and to construct buildings on the side yard property line, on approximately 2.39 acres at 73441 Indian Trail, west of Bullion Avenue and east of Desert Queen Avenue; and

WHEREAS, an investigation of the business license history of the project site indicates that the site has not had an active business license since December 31, 2004; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and Negative Declaration of environmental impact have been prepared; and

WHEREAS, a public hearing notice for the Planning Commission Public Hearing 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 September 4, 2007; and

WHEREAS, pursuant to Section 19.20.070 of the Development Code, which sets forth the required Findings for General Plan Amendments, the Planning Commission hereby finds:

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

welfare of the community because:

1. The location is a rural, low-density residential area.
2. Approval of the application constitutes impermissible spot zoning.
3. The area is not presently served by commercial uses.
4. The proposed land use is incompatible with existing uses in the vicinity.
5. There is an abundant supply of commercially zoned land city-wide which would better accommodate the proposed use.
6. The last Business License at the site expired in 2004.

WHEREAS, pursuant to Section 19.30.060 of the Development Code, which sets forth the required findings for Conditional Use Permits, the Planning Commission hereby finds:

- A. That the proposed design and location of the conditional use and the conditions under which it would be operated are not in accordance with the purpose of the 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 would be operated will 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 would not accommodate the use and integrate it with the existing and planned uses in the vicinity.
- D. Appeal of the project would allow for the intrusion of commercial uses in the rural residential neighborhood;
- E. The project is not consistent with development in the vicinity.
- F. The project would have growth inducing impacts and stimulate additional commercial development in the vicinity uncharacteristic of the rural residential area.

WHEREAS, pursuant to Section 19.34.050 of the Development Code, which sets forth the required Findings for Variances, the Planning Commission hereby 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 does not deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
- B. That granting the Variance is not 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 be materially detrimental to the public health, safety, or welfare,

or injurious to property or improvements; and

- D. That granting of the Variance does 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 allow a use or activity which is prohibited by the zoning regulation governing the parcel; and
- F. That granting the Variance will be inconsistent with the City of Twentynine Palms General Plan and the Development Code.
- G. The property has no unique characteristics that would justify approval of a Variance.
- H. The intended use would not justify approval of the Variance.
- I. No properties in the vicinity, and under identical zoning enjoy the privilege of zero lot line development.
- J. No properties in the vicinity, under identical zoning classification enjoy the property right of zero lot line development.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms following the public hearing, consideration of public testimony, and all written materials and correspondence recommends that City Council deny the General Plan Amendment, Change of Zone, Conditional Use Permit and Vairance.

APPROVED AND ADOPTED THIS 18th DAY OF September 2007.

AYES: PLANNING COMMISSIONERS:

NOES: PLANNING COMMISSIONERS:

ABSENT: PLANNING COMMISSIONERS:

Mr. 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 _____, _____.

Charlene L. Sherwood, City Clerk



**CITY OF TWENTYNINE PALMS
STAFF REPORT**
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commdev@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: September 18, 2007
RE: PC 07-58 – General Plan Amendment and Zone Change from Multi-family Residential Specific Plan #1 (RM SP#1) to Tourist Commercial (CT) and a Conditional Use Permit to convert the existing multi-family use into a 21 unit hotel. The project is located on a 1.36 acre parcel at 73843 Sunnyvale Drive, Zone RM SP#1, APN 0623-093-07, 08, 09, and 10, T1N, R9E, Section 28

RECOMMENDATION: Conduct the Public Hearing, consider public comment, find the project Categorical Exempt pursuant to CEQA, adopt the resolution, and recommend that the City Council Amend the General Plan and Change the Zone, approve the Conditional Use Permit, subject to the attached Conditions of Approval.

Attachments

1. Correspondence
2. Planning Commission Staff Report (dated September 4, 2007)

BACKGROUND: This public hearing was continued from the September 4, 2007. The Planning Commission requested that the City Attorney provide an opinion on allowing the use to remain as a non-conforming use.

The City Attorney reviewed the matter and found that the Planning Commission had a number of alternatives. The Commission could:

- Take no action, allow the non-conforming use to remain;
- Approve the application for the General Plan Amendment for the parcel; or
- Deny the application.

Allowing the site to remain a non-conforming use may not meet the City's long term objective to eliminate non-conforming uses. Allowing the non-conforming use to remain also does not meet the applicant's objective to comply with the City's codes and ordinances. Should the non-conforming use remain, the property owner would not have the ability to rebuild a hotel in the event that 75% or more of the building was damaged in a fire or other similar event.

The applicant has expressed concern that, potential buyers of the property were discouraged from purchasing the property by the non-conforming status.

At that meeting the applicant expressed concerns about several proposed conditions. These include requirements to construct a block wall between the project and adjoining residentially zoned properties (P10), a trash enclosure (P13), bus stop and shelter (P14) and sidewalks (E2).

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, RECOMMENDING APPROVAL OF PC 07-58, AN APPLICATION BY HONORATO NARAVAL OF SUNNYVALE GARDEN SUITES FOR APPROVAL OF A GENERAL PLAN AMENDMENT AND CHANGE OF ZONE FROM RM SP#1 TO CT FOR APN 0623-093-07, 08, 09 and 10. A CONDITIONAL USE PERMIT TO CONVERT A 21 UNIT EXTEND STAY APARTMENT COMPLEX TO A 21 UNIT HOTEL, ON A 1.36 ACRES, LOCATED AT 73843 SUNNYVALE DRIVE WEST OF AZTEC AVE, ZONE RM SP#1, APN 0623-93-07, 08, 09 AND 10, T1N, R9E, SECTION 28

WHEREAS, on June 23, 2007 an application was received from Honorato Naraval of Sunnyvale Garden Suites for approval of a General Plan Amendment, Change of Zone, and Conditional Use Permit for conversion of an existing facility to a 21 unit hotel; and

WHEREAS, the land use designation (zoning) for the subject property is Multi-Family Residential, Specific Plan #1 (RM SP#1); and

WHEREAS, with the proposed Conditions of Approval, the proposed project is consistent with the General Plan and Development Code; and

WHEREAS, the proposed General Plan Amendment and Change of Zone constitute minor alterations in land use limitations, and therefore the project is eligible for a Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines, therefore the project is exempt from further environmental review under state law; and

WHEREAS, with approval of the General Plan Amendment and Change of Zone 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 is consistent with the General Plan Mission Statement objective of facilitating new tourism related development within the community; and

WHEREAS, the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; 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 is 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 September 4 and 18, 2007; and

WHEREAS, with respect to the General Plan Amendment and Change of Zone application the Planning Commission finds the following:

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

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

- A. The site is located on Sunnyvale Drive 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 1.36 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.
- F. Approval of the project would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- G. That granting the Conditional Use Permit 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 a commercial area.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms recommends adoption of the Categorical Exemption, adoption of this resolution, and approval of the General Plan Amendment, Change of Zone and Conditional Use Permit, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 18th DAY OF SEPTEMBER 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 _____, _____.

Charlene L. Sherwood, City Clerk

CITY OF TWENTYNINE PALMS
DRAFT CONDITIONS OF APPROVAL
PC 07-58

Applicant: Honorato Naraval / Sunnyvale Garden Suites

Project: 21 Room Hotel (conversion from an existing multifamily apartment complex)

Location: 73483 Sunnyvale Drive

APN# 0623-093-07, 08, 09 and 10

Approved:

Expire:

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 recommended by the Planning Commission acting as Review Authority on September 4, 2007, to permit a 21-room hotel. A conversion of a developed site, and 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. Minimize lighting.
- P5. Prior to any alteration or additional 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 clean and maintain all landscape areas.
- P9. Parking shall comply with Development Code Chapter 19.82 Off-Street Parking and Loading Regulations. Parking lots shall be screened from view from the public right of way.
- P10. Pursuant to Development Code Chapter 19.82.060,I,1 a 6-foot high block wall shall separate the commercial project from all residential zones along project boundaries.
- P11. No sign approvals are granted with this approval. A sign permit is required for commercial signage. All non-permitted signs shall be removed within 30 days.
- P12. Parcels 0623-093-07, 08, 09 and 10 shall be merged within 30 days of approval of project.
- P13. A trash enclosure shall be provided per city standards. Twice weekly service shall be required or an additional permanent dumpster shall be installed to provide adequate waste disposal receptacles.
- P14. To serve the MBTA, the applicant shall provide a bus shelter to include a. The bus stop shall include a bench, trash receptacle and solar lighting. 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.

Engineering

General

- E1. The project shall comply with all applicable City ordinances and resolutions.

Street Improvements

- E2. Sidewalks shall be constructed adjacent to the curb along all City and State rights of way, in accordance with City Street Standards (Aztec Ave. and Sunnyvale Drive).
- E3. 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.
- E4. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.

Fire Department

- F1. The owner shall contact the Twentynine Palms Fire Department for verification of current fire protection requirements.
- F2. All 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.
- F6. The applicant shall install a Knox Box.
- F7. Two points of ingress/egress minimum of 20' wide shall be open and accessible at all times.

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
STAFF REPORT
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To: Planning Commission
From: Community Development Director
Date: September 18, 2007
RE: PC 07-71 – Zoning Ordinance Amendment amending Chapters 19.10 and 19.96 of the Development Code.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt a Categorical Exemption pursuant to CEQA, and recommend that the City Council approve the Zoning Ordinance Amendments.

BACKGROUND:

The proposed Zoning Ordinance Amendment has two elements, including Sections:

- 19.10 (Commercial Districts); and
- 19.96 (General Subdivision Standards).

In taking action on this application, the Planning Commission may recommend that the City Council:

- Take no action;
- Approve the amendments;
- Approve portions of the amendments; or
- Deny the amendments.

The Planning Commission has conducted a series of study sessions regarding land uses in the Commercial Zoning districts (Section 19.10, Commercial Districts). This amendment is the culmination of those efforts.

The proposed amendment also includes clarification language regarding two points of paved access for subdivisions (Section 19.96 General Subdivision Standards). The City Council had asked for clarification language that specifies that the two points of access be subject to review and approval by the City Engineer.

California Environmental Quality Act

The proposed zoning code amendments are not defined as a project under CEQA, and are therefore exempt from further environmental review under state law.

Approval Authority

The Planning Commission is the Review Authority and the City Council is the Approval Authority for this Zoning Ordinance Amendment.

Attachments
<ul style="list-style-type: none">• Draft redline/strikeout Development Code Chapter 19.10 Chapter 19.98