



**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: October 16, 2007

RE: PC 07-52 – An application by Laura Bishop of Corinthian Design Group on behalf of Janice A. Picket of A. & J. Ranch for a Conditional Use Permit for a horse boarding facility to allow boarding for up to 30 horses. The proposed project will be located at 4671 Mesquite Springs Road. A single-family residence, mobile home, twenty-one (21) horse stalls, two rectangular riding arenas, one round pen, one rectangular riding arena and a hay barn are currently located on the parcel. APN 0620-032-23, T1N, R9E, Section 17, Zone RS-2.

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

BACKGROUND: This public hearing was continued from the August 7, 2007, August 21, 2007 and September 4, 2007 Planning Commission meetings at the applicant's request. The applicant seeks approval for the existing facility that consists of a single-family residence, mobile home, twenty-one (21) horse stalls, two rectangular riding arenas, one round pen, one rectangular riding arena and a hay barn. Present zoning for the property is Single Family Residential (RS-2). The proposed use is allowed in the RS-2 land use district, subject to approval of a Conditional Use Permit. No additional habitable structures are proposed.

Attachments	
1.	Conditions of Approval
2.	Resolution 07-15
3.	Application
4.	Locator Map
5.	Ordinance #100
6.	Site Plan
7.	Correspondence

Project Routing

The project was routed to the following agencies for comment. Responses were received from County of San Bernardino, Public Works and City Engineering and where applicable have been incorporated into the Conditions of Approval.

Richard Pedersen, City Engineer
Fred Fogel, Building Official
Bobby Matz, Public Works
Mike Wright, Twentynine Palms Water District
Jim Thompson, 29 Palms Fire Department
Joseph Sullivan, MUSD
Charles Springer, CRWQCB

Installations and Logistics, FMD
Installations and Logistics, NREA
San Bernardino County, Solid Waste
Karin Messaros, JTNP
Leonard Villas, Waste Management
Joe Meer, MBTA
29 Palms Band of Mission Indians

CEQA Environmental Review

Pursuant to the California Environmental Quality Act, Section 15303, New Construction or Conversion of Small Structures, this project qualifies for a Categorical Exemption under State law. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the

conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This project is exempt from further review under state law.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Single Family Residence Horse Boarding Facility	RS-2	RS-2
North	Vacant	RS-2	RS-2
East	Vacant	RL-1	RL-1
South	Vacant	RS-2	RS-2
West	Vacant	RL-2.5 County	RL-2.5 County

General Plan

The site is designated RS-2 (Single Family Residential). The General Plan establishes objectives to provide flexibility in development standards which can accommodate neighborhood variations within the City and recognizes historic land uses therefore the project is consistent with the General Plan.

Section VI of the General Plan Land Use Element addresses the RS land use designation. The RS category is depicted by the letters “RS” on the Land Use map. When followed by a suffix number, that number shall represent the maximum dwelling units permitted per gross acre for that territory; when followed by the letter “E” the maximum density is one dwelling unit per two and a half acres.

The RS classification is to provide a variety of detached, single family housing for people of all ages in a quiet neighborhood setting.

The following policies and standards shall apply to the RS district:

- Maximum density shall be four dwelling units per gross acre of land. However a twenty-five percent (25%) density bonus may be granted for development of affordable housing pursuant to Section 65915 of the California Government Code.
- The minimum (net) lot size in the RS zone shall be 7,200 square feet.
- Lots created in this category shall, in most cases, have a minimum lot frontage of sixty (60) feet on a local standard public street. Flag lots may be permitted where a property suffers a hardship other than economic entitlement.
- Concrete curb and gutter are required along rights-of-way for all new projects in all RS zones in which the zoning density exceeds one dwelling unit per acre; inverted shoulders or asphalt curbs may be constructed (per the Rural Street standard in the Circulation Plan) for all Local Streets in the RS district where the zoning density is one dwelling unit per acre or less. Concrete curb, gutter, and sidewalks are required along rights-of-way for all new projects in all RS zones in which the zoning density exceeds three dwelling units per acre.
- Each dwelling unit shall have a garage or a parking area behind the front yard setback area to park automobiles. Access from the street to the front yard setback line shall be paved.

- Homes will be limited to one story unless the structure is at least twenty feet from any property line, in which case two stories is acceptable.
- Home occupations may be permitted for businesses that do not disrupt the appearance and activity of a residential neighborhood.
- Bed and board facilities may be allowed. Such uses shall not conflict with the residential character of this district.
- All new utility service, both on site and in the public right-of-way, shall be underground.
- As a means of minimizing wind and water erosion, grading and removal of native vegetation from parcels one acre or larger shall be limited to pad areas for structures, necessary driveways, and uses permitted in the RS Land Use District. In cases where native vegetation is removed, landscaping reflecting a desert theme, utilizing drought resistant plants, is highly recommended.
- Streets are to have adequate lighting for safety/security purposes.
- Institutional uses, such as schools, churches, and day care facilities are to be designed to integrate into the neighborhood in which they are located, so as to maintain the integrity of the neighborhood. Proper set-backs and screening of features such as mechanical equipment, trash enclosures, etc., shall be required.
- Utility and other public services, such as electric substations, communications facilities, fire stations or structures utilized for emergency services, will be designed to resemble a typical house in the neighborhood where it is to be located.

The General Plan Circulation Element also identifies a bike path adjacent to this site.

Zoning

Upon incorporation in 1987, the San Bernardino County standards for development, including horse keeping, were adopted by the City Council. These standards are still in place today. The San Bernardino County (SBCC) Land Use Districts Code for Single Residential (RS) property, Section TP3.0630 (b) (2) specifies horse raising is allowed only when the parcel of land is 1 acre or greater in area.

SBCC Development Code, Land Use Classification, Section 83.0250 (c) (2) restricts horses on residentially zoned property to one horse per quarter acre, for a maximum of six (6) horses, regardless of the acreage.

Pursuant to City Municipal Code 8.16.010 (1), not more than four (4) horses per acre (one horse per quarter acre), with "no upward limit", can be kept on residential property if the property is designated an "Equestrian Area" by a resolution of the City Council. In considering this Equestrian Area the Planning Commission and City Council shall hold a properly noticed public hearing. The procedure for the Equestrian Area shall be the same as that for a Special Use Permit (equivalent to the City's Conditional Use Permit); however, if the petition for the Equestrian Area is signed by at least five contiguous property owners, no application fee will be required.

If the applicant is intending to have an excess of ten (10) horses, a Site Development Plan shall

also be required prior to the establishment of the additional horses

The Planning Commission is currently studying the establishment of an Equestrian Area which could include this parcel. However, Conditional Use Permits for boarding facilities are not limited to "Equestrian Areas". Such a facility would not be permitted in a designated "Non-Equestrian Area".

While the Planning Commission is studying the formal establishment of a Special Equestrian Area, current codes permit the approval of this project.

Site Characteristics

The site is currently occupied with a single-family residence, a mobile home, twenty-one (21) horse stalls (each 24' x 24'), two rectangular riding arenas, one round pen, one rectangular riding arena and a hay barn are currently located on the parcel. The east half of the parcel contains typical desert vegetation.

Street Improvements

Concrete curb and gutter are required along rights-of-way for all new projects in all RS zones in which the zoning density exceeds one dwelling unit per acre; inverted shoulders or asphalt curbs may be constructed (per the Rural Street standard in the Circulation Plan) for all Local Streets in the RS district where the zoning density is one dwelling unit per acre or less. Concrete curb, gutter, and sidewalks are required along rights-of-way for all new projects in all RS zones in which the zoning density exceeds three dwelling units per acre.

The zoning density of the RS-2 is two dwelling units per acre. Therefore, street improvements, which include curb, gutter, sidewalk and bike path, to the Arterial Roadway standard (52' half street) are required. The parcel in question has 330 feet of street frontage along Mesquite Springs Drive.

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

- A. The proposed use is allowed in the RS-2 zone with approval of a Conditional Use Permit and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

- B. The subject site is approximately 9.8 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is adequate in size to allow 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 RS-2 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, and would serve to promote resort and recreation uses within the community.
- F. The project has the potential to generate additional traffic, which if not adequately mitigated by the imposition of relevant conditions of approval, would create a significant and cumulative impact to the project area, vicinity and City of Twentynine Palms.
- G. It is anticipated that the project will have growth inducing impacts in the area, and will further serve to establish the area as a high quality Special Equestrian District.
- H. Mesquite Springs Road, as currently constructed, is a single lane high speed roadway. Large commercial trucks and vehicles are common on this roadway. The existing narrow road width is inadequate for the amount of commercial traffic on the roadway. The existing roadway is inadequate for heavy truck volume and large size trucks and volume of commercial motor carrier traffic anticipated to be generated by this project.
- I. Pursuant to the California Environmental Quality Act (CEQA), the proposed Categorical Exemption is based upon the inclusion of standard conditions of approval in the project, which if implemented as conditions of approval, would reduce project generated traffic impacts to a level of less than significant. Without the inclusion of these conditions, the project would not be Categorically Exempt from CEQA.
- J. The construction of street improvements, including curb, gutter, sidewalk and connecting pavement along Mesquite Springs Road is one condition which would reduce the traffic impacts resulting from the project to a level of less than significant.
- K. The construction of transit improvements, including a bus shelter, which are required in the Conditions of Approval, would also reduce traffic impacts resulting from the project to a level of less than significant.
- L. There is a rough proportional nexus between the proposed Conditions of Approval and the potential impacts of the project.
- M. Elimination of conditions requiring street improvements and the construction of transit improvements including a bus shelter and if necessary, a turnout, would necessitate a reconsideration of both the direct and cumulative environmental impacts of this project. In this instance, a Categorical Exemption pursuant to CEQA would not be appropriate.
- N. The reconsideration of the project impacts would require preparation of an Initial Study and Mitigated Negative Declaration pursuant to CEQA.

- O. The Planning Commission finds that the requirement of the applicant to comply with the Conditions of Approval is feasible, will reduce potential project impacts, and is necessary for the adoption of the Categorical Exemption, and is therefore, adopted.
- P. The Planning Commission finds that it has the legal authority to impose Conditions of Approval related to potential traffic impacts on city roadways.
- Q. The Planning Commission finds that the proposed Conditions of Approval are roughly proportional to the traffic impact of the project to city roadways.
- R. The Planning Commission finds that widening roadways is feasible for technical and economic reasons. First, adequate land is available for the widening without the necessity to purchase or condemn adjacent buildings. Second, the cost of widening is not so prohibitive that the project would not be economical to undertake.
- S. The Morongo Basin Transit Authority has reviewed the project and requests that the applicant work with MBTA to identify a bus stop location along Adobe Road east of the project to secure the right of way and construct a shelter and pad at an appropriate location or be assessed a fee toward future construction of a bus shelter at a location of the MBTA's choosing.
- T. The Planning Commission finds that the construction of transit improvements is feasible for technical and economic reasons. First adequate land is available for these improvements without the necessity to purchase or condemn adjacent buildings.
- U. The Planning Commission also finds that the cost of construction of these transit improvements is not so prohibitive that the project would not be economical to undertake.

Traffic and Circulation

The project would permit an established equestrian facility. A traffic impact analysis was not prepared for this project. It can be anticipated that special equestrian events will take place at this facility. The project will generate significant commercial traffic that will include horse transportation carriers that enter and exit the site. Large trucks will access the site. When fully operational, the facility will receive regular visits from the horse owners (up to a 30 horse capacity), mostly on weekend days, however the facility operates from dawn to dusk. The project will be served from Mesquite Springs Road.

It is anticipated that the project will have growth inducing impacts in the area, and will further serve to establish the area as a high quality Special Equestrian District. Mesquite Springs Road, as currently constructed, is a single lane high speed roadway. Large commercial trucks and vehicles are common on this roadway. The existing narrow road width is inadequate for the amount of commercial traffic on the roadway. The existing roadway is inadequate for traffic anticipated to be generated by this project.

Staff has included conditions requiring the construction of street improvements, including a bike path on Mesquite Springs Road and the construction of transit improvements, including covered bus shelter at a future location to be determined in conjunction with the MBTA.

Transit Service

The Morongo Basin Transit Authority has reviewed the project and requests that the applicant work with MBTA to identify a bus stop location along Adobe Road east of the project to secure the right of way and construct a shelter and pad at an appropriate location or be assessed a fee toward future construction of a bus shelter at a location of the MBTA's choosing.

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 is consistent with the General Plan. Because the subject property has the RS-2 General Plan land use designation, approval of the horse boarding facility is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 07-52

Applicant: Laura Bishop of Corinthian Design Group for Janice A. Picket of A. & J. Ranch
Project: Horse Boarding Facility (up to 30 stalls)
Location: 4671 Mesquite Springs Road
APN: 0620-032-23
Approved: October 16, 2007
Expire: October 16, 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 October 16, 2007, to approve an existing 30-stall horse boarding facility at the above referenced location. The project 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, driveways, parking areas, and landscaping.
- P4. No outdoor lighting shall be installed for this project.
- P5. Prior to any 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. This project shall conform to Ordinance #100 – Horse Keeping.
- P9. The applicant shall work with MBTA to identify a bus stop location along Adobe Road east of the project to secure the right of way and construct a shelter and pad at an appropriate location or be assessed a fee toward future construction of a bus shelter at a location of the MBTA's choosing.

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

General

- 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.
- E3. 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

- E4. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm.
- E5. 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 pad 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.
- E6. In addition to the drainage requirement stated herein, other "onsite" or "offsite" improvement may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Engineering Department.

Grading

- E7. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site.

Street Improvements

- E8. A 52' foot half-width street dedication along Mesquite Springs Road shall be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- 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. Street improvements including curb, gutter, bike path and sidewalks shall be constructed adjacent to the curb along all City rights-of-way, in accordance with City Street Standards (Mesquite Springs Road).
- E 12. A northbound deceleration lane on east side of Mesquite Springs Road shall be provided.
- E13. 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.

- E14. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.
- E15. All required offsite improvements shall be constructed and approved prior to occupancy unless deferred pursuant to Development code Chapter 19.85, Public Improvements, Delaying or Deferring

Utilities

- E16. 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.
- E17. All proposed construction of utilities adjacent to and including above ground electrical lines 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. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.
- F4. Street addresses shall be posted with numbers a minimum height of three (3) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.
- F5. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:

A: SYSTEM STANDARDS

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

B: DISTRIBUTION SYSTEM

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

C: FIRE HYDRANTS

Number: To be determined

Type: 6-Inch, with one (1) two and one half (2 ½) inch outlet and one (1) four (4) inch outlet with National Standard Threads.

Street Valve: 6-Inch Gate

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

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

Applicant/Developer

Date

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 07-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-52, - AN APPLICATION BY LAURA BISHOP OF CORINTHIAN DESIGN GROUP ON BEHALF OF JANICE A. PICKET OF A. & J. RANCH FOR A CONDITIONAL USE PERMIT FOR A HORSE BOARDING FACILITY TO ALLOW BOARDING FOR UP TO 30 HORSES. APN 0620-032 23, T1N, R9E, SECTION 17, ZONE RS-2.

WHEREAS, on June 11, 2007, an application was received from Laura Bishop of Corinthian Design Group on behalf of Janice A. Pickett of A. & J. Ranch, for approval of a Conditional Use Permit to approve an existing horse boarding facility in the RS-2 zone; and

WHEREAS, on January 28, 1992, the City of Twentynine Palms adopted Ordinance #100 amending the San Bernardino County Code Section TP3.0630 and establishing general requirements for the keeping and boarding of horses; and

WHEREAS, the land use designation (zoning) for the subject property is Single Family Residential (RS-2); and

WHEREAS, horses are permitted on lots one acre or larger, and

WHEREAS, the number of horses exceeding six require approval of Conditional Use Permit; and

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

WHEREAS, Pursuant to the California Environmental Quality Act, Section 15303, — New Construction or Conversion of Small Structures, this project qualifies for a Categorical Exemption under State law; and

WHEREAS, a 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 August 7, and 21, 2007, September 4, 2007 and October 16, 2007; and

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

- A. The proposed use is allowed in the RS-2 zone with approval of a Conditional Use Permit and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 9.8 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is adequate in size to allow 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 RS-2 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, and would serve to promote resort and recreation uses within the community.
- F. The project has the potential to generate additional traffic, which if not adequately mitigated by the imposition of relevant conditions of approval, would create a significant and cumulative impact to the project area, vicinity and City of Twentynine Palms.
- G. It is anticipated that the project will have growth inducing impacts in the area, and will further serve to establish the area as a high quality Special Equestrian District.
- H. Mesquite Springs Road, as currently constructed, is a single lane high speed roadway. Large commercial trucks and vehicles are common on this roadway. The existing narrow road width is inadequate for the amount of commercial traffic on the roadway. The existing roadway is inadequate for heavy truck volume and large size trucks and volume of commercial motor carrier traffic anticipated to be generated by this project.
- I. Pursuant to the California Environmental Quality Act (CEQA), the proposed Categorical Exemption is based upon the inclusion of standard conditions of approval in the project, which if implemented as conditions of approval, would reduce project generated traffic impacts to a level of less than significant. Without the inclusion of these conditions, the project would not be Categorically Exempt from CEQA.
- J. The construction of street improvements, including curb, gutter, sidewalk, bike path and connecting pavement along Mesquite Springs Road is one condition which would reduce the traffic impacts resulting from the project to a level of less than significant.
- K. The construction of transit improvements, including a bus shelter, which are required in the Conditions of Approval, would also reduce traffic impacts resulting from the project to a level of less than significant.
- L. There is a rough proportional nexus between the proposed Conditions of Approval and the potential impacts of the project.
- M. Elimination of conditions requiring street improvements and the construction of transit improvements including a bus shelter and if necessary, a turnout, would necessitate a reconsideration of both the direct and cumulative environmental impacts of this project. In this instance, a Categorical Exemption pursuant to CEQA would not be appropriate.
- N. The reconsideration of the project impacts would require preparation of an Initial Study and Mitigated Negative Declaration pursuant to CEQA.
- O. The Planning Commission finds that the requirement of the applicant to comply with the conditions of approval is feasible, will reduce potential project impacts, and is necessary for the adoption of the Categorical Exemption, and is therefore, adopted.
- P. The Planning Commission finds that it has the legal authority to impose Conditions of

Approval related to potential traffic impacts on city roadways.

- Q. The Planning Commission finds that the proposed Conditions of Approval are roughly proportional to the traffic impact of the project to city roadways.
- R. The Planning Commission finds that widening roadways is feasible for technical and economic reasons. First adequate land is available for the widening without the necessity to purchase or condemn adjacent buildings. Second the cost of widening is not so prohibitive that the project would not be economical to undertake.
- S. The Morongo Basin Transit Authority has reviewed the project and requests that the applicant work with MBTA to identify a bus stop location along Adobe Road east of the project to secure the right of way and construct a shelter and pad at an appropriate location or be assessed a fee toward future construction of a bus shelter at a location of the MBTA's choosing.
- T. The Planning Commission finds that the construction of transit improvements is feasible for technical and economic reasons. First adequate land is available for these improvements without the necessity to purchase or condemn adjacent buildings.
- U. The Planning Commission also finds that the cost of construction of these transit improvements is not so prohibitive that the project would not be economical to undertake.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms finds the project Categorically Exempt from CEQA, adopts this resolution, and approves the Conditional Use Permit (PC 07-52), subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 16th DAY OF OCTOBER, 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



**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: October 16, 2007

RE: PC 07-28 An application by Laura Bishop of Hannah Consulting on behalf of T-Mobile, for a Conditional Use Permit for wireless facility to include a 52.5' high monopalm wireless telecommunications facility and six 7' high equipment cabinets. The proposed project will be located at 4671 Mesquite Springs Road. Zone RS-2, APN 0620-032 23, T1N, R9E, Section 17.

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

BACKGROUND: This public hearing was continued from the August 7, 2007, August 21, 2007 and September 4, 2007 Planning Commission meetings at the request of the applicant.

- | Attachments | |
|-------------|------------------------|
| 1. | Conditions of Approval |
| 2. | Resolution 07-16 |
| 3. | Application |
| 4. | Locator Map |
| 5. | Site Plan |
| 6. | Correspondence |

The project includes construction of an un-manned telecommunications facility that consists of six 3'deep x 5' wide x 7' high equipment cabinets and a 52.5' tall monopalm at the above referenced location. A single-family residence, mobile home, twenty-one (21) horse stalls, two rectangular riding arenas, one round pen, one rectangular riding arena and a hay barn are currently located on the parcel. Present zoning for the property is Single Family Residential 2 units per acre (RS-2). The proposed use is allowed in the RS-2 land use district, subject to approval of a Conditional Use Permit. No habitable structures are proposed.

Project Routing

The project was routed to the following agencies for comment. As of the writing of this report no comments were received.

Richard Pedersen, City Engineer
Fred Fogel, Building Official
Bobby Matz, Public Works
Mike Wright, Twentynine Palms Water District
Jim Thompson, 29 Palms Fire Department
Joseph Sullivan, MUSD
Charles Springer, CRWQCB

Installations and Logistics, FMD
Installations and Logistics, NREA
San Bernardino County, Solid Waste
Karin Messaros, JTNP
Leonard Villas, Waste Management
Joe Meer, MBTA
29 Palms Band of Mission Indians

CEQA Environmental Review

Pursuant to the California Environmental Quality Act, Section 15303, — New Construction or Conversion of Small Structures, this project qualifies for a Categorical Exemption under State law. Class 3 consists of construction and location of limited numbers of new, small facilities or

structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This project is exempt from further review under state law.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Single Family Residence – Horse Boarding Facility	RS-2	RS-2
North	Vacant	RS-2	RS-2
East	Vacant	RL-1	RL-1
South	Vacant	RS-2	RS-2
West	Vacant	RL-2.5 County	RL-2.5 County

General Plan

The RS-2 (Single Family Residential) land use district allows utilities and infrastructure with the approval of a Conditional Use Permit. As designed the project is consistent with the General Plan Land Use Element.

Section VI of the General Plan Land Use Element addresses the RS land use designation. The RS category is depicted by the letters “RS” on the Land Use map. When followed by a suffix number, that number shall represent the maximum dwelling units permitted per gross acre for that territory; when followed by the letter “E” the maximum density is one dwelling unit per two and a half acres.

The RS classification is to provide a variety of detached, single family housing for people of all ages in a quiet neighborhood setting.

The following policies and standards shall apply to the RS district:

- Maximum density shall be four dwelling units per gross acre of land. However a twenty-five percent (25%) density bonus may be granted for development of affordable housing pursuant to Section 65915 of the California Government Code.
- The minimum (net) lot size in the RS zone shall be 7,200 square feet.
- Lots created in this category shall, in most cases, have a minimum lot frontage of sixty (60) feet on a local standard public street. Flag lots may be permitted where a property suffers a hardship other than economic entitlement.
- Concrete curb and gutter are required along rights-of-way for all new projects in all RS zones in which the zoning density exceeds one dwelling unit per acre; inverted shoulders or asphalt curbs may be constructed (per the Rural Street standard in the Circulation Plan) for all Local Streets in the RS district where the zoning density is one dwelling unit per acre or less. Concrete curb, gutter, and sidewalks are required along rights-of-way for all new projects in all RS zones in which the zoning density exceeds three dwelling units per acre.
- Each dwelling unit shall have a garage or a parking area behind the front yard setback area to park automobiles. Access from the street to the front yard setback line shall be paved.

- Homes will be limited to one story unless the structure is at least twenty feet from any property line, in which case two stories is acceptable.
- Home occupations may be permitted for businesses that do not disrupt the appearance and activity of a residential neighborhood.
- Bed and board facilities may be allowed. Such uses shall not conflict with the residential character of this district.
- All new utility service, both on site and in the public right-of-way, shall be underground.
- As a means of minimizing wind and water erosion, grading and removal of native vegetation from parcels one acre or larger shall be limited to pad areas for structures, necessary driveways, and uses permitted in the RS Land Use District. In cases where native vegetation is removed, landscaping reflecting a desert theme, utilizing drought resistant plants, is highly recommended.
- Streets are to have adequate lighting for safety/security purposes.
- Institutional uses, such as schools, churches, and day care facilities are to be designed to integrate into the neighborhood in which they are located, so as to maintain the integrity of the neighborhood. Proper set-backs and screening of features such as mechanical equipment, trash enclosures, etc., shall be required.
- Utility and other public services, such as electric substations, communications facilities, fire stations or structures utilized for emergency services, will be designed to resemble a typical house in the neighborhood where it is to be located.

The General Plan Circulation Element requires the construction of a bike path along Mesquite Springs Road. The project has been conditioned to include a requirement to construct a segment of bike path adjacent to the project site.

Zoning

The project is consistent with RS-2 zone standards for height. Uses in the zone include, but are not limited to, radio and television stations or towers, satellite receiving stations, microwave relay towers, and similar facilities up to 52' 6" in height. The monopoly at 52' 6" in height, and the six equipment cabinets at 7' tall are within the allowable height standards for the zone. With approval of the Conditional Use Permit, the project is consistent with the Zoning Ordinance.

Site Characteristics

The site is currently occupied with a single-family residence, a mobile home, twenty-one (21) horse stalls (each 24' x 24'), two rectangular riding arenas, one round pen, one rectangular riding arena and a hay barn. The east half of the parcel contains typical desert vegetation.

Telecommunications Facilities

Section 19.58.030 establishes general requirements for telecommunications facilities. Subsection 19.58.030 (A) states that the structure height shall be as established in the Land Use District regulations of the Development Code for the underlying land use district. The land use designation (zoning) for the subject property is Single Family Residential 2 units per acre (RS-2). The height limitation for the RS-2 district is 35 feet. Structures such as chimneys, cupolas, flagpoles, steeples, and *communications towers* may exceed height limits up to fifty (50) percent for a total allowable height of 52' 6".

Section 19.58.030 (B) establishes separation requirements to ensure that telecommunications facilities do not conflict with existing or planned residential uses. Telecommunications facilities are to be at least 200 percent of the height of the facility away from an adjacent residential property line. For a 52.5' tower, the separation requirement is 105'. The proposed tower is located 105' from the north property line and 200' from the south property line, and is located 600± feet from the east and west property lines. There is also a requirement for a minimum 300' separation from any residence. A 300 feet separation from the home is proposed. As proposed the separation requirements of the Development Code.

Subsection 19.58.030 (C) sets forth standards to minimize negative visual impacts. Subsection 19.58.030 (C) (1) requires that facilities either be co-located or camouflaged and that they blend, "...with the surrounding existing natural and manmade environment in such a manner so as to be effectively unnoticeable...." The project is designed as a palm tree. Subsection 19.58.030 (C)(6) requires that equipment shelters be constructed to look like a structure or facility typically found in the area. The Planning Commission will have to make a determination on the design and its appropriateness in the RS-2 land use district.

Outside lighting is not indicated in the proposal. Per Section 19.58.030 (C)(8), outside lighting is prohibited unless required by the FAA or the Uniform Building Code.

Street Improvements

Concrete curb and gutter are required along rights-of-way for all new projects in all RS zones in which the zoning density exceeds one dwelling unit per acre; inverted shoulders or asphalt curbs may be constructed (per the Rural Street standard in the Circulation Plan) for all Local Streets in the RS district where the zoning density is one dwelling unit per acre or less. Concrete curb, gutter, and sidewalks are required along rights-of-way for all new projects in all RS zones in which the zoning density exceeds three dwelling units per acre.

The zoning density of the RS-2 is two dwelling units per acre. Therefore, street improvements, which include curb, gutter, sidewalk and bike path, to the Arterial Roadway standard (52' half street) are required. The parcel in question has 330 feet of street frontage along Mesquite Springs Drive.

Conditional Use Permit

Pursuant to Section 19.30.050 of the Development Code, the Planning Commission is required to make the following findings prior to approval of a CUP. The required findings are:

- A. That the proposed design and location of the conditional use and the conditions under which it will be operated are in accordance with the purpose of this Development Code, the zoning regulations applicable to the site, the City of Twentynine Palms General Plan, and other applicable development policies and standards of the City; and
- B. That the proposed design and location of the conditional use and the conditions under which it will be operated will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity; and
- C. That the proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity.

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

- A. The proposed use is allowed in the RS-2 zone with approval of a Conditional Use Permit and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 9.8 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is adequate in size to allow 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 RS-2 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, and would serve to promote resort and recreation uses within the community.
- F. The project has the potential to generate additional traffic, which if not adequately mitigated by the imposition of relevant conditions of approval, would create a significant and cumulative impact to the project area, vicinity and City of Twentynine Palms.
- G. It is anticipated that the project will have growth inducing impacts in the area, and will further serve to establish the area as a high quality Special Equestrian District.
- H. Mesquite Springs Road, as currently constructed, is a single lane high speed roadway. Large commercial trucks and vehicles are common on this roadway. The existing narrow road width is inadequate for the amount of commercial traffic on the roadway. The existing roadway is inadequate for heavy truck volume and large size trucks and volume of commercial motor carrier traffic anticipated to be generated by this project.
- I. Pursuant to the California Environmental Quality Act (CEQA), the proposed Categorical Exemption is based upon the inclusion of standard conditions of approval in the project, which if implemented as conditions of approval, would reduce project generated traffic impacts to a level of less than significant. Without the inclusion of these conditions, the project would not be Categorically Exempt from CEQA.
- J. The construction of street improvements, including curb, gutter, sidewalk and connecting pavement along Mesquite Springs Road is one condition which would reduce the traffic impacts resulting from the project to a level of less than significant.
- K. The construction of transit improvements, including a bus shelter, which are required in the Conditions of Approval, would also reduce traffic impacts resulting from the project to a level of less than significant.
- L. There is a rough proportional nexus between the proposed Conditions of Approval and the potential impacts of the project.

- M. Elimination of conditions requiring street improvements and the construction of transit improvements including a bus shelter and if necessary, a turnout, would necessitate a reconsideration of both the direct and cumulative environmental impacts of this project. In this instance, a Categorical Exemption pursuant to CEQA would not be appropriate.
- N. The reconsideration of the project impacts would require preparation of an Initial Study and Mitigated Negative Declaration pursuant to CEQA.
- O. The Planning Commission finds that the requirement of the applicant to comply with the conditions of approval is feasible, will reduce potential project impacts, and is necessary for the adoption of the Categorical Exemption, and is therefore, adopted.
- P. The Planning Commission finds that it has the legal authority to impose Conditions of Approval related to potential traffic impacts on city roadways.
- Q. The Planning Commission finds that the proposed Conditions of Approval are roughly proportional to the traffic impact of the project to city roadways.
- R. The Planning Commission finds that widening roadways is feasible for technical and economic reasons. First adequate land is available for the widening without the necessity to purchase or condemn adjacent buildings. Second the cost of widening is not so prohibitive that the project would not be economical to undertake.
- S. The Morongo Basin Transit Authority has reviewed the project and requests that the applicant work with MBTA to identify a bus stop location along Adobe Road east of the project to secure the right of way and construct a shelter and pad at an appropriate location or be assessed a fee toward future construction of a bus shelter at a location of the MBTA's choosing.
- T. The Planning Commission finds that the construction of transit improvements is feasible for technical and economic reasons. Adequate land is available for these improvements without the necessity to purchase or condemn adjacent buildings.
- U. The Planning Commission also finds that the cost of construction of these transit improvements is not so prohibitive that the project would not be economical to undertake.

Traffic and Circulation

The project will generate traffic during construction, which is anticipated at ten vehicles per day. When fully operational, the project will receive regular maintenance visits, estimated two trips per week. The project will be served from Mesquite Springs Road.

The construction of new and expanded Communications infrastructure, similar to construction of road infrastructure and electrical infrastructure and water systems, is likely to have long term growth inducing impacts.

A traffic impact analysis was not prepared for this project. It can be anticipated that the enhancement of the regions communication infrastructure will result, both directly and indirectly in increased traffic in the area. The project will generate significant commercial traffic that will include large truck and commercial vehicles that enter and exit the site. Large trucks will access the site. When fully operational, the facility will receive regularly scheduled weekly maintenance visits. The project will be served from Mesquite Springs Road.

It is anticipated that the project will have growth inducing impacts in the area, and will further serve to establish the community as a high quality residential area. Mesquite Springs Road, as currently constructed, is a single lane high speed roadway. Large commercial trucks and vehicles are common on this roadway. The existing narrow road width is inadequate for the amount of commercial traffic on the roadway. The existing roadway is inadequate for traffic anticipated to be generated by this project.

Staff has included conditions requiring the construction of street improvements, including a bike path on Mesquite Springs Road and the construction of transit improvements, including covered bus shelter at a future location to be determined in conjunction with the MBTA.

Transit Service

The Morongo Basin Transit Authority has reviewed the project and requests that the applicant work with MBTA to identify a bus stop location along Adobe Road east of the project to secure the right of way and construct a shelter and pad at an appropriate location or be assessed a fee toward future construction of a bus shelter at a location of the MBTA's choosing.

Street Improvements

On recent projects, the Planning Commission has not required the construction of street improvements with the approval of communication facilities (the Planning Commission may wish to request the dedication of Right of Way.)

However, pursuant to Section 19.08.060 of the Development Code, because the project can be classified as an "improvement", street right of way dedications and street improvements are required by the Development Code to be constructed by the applicant, prior to issuance of the Certificate of Occupancy, as part of this project.

Pursuant to Section 19.08.060, B and C, (Street Dedications and Improvements)

- B. Before occupancy shall be granted for any such building or improvement, the Building Official shall determine the following:
 - 1. That all of the required dedications have been provided.
 - 2. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of surety acceptable to the City Council in an amount equal to the estimated cost of the street improvements has been posted with the City to assure the installation of said street improvements. In lieu of requiring the installation of curbs, gutters and sidewalks, a Street Improvement Impact Fee may be required and assessed in accordance with Section 19.85.040, at the discretion of the City Engineer.
- C. In all districts, the following street improvements shall apply to Expressways, Arterials, and Collector Streets:
 - 1. Concrete curbs and gutters shall be installed.
 - 2. Sidewalks, per City standards, shall be installed.

The General Plan also states that concrete curb and gutter are required along rights-of-way for all new projects in all RS zones in which the zoning density exceeds one dwelling unit per acre;

inverted shoulders or asphalt curbs may be constructed (per the Rural Street standard in the Circulation Plan) for all Local Streets in the RS district where the zoning density is one dwelling unit per acre or less. Concrete curb, gutter, and sidewalks are required along rights-of-way for all new projects in all RS zones in which the zoning density exceeds three dwelling units per acre.

The density allowed in the RS-2 zone is two dwelling units per acre. Therefore, street improvements, which include curb, gutter, sidewalk and bike path, to the Arterial Roadway standard (52' half street) are required. The parcel in question has 330 feet of street frontage along Mesquite Springs Drive.

Staff recommends that the applicant be required to:

- A. Dedicate appropriate right-of-way on Mesquite Springs Road; and
- B. Construct the street improvements, including curb, gutter, sidewalk, bike path and connecting pavement.

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 is consistent with the General Plan. Because the subject property has the RS-2 General Plan land use designation, development of a telecommunication facility is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 07-28

Applicant: Omnipoint Communications / Laura Bishop Representing T-Mobile
Project: 52.5' Telecommunication facility
Location: 4671 Mesquite Springs Road
APN: 0620-032-23
Approved: October 16, 2007
Expire: October 16, 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 October 16, 2007, to permit the construction/use of 52.5' unmanned telecommunications facility and six 7' tall equipment cabinets 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, driveways, parking areas, and landscaping.
- P4. No outdoor lighting shall be installed for this project.
- 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. This project shall conform to Development Chapter 19.58 – Telecommunications Facilities.
- P9. To serve the MBTA, the applicant shall provide a bus stop, including a pullout and shelter. The bus stop shall include a bench and trash receptacle. Bus stop locations and specifications shall be coordinated with Morongo Basin Transit Authority (MBTA), [contact MBTA (760) 366-2986].

General Conditions

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

Building and Safety

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

Engineering

General

- 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.
- E3. 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

- E4. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm.
- E5. 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 pad 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.
- E6. In addition to the drainage requirement stated herein, other "onsite" or "offsite" improvement may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Engineering Department.

Grading

- E7. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site.

Street Improvements

- E8. A 52' foot half-width street dedication along Mesquite Springs Road shall be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- 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. Street improvements including curb, gutter, bike path and sidewalks shall be constructed adjacent to the curb along all City rights-of-way, in accordance with City Street Standards (Mesquite Springs Road).
- E12. A commercial driveway approach shall be provided.

- E13, 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.
- E14. The developer as per City enactment shall pay any developer fees including but not limited to traffic impact fees.
- E15. All required offsite improvements shall be constructed and approved prior to occupancy unless deferred pursuant to Development code Chapter 19.85, Public Improvements, Delaying or Deferring

Utilities

- E16. 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.
- E17. All proposed construction of utilities adjacent to and including above ground electrical lines 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. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.
- F4. Street addresses shall be posted with numbers a minimum height of three (3) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.
- F5. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:

A: SYSTEM STANDARDS

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

B: DISTRIBUTION SYSTEM

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

Riser: 6-Inch Minimum

C: FIRE HYDRANTS

Number: To be determined

Type: 6-Inch, with one (1) two and one half (2 ½) inch outlet and one (1) four (4) inch outlet with National Standard Threads.

Street Valve: 6-Inch Gate

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

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

Applicant/Developer

Date

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 07-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-28, AN APPLICATION BY HANNAH CONSULTING, INC. ON BEHALF OF OMNIPOINT COMMUNITATIONS REPRESENTING T-MOBILE, FOR APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A 52.5' TALL TELECOMMUNICATION TOWER AT 4671 MESQUITE SPIRNGS ROAD, APN 0620-032 23, T1N, R9E, SECTION 17, ZONE RS-2.

WHEREAS, on March 30, 2007 an application was received from Hannah Consulting for approval of a Conditional Use Permit to construct a telecommunication facility in the RS-2 zone to allow a 52.5' tall tower; and

WHEREAS, Section 19.58.030 establishes general requirements for telecommunications facilities. Subsection 19.58.030 (A) states that the structure height is allowed pursuant to the Development Code for the underlying land use district; and

WHEREAS, the land use designation (zoning) for the subject property is Single Family Residential (RS-2) and the maximum building height allowed in the RS-2 district is 35 feet; and

WHEREAS, non-commercial antennas are a Permitted Use (Table 19.08A) in the RS-2 zone and are allowed up to 52' 6" in height in the zone; and

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

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

WHEREAS, Pursuant to the California Environmental Quality Act, Section 15303, — New Construction or Conversion of Small Structures, this project qualifies for a Categorical Exemption under State law; and

WHEREAS, a 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 August 7, and 21, 2007, September 4, 2007 and October 16, 2007; and

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

- A. The proposed use is allowed in the RS-2 zone with approval of a Conditional Use Permit and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 9.8 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is adequate in size to allow 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 RS-2 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, and would serve to promote resort and recreation uses within the community.
- F. The project has the potential to generate additional traffic, which if not adequately mitigated by the imposition of relevant conditions of approval, would create a significant and cumulative impact to the project area, vicinity and City of Twentynine Palms.
- G. It is anticipated that the project will have growth inducing impacts in the area, and will further serve to establish the area as a high quality Special Equestrian District.
- H. Mesquite Springs Road, as currently constructed, is a single lane high speed roadway. Large commercial trucks and vehicles are common on this roadway. The existing narrow road width is inadequate for the amount of commercial traffic on the roadway. The existing roadway is inadequate for heavy truck volume and large size trucks and volume of commercial motor carrier traffic anticipated to be generated by this project.
- I. Pursuant to the California Environmental Quality Act (CEQA), the proposed Categorical Exemption is based upon the inclusion of standard conditions of approval in the project, which if implemented as conditions of approval, would reduce project generated traffic impacts to a level of less than significant. Without the inclusion of these conditions, the project would not be Categorically Exempt from CEQA.
- J. The construction of street improvements, including curb, gutter, sidewalk and connecting pavement along Mesquite Springs Road is one condition which would reduce the traffic impacts resulting from the project to a level of less than significant.
- K. The construction of transit improvements, including a bus shelter, which are required in the Conditions of Approval, would also reduce traffic impacts resulting from the project to a level of less than significant.
- L. There is a rough proportional nexus between the proposed Conditions of Approval and the potential impacts of the project.
- M. Elimination of conditions requiring street improvements and the construction of transit improvements including a bus shelter and if necessary, a turnout, would necessitate a reconsideration of both the direct and cumulative environmental impacts of this project. In this instance, a Categorical Exemption pursuant to CEQA would not be appropriate.
- N. The reconsideration of the project impacts would require preparation of an Initial Study and Mitigated Negative Declaration pursuant to CEQA.
- O. The Planning Commission finds that the requirement of the applicant to comply with the conditions of approval is feasible, will reduce potential project impacts, and is necessary for the adoption of the Categorical Exemption, and is therefore, adopted.
- P. The Planning Commission finds that it has the legal authority to impose Conditions of Approval related to potential traffic impacts on city roadways.

- Q. The Planning Commission finds that the proposed Conditions of Approval are roughly proportional to the traffic impact of the project to city roadways.
- R. The Planning Commission finds that widening roadways is feasible for technical and economic reasons. First adequate land is available for the widening without the necessity to purchase or condemn adjacent buildings. Second the cost of widening is not so prohibitive that the project would not be economical to undertake.
- S. The Morongo Basin Transit Authority has reviewed the project and requests that the applicant work with MBTA to identify a bus stop location along Adobe Road east of the project to secure the right of way and construct a shelter and pad at an appropriate location or be assessed a fee toward future construction of a bus shelter at a location of the MBTA's choosing.
- T. The Planning Commission finds that the construction of transit improvements is feasible for technical and economic reasons. First adequate land is available for these improvements without the necessity to purchase or condemn adjacent buildings.
- U. The Planning Commission also finds that the cost of construction of these transit improvements is not so prohibitive that the project would not be economical to undertake.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms finds the project Categorically Exempt from CEQA, adopts this resolution, and approves the Conditional Use Permit (PC 07-28), subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 16TH DAY OF OCTOBER, 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



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: October 16, 2007

RE: PC 07-70 - General Plan Amendment and Change of Zone from CT (Commercial Tourist) to RS-4 (Single Family Residential), for the block bound by Gorgonio Drive on the north, Morongo Road on the east, Joshua Drive on the south and Mariposa Avenue on the west, T1N, R9E, Section 25.

RECOMMENDATION: That the Planning Commission find the project Categorical Exempt from environmental review, adopt the resolution and recommend that the City Council approve the General Plan Amendment and Change of Zone.

Attachments

- Resolution
- July 17, 2007 Planning Commission Staff Report
- Aerial Photo
- Parcel Map
- General Plan Map

BACKGROUND: A recent inquiry by a potential buyer of property on this block led to a staff determination that the General Plan Land Use Map inaccurately depicts this area as CT (Tourist Commercial). The property owner of this parcel has since requested that the parcel be designated as residential.

On July 17, 2007 the Planning Commission reviewed this item and directed staff to proceed with a City initiated General Plan Amendment.

The land use designation of the one-block area was previously designated RS (Residential Single Family) on San Bernardino County Community Plan for Twentynine Palms. This area was inadvertently identified as CT on the General Plan Land Use/Zoning Map adopted October 23, 2001.

The CT zone prohibits the construction of single family residential uses. The block in question contains 16 lots, nine of which are developed with eight single family residences. One residence appears to have been constructed across the lot line. Seven lots remain vacant.

Adjacent land uses include the RS-4 zone to the north and west and the CT zone to the east and south. Single family residences are located to the north east and west, and multi-family uses to the south.

The Planning Commission, at their July 17, 2007 meeting, recommended correction of this error through a General Plan Amendment/Change of Zone.

The Planning Commission may recommend that the City Council amend the map to reflect:

- The specific plan zoning established prior to the October 21, 2001 change;
- Provide an alternative zoning plan; or
- Take no action.

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

Street Improvements

No development is proposed, therefore the requirement to construct street improvements is not triggered.

General Plan

The existing designation of the area is CT (Tourist Commercial). Section VII (C) of the General Plan Land Use Plan addresses the Tourist Commercial designation.

The Tourist Commercial category shall be designated by the letters "CT" on the Land Use Map of the General Plan. It is the intent of the CT classification to 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.

The following policies and standards shall apply to the CT district:

- Service facilities shall be kept in a neat orderly appearance with service conducted in areas that are visually screened.
- Outside storage areas and vehicle storage lots shall be screened from public view.
- As a means of minimizing wind and water erosion, grading and removal of native vegetation from parcels one acre or larger shall be limited to pad areas for structures, necessary driveways, and uses permitted in the CT Land Use District. In cases where native vegetation is removed, landscaping reflecting a desert theme, utilizing drought resistant plants, is highly recommended.
- Building design shall be Desert Southwest pursuant to the Design Guidelines adopted by the City.
- Concrete curb, gutter, and sidewalks are required along rights-of-way for all new projects in all CT zones.

- Tourist facilities may also capitalize on local cultural and historic resources, such as the Museum, the Art Gallery, the Twentynine Palms Inn, the Campbell Mansion (Roughly Manor) and the National Park Headquarters.
- The CT areas shall be screened or buffered from residential neighborhoods.
- Off street parking shall be provided.

Section VI (B) of the General Plan Land Use Plan sets the following standards for Single-Family Residential (RS) properties:

The RS (Single Family Residential) category is depicted by the letters “RS” on the Land Use map. When followed by a suffix number, that number shall represent the maximum dwelling units permitted per gross acre for that territory; when followed by the letter “E” the maximum density is one dwelling unit per two and a half acres.

The RS classification is to provide a variety of detached, single family housing for people of all ages in a quiet neighborhood setting.

The following policies and standards shall apply to the RS district:

- Maximum density shall be four dwelling units per gross acre of land. However a twenty-five percent (25%) density bonus may be granted for development of affordable housing pursuant to Section 65915 of the California Government Code.
- The minimum (net) lot size in the RS zone shall be 7,200 square feet.
- Lots created in this category shall, in most cases, have a minimum lot frontage of sixty (60) feet on a local standard public street. Flag lots may be permitted where a property suffers a hardship other than economic entitlement.
- Concrete curb and gutter are required along rights-of-way for all new projects in all RS zones in which the zoning density exceeds one dwelling unit per acre; inverted shoulders or asphalt curbs may be constructed (per the Rural Street standard in the Circulation Plan) for all Local Streets in the RS district where the zoning density is one dwelling unit per acre or less. Concrete curb, gutter, and sidewalks are required along rights-of-way for all new projects in all RS zones in which the zoning density exceeds three dwelling units per acre.
- Each dwelling unit shall have a garage or a parking area behind the front yard setback area to park automobiles. Access from the street to the front yard setback line shall be paved.
- Homes will be limited to one story unless the structure is at least twenty feet from any property line, in which case two stories is acceptable.
- Home occupations may be permitted for businesses that do not disrupt the appearance and activity of a residential neighborhood.

- Bed and board facilities may be allowed. Such uses shall not conflict with the residential character of this district.
- All new utility service, both on site and in the public right-of-way, shall be underground.
- As a means of minimizing wind and water erosion, grading and removal of native vegetation from parcels one acre or larger shall be limited to pad areas for structures, necessary driveways, and uses permitted in the RS Land Use District. In cases where native vegetation is removed, landscaping reflecting a desert theme, utilizing drought resistant plants, is highly recommended.
- Streets are to have adequate lighting for safety/security purposes.
- Institutional uses, such as schools, churches, and day care facilities are to be designed to integrate into the neighborhood in which they are located, so as to maintain the integrity of the neighborhood. Proper set-backs and screening of features such as mechanical equipment, trash enclosures, etc., shall be required.
- Utility and other public services, such as electric substations, communications facilities, fire stations or structures utilized for emergency services, will be designed to resemble a typical house in the neighborhood where it is to be located.

General Plan Amendment Procedure

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

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

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

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

Findings.

CEQA

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

Approval Authority

As review authority, the Planning Commission conducts a public hearing and formulates a recommendation to the City Council. The City Council is the Approval Authority for this General Plan Amendment and Zone Change.

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 07-70, A CITY-INITIATED GENERAL PLAN AMENDMENT AND CHANGE OF ZONE FROM CT (TOURIST COMMERCIAL) TO RS-4 (SINGLE FAMILY RESIDENTIAL, FOR THE BLOCK BOUND BY GORGONIO DRIVE ON THE NORTH, MORONGO ROAD ON THE EAST, JOSHUA DRIVE ON THE SOUTH AND MARIPOSA AVENUE ON THE WEST, T1N, R9E, SECTION 25.

WHEREAS, on July 17, 2007 the Planning Commission reviewed the case and provided direction to staff to proceed with a City initiated General Plan Amendment, and Change of Zone, from CT (Tourist Commercial) to RS-4 (Single Family Residential); and

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

WHEREAS, no development project is proposed as part of the amendment; 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 15305 of the CEQA Guidelines, therefore the amendment is exempt from further environmental review under state law; 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, a public hearings was held by the Planning Commission on October 16, 2007; and

WHEREAS, with respect to the General Plan Amendment application the Planning Commission finds the following

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.

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 and Change of Zone from CT to RS-4, for the block bound by Gorgonio Drive on the north, Morongo Road on the east, Joshua Drive on the south and Mariposa Avenue on the west, T1N, R9E, Section 25.

APPROVED AND ADOPTED THIS 16TH DAY OF OCTOBER, 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