



**CITY OF TWENTYNINE PALMS
STAFF REPORT**

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To: Planning Commission
From: Community Development Technician
Date: July 1, 2008

RE: PC 08-03 – Applicant Mike de la Torre of Global Premier Development is proposing a Conditional Use Permit for an 81 unit affordable multifamily apartment complex located on the east side of Mesquite Springs Road between El Paseo Drive and Sunnyslope Drive. RM Zone, APN 0618-161-08, Section 29, T1N, R9E.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration, adopt Resolution 08-14 and approve the project, subject to the attached Conditions of Approval.

BACKGROUND: Applicant Mike de la Torre of Global Premier Development is requesting approval of a Conditional Use Permit for an 81 unit affordable multifamily apartment complex. The project includes a playground, two tot lots, a pool, barbeque area, half-court basketball court, and a 3,243 sq. ft. recreation building with a computer room, laundry room, multipurpose room and kitchen, and a second story manager’s unit. The project includes five apartment buildings with 16 two-bedroom units, 24 three-bedroom units and 40 four-bedroom units. The applicant has also offered to dedicate .97 acres of the property to the City for public uses.

- | Attachments | |
|-------------|--|
| 1. | Conditions of Approval |
| 2. | Resolution 08-14 |
| 3. | Application |
| 4. | Environmental Questionnaire |
| 5. | Notice of Intent to Adopt a Mitigated Negative Declaration |
| 6. | Project Description |
| 7. | Site Plan |
| 8. | Locator Map |
| 9. | Correspondence |
| 10. | Government Code Section 65915 Density Bonus |

Pursuant to state law, the applicant is seeking a density bonus for affordable housing allowances under SB1818. The project is located on Mesquite Springs Road between El Paseo Drive and Sunnyslope Drive.

CEQA Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), the project was routed to the following agencies and departments for public review and comment and a Mitigated Negative Declaration may be adopted at this meeting:

San Bernardino County Clerk
Twentynine Palms Water District
San Bernardino County Sheriff’s Department
Co. Department of Solid Waste Management
San Bernardino County Assessor’s Office
San Bernardino Associated Governments
Southern California Edison Company
Verizon

City Engineer
Twentynine Palms Fire Department
San Bernardino Co. Environmental Health
San Bernardino Co. Flood Control District
San Bernardino County Recorder
Morongo Unified School District
Southern California Gas Co.
Time Warner Cable

Burrtech
 Morongo Basin Ambulance
 Regional Water Quality Control Board
 California Department of Fish and Game
 State Clearinghouse
 Installations and Logistics, NREA, MCAGCC
 City Attorney
 Project Applicant
 29 Palms Band of Mission Indians

Morongo Basin Transit Authority
 Mojave Desert AQMD
 Division of Mines and Geology
 Joshua Tree National Park
 Installations and Logistics, FMD, MCAGCC
 US Fish and Wildlife Service
 Adjacent Property Owners (Notice only)
 Department of Public Works, EMD

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Vacant	RM	RM
North	Vacant	RM	RM
East	Single Family Residential	RS-4	RS-4
South	Multi-family Residential	RM	RM
West	Twentynine Palms High School	Public	Public

General Plan

The RM category is depicted by the letters “RM” on the Land Use map. These territories are intended to serve the housing needs of non-long term residents or residents not needing or desiring a single family, detached household situation. However, diverse residential development may occur; this may include single family units, duplexes, apartment complexes, and mobile home parks. This designation is most suitable for planned communities, affordable and senior housing, where smaller units are appropriate. The following policies and standards apply to the RM district:

- The density of any proposed development is to be not more than eight units per (gross) acre; provided, however, that a density bonus may be granted for development of affordable housing pursuant to Section 65915 of the California Government Code.
- Unit design will strive for individual privacy for each unit.
- As a means of minimizing wind and water erosion, grading and removal of native vegetation on parcels one acre or larger shall be limited to pad areas for structures, necessary driveways, and uses permitted in the RM Land Use District. In cases where native vegetation is removed, landscaping reflecting a desert theme, utilizing drought resistant plants, is highly recommended. Desert landscaping may be complemented by rock and other architectural features related to the Desert Southwest design (e.g. wagon wheels, statues, dry fountains, etc.)
- Institutional uses, such as churches, lodges and schools are appropriate in the RM district.
- Safe recreational areas for both adults and children shall be provided onsite on any proposed multi-family project exceeding ten dwelling units.
- Lighting for safety and security will be provided.
- All projects will be designed to create safe and open walkways and driveways utilized for ingress and egress.
- Applicants for multi-family projects shall demonstrate, through traffic studies or other suitable evidence, that the anticipated vehicular traffic can be accommodated by the existing and proposed roadway system.

- Concrete curb, gutter, and sidewalks are required along rights-of-way for all new projects in all RM zones.
- Bus benches and shelters shall be designed into the large scale projects when service is available or planned.
- Home occupations may be permitted in the RM district only when the use will not interfere or impact the residential integrity of the district.
- I-5 Bed and board facilities may be allowed. Such uses shall not conflict with the residential character of the district.
- The use of solar energy is encouraged; actively, for the heating of water and passively, by designing window exposure and eaves overhang, to allow warming or shading, thereby conserving other energy sources.
- All new projects will install underground utilities.
- Off-street parking shall be required as specified in the Development Code.

The RM land use district allows development of 67 units. Since the project will be 100% affordable to low and very low income households, the applicant is entitled to a density bonus of up to 35%, or up to an additional 23 units. The project will contain 81 units, which is 16 units over what is ordinarily permitted in the RM land use district. With approval of the Density Bonus, the project is consistent with the General Plan Land Use Element subject to Conditions of Approval.

Zoning

The RM district is intended to create, preserve and enhance neighborhoods where two or more dwelling units on the same lot are predominant. The district provides an additional range of housing types to meet the varying needs of different individuals and families within the City. The higher density residential area may either be part of a predominately one-family neighborhood or an independent neighborhood, normally close to public and private transportation facilities and commercial districts or other employment and service areas. As designed and with approval of the Density Bonus, the project is consistent with the zoning, subject to Conditions of Approval.

Parking

Parking and driveways will be consistent with the regulations of Development Code Chapter 19.82, Off Street Parking and Loading Regulations, and include two (2) parking spaces per dwelling unit, of which one (1) will be covered. One recreational vehicle (RV) storage space must be provided for each twenty (20) dwelling units of a multi-family development located on a lot or building site. Projects of ten (10) or fewer dwelling units or guest rooms are exempt from this requirement. Such spaces shall be not less than ten feet by twenty feet (10' x 20') in size. At least one of the RV spaces shall be not less than ten feet by thirty feet (10' x 30') in size.

The site plan depicts 81 uncovered parking spaces, 81 covered spaces, four 10' x 20' RV spaces and one 10' x 30' RV space, and nine uncovered guest spaces. Eight spaces shall be marked for handicap accessibility. As designed, the proposed parking spaces meet the parking requirement.

Site Characteristics

The site is transected by Sun Valley Drive, is square in shape and is located at the southeast corner of Mesquite Springs Road and Sun Valley Drive. Residential developments surround the site to the east (single family Residential – RS-4) and south (multi-family residential – RM). Twentynine Palms High School is across Mesquite Springs Road to the west and vacant land is to the north. The site is vacant and covered with scattered desert scrub brush. The site is relatively level with a slight southeastward slope along the intermittent drainage, but with no major changes in grade.

Lot Coverage

Standards for maximum lot coverage (impervious surface) in the multi-family residential districts is 60%. The proposed lot coverage (impervious surface) depicted on the site plan is 43%.

The applicant has designated 0.97 acres on the northwest of the parcel to the City of Twentynine Palms for future public use and is not a part of this project. A Parcel Map would be required for land division as a Condition of Approval.

Landscaping

The Conceptual Landscape Plan consists of a sample of shrub and groundcover plants that are intended for the use in the landscape design, but may be modified if there are changes in the site plan. The applicant/landscape contractor will be required to use plant materials identified in the "Go Native" landscape brochure. The site will be irrigated by a fully automatic system. Irrigation will be spot drip irrigation for the shrubs and trees, and pop-up spray for turf areas.

Signs

A monument sign is proposed for this project. Residential Identification signs are allowed with a maximum sign area allowance of 32 square feet. The proposed sign area is 24.5 square feet. As designed, the proposed sign meets the requirement of the sign code.

Traffic and Circulation

A 60' full-width street dedication and street improvements for Sun Valley Drive and a 52' half-width street dedication along Mesquite Springs Road as required by the City Engineer will be required as conditions of approval. Improvements will be consistent with the General Plan Circulation Plan and Development Code Chapter 19.82 Off Street Parking and Loading Regulations. Interior driveways shall be privately owned and maintained by the property owner and shall comply with Chapter 19.82 of the Development Code.

Transit Service

The Morongo Basin Transit Authority (MBTA) has reviewed the project and due to the nature and scope of the development requests transit amenities be provided in the vicinity of the project. Amenities may have to be sited and right of way secured at a site not owned by the developer. MBTA requests a 20' wide curb lane, bus shelter to include a trash receptacle, lighting (solar), and a bench to be constructed. Exact location for the bus stop and specifications will be coordinated with MBTA at a later date.

Solid Waste

San Bernardino County Department of Public Works Solid Waste Management Division requests that the following issues be addressed:

- The creation of a new waste stream with this development and its impact on existing landfill capacity and traffic.
- The requirements for handling recycling, construction and demolition debris.
- Address the amount approximate amount of waste to be generated by the project.
- Whether any hazardous waste will be generated, and if so, types and quantities, including proposed disposal method(s).
- Availability of commercial waste haulers and expected increases in traffic due to expanded hauler routes to serve the proposed development.

These issues are addressed in the Mitigated Negative Declaration and made part of the Conditions of Approval.

Density Bonus

The applicant is seeking a density bonus on the project. California Government Code Section 65915-65918 mandates granting a density bonus when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to that section, that will contain at least any one of the following:

- Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.
- Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.
- A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
- Ten percent of the total dwelling units in a common interest development as defined in Section 1351 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

The project will be 100% affordable. The applicant is applying for 9% federal tax credits to fund the project. The applicant is restricting the units in the project in accordance with the following:

24 of the units will be restricted to rental to and occupancy by low income households for 55 years;

48 of the units will be restricted to rental to and occupancy by very low income households for 55 years; and

8 of the units will be restricted to rental to and occupancy by extremely low income households for 55 years.

The applicant will be required to enter into a density bonus agreement with the City that requires recordation of a covenant against the property that restricts, for 30 years, ten of the units in the project for rental to and occupancy by low income households, and that restricts 5 of the units in the project for rental to and occupancy by very low income households. City staff is negotiating with the applicant concerning the potential of providing redevelopment housing funds to the applicant to assist in the development of the project in exchange for the recordation of affordability covenants over all of the affordable units that satisfy redevelopment requirements.

Conditional Use Permit

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

- A. That the proposed design and location of the conditional use and the conditions under which it will be operated are in accordance with the purpose of this Development Code, the zoning regulations applicable to the site, the City of Twentynine Palms General

Plan, and other applicable development policies and standards of the City; and

- B. That the proposed design and location of the conditional use and the conditions under which it will be operated will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity; and
- C. That the proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity.

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

- A. The site is located on Mesquite Springs Road and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 8.97± acres and is therefore adequate in size to accommodate the proposed use, an 81 unit family apartment complex, with the approval of the requested 25% density bonus.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.
- F. The proposed project, as conditioned, meets the density bonus standards established in Government Code Section 65915 for multi-family housing development.

Approval Process

The Planning Commission is the Approval Authority for the Conditional Use Permit. If the Planning Commission takes action to approve the project, the Commission must find the project consistent with the General Plan and Development Code, adopt the Mitigated Negative Declaration, adopt Resolution 08-14, and approve the project, subject to the Conditions of Approval.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 08-03

Applicant: Michael de la Torre
Global Premier Development
Project: Conditional Use Permit for an 81 Unit Multi-family Apartment Complex
Location: East side of Mesquite Springs Road between El Paseo and Sunnyslope Drive
APN# 0618-161-08
Approved: July 1, 2008
Expires: June 30, 2009

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

Planning Division

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

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

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

Planning Conditions

- P1. Conditional approval is granted by the Planning Commission acting as Approval Authority on July 1, 2008, to permit an 81 unit multi-family apartment complex at the above referenced location. All development of the site shall be in substantial conformance with the adopted site plan and shall comply with all Conditions of Approval.
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping for the life of project approval.
- P4. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights of way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.

- P5. The applicant will be required to enter into a density bonus agreement with the City, in a form approved by the City Attorney, that ensures the continued affordability, for 30 years, of ten of the units in the project to low income households, and of 5 of the units in the project to very low income households.
- P6. The applicant shall ascertain the impact of solid waste on the existing landfill capacity and traffic, waste generation pre and post construction, estimated tonnage, existing approved tonnage at the receiving landfill, the potential increase in traffic at the development (creation of new streets) and traffic to the land fill itself.
- P7. The applicant shall ascertain the requirements for handling recycling, construction and demolition debris and establish a recycling program.
- P8. The applicant shall address the approximate amount of waste to be generated by the project and provide the County of San Bernardino Public Works Solid Waste Management Division (909-386-9864) and the City of Twentynine Palms with a plan for means of solid waste disposal.
- P9. The applicant shall determine and identify in a solid disposal plan approved by County of San Bernardino Public Works Solid Waste Management Division, whether any hazardous waste will be generated, and if so, types and quantities, including proposed disposal method(s) and establish the availability of commercial waste haulers and expected increases in traffic due to expanded hauler routes to serve the proposed development prior to building permit issuance.
- P10. Rents for lower income density bonus units shall be set at an affordable rent as defined in Section 50052.5 if the Health and Safety Code.
- P11. 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.
- P12. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district.
- P13. 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.
- P14. A minimum of 176 parking spaces are required, (5 RV spaces, 9 guest parking spaces, 81 covered parking spaces, 81 uncovered parking spaces, eight of these spaces are to be handicap accessible spaces). Ingress, egress, parking areas and driveways shall comply with Development Code Chapter 19.82 – Off-Street Parking and Loading Regulations.
- P15. A trash dumpster enclosures shall be provided in accordance with the approved site plan and meet the standards established by the City's Authorized Waste Hauler. Contact

Burrtec, Inc. at (760) 367-9168.

- P16. Landscaping shall be in substantial conformance with the approved Landscape plan and utilize the "Go Native" landscape guidelines.
- P17. The applicant shall cooperate with the San Bernardino County Sheriff's Department and participate in the Crime Free Multi-Family Housing Program and evidence of participation shall be provided to the City prior to issuance of grading permits.

Park and Recreation Conditions

- PR1. If pets are permitted at anytime in the apartment complex, applicant/owner shall install and maintain a fenced and gated/locked dog park as a passive use in the retention basin, allowing pet owners access to the area.
- PR2. Tot lots shall be located next to barbeque picnic areas.
- PR3. Public use restrooms shall be located outside near the pool to permit access without walking through the building.
- PR4. Lighting in carport areas shall be solar.
- PR5. Applicant shall utilize drought tolerant desert landscaping using the "Go Native" plant list as a guideline.

General Conditions

- G1. All Conditions are continuing Conditions. Failure of the Applicant and/or operator to comply with any of the said Conditions at any time may result in the revocation of the Conditional Use Permit and/or citation for code violation.
- G2. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees, including reimbursement for all City expense in ensuring compliance with the Conditions of Approval.
- G3. The applicant shall provide a signed copy of the Conditions of Approval to the Planning Division within 10 days of approval.

Building and Safety

- B1. The applicant/developer shall submit plans and obtain building permits for new construction. No work is to be done prior to construction/building plan approval 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 pads to be safe from inundation from rainfall run off, which may be expected from all storms up to, and including, the theoretical 100 year storm.
- 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. Prior to the issuance of a grading permit, the developer's engineer shall submit a comprehensive grading plan in conformance with California Building Code and the requirements of the City.
- E8. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site.
- E9. A preliminary soils report and a current preliminary title report shall be submitted to the Engineering Department concurrently with the grading plan. The soils report shall include a geologists report and address the geology, stability of the site as well as the grading requirements. The Soil Engineer shall state the "R" value (soils resistance) for the site, based upon a "TI" value set by the City Engineer.

Improvements

- E10. A 60' foot full-width street dedication along Sun Valley Avenue shall be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- E11. A 52' foot half-width street dedication along Mesquite Springs Road shall be dedicated to City of Twentynine Palms prior to Grading Permit Issuance.
- E12. All streets abutting the development shall be improved a minimum half-width of 40 feet with curb and gutter on the development side.
- E13. Sun Valley Avenue shall be constructed to the City's full width Residential Road Standards within the boundaries of the proposed project.
- E14. Mesquite Springs Road shall be constructed to the City's half-width Major road standards adjacent to the proposed project.

- E15. Improvement plans shall be based upon a centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries.
- E16. 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.
- E17. Sidewalks shall be constructed adjacent to all city streets per City Standards.
- E18. 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.
- E19. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
- E20. Any developer fees, including but not limited to traffic impact fees, shall be paid by the developer as per City enactment.
- E21. Developer shall provide two points of paved access, paved to the City's Access Road standards from the nearest City maintained street to project as approved by the Town Engineer.
- E22. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino Environmental Health Services and the City.
- E23. The retention basins shall be designed as dual use facilities. Retention/detention basins greater than 1 acre in size shall not be greater than 8 feet in depth (unless otherwise approved by the Planning Commission). The sides of the basins shall be 4:1 or flatter slopes. The retention basins shall include two stage-interceptor type dry wells to help facilitate the rapid removal of storm water and nuisance water.
- E24. The developer shall form an assessment district to provide for the ongoing maintenance of the retention basin, street lighting, perimeter block walls, and all parkway landscaping adjacent to Mesquite Springs Road. Development of the assessment district shall include a provision for increasing the annual assessment based on the Consumer Price Index. The developer shall pay for all costs relating to establishment of the district.

Utilities

- E25. 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.
- E26. All proposed construction of utilities adjacent to and onsite shall be underground.

Fire Department Conditions

- F1. The Applicant shall comply with all Conditions and requirements of the Twentynine Palms Fire Department. Written verification from the Fire Department shall be provided by the Applicant prior to issuance of any Building Permit.

- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. The project shall have two (2) points of vehicular access for fire and other emergency vehicles and equipment. The unobstructed width of a fire apparatus access road, to include access gates, shall be not less than twenty (20) feet. A turn-around shall be required at the end of each roadway that is one hundred and fifty (150) feet or more in length and shall be approved by the fire department.
- F4. All flammable vegetation shall be cleared a minimum distance of thirty (30) feet, or to the property line, from any flammable building materials or finished structures.
- F5. Automatic extinguishing systems are required for commercial style kitchens and require fire department approval.
- F6. Smoke detectors are required in all sleeping quarters in accordance with the Uniform Building Code.
- F7. Fire extinguishers (type and quantity to be specified by the fire department) will be required prior to any use of the facility.
- F8. 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: 2000 GPM @ 20 PSI Residual Pressure
 - Duration: 2 Hours
 - Hydrant Spacing: 330 Feet
 - B. DISTRIBUTION SYSTEM
 - Mains: 6-Inch Minimum
 - Laterals: 6-Inch Minimum
 - Riser: 6-Inch Minimum
 - C. FIRE HYDRANTS
 - 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
- F9. The developer shall furnish the fire department with a copy of the water system improvement plans where fire protection water systems are required. A letter from the water purveyor stating what fire flow can be met shall be required.
- F10. A Knox-Box shall be placed on the building with keys providing access into the building.
- F11. The street address shall be posted with numbers that are four (4) inches or greater in size. Posted numbers shall contrast with their background and be clearly visible and legible from the street.

F12. Fire-flow requirements for this project are TBD hydrants producing a minimum of 2500 GPM at 20 PSI residual pressure for a minimum duration of two (2) hours. To meet this requirements hydrant(s) shall be constructed by the applicant at TBD. Hydrant location and construction shall be approved by the Twentynine Palms Water District [(760) 367-7546].

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

Sign and return within 10 days of approval.

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 08-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 08-03 AN APPLICATION BY MIKE DE LA TORRE OF GLOBAL PREMIER DEVELOPMENT FOR A CONDITIONAL USE PERMIT FOR AN 81 UNIT FAMILY APARTMENT COMPLEX TO INCLUDE A 25% DENSITY BONUS FOR AFFORDABLE HOUSING ALLOWANCES UNDER SB1818. THE PROJECT IS LOCATED ON MESQUITE SPRINGS ROAD BETWEEN EL PASEO DRIVE AND SUNNYSLOPE DRIVE IN THE CITY OF TWENTYNINE PALMS. APN 0618-161-08, SECTION 29, T1N, R9E, RM ZONE

WHEREAS, on January 15, 2008 an application was received from Global Premier Development for approval of a Conditional Use Permit for an 81 unit multi-family apartment complex in the RM zone; and

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

WHEREAS, the applicant is requesting a 25% Density Bonus per California Government Code Section 65915; and

WHEREAS, multi-family housing developments are permitted in the RM Zone with a Conditional Use Permit; and

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

WHEREAS, a Mitigated Negative Declaration was adopted by the Planning Commission; and

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

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

WHEREAS, the site can be adequately served by all required utilities and public services; and

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

WHEREAS, a Public Hearing were held by the Planning Commission on July 1, 2008; and

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

- A. The proposed site is located east of Mesquite Springs Road, north of El Paseo Drive and south of Sunnyslope 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 8.97 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.
- F. In order to protect the public health and safety, the applicant agrees to participate in the San Bernardino County Crime Free Multi-family housing program.

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

APPROVED AND ADOPTED THIS 1st DAY OF July, 2008

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Rebecca Rinkes, 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: July 1, 2008
RE: PC 08-34 – An application by Robert Salter of Access Auto Sales for a Conditional Use Permit to allow a used car lot at 5719 Adobe Road. CG Zone, APN 0623-121-12, T1N, R9E, Section 28.

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

BACKGROUND: The proposed project is the conversion of an existing barbershop into a used car dealership, on 0.28 acres, located at 5719 Adobe Road. The site is located at the southeast corner of Adobe Road and Two Mile Road. Zoning for the property is General Commercial (CG). The proposed use, motor vehicle sales, is allowed in the CG land use district, subject to approval of a Conditional Use Permit.

- | Attachments | |
|-------------|-------------------------------|
| 1. | Conditions of Approval |
| 2. | Resolution 08-13 |
| 3. | Application |
| 4. | Locator Map |
| 5. | Site Plan |
| 6. | July 19, 2005 Staff Report |
| 7. | July 19, 2005 Minutes |
| 8. | December 21, 2005 Agreement |
| 9. | April 5, 2008 Letter, Long Vo |

CEQA Environmental Review

Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guideline, the project, the permitting and use of an existing facility involving negligible or no expansion of use, is categorically exempt from further environmental review under state law.

Surrounding Land Use, General Plan and Zoning Designations

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

General Plan/Zoning

The CG land use district allows automotive dealerships with approval of a Conditional Use Permit. As designed and with the conditions of approval, the project is consistent with the General Plan Land Use Element and the Development Code.

Parking

Auto and/or vehicle sales with or without a service department (Includes all motorized vehicles, e.g. trucks, motorcycles, recreational vehicles, etc.) require 1 space per 300 square feet gross floor area (GFA), a minimum of 3 parking spaces plus one space per 5,000 square feet of outdoor display area, Required parking spaces cannot be used for display or sales.

The 770 square foot (22 x 35) existing structure and 4,268 square foot outdoor display area (44' x 97') require four parking spaces. A total of 6 parking spaces are depicted on the site plan and include one handicap accessible space and 5 regular spaces. The site plan also includes a maximum of 17 vehicle display spaces. The Development Code does not stipulate a requirement for display parking space size. Additionally, pursuant to Development Code Chapter 19.82.080 there is a truck loading space requirement for a tractor-trailer space of 70 feet by 14 feet. No tractor-trailer space is depicted on the site plan, but could be created on the east side of the existing structure eliminating the two extra-proposed spaces.

Shared Parking

At the regular Planning Commission meeting on July 19, 2005, a Minor Use Permit was approved for PC 05-33, Strata's Ink Bomb, a tattoo studio, at 5727 Adobe Road. The site did not meet the parking requirements and a Parking agreement was required for the lot to the north of the tattoo studio. Even with the addition of the 30' wide lot to the north of the Ink Bomb site parking requirements and vehicle access could not be met. The property Owner was required to obtain an agreement with the Owner of APN 0623-121-12, Long Vo (the property Owner for this application) for ingress/egress and additional parking area of four feet along the south side of APN 0623-121-12.

A parking agreement between the Owner of APN 0623-121-10 (O'Brien) and 0623-121-11 (O'Brien) was required as a Condition of Approval. On December 21, 2005, a Shared Access Agreement was signed by Long Vo (APN 0623-121-12) and David O'Brien (APN 0623-121-11) to allow ingress/egress via Vo's parcel at Two Mile Road and at Adobe Road. Also included in the agreement was allowance for O'Brien's patrons to have access to the southern four feet of Vo's property for the purpose of entering and exiting the marked parking spaces. Permission could be withdrawn if a 90 day notice was given to O'Brien, allowing him to secure and provide required parking at another location.

On April 5, 2008 Mr. O'Brien was given a 90 days notice, advising him that Mr. Vo was withdrawing permission to utilize APN 0623-121-12 for access to parking for APN 0623-121-10 & 11. With the withdrawal of the Shared Access Agreement and approval of this project, Strata's Ink Bomb will be in violation of their Conditions of Approval and must provide the required six parking spaces for their use at another location.

Additionally, withdrawal of the Shared Access Agreement and approval of this project will affect the Computer Interned Arena's (PC 05-96) parking. The business uses the parking on the east side of the parcels behind the businesses. Removal of the access will eliminate ingress/egress to Two Mile Road for the approved parking area.

Site Characteristics

The subject site slopes east as it moves from west to east. The site contains an existing commercial building. Curb, gutter and sidewalk are installed on Adobe Road. An Asphalt berm exists on Two Mile Road.

Development Standards

As designed, the project does not comply with the following code requirements:

- Impervious Surface maximum of 80%;

- Landscape areas minimum 6' wide behind sidewalks;
- Additional right of way dedications are required on Adobe Road and Two Mile Road;
- Parking is depicted in the right of way;
- Driveway width must be a minimum of 26' wide;
- Trash enclosure is required; and
- Encroachment permits are required for any structures in the right of way.

Landscaping and Lot Coverage

The Applicant has proposed to cover pervious surfaces with crushed rock as landscape, and to use pipe and chain to fence the automobile display area from right of way. No vegetation is proposed on this project. Staff recommends that the Planning Commission require landscaping as a part of this project. Lot coverage is 80% and impervious/20% pervious.

Traffic and Circulation

Full right of way dedications will be required as a condition of approval. Curb and gutter exist on Adobe Road along the project's west boundary.

Transit Service

The Morongo Basin Transit Authority has had an opportunity to review the project and has placed no requirements on this project. Flag stops (riders waiting at various locations for passing busses) are used for riders using the bus route 3B north on Adobe Road. The closest established bus stop is located one half mile east on Two Mile Road.

Conditional Use Permit

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

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

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

- A. The site is located on Adobe Road and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

- B. The subject site is approximately 0.28 acres and is therefore adequate in size to accommodate the proposed use, a car lot with 17 display spaces.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

Approval Process

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

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 08-34

Applicant: Robert Salter
Project: Conditional Use Permit for a Used Car Lot
Location: 5719 Adobe Road
APN# 0623-121-12
Approved: July 1, 2008
Expire: June 30, 2009

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

Planning Division

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

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

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

Planning Conditions

- P1. Conditional approval is granted by the Planning Commission acting as Approval Authority on July 1, 2008, to permit a used car sales lot at the above referenced location. All development of the site shall be in substantial conformance with the adopted site plan and shall comply with all Conditions of Approval.
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property Owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.
- P4. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights of way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.
- P5. Prior to construction, the Applicant shall submit three sets of plans to the City's Building Official and secure a Building Permit in conformance with the Uniform Building Code.

- P6. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district.
- P7. The Applicant shall defend, at its sole expense (with attorneys approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees resulting from or relating to this approval. The Applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the Applicant of its obligations under this condition.
- P8. A minimum of 4 paved parking spaces, (3 regular parking spaces and one handicap accessible space) and one tractor-trailer loading space shall be provided. Ingress, egress, parking areas and driveways shall comply with Development Code Chapter 19.82 – Off-Street Parking and Loading Regulations.
- P9. Vehicle display spaces shall be in addition to customer parking requirements and shall be limited to seventeen (17) display parking spaces per the approved site plan. Approval of additional vehicle display parking shall require a Conditional Use Permit Amendment.
- P10. A trash dumpster enclosure shall be provided to meet the standards established by the City's Authorized Waste Hauler. Contact Burrtec, Inc. at (760) 367-9168.
- P11. Impervious surface shall not exceed a maximum of 80% of lot area;
- P12. A minimum six (6) foot wide landscaped area shall separate parking areas from a street or public sidewalk.
- P13. Encroachment permits are required for parking is depicted in the right of way;
- P14. Driveway width must be a minimum of 26' wide;
- P15. Trash enclosure is required per City standard, placement shall be coordinated with Burrtec the City's authorized waste hauler (760) 367-9168; and
- P16. Encroachment permits are required for any structures in the right of way.

General Conditions

- G1. All Conditions are continuing Conditions. Failure of the Applicant and/or Operator to comply with any of the said Conditions at any time may result in the revocation of the Conditional Use Permit and/or citation for code violation.
- G2. The Applicant and Applicant's successors in interest shall be responsible for payment of all applicable fees, including reimbursement for all City expense in ensuring compliance with the Conditions of Approval.
- G3. The Applicant shall provide a signed copy of the Conditions of Approval to the Planning

Division within 10 days of approval.

Building and Safety

- B1. The Applicant/Developer shall submit plans and obtain building permits for tenant improvements, alterations or new construction of/to structures and walls. No work is to be done prior to approval and permit issuance.

Engineering Division

- E1. Additional 2' Offer of Dedication for Two Mile Road and Adobe Rode are required with a 35-degree radius.

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, tenant improvement or other construction activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.
- F4. Street addresses shall be posted with numbers a minimum height of four (4) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.
- F5. The Applicant shall install a Knox Box.

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

Applicant/Developer

Date

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 08-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 08-34, AN APPLICATION BY ROBERT SALTER FOR APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A USED CAR LOT ON 0.28 ACRES, LOCATED AT 5719 ADOBE ROAD, ZONE CG, T1N, R9E, SECTION 28, APN # APN: 0623-121-12.

WHEREAS, on May 14, 2008 an application was received from Robert Salter Huynh for approval of a Conditional Use Permit to convert an existing barbershop, to allow a used car lot in the CG zone; and

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

WHEREAS, the proposed project is a used car lot; and

WHEREAS, motor vehicle sales are permitted in the CG Zone with a Conditional Use Permit; and

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

WHEREAS, Pursuant to Section 15301 of the CEQA Guidelines, (Class 1) the project, which consists of the modification of an existing small structure, is Categorically Exempt from further environmental review under state law; and

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

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

WHEREAS, the site can be adequately served by all required utilities and public services; and

WHEREAS, Public Hearing notice was published in a newspaper of record and notice was mailed to all property Owners located within 300 feet of the project site; and

WHEREAS, a Public Hearing was held by the Planning Commission on July 1, 2008; and

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

- A. The proposed site is located adjacent to Adobe and Two Mile Roads and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 0.28 acres and is therefore adequate in size to accommodate the proposed use.

- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

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

APPROVED AND ADOPTED THIS 1st DAY OF July, 2008

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Rebecca Rinkes, 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: July 1, 2008
RE: PC 08-22 - An application by Mehrdad Arabi of Cherokee Chainlink and Construction for a Variance to allow five oversized signs. The sites are located at the Vista Del Sol 801 housing area 73939 Two Mile Road and 74455 Joe Davis Drive, Zone RM, APNs 0623-131-10, 0623-163-01, 0623-163-02 and 0623-163-05, T1N, R9E, Section 28.

RECOMMENDATION: Conduct the Public Hearing, take testimony, find the project categorically exempt from CEQA, find that the application does not meet the required findings for a Variance, adopt the Resolution and recommend the City Council deny the Variance request.

BACKGROUND:

The applicant seeks a Variance to the clear site triangle rule, sign height, sign size and number of signs allowed pursuant to the Development Code at Vista Del Sol Marine Corps 801 housing. All signs are located at the project entrance driveways. Prior to March 3, 2008, five Residential Identification signs were placed at the driveway entrances of the Vista Del Sol - Marine Corps (801) housing. The signs were placed without benefit of permit or prior review by, or discussion with or approval from the City. The contractor installing the signs failed to obtain a City Business License. The contractor, Cherokee Chainlink and Construction, is a licensed contractor by the State. Teresa Williams, manager of Vista Del Sol was contacted by the Code Enforcement Division and advised the signs were not in conformance with Development Code (Chapter 19.84 *Signs*). On April 16, 2008, the applicant submitted an application seeking a Variance to the clear site triangle rule, sign height, sign area, and number of signs allowed.

Attachments
<ul style="list-style-type: none">• Resolution 08-12• Application• Vicinity Map• Site plans• Applicant's submittal materials

The applicant seeks a Variance for:

- Number of signs allowed as residential identification signs. Five signs have been constructed, and four are allowed by the code;
- The sign heights range from 9' 3½" to 9' 4". A maximum sign height of 8' is allowed for residential identification;
- A 100% encroachment into the clear sight triangle. Private driveways requiring 10' of sight clearance;
- To exceed the maximum sign size of 32 square feet per sign. The signs which measure 40.5 sq. ft., exceed the allowable size by 8.5± sq. ft. per sign.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	RM	RM	RM
North	RS-3 / P	RS-1 / P	RS-1 / P
East	CT, RS-4, RS-2, Vacant	CT, RS-4, RS-2	CT, RS-4, RS-2
South	Vacant	RM	RM
West	RS-4, RM, RMSP, Vacant	RS-4, RM, RMSP, Vacant	RS-4, RM, RMSP, Vacant

Sign Area

The applicant is seeking approval of five signs which exceed the allowed sign area. The maximum allowable sign area is 32 square feet. The sign area measures 86" x 68" exceeding the allowable sign area by 8.5± square feet per sign, average sign area is 40.5 square feet. Sign area is defined as the area of the smallest rectangle enclosing all elements and ornamentation of a Sign. The Sign base or supports are not included in calculating Sign Area unless they form an integral part of the design of the Sign. The base of a Monument



Sign is not considered in calculating the Sign Area.

In computing the Sign Area of a Sign, the area of the largest surface viewable from any one direction at one time is calculated. In calculating the Sign Area for those Signs having text that is painted, embedded, etched, or otherwise permissibly affixed to an architectural feature of a building (such as a wall, canopy, or parapet) the architectural feature is not considered.

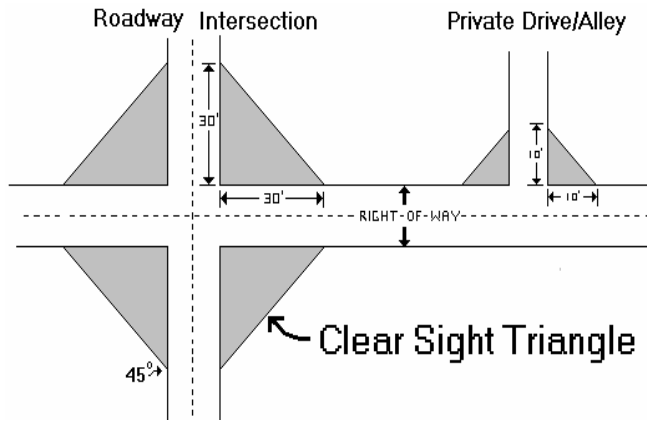


Sign Height

The signs located on Aztec Avenue and Two Mile Road measure 9' 3½" in height. The signs located on Desert Knoll (2 signs) and Joe Davis Drive measure 9' 4" in height. The signs exceed the allowed sign height of 8' by at least 1' 3" per sign. In the case of a Monument Sign, Sign Height is the distance from the base of the sign at normal grade to the top of the highest component of the sign. Normal grade is the established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. For all other Signs, Sign Height is the distance from the lowest point of the Sign to the highest point of the Sign, or any component thereof.

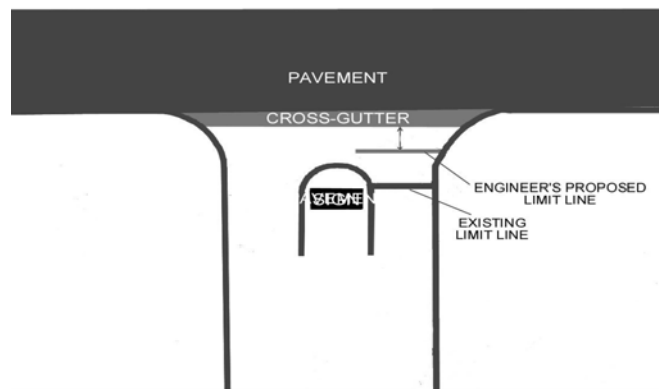
Clear Sight Triangle

All of the signs were constructed within the Clear Sight Triangle. The Clear Sight Triangle is the triangular-shaped portion of land established at a street intersection or driveway, in which no Signs are placed in a manner that could limit or obstruct the sight distance of motorists entering or leaving the intersection or driveway.



For private driveways or alleys, the 90° angle of the Clear Site Triangle is measured and located from the intersection of the edge of a private driveway or alley and the outermost edge of the right of way of the intersecting roadway, without regard to whether all or part of the right of way is improved. The 45° angles of a Clear Sight Triangle of a private driveway or alley are formed and measured ten feet (10') in both directions from the 90° angle.

The City Engineer has reviewed the sign locations at the Clear Site Triangles. The Engineer suggests one solution to eliminate the encroachment into the Clear Site Triangles would be to move the limit lines to 6 feet from the edge of the pavement at the cross gutters at all sign locations, thus moving the Clear Site Triangle areas ahead of the sign areas. The applicant would be required to remove the limit lines and “Stop” markings and remark the asphalt at the new line locations.



Residential Identification

The Vista Del Sol housing development has five ingress/egress driveways from the public right of way. Driveways are located (one each) on Joe Davis Drive, Two Mile Road, and Aztec Avenue. Two driveways are located on Desert Knoll Avenue. One Residential Identification sign is installed at each location. Pursuant to Development Code Chapter 19.84.180, C, a maximum of one such Sign per frontage per residential area or neighborhood is allowed. Sign installation exceeds the allowed sign allotment by one sign on Desert Knoll Avenue.

Required Permits and Licenses

The contractor Cherokee Chainlink and Construction maintains a current California State Contractor License (#743551). The contractor failed to obtain the necessary permits and City business license prior to sign construction. Construction of the signs without obtaining a permit is in violation of the City of Twentynine Palms Municipal Code Chapter 5.01.020, 2007 California Building Code Section 104.2, and City of Twentynine Palms Development Code Chapter 19.84.030.

Variance

The Planning Commission is authorized to approve, conditionally approve, or deny requests for Variances. It is Staff’s recommendation to deny the Variance request because the following findings cannot be made:

- A. That, because of special circumstances applicable to the property, (size, shape, topography, location or surroundings) or the intended use of the property, the strict application of the Development Code deprives the property of privileges enjoyed by other properties in the

vicinity under identical zoning classification; and

- B. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning classification; and
- C. That granting the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements; and
- D. That granting of the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located; and
- E. That granting the Variance does not allow a use or activity which is prohibited by the zoning regulation governing the parcel; and
- F. That granting the Variance will not be inconsistent with the City of Twentynine Palms General Plan.

The State of California Government Code, Article 3, Section 65906 specifies:

- Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- A variance shall not be granted for a parcel of property, which authorizes a use or activity, which is not otherwise expressly authorized by the zone regulation governing the parcel or property.

Recommended Findings

In reviewing the application and reviewing the project and mandated local and state laws, staff is unable to reach a recommendation in support of the required findings. Staff recommends that the Planning Commission adopt the following findings:

- A. There are no special circumstances applicable to the property, including size, shape, visibility, area, topography or intended use of the property or other pressing concerns, whereby the strict application of the sign code would deprive the property of privileges enjoyed by other properties in the vicinity; and
- B. The Variance is not necessary for prevention and enjoyment of a substantial property right enjoyed by other property in the vicinity and under identical zoning classification; and
- C. Granting of this Variance would establish the precedent for excess signage, in excess of what is permitted by the Development Code, and therefore would be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements; and

- D. Because similar signs have not been approved recently, granting of this Variance would constitute a special privilege inconsistent with the limitations placed upon other properties in the vicinity and under identical zoning classification; and
- E. Granting the Variance would allow inordinate use not allowed in the zone; and
- F. Approval of the signs would establish a precedent for sign pollution, therefore granting the Variance would be inconsistent with goals and objectives of the City of Twentynine Palms General Plan; and
- G. Existing signage for this project includes residential identification signage fronting Two Mile Road, Aztec Avenue, Desert Knoll and Joe Davis Drive and provide adequate visibility for this project; and
- H. Granting the Variance would be contrary to the objectives and strict provisions of the sign code; and
- I. Granting the Variance to the Clear Sight Triangle rule would be detrimental to the public health, safety and welfare.

Upon review of State Law and the Development Code, Staff is unable to make the required findings. No special circumstances exist regarding the property and approval of this Variance application would result in the granting of a special privilege, inconsistent with the zoning ordinance.

CEQA

Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) guidelines, New Construction of Small Structures, this project if approved, would be categorically exempt from further review.

Public Notice

As required by law, owners of property within 300 feet of the subject site have been notified of this proposal. Staff has received no comment regarding the requested Variance.

Alternative

Direct the applicant to remove one sign from Desert Knoll Avenue and also remove the portions of the signs which exceed the allowable sign heights, and reconstruct the signs to comply with the Sign Ordinance.

Approval Authority

Because the Variance requested is over 51% of the clear sight triangle rule, the Planning Commission is the Review Authority and the City Council is the Approval Authority for this project. Therefore, the Planning Commission must determine if the required findings can be made, and if the findings cannot be made, recommend denial of the request.

Staff believes these required Findings cannot be made and recommends denial of the Variance. The Planning Commission could direct staff to prepare Conditions of Approval if findings can be made to approve the Variance request.

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 08-12

DENIAL OF AN APPLICATION BY MEHRDAD ARABI OF CHEROKEE CHAINLINK AND CONSTRUCTION FOR A VARIANCE TO THE SIGN ORDINANCE TO ALLOW FIVE OVERSIZED, IMPROPERLY LOCATED AND CONSTRUCTED SIGNS AT VISTA DEL SOL MARINE CORPS HOUSING (801), LOCATED AT 73939 TWO MILE ROAD AND 74455 JOE DAVIS DRIVE, ZONE RM, APNS 0623-131-10, 0623-163-01, 0623-163-02 AND 0623-163-05, T1N, R9E, SECTION 28.

WHEREAS, on April 16, 2008, an application was received from Mehrdad Arabi of Cherokee Chainlink and Construction for Variance to the Clear Sight Triangle rule, sign area, sign height and number of signs allowed at 73969 Two Mile Road and 74455 Joe Davis Drive, APNS 0623-131-10, 0623-163-01, 0623-163-02 AND 0623-163-05, T1N, R9E, Section 28; and

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

WHEREAS, the proposed sign design is inconsistent with the General Plan and Development Code; and

WHEREAS, the proposed use is not in compliance with the General Plan or the Development Code; and

WHEREAS, the existing use is a multi-family residential housing project; and

WHEREAS, the signs were placed without benefit of plan review or a building permit; and

WHEREAS, the signs were placed in the Clear Sight Triangle; and

WHEREAS, the signs exceed the maximum allowable sign area; and

WHEREAS, the signs exceed the maximum number of signs allowed as Residential Identification; and

WHEREAS, the signs exceed the maximum allowable sign height; and

WHEREAS, Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, therefore the project is Categorically Exempt from further environmental review under state law; and

WHEREAS, the project site has no value as habitat for endangered, rare or threatened species; 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 hearing was held by the Planning Commission on July 1, 2008; and

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

- A. The signs are located in the Clear Site Triangle of all driveway entrances and will therefore be detrimental to the public health, safety, and welfare.
- B. The signs exceed the maximum allowable sign area of 32 sq. ft. by 8.5± square feet per sign.
- C. The signs exceed the maximum allowable sign height of 8 feet.
- D. The number of signs exceeds the maximum number allowed as Residential Identification signs.
- E. The signs conflict with and are inconsistent with the goals and objectives of the Twentynine Palms General Plan, Development Code and Redevelopment Plan.
- F. The proposed project will not meet the objectives of the General Plan and RM land use designation.
- G. Denial of the application would protect the health, safety, and welfare of the adjacent property owners, housing area residents, and the community as a whole.
- H. There are no special circumstances applicable to the property, including size, shape, area, topography or intended use of the property whereby the strict application of the sign code would deprive the property of privileges enjoyed by other properties in the vicinity; and
- I. The variance is not necessary for prevention and enjoyment of a substantial property right enjoyed by other property in the vicinity and under identical zoning classification; and
- J. Granting of this Variance will establish the precedent for signage, in excess of what is permitted by the Development Code, and therefore would be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements; and
- K. Because similar signs have not been approved recently, the granting of this Variance would constitute a special privilege inconsistent with the limitations placed upon other properties in the vicinity and under identical zoning classification; and
- L. Granting the Variance would allow an inordinate use not allowed in the zone; and
- M. Approval of the signs would establish a precedent for sign pollution, therefore granting the Variance would be inconsistent with goals and objectives of the City of Twentynine Palms General Plan; and
- N. Existing signage for this project includes residential identification signage fronting Two Mile Road, Aztec Avenue, Desert Knoll Avenue and Joe Davis Drive and provides ample visibility for this project; and
- O. Granting the Variance would be contrary to the objectives of the sign code;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms, adopts Planning Commission Resolution 08-___, and recommends denial of the Variance.

APPROVED AND ADOPTED THIS 1st DAY OF July, 2008

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Rebecca Rinks, Chair

ATTEST:

Jacqueline Palmer, Deputy 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 _____, _____.

Jacqueline Palmer, Deputy City Clerk