



**CITY OF TWENTYNINE PALMS
PLANNING COMMISSION STAFF REPORT**

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To: Planning Commission
From: Community Development Director
Date: January 7, 2010
For Commission Meeting: January 19, 2010

Subject: PC 10-01 - An amendment to the Land Use Tables within Title 19 "Development Code" regarding "Certified Farmers' Markets".

RECOMMENDATION

Conduct the Public Hearing, consider public comment and approve PC Resolution 10-01 forwarding a recommendation that the City Council determine that PC 10-01 is Exempt from further environmental review and adopt the proposed amendments to Tables 19.10-A "Permitted and Conditional Uses" within

Commercial zoning districts, 19.12-A "Permitted and Conditional Uses" within the Service Commercial and Community Industrial zoning districts and 19.15-A "Permitted and Conditional Uses" within the Public zoning district regarding Certified Farmers' Markets.

<p>Attachment</p> <p>Planning Commission Resolution No. PC 10-01</p>
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ORDER OF PROCEDURE

- Request Staff Report (Charles LaClaire presenting)
- Commission Questions of Staff
- Open Public Hearing
- Receive Public Testimony
- Close Public Hearing
- Commission Discussion
- Motion/Second
- Discussion of Motion
- Call the Question (voice vote)

PROJECT DESCRIPTION

The City of Twentynine Palms Community Development Department is proposing an amendment to Tables 19.10-A "Permitted and Conditional Uses" within Commercial zoning districts, 19.12-A "Permitted and Conditional Uses" within the Service Commercial and Community Industrial zoning districts and 19.15-A "Permitted and Conditional Uses" within the Public zoning district of Title 19 "Development Code" of the City of Twentynine Palms Municipal Code, establishing where, and under what processes, a "Certified Farmers' Markets, Open Air Markets, Craft and Job Fairs" may be permitted.

Background:

The Commission is familiar with the Farmers' Market issue from its recent review of the creation of a Chapter within the Development Code to establish the standards and criteria applicable to Certified Farmers' Markets, Open Air Markets, Craft and Job Fairs. Although through the recommendation of PC 09-64 Farmers' Markets, the City established that under Section 19.57.020 "Requirements" paragraph "A" that:

- A. A Certified Farmers' Market, Open Air Market, Craft or Job Fair use may be established on any parcel of at least one (1) acre in size within any Commercial, Community Industrial or Public land use district, subject to the requirements and standards established within this Chapter and subject to Planning Commission approval of a Conditional Use Permit in compliance with the procedures established within Chapter 19.30 "Conditional Use Permits".

The City did not amend the various land use Tables for the Commercial, Community Industrial or Public land use districts (Tables 19.10-A, 19.12-A and 19.15-A, respectively) to specify that the "Certified Farmers' Market, Open Air Market, Craft or Job Fair" was a conditionally permitted use within these zones. To correct this situation, this Code Amendment would amend the noted Tables, placing "Certified Farmers' Market, Open Air Market, Craft or Job Fair" as conditionally permitted uses within the appropriate location of each Table.

Analysis:

As noted within previous reports, Farmers' Markets have become a popular venue for farmers, craftsmen, artists and others to display and sell their produce, products and services. Many municipalities also use these markets as an opportunity to promote the community and increase customer traffic into specific areas of the community while increasing sale's tax revenues and providing the opportunity for more community oriented, social gatherings. In addition to these community benefits, however, markets also have the potential for significant adverse impacts from traffic congestion, parking problems, noise, littering, loitering and unlicensed/unmonitored retail sales.

To address the issues raised above, and give the Commission the opportunity to raise and address other issues that would be pertinent to the Farmers' Market issue, information and analysis was provided to the Planning Commission at an August 4th Study Session and two Public Hearings (November 17, 2009 and December 1, 2009). The end result of these meetings was the Planning Commission adoption of Commission Resolution 09-24 forwarding a recommendation to the City Council to adopt the proposed addition of Chapter 19.57 "Certified Farmers' Markets, Open Air Markets, Craft and Job Fairs" into the "Development Code". The Council considered and introduced Ordinance No. 226 to place a new Chapter 19.57 "Certified Farmers' Markets, Open Air Markets, Craft and Job Fairs" into the "Development Code" at its regularly scheduled meeting of January 12, 2010.

Although under the provisions of Section 19.57.020 "Requirements" paragraph "A", a "Certified Farmers' Market, Open Air Market, Craft or Job Fair use may be established on any parcel of at least one (1) acre in size within any Commercial, Community Industrial or Public land use district, to assist the public in clearly understanding the allowances and limitation of such markets, it is suggested that this land use be specified within the appropriated "Land Use Tables" of the Development Code. To accomplish this, the following is offered.

PROPOSED LANGUAGE

Include within Table 19.10-A "Permitted and Conditional Uses", under the section noted as "A. Commercial/Office", subsection "Retail/Wholesale Sales" place "Certified Farmers' Market, Open Air Market, Craft or Job Fair" as a "Conditional Use" as appropriate within the alphabetically listed permitted or conditionally permitted uses as follows:

**Table 19.10-A
PERMITTED AND CONDITIONAL USES**

Key: P = Permitted Uses
C = Conditional Uses
M= Minor Use Permit

Use	CO	CG	CN	CT	Notes
<u>A. Commercial / Office</u>					
...					
...					
<u>Retail / Wholesale Sales</u>					
...					
Camera and photographic supply store	P	P	P	P	
<i>Certified Farmers' Market, Open Air Market, Craft or Job Fair</i>	C	C	C	C	<i>See Chapter 19.57 "Certified Farmers' Market, Open Air Market, Craft or Job Fair"</i>
Computer, radio, television, and small electrical appliance shop (including repair when incidental to retail sales)	P	P	-	-	* Outdoor storage must be screened.
...					

Include within Table 19.12-A "Permitted and Conditional Uses", under the section noted as "B. Commercial/Office", subsection "Retail/Wholesale Sales" place "Certified Farmers' Market, Open Air Market, Craft or Job Fair" as a "Conditional Use" as appropriate within the alphabetically listed permitted or conditionally permitted uses as follows:

**Table 19.12-A
PERMITTED AND CONDITIONAL USES**

Key: P = Permitted Uses
C = Conditional Uses
M= Minor Use Permit

Use	CS	IC	Notes
...			
<u>B. Commercial / Office</u>			
...			
<u>Retail / Wholesale Sales</u>			
...			
Camera and photographic supply store	P	-	
<i>Certified Farmers' Market, Open Air Market, Craft or Job Fair</i>	C	C	<i>See Chapter 19.57 "Certified Farmers' Market, Open Air Market, Craft or Job Fair"</i>
Computer store	C	-	
...			

Include within Table 19.15-A "Permitted and Conditional Uses", under the section noted as "B. Retail and Services" place "Certified Farmers' Market, Open Air Market, Craft or Job Fair" as a "Conditional Use" as appropriate within the alphabetically listed permitted or conditionally permitted uses as follows:

**Table 19.15-A
PERMITTED AND CONDITIONAL USES**

Key: P = Permitted Uses
C = Conditional Uses
M= Minor Use Permit

Use	P	Notes
...		
<u>B. Retail and Service</u>		
...		
Cemetery/crematory	C	
<i>Certified Farmers' Market, Open Air Market, Craft or Job Fair</i>	C	<i>See Chapter 19.57 "Certified Farmers' Market, Open Air Market, Craft or Job Fair"</i>
Government service/office	C	
...		

CEQA Environmental Review

Pursuant to Section 15305 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed Development Code amendments constitute minor alterations in land use limitations (which do not by themselves create or allow an impact to the environment) and are, therefore, Categorically Exempt from further environmental review.

General Plan/Zoning Designations Citywide

The proposed Development Code Amendment analyzed herein affects the land uses permitted within any Commercial, Community Industrial or Public land use districts throughout the City of Twentynine Palms. The proposed Amendment will establish new language within the Land Use Tables of the Development Code that allows new uses within the City. With these facts in mind, it is noted that any change to the Development Code must be consistent with the Goals and Policies of the adopted General Plan.

For Commission consideration, the following Goals and Policies of the General Plan were considered by the Commission during its consideration of the establishment of the new Chapter 19.57 "Certified Farmers' Market, Open Air Market, Craft or Job Fair". It is suggested that the change proposed to the Development Code under this Amendment (which is the installation of the Farmers' Market land use into the appropriate Land Use Tables) is consistent with the following Goals and Policies of the adopted General Plan, as was the proposal to create the new Chapter 19.57 "Certified Farmers' Market, Open Air Market, Craft or Job Fair". The proposed Amendment is consistent with the following Goals and Policies as the change will improve the livability of the City by making some commercial items more readily available (quality development standards and minimization of potential land use conflicts), control noise and traffic (time, location and established standards for the Markets and Fairs) and establishing high quality land use standard which minimize potential land use conflicts and impacts. Further, the proposed Amendment offers creative alternative development standards within the community (outdoor sales, displays and signage).

Land Use

Goal #1

A Land Use Plan which provides a desirable City in which to live.

Policy #1.1

Traffic, noise and other impacts will be considered prior to any land use designation change and/or land use intensification.

Policy #1.2

Quality standards will be applied to all new developments.

Policy 1.3

Uses shall be located in a manner which will minimize conflict and mitigate impacts.

Goal #5

The City will be environmentally sensitive and all land uses shall minimize adverse environmental impacts and shall maintain and enhance existing natural resources.

Noise

GOAL #1

Noise levels will be anticipated prior to the City taking actions on land use proposals and potential conflicts will be avoided so that noise levels will not exceed acceptable levels.

Safety

Goal #1

The City of Twentynine Palms will be a safe place to live and visit.

Site Characteristics

The Code Amendment under consideration shall apply to any Commercial, Community Industrial or Public land use district properties with a wide variety of site characteristics within each zoning district.

Findings

Section 19.22.050 "Findings" of the City's Development Code requires that the Planning Commission make specific Findings of approval prior to recommending that the City Council approve a Development Code Amendment. Similar to the issue of General Plan Goals and Policies noted above, these Findings, along with a comment to address each, were included within the Commission's consideration of the Development Code Amendment (PC 09-64) that recommended the establishment of the new Chapter 19.57 "Certified Farmers' Market, Open Air Market, Craft or Job Fair". These same "Findings" would apply to this consideration as the Commission is only considering amending the Land Use Tables to reflect the actions previously recommended to the City Council. These Findings and comments were:

- A. The Zone Change or Development Code Amendment is consistent with the intent of the goals and policies of the General Plan; and

Comment: The proposed amendment to the Development Code is consistent with the goals and policies of the adopted General Plan by improving the livability of the City by enhancing established high quality land use standard for new and diversified commercial activities within the community.

- B. The Zone Change or Development Code Amendment prescribes reasonable controls and standards to ensure compatibility with other established uses; and

Comment: The proposed amendment to the Development Code will establish clear and detailed standards and criteria for “Certified Farmers’ Markets, Open Air Markets, Craft and Job Fairs” and require Planning Commission review of such uses, thus ensuring the compatibility of new development with existing uses.

- C. The Zone Change or Development Code Amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species; and

Comment: The proposed Code Amendment will not alter development rights to existing land uses and although it will add “Certified Farmers’ Markets, Open Air Markets, Craft and Job Fairs” as a permitted use, such use shall be subject to strict standards and criteria and Planning Commission review, thus this change will not result in changes to existing standards meant to protect environmentally sensitive land uses and species. As such the proposed Amendment will enhance the use of commercial and public properties within the community, assuring the provision of development rights, while continuing to protect environmentally sensitive land uses.

- D. The Zone Change or Development Code Amendment ensures protection of the general health, safety, and welfare of the community

Comment: No changes are proposed under this Code Amendment that would reduce or compromise existing standards that protect the health, safety or general welfare of the citizens, residents and visitors to the City of Twentynine Palms.

Approval Process

The Planning Commission is the Reviewing Authority for any amendment to the City’s Development Code. If the Planning Commission’s action is to adopt Commission Resolution 10-01, it will be recommending that the City Council determine that the Amendment is Exempt from further environmental review, find that the proposed Amendment is consistent with the Goals and Policies of the City’s adopted General Plan and adopt the proposed Amendment as detailed within the Commission Resolution.

Draft

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 10-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT PC 10-01, AMENDING TABLES 19.10-A, 19.12-A AND 19.15-A "PERMITTED AND CONDITIONAL USES" OF TITLE 19 "DEVELOPMENT CODE" OF THE CITY'S MUNICIPAL CODE BY LISTING "CERTIFIED FARMERS' MARKETS, OPEN AIR MARKETS, CRAFT AND JOB FAIRS" AS A CONDITIONALLY PERMITTED LAND USE WITHIN THE LAND USE TABLES.

WHEREAS, the City of Twentynine Palms General Plan was adopted by the City Council on April 12, 1988; and

WHEREAS, Title 19 (Development Code) of the Municipal Code of the City of Twentynine Palms was adopted by the City Council on April 12, 1988, and subsequently amended upon the recommendation of the Planning Commission; and

WHEREAS, on January 7, 2010 Development Code Amendment PC 10-01 was duly noticed in the Desert Trail, a newspaper of general circulation within the City of Twentynine Palms; and

WHEREAS, on January 19, 2010 the Planning Commission of the City of Twentynine Palms conducted a duly noticed and advertised Public Hearing on PC 10-01, an amendment to Title 19 "Development Code" of the City of Twentynine Palms Municipal Code, receiving testimony from the public and adopting Planning Commission Resolution No. 10-01 forwarding a recommendation to the Council to adopt the proposed Code Amendment; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed Development Code Amendment, a narrative change to the Tables within the Development Code that cannot, by itself, impact the environment, does not allow new uses by right-of-zone that may negatively impact the environment and as projects that may be proposed under the new language within the Land Use Tables would be subject to appropriate environmental review at the time of its proposal, it can be seen with certainty that the proposed amendment will not have an impact upon the environment and is, therefore, EXEMPT from further environmental review; and

WHEREAS, the City Planning Commission finds on the basis of the whole record before it (including any comments received at the Public Hearing) that there is no substantial evidence that the project will have a significant effect on the environment and that the Determination of Exemption reflects the Planning Commission's independent judgment and analysis, and

WHEREAS, proposed Development Code Amendment PC 10-01 is consistent with the Goals and Policies of the City of Twentynine Palms General Plan and Title 9 (Development Code) of the Municipal Code of the City of Twentynine Palms and shall promote the health, safety and general welfare of the citizens of the Community; and

WHEREAS, the City Planning Commission in its review of the proposed Development Code Amendment PC 10-01 makes the following "Findings":

- A. The proposed amendment to the Development Code is consistent with the goals and policies of the adopted General Plan by improving the livability of the City by enhancing established high quality land use standard for new and diversified commercial activities within the community.
- B. The proposed amendment to the Development Code will establish clear and detailed standards and criteria for “Certified Farmers’ Markets, Open Air Markets, Craft and Job Fairs” and require Planning Commission review of such uses, thus ensuring the compatibility of new development with existing uses.
- C. The proposed Code Amendment will not alter development rights to existing land uses and although it will add “Certified Farmers’ Markets, Open Air Markets, Craft and Job Fairs” as a permitted use, such use shall be subject to strict standards and criteria and Planning Commission review, thus this change will not result in changes to existing standards meant to protect environmentally sensitive land uses and species. As such the proposed Amendment will enhance the use of commercial and public properties within the community, assuring the provision of development rights, while continuing to protect environmentally sensitive land uses.
- D. No changes are proposed under this Code Amendment that would reduce or compromise existing standards that protect the health, safety or general welfare of the citizens, residents and visitors to the City of Twentynine Palms.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA RECOMMENDS THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

Section 1. Based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), by the nature of Development Code Amendment PC 10-01 it can be seen with certainty that the proposed amendment will not have an adverse impact upon the environment and, therefore, it is Exempt from further environmental review.

Section 2. That the City Council find that the proposed Amendment is consistent with the following Goals and Policies as the change will improve the livability of the City by making some commercial items more readily available (quality development standards and minimization of potential land use conflicts), control noise and traffic (time, location and established standards for the Markets and Fairs) and establishing high quality land use standard which minimize potential land use conflicts and impacts. Further, the proposed Amendment offers creative alternative development standards within the community (outdoor sales, displays and signage).

Section 3. That the City Council approves and adopts the Findings required for approval for a Development Code Amendment as set forth above.

Section 4. That the City Council of the City of Twentynine Palms amend that portion of Table 19.10-A “Permitted and Conditional Uses”, under the section noted as “A. Commercial/Office”, subsection “Retail/Wholesale Sales” to place “Certified Farmers’ Market, Open Air Market, Craft or Job Fair” as a “Conditional Use” as appropriate within the alphabetically listed permitted or conditionally permitted uses of the Table to read as follows:

**Table 19.10-A
PERMITTED AND CONDITIONAL USES**

Key: P = Permitted Uses
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M= Minor Use Permit

Use	CO	CG	CN	CT	Notes
<i>A. Commercial / Office</i>					
...					
...					
<i>Retail / Wholesale Sales</i>					
...					
Camera and photographic supply store	P	P	P	P	
<i>Certified Farmers' Market, Open Air Market, Craft or Job Fair</i>	C	C	C	C	<i>See Chapter 19.57 "Certified Farmers' Market, Open Air Market, Craft or Job Fair"</i>
Computer, radio, television, and small electrical appliance shop (including repair when incidental to retail sales)	P	P	-	-	* Outdoor storage must be screened.
...					

Section 5. That the City Council of the City of Twentynine Palms amend that portion of Table 19.12-A "Permitted and Conditional Uses", under the section noted as "B. Commercial/Office", subsection "Retail/Wholesale Sales" to place "Certified Farmers' Market, Open Air Market, Craft or Job Fair" as a "Conditional Use" as appropriate within the alphabetically listed permitted or conditionally permitted uses of the Table to read as follows:

**Table 19.12-A
PERMITTED AND CONDITIONAL USES**

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<i>Retail / Wholesale Sales</i>			
...			
Camera and photographic supply store	P	-	
<i>Certified Farmers' Market, Open Air Market, Craft or Job Fair</i>	C	C	<i>See Chapter 19.57 "Certified Farmers' Market, Open Air Market, Craft or Job Fair"</i>
Computer store	C	-	
...			

Section 6. That the City Council of the City of Twentynine Palms amend that portion of Table 19.15-A “Permitted and Conditional Uses”, under the section noted as “B. Retail and Services” place “Certified Farmers’ Market, Open Air Market, Craft or Job Fair” as a “Conditional Use” as appropriate within the alphabetically listed permitted or conditionally permitted uses of the Table to read as follows:

**Table 19.15-A
PERMITTED AND CONDITIONAL USES**

Key: P = Permitted Uses
C = Conditional Uses
M= Minor Use Permit

Use	P	Notes
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<i>B. Retail and Service</i>		
...		
Cemetery/crematory	C	
<i>Certified Farmers’ Market, Open Air Market, Craft or Job Fair</i>	C	<i>See Chapter 19.57 “Certified Farmers’ Market, Open Air Market, Craft or Job Fair”</i>
Government service/office	C	
...		

Section 7. Notice of Adoption. The Deputy City Clerk of the City of Twentynine Palms shall certify to the adoption of this resolution.

Section 8. Effective Date. This Resolution shall become effective upon its adoption.

Section 9. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Resolution are declared to be severable.

APPROVED AND ADOPTED THIS 19th DAY OF JANUARY, 2010.

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Danny Mintz, Chairman

ATTEST:

Jaqueline Palmer, Deputy City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. 10-01 duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the 19th day of January, 2010 in Twentynine Palms, California.

Dated this 19th day of January, 2010.

Jaqueline Palmer, Deputy City Clerk