



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

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 – Fax (760) 367-5400
commdev@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: February 10, 2010
For Commission Meeting of: February 16, 2010

Case: PC 10-08 – Development Code Amendment pertaining to Chapter 19.70 “Lighting Standards”.

RECOMMENDATION

Conduct the Public Hearing, consider public comment and adopt PC Resolution 10-04 forwarding a recommendation that the City Council determine that PC 10-08 is Exempt from further environmental review and adopt the proposed change to Section

19.70 “Lighting Standards” of Title 19 “Development Code” by amending the standards and criteria relating to exterior lighting within all zoning districts within the City of Twentynine Palms.

Attachment		
Draft	Planning	Commission
Resolution 10-04		

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 is proposing to amend Section 19.70 “Lighting Standards” of Title 19 “Development Code” of the City’s Municipal Code. The proposed amendment is detailed below and will be addressed under the “Analysis” segment of this report. The proposal shall address the following:

An amendment to Title 19 “Development Code” of the City of Twentynine Palms Municipal Code, Chapter 19.70 “Lighting Standards” amending the standards and criteria relating to exterior lighting within all zoning districts within the City of Twentynine Palms.

BACKGROUND

A principle goal of the Community Development Department’s Code Enforcement Division is to promote an enhanced living environment within the City of Twentynine Palms by the enforcement of existing Codes and standards. A significant Code for the community, garnering wide community support, is that addressing lighting within the community, that portion of the Code commonly referred to as the “Night Sky Ordinance”. As the Commission is aware, the

City's Code Enforcement Division is responsible for addressing and resolving Code violations within the community, including those pertaining to lighting of private property. In the City's efforts to enforce the lighting provisions of the Development Code, it has become apparent that important, but minor changes are needed to the current provisions of Chapter 19.70 "Lighting Standards" to improve the effectiveness of the ordinance.

ANALYSIS

The amendment being considered by the Commission is simple and direct; minor changes to Chapter 19.70 "Lighting Standards" are needed to allow for a more effective and efficient enforcement of the City's "Night Sky" ordinance. These changes will limit and clarify how lighting may be displayed upon private property so as to prevent said lighting from intruding upon adjoining properties or the public right-of-way, while preserving the individual property owner's right to have lighting upon their property for security or aesthetics purposes. The adjustment and clarification being sought will illuminate the shielding requirements of the Code, as well as specify where such shielding is required.

To address this, language is proposed below for Commission discussion and consideration (deletions are shown with ~~double strike through~~ and additions are shown in ***bold and italics***).

Chapter 19.70

LIGHTING STANDARDS

Sections:

19.70.010	Intent
19.70.020	Definitions
19.70.030	Standards
19.70.040	Penalty

19.70.010 Intent. The intent of this section is: to encourage effective, non-detrimental lighting; to maintain night-time safety, utility, security and productivity; and to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass, conserve energy and resources and curtail the degradation of the night time visual environment of the areas outlined below.

19.70.020 Definitions. The following definitions shall apply to this Chapter:

"Fully Shielded": Outdoor lighting fixtures ~~shielded or shall be constructed so that light rays are only emitted by the installed fixtures in such a manner that does not direct light upward or onto an offsite structure~~ ***have an opaque shield completely encircling the glass globe and bulb, and be constructed so that light cannot be seen through it, and the bulb itself cannot be seen by any person standing on any part of the property line of the property where the outdoor light is located. The light fixture shall point straight***

downwards, not upwards or out to the side at any angle.

"Night Sky": A clear sky, between dusk and dawn, with visible stars, despite necessary or desired illumination of private and public property.

"Fixture": The assembly that holds a lamp and may include an assembly housing, a mounting bracket or polo socket, lamp holder, ballast, reflector or mirror and a refractor or lens.

"Freestanding Lighting": A light fixture which is not attached to a building.

"***Decorative*** Pedestrian Lighting": Freestanding ***walkway*** lighting fixtures not exceeding a height of ~~thirty six (36) inches~~ ***seven (7) feet*** from surrounding ground grade level.

"Architectural Lighting": Lighting which is either directed towards a residence with the intent of highlighting an architectural feature or

a light fixture which is architecturally ornamental in nature or purpose.

“Lighting Wattage”: *The wattage of incandescent light bulbs shall be the determined by the watt listed on the bulb. The wattage of compact fluorescent light bulbs shall be determined by its incandescent equivalent rating.*

19.70.030 Standards.

A. Residential, Commercial, Public and Industrial Land Use Districts: The following standards are applicable to all structures located within residential, commercial, public and industrial land use districts as identified on the City’s General Plan Land Use Map.

1. Any new lighting, unless exempt, shall be fully shielded. Outdoor lighting fixtures established prior to the adoption date of this Chapter, shall come into compliance within one year of the adoption date except as provided below:
 - a. In the event the property owner or occupant demonstrates that compliance will cause a financial or other hardship, the Code Enforcement Officer may approve time extensions for such lighting fixtures for periods of up to one (1) year. A maximum of three (3) one-year extensions may be granted by the Code Enforcement Officer.
 - b. If an extreme hardship exists, the Planning Commission may approve additional extensions of time if a finding can be made that the violation is not excessive and that such extension does not create a public nuisance.
 - c. All requests for extension shall be in writing and shall be signed by the owner or occupant of the property.
2. Residential Pole lighting shall not exceed *twelve* (12) feet in height.

~~B. **Street and Parking Lot Lighting.** Street and Parking lot lighting shall be oriented downward with cut-off fixtures to protect the desert sky and fifty percent of all lighting fixtures within parking lots or within open lot sale areas shall be turned off within one hour after closing or between 10:00 p.m. and sunrise, whichever occurs first for commercial properties and multi family properties shall be fully shielded.~~

C. Shielding Requirements. All outdoor lighting, except as specified in Section (D.) below shall be shielded.

D. Exemptions. The following outdoor lighting fixtures are exempt from the requirements of this section.

1. Fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns for gas lamps.
2. All neon outdoor lighting fixtures.
3. Emergency lighting operated by a public utility or agency during the course of repairing or replacing damaged facilities.
4. Emergency lighting and fixtures necessary to conduct rescue operations, provide emergency medical treatment or address any other emergency situation.
5. ~~Provided there is no light trespass or the lighting fixtures are regulated by motion detector,~~ *Lighting fixtures within five (5) feet of an entrance or exit door and/or alcove of a dwelling unit, not exceeding a door to a structure and lighting fixtures attached to a structure within five (5) feet of a walkway or driveway. These fixtures shall not exceed a height of eight (8) feet and a wattage not exceeding 200 shall not exceed 100 watts.*
6. *Lighting fixtures not exceeding 200 watts that are controlled by a motion detector. This lighting shall not be activated by people walking down a sidewalk or by vehicles driving past on*

the street. The lighting duration shall not exceed five (5) minutes.

~~6~~ 7. Holiday lighting and fixtures, providing such lighting and fixtures do not remain for longer than 60 days in duration.

~~7~~ 8. Architectural lighting whether it is freestanding or attached to a building which does not exceed an intensity of 40 watts.

~~8~~ 9. *Decorative* ~~pedestrian~~ lighting which does not have an intensity greater than 40 watts.

10. *Lighting for outdoor seating associated with any commercial business that has had its outdoor lighting plan and lighting fixtures specifically approved by the Planning Commission under a Conditional Use Permit or Site Plan Review.*

~~9~~ 11. Vertical lighting for a properly displayed U.S. flag.

~~10.~~ ~~Street lighting existing prior to adoption of this Chapter.~~

E. Recreational Facilities. There shall be no illumination of private or public recreational facilities unless the facilities are being

utilized. The illumination must be turned off between the hours of 11:00 p.m. and sunrise or one hour after the termination of the event and/or use, whichever occurs last.

F. Billboards and Externally Illuminated Signs. Lighting fixtures used to illuminate any new sign shall be mounted on the top of the sign structure and shall comply with the shielding requirements of this Chapter and the City's Sign Code.

G. Searchlights. Searchlights for advertising purposes are prohibited.

H. *All new development or land use projects subject to discretionary review by the City of Twentynine Palms shall submit for review and approval a comprehensive photometric plan detailing the lighting proposed for the new use or development. All lighting on the project site shall conform to the photometric plan approved by the City, with any changes to said lighting being reviewed and approved by the Community Development Department prior to any change or installation taking place.*

19.70.040 Penalty. Violation of this Ordinance shall constitute an infraction on the first and second offense and a misdemeanor on the third offense. Each day of violation may be cited as a separate offense.

CEQA Environmental Review

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project has been reviewed for its potential to impact the environment. It can be seen that the request being considered is a minor change to the land use limitations currently established and required by the adopted Development Code. As the proposal consists of a narrative change to the Development Code that under Section 15305 of the California Code of Regulations is considered a minor change to land use limitations which, by itself, cannot impact the environment, nor will the amendment establish a use permitted by "right-of-zone" that may negatively impact the environment, the amendment is EXEMPT from further environmental review.

General Plan/Zoning Designations Citywide

The proposed Development Code Amendment analyzed herein will modify an aspect (lighting) for land uses permitted within every zoning district within the City of Twentynine Palms. The proposed amendment (a change to lighting standards) does not establish new language within the Development Code that allows land uses that are not already allowed within the various

zoning districts of 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, it is suggested that the change proposed under this Code Amendment is consistent with the following Goals and Policies of the adopted General Plan. The proposed Amendment is consistent with the following Goals and Policies as the change will improve the livability of the City by enhancing the enforcement of existing high quality development standards and thus assisting in the minimization of potential land use conflicts.

Land Use

Goal #1

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

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.

Conservation

Goal #1

The City of Twentynine Palms will be environmentally conscious in administering its responsibility to ensure that resources are protected.

Policy 1.2

Intensity of development will occur in a manner which ensures environmental protection.

Safety

Goal #1

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

Site Characteristics

The Code Amendments under consideration shall apply to a variety of properties with a wide range of site characteristics, citywide.

Findings

Pursuant to Section 19.22.050 "Findings" of the City's Development Code, the Planning Commission is required to make four (4) specific Findings of approval prior to recommending that the City Council approve a Development Code Amendment. The following are those required findings followed by a comment to address each for Commission consideration.

- 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 allowing an enhanced/improved enforcement of the existing high quality land use standard of 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 clarify and enhance existing lighting standards within the community to assure that existing development standards and criteria can and are applied within the community for the betterment of the City of Twentynine Palms, its residents and visitors.

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 existing development rights, but will enhance, by clarifying, existing development standards relating to exterior lighting within the community. These enhanced standards will assist the community in protecting environmentally sensitive land uses and species by further reducing inappropriate and unwanted light and glare.

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

Comment: No change is proposed under the proposed 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. Further, the proposed change would, in fact, enhance the City's efforts to enforce laws and Codes that provide for and protect the general health, safety and welfare of the citizens and visitors of the community.

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 Resolution 10-04, 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's Resolution.

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 10-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL FIND THAT PC 10-08 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMEND CHAPTER 19.70 "LIGHTING STANDARDS" OF TITLE 19 "DEVELOPMENT CODE" BY AMENDING THE STANDARDS AND CRITERIA APPLICABLE TO EXTERIOR LIGHTING WITHIN ALL ZONING DISTRICTS WITHIN THE CITY OF TWENTYNINE PALMS.

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 February 4, 2010, Development Code Amendment PC 10-08 was duly noticed in the Desert Trail, a newspaper of general circulation within the City of Twentynine Palms; and

WHEREAS, on February 16, 2010, the Planning Commission of the City of Twentynine Palms conducted a duly noticed and advertised Public Hearing on PC 10-08, a proposed amendment to Chapter 19.70 "Lighting Standards" of Title 19 "Development Code", amending the standards and criteria relating to exterior lighting within all zoning districts within the City of Twentynine Palms; 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 Development Code that will result in a minor alteration in land use limitations which, under Section 15305, is 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 10-08 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 10-02 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 allowing an enhanced/improved enforcement of the existing high quality land use standard of the community.
- B. The proposed amendment to the Development Code will clarify and enhance existing

lighting standards within the community to assure that existing development standards and criteria can and are applied within the community for the betterment of the City of Twentynine Palms, its residents and visitors.

- C. The proposed Code Amendment will not alter existing development rights, but will enhance, by clarifying, existing development standards relating to exterior lighting within the community. These enhanced standards will assist the community in protecting environmentally sensitive land uses and species by further reducing inappropriate and unwanted light and glare.
- D. No change is proposed under the proposed 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. Further, the proposed change would, in fact, enhance the City's efforts to enforce laws and Codes that provide for and protect the general health, safety and welfare of the citizens and visitors of the community.

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 review of the proposal in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), Development Code Amendment PC 10-08, as a minor alteration in land use limitations, can be seen with certainty not to have the potential to have an adverse impact upon the environment and, therefore, is Exempt from further environmental review under Section 15305 of the California Code of Regulations.

Section 2. That the City Council find that the proposed Amendment is consistent with the adopted General Plan Goals and Policies as the change proposed under the Amendment will improve the livability of the City by enhancing the enforcement of existing high quality development standards and thus assisting in the minimization of potential land use conflicts.

Section 3. That the City Council approve and adopt 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 Title 19 "Development Code" of the City's Municipal Code by amending Chapter 19.70 "Lighting Standards" of Title 19 "Development Code" to read as follows:

Chapter 19.70

LIGHTING STANDARDS

Sections:

19.70.010	Intent
19.70.020	Definitions
19.70.030	Standards
19.70.040	Penalty

19.70.010 Intent. The intent of this section is: to encourage effective, non-detrimental lighting; to maintain night-time safety, utility, security and

productivity; and to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass, conserve energy and

resources and curtail the degradation of the night time visual environment of the areas outlined below.

19.70.020 Definitions. The following definitions shall apply to this Chapter:

“Fully Shielded”: Outdoor lighting fixtures shall have an opaque shield completely encircling the glass globe and bulb, and be constructed so that light cannot be seen through it, and the bulb itself cannot be seen by any person standing on any part of the property line of the property where the outdoor light is located. The light fixture shall point straight downwards, not upwards or out to the side at any angle.

“Night Sky”: A clear sky, between dusk and dawn, with visible stars, despite necessary or desired illumination of private and public property.

“Fixture”: The assembly that holds a lamp and may include an assembly housing, a mounting bracket or polo socket, lamp holder, ballast, reflector or mirror and a refractor or lens.

“Freestanding Lighting”: A light fixture which is not attached to a building.

“Decorative Pedestrian Lighting”: Freestanding walkway lighting fixtures not exceeding a height of seven (7) feet from surrounding ground grade level.

“Architectural Lighting”: Lighting which is either directed towards a residence with the intent of highlighting an architectural feature or a light fixture which is architecturally ornamental in nature or purpose.

“Lighting Wattage”: The wattage of incandescent light bulbs shall be determined by the watt listed on the bulb. The wattage of compact fluorescent light bulbs shall be determined by its incandescent equivalent rating.

19.70.030 Standards.

A. Residential, Commercial, Public and Industrial Land Use Districts: The following standards are applicable to all structures located within residential, commercial,

public and industrial land use districts as identified on the City’s General Plan Land Use Map.

1. Any new lighting, unless exempt, shall be fully shielded. Outdoor lighting fixtures established prior to the adoption date of this Chapter, shall come into compliance within one year of the adoption date except as provided below:

- a. In the event the property owner or occupant demonstrates that compliance will cause a financial or other hardship, the Code Enforcement Officer may approve time extensions for such lighting fixtures for periods of up to one (1) year. A maximum of three (3) one-year extensions may be granted by the Code Enforcement Officer.
- b. If an extreme hardship exists, the Planning Commission may approve additional extensions of time if a finding can be made that the violation is not excessive and that such extension does not create a public nuisance.
- c. All requests for extension shall be in writing and shall be signed by the owner or occupant of the property.

2. Residential Pole lighting shall not exceed twelve (12) feet in height.

B. Parking Lot Lighting. Parking lot lighting for commercial properties and multi family properties shall be fully shielded.

C. Shielding Requirements. All outdoor lighting, except as specified in Section (D.) below shall be shielded.

D. Exemptions. The following outdoor lighting fixtures are exempt from the requirements of this section.

1. Fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns for gas lamps.

2. All neon outdoor lighting fixtures.
3. Emergency lighting operated by a public utility or agency during the course of repairing or replacing damaged facilities.
4. Emergency lighting and fixtures necessary to conduct rescue operations, provide emergency medical treatment or address any other emergency situation.
5. Lighting fixtures within five (5) feet of a door to a structure and lighting fixtures attached to a structure within five (5) feet of a walkway or driveway. These fixtures shall not exceed a height of eight (8) feet and shall not exceed 100 watts.
6. Lighting fixtures not exceeding 200 watts that are controlled by a motion detector. This lighting shall not be activated by people walking down a sidewalk or by vehicles driving past on the street. The lighting duration shall not exceed five (5) minutes.
7. Holiday lighting and fixtures, providing such lighting and fixtures do not remain for longer than 60 days in duration.
8. Architectural lighting whether it is freestanding or attached to a building which does not exceed an intensity of 40 watts.
9. Decorative pedestrian lighting which does not have an intensity greater than 40 watts.
10. Lighting for outdoor seating associated with any commercial business that has had its outdoor lighting plan and

lighting fixtures specifically approved by the Planning Commission under a Conditional Use Permit or Site Plan Review.

11. Vertical lighting for a properly displayed U.S. flag.

E. Recreational Facilities. There shall be no illumination of private or public recreational facilities unless the facilities are being utilized. The illumination must be turned off between the hours of 11:00 p.m. and sunrise or one hour after the termination of the event and/or use, whichever occurs last.

F. Billboards and Externally Illuminated Signs. Lighting fixtures used to illuminate any new sign shall be mounted on the top of the sign structure and shall comply with the shielding requirements of this Chapter and the City's Sign Code.

G. Searchlights. Searchlights for advertising purposes are prohibited.

H. All new development or land use projects subject to discretionary review by the City of Twentynine Palms shall submit for review and approval a comprehensive photometric plan detailing the lighting proposed for the new use or development. All lighting on the project site shall conform to the photometric plan approved by the City, with any changes to said lighting being reviewed and approved by the Community Development Department prior to any change or installation taking place.

19.70.040 Penalty. Violation of this Ordinance shall constitute an infraction on the first and second offense and a misdemeanor on the third offense. Each day of violation may be cited as a separate offense.

Section 5. Notice of Adoption. The Deputy City Clerk of the City of Twentynine Palms shall certify to the adoption of this resolution.

Section 6. Effective Date. This Resolution shall become effective upon its adoption.

Section 7. 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 16th DAY OF FEBRUARY, 2010.

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Dan Mintz, Chairman

ATTEST:

Jaqueline Palmer, Deputy City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. 10-08 duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the 16th day of February, 2010 in Twentynine Palms, California.

Dated this 16th day of February, 2010.

Jaqueline Palmer, Deputy City Clerk



Notice of Exemption
City of Twentynine Palms
Community Development Department
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 - Fax (760) 367-4890

To: County of San Bernardino Clerk of the Board of Supervisors
385 North Arrowhead Avenue 2nd Floor
San Bernardino, CA 92415-0130

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title: PC 10-08 – Development Code Amendment pertaining to Chapter 19.70
“Lighting Standards”.

Project Location: Applicable to all land use districts throughout the City of Twentynine Palms.

Project Location (city and county): Twentynine Palms, San Bernardino County

Description of nature, purpose and beneficiaries of Project: The proposal is an amendment to the Development Code of the City of Twentynine Palms, to adjust and change the standards and criteria applicable to exterior lighting throughout the community, providing further protection to the community from light pollution and intrusive lighting.

Public Agency approving Project: Twentynine Palms City Council
 Twentynine Palms Planning Commission

Name of Person Carrying Out Project: **Community Development Department**

Exempt Status (check one):

- Ministerial (Sec. 15073)
 Declared Emergency [Sec. 15071 (a)]
 Emergency Project [Sec. 15071 (b) and (c)]
 Categorical Type/Sec. 15301 and Sec 15332

As the proposal consists of a narrative change to the Development Code that under Section 15305 of the California Code of Regulations is considered a minor change to land use limitations which, by itself, cannot impact the environment, nor will the amendment establish a use permitted by “right-of-zone” that may negatively impact the environment, the amendment is EXEMPT from further environmental review.

For information, contact Charles K. LaClaire, Community Development Director, City of Twentynine Palms. (760) 367-6799

Signature

2-4-10
Date

Community Development Director
Title



**CITY OF TWENTYNINE PALMS
PLANNING COMMISSION STUDY SESSION REPORT**

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 – Fax (760) 367-5400
commdev@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: February 3, 2010
For Commission Meeting of: February 16, 2010

Case: PC 09-83 – A Development Code Amendment to consider adding a new Chapter 19.145 “Planned Unit Development” to the Development Code.

RECOMMENDATION

Conduct the Public Hearing, consider public comment, provide guidance to staff on new issues relating to Planned Unit Development that must be addressed, then continue PC 09-83, a proposal to amend Title 19 “Development Code” by the addition of a new Chapter 19.145 “Planned Unit Development” to March 2, 2010.

Attachments		
Draft	Planning	Commission
Resolution	10-05	
Minute Excerpt from Commission meeting of January 5, 2010		

ORDER OF PROCEDURE

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

PROJECT DESCRIPTION

PC 09-83 – A request to amend the Development Code by the creation of a new Chapter 19.145 “Planned Unit Development” within the Code, establishing the standards and criteria to process and consider an overlay which would allow a concentration/clustering of residential development within a defined and confined portion of a property within any residentially zoned district.

BACKGROUND

At a Planning Commission Study Session on January 5, 2010, the Commission was introduced to the theory of residential clustering under the Planned Unit Development concept. Within the staff report for that Study Session, it was noted that currently there are no provisions within the Development Code that would allow for the transfer of residential density between properties or to allow the concentration or clustering of allowed density within the confines of an individual property. As such, when a property owner wishes to develop his/her property, and where a subdivision of that property is involved, these individuals are restricted to dividing the land only to the minimum lot size defined within the Development standards of the individual zoning

district within which the property is located. This requirement spreads both the costs and impacts of the division throughout the entire property (compared to a portion of the property).

It was also noted in the January Study Session that the City is presently processing a comprehensive update to the General Plan. During this process, attention has been focused upon the minimization of possible impacts to, and preservation of, the community's desert environment. Several ways have been proposed to minimize these impacts, including, now, the concept of an Overlay District to allow clustered development.

Within the Commission's discussion of this topic, two primary goals were focused upon: preservation of the desert environment (including view sheds, wildlife corridors and drainage systems by minimizing development within sensitive areas and minimizing the infrastructure needed to support that development); and, the preservation of the development rights and opportunities of the individual property owners. Minimizing infrastructure includes such issues as minimizing the installation of roadways, driveways and utility lines/services. The preservation of the environment may include the preservation of desert view sheds, habitat corridors, drainage/flood ways, simply the preservation of open space by such requirements as the minimization of mass grading and even individual site grading. The preservation of property owner development rights and opportunities refers to preserving the area or site's overall density allowances.

The January 5, 2010 Study Session focused upon a common planning technique to accomplish the above by the use of a Planned Unit Development "Overlay". Such an overlay allows for the shifting or "clustering" of residential density (lots) within a limited area of an entire site, while not increasing the site's overall density and preserving the remainder of the site as open, un-impacted land area.

It is important to note that one very significant issue was not addressed in detail within the Commission's introduction to the PUD concept in January. That issue is that any Planned Unit Development standards that may be adopted and used by the City should clearly stress that any PUD overlay approval is not meant as a tool to reward property owners who may buy challenging/unusable land hoping to receive a PUD designation to gaining full credit for the otherwise unsuitable land. Without specific criteria to address this, any such PUD allowance may actually encourage people to buy less than prime properties (step hillsides, washes, land known to have fault lines and other environmentally sensitive constraints) simply to take advantage of the PUD Code clustering provisions, not to help preserve open space and/or pristine desert. Creation of a Development Code Chapter to establish PUD Overlay provisions should incorporate specific limitations on the benefits derived (to the City) from including otherwise "limited use" property within the area calculated for density clustering.

ANALYSIS

As noted with the Study Session report, to assist in the preservation of the community's natural environment and to conform to the Goals and Objectives of the current General Plan, as well as the proposed Guiding Principles for the Update to the General Plan, it is proposed that a new Chapter 19.145 "Overlay – Planned Unit Development" be created. This overlay would establish the standards and criteria applicable to a property having a portion (or all) which would be considered environmentally sensitive or which has an important community aesthetic quality (ridgelines or view shed areas) to be preserved. Any such criteria created would limit which properties could apply for and receive the Overlay designation (those properties where such a designation would enhance the community as a whole, not simply make it less expensive for the owner to develop the property). Further, the remaining area not committed to development subject to the overlay must be deed restricted as a preserve or dedicated to an appropriate, City approved habitat conservation organization, where development of the land would be

permanently prohibited.

It can be seen that under favorable circumstances, there are benefits to both the City and property owner in the use of a Planned Unit Development overlay. Obviously, the property owner benefits by the shifting of development from a larger area (where environmental constraints may otherwise limit the potential of development) to a smaller area; which further reduces the owner's costs associated with the development by reducing the costs of mapping, infrastructure (roads and utilities) and grading. The community, additionally, benefits from reduced future roadway maintenance costs, and more importantly, the preservation of scenic vistas, the desert environment, habitat corridors, etc.

The Commission is reminded that in early December, staff requested information from other communities on their Planned Unit Development/cluster development standards. Responses to that request were attached to the January 5, 2010 Study Session report, which included an ordinance provided by an individual that works with a private consulting firm that has significant experience in this particular area and volunteered the information. Staff carefully reviewed these various materials and presented a compilation of the information modified to address the City of Twentynine Palms' local circumstances.

Before the Commission proceeds to the draft new language presented below (the same language presented within the January Study Session), two significant issues must be resolved. First, the previously proposed language specified that the land area proposed within a PUD that is to be left undeveloped "shall be deed restricted as a conservation area or preserve and be permanently held as a City approved and controlled habitat conservation area or dedicated to an appropriate, City approved habitat conservation organization, where development of the land would be permanently prohibited" (Section 19.145.090 "Open Space Conservation/Preserve"). What is not addressed is what happens to this land if neither the City or a conservation organization is willing to take responsibility for this land. Language is added to Section 19.145.090 "Open Space Conservation/Preserve" to require this commitment prior to the final recordation of a map approved with a PUD Overlay.

The second issue is how the City may prevent the PUD Overlay from rewarding property owners who may buy challenging/unusable land hoping to receive a PUD designation to gaining full credit for the otherwise unsuitable land. Specific criteria to address this should be created and such language is proposed below for Commission discussion and guidance to staff. This proposed language establishes a partial credit for Hillside areas based upon the percentage of slope, areas limited by known earthquake fault lines, stream beds, known washes and/or areas identified upon the FEMA map as subject to flooding, and areas known or identified within the subdivision process to be "prime habitat" for any of the City's rare or endangered species of plants or animals. Staff is requesting Commission input and guidance on this concept and the percentages being offered.

It is noted that additional changes to the proposed ordinance are also suggested below and should be reviewed and considered by the Commission. Further, to be fiscally conservative, this amendment was advertised as a Public Hearing for the Commission meeting of February 16, 2010, with a Council hearing date of March 9, 2010 within one advertisement. This advertisement, however, does not restrict the Commission from continuing its consideration of this amendment to its regular meeting of March 2, 2010 (where staff would still have sufficient time to forward the Commission's recommendation to the Council for its meeting of March 9, 2010), or even a later date if need be. If this item is continued beyond March 2, 2010, a new hearing date before the City Council would be advertised at the appropriate time.

Language Proposed at the January 5, 2010 Study Session with additional material to address

the two issues noted above in ***bold and italics***:

Chapter 19.145 Planned Unit Development

Sections:

19.145.010	Purpose
19.145.020	Objectives
19.145.030	Standards for Planned Unit Developments
19.145.040	<i>Land with Physical, Environmental or Aesthetic Constraints/Limitations (Density Credit)</i>
19.145.050	Approval Procedures for Planned Unit Developments
19.145.060	Submission Requirements
19.145.070	Changes in the Planned Unit Development
19.145.080	Revocation and/or Time Extension
19.145.090	Findings of Fact and Conformity to Chapter
19.145.100	Open Space Conservation/Preserve
19.145.110	Approval Authority
19.145.120	Conditions of Approval

19.145.010 Purpose

The purpose of the Planned Unit Development (PUD) regulations contained herein is to encourage more creative and imaginative design of land development than is otherwise possible under district zoning regulations by taking physical and environmental constraints into consideration. Planned Unit Development allows substantial flexibility in site and design requirements in an effort to preserve, to the greatest extent possible, the natural/physical environment and conserve limited community resources. The intent of this flexibility is to achieve a development that is better planned, contains more amenities and ultimately, is more desirable to live in.

Any site considered for a Planned Unit Development must be found to have value as open space, potential wildlife habitat or of significant community value (such as a scenic vista) based upon one or more of the following considerations:

1. ***Contiguous with Joshua Tree National Park or Marine Base;***
2. ***Identified as suitable habitat for a known threatened or endangered species of plant or animal;***
3. ***Identified as occupied habitat for a known threatened or endangered species of plant or animal;***
4. ***Contains permanent or semi-permanent wetlands, natural springs or forms a portion of a significant watercourse;***
5. ***Identified and accepted as a view shed or scenic vista within the community; or***
6. ***Does not adjoin developed, inhabited parcels on more than two (2) sides.***

19.145.020 Objectives

Each Planned Unit Development should include features that are in substantial compliance with the following objectives:

- A. Allow for the design of developments that are architecturally and environmentally innovative;
- B. Achieve better utilization of land than is possible through strict application of standard zoning and subdivision controls;

- C. Preserves, to the greatest extent possible, native vegetation and local habitats, respecting natural topographic and geologic conditions, and avoids adverse impact on soil, drainage, topography and natural land forms, habitat corridors and other natural ecologic conditions;
- D. Allow the integration of different land uses in an innovative and functionally efficient manner;
- E. Provide for abundant, accessible, and properly located, public open space and recreational amenities, private open space and recreational amenities, schools and other public and private facilities;
- F. Promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features, which minimize their physical impacts while maximizing the allocation of limited fiscal and natural resources for the community's benefit;
- G. Enable new land developments to be consistent, compatible and congruous with adjacent and nearby existing land developments;
- H. Ensure that new development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited to construction;
- I. Ensure that areas within a Planned Unit Development that are not committed to development must be deed restricted as a preserve or dedicated to an appropriate, City approved habitat conservation organization, where development of the land would be permanently prohibited;
- J. *The Planned Unit Development must be sited, designed and constructed to avoid adverse effects upon environmentally sensitive areas both on and off site, such as disturbance of watercourses and hazardous geologic conditions; and***
- K. *The proposed development of the site receiving the planned unit development overlay will be compatible with adjacent and nearby development and shall be designed to minimize visual impact.***

19.145.030 Standards for Planned Unit Developments

Any proposed Planned Unit Development must meet the following standards:

- A. General Plan. A Planned Unit Development must conform with the Goals, Policies and Objectives of the City's adopted General Plan.
- B. Site and Ownership. The site of the Planned Unit Development must be under single ownership and/or unified control. If the site is over thirty (30) acres in size, the "conceptual plan" procedure, as set forth herein below, must be followed.
- C. The type of development permitted on the site receiving the Planned Unit Development approval shall be single-family dwellings only;
- D. Compatibility. The uses permitted in any Planned Unit Development must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties, landforms or the environment. In addition, the Planned Unit Development shall not endanger the public health, welfare or safety, nor shall it substantially diminish or impair property values in the area/neighborhood within which it is to be located.
- E. Community Benefit. Any Planned Unit Development must be of a nature and character that is beneficial to both the area/neighborhood within which it shall be located and to the community as a whole, and contain the developmental design, land uses, physical features and amenities that are needed within the area of the proposed project.
- F. *The site receiving the approval for a Planned Unit Development Overlay must be served by infrastructure that meets city standards, as determined by the City Council in its review of the proposed Overlay;***
- G. Density. The net density of a site approved for a Planned Unit Development (either in dwelling units - for residential uses; or in floor area - for all other uses) shall correspond to, and shall not exceed, the net density specified under the site's General Plan Land Use Designation and imposed by the underlying zoning district. The net density of the Planned Unit Development need not correspond with, but shall not be allowed to

- exceed, the site's net density as defined within the underlying zoning district, but instead should reflect that district's character while requiring development which is consistent, compatible and complementary to surrounding, existing development with regard to lot sizes, building types and architectural design.
- H. Density transfers. The above shall not be constructed or taken to encourage or allow in any manner the transfers of residential density (allowed residential units) between two (2) or more properties, unless such properties are included within the overall area incorporated within the Planned Unit Development reviewed and approved by the City of Twentynine Palms.
 - I. Minimum lot size. Within any residential Planned Unit Development, the minimum lot area per parcel shall be one (1) acre except where a PUD has development adjoining fifty percent (50%) or more of its perimeter. Where a PUD has development adjoining fifty percent (50%) or more of its perimeter, the minimum lot size shall be established by averaging the lot size of all residentially used or zoned properties within five hundred (500) feet of the perimeter of the proposed Planned Unit Development. Said average shall be rounded upward to the nearest one half acre to establish the minimum lot size within the adjoining PUD.
 - J. Code Amendment. A Development Code Amendment request shall be processed with any request for a Planned Unit Development application to identify such PUD designation upon the City's Official Zoning Map.
 - K. Separation Distances Between Structures. The minimum horizontal distance between the buildings shall be:
 - 1. A minimum of thirty (30) feet between structures for all single family-detached dwellings of one (1) to two and one-half (2 ½) stories in elevation.
 - 2. For development other than single family-detached dwellings, the spacing shall be equal to the height of the taller building in the case of independent, free-standing structures.
 - L. Yards. The required yards along the periphery of the Planned Unit Development shall be at least equal in width or depth to that of the adjacent zoning district, with the exception that buildings of more than twenty-four (24) feet in height shall provide a setback from any property line of not less than equal to the height of such buildings.
 - M. Parking Requirements. Parking shall be provided in conformance with the regulations and requirements specified within Development Code Chapter 19.82 "Off-Street Parking and Loading Regulations".
 - N. Traffic. Adequate provision shall be made to provide ingress and egress so designed as to minimize both internal and external traffic hazards and congestion.
 - O. Design Standards (Subdivision). The provisions of the Subdivision Regulations, as provided within Chapter 19.94 "General Subdivision Provisions", shall be adhered to.
 - P. Design Standards (Residential). The provisions as set forth herein shall be adhered to.
 - Q. ***Project Amenities. The development project shall provide public benefit beyond that normally required of a similar development outside of an approved Planned Unit Development Overlay by the provision of such things as equestrian facilities, public open space, on and/or off site infrastructure improvements, public playgrounds, trails and other recreational facilities, or other exceptional public facilities to the satisfaction of the City Council as part of the review/approval process.***
 - R. Areas within a Planned Unit Development that are not committed to development must be deed restricted as a preserve or dedicated to an appropriate, City approved habitat conservation organization, where development of the land would be permanently prohibited.

19.145.040 Land with Physical, Environmental or Aesthetic Constraints/Limitations (Density Credit)

Where land area within a proposed Planned Unit Development Overlay is limited or restricted in its potential use due to physical or environmental constraints, such as slopes, washes or flood zones, suspected and/or occupied wildlife habitat, scenic vista restrictions, etc., said land shall be credited with a portion of the underlying zoning designation's allowable density as follows:

Physical, Environmental or Aesthetic Constraints/Limitations

<i>Potential threatened or endangered species (plant or animal) habitat:</i>	50%
<i>Known, occupied threatened or endangered species (plant or animal) habitat:</i>	25%
<i>Property within 500 feet of known or suspected Earthquake fault line:</i>	50%
<i>FEMA Flood Zone A, AE or AE:</i>	25%
<i>FEMA Flood Zone X:</i>	50%
<i>Property with average Hillside Slopes of 0 to 15%:</i>	100%
<i>Property with average Hillside Slopes of 15+ to 25%:</i>	50%
<i>Property with average Hillside Slopes above 25%:</i>	25%
<i>Identified Ridgelines (development prohibited on ridgeline itself):</i>	50%

Where lands are in excess of 50% slope, such lands shall be assigned a slope of 50% for purposes of determining the average slope of the parcel.

Average slope shall be calculated by the following formula:

$$S = \frac{IL (0.00229)}{A} ; \quad \text{where}$$

S = average natural ground slope of the total project area in percent.

I = the contour interval in feet. (For parcels 20 acres or larger, the maximum contour interval shall be forty {40} feet. For parcels of less than 20 acres, the maximum contour interval shall be ten {10} feet, unless the Director of Community Development finds a larger contour interval will provide reasonable accuracy for purposes of determining the average slope of the parcel under consideration.)

L = the total length of all contour lines within the total project, in feet.

A = the gross area of the project, in acres.

0.00229 = a constant used to convert square feet into acres.

The calculated average natural slope shall be rounded to the nearest whole number.

No cut or fill slopes shall be created which exceed thirty (30) feet vertical height, or four hundred (400) feet in horizontal length (except that slopes required for public streets may exceed 400 feet in length); except that the Planning Commission may permit slopes exceeding these dimensions where the slopes will be the result of earth contouring which the Commission finds will result in a natural appearance and will not create geological or erosion hazards.

All cut and fill slopes shall be contoured to present a natural appearance and shall be blended in with the natural grade, per a plan approved by the Director of Community Development or the Planning Commission when such grading is in conjunction with a Residential Unit Development.

19.145.050 Approval Procedures for Planned Unit Developments

Applications for Planned Unit Developments shall be processed as a Conditional Use Permit – Planned Unit Development and follow the processing procedures as detailed within Chapter 19.30 “Conditional Use Permits”. In addition to the Conditional Use Permit application, a Tentative Tract Map and Development Code Amendment shall be processed to illustrate the proposed subdivision of land under the Planned Unit Development and amend the City’s Official Zoning Map to illustrate the application and location of any approved Planned Unit Development.

The following are strongly encouraged prior to the official submittal of a Conditional Use Permit – Planned Unit Development/Development Code Amendment application to the City of Twentynine Palms:

- A. *Pre-Application Conference* - Prior to the filing of an application for a Conditional Use Permit - Planned Unit Development, the prospective applicant may request one (1) informal Development Review Committee meeting to discuss the development of the proposed Planned Unit Development site in conjunction with the adopted planning rationale and its compatibility with existing and anticipated land uses in the vicinity. The Pre-Application conference is not mandatory, however if requested the Conditional Use Permit “Pre-Application” fee, as established by Council Resolution, shall be required.
- B. *Pre-Application Document Review* - Prior to the filing of an application for a Conditional Use Permit - Planned Unit Development, either before, after, or in lieu of the Pre-Application Conference, all prospective applicants shall review copies of the Land Use Plan, the Zoning Map and the Planned Unit Development Sections of this Ordinance. The Plan shall be evaluated by the petitioner to determine the consistency of the proposal with the adopted planning rationale. The Zoning Map shall be reviewed to ascertain whether or not the proposal is likely to be compatible with existing and anticipated land uses in the vicinity of the proposal.

19.145.060 Submission Requirements

Applications for the Conditional Use Permit, Tentative Tract Map and Development Code Amendment associated with a request for a Planned Unit Development shall be submitted and processed in conformance to the procedures detailed within Chapter 19.30 “Conditional Use Permits”, Chapter 19.22 “Zone Changes and Development Code Amendments” and 19.98 “Tentative Parcel and Tract Map Findings, Procedures and Requirements” respectively.

19.145.070 Changes in the Planned Unit Development

Each Conditional Use Permit - Planned Unit Development shall be developed strictly according to the approved Conditional Use Permit and the recorded Final Tract Map and all supporting documentation (including Conditions of Approval and Environmental approvals). The approved Conditional Use Permit and recorded Final Tract Map, and all supporting documents, together with all recorded amendments, shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the Planned Unit Development project as set forth therein.

19.145.080 Revocation and/or Time Extension

A Conditional Use Permit - Planned Unit Development approval shall become null and void, and the property that is the subject of the Planned Unit Development shall thereupon revert to its original zoning district classification where said Planned Unit Development has:

- A. Received City Council approval and where the Tentative Tract Map of said Planned Unit Development, or the first phase of the Tentative Tract Map if construction is to take place

in phases, has not been submitted to the Community Development Department for processing of the Final Tract Map approval within two (2) years from the date of original Council approval; or

- B. Received City Council approval and where the construction of said Conditional Use Permit - Planned Unit Development, as authorized by the issuance of a Building Permit and receipt and passage of the first required inspection associated with said Building Permit, has not begun within two (2) years after the date of original Council approval.

To assure the community of the timely and appropriate dedication, conservation and preservation of any open space, conservation area or preserve established with a Tentative Tract Map approved under a Conditional Use Permit – Planned Unit Development, said Tentative Tract Map shall be subject to the time limitations noted above and the owner/developer/applicant of said property shall agree to waive the allowances (“Expiration and Extension”) for Tentative Tract Maps established within Chapter 19.98 “Tentative Parcel and Tract Map Findings, Procedures and Requirements” of this Code. Further, no “Time Extensions” of a Tentative Tract Map approved under a Conditional Use Permit – Planned Unit Development, shall be permitted.

19.145.090 Findings of Fact and Conformity to Chapter

In addition to the “Findings” required within Chapter 19.30 “Conditional Use Permits”, Chapter 19.22 “Zone Changes and Development Code Amendments” and 19.98 “Tentative Parcel and Tract Map Findings, Procedures and Requirements” for the Conditional Use Permit, Development Code Amendment and Tentative Tract Map approvals, the applicant shall provide, and the Planning Commission and City Council shall accept or reject, an articulation of how the proposed Conditional Use Permit – Planned Unit Development shall be in the public interest, including, but not limited to, the following:

- A. In what respects the proposal is consistent with the stated purpose of the Planned Unit Development regulations, the Objectives stated herein and the Goals and Policies of the adopted General Plan.
- B. The extent to which the proposed plan meets the standards and requirements of the underlying zoning district and the Planned Unit Development regulations as set forth herein.
- C. The extent to which the proposed Planned Unit Development departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, dimension, area, and use, and the reasons why such departures are deemed to be in the public interest.
- D. The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, the disposition of any open space established for the community good and furthers the amenities of light and air, recreation and visual enjoyment, as well as the preservation of the native environment and conservation of limited local resources.
- E. The relationship and compatibility of the proposed Planned Unit Development to the adjacent properties and neighborhood.
- F. The desirability of the proposed Planned Unit Development with regard to the physical development of the site, the community’s tax base and economic well-being of the City.

SUPPORTING STATEMENT(S)--To approve a Planned Unit Development Overlay application, the Planning Commission and City Council must make the above “Findings” in a positive manner. A written statement from the applicant addressing each of these points is required (please be thorough, but concise, as your statements will become part of the official record and Agenda Report(s) for your request).

19.145.100 Open Space Conservation/Preserve

As a requirement of the subdivision of any property approved under a Planned Unit Development, dedication of that portion of the Map restricted as undevelopable open space, conservation area or preserve shall be so noted and recorded upon the Final Map approved by the City Council as a lettered lot and the same shall be documented within the title of such property. Further, this lettered lot shall be deed restricted as a conservation area or preserve and be permanently held as a City approved and controlled habitat conservation area or dedicated to an appropriate, City approved habitat conservation organization, where development of the land would be permanently prohibited. ***A commitment from the City to accept said lettered lot, or a binding written commitment from a City recognized habitat conservation organization, shall be secured prior to the City Council's acceptance and approval of the Final Subdivision Map.***

19.145.110 Approval Authority

Under the requirements of Section 19.40.040 D "Approval Authority Involving Multiple Actions", as a Planned Unit Development requires the processing of a Conditional Use Permit, Development Code Amendment and Tentative Tract Map, the City Council shall be the Final Authority to review and approve any Planned Unit Development request, following the receipt of a recommendation from the Planning Commission.

19.145.120 Conditions of Approval

In addition to any Conditions of Approval that may be imposed upon the Conditional Use Permit, Development Code Amendment and Tentative Tract Map, the City Council, upon receipt of a recommendation from the Planning Commission, may impose reasonable and appropriate conditions to assure and achieve the purposes of this Chapter and to support making of the necessary "Findings" for approval.

CEQA Environmental Review

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the issue before the Planning Commission is consideration of an amendment to narrative of the Code which,, by itself, cannot have a direct impact upon the environment. Any development which may arise from the change to the Code resulting from this amendment shall be subject to the requirements of the California Environmental Quality Act (CEQA) at the time the project is reviewed by the City. As such, it can be seen with certainty that the proposed amendment will not have an impact upon the environment and it, therefore, exempt from further environmental review.

Initiation Process

Under the provisions of Chapter 19.22 "Zoning Changes and Development Code Amendments", the City may initiate a Development Code Amendment when it is believed that an amendment to the Code is warranted by changing circumstances within the community. At its Study Session of January 5, 2010, the Planning Commission initiated this Development Code Amendment to address alternative potential development within the City.

Approval Authority

Under the requirements of Section 19.22.040 "Approval Authority and Notification", the Planning Commission is the "Review Authority" on any proposed Development Code Amendment, making recommendation to the City Council as the "Approval Authority".

Minute Excerpt

**TWENTYNINE PALMS PLANNING COMMISSION
SPECIAL MEETING
CITY COUNCIL CHAMBER, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, JANUARY 5, 2010
6:00 P.M.**

MINUTES

1.0 CALL TO ORDER- Chair Caplinger called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE- Chair Caplinger led the Pledge of Allegiance.

ROLL CALL- The following Commissioners were present: Alderson, Easter, Mintz, Rinkes and Caplinger.

SELECTION OF CHAIRMAN AND VICE CHAIR

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11.0 STUDY SESSION

11.1 PC 09-83 – A discussion as to whether the City should consider an amendment to Title 19 “Development Code” of the City of Twentynine Palms Municipal Code adding a new Chapter 19.145 “Planned Unit Development”, establishing the standards and criteria to process and consider an overlay which would allow a concentration/clustering of residential development within a defined and confined portion of a property.

Director LaClaire presented a staff report to the Planning Commission regarding PC 09-83.

Jay Corbin, Twentynine Palms, spoke in favor of the issue and said he hoped the Planning Commission moved forward with the item.

Commissioner Caplinger said he felt it would be great for a desert community like Twentynine Palms.

Chair Mintz said he thought the issue should be moved forward.

On a motion made by Commissioner Caplinger, seconded by Vice Chair Rinkes and carried with a 5-0 voice vote, the Planning Commission requested staff to proceed to a Public Hearing to formally consider the inclusion of a new Chapter 19.145 “Planned Unit Development” within the Development Code.

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12.0 ADJOURNMENT- Chair Mintz adjourned the meeting at 9:50 p.m. to a special meeting on January 13, 2010 at 4:00 p.m.

Respectfully Submitted,

Jacqueline M. Palmer, Deputy City Clerk



**CITY OF TWENTYNINE PALMS
PLANNING COMMISSION STUDY SESSION REPORT**

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 – Fax (760) 367-5400
commdev@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: February 3, 2010
For Commission Meeting of: February 16, 2010

Case: PC 08-80 – A Public Hearing to allow the Planning Commission to receive, consider and forward comments to the City Council for its conceptual approval of the “draft” Downtown Economic Revitalization Specific Plan.

RECOMMENDATION

Conduct the Public Hearing, consider public comment, provide guidance to staff and consultants on the “draft” Downtown Economic Revitalization Specific Plan, then forward the Plan to the City Council for its consideration of Conceptual approval and inclusion within the Update to the City’s General Plan.

Attachment
Draft Downtown Economic Revitalization Specific Plan (under separate cover) (copies available within the City Clerk’s office, Community Development Department and City Library)

ORDER OF PROCEDURE

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

PROJECT DESCRIPTION

PC 08-80 – The purpose of the Public Hearing is to present the “draft” Downtown Economic Revitalization Specific Plan to the Planning Commission for consideration and comment. All such comments and input from the Commission on the Plan shall be forwarded to the City Council for consideration and its conceptual approval, then forwarded to the consulting firm of Hogle-Ireland, Inc. for incorporation into the Comprehensive Update to the City’s General Plan now being processed. Future adoption of the proposed Specific Plan, and related environmental documentation, will be considered at the time the comprehensive update to the General Plan is considered.

BACKGROUND

As the Planning Commission is aware, the City has been working for more than a year with PMC, Inc. (a private land use consulting firm) on the creation of a Twentynine Palms Downtown Economic Revitalization Specific Plan. At meetings before both the Council and Commission, representatives from PMC have provided updates and sought guidance from both bodies, resulting in the draft now available for review.

The Planning Commission is tasked with the responsibility to review the draft document, provide input on the content of the document, then forward a recommendation to the City Council on whether the Council should give “conceptual” approval of the final draft Specific Plan (Council review is tentatively scheduled for March 9, 2010). This conceptual approval will then allow the document to be incorporated into the City’s efforts at updating the General Plan.

Of significant note is that the “conceptual” approval does not involve independent environmental review of the Plan at this time. Rather, once given conceptual approval, the Plan shall be incorporated into the General Plan Update’s Environmental Impact Report (EIR). Following the Council’s certification of the General Plan Update’s EIR, the Downtown Economic Revitalization Specific Plan may then be formally adopted by the City.

As the final draft Twentynine Palms Downtown Economic Revitalization Specific Plan is over 180 pages in length, a Compact Disk copy was distributed to the City Council and Planning Commission on February 4, 2010 to allow both bodies additional time to review the document prior to the February 16th Planning Commission meeting and March 9th Council meeting. It was noted within the memo that forwarded the draft CDs to the Council and Commission that although the CDs were being provided, a full color, paper printout is available within the City Clerk’s office and City Council office for review. Individual CDs or paper printouts of the document may be obtained by interested citizens from the Community Development Department at a cost of \$5.50 for the CDs and \$85.00 for the color paper reproductions.

ANALYSIS

The City of Twentynine Palms hired PMC, Inc. (a land use and planning consulting firm), to prepare a Downtown Economic Revitalization Specific Plan for Downtown Twentynine Palms in late 2008. The purpose of the Specific Plan is to establish the goals for quality, sustainable development within the City’s Downtown area and to establish the standards and criteria under which such development would take place. The Plan presented to the Commission for consideration of conceptual approval is self-contained and provides an “Introduction” to explain the nature, purpose and intent of a Specific Plan, a “Vision” chapter providing the Vision Statement for the downtown area, “Goals and Policies”, a chapter on “Land Use and Development Standards”, a chapter on “Streetscape” for the Downtown area, an “Infrastructure and Public Utilities” chapter as well as a chapter addressing how to implement the Plan.

As both the City Council and Planning Commission have provided input several times to the creation of this draft Plan, the Commission’s current task is to provide a final refinement of the material, then forward the document (plus any comments) on to the Council for its review and, hopefully, “conceptual” approval of the document. It is noted that while the Commission has the opportunity to make any suggestions that it may wish as a body regarding the draft Plan, this document has been in the works for over one year and the City and PMC are at the end of their contract for the creation of this document. Comments and suggestions on the material shall be forwarded to the Council for inclusion within its consideration of the Plan, and at that time suggested changes, clarifications or alterations will be directed by the Council as it sees fit. If the Commission cannot complete its review of the draft on February 16, 2010, the item may be continued to the Commission’s regularly scheduled March 2, 2010 meeting without necessitating a delay of the Council’s anticipated March 9th review. Although a hearing before the Council is scheduled for March 9, 2010, this review can be delayed to a later date if the Commission needs additional time to review and comment upon the draft Plan.

It is again note that when the Planning Commission, then City Council, gives conceptual approval to the Plan, with or without modifications, the Specific Plan shall be forwarded to the consulting firm of Hogle-Ireland, Inc. for incorporation into the Comprehensive Update to the City’s General Plan now being processed. Future adoption of the proposed Specific Plan will be

considered at the time the comprehensive update to the General Plan is considered (with this timing needed to address the State mandated California Environmental Quality Act {CEQA} review requirements).

CEQA Environmental Review

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Article 19, Section 15306 "Information Collection", the proposed Conceptual Approval of the Downtown Economic Revitalization Specific Plan (for inclusion within the City's update to its General Plan) will not constitute a change to the Municipal Code or Development Code which could have an impact upon the environment, and, therefore, the conceptual approval is Categorical Exempt from further environmental review. Any future adoption or enactment of the Downtown Economic Revitalization Specific Plan itself shall be subject to conformance to the requirements of the California Environmental Quality Act (CEQA) at that time. This environmental review is anticipated to be included within the Environmental Impact Report (EIR) for the City's Update to the General Plan now underway.

Initiation Process

Under the provisions of Chapter 19.22 "Zoning Changes and Development Code Amendments", the City may initiate a Development Code Amendment when it is believed that an amendment to the Code is warranted by changing circumstances within the community. The ultimate adoption of the Downtown Economic Revitalization Specific Plan will introduce this document into the General Plan, which will mandate that the "Land Use and Development Standards" listed within Chapter 4 of the Plan will be enforced as part of the Development Code. As such, the adoption of the Downtown Economic Revitalization Specific Plan is a Code Amendment subject to the requirements of Code Chapter 19.22 "Zoning Changes and Development Code Amendments" and all of the associated procedures (public hearings before both the Planning Commission and City Council prior to adoption).

Approval Authority

Under the requirements of Section 19.22.040 "Approval Authority and Notification", the Planning Commission is the "Review Authority" on any proposed Development Code Amendment, making recommendation to the City Council as the "Approval Authority".