



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

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 – Fax (760) 367-5400

TO: Planning Commission
FROM: Community Development Director
DATE: December 22, 2010

FOR COMMISISON MEETING: January 4, 2011

SUBJECT: PC 10-92 - Commission determination of General Plan Consistency for the City's purchase of a five (5) acre property within the Rural Living 2.5 Acres per Parcel zoning district within the City of Twentynine Palms; APN 0591-321-26.

RECOMMENDATION

Conduct the Hearing, consider public comment, determine that the request is Exempt from further Environmental review and adopt PC Resolution 10-26 finding that the purchase of the specified property by the City of Twentynine Palms is not in conflict with the adopted Goals and Policies of the City's General Plan.

Attachments

- Resolution No. 10-26
- Zoning Vicinity Map
- Aerial Map
- Notice of Exemption

PROJECT DESCRIPTION

The City of Twentynine Palms is considering the purchase of property located within the Rural Living 2.5 Acre per parcel zoning district involving a property described as Assessor's Parcel Number 0591-321-26. The property in question is located along the western side of the southern logical extension of Bullion Mountain Road, approximately 0.85 miles south of Baseline Road. Under the provisions of Section 65402 of the State of California Government Code, prior to the acquisition of property by any City, the Local Planning Agency (the City's Planning Commission) must make a determination that such purchase is consistent with and conforms to the Goals and Policies of the City's adopted General Plan.

BACKGROUND

Under the provisions and requirements of Section 65402 of the State of California Government Code, the City of Twentynine Palms may not sell, convey or purchase property until such sale or transfer has been reported to the Planning Commission and the Commission has made a determination that the sale or transfer of such property shall not create a situation that the future use of said property shall be inconsistent with the Goals and Policies of the City's adopted General Plan. Such General Plan consistency determination is required prior to the sale and/or conveyance of the property so identified.

Presently, the City of Twentynine Palms is considering the purchase of an approximately five (5) acre property located along what would be the southern extension of Bullion Road, within the rural Living 2.5 Acre per parcel zoning designation. No specific development plans are proposed for the property, nor is there a proposal to change the land use designation for the property, and the future use of this land, whether by the City or if sold in the future, must conform to the underlying zoning of the property at that time.

Site Characteristics

The property in question is currently vacant with the exception of the remnant of a homestead shack, a trailer and a small structure used as a shaded shooting platform. Although a portion of the site is graded and flat, where the aforementioned structures are located, the majority of the site consists of native desert vegetation and rocky sloped terrain, with a significant gully along the northwest corner of the site. As an unimproved property, served only by a dirt road (which is an easement across various properties) the site does not have existing curb, gutter or sidewalk, but is located adjacent to both residential and open space (BLM land) uses.

ANALYSIS

The City is considering the purchase of an approximately five (5) acre property located near the southeastern edge of the City within a Rural Living 2.5 acre per parcel zoning designation. Under the provisions of the California Government Code, prior to the City purchasing (or selling) property, the Planning Commission, as the local planning authority, must first determine that the purchase or sale of such property shall be consistent with the Goals and Policies of the locally adopted general Plan. As described above, the site is presently undeveloped with the exception of the remnants of a Homestead shack, a trailer and a small shade structure. Although a portion of the site has been graded, with some minor alteration to the potential flow of water within a gully that runs through a corner of the site, the majority of the property has been left in its natural state. Access to the property is through easements on other properties, with only a dirt road serving the site.

Under the present request, the City's purchase of the property in question shall not result in a change to the land use designation of the property, the current or anticipated future use of the property for residential purposes, nor create or allow a use that would be in conflict with uses existing or permitted upon adjoining or surrounding properties. Thus, the City's purchase of the property in question shall not conflict with and is consistent with, the goals, policies and all other elements of the City's General Plan.

GENERAL PLAN AND ZONING DESIGNATIONS

The City of Twentynine Palms adopted General Plan currently designates the Subject Property for low density residential use with a Rural Residential 2.5 Acres land use designation. Consistent with this General Plan designation, the City's Development Code designates the Subject Property as Rural Residential One Unit per 2.5 Acres. Per the General Plan, rural residential uses shall provide for the following:

It is the intent of this category to provide generous amounts of land for large residential parcels located on the outskirts of the City. The district is created for quiet and spacious single family residential use, with some areas devoted to quiet institutional uses. Because of the rural setting, more relaxed standards apply.

Purchase of the property in question by the City of Twentynine Palms will not result in a change to the Site's General Plan Land Use designation nor would it result in a change to the uses permitted within this Land Use designation. Further, no changes to the current land use are proposed with the acquisition of the property by the City. As such, the ownership of the property, whether private or the City of Twentynine Palms, would not alter the property's designation or permitted uses to any that would be inconsistent with the Goals and Policies of the adopted General Plan.

In addition to the above, the Commission may wish to consider the following Goals and Policies from the Land Use Element of the adopted General Plan. The City's purchase of the property shall either be in concert with, or clearly not in opposition to, each of the Goals and policies listed below.

GOALS AND POLICIES (Land Use Element)

Goal #1

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

Purpose

Goal #1 establishes the primary purpose of the Land Use Plan, a setting which provides a high quality of life for all residents and visitors.

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 #2

Development of a variety of high quality residential neighborhoods.

Purpose

The purpose of Goal #2 is to emphasize the importance of providing opportunity for a variety of residential development and provide housing opportunities for all City residents.

Policy 2.1

Schools, parks and recreation facilities shall be located near residential areas.

Policy 2.2

Development shall ensure efficiency in circulation to and from residential Land Use Districts.

Policy 2.3

The City will provide housing opportunities suitable to all income levels.

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.

Purpose

The Purpose of Goal #5 is to ensure that all land use decisions are environmentally conscious and that environmental impacts are avoided to the extent possible.

Policy 5.1

Preservation of the community's clean and healthful air will be a priority when considering discretionary projects.

Policy 5.2

The City shall preserve the existing night sky as a community resource.

Policy 5.3

The City shall take all necessary steps in project approval and in issuance of Building Permits to

ensure that erosion is minimized.

Goal #6

Consideration shall be given to air quality issues in the preparation of environmental documents for all projects proposed for development.

Purpose

The purpose of Goal #6 is to ensure that air quality is protected and that development will occur in a manner which is supportive of regional air quality policies.

Policy 6.1

During project review, the City will evaluate air quality, land use, transportation, and economic relationships to ensure consistency and minimize conflicts.

CEQA Environmental Review

Pursuant to the provisions and requirements of the California Environmental Quality Act (CEQA), the proposed determination by the Planning Commission that the purchase of a privately owned property by the City of Twentynine Palms, a purchase that shall not result in a change to either the property's General Plan Land Use (or zoning) designation nor a change to the current or anticipated future use of the property, can be seen with certainty to have no potential direct or indirect adverse impacts upon the environment and, therefore, this determination by the Commission of General Plan consistency is Categorical Exempt from further environmental review.

Findings

The City's Development Code does not identify specific "Findings" that must be made by the Planning Commission to make a finding of General Plan consistency with the purchase, sale and/or title transfer of property. Although specific findings are not listed within the Development Code, staff has prepared the following comments for Commission consideration:

- A. The proposed purchase, sale or title transfer of a property from private ownership to the City of Twentynine Palms, without changing either the land use designation or the property or the land use of the property, and which may facilitate the future use of the property in a manner that is not in conflict with other existing or anticipated future uses within the area, is consistent with the Land Use Element's Goals and Policies, as well as consistent with all other elements of the City's adopted General Plan.
- B. The proposed purchase, sale or title transfer of a property privately owned to the City of Twentynine Palms may allow, or even facilitate, future development of the land for residential use(s) consistent with the site's underlying low density residential General Plan and zoning designations, and which may also further or enhance the City's residential diversity and provide opportunities to fulfill the General Plan Housing Element's goal of achieving an array of housing types and opportunities.
- C. An environmental review of a determination by the Planning Commission that a proposed purchase of privately owned property by the City of Twentynine Palms, a purchase that shall not result in either a change to the property's General Plan Land Use designation or anticipated use of the property, can be seen with certainty to have no direct or indirect adverse impacts upon the environment and, therefore, this General Plan consistency determination is Categorical Exempt from further environmental review.

In consideration of the above, the conveyance (purchase) of the property in question by the City of Twentynine Palms shall not result in a change to the land use designation of the property, the

current or anticipated future use of the property, nor create or allow a use that would be in conflict with uses existing or permitted upon adjoining or surrounding properties. Thus, the City's purchase of the property in question shall not conflict with and is consistent with, the goals, policies and all other elements of the City's General Plan.

Approval Process

The Planning Commission, under the provisions and requirements of Section 65402 of the California Government Code, is the Approval Authority to make a finding of consistency with the General Plan prior to the sale and/or title transfer of a City owned property. Further, the Planning Commission may determine that the project (the sale and/or title transfer of a City owned property) is Categorically Exempt from further environmental review and adopt PC Resolution 10-26.

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 10-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, MAKING A DETERMINATION OF CONFORMITY WITH THE GOALS AND POLICIES OF THE CITY'S ADOPTED GENERAL PLAN FOR THE PURCHASE OF PROPERTY WITHIN THE CITY OF TWENTYNINE PALMS.

WHEREAS, California Government Code Section 65402 requires that a jurisdiction's planning agency (i.e., the City of Twentynine Palms Planning Commission) review and report upon whether a proposed disposition of real property for public purposes is consistent with the adopted General Plan; and

WHEREAS, the City of Twentynine Palms, as a local agency as defined under Government Code section 65402, is considering the purchase of a property approximately 5.0 acres in size (APN 0591-321-26) located along the western side of the southern logical extension of Bullion Mountain Road, approximately 0.85 miles south of Baseline Road; and

WHEREAS, the City in its consideration of the purchase of the property in question, has no plans to change the General Plan or Zoning designations for the property, nor change the current or anticipated future use of the property from its current residential permitted use; and

WHEREAS, under the provisions and requirements of the California Environmental Quality Act (CEQA), the proposed determination by the Planning Commission that the purchase of a privately owned property by the City of Twentynine Palms can be seen with certainty to have no potential direct or indirect adverse impacts upon the environment and, therefore, this determination by the Commission of General Plan consistency is Categorical Exempt from further environmental review; and

WHEREAS, a hearing, open to the public, was held by the Planning Commission on January 4, 2011; and

WHEREAS, the property in question is designated in the City's General Plan for low density single-family residential use, and is zoned "Rural Residential 2.5 Acre."

WHEREAS, the City's General Plan states that the purpose of the goals of the residential uses shall provide for the following:

A Land Use Plan to establish a setting which provides a high quality of life for all residents and visitors;

To emphasize the importance of providing opportunity for a variety of residential development and provide housing opportunities for all City residents;

To ensure that all land use decisions are environmentally conscious and that environmental impacts are avoided to the extent possible; and

To ensure that air quality is protected and that development will occur in a manner which is supportive of regional air quality policies.

WHEREAS, the Planning Commission, acting as the Approval Authority, has considered the following Goals and Policies of the General Plan in its consideration of the City's purchase of property for public purposes, specifically:

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.

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

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The City shall take all necessary steps in project approval and in issuance of Building Permits to ensure that erosion is minimized.

Goal #6

Consideration shall be given to air quality issues in the preparation of environmental documents for all projects proposed for development.

Policy 6.1

During project review, the City will evaluate air quality, land use, transportation, and economic relationships to ensure consistency and minimize conflicts.

WHEREAS, the Planning Commission, acting as the Approval Authority for making a determination of General Plan consistency, makes the following findings:

- A. The proposed purchase, sale or title transfer of a property from private ownership to the City of Twentynine Palms, without changing either the land use designation or the property or the land use of the property, and which may facilitate the future use of the

property in a manner that is not in conflict with other existing or anticipated future uses within the area, is consistent with the Land Use Element's Goals and Policies, as well as consistent with all other elements of the City's adopted General Plan.

- B. The proposed purchase, sale or title transfer of a property privately owned to the City of Twentynine Palms may allow, or even facilitate, future development of the land for residential use(s) consistent with the site's underlying low density residential General Plan and zoning designations, and which may also further or enhance the City's residential diversity and provide opportunities to fulfill the General Plan Housing Element's goal of achieving an array of housing types and opportunities.
- C. An environmental review of a determination by the Planning Commission that a proposed purchase of privately owned property by the City of Twentynine Palms, a purchase that shall not result in either a change to the property's General Plan Land Use designation or anticipated use of the property, can be seen with certainty to have no direct or indirect adverse impacts upon the environment and, therefore, this General Plan consistency determination is Categorical Exempt from further environmental review.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms finds that the determination of General Plan consistency for the purchase of privately held property by the City of Twentynine Palms is Categorical Exemption from further environmental review under the State Guidelines to Implement the California Environmental Quality Act (CEQA).

BE IT FURTHER RESOLVED that the City of Twentynine Palms Planning Commission findings that the City's purchase of a privately held property, approximately 5.0 acre in size with a Rural Living 2.5 acre General Plan designation (APN 0591-321-26), located along the western side of the southern logical extension of Bullion Mountain Road, approximately 0.85 miles south of Baseline Road, is consistent with the Goals and Policies of the Land Use Element as listed herein and with all other Elements of the City's adopted General Plan.

APPROVED AND ADOPTED THIS 4th DAY OF JANUARY, 2011.

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:

ATTEST:

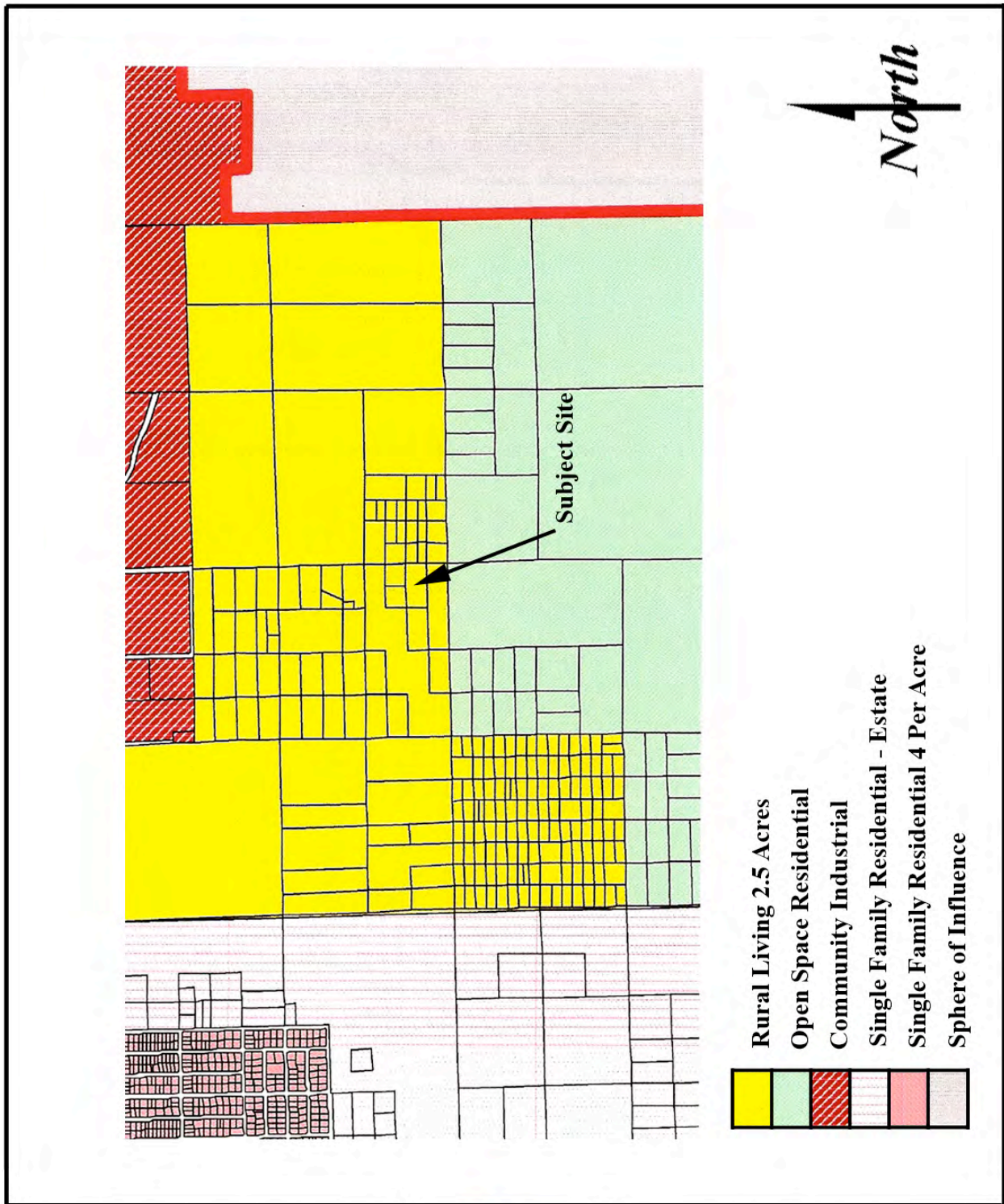
Rebecca Rinkes, Chair

Jacqueline Palmer, Deputy City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. 10-26 duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the 4th day of January, 2011, in Twentynine Palms, California.

Dated this 4th day of January, 2011.

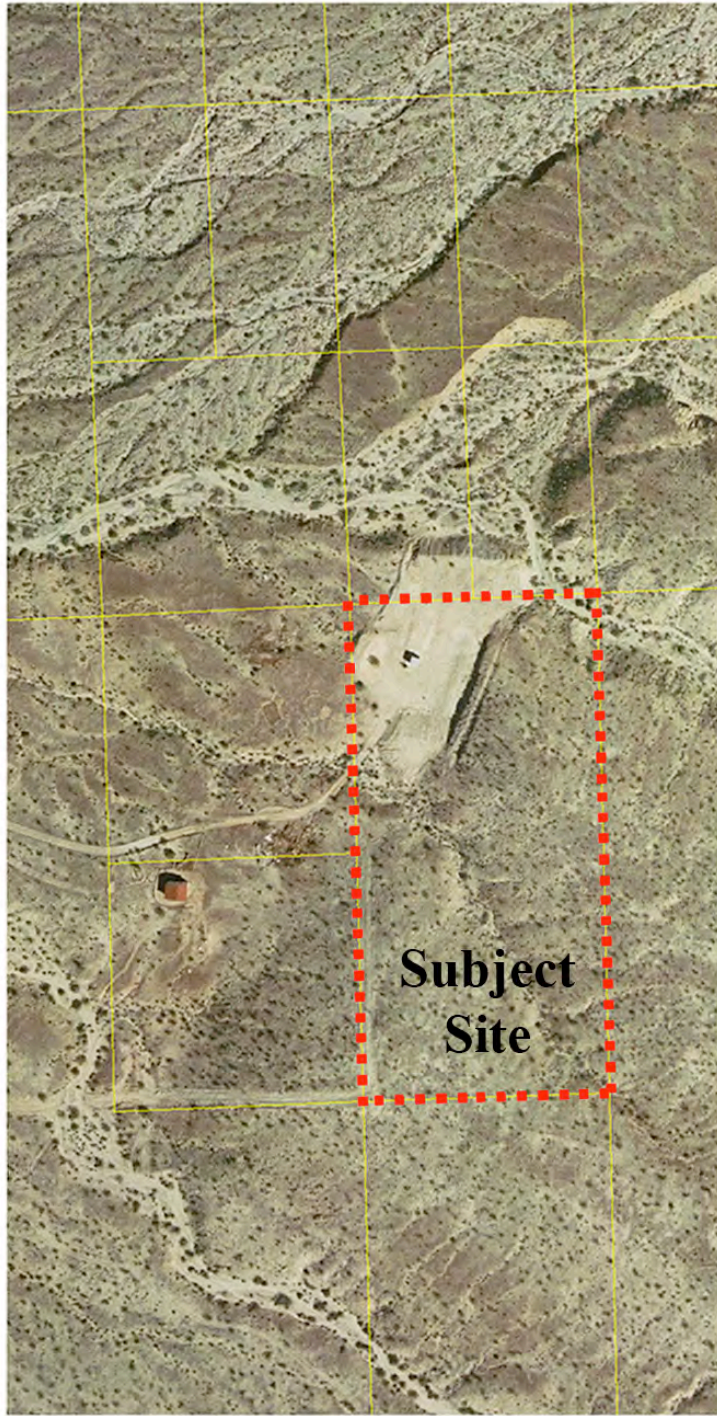
Jacqueline Palmer, Deputy City Clerk



Zoning Vicinity Map
 Assessor Parcel Number
 0591-321-26



PC 10-92
January 4, 2011



Aerial Map
Assessor Parcel Number
0591-321-26



PC 10-92
January 4, 2011



Notice of Exemption
City of Twentynine Palms
Community Development Department
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799: Fax (760) 367-5400

- 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: Determination of general plan consistency for the purchase of privately owned property by the City of Twentynine Palms

Project Location: An approximately 5.0 acre in size property with a Rural Living 2.5 acre General Plan designation (APN 0591-321-26), located along the western side of the southern logical extension of Bullion Mountain Road, approximately 0.85 miles south of Baseline Road within the City of Twentynine Palms

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

Description of nature, purpose and beneficiaries of Project: PC 10-92, Consistency Determination. A Determination of General Plan Consistency by the City of Twentynine Palms Planning Commission finding that the purchase of one (1) property by the City of Twentynine Palms without changing the General Plan or zoning designation of the site is consistent with the Goals and Policies of the Land Use Element of the City's adopted General Plan.

Public Agency approving Project: City of Twentynine Palms Planning Commission

Name of Person Carrying Out Project: John Tooker, Interim City Manager/Redevelopment Agency Executive Director, City of Twentynine Palms

Exempt Status: Categorical Exemption per Section 15012

Reason(s) Project is Exempt: Pursuant to the provisions and requirements of the California Environmental Quality Act (CEQA), Section 15300, the purchase of land privately owned by the City of Twentynine Palms without a change to its intended use or the property's General Plan and zoning designations is Categorically Exempt from further environmental review.

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

Signature

January 5, 2011
Date

Community Development Director
Title



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

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 – Fax (760) 367-5400

To: Planning Commission
From: Community Development Director
Date Prepared: December 22, 2010
For Commission Meeting Of: January 4, 2011

Subject: **PC 10-05** - Applicant Eugene McMenamin proposes a Conditional Use Permit (CUP) for Adobe Auto Center, a five (5) phased vehicle sales and leasing facility to be located on an approximately 4.6± acre parcel at the northwest corner of Adobe Road and Didsbury Road (APN 0620-121-12) with a General Commercial (CG) zoning designation.

RECOMMENDATION: Conduct the open, continued Public Hearing, consider public comment, find the project Categorically Exempt pursuant to CEQA and adopt Planning Commission Resolution 10-24 approving the Conditional Use Permit, subject to the attached Conditions of Approval.

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 (roll call vote)

Attachments

1. Site Plan
2. Elevations
3. Letter from applicant requesting Loading Space waiver
4. Letter from applicant to City Manager requesting utility deferral
5. Letter from Mr. Don Schweitzer, Architect
6. Email from Mr. Jim Schweitzer
7. Lighting Plan
8. Resolution 10-24 (with attached Conditions of Approval)
9. Notice of Exemption

PROJECT DESCRIPTION

Applicant Eugene McMenamin proposes a Conditional Use Permit (CUP) for the Adobe Auto Center, a five (5) phased vehicle sales and leasing facility to be located on an approximately 4.6± acre parcel at the northwest corner of Adobe Road and Didsbury Road (APN 0620-121-12).

BACKGROUND

At its regularly scheduled meeting of December 7, 2010, the Planning Commission re-opened the open, continued Public Hearing for the review of a Conditional Use Permit to establish the "Adobe Auto Center", allowing the sale and lease of various vehicles. At that meeting, the applicant, Mr. Eugene McMenamin, clarified that in addition to the traditional sale and/or lease of vehicle at the site, he also intended to request Commission approval for the rental of vehicles (presumably both autos and various sizes of trucks, trailers and vans). Similar to the vehicle sales activity, the Development Code requires Planning Commission approval a Conditional Use Permit for a facility that rents autos and various sizes of trucks, trailers and vans within the General Commercial zoning district. While the Planning Commission approved the vehicle

sales activity at the December 7th meeting, the original legal advertisement, and agenda citation, did not include the rental activity, and therefore that aspect of the request had to be advertised within a local paper at least ten (10) days prior to Commission consideration. That advertisement has now been provided as required by both the City's Development Code and State law and the Commission may consider the rental activity based upon its own individual merit.

It is noted that the material within the November 16th and December 7th Public Hearing reports are not duplicated within this report, however copies of that material can be provided by staff upon request.

Project Analysis

Under the current aspect of the applicant's request, the Commission is being asked to consider allowing the establishment of a vehicle rental facility, possibly including the rental of trucks, vans and trailers. This requested use shall be in addition to the vehicle sales and leasing activities approved by the Planning Commission on December 7, 2010. As the most visible portions of the property in question are located adjacent to Adobe Road and along Didsbury Road near Adobe Road, it can be assumed that the truck, van and trailer rental activities shall be located within the westerly most portion of the property.

As provided in Chapter 19.30 "Conditional Use Permits", under the provisions of the Commission's review of the requested Conditional Use Permit, the Commission must assess and determine if a potential exists that the proposed use may have an impact upon the site, adjoining or surrounding properties or the community as a whole. If potential impacts are identified, these impacts may be mitigated to a level of insignificance by the application of reasonable and appropriate "Conditions of Approval" (19.30.070). These Conditions may include "special building setbacks, open spaces, buffers, fences, walls and screening", "installation and maintenance of landscaping, and erosion control measures", "regulation of hours of operation or other characteristics of operation", "requirements for special building design and features to enhance the visual impact and integrate the use into the community" and "other conditions as may be deemed necessary to make the findings required by this Chapter." The imposition of Conditions is at the discretion of the Commission to address issues associated with the requested land use.

The present use under consideration by the Commission is the allowance of auto, truck, van and trailer rental activities located within the westerly most portion of the subject property. This location places the rental activity adjacent to the western property line, the dividing line between the site's General Commercial zoning designation and the adjoining site's occupied Rural Living (single-family residential) zoning designation. For the most part rental facilities, if successful, generally involve a large volume of vehicles entering and leaving the site daily, often early in the morning or later in the day, while individuals use the rented vehicles for that day's activities. While the daily comings and goings of the rented vehicles is the most noticeable potential impact, other common activities such as parking, signage, security lighting, incidental cleaning and minor repairs (windshield wiper blades, airing or replacing flat tires, etc.) may all contribute to impacting the adjoining properties due to the volume of such activities. Of these activities, most, with the exception of the daily comings and goings of rental vehicle (van and trucks being of highest concern), would also be associated with the vehicle sales and leasing facility already approved by the Commission with a set of specific Conditions of Approval.

The Commission may wish to address the potential impact to adjoining or surrounding properties from the higher volume of vehicles, vans, trucks and trailers, resulting from a successful rental facility. This may involve limiting the hours that vehicles may be picked up or dropped off, requiring that the return of vehicle be only allowed on-site (no vehicles left parked in the street awaiting return), that no repairs be allowed outside of an enclosed building (Table

19.10-A Section “Automotive Related Sales and Service”) and that a wall be placed along the property line between the commercial activities on site and the residential use on the adjoining site.

On the issue of a wall between the commercial and residential properties, although the Commission was provided with a citation of the Code to support requiring only a wooden fence along the westerly property boundary separating the differing zoning districts (Sections 19.10.050 “A” and “B”, see below), staff notes that Code Section 19.82.060 “I” (see below) requires a block wall and that although this Section provides specific “exemptions”, neither of these exemptions apply in this case. Unfortunately, the citation at the December 7th meeting appears to be in conflict with Section 19.82.060 “I”, and that it could be argued that the autos, vans, trucks and trailers being offered for rental are being “stored” upon the property. Although this argument can be considered, and even the vehicles for sale could be considered simply stored on site until they are sold and taken away, it can also be argued that Section 19.82.060 “I” should take precedent because it addresses the greater issue of the use of the entire property and it appears to be attempting to address the larger “zoning” concept of the separation, and protection, of differing land uses (which, in some communities, is addressing the “highest and best use” concept, which is a fundamental principal of planning and zoning law).

19.10.050 Outdoor Storage and Use Standards.

- A. Outdoor storage. Outdoor storage on properties in the CG, CT, CO and CN districts shall be screened so that it is not visible from the public right of way.

Screening shall be provided and maintained by the use of solid walls, wood fencing, or chain link fencing with either shade cloth, slats, or drought tolerant vegetation. If drought tolerant vegetation is utilized to accomplish screening, the vegetation used shall:

1. provide adequate screening within one year of planting, and
2. be maintained to provide continual screening of any outdoor storage, and
3. be watered with an automatic watering system equipped with a timer.

If shade cloth or slats are utilized to accomplish screening, such materials shall be of uniform design and color and shall be maintained in good repair at all times.

- B. Vehicle storage, appliance or vehicle repair or service, and similar uses. A solid wall made of block, masonry, or other similar material or chain-link fence with slats shall be constructed and maintained around the perimeter of the use to substantially block the view of the yard. A minimum of three (3) feet of landscaping shall be provided along the street frontage to provide aesthetic relief along the wall. The areas of the yard that are visible from offsite shall be paved with concrete or asphalt paving. Suitable Best Management Practices (BMP) shall be constructed and/or practiced to ensure that any vehicle fluids shall not leave the site and shall not contaminate soil.

19.82.060 Design and Construction of Facilities. The design and construction of all parking facilities shall be in conformance with the criteria set forth herein unless specifically *exempted* therefrom.

- I. Screening. Parking areas shall be located and screened as follows:
1. Adjacent to a residential zone. Wherever a parking lot for a commercial, industrial, or institutional development abuts or is adjacent to the side or rear property line of a residential zone, the parking lot shall be screened by a solid masonry wall not less than

six (6) feet in height. If the parking lot abuts or adjoins the front property line a residential zone, the wall shall be reduced in height to four (4) feet.

3. Exemptions.

- a. No such wall or berm need be provided wherever the elevation of that portion of the parking area abutting property located in a residential district, or abutting property designated "P", is six (6) feet or more below the elevation of the abutting property at the common property line.
- b. No such wall or berm need be provided along a side property line when the side yard is used for access to a parking area in the same zoning district provided, however, a landscaped area not less than five (5) feet in width shall be provided abutting the property line in lieu thereof. Such a landscaped area shall be planted with trees and shrubs of a size and in such a manner that they will provide a screening effect in compliance with the provisions of this Section.

This apparent conflict within the Code was presented to the City Attorney for clarification that when there is an apparent conflict between Code Sections, which takes precedent. In response, the City Attorney notes that Chapter 19.10.050 deals with requirements for "outdoor storage" in Commercial Districts (are the rental vehicles being stored or parked?) and Chapter 19.82.060(l) deals with screening for "Off-Street Parking and Loading Regulations" (same question, are the rental vehicles being stored or parked). The Development Code does not define "stored" or "storage", but it does define "Parking Lot" as "An off-street, ground level open area, usually improved, for the temporary storage of motor vehicles". Therefore, the rental vehicles, whether being "stored" or "parked", appear to be within a *parking lot* which is specifically identified within Section 19.82.060 "l" as requiring a block wall.

Even with the above, it is arguable that on some level both Code Sections apply and thus there is a minor conflict. Section 19.10.050(B) requires a solid block wall or chain-link fence with slats (Subsection B would apply, not subdivision A, because it specifically deals with vehicles) for "Vehicle storage". Section 19.82.060(l) requires a solid block wall when a "parking lot for a commercial, industrial, or institutional development abuts or is adjacent to the side or rear property line of a residential zone". The proposed commercial development abuts the side property line of a residential zone. Again as noted by the City Attorney, by Code Section 19.02.080 "Conflicting Ordinances", the more restrictive of the Code provisions apply. And as a final note, as a general planning principal and as a matter of public policy, the block wall should be required to effectuate the purpose of zoning to protect residential properties from the impacts of commercial uses, again indicating that a block wall should be required.

Development Code Section 19.02.080 "Conflicting Ordinances" states "In the event the provisions of this Code conflict with any other City Ordinance or regulation, the more restrictive shall govern."

As an aside, and for purposes of clarification, the City Attorney was also questioned regarding whether the Planning Commission does or does not have the legal authority and opportunity to waive Development Code requirements at Public Hearings (where, for example, no application for a variance was submitted, nor advertising for such waiver, not having it listed upon the agenda and not making any necessary "Findings" to grant such variance or waiver from Development Code requirements).

In response, the City Attorney notes that on this question, the Planning Commission does not have authority to unilaterally deviate from the Development Code. The law of variances is detailed in Chapter 19.34 "Variances" of the City's Development Code and Government Code § 65906 and both require specific findings to be made prior to granting a variance. If those

findings cannot be made, then a variance should not be granted. Indeed, the granting of a variance without the required findings would be the granting of a “special privilege” which is one of the “evils” that the strict requirements for variances were designed to prevent.

The Commission may recall that staff worked with the applicant to address the questions and issues raised within the November 16th Public Hearing report, with the Commission addressing the remainder of the outstanding questions at the December 7th Public Hearing. The amended Conditions of Approval are provided as an attachment to the Commission’s Resolution, with two (2) suggested new Conditions (P21 and P22) to address the new potential impacts associated with the rental activity at this location.

CEQA Environmental Review

Pursuant to Section 15332, In-Fill Development Projects, of the State Guidelines to Implement the California Environmental Quality Act (CEQA) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses and is, therefore, Exempt for further environmental review.

It is also noted that whether or not the City finds the project Exempt, or adopts a Negative Declaration or Mitigated Negative Declaration, under both Federal and State Law the property owner must still conform to all requirements and safeguards relative to any and all endangered species. With this knowledge, the applicant has suggested a Condition of Approval prohibiting ground disturbance during the burrowing owl breeding season.

Conditions of Approval

In approving an application for a Conditional Use Permit, the Planning Commission may impose any reasonable and appropriate conditions necessary, in the Commission’s opinion, to achieve the purposes of the City’s Development Code and to support necessary “Findings” needed to approve a CUP request.

Findings for Approval

As was noted and provided within the November 16th and December 7th Public Hearing reports, prior to approving a Conditional Use Permit, the Planning Commission must make specific “Findings” in a positive manner. Presented below are the Code required findings, along with a comment to address each for Commission consideration.

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

Comment:

The proposed design and location of the use, an automobile sales and leasing facility (including the rental of autos, trucks, vans and trailers), with approval of a Conditional Use Permit, is allowed in accordance with the Development Code, the zoning regulations and the City of Twentynine Palms General Plan.

- B. That the proposed design and location of the conditional use and the conditions under which it will be operated will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity; and

Comment:

The project is located in a General Commercial land use district, at the intersection of Adobe Road (Expressway) and Didsbury Road (Local street) both, when improved, shall be of

sufficient capacity to handle the traffic generated from the proposed project and, therefore, the use would not be detrimental to the public health, safety or welfare, or materially injurious to uses, properties or improvements in the vicinity due to the limited nature of the impacts.

- C. That the proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity.

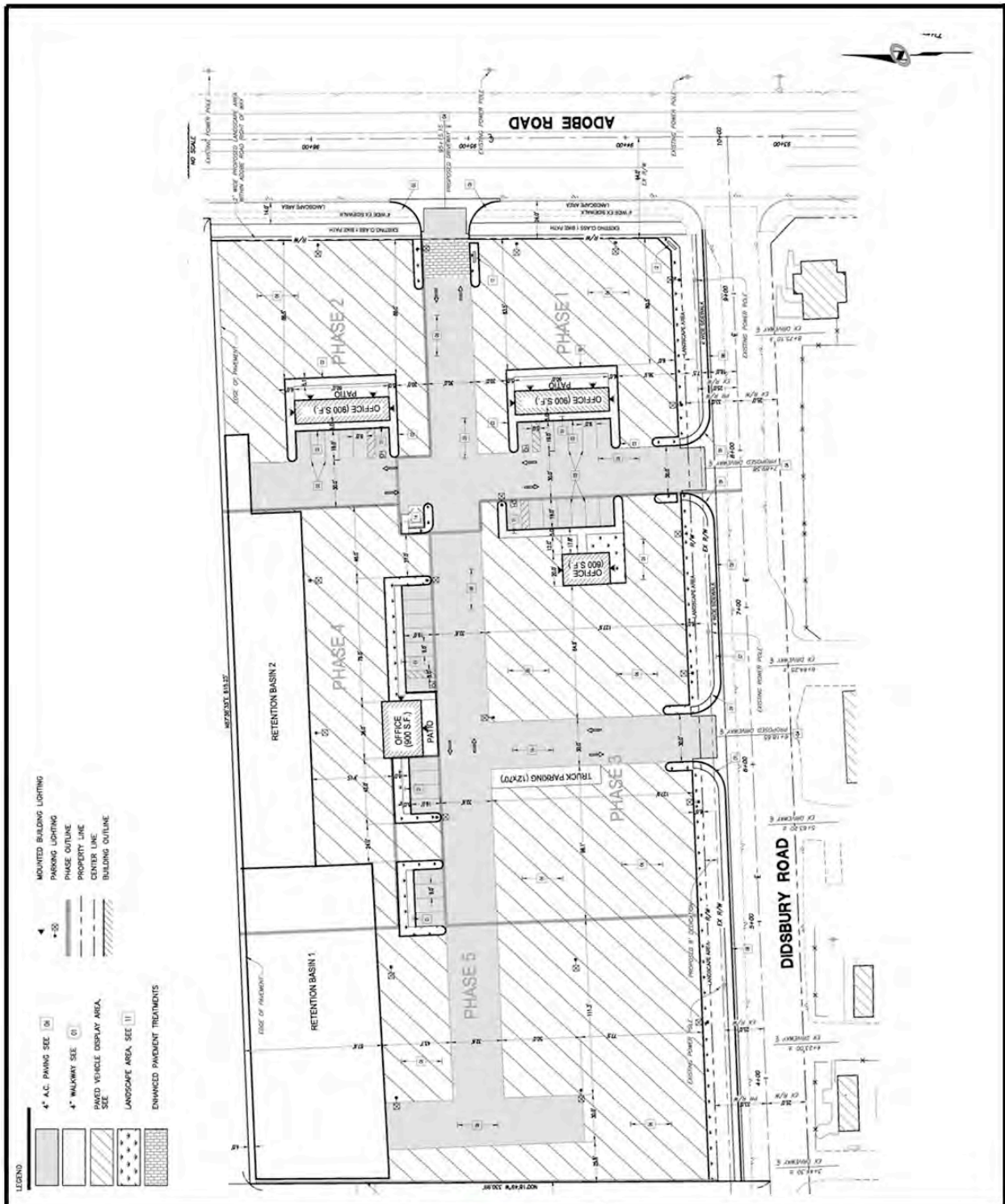
Comment:

The 4.6± acre project site is of adequate size to accommodate the proposed use, an automobile sales facility, subject to the recommended Conditions of Approval.

Approval Process

The Planning Commission is authorized to approve, conditionally approve, modify or deny Conditional Use Permit applications in compliance with the procedures established in Development Code Chapter 19.30 "Conditional Use Permits". In taking action to approve the project, the Commission may adopt the "Categorical Exemption" suggested by staff, then adopt the modified Planning Commission Resolution No. 10-24 finding that the proposed Conditional Use Permit is consistent with the goals and policies of the adopted General Plan, and approving the project subject to the attached Conditions of Approval.

It is noted that based upon the partial approval granted by the Planning Commission on December 7th, some of the Conditions of Approval have been modified. Additionally, a new proposed Condition of Approval (P22) to address the possibility that a block wall shall be required is provided. These noted changes are provided in *italics* within the draft Conditions of Approval attached to the Commission Resolution.



Revised Site Plan
 Assessor Parcel Number
 0620-121-12



PC 10-05
January 4, 2011

November 11, 2010

Mr. Charles LaClaire
Community Development Director
City of Twentynine Palms
Twentynine Palms, CA

RE: PC 10-05

Dear Mr. LaClaire,

I am a homeowner that is very close to the proposed "Adobe Auto Mall" located on the corner of Adobe Rd. and Didsbury Rd. I have reviewed the site plan for the project and have a few concerns and/or requests.

My first and probably most important concern is the potential loss of our night sky. The clear, dark nights are very important to us and the main reason we love our house in Twentynine Palms. The proposed auto mall would significantly impact that amenity. I realize lighting is important, especially security lighting, but I do not see the need to have bright lights surrounding the center all night long. I cannot tell from the drawings just how many lights there will be and I have not seen the staff report to see if you addressed this issue but I would like to request that the number of lights be limited and that all the lights, other than the necessary security lights, be turned off no later than 9:00 or 10:00 pm. I believe this would help the area a great deal in preserving our cherished night sky.

My second concern is the potential for noise coming from the shop area. I would like to request that all shop areas be contained within a four sided building and that after 5:00 pm the doors be closed to limit any noise coming from that area. As we all know noise in the desert travels a great distance and can be very disrupting to a neighborhood.

My third concern deals with the structures themselves. I cannot tell from the drawings but I hope they are not mobile offices like at so many other auto malls. I would request that the buildings be of a more permanent nature and designed to enhance the environment rather than detract from it. This is a very visible site and you have the ability and opportunity to enhance it with good architecture and landscaping.

Speaking of landscaping my next request is that you require a fair amount of landscaping around the buildings as well as around the lot in general. The Historic Plaza downtown is a great example of what good landscaping design can do to enhance an otherwise bland area. It was successful there and should be continued. I would also request that the actual corner of Adobe Rd. and Didsbury Rd. be enhanced with a larger landscaped area setting the stage for a nicer entrance down Didsbury. Eventually maybe we can require the same treatment across the street so the entrance to Didsbury Rd. would be something special.

Mr. LaClaire, thank you for sending me the site plan so I could comment on the project. In general, even though I would rather have nothing developed on that site, I am in favor of the project with the above conditions. Twentynine Palms is slowly becoming more and more beautiful; please continue that trend with this project too.

If you could share this email with the Planning Commissioners and put it into the public record I would appreciate it.

Best Regards,

Don Schweitzer, Architect
73559 Didsbury Rd.
Twentynine Palms, CA
(Our vacation home)

Email from Jim Schweitzer received November 16, 2010

Re: PC 10-05

Charles, I respectfully write to reiterate and support the letter and thoughts of my brother, Don. His points are well taken and I agree. My main fear and concern are any possible night lights that will drown out the night sky and stars. I suggest that a logical and sensible restriction be put in place that would limit any lights after a certain hour, such as 8:00 pm. It is my hope that others on Didsbury Road will weigh in and express their thoughts and concerns.

Thank you for your consideration. Please keep my brother and I up to date.

Best Regards,

Jim Schweitzer
800 S. Brea Blvd.
509
Brea, CA 92821

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 10-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 10-05, AN APPLICATION FOR APPROVAL OF A CONDITIONAL USE PERMIT TO ESTABLISH A SALES/LEASING/RENTAL FACILITY ON A 4.6 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF ADOBE ROAD AND DIDSBURY ROAD.

WHEREAS, on January 13, 2010 an application was received from Eugene McMenamain requesting approval of a Conditional Use Permit to allow an automobile sales/leasing/rental facility within the General Commercial (CG) zoning district; and

WHEREAS, on December 7, 2010, the application for an automobile sales/leasing facilities was amended by the applicant to include auto, van, truck and trailer rentals as part of the Conditional Use Permit request; and

WHEREAS, automobile sales/leasing facilities, as well as auto, van, truck and trailer rental facilities are permitted in the CG Zone with approval of a Conditional Use Permit; and

WHEREAS, pursuant to Section 15332 of the State Guidelines to Implement the California Environmental Quality Act (CEQA) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses and is Categorically Exempt from further environmental review under state law; and

WHEREAS, the City Planning Commission finds on the basis of the whole record before it (including the review of CEQA Guidelines and any comments received) 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, with Conditional Use Permit approval, the project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations; and

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

WHEREAS, Public Hearing notice for PC 10-05 Conditional Use Permit was published in the Desert Trail, a newspaper of record and notice was mailed to all property owners located within 300 feet of the project site on November 4, 2010; and

WHEREAS, Public Hearings were held by the Planning Commission on November 16 and December 7, 2010, as well as January 4, 2011; and

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

- A. The proposed design and location of the use, an automobile sales and leasing facility (including the rental of autos, trucks, vans and trailers), with approval of a Conditional

Use Permit, is allowed in accordance with the Development Code, the zoning regulations and the City of Twentynine Palms General Plan.

- B. The project is located in a General Commercial land use district, at the intersection of Adobe Road (Expressway) and Didsbury Road (Local street) both, when improved, shall be of sufficient capacity to handle the traffic generated from the proposed project and, therefore, the use would not be detrimental to the public health, safety or welfare, or materially injurious to uses, properties or improvements in the vicinity due to the limited nature of the impacts.
- C. The 4.6± acre project site is of adequate size to accommodate the proposed use, an automobile sales facility, subject to the recommended Conditions of Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms determines that PC 10-05 is Categorically Exempt from further environmental review, adopts PC Resolution 10-24 and approves the requested Conditional Use Permit, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 4th DAY OF JANUARY, 2011.

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

Rebecca Rinkes, Chair

ATTEST:

Jacqueline Palmer, Deputy City Clerk

I hereby certify that the foregoing is a true copy of Planning Commission Resolution No. 10-24 duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the 4th day of January, 2011, in Twentynine Palms, California.

Dated this 4th day of January, 2011.

Jacqueline Palmer, Deputy City Clerk

CITY OF TWENTYNINE PALMS
DRAFT CONDITIONS OF APPROVAL
PC 10-05

Applicant: Mr. Eugene McMenamin

Project: Conditional Use Permit to develop an automobile sales and leasing facility and auto, truck, van and trailer rental facility.

Location: Northwest corner of Adobe Road and Didsbury Roads

APN# 0620-121-12

Approved: January 4, 2011

Expires: January 3, 2014

The following Conditions of Approval shall be applicable to the Commission's approval of PC 10-05. The Planning Commission, in making the "Findings" necessary for approval shall impose the following Conditions of Approval which it establishes as reasonable and appropriate to achieve the purposes of the Development Code and to justify making the necessary Findings. Further, under the provisions of Development Code Section 19.30.110 "Revocation", failure to conform to the following Commission approved Conditions of Approval shall constitute a failure to conform to the Findings made by the Commission in approving the requested use and, therefore, may be the basis upon which the Commission may revoke its approval of the Conditional Use Permit.

Planning Division

Per Section 19.30.090 (A) of the Development Code, Conditional Use Permits shall expire three (3) years from the date the approval was granted, unless prior to the expiration date:

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

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

Service Conditions

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

- G4. The applicant shall obtain and comply with the development standards for the CG (General Commercial) Land Use District design standards of Development Code Chapter 19.10.

Planning Conditions

- P1. Conditional approval is granted by the Planning Commission acting as Approval Authority on *January 4, 2011, to permit an automobile sales and leasing facilities, as well as auto, truck van and trailer rentals*, which shall be developed in up to five (5) *non-sequential* phases. Commencement and active use of the site for automobile sales (including the issuance of a City Business License) shall constitute commencement of the use as noted above and required under Code Section 19.30.090 (B).
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.
- P4. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.
- P5. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district.
- P6. The applicant shall defend, at its sole expense (with attorneys approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
- P7. A minimum of thirty-three (33) paved parking spaces shall be provided; twenty-nine (29) regular 9' x 19' parking spaces, four (4) 14' x 19' handicap accessible space. In addition, one (1) 12' x 70' tractor trailer loading space shall be provided. *Installation of said tractor trailer loading space may be deferred until the occupation of the third of any of the five phases of the proposed development.*
- P8. Ingress, egress, parking areas and driveways shall comply with Development Code Chapter 19.82 "Off-Street Parking and Loading Regulations".
- P9. All vehicle display areas, parking lots, drive aisles and access ways shall be paved.
- P10. A trash dumpster enclosure shall be provided to meet the standards established in Development Code 19.19.80.
- P11. The applicant shall obtain required permits thorough the State of California Department

of Motor Vehicles at (800) 777-0133 and provide the City of Twentynine Palms Community Development Department with copies upon permit issuance.

- P12. The applicant shall contact the California State Board of Equalization for required permits/license at (760) 346-8096 and provide the City of Twentynine Palms Community Development Department with copies upon permit issuance.
- P13. The applicant is required to obtain and maintain a current City of Twentynine Palms Business License (760) 367-1972.
- P14. Motor vehicle repair at this project site will require an amendment to this Conditional Use Permit, and is otherwise disallowed under this approval.
- P15. The applicant shall install and maintain, in a clean and disease free manner, a minimum six (6) foot wide landscaped area along the Adobe Road street frontage planted with vegetation reflecting a desert theme, including use of drought resistant plants. Said landscaping may *be irrigated by hand or by use of an alternative watering system/method* and maintained at all times consistent with the landscaping concept approved by the Planning Commission with its approval of the Conditional Use Permit and consistent with the landscaping/irrigation plans approved by the Community Development Department. In the event that the approved and installed landscaping is not maintained in a manner consistent with the approved plans, the applicant shall have fifteen (15) days from written notice from the Community Development Department to bring the landscaping back into conformance with the approved landscaping/irrigation plans or provide evidence to the Community Development Department of appropriate efforts to bring the landscaping into conformance with the approved plans. Failure to return the landscaping/irrigation system to its approved state shall be considered a failure to conform to the Commission approved Conditions of Approval and may be grounds to initiate a revocation of the CUP as prescribed under Code Section 19.30.110 "Revocation". *Review and approval, by the Commission, of said landscaping may be deferred until a tenant has committed to either phase one or phase two of the project, whichever comes first, or in the event that the property owner constructs the building(s) within either phase one or phase two, whichever comes first, the owner shall first obtain Commission approval for the landscaping. In no case shall the structures in phases one or two receive final inspection or a Certificate of Occupancy without the installation of Commission approved landscaping along Adobe Road.*
- P16. The driveway entry along Adobe road shall have enhanced entry treatments, which shall include textured and/or colored paving or similar treatment and enhanced landscaping with accent trees and other landscape treatments, consistent with the Desert Southwest Design Guidelines. *Said enhanced entry treatments shall be submitted to the Planning Commission for review and approval, and fully installed, prior to commencement of any commercial activities on or within phases I or II of the approved project.*
- P17. Development of the site shall conform in all manner to the site plan and elevations reviewed and approved by the Planning Commission at its Public Hearings of December 7, 2010 and January 4, 2011, except as amended and noted within these written and approved Conditions of Approval. Said approval shall require the development of the structures on site in *substantial* ~~exact~~ conformance to the western architectural elevations approved by the Commission, again except as may be modified here, in writing, by the Commission. Staff is not authorized to allow *substantial* deviations from these approvals except where clearly demonstrated health & safety issues/concerns

arise that necessitate specific changes.

- P18. The applicant shall provide handicap access to the restroom facilities per California State Requirements.
- P19. Vehicles shall not be “stored” on site except where such vehicle is actively being displaced for sale or lease. Any vehicle held on the property but **not** on display for sale or lease shall be considered a stored vehicle and the applicant shall be required to first obtain approval of an Amendment to this Conditional Use Permit to include outdoor storage pursuant to Development Code Chapter 19.10 standards for vehicle storage yards to continue to store such vehicle upon the project site.
- P20. *Business hours for all business operations on site shall be limited to no earlier than 8:00 a.m. nor later than 10:00 p.m. each day. All lighting, except for muted security lighting approved by the City, shall be turned off at this site no later than one hour after the close of business for that day, but in no case later than 11:00 p.m. each evening ~~except that on Friday and Saturday all lighting, except for muted security lighting, shall be turned off at this site no later than one hour after the close of business for that day, but in no case later than 11:00 p.m.~~*
- P21. *Ground disturbance activities of any type during the burrowing owl breeding season shall be prohibited unless specifically authorized by the City of Twentynine Palms following consultation with the California Department of Fish and Game.*
- P22. *Prior to the occupancy/use of phase 5 of the proposed development, the property owner or his/her representative shall install or cause the installation of a solid block wall of not less than six (6) feet in height along the entire length of the property’s western property line. Said wall may be allowed an opening of not more than twelve (12) feet in width for drainage purposes.*

Building and Safety

- B1. The applicant/developer shall submit plans and obtain building permits for any tenant improvements (i.e., structural, electrical, plumbing). Work done prior to CUP approvals is done at risk to the applicant and may require a building permit. Check with Building & Safety (760) 367-6799 prior to beginning any tenant improvements on the existing structure.
- B2. The applicant shall provide the location of the septic tank(s) on the approved site plan. The septic tank(s) is to be traffic rated if located in/under a drive aisle or any parking area. This condition must be met prior to the issuance of the Certificate of Occupancy. No work is to be done prior to plan check approvals and permit issuance.

Engineering

- E1. The project shall comply with all applicable City ordinances and resolutions.
- E2. All road easements required shall be offered for dedication to the public and shall continue in force until the City accepts or abandons such offers. All dedications shall be free from all encumbrances.
- E3. Easements, when required for roadway slopes, drainage facilities, landscaping, utilities, etc., shall be submitted and recorded as directed by the City Engineer. No structures

shall be placed on any part of the easements except those directly related to the purposes of said easements.

Improvements

- E4. A thirty-three (33) foot half-width street dedication along Didsbury Road shall be dedicated to the City of Twentynine Palms prior to Final Occupancy.
- E5. Didsbury Road shall be constructed to the City's half-width Local Commercial Road Standards adjacent to the development, phasing of the construction shall be approved by the City Engineer.

Drainage

- E6. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm.
- E7. Prior to the submittal of any improvement plans or issuance of a grading permit, the Developer/representative shall submit to the City Engineer, detailed drainage studies indicating how potential grading in conjunction with the drainage conveyance systems, will allow building pads to be safe from inundation from rainfall run off, which may be expected from all storms up to, and including, the theoretical 100 year storm.
- E8. In addition to the drainage requirement stated herein, other "onsite" or "offsite" improvement may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Engineering Department.

Grading

- E9. Prior to the issuance of a grading permit, the developer's engineer shall submit a comprehensive grading plan in conformance with California Building Code and the requirements of the City.
- E10. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site.
- E11. An encroachment permit separate from the grading onsite permit shall be obtained from the City of Twentynine Palms (760-367-6799) prior to any construction occurring within the public right-of-way.
- E12. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.

Utilities

- E13. Utility lines along the project's boundary shall be placed underground pursuant to City Ordinance. Phasing of the undergrounding of utilities shall be approved by the City Engineer.

E14. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino Environmental Health Services and the City.

Fire Department

- F1. Prior to any construction, the owner shall contact the Twentynine Palms Fire Department for verification of current fire protection requirements.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.
- F4. Street addresses shall be posted with numbers a minimum height of four (4) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.
- F5. If so determined by the Fire Agency, the applicant shall install a Knox Box for access to the site for fire protection.

The undersigned applicant verifies that he/she has read the Conditions of Approval for PC 10-05, understands each Condition, and agrees to adhere to the Conditions of Approval.

Applicant/Developer

Date



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 10-05 - Mr. Eugene McMenamin, Conditional Use Permit

Project Location: APN 0620-121-12; Northwest corner of Amboy Road and Didsbury Road
Twentynine Palms, San Bernardino County

Description of nature, purpose and beneficiaries of Project: Conditional Use Permit to develop a 4.6± acre automobile sales/leasing facility, as well as auto, van, truck and trailer rental facility.

Public Agency approving Project: Twentynine Palms Planning Commission

Name of Person Carrying Out Project: Mr. Eugene McMenamin

Exempt Status (check one):

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

Reason(s) Project is Exempt: Pursuant to Section 15332, In-Fill Development Projects, of the State Guidelines to Implement the California Environmental Quality Act (CEQA) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses and is Categorically Exempt from further environmental review under state law.

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

Signature

Date

Community Development Director
Title



City of Twentynine Palms
STAFF REPORT
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799, Fax (760) 367-5400

To: Planning Commission
From: Code Enforcement Officer
Date Prepared: December 21, 2010

For Commission Meeting Of: January 4, 2011

Subject: **PC 10-84** - 5025 Adobe Road (APN 0621-221-09). Possible determination that a commercial property is a public nuisance due to junk, rubbish and dead brush, an un-permitted manufactured home behind the commercial building and building board up lumber that was not painted as is required by the Development Code.

RECOMMENDATION: Conduct the open, continued Public Hearing, consider public comment, find the project Categorically Exempt pursuant to CEQA and adopt Planning Commission Resolution 10-25 determining that the property at 5025 Adobe Road is a Public Nuisance and directing staff to abate that Nuisance.

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 (Roll Call Vote)

Attachments

- Planning Commission Resolution No. 10-25
- Business Manager Letter date December 6, 2010
- Vicinity Map
- Aerial
- August 5, 2010, letter of violation
- September 20, 2010, second letter of violation
- Notice of Exemption
- Photos of property (Delivered under separate cover)

PROJECT DESCRIPTION

Under the provisions of Code Section 19.92.070 "Abatement of Buildings as Public Nuisance", the Code Enforcement Division seeks a declaration from the Planning Commission that the property is unsightly, substandard and a public nuisance, and an order and Resolution directing the property owner to remove all junk and rubbish including dead brush and tires, paint the building's "board-up" lumber (over the windows and doors) the same color as the building and either remove the manufactured home (on site to the rear of the building) or obtain a Building Permit to establish it as a permanent structure or demolish the manufactured home on site, removing all of the structural remnants

BACKGROUND

At its meeting of December 7, 2010, the Planning Commission received a report regarding a

possible Public Nuisance located at 5025 Adobe Road. At the Public Hearing, staff informed the Commission that it had received a letter from Mr. Ed Meyer, Business Manager for the property owner alleging a variety of issues that staff wished to investigate before the Commission proceeded with the Hearing (that letter was provided to the Commission on December 7, 2010). As requested by staff, the Commission opened and continued the Public Hearing to the Commission's regularly scheduled meeting of January 4, 2011.

Within Mr. Meyer's letter, received December 6, 2010 (copy attached), the individual claims that the Sheriff's Office actually witnessed a burglary in progress and failed to take any actions. The letter also claims that the property owner has filed a "Notice of Claim" against the City for this inaction on the part of the Sheriff's Office and that a lawsuit is being drafted against the City. Staff has investigated these claims and found that the City Clerk's Office has no record of any such claim having yet been filed against the City. Further, staff has contacted the County Sheriff's Department requesting records relating to the property. The records received by staff revealed that there was one burglary in 2005, but that the report does not identify that an officer observed the burglary.

Field investigations between December 7 and December 22, 2010 (the date this report was created), revealed that the mobile home on site has been removed, that the boards used to board up the windows have been painted as required by Code, that the trash within the metal shed has been removed and that the weeds and debris have been removed from the north side of the commercial building and around the metal on the site. Those same field inspections, however, reveal that that portion of the lot to the rear of the property (generally not clearly visible from the public street) is still overgrown with weeds, still has a large collection of debris and junk, and that scrap wood, metal and tires are strewn about.

The following background material was that included within the December 7th report.

This Service Commercial (CS) property consists of approximately 4.5 acres that is approximately 1,250 feet deep and 169 feet wide. The property has a quantity of junk and rubbish inclusive of dead brush, scrap wood and tires scattered around. Additionally on-site are a commercial building of approximately 1,200 square feet in size, a small steel shed full of trash and a small wooden shed. There is also an old, singlewide manufactured home, placed upon the site without benefit of any City approvals, parked east of the commercial building.

The depth of the property extends approximately 609 feet east of the fenced area of the vacant business. The east end of the property drops steeply into a flat area where there are numerous tires, wood and metal debris and a number of large white objects that look like nose-cones. These may have been used in paint ball combat. Only part of this flat plain belongs to the subject property, half of this material is on another property owner's property. Additionally, this flat area cannot be seen from the public right-of-way, but may be seen from adjacent and adjoining properties.

This property was once occupied by a miniature golf course and a go-kart race track business with batting cages and video arcade inside the building. Following the closure of this commercial operation, the go-karts and batting cages were removed from the site. The property then became a paint ball combat area, which eventually also closed. During one of these business operations, a singlewide manufactured home was placed on the property without permits or Development Code required Planning Commission approval.

On July 27, 2010 the City's Code Enforcement Division received a complaint regarding the

building being open, junk on the property and that an old manufactured home was on the property. A field inspection confirmed that the rear of the commercial building was open, and that the sheds were open with junk and rubbish visible inside. In addition to the above, the property also had scrap wood, tires, junk, rubbish, dead brush as well as two (2) abandoned vehicles in clear view. Additionally, the manufactured home on the property was open and had broken windows. The manufactured home had been brought onto the property without the Code required Minor Use Permit and without a Building Permit. A site inspection revealed that the breaker box on the commercial building had bare wires and parts had been removed, thus the breaker box appeared to be unsafe and potentially an attractive nuisance. On August 5, 2010 the Code Enforcement Division formally requested that Edison remove/terminate the electrical power to the property at the utility pole, and as a result, the service was removed shortly thereafter.

On August 5, 2010 a letter was sent to the property owner, Mr. Samuel Sanchez, concerning the potential violations on the property, requesting that the property owner to remove the junk and rubbish from the grounds and from inside the building and sheds, secure the building and sheds, remove the abandoned vehicle from the property and remove the manufactured home within thirty (30) days.

An inspection on September 20, 2010 (roughly forty-five {45} days later) revealed that one shed and the commercial building were boarded up, but the lumber used for the boarding up had not been painted as required by the Development Code (see Code Citations below). Two (2) vehicles on the property had been removed but the junk and rubbish had not been cleaned up. The manufactured home had not been removed, although it had been moved directly behind the commercial building and was boarded up. A second letter was sent to the owner again requesting that he bring the property into compliance, warning him that if the issues were not addressed within two weeks a Notice of Pendency would be recorded against the property and this matter would be brought before the Planning Commission where the manner of its abatement would be determined.

On October 20, 2010 a third field inspection revealed that the property was not brought into the requested compliance.

On November 2, 2010 a letter was sent by certified mail (return receipt requested) to the property owner, Mr. Samuel Sanchez, and to others that may have an interest in the property. The letter advised Mr. Sanchez that a Public Hearing before the City's Planning Commission was scheduled for December 7, 2010, where the Commission will hear evidence and public comment as to whether the property is unsightly, substandard and a public nuisance. If the Commission determines that the property is a public nuisance, the Commission shall determine the manner of its abatement. The letter also advised the property owner that the City will record a Notice of Pendency against the property ten (10) days after the date of the letter unless that owner appealed the recordation to the Community Development Director within that ten (10) day period.

The property is in violation of the following Codes:

- Chapter 19.92.030, A, B, 5 of the City's Development Code (Junk, rubbish and weeds).
- Chapter 19.92.030, A, B, 21 of the City's Development Code (...board up lumber shall be painted the same color as the building...).
- Chapter 19.92.020, A, 12 of the City's Development Code. (Abandoned or vacated building [manufactured home] so dilapidated and deteriorated that it is an attractive nuisance to children, vagrants or homeless).

- Chapter 19.92.020, A, 13 of the City's Development Code (Building [manufactured home] unfit for human habitation due to inadequate maintenance and decay).
- Chapter 19.92.030, A, B, 2 of the City's Development Code (Unightly, deteriorated building [manufactured home] that will cause a decrease in the values of surrounding properties).
- Chapter 19.12 of the City's Development Code (Manufactured structure requires a Minor Use Permit and a Building Permit).

Photos of the property were taken on November 30, 2010 and are included herein for Commission reference.

In compliance with City Development Code Chapter 19.92 "Nuisance Abatement", and State law, a Public Notice was published in the November 25, 2010 issue of the *Desert Trail* newspaper, regarding the December 7, 2010 Planning Commission public nuisance hearing.

CEQA Review

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) the proposal involves the potential to clean-up and removal waste and debris from a commercial property, the result of which shall improve the physical state of the property. As such, it can be seen with certainty that the proposal shall not have a direct or indirect adverse impact upon the environment and, therefore, the proposal is Exempt from further environmental review.

ALTERNATIVES: In consideration of the new information that has been provided under "Background" above, the Commission may wish to proceed with the Public Nuisance Public Hearing or the Commission may indicate that the removal of the material described above is sufficient, for the moment, to holt the Public Nuisance Hearing. If the Commission elects to proceed with the Public Nuisance Hearing, the following actions from the December 7th Public Hearing Report are still the alternatives available to the Commission.

The Planning Commission may take the following actions: (a) Take no action on PC 10-84; (b) Following a staff presentation and public comments, determine that the property is not a Public Nuisance; (c) Continue the hearing to a later date; (d) Following the presentation and public comments, determine that the entire property is unsightly, substandard and a public nuisance in violation of any or all of the listed Codes and adopt Resolution No. PC 10-25 ordering the property owner to remove all junk, rubbish, dead brush, tires, scrap wood and metal from the property. The Resolution has the provision that if the property owner fails to completely comply with the Planning Commission's order within the time limit specified by the Commission, Code Enforcement will be directed to obtain an Abatement Warrant from the California Superior Court in Joshua Tree and remove all junk, rubbish, weeds, tires, scrap wood and metal. Alternatively, the Planning Commission may choose to direct the Code Enforcement Division to abate the property as stated above in section (d) except for removing the junk and rubbish from the lower flat area at the east end of the property because it cannot be seen from the public right-of-way.

FISCAL IMPACT: Cost of abating the property including supplies, labor and dump fees. The cost of abatement shall be brought before the City Council for "Conformation of Costs" with an order that the confirmed abatement costs be levied and assessed against the property as a Nuisance Abatement Lien or Special Assessment or billed directly to the property owners. As the work needed to abate this property may be extensive, and with the physical changes to the site described above within the Background portion of this report, the costs are now indeterminate. Staff is researching an estimated cost for this revised abatement, with that estimate being presented to the City Council for acceptance and direction to staff to proceed.

**CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 10-25**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, DIRECTING THE PROPERTY OWNER OF 5025 ADOBE ROAD TO REMOVE JUNK AND RUBBISH, REMOVE OR DEMOLISH THE UNPERMITTED SINGLEWIDE MANUFACTURED HOME AND PAINT THE BOARD UP LUMBER ON THE COMMERCIAL BUILDING AS REQUIRED BY CODE.

WHEREAS, 5025 Adobe Road is a vacant Commercial property, once used as an entertainment complex consisting of a miniature golf course, a go-kart track, batting cages and a video arcade in the permanent building on site, of which over time the go-karts and batting cages were removed; and

WHEREAS, following the closure of the entertainment complex, the property was then used as a paint ball combat area, which has also subsequently ceased operations; and

WHEREAS, on July 27, 2010 Code Enforcement received a complaint concerning the commercial building being open, the property littered with junk and rubbish and the placement of the manufactured home without benefit of City approval, whereupon a physical inspection of the site confirmed the conditions expressed in the complaint including two (2) sheds open and full of trash, two (2) abandoned vehicles and an unsafe electrical breaker box with exposed wiring; and

WHEREAS, on August 5, 2010 a letter was sent to the property owner, Mr. Samuel Sanchez, concerning the potential Code violations on the property, requesting that he remove the junk and rubbish, secure the building and sheds, and remove the vehicles and manufactured home from the property within thirty (30) days of the date of the letter; and

WHEREAS, on September 20, 2010 a subsequent physical inspection of the property revealed that the commercial building had been boarded up, although the lumber had not been painted as required by the Development Code, that the two (2) vehicles on site had been removed, and that the manufactured home had been boarded up and moved behind the commercial building; and

WHEREAS, on September 20, 2010 a second letter was sent to the property owner thanking him for boarding up of the commercial building and removing the two (2) vehicles, but advising him that the City was providing an additional two (2) weeks for him to complete the work on the property by painting the shed's board up lumber, removing the junk and rubbish and removing the manufactured home. The letter also advised the property owner that if the property was not brought into compliance within the two (2) week period specified, this case would be brought before the City Planning Commission where the manner of abatement would be determined. The letter also advised the property owner that the Community Development Department would recommend to the Planning Commission that it require the board up lumber be painted the same color as the building, all of the junk, rubbish and weeds be removed from the site and that the manufactured home be demolished on site, with all costs of the abatement be placed as a Special Assessment or a Nuisance Abatement Lien against the property; and

WHEREAS, a third physical inspection of the site on October 20, 2010 revealed that the property had not yet been brought into compliance; and

WHEREAS, on November 2, 2010 a letter was sent by certified mail (return receipt requested) to the property owner, Mr. Samuel Sanchez, and to others who may have an interest in the property. The letter advised all addressees that a Public Hearing before the City Planning Commission was scheduled for December 7, 2010 where the Commission would hear evidence and public comment as to whether the property in question shall be declared unsightly, substandard and a public nuisance, and if so determined the manner of its abatement. The letter also advised every addressee that the City would record a Notice of Pendency against the property ten (10) days from the date of the letter unless the action was appealed to the Community Development Director within that ten (10) day period; and

WHEREAS, as of November 17, 2010 the property had not been brought into compliance and since the property owner had not appealed the recordation of the Notice of Pendency, the Notice of Pendency was sent to the San Bernardino County Recorder for recordation with copies of the Notice being sent by certified mail to the property owner and to those who may have an interest in the property. A first class letter containing the Notice of Pendency and a copy of the November 3, 2010 Notice of Hearing was sent to the property owner; and

WHEREAS, a fourth physical inspection of the site on December 20, 2010 revealed that although the lumber used to boarded up the commercial building has now been painted as required by the Development Code, weeds and debris from the north side of the commercial building and from inside and around the metal shed have been removed and the manufactured home has been removed, a significant portion of the site is still occupied by weeds, debris, tires and scrap wood and metal; and

WHEREAS, the current state of the property demonstrates that the property is in nonconformance to the following Code:

- Chapter 19.92.030, A, B, 5 of the City's Development Code (regarding junk, rubbish, debris and weeds).

NOW, THEREFORE, BE IT RESOLVED that as the property owner, following proper notification and an appropriate time allowance to address the identified potential Code violations, has failed to remove the junk, rubbish, debris, old tires, weeds, scrap wood and metal now upon the property, the Planning Commission for the City of Twentynine Palms herein declares the property to be unsightly, substandard and a public nuisance.

BE IT FURTHER RESOLVED that the Planning Commission herein and by this resolution directs the property owner to remove all junk, rubbish, debris, old tires, dead brush and scrap metal and wood on the property within **thirty (30) days**. Should the property owner fail to comply with this order, Code Enforcement is herein authorized and directed to obtain an Abatement Warrant from the California Superior Court in Joshua Tree and abate the property by removing all of the junk, rubbish, debris, old tires, dead brush and scrap metal and wood. All costs of the abatement, including inspection fees, clean up labor, legal fees, supplies, equipment rental, moving expenses, dump fees and a \$570.00 warrant fee may be presented to the City Council at a public hearing where the City may authorize the collection of its costs by a Special Assessment or a Nuisance Abatement Lien against the property.

APPROVED AND ADOPTED THIS 4th DAY OF JANUARY, 2011.

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

Rebecca Rinkes, Chair

ATTEST:

Jacqueline Palmer, Deputy City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. 10-25 duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the 4th day of January, 2011, in Twentynine Palms, California.

Dated this 4th day of January, 2011.

Jacqueline Palmer, Deputy City Clerk

Sanchez Family Entertainment, Inc.
2512 Deerford Street
Lakewood, CA 90712
healersam@yahoo.com

To: Gary Blackman
Code Enforcement Officer
City of TwentyNine Palms

From: Ed Meyer
Business Manager
Sanchez Family Entertainment, Inc.

December 6, 2010

Dear Mr. Blackman,

This is in response to your Notice of Hearing and Notice of Pendency, sent recently to our firm.

Obviously, you are remiss in understanding that it was the failure of the San Bernardino County Sheriff's Department who was under contract to the City of Twentynine Palms to stop a burglary, that the Sheriff's Department actually watched, witnessed and failed to stop, which caused the FunCenter to be completely destroyed, and to go into disrepair.

Dr. Sanchez suffered a \$ 500,000.00+ loss due to the City of Twentynine Palm's negligence.

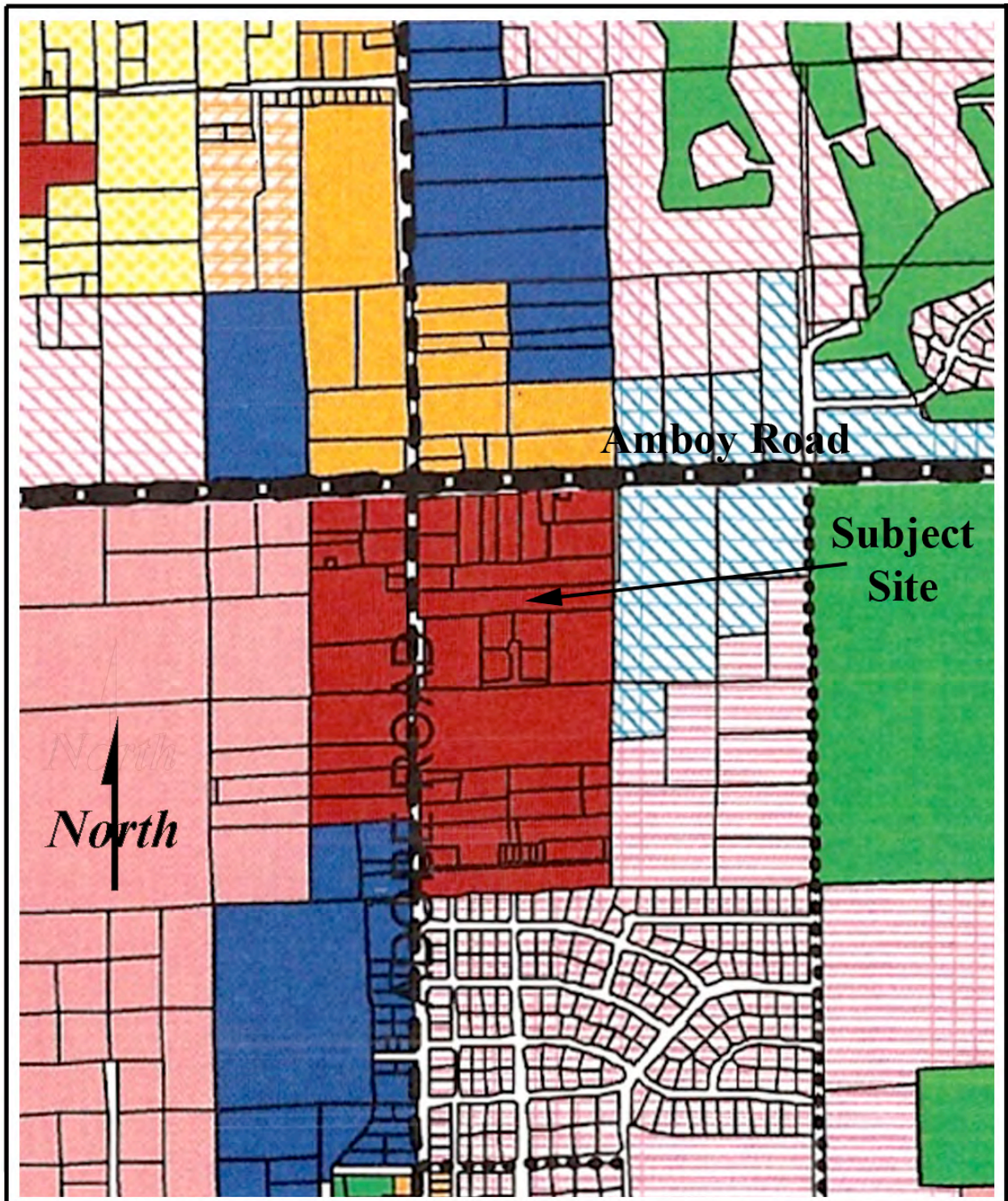
A Notice of Claim was filed against the City of Twentynine Palms, and our attorney is drafting a lawsuit against the City of Twentynine Palms at this point.

Dr. Sanchez continues to clean up the site when he can afford to, but the City of Twentynine Palms should realize that it was their contracted Sheriff's Department which caused this problem in the first place, not Dr. Sanchez.

Best Regards,



Ed Meyer
Business Manager
Sanchez Family Entertainment, Inc.
310-924-7068



Vicinity Map



**PC 10-84
January 4, 2011**



Aerial of Site
Assessor Parcel Number
0621-221-09



PC 10-84
January 4, 2011

August 5, 2010

Samuel Sanchez
2512 Deerford Street
Lakewood, CA 90712

RE: 5025 Adobe Road, Twentynine Palms, CA 92277

The City Council has adopted a policy to encourage an attractive, vibrant and healthy community, and has implemented a beautification program to further this goal. Pursuant to this goal, the City abates unlawful conditions on private property when property owners fail to voluntarily correct violations on their property.

An inspection of your above referenced commercial property reveals that there is junk and rubbish, an abandoned vehicle and an old mobile home. Someone has also cut the breakers and wiring out of the breaker box. The City will be contacting Edison concerning disconnecting electrical service from the pole.

The City directs you to:

- Remove the junk and rubbish from the grounds and from inside of the building and sheds.
- Secure the building and sheds to restrict access by transients.
- Remove the abandoned vehicle from the property.
- Remove the old mobile home from behind the commercial building.

If the property owner fails to bring the property into compliance the City Manager has directed Code Enforcement to abate the property at the owner's expense. If the City abates the property, Code Enforcement will obtain an abatement warrant to clean and secure the property, remove the abandoned vehicle and the old mobile home. All costs of the abatement, including cleanup labor, supplies, equipment rental, tow fees, dump fees, a \$560.00 warrant fee and re-inspection fees may be presented to the City Council at a public hearing where the City may authorize the collection of its costs by a Special Assessment or a Nuisance Abatement Lien against the property.

Should you board up any of the structures, the wood must be a minimum ½ inch, exterior plywood, and must be painted the same color as the structure.

Please bring the property into compliance within **thirty (30) days**.

Sincerely,

Gary Blackman
Code Enforcement

September 20, 2010

Samuel Sanchez
2512 Deerford Street
Lakewood, CA 90712

RE: 5025 Adobe Road, Twentynine Palms, CA 92277

The City Council of the City of Twentynine Palms has approved and adopted various Codes that regulate land use on residential and commercial properties. The Code Enforcement Division is charged with the responsibility of enforcing the Council adopted "Development Codes and Building Codes" when violations of the Codes occur.

Thank you for boarding up the commercial building and wooden shed and removing the two vehicles. The old mobile home, however, was pulled behind the building and wasn't removed from the property as directed in the City's letter of August 5, 2010. There is still trash visible on the property and inside of the metal shed on the north side of your building. Additionally, the board up lumber was not painted the same color as the building as is required by the Development Code.

Due to your progress in working on the property Code Enforcement will suspend legal actions against your property for **two weeks** to give you time to complete the removal of junk and rubbish, paint the board up lumber the same color as the building and remove the mobile home from the property and from the City. The mobile home cannot be set down in the City because only manufactured homes ten years old or newer can be placed in the City.

Failure to bring the property into compliance with applicable City Codes within the **two week** period will result in the City recording a Notice of Pendency against your property.

If the mobile home is not removed within **two weeks** your public nuisance property will be set for a public hearing before the City's Planning Commission where the manner of its abatement will be determined. The Community Development Department will recommend to the Planning Commission that the mobile home be demolished, all of the junk and rubbish removed and the board up lumber be painted the same color as the building. Should the City abate your property all costs of the abatement, including cleanup labor, supplies, equipment rental, dump fees, a \$570.00 warrant fee and re-inspection fees may be presented to the City Council at a public hearing where the City may authorize the collection of its costs by a Special Assessment or a Nuisance Abatement Lien against the property.

Pursuant to Twentynine Palms Municipal Code 1.04.020 the City intends on seeking reimbursement of attorney's fees, staff time, and other related costs if it prevails in any proceeding relating to this enforcement effort.

Pursuant to Revenue and Taxation Code section 17274 and 24436.5, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred on the subject property in the current taxable year. Please be advised that this property may be sold after three years by the tax collector for unpaid delinquent assessments.

Please remove the mobile home, junk and rubbish and paint the board up lumber within **two weeks**.

Sincerely,

Gary Blackman
Code Enforcement



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 10-84 – Determination of Public Nuisance

Project Location: APN 0621-221-09;
5025 Adobe Road
Twentynine Palms, San Bernardino County

Description of nature, purpose and beneficiaries of Project: Planning Commission consideration of the determination of a Public Nuisance for a property in non-compliance with a variety of Development and Building Codes on a 4.5 acre property within the Service Commercial zoning district.

Public Agency approving Project: Twentynine Palms Planning Commission

Name of Person Carrying Out Project: City of Twentynine Palms

Exempt Status (check one):

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

Reason(s) Project is Exempt: Pursuant to Section 15332, In-Fill Development Projects, of the State Guidelines to Implement the California Environmental Quality Act (CEQA) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses and is Categorically Exempt from further environmental review under state law.

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

Signature

Date

Community Development Director
Title

Photos of Property

(Updated to December 20, 2010 photos)

Photographs of the subject property were delivered to the Planning Commission under separate cover. Copies of this material can be obtained from the Code Enforcement Division of the Community Development Department.