



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

MEMO

Date: December 21, 2011
To: Planning Commission
From: Charles K. LaClaire, Community Development Director

Re: Planning Commission Regular Meeting Dates

The Commission may recall that on September 6, 2011, the Commission voted to rearrange its regularly scheduled meeting dates from the first and third Tuesday of each month to the first and third Wednesdays of each month. This change was made to accommodate a temporary scheduling conflict that an individual Commissioner had. At its regularly scheduled meeting of December 7, 2011, Planning Commission Chair Easter, under "Commissioner Comments", noted that the scheduling conflict has now been removed and asked if the Commission would like to consider returning to its traditional Tuesday meeting dates. At the December 7th meeting, no objections were expressed to returning to Tuesday as the regular meeting dates.

Similar to the procedure followed on September 6, 2011 to modify the Commission's regularly scheduled meeting date, staff recommends that the Planning Commission offer, second and vote upon a motion to establish, as permitted under Development Code Section 19.02.100 F "Planning Commission Meetings", that the Planning Commission shall hold regularly scheduled meetings at 6:00 p.m., within the City Hall Council Chambers the first and third Tuesday of each month.

It is suggested that any such change become effective the first meeting in January, 2012; that being January 3, 2012.



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MEMO

Date: December 21, 2011
To: Planning Commission
From: Charles K. LaClaire, Community Development Director

Re: Planning Commission Hearing on PC 11-89 General Plan and Development Code Amendments

At its regularly scheduled meeting of December 7, 2011, the Commission received information regarding the upcoming General Plan and Development Code Amendments to establish General Plan and zoning designations for a 150 acre site located outside the City at the northeast corner of Utah Trail and Valle Vista Road (Assessor Parcel Nos. 0622-291-21, -22, -23 and -24) adjacent to the City of Twentynine Palms' current City limits. During the December 7th presentation, staff noted that the Commission would conduct a Public Hearing on the request at its (anticipated) regularly scheduled meeting of January 3, 2012. During discussion of the item, however, staff noted that the Study Session report stated the Public Hearing would be December 21, 2011, and from that point forward in the discussion all references were to an anticipated Hearing on December 21, 2011.

Due to the information contained within the Initial Study prepared for the Annexation proposal, a Negative Declaration shall be proposed for consideration by the Commission (and Council) at the Public Hearing for the General Plan and Development Code Amendments. When the original December 7th Study Session report was prepared, a Negative Declaration was not anticipated and so a meeting date of December 21, 2011 was identified. With the preparation of a Negative Declaration, however, the earliest meeting date would be January 3, 2012.

As it was clearly stated at the December 7th Study Session that the public would be given the opportunity to comment upon the General Plan and Development Code Amendments at the December 21st meeting, it is suggested that the Chair allow any members of the audience interested in the proposed Amendments to comment upon the issue and note that any such comments received on December 21, 2011 shall be noted within the Public Hearing record of January 3, 2012. As such any information provided by the public, whether received December 21, 2011 or January 3, 2012, shall become part of the permanent record for PC 11-89 and may be considered by the Commission in forwarding its recommendation to the City Council.

As it would be difficult for members of the public to address the Commission on the General Plan and Development Code Amendments without some frame of reference, staff has attached a preliminary draft of the Public Hearing report that will be presented to the Commission for the

January 3rd Public Hearing. This material is draft, but the substantive issues are presented and comments or suggestions offered by the public or Commission at the December 21st meeting shall be addressed within the final Public Hearing report.



PLANNING COMMISSION STAFF REPORT (Draft)

To: Planning Commission – Study Session
From: Community Development Director
For Commission Meeting Of: January 3, 2012

SUBJECT: PC 11-89 – General Plan and Development Code Amendments to establish a General Plan designation and pre-zoning of a 150 acre site located at the northeast corner of Utah Trail and Valle Vista Road.

RECOMMENDATION

Open and conduct the Public Hearing, consider public comment and approve PC Resolution 12-01 forwarding a recommendation that the City Council adopt the Negative Declaration for PC 11-89 and approve the proposed amendments to the Land Use Element of the General Plan and to the Development Code establishing the Land Use Designation and Zoning for an approximately 150 acre site as a precursor to the annexation of the property into the City of Twentynine Palms.

Attachment

1. Site Aerial

ORDER OF PROCEDURE

Request Staff Report (Charles LaClaire presenting)
Commission Questions of Staff
Receive Public Comment
Commission Discussion
Direction to staff

PROJECT DESCRIPTION

Consideration of a possible amendment to the Land Use Element of the City's adopted General Plan and a Development Code amendment to the Development Code to establish the General Plan designation and zoning of an approximately 150 acre property, located at the northeast corner of Utah Trail and Valle Vista Road (Assessor Parcel Nos. 0622-291-21, -22, -23 and -24) adjacent to the City of Twentynine Palms' current City limits. The establishment of a General Plan Land Use designation and zoning in anticipation of consideration by the Local Agency Formation Commission of an owner initiated annexation request.

BACKGROUND

The Commission will recall that it was introduced to the possibility on establishing a General Plan Land Use Element Land Use designation and zoning for an approximately 150 acre property as a precursor to consideration of the property's annexation into the City at a Study Session on December 7, 2011. As was noted during that Study Session review, under the

provisions of State Law, the San Bernardino Local Agency Formation Commission (LAFCO) is the local independent State agency that reviews and approves incorporations or changes to corporate boundaries of recognized cities and special districts (such as water agency district boundaries). Under these same State laws, LAFCO requires that prior to any change in existing corporate boundaries (such as the annexation of an area into an existing city), that that city must first designate the land within its General Plan Land Use Element and “pre-zone” the property, as well as provide what is referred to as a “Plan for Services”. LAFCO has informed the City that a property owner has petitioned the Commission for annexation of its approximately 150 acre property into the City of Twentynine Palms (a site adjacent to the City’s current boundary, located at the northeast corner of Utah Trail and Valle Vista Road; Assessor Parcel Nos. 0622-291-21, -22, -23 and -24). This submission of an application for annexation initiated a request from LAFCO that the City pre-designate (General Plan) and pre-zone (zoning map) the property.

It is noted that the Plan for Services, required to be prepared by the City, identifies how the area being proposed for annexation shall be served by the City and the impact that such service shall have upon the City. The draft Plan for Services that shall be submitted to LAFCO was provided to the Commission with the Study Session report as an informational attachment. The Planning Commission is not being asked, nor is it a requirement, to review the Plan for Services (and the Commission does not approve the Plan as it is an informational document). If, however, Commissioners notice an error within the material, please advise staff so that the error may be corrected before submission to LAFCO.

At the Commission’s meeting of December 7, 2011, a question was raised regarding the processing of any request, such as that regarding the General Plan and zoning designations, from an outside agency. After consulting with the City Attorney, staff has been informed that a request from LAFCO regarding a formal application that they have received from a property owner regarding an annexation request must be processed as any application directly to the City must be processed through the Commission and on to the Council for a final decision. The Commission has the full right and opportunity to express its opinion on the issue of the appropriate Land Use designation and the appropriateness of the annexation of the property in question when it forwards its recommendation to the Council, but the Commission must process/consider the request and forward a recommendation to the Council for final action.

ANALYSIS

As noted above, the City has received notification from the San Bernardino Local Agency Formation Commission of a property owner initiated request to be annexed into the City of Twentynine Palms. As such, under State law, LAFCO is asking the City to identify which land use designation shall be assigned to this property as identified within the City’s General Plan Land Use Element and to identify the anticipated corresponding zoning of the property (i.e., to pre-zone the property consistent with the identified General Plan designation).

LAFCO has notified the City that a property owner has formally submitted a petition to the Commission to annex four parcels of land consisting of approximately 150 acres into the City of Twentynine Palms (a site adjacent to the City’s current boundary, located at the northeast corner of Utah Trail and Valle Vista Road; Assessor Parcel Nos. 0622-291-21, -22, -23 and -24). The property in question is currently vacant, generally flat and populated with sparse native

desert vegetation. Surrounding the site are a few single family residences approximately one quarter mile to the south, with vast stretches of vacant land to the north, east and west. Valle Vista, an improved, maintained two-way City roadway, borders the properties to the south. Utah Trail borders the properties to the west and is an unimproved, maintained City roadway. The County's current General Plan and Zoning Designation for these properties is Rural Residential, one lot per five (5) acres (RL-5). The property owner has indicated, and the Commission shall receive in the near future, a Conditional Use Permit application to establish a batch plant on a five (5) acre portion of the approximately 150 acre site. The batch plant shall be located at the southwest corner of the site, adjacent to both Valle Vista Road and Utah Trail.

With consideration for the sparse development within the area, the need for a batch plant in close proximity to the Marine Base (due to the extensive development occurring upon the Base) and the availability of infrastructure adjacent to the site, the property owner is requesting that the City designate the property as Community Industrial (IC). This Land Use designation and Zoning would allow the City to consider a future batch plant under review of a Conditional Use Permit. Although this designation shall allow all uses permitted within the Community Industrial zone, if, for some reason (such as the Conditional Use Permit were to be denied) the batch plant is not developed upon this site, the City could consider another General Plan Amendment and Zone Change to re-designate the property in a manner consistent with the City's needs at that time. Considering the location of the site, the nature of the surrounding development, the level of infrastructure adjacent to the site and the foreseeable potential future development surrounding the site, a General Plan Land Use and Zoning designation of Community Industrial should not result in adverse impacts to the site, surrounding land uses or the community as a whole, and should allow the productive development of the site.

Although the suggestion has been offered that the Commission consider a Community Industrial land use and zoning designation for the site because the City has received an application for a land use that would only be permitted under that designation, the Commission must consider the full range of possible land uses that may occur upon a property when recommending a General Plan and/or zoning amendment. In establishing a General Plan and zoning designation for the properties in question, the Commission must consider the possible impacts that the proposed designation(s) may have upon the site, adjoining properties and the neighborhood within which it is located. The suggested Community Industrial (IC) zoning district would allow a variety of land uses, including contractor storage yard, small recycling facilities, industrial food catering, motor vehicle storage, commercial parking lot, vehicle rentals, auto services, car wash, etc. all by right-of-zone. Uses permitted with approval of a Conditional Use Permit include hazardous waste facilities, salvage yards, adult oriented businesses, batch plants, animal slaughtering, mining, gas stations, heavy equipment service, public storage, freight lines and towing services. These uses, and all allowed or conditionally allowed uses, are listed within Table 19.12-A "Permitted and Conditional Uses" of the Development Code. This zoning district allows the most intensive uses within the community and as such it would allow uses that have the possibility of the most intensive impacts to the site, surrounding properties and the community in general. It can be anticipated, however, that possible impacts will be mitigated or reduced by conformance to all applicable rules and regulations, or by Conditions of Approval for those uses requiring a Conditional Use Permit review and approval.

At its Study Session on December 7th, the Commission questioned several issues relating to the pre-designation and pre-zoning of the property being considered by LAFCO for annexation into the City of Twentynine Palms. The comments can be summarized as three (3) concerns: Is there a need for additional commercial or industrially zoned land within the community at this time; Whether the City must designate the land for a commercial or industrial use as opposed to another designation (such as one consistent with the County's current designation); Whether the same land use designation had to be applied to the entire property in question or whether different designations can be applied to different portions of the overall site; and the larger issue of whether it would be better to annex the property into the City or allow it to remain within the County, but also within the City's Sphere of Influence.

Finally, it must be reiterated that with this review process the Commission has the full opportunity to express its opinion on the future zoning of the property (and thus its future use) and on the basic question of whether the property in question should be annexed into the City. Comments to address this opportunity can be included within the Commission Resolution that forwards the Commission's recommendations to the City Council.

Findings

Under the provisions of the Development Code, the Commission and Council must make specific "Findings" in a positive manner to approve both the General Plan Amendment and Development Code Amendment. The Findings for a General Plan Amendment are listed within Code Sections 19.20.070 "Findings" and for a Development Code Amendment under 19.22.050 "Findings" (both listed below) of the City's Development Code. Presented below are the two (2) sets of four (4) "Findings", along with a comment to address each. (*Note: The comments to the "Findings" shall be provided within the Public Hearing report prepared for presentation at the January 3, 2012 Public Hearing.*)

General Plan Amendment Section 19.20.070 "Findings":

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

Section 19.22.050 "Findings":

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

- B. The Zone Change or Development Code Amendment prescribes reasonable controls and standards to ensure compatibility with other established uses; and
- C. The Zone Change or Development Code Amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species; and
- D. The Zone Change or Development Code Amendment ensures protection of the general health, safety, and welfare of the community.

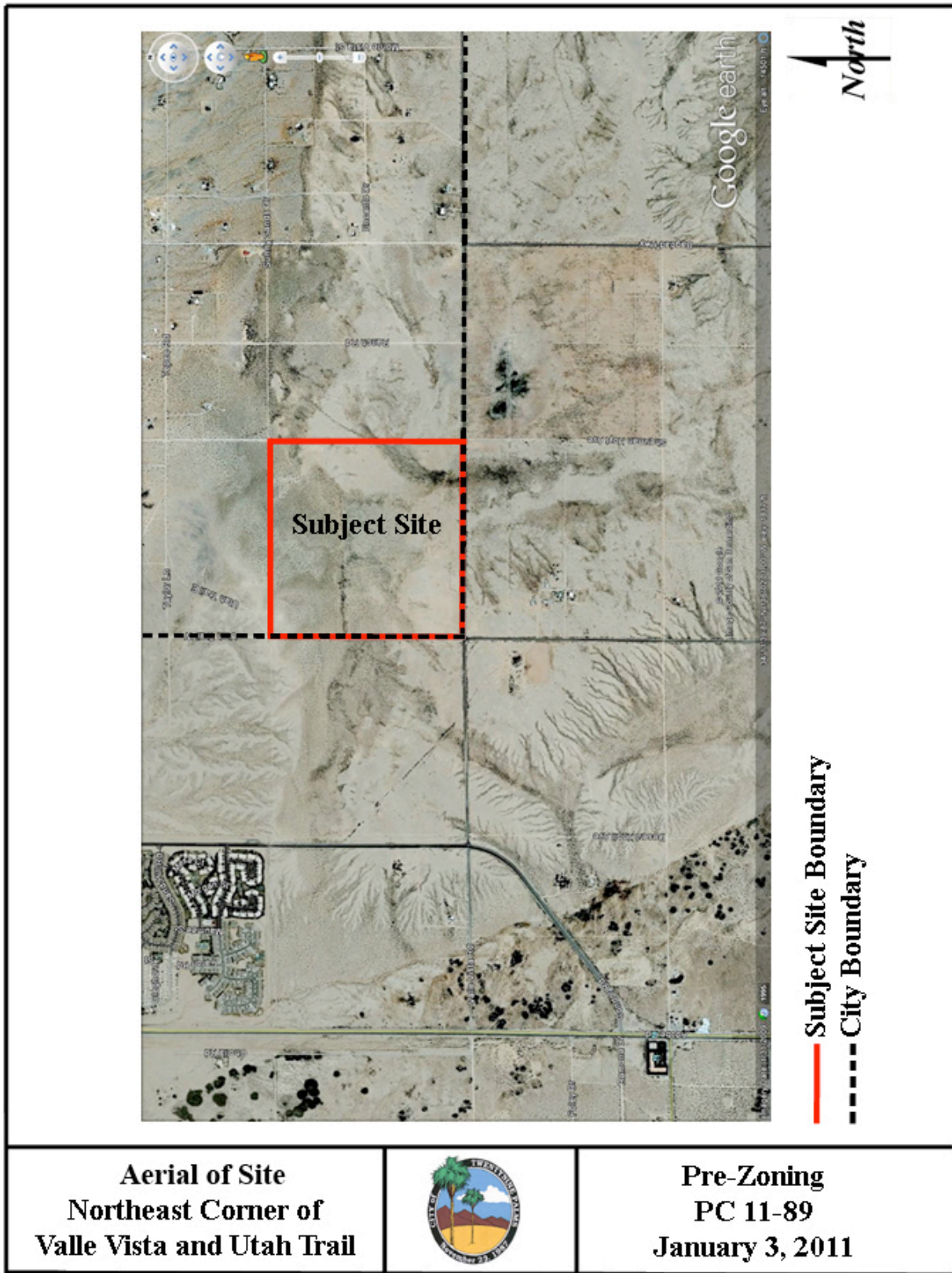
CEQA Environmental Review

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), an Initial Study has been prepared for the General Plan and Development Code Amendments. That Initial Study, provided under separate cover and available to the public at the Community Development Department within City Hall, examines the potential that designating the proposed site with the most intensive land use designation, that being the Community Industrial (IC) district, and the uses allowed under that designation may have upon the site and the surrounding properties. The Study illustrates that although a number of issues can be raised within the environmental review, none of the potential impacts identified rises to the level of significance requiring specific mitigations beyond those that would be required of any development under the provisions and requirements of the City's Development Code and applicable Building Codes, as well as all local, County, State and Federal regulations.

Approval Process

Under the provision of Development Code Section 19.20.050 "Approval Authority", the Planning Commission shall review and take action on a General Plan Amendment. Under normal circumstances, the Commission may deny an application for a General Plan Amendment, at which time the request dies unless appealed to the City Council, or the Commission may recommend approval to the Council, at which time the Council shall be the Approval Authority. Under the current LAFCO request, however, a request for a General Plan and Zoning designation is to be considered by the Council and, therefore, the Commission shall serve as a recommending body for the General Plan Amendment. Under the provisions of Development Code Section 19.22.040 "Approval Authority and Notification" (for Development Code Amendments) the Planning Commission is the Review Authority for any changes to the Development Code, with the City Council being the Approval Authority.

As has been stated previously, with this review process the Commission has the opportunity to recommend what it believes to be the best zoning designation for the property relative to the community of Twentynine Palms as a whole. The Commission may recommend that the entire site be given one designation, or that the site have two (2) or more designations (keeping in mind the minimum Community Industrial land use district size requirement is twenty-five {25} acres per the General Plan's Land Use Element Table VI). Further, the Commission may also express its collective opinion as to whether or not the area in question should be annexed into the City at all. Any such opinion can be included in the Commission Resolution forwarded to the Council for its review and final action on the General Plan and Development Code Amendments.





PLANNING COMMISSION DISCUSSION REPORT

To: Planning Commission
From: Community Development Director
For Commission Meeting Of: December 21, 2011

SUBJECT: Discussion and possible guidance on an Amendment to the Municipal Code addressing the sale of semi-metallic (“Mylar”) balloons and/or similar inflatable devices within the City of Twentynine Palms.

RECOMMENDATION

Staff recommends that the Planning Commission initiate its discussion, open to the public, of issue of the sale, display, ownership, manufacture and/or transport of semi-metallic (Mylar) balloons and/or similar inflatable devices within the City and whether such activities should or should not be permitted.

ORDER OF PROCEDURE

- Request Staff Report (Charles LaClaire presenting)
- Commission Questions of Staff
- Receive Public Comment
- Commission Discussion
- Direction to staff

PROJECT DESCRIPTION

A discussion to provide guidance to staff on the Municipal Code provisions addressing the sale, display, ownership, manufacture and/or transport of semi-metallic (Mylar) balloons and/or similar inflatable devices within the community of Twentynine Palms. *(Please note that although the Commission asked for a discussion of “Mylar” balloons, staff has expanded that concept to include what it considers similar devices to address the broader issue. If that is not acceptable to the Commission, all references to “semi-metallic balloons and/or similar inflatable devices” shall be replaced with “Mylar balloons”, and any future regulations that may be created would apply only to these specific type of balloons.)*

BACKGROUND

At its regularly scheduled meeting of December 7, 2011, Commissioner Mendoza requested that an item be placed upon an upcoming agenda to discuss the City’s current codes, regulations or provisions addressing the sale and/or allowance of semi-metallic balloons and/or similar inflatable devices within the community (Mylar is a trademark for a thin strong polyester film). Commissioner Mendoza noted his concern that such balloons and/or devices are frequently found within the Joshua Tree National Park and that such items are a hazard to the wildlife within the Park and an aesthetic nuisance/visual blight to the Park and community of Twentynine Palms. (It is also noted that the Southern California Edison Company identifies such balloons as a safety hazard, as they can become entangled within power lines and readily conduct electricity.)

Currently no provisions of either the Development Code or the City's Municipal Code address the sale, control, manufacture or transport of semi-metallic balloons. As such, any standards or criteria to control the sale or other activities of such balloons or devices within the City must be added to the Code as new provisions. As this issue is not a "land use" issue per say, any standards or criteria for the regulation of such items would fall under the provisions of the Municipal Code. It is suggested that if the Commission wishes to pursue this issue, it may recommend to the City Council that it amend the Municipal Code by the adoption of a new Chapter 6.05 "Semi-metallic Balloons and Similar Inflatable Devices" within Title 6 "Consumer Protection and Business Regulation".

ANALYSIS

Staff has been directed by the Commission to place an item on the agenda to allow a discussion of the control or regulation of semi-metallic ("Mylar") balloons and/or similar inflatable devices within the City of Twentynine Palms. It has been noted that such balloons and/or devices, due to their physical nature and longevity, are a potential health hazard to the wildlife within the City and the Joshua Tree National Park, may be considered an aesthetic nuisance/visual blight and have been identified (by power companies) as a hazard to the City's and region's above grade electrical system. Currently, such balloons and similar devices are not regulated by the City.

In discussing this issue, the Commission may wish to consider the difficulties in enforcing regulations on such transient items (would enforcing any such regulations created be the highest and best use of limited City resources at this time). Further, would any such regulations be expected to control not only the sale of such balloons/devices within the community, but also the display of such balloons/devices if purchased outside the community, the ownership of either inflated or empty balloon/device skins, the manufacture of such devices within the community or even the transport of such balloons or devices through the community? Finally, how would such regulations be applied to the sale, display, ownership or transport of such balloons and/or similar inflatable devices at the Marine Base (in consideration of the "Pre-annexation" agreement the City has with the Marine Base)?

As noted above, staff does not consider this as a "land use" issue and, therefore, codes or regulations to control the sale, display, ownership, manufacture or transport of such items would not fall under the provisions of the Development Code. If the Commission would like to pursue such regulations, language could be crafted (following guidance from the Commission on how to address applicable issues) which could be forwarded to the City Council with a recommendation that the Council amend the Municipal Code to address semi-metallic balloons and/or similar inflatable devices. Guidance for staff from the Commission could address such issues as:

1. Should the sale of semi-metallic balloons and/or similar inflatable devices be outright band within the community?
2. Should the display of semi-metallic balloons and/or similar inflatable devices be outright band within the community?
3. Should owning, even for sale outside the City or for private, interior use, of semi-metallic balloons and/or similar inflatable devices be outright band within the community?
4. Should the transport of inflated or empty semi-metallic balloons and/or similar inflatable devices be outright band within the community?
5. Who would be the responsible party if someone were given a semi-metallic balloon and/or similar inflatable device as a gift (assuming the City was unaware of the semi-metallic balloon and/or similar inflatable device until after the gift was received)?
6. Would members of the armed forces, or their family and friends, be exempted from the ban if they can demonstrate that they obtained the balloons or similar inflatable device aboard the Marine Base?

7. If any or all of the regulations noted above are enacted, who should monitor, regulate or control the enforcement of such a ban?
8. Would the ban being discussed apply to the manufacture of such devices within the community, even if they are not displayed or sold within the community?
9. If any or all of the regulations noted above are enacted, what should the punishment be for violating these provisions of the Municipal Code?
10. How generic or detailed should such a regulation be? (Language to cover, in detail, all possible scenarios and circumstances or generalized to simply ban having these devices?)

It is noted that while the City could generally regulate the sale and/or display of such balloons and/or similar inflatable devices from businesses within the community, such control would be much more problematic regarding the sale, transport and/or ownership of devices obtained outside the City, or the possession or transport of empty skins for sale outside the community (storage of such balloons). If the Commission would like to recommend to the City Council that it change the Municipal Code to address the issue of the sale of semi-metallic balloons or similar inflatable devices within the Community, the following is offered for consideration.

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Draft Possible Language

Chapter 6.05 “Semi-metallic Balloons and Similar Inflatable Devices”

- 6.05.010 Purpose**
- 6.05.020 Applicability**
- 6.05.030 Violations**
- 6.05.040 Exemption**
- 6.05.050 Penalties**

6.05.010 Purpose. The purpose of this Chapter is to provide reasonable rules and regulation for the control of the possession, sale, display and transport of any semi-metallic balloon and/or similar inflatable device within the City of Twentynine Palms.

6.05.020 Applicability. The provisions of this Chapter shall apply to all individuals in possession, whether for sale, display, transport, manufacture of other purpose any semi-metallic balloon and/or similar inflatable device within the City of Twentynine Palms, except as otherwise provided within this Chapter.

6.05.030 Violations. Possession (inflated or otherwise), possession for sale (inflated or otherwise), transport, manufacture, display or transferring (gifting or otherwise) of any semi-metallic balloon and/or similar inflatable device shall be express prohibited within the City of Twentynine Palms.

6.05.040 Exemption. Members of the United States Armed Forces, or family members of such individuals, who can demonstrate that the semi-metallic balloon and/or similar device in their possession (inflated or otherwise) were purchases, received or provided aboard the Twentynine Palms Marine Base shall be exempt from the provisions of this Chapter, except where it can be demonstrated that such possession of a semi-metallic balloon or similar inflatable device (whether inflated or empty) is for sale or exchange for money, goods, barter or services, to a non-member of the States Armed Forces, or a family member of such individuals, in which case all provisions of this Chapter shall apply.

6.05.050 Penalties. The following penalties shall apply:

A. Any person, firm, partnership, corporation or other entity violating any provisions of this Chapter shall be guilty of an infraction or misdemeanor as hereinafter specified. Each day or portion thereof, or each clearly identified individual occurrence, where such violation is in existence shall be a new and separate offense.

B. Any person, firm, partnership, corporation or other entity so convicted of such violation shall be:

- 1) Guilty of an infraction offense and punished by a fine not exceeding One Hundred Dollars (\$100.00) and not less than Fifty Dollars (\$50.00) for a first offense;
- 2) Guilty of an infraction offense and punished by a fine not exceeding Two Hundred Dollars (\$200.00) and not less than One Hundred Dollars (\$100.00) for a second offense;
- 3) The third and any additional offenses shall constitute misdemeanors and shall be punishable by fines not exceeding One Thousand Dollars (\$1,000.00) and not less than Five Hundred Dollars (\$500.00) or six (6) months in jail, or both;
- 4) Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor in the discretion of the prosecuting/City Attorney.

C. Payment of any fine or service of a jail sentence herein provided shall not relieve a person, firm, partnership, corporation, or other entity from the responsibility of correcting the condition resulting from the violation (proper removal and disposal of the semi-metallic balloon or similar inflatable device).

D. In addition to the above penalties, the court may order that the guilty party reimburse the City for all of its costs and/or expenses of investigating, analyzing, inspecting, abating and prosecuting the enforcement action against the guilty party. The court shall fix the amount of any such reimbursement upon submission of proof of such costs and expenses by the City.

E. The owner, manager and/or operator of every activity, facility, business, franchise, organization or legally organized entity subject to this Chapter shall be responsible for any violation of this Chapter by an employee.

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Findings

Amendments to the Municipal Code are not subject to the requirements of making specific "Findings" as would an amendment to the Development Code. Although Findings need not be made, any change to the Municipal Code should be considered in light of whether any such change would be consistent with the intent, goals and policies of other provisions of the Municipal Code as interpreted by the City Council; whether such change would prescribe reasonable controls and standards for the community consistent and compatibility with other established Codes and Regulations; whether such change would provide reasonable constraints upon property owners, renters and/or visitors activities while protecting others within the community; and in broad terms protecting the general health, safety and welfare of the citizens of, or visitors to, the community.

CEQA Environmental Review

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), a discussion of a possible amendment to the Municipal Code, consisting of possible future

standards and regulations controlling the sale and possession of semi-metallic balloons and similar devices, cannot, by itself, have a direct impact upon the environment. As such, under the provisions of Government Code Section 15262 "Feasibility and Planning Studies" a discussion of such a possible future amendment is statutorily exempt from further environmental review.

Approval Process

As noted above, the Commission is neither a Review nor Approval authority for a Municipal Code Amendment (unlike a Development Code Amendment wherein the Commission is a Review Authority). If the Commission may, however, elect to forward a recommendation to the Council to address the issue of semi-metallic balloons and/or similar inflatable devices. Any such recommendation can include any language which the Commission believes would assist the Council in making its decision on the matter.