



STAFF REPORT

TO: Planning Commission
FROM: Community Development Director
COMMISSION MEETING: January 31, 2012 – *Special Study Session*

SUBJECT: PC 09-53 – City of Twentynine Palms comprehensive General Plan Update, review of draft Elements, inclusive of General Plan Advisory Committee (GPAC) and City Council comments.

RECOMMENDATION

That the Planning Commission resume its review of the “Elements” of the General Plan Update, providing guidance to staff and consultants, and giving direction as appropriate. When the Commission’s review is complete, all comments shall be forwarded to the City Council for final action on the General Plan Update and EIR.

Attachments

1. General Plan Update materials previously delivered.

ORDER OF PROCEDURE

Request Staff Report (Charles LaClaire Presenting)
Commission Questions of Staff
Public Comment (at the discretion of the Chair)
Commission Discussion
Commission Guidance

BACKGROUND

At its regularly scheduled meeting of January 17, 2012, the Planning Commission conducted a Study Session to review the draft Executive Summary and Elements of the General Plan Update, comments about which shall ultimately be forwarded to the City Council for consideration in its review of the General Plan Update. At the Study Session, the Commission discussed the materials provided, questioned specific issues and providing comments on both the Executive Summary and the Land Use Element. A summary of the Commission comments is provided under “Analysis” below.

At the conclusion of the Study Session, the Commission directed that a Special Meeting be convened on Tuesday, January 31st at 6:00 p.m., within the Council Chambers at City Hall to resume its review of the General Plan Update. The Commission commented that it would proceed to a discussion of the draft Safety and Conservation & Open Space Elements of the Plan, noting that following review of these items, if completed at the Special Study Session on January 31st, a subsequent Study Session will be held on February 21, 2012 to address the Circulation and other remaining Elements.

As was noted within the January 17th Study Session report, in 2009 the City of Twentynine Palms retained the services of Hogle-Ireland, Inc. to complete a comprehensive update to the City's General Plan and to create the associated Environmental Impact Report (EIR), as well as update the Development Code and to review the possibility of establishing various Development Impact Fees. Between that time and the present, the City Council, Planning Commission and the General Plan Advisory Committee (GPAC) have held numerous community workshops and study sessions, joint meetings and Public Hearings. To date, significant progress has been made on completing the Update and related Environmental Impact Report, and it is now time for the Commission to complete its review of the draft material, forwarding its recommendations to the City Council for final action.

ANALYSIS

At its meeting of January 17, 2012, the Commission resumed its review of the Update to the City's General Plan. At that Study Session, comments, questions and guidance were provided by individual Commissioners, with a consensus of those items listed below. If any of the items listed below are incorrectly stated, please provide clarification to staff so that the Commission's comments and suggestions can be accurately forwarded to the City Council.

Following any clarifications, the Commission is asked to review the draft Safety, Conservation and Open Space, and (if time permits) Noise Elements of the General Plan providing specific comments and/or suggestions on these Elements.

Comments on the Executive Summary and Land Use Element at the January 17th Study Session are as follows:

Executive Summary.

Commissioner Easter complimented the GPAC on providing good information/comments on the draft General Plan. He then noted the comments below.

Page III of "Executive Summary" – Second paragraph notes that "Joshua Tree National Park and Marine Corps Air Ground Combat Center (MCAGCC) are located within the City". This is not a correct statement as only a portion of the base is located within the City and none of the Park is located within the City. Needs to be corrected.

Page V of the "Executive Summary" – Second paragraph within "Twentynine Palms Today", notes population inclusive of entire base, but this may not be correct. Population count should only include that portion of the base annexed into the City.

Page VI in "Executive Summary" - Currently the City maintains and operates five (5) parks, noting "Pioneer Park" as one of these located at Sullivan and Adobe Roads. He suggests a clarification regarding the status of and the City's operation of a park at this location (i.e., this is a space reserved for a future park, a park not yet developed).

Page XIII in "Executive Summary" – Second paragraph within "General Plan Format", he agrees with GPAC in that policies should provide measurable statements to ensure that goals and policies are actually accomplished.

Page XIV in "Executive Summary" – Suggests that the "Conservation and Open Space" Element as listed should be separated so that each is its own listed Element.

Page XVI in “Executive Summary” – within the “Housing Element”, Commissioner Easter requested clarification of the term “Remove governmental and other constraints on housing development”. Staff clarified what was meant by constraints on housing development under State law. No changes to the language are suggested.

Page XXVI in “Summary of Goals” – “Land Use Element Goals and Implementation Policies” Implementation Policy LU-3.4, Commissioner Easter requested clarification regarding financial assistance for the rehabilitation of homes. Staff explained that assistance funds, now limited due to the dissolution of Redevelopment Agencies by the State, would apply to private residences as well as any funding programs designed to assist Housing Projects. Commissioner Easter would like the Public to be better informed of this Policy.

Page XXVII in “Summary of Goals” – “Land Use Element Goals and Implementation Policies” Implementation Policy LU-3.8. What was meant by the level and extent of working with the County regarding the Library services was questioned. Staff noted that this generally meant to be cooperating with and encouraging the County to provide Library services needed by the City’s residents and visitors (an example of which could be cooperating in applying for a State or Federal grant).

Page XXIX in “Summary of Goals” – “Land Use Element Goals and Implementation Policies” Implementation Policy LU-5.4. This Policy addresses “clustering” of housing units. This issue was raised by Council member Corbin and Commissioner Easter noted that the GPAC supports this concept and he concurs with that support. Consensus of the Commission was to support the concept of retaining clustering as a policy within the General Plan Update.

Page XXX in “Summary of Goals” – “Land Use Element Goals and Implementation Policies” Implementation Policy LU-6.2. The meaning of the term “sustainable design principles” was questioned. Staff noted that this term is somewhat nebulous, but it is a term used by the State in Building requirements to achieve some level of conservation of resources (such as using “Green” Building Codes).

Page XXXIII in “Summary of Goals” – “Land Use Element Goals and Implementation Policies” Implementation Policies LU-8.4 and LU-8.5. The City’s current efforts at using and/or allowing package plats for hotels and housing tracts to address the disposal of wastewater were noted; with the Commission supporting a continue of this practice.

Page XXXV in “Summary of Goals” – “Land Use Element Goals and Implementation Policies” Implementation Policy LU-10.3. The policy uses the term “Promote” but the General Plan material does not clearly define what this may mean, so how will it be implemented? Commissioner Easter suggests that the City reconsider its position on hiring the Economic Development Specialist position and that if this position were to be filled that the individual be someone with ties or roots within the community.

Page XXXVII in “Summary of Goals” – “Circulation Element Goals and Implementation Policies” Implementation Policy CI-1. This relates to action item number four (4) from Council member Corbin regarding the development of rural road standards for street improvements. Commissioner Easter suggests the Commission discuss the development of such standards and notes that if such standards are developed, the Policy calling for the pavement of all roads (Policy CO-4.4, page LXIX) be adjusted appropriately. As clarification, it was noted that the above comment did not specifically

mean that “rural roads” would be unpaved, but that rural road standards, whatever they eventually may be, would be discussed by the Commission. Consensus of Commission is to discuss this under the Circulation Element.

Page LXIX in “Summary of Goals” – “Air Quality and Climate Change” Implementation Policy CO-4.4. Relates to the rural road standard discussion noted above.

Page 2 of 52 in GPAC comments – First “General Comment” referring to the Tribal lands. Discussion of identifying one specific project within the General Plan verses generalized discussion of issues and concerns when noting the Indian Casino within the Plan. Suggestion was made that the Commission was not in support of the GPAC’s recommendation and that the specific reference be removed from the General Plan document.

Vice Chair Mendoza expressed his support for the comments made by the GPAC and Commissioner Easter on the Executive Summary, noting that where differences between the two arose, his support was for the position noted by Commissioner Easter.

Chairman Alderson commented on the GPAC material, noting that he fully agrees with the clarifications, revisions and consistency suggestions provided, but like Vice Chair Mendoza, where differences between the two arose his support was for the position noted by Commissioner Easter.

Page 2 of 52 in GPAC comments – Third “General Comment” referring to the Master Plan for Drainage. Regarding the Master Plan for Drainage, Chair Alderson questioned the Low Impact Development Standards for storm water management. Staff noted potential changes in land development from adoption of the new General Plan and commented that the Commission could recommend that a new study be created if it was felt that the existing material did not adequately address drainage as anticipated with the new General Plan. Consensus of the Commission was to recommend support of the GPAC’s recommendation to have a policy to create a revised Master Plan of Drainage.

Land Use Element.

Commissioner Easter had no comments on the Land Use Element at this time.

Vice Chair Mendoza had no comments on the Land Use Element at this time.

Chairman Alderson noted the comments below.

Page 3 of 52 in GPAC comments – LU 17 – It is recommended that a better explanation of what constitutes the 39± million square feet of potential non-residential development should be placed within the General Plan document. This should also include references and/or clarification of the applicability to multi-story development.

Page 4 of 52 in GPAC comments – LU 28 (and Tech Report page 79) – Addressing Design Landscape Guidelines. Keeping in this policy will allow the new Development Code to more fully address the applicable State imposed standards.

Page 5 of 52 in GPAC comments – LU 33 – Already addressed by Hogle-Ireland, Inc.

Page 6 of 52 in GPAC comments – LU 36 – Referencing the Sphere of Influence regarding the change in lot size from County’s “40” acre minimum to the City’s “20” acre minimum. GPAC recommended a new designation of “RL 40” to match the County’s designation.

Page 7 of 52 in GPAC comments – LU 43 – The Chair noted the GPAC’s comments about inconsistencies between the General Plan and adopted Specific Plans. It was noted that the Commission could recommend that the Council direct the Commission to look at these inconsistencies and if found, suggest changes to bring the documents into conformity to one another.

Page 7 of 52 in GPAC comments – LU 54 (and Tech Report page 78) – The GPAC recommendations regarding greater flexibility in regards to development standards (parking, lot coverage, road standards, etc.) is not what is being referred to in the Technical reports, which, in fact, recommends the requirement of permanent pavement not alternatives. The GPAC’s suggestion of flexibility (if allowed) would then create an inconsistency with the Conservation Element, thus that Element would also need to be changed. The consensus of the Commission was to allow consideration of alternative development standards under some circumstances, and adjust all Elements as needed for consistency.

Page 8 of 52 in GPAC comments – LU 59 – The Commission supported the GPAC recommendation that specific language be added to the Mesquite Dunes Overlay as noted in the GPAC comments.

Page 8 of 52 in GPAC comments – LU 59 – The GPAC comments regarding OHV riding were discussed. Staff noted that the City was awaiting an OHV Plan from the County for inclusion into the City’s General Plan material.

Page 10 of 52 in GPAC comments – LU 64 – The GPAC commented on revisions to Goal LU-5 (page XXIX in Summary of Goals in Executive Summary). The Commission discussed Policy LU-5.3 regarding enforcement of limitations of OHV uses within specified areas. The question was raised as to why restrict enforcement to specific areas, such as the Mesquite Dunes and Bosque (MDB), as opposed to all areas? The consensus of the Commission is to recommend changing the language to apply to all restricted area by dropping the references to “in the MDB” at the end of the GPAC’s suggested new language for 5.3 and 5.4.

Page 10 of 52 in GPAC comments – LU 64 – Regarding the GPAC comments on Goal LU-5.5 referencing “Clustering” and protection of open space in “perpetuity”, it was suggested that the last two words (“in perpetuity”) be removed from the GPAC’s suggested new language for 5.5. Following discussion, the consensus of the Commission was to retain the suggested GPAC language including the wording “in perpetuity”.

The Chair noted that a number of issues raised by the GPAC had been addressed by Hogle-Ireland, Inc. representative Nelson Miller in his memo dated October 31, 2011 or are minor typographical corrections that shall be corrected without need for discussion.

By consensus, the Commission agreed to the comments as presented above.

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It is noted that the Commission partially addressed the Council's November 8, 2011 specific direction regarding review of issues raised by Council member Jay Corbin. During the November 8th Council meeting, Council member Corbin requested that the Commission address the following:

Actions 1 & 2: request that the Planning Commission review and make a recommendation on the proposed non-residential build-out and the proposed roadway network, seeking to reduce road designations to the level necessary to provide efficient traffic movement.

Action 3: Include a policy statement in the General Plan that the City will develop standards for clustering of residential development in areas zoned for low density.

Action 4: Include a policy statement in the General Plan that indicates that the City will develop rural standards for street improvements.

The Commission partially addressed Actions 3 and 4 (see **Page XXIX** and **Page XXXVII** in "Summary of Goals" above) with regard to these issues.

Findings

Under the provisions of the Development Code, no "Findings" are required for the Commission to undertake a Study Session review of a portion of the Development Code. If, however, the Commission progresses to a General Plan Amendment such as that being considered by the Update to the City's existing General plan, then pursuant to Section 19.20.070 "Findings" (listed below) of the City's Development Code, both the Planning Commission and City Council are required to make four (4) "Findings" of approval in a positive manner prior to recommending or adopting a General Plan Amendment. At such time as the Public Hearing report is prepared, staff shall provide the Commission with comments to address each "Finding" for consideration and possible adoption, forwarding its recommendation to the City Council.

- 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.

CEQA Environmental Review

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the Study Session of a possible future General Plan Amendment has been reviewed for its potential to impact the environment. It has been determined that the proposal, consisting of a discussion of possible future Goals and policies document to replace the City's existing General Plan, cannot, by itself, have a direct impact upon the environment. An Environmental Impact Report has been prepared for the General Plan Amendment that may adopt the General Plan Update itself. As such, under the provisions of Government Code Section 15262 "Feasibility and Planning Studies" a Study Session is statutorily exempt from further environmental review.

Approval Process

As the Commission is aware, under the provision of Development Code Section 19.20.050 “Approval Authority” (for a General Plan Amendment) the Planning Commission is the Review Authority for any such updates or amendments, with the City Council being the Approval Authority.