

**TWENTYNINE PALMS PLANNING COMMISSION  
CITY COUNCIL CHAMBER, 6136 ADOBE ROAD  
TWENTYNINE PALMS, CALIFORNIA  
TUESDAY, APRIL 20, 2010  
6:00 P.M. (or as soon thereafter following the Study Session)**

**NOTICE IS HEREBY GIVEN THAT THE** City of Twentynine Palms Planning Commission and the Public Arts Advisory Committee (PAAC) will hold a Study Session on Tuesday, April 20, 2010 at 6:00 p.m. in the City Hall Council Chambers, 6136 Adobe Road, Twentynine Palms, CA to consider the following:

**A possible amendment to the City of Twentynine Palms Municipal Code, creating a new Chapter 19.39 “Art in Public Places” to be added to Chapter 19 “Development Code” establishing the standards, criteria and procedures for the placement of public art within the City of Twentynine Palms (PC 10-07).**

Chair Mintz opened the Study Session at 6:00 p.m.

The following Commissioners were present: Alderson, Easter, Rinke and Mintz.

PAAC Chair Chuck Caplinger called the PAAC study session to order at 6:00 p.m.

The following PAAC members were present: Barter, Congdon, Gillick, Meyer and Caplinger.

PAAC Chair Chuck Caplinger gave a brief presentation to the Planning Commission regarding Art in Public Places. He said explained the proposed requirements of having developers install an art piece on their property or to pay an in-lieu fee if they choose not to display art.

Jane Smith, Twentynine Palms, spoke in favor of the Arts in Public Places.

Paul Smith, Twentynine Palms, spoke in favor of the Arts in Public Places.

Owen Gillick, Twentynine Palms, spoke in favor of the Arts in Public Places.

Jerry Mattos, Twentynine Palms, spoke in favor of the Arts in Public Places.

Mita Barter, Twentynine Palms, spoke in favor of the Arts in Public Places.

Allan Barter, PAAC member, said the Art in Public Places are about making the public aware of local art and making it enjoyable for the community.

Tony Naraval, Twentynine Palms, said businesses have to give back to the community since they are taking from the community.

Jay Corbin, Twentynine Palms, asked how the fee would be calculated into the residential development.

Liz Meyer, PAAC member, said the proposed chapter was the answer for the Arts in Public Places program due to funds from the program being almost expended.

Commissioner Alderson said he did not agree with the amendment's condition for art on all developments, which includes housing expansions or remodels over \$100,000.

Robert French, Twentynine Palms, asked for clarification regarding the fees and if he were to build two homes on two different properties would he be charged.

The Planning Commission discussed the fees as mentioned in the staff report and felt that single family residential home fees needed to be removed.

Chair Mintz called a recess at 7:16 p.m.

## **TWENTYNINE PALMS PLANNING COMMISSION**

### **MINUTES**

- 1.0 CALL TO ORDER-** Chair Mintz called the meeting to order at 7:25 p.m.  
**PLEDGE OF ALLEGIANCE-** Commissioner Easter led the Pledge of Allegiance.

**2.0 SPECIAL ANNOUNCEMENTS**

Chair Mintz announced this meeting will be televised on Cable TV Channel 10 Monday, April 26, 2010 at 6:30 p.m. and Friday, April 30, 2010 at 6:30 p.m.

**3.0 MINUTES – None**

**4.0 CONSENT CALENDAR - None**

**5.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION - None**

**6.0 PUBLIC COMMENTS**

Tony Naraval, Twentynine Palms, suggested requiring dual flush toilets (which use less water when flushing than a regular toilet) for newly constructed homes and businesses in the City. He said the results are positive and the toilets run about \$90 each to purchase.

**7.0 PUBLIC HEARINGS**

- 7.1 PC 10-07 – An amendment to the City of Twentynine Palms Municipal Code, creating a new Chapter 19.39 “Art in Public Places” to be added to Chapter 19 “Development Code” establishing the standards, criteria and procedures for the placement of public art within the City of Twentynine Palms.  
RECOMMENDATION - Conduct the Public Hearing, consider public comment and adopt PC Resolution 10-08 forwarding a recommendation that the City Council find that PC 10-07 is exempt from further CEQA review and amend Chapter 19 “Development Code” of the Municipal Code by the creation of a new Chapter 19.39

“Art in Public Places” establishing the standards, criteria and procedures for the placement of public art within the City of Twentynine Palms.

Chair Mintz opened the Public Hearing.

Chair Mintz opened the Public Hearing.

Mita Barter, Morongo Basin Cultural Arts Council, spoke in favor of item 7.1.

Larry Briggs, Twentynine Palms, said the Ordinance that is being imposed is a tax by another name and that it was unfair to do this to only new construction and development.

Chair Mintz closed the Public Hearing.

Consensus of the Planning Commission was to remove single family residences from the Code.

Community Development Director LaClaire (Director LaClaire) recommended giving him time to rewrite some of the language and present different alternatives that may allow the Commissioners to feel comfortable on how this can or cannot be imposed.

Chair Mintz re-opened the Public Hearing.

Commissioner Alderson asked if the other Cities that had been looked at had fees for residential.

Chuck Caplinger, PAAC Chair, said some Cities had 2% for commercial and 1% for residential, he said different communities were run different ways but most of them did include residential development.

Jay Corbin, Twentynine Palms, suggested applying the fee to major subdivisions and not minor subdivisions.

Chair Mintz closed the Public Hearing.

Consensus of the Planning Commission was to leave residential major subdivision in the Code.

Commissioner Easter asked for clarification regarding the City replacing the artwork after having paid a fee to have the artwork there. He said there would be frustration on the business owner or the property owner if the artwork were to be removed by the City if the owner had paid the fee.

Director LaClaire responded the City owns the artwork and can do with it as it deem appropriate, the owner paid into a fee because he was responsible to negotiated to put the art on the property.

Chair Mintz re-opened the Public Hearing.

Mr. Caplinger responded there could be something put into the contract with the property or business owner regarding time limitations and the City could provide a different piece of art to the owner if the existing piece were removed.

Chair Mintz closed the Public Hearing.

Commissioner Easter said he would like the guidelines without recommending a fee.

Vice Chair Rinkes said the City should put 1 ½ or 1% of their budget towards the program and fund it that way. She said Transient Occupancy Tax (T.O.T.) would be a good way of collecting the money.

Commissioner Alderson suggested asking business owners to offer commercial space for galleries rather than paying for art such as what the City Hall does with the Arts in Public Places program.

Director LaClaire responded the likelihood is small due to liability and maintenance issues. He said it is possible but probably would not be used very often.

Chair Mintz said the T.O.T. would be money that would be coming in continuously for the program.

**ACTION:** On a motion made by Commissioner Alderson, seconded by Commissioner Easter and carried with a 4-0-1 roll call vote (Caplinger abstained), the Planning Commission continued the item to the May 18, 2010 Planning Commission meeting.

- 7.2 PC 09-75 - An amendment to Tables 19.07-A, 19.08-A and 19.09-A "Permitted and Conditional Uses" of Title 19 "Development Code" of the City of Twentynine Palms Municipal Code, pertaining to the placement of telecommunications facilities (cell towers and similar facilities) within residentially zoned areas and an amendment to the City's Development Code, Chapter 19.48 "Accessory Structures", regarding the current standards and criteria for the placement of "sea-going cargo containers and similar storage devices" within various zoning districts, citywide.

**RECOMMENDATION-** Conduct the Hearing, consider public comment, provide guidance to staff on the issue of changes to Tables 19.07-A, 19.08-A and 19.09-A, and Chapters 19.48 and 19.58 of the "Development Code" regarding telecommunication facilities and sea-going cargo containers and continue the advertised Public Hearing to the Commission's next regularly scheduled meeting of May 4, 2010.

Director LaClaire presented a brief staff report and requested the item be continued to the next Planning Commission meeting on May 4, 2010.

Chair Mintz opened the Public Hearing.

Consensus of the Planning Commission was they were fine with staff's recommendations.

**ACTION:** On a motion made by Commissioner Caplinger, seconded by Vice Chair Rinkes and carried with a 5-0 roll call vote, the Planning Commission continued the

advertised Public Hearing to the Commission's next regularly scheduled meeting of May 4, 2010.

**8.0 REPORTS, REQUESTS AND COMMUNICATIONS - None**

**9.0 FUTURE AGENDA ITEMS- None**

**10.0 COMMISSION COMMENTS/STAFF**

Commissioner Easter thanked the Public Arts Advisory Committee for their time spent and input at the Planning Commission meeting.

Chair Mintz thanked the Public Arts Advisory Committee for their time.

Director LaClaire said the Southern California Edison tour for Project Leatherneck would be held during a special meeting of the Planning Commission. He requested the Planning Commission choose a date for their special meeting and tour. He said everyone would meet at City Hall and the public could follow the Commission to the site for the tour.

Consensus of the Planning Commission was to hold the special meeting on April 26, 2010 at 5:00 p.m.

Director LaClaire added that Councilmember Spear had requested the Planning Commissioners sponsor a racer in the upcoming Chamber of Commerce "Street Fair" soap box derby in the amount of \$25.00 per each Commissioner. He asked if the Commissioners would please let him know after the meeting if they were interested in the contribution.

**10.0 STUDY SESSION**

- 10.1 PC 09-32 - A possible Development Code Amendment to create a new Chapter 19.55 establishing the standards and criteria applicable to Vacation Home Rentals; Citywide.

Director LaClaire presented a brief staff report to the Planning Commission.

Paul Smith, Twentynine Palms, spoke in favor of vacation home rentals and said he really liked Lisa Pitts' map that was presented to the Planning Commission.

Jay Corbin, Twentynine Palms, spoke in favor of item 10.1. He asked who would be called if residents are affected by vacation home rentals.

Larry Briggs, Twentynine Palms, read a letter on behalf of George Menopolis who is in favor of vacation home rentals.

Mita Barter, Twentynine Palms, spoke in favor of vacation home rentals.

Robert French, Twentynine Palms, spoke in favor of citywide vacation home rentals.

Gail French, Twentynine Palms, spoke in favor of citywide vacation home rentals.

Ann Congdon, Twentynine Palms, spoke in favor of vacation home rentals.

Jane Smith, Twentynine Palms, said the document presented before the Planning Commission read a maximum of ten bedrooms and she felt that was an excessive number and she would suggest cutting that number in half. She said that would be something that would be a lot harder to manage.

Commissioner Alderson clarified that meant ten bedrooms on a property not in a building.

Lisa Pitts, Twentynine Palms, spoke in favor of vacation home rentals and she said she created the map that was presented to the Planning Commission. She said the map was designed as a historic overlay map.

Consensus of the Planning Commission was to allow the vacation home rentals anywhere in the City but limiting them to the first ten (10) Conditional Use Permits (CUP) for the first two years.

Consensus of the Planning Commission was to continue the item to a date uncertain.

**11.0 ADJOURNMENT-** Chair Mintz adjourned the meeting at 9:36 p.m.

Respectfully Submitted,

Jacqueline M. Palmer, Deputy City Clerk