LAND USE SERVICES DEPARTMENT

PLANNING DIVISION

PLANNING COMMISSION STAFF REPORT

HEARING DATE: February 20, 2014
Project Description

AGENDA ITEM # 02
Vicinity Map

APN:	**0528-243-17**
Applicant:	Thomas A. Stickley (Silver Valley Towing)
Community:	Newberry Springs/1st Supervisorial District
Location:	Southwest Corner of National Trails Highway and Nopal Lane
Project No:	P201200300/CF
Staff:	Tracy Creason
Rep:	Inland West Development (Spike Lynch)
Proposal:	A) General Plan Amendment from General Commercial (CG) to Rural Commercial (CR) on 5 parcels totaling 2.89 acres; B) Conditional Use Permit to recognize an existing towing and impound facility on two parcels totaling approximately 0.72 acres

12 Hearing Notices Sent On: February 7, 2014
Field Review: February 12, 2014

Report Prepared By: Tracy Creason
Reviewed by: Commissioner Allard

SITE INFORMATION

Parcel Size: 2.89 acres
Terrain: Flat, with an elevation of approximately 1822 feet above mean sea level
Vegetation: Disturbed, developed parcels with minimal installed landscaping

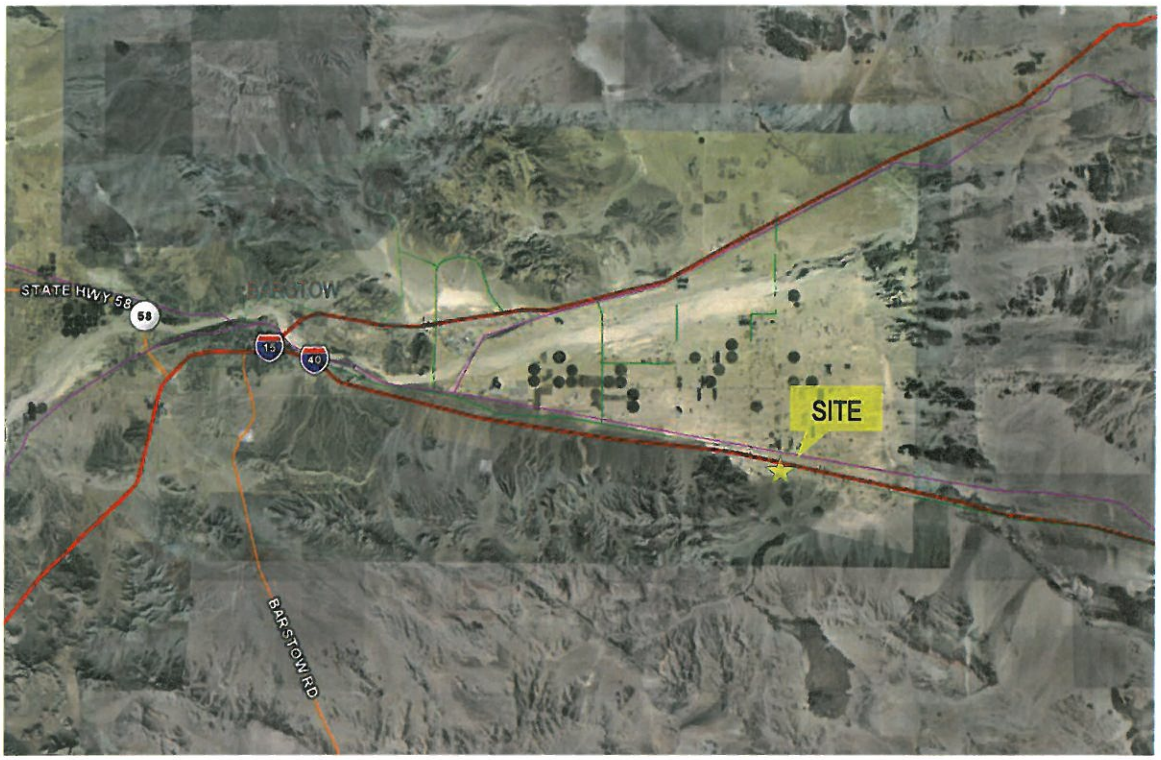
SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT / OVERLAYS
Site	Silver Valley Towing	CG / AR-4, Biological, Scenic, FEMA Zone D
North	Bagdad Café/Single Family Residences/Vacant	CG / AR-4, Biological, Scenic, FEMA Zone D
South	Single Family Residences/Vacant	CG / AR-4, Biological, Scenic, FEMA Zone D
East	Vacant	CG / AR-4, Biological, Scenic, FEMA Zone D
West	Vacant	CG / AR-4, Biological, Scenic, FEMA Zone D

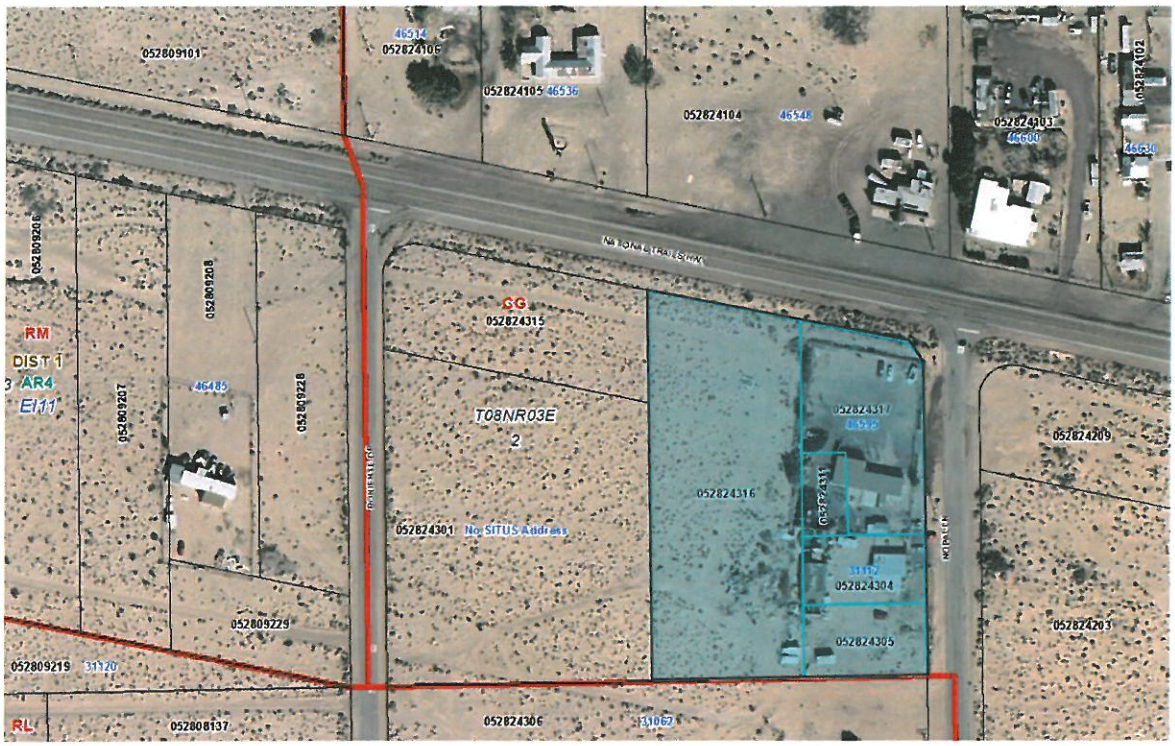
	AGENCY	COMMENT
City Sphere of Influence:	None	N/A
Water Service:	On-site well	EHS approved
Sewer/Septic Service	On-site septic	EHS approved

In accordance with Section 86.12.040 of the Development Code, a disapproval action on this item may be appealed to the Board of Supervisors within 10 days after the Planning Commission action.

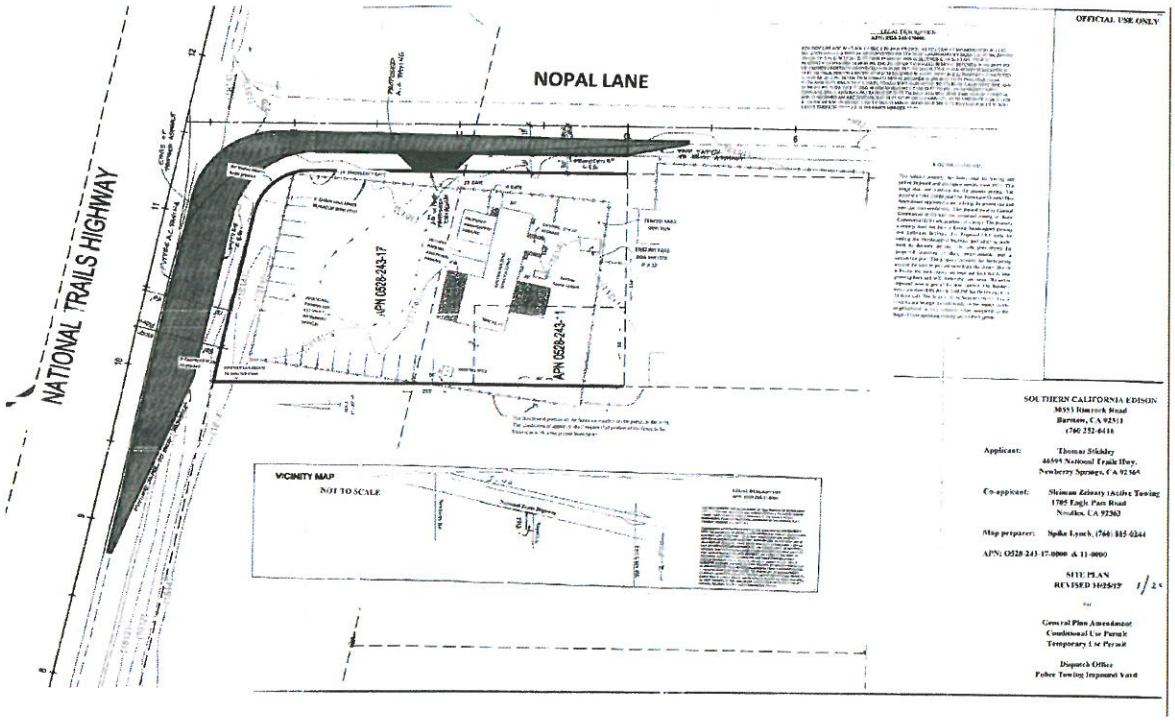
VICINITY MAP



AERIAL VIEW AND LAND USE ZONING DISTRICT MAP



SITE PLAN


NOPAL LANE
NATIONAL TRAILS HIGHWAY
APN 0528-243-17
APN 0528-243-1
VICINITY MAP
NOT TO SCALE
OFFICIAL USE ONLY
SOUTHERN CALIFORNIA EDISON
Applicant:
Co-applicant:
Map preparer:
SITE PLAN
General Plan Amendment
Conditional Use Permit
Temporary Use Permit
Dispatch Office
Fisher Towing Impound Yard

BACKGROUND:

According to information provided by the applicant's representative, the towing business has been in operation since about 1980. The current General Commercial (CG) land use zoning does not permit an impound yard and towing facility. In order to legally establish the use, the owner filed applications for a General Plan Amendment (GPA) and a Conditional Use Permit (CUP). Both applications were accepted as complete for processing in August 2012.

In an effort to accommodate an existing, but not legally established business, LUSD conditionally approved a Temporary Use Permit (TUP) for dispatch only in September 2012. The TUP expired in September 2013. A second TUP application for dispatch only was filed in September 2012, and conditionally approved for six months. The current TUP expiration date is April 7, 2014.

Location and Setting: The site is at the southwest corner of National Trails Highway and Nopal Lane in the unincorporated community of Newberry Springs. Access to the development is from a driveway on Nopal Lane. The site contains disturbed developed land, with minimal installed landscaping. The site is flat, with an on-site elevation of approximately 1822 feet above mean sea level. The site is within the Airport Safety Review Area 4.

ANALYSIS: GENERAL PLAN AMENDMENT

Consistency with General Plan Policies: Assessor Parcel Number (APN) 0528-243-17 and APN 0528-243-11 currently support Silver Valley Towing. APN 0528-243-04 contains an existing single family residence. APNs 0528-243-05 and 0528-243-16 are vacant. The proposed Land Use Zoning District (LUZD) change from CG to Rural Commercial (CR) on the five parcels totaling 2.89 acres will permit the legal establishment of the existing towing and impound business on 2 parcels totaling approximately 0.72 acres, will eliminate the non-conforming status of the existing residential structure, and create a CR LUZD conforming to the General Plan requirements and standards.

ANALYSIS: CONDITIONAL USE PERMIT

Project Notice: The original project notifications were mailed to 12 surrounding property owners in August 2012. Staff received no responses.

Aesthetics/Visual: The current visual character of the site is typical of development along National Trails Highway, also known as Historic Route 66. The site is adjacent to Historic Route 66, which is a designated a scenic corridor. The conditions of approval for the towing and impound facility include requirements for submittal of exterior architectural elevations and landscaping plans. These will help to ensure that the proposed development is an aesthetic enhancement to the area and will improve the existing visual character of the site by installing landscaping appropriate to this desert setting along the frontages, adjacent to the buildings, and along the side property lines.

Any security lighting must comply with the Glare and Outdoor Lighting requirements within the Desert Region, which includes shielding to prevent light trespass and protect the night sky.

Biological Resources: Even though the site is within an area known to contain habitat to support Desert Tortoise and Burrowing Owl, it contains no native vegetation, is developed with a commercial use, is adjacent to National Trails Highway, and is adjacent to development on two sides. Therefore, impacts to these biological resources were found to be less than significant.

Transportation/Traffic: The County Traffic Division found that the proposed project would not result in any impacts to traffic. The LUSD Land Development Division is requiring road improvements to National Trails Highway and Nopal Lane where they are adjacent to the project site.

ENVIRONMENTAL REVIEW:

Planning Staff prepared an Initial Study (IS) for the Project pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the California Environmental Quality Act (CEQA) Guidelines. Staff prepared a Notice of Availability and Notice of Intent (NOA/NOI), posted the NOA/NOI and IS with the Clerk of the Board, and on the County website for public review. Staff received no responses to the NOA/NOI.

The Initial Study concludes that no mitigation measures are required and that the proposed Project will not have a significant effect on the environment. Therefore, a Negative Declaration is proposed for recommendation by the Planning Commission.

SUMMARY:

The proposed project is consistent with County goals and policies regarding land use, specifically Goal LU 3, which supports commercial development within cities and unincorporated communities, and Goal D/LU 3, which strives to ensure that commercial development is compatible with the rural desert character and meets the needs of local residents. Additionally the Project complies with Goal D/ED 1, which promotes economic development that is compatible with the rural desert character of the Desert Region, specifically Policy D/ED 1.1 to support development that is of a size and scale that complements the natural setting, is compatible with surrounding development and enhances the rural character. Therefore, Planning Staff recommends approval of the Project.

RECOMENDATION: That the Planning Commission make the following recommendation to the Board of Supervisors:

1) **ADOPT** the Negative Declaration and find that the Initial Study was completed in compliance with the California Environmental Quality Act, that it has been reviewed and considered prior to approving the Project and that the Initial Study/Negative Declaration reflects the independent judgment of San Bernardino County;
2) **ADOPT** the Findings for approval of a General Plan Amendment and a Conditional Use Permit as contained in the Staff Report;
3) **ADOPT** a General Plan Amendment from General Commercial (CG) to Rural Commercial (CR) on five parcels totaling approximately 2.89 acres;
4) **APPROVE** the Conditional Use Permit to recognize an existing towing and impound facility on 2 parcels totaling approximately 0.72 acres, subject to the conditions of approval contained in the Staff Report; and
5) **FILE** a Notice of Determination.

ATTACHMENTS:

Exhibit A: Findings
Exhibit B: Initial Study
Exhibit C: Conditions of Approval