

Supplemental Documentation for Appeal to Board of Supervisors

Project Number: PROJ-2021-00163

Project Description: A POLICY PLAN LAND USE AMENDMENT FROM RURAL LIVING (RL) TO COMMERCIAL (C) AND A ZONING AMENDMENT FROM RURAL LIVING, 5-ACRE MINIMUM LOT SIZE (RL-5) TO SERVICE COMMERCIAL (CS) ON A 21.22-ACRE SITE, AND A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A HOTEL WITH THE CONVERSION OF AN EXISTING 4,226-SQUARE FOOT OFFICE BUILDING TO A RESTAURANT/LOBBY, THE CONSTRUCTION OF 106 GUEST ROOMS, A 5,031 SQUARE FOOT CONFERENCE ROOM, A 4,666 SQUARE FOOT WELLNESS CENTER AND ANCILLARY STRUCTURES ON A 24.4-ACRE SITE, LOCATED AT 78201 AMBOY ROAD, TWENTYNINE PALMS; COUNTYWIDE PLAN DESIGNATION RURAL LIVING (RL) AND COMMERCIAL (C); RURAL LIVING (RL) AND SERVICE COMMERCIAL (CS) ZONING DISTRICTS; APN: 0625-071-04, 05, 07, 09 and 10; 3RD SUPERVISORIAL DISTRICT

Action Date: March 23, 2023

Detail of what is being appealed: Planning Commission finding of the *proposed policy plan and zoning amendments do not provide a reasonable and logical extension of the existing land use pattern in the surrounding area and that there is not sufficient supporting infrastructure, existing or available, consistent with the intensity of the development to accommodate the proposed project without significantly lowering service levels of the area.*

Detail of what action or change you seek: Respectfully request that the Board of Supervisors grant the applicants appeal based upon LUSD recommendations and findings, as well as the facts and evidence presented and contained in the CEQA documents and to overturn the Planning Commission findings and recommendation of denial.

Supporting Evidence for Appeal

Finding 1: *proposed policy plan and zoning amendments do not provide a reasonable and logical extension of the existing land use pattern in the surrounding area.*

Key Commissioner Comments from March 23, 2023 hearing:

- *This is an anomaly of zoning. So, the question is do we have a compatible land use to take that anomaly and magnify it quite a bit.... Struggling making this inconsistent zoning and making it bigger in a rural area. It is not an indictment of the business plan.... It feels a little jarring considering everything else that is there. (Commissioner Weldy)*
- *... Here there are people around it that have had a rural designation and a pink building... the expectation is, for a long time, rural residential. (Commissioner Weldy)*
- *Out here, where the space is so big and so uninterrupted, the scale is just different. What is an appropriate buffer? (Commissioner Weldy)*

- *Even residential proposals would have to stand the test of evaluation. And simply because a certain piece of property is designated rural living designation by zoning still has to meet all requirements including public services. Just because a piece of property is designated does not mean it would be built for that purpose. (Commissioner Slowik)*
- *And the community is not of one mind either. When we have impassioned people saying this is a beautiful place, you should come and see it, but I am opposed to a project that lets people come and see it. (Commissioner Weldy)*

The Applicant respectfully disagrees with finding based on the following:

1. The CS Zoning designation, irrespective of if it is a “zoning anomaly” has existed for three decades, therefore establishing a reasonable expectation of land uses that are applicable to the CS Zone as allowed by County Code.

- The “zoning anomaly referred to is the core 3.18 acre of Service Commercial (CS) that exists within (not as a stand-alone parcel) APN 0625-071-04 which is currently a 28.48-acre parcel where the remainder of the parcel is zoned RL-5. Staff has surmised that this 3.18-acre area was likely designated as CS due to the existing 4,666 SF utility building that was present on site when the County’s General Plan was updated in the 1980s.
- There has been commercial uses on the Project Site for over three decades. Based on aerial photos and the Phase I Environmental Site Assessment, the building was constructed sometime between 1952 and 1970, with a news report identifying 1962. The building and the remainder of the parcel were used for a jobo farm estimated between 1995 and 2007. The uses after 2007 are unknown through official records.

2. The Project Site is not within or adjacent to the rural population clusters of Wonder Valley:

- The Project Site is approximately 3 miles east of the city limits of the City of Twentynine Palms, wherein Industrial zoned area exists on the southwest corner of Bullion Mountain Road and Amboy Road, at the City border, adjacent to the County’s unincorporated area zoned Rural Living 2.5. The Industrial zoned area in the City is currently vacant. (Refer to **Figure 1 - Project Site Regional Zoning**).
- There are at least 110 homes used as vacation rentals within a 5-minute drive of the Project Site (refer to **Figure 2 - Vacation Rental Homes Near Project Site**). Therefore, there ample residences being used as businesses throughout the residential areas of Wonder Valley.
- There are no residential buildings within 3,000 feet of the Project Site (Refer to **Figure 3 - Residences Near Project Site**).
- The County’s public zoning map would lead one to believe that the Wonder Valley’s rural residential setting is larger than it truly is. **Figure 4 – Land Ownership of Wonder Valley**

identifies that much of the vacant land in Wonder Valley is owned by the State of California or the BLM. Therefore, while these lands are identified as being zoned RL-5, these parcels will not be developed.

- The applicant owns 134 acres adjacent to the developed area, therefore providing a significant buffer between the RL-5 and the development (refer to **Figure 5 - Applicant Ownership**). There are no plans for development of those parcels at this time.

3. Service Commercial, and the extension thereof, is reasonable and appropriate for a Amboy Road, a major highway.

- The Project is along Amboy Road, which the County General Plan classifies as a Major Highway.
- Amboy Road is a critical connection from the Morongo Basin to National Trails Highway and Interstate 40.

4. The Morongo Basin-29 Palms area, including Wonder Valley, has been transitioning from the expectation of “rural” for decades.

- Amboy Road is already a major thoroughfare, known as the “back-door” to Las Vegas and Laughlin, as it provides good access to I-40.
- Attractions in the vicinity include the Twentynine Palms Airport to the south, and Joshua Tree National Park to the southeast.
 - The Twentynine Palms Airport is located only 2.6 miles away. It was established by the Air Force in 1942 and for the 12-month period ending February 2022, aircraft operations average approximately 49 per day or an annual total of 18,000.¹
 - For Joshua Tree National Park, the original visitor count was 31,285 in 1941 (the first year records were kept) to over 3 million in 2021. The Park’s visitation has doubled since 2014.

Finding 2: there is not sufficient supporting infrastructure, existing or available, consistent with the intensity of the development to accommodate the proposed project without significantly lowering service levels of the area.

1. It is the County’s responsibility to determine and plan for adequate service levels for its residents, according to General Plan Policy Safety Element S.3.1.

- Fire/Paramedic Services. San Bernardino County Fire Station 44, located at 6560 Adobe Rd, Twentynine Palms, CA 92277, is approximately 7 miles southwest of the Project Site. A March

¹ Federal Aviation Administration, Airport Master Record, April 2, 2023

- 20, 2023 email from Interim Deputy Chief of Operations of the San Bernardino County Fire Department (**Attachment A – Fire Services Letter**) states that the staffing at the Wonder Valley Fire Department was moved to the Twentynine Palms fire station in 2019 after water contamination was discovered at the station in 2017. Wonder Valley is currently served by the Twentynine Palms fire station. Other stations in the Morongo Basin also serve the area. According to the email, “The Fire Department has also increased staffing at the Twentynine Palms station intermittently based on available personnel and funding.” The Project would contribute Developer Impact Fees as well as Property Tax and Transient Occupancy Tax (TOT) revenue to assist the Fire Department with increasing service if needed, as well as would provide revenue to develop a wellhead treatment system and re-establish the Wonder Valley Fire Station if the Fire Department chose to. Therefore, there would be adequate fire/paramedic services, and the Fire Department would have the financial means to maintain services.
- Sheriff Services. The San Bernardino County Sheriff’s Department (SBCSD) serves the unincorporated portions of the County. The nearest police station to the Project Site is the SBCSD-Morongo Basin station located at 6527 White Feather Road, Joshua Tree, approximately 18 miles southwest of the Project Site. The SBCSD reviews staffing needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection. The Project would contribute Developer Impact Fees as well as Property Tax and Transient Occupancy Tax (TOT) revenue to assist the Fire Department with increasing service if needed.
 - The Project Initial Study/Mitigated Declaration was circulated to the local responsible agencies and departments as required by CEQA. There were no comments received indicating the inability to provide services to the Project or community during the preapplication process, Initial Study /MND process or presented by County staff during the public hearing process.
- 2. The water quality and quantity has been determined to be adequate based on technical reports provided in the Initial Study and other data.**
- Water would be served through a transient non-community (TNC) water system that draws water from an existing on-site well that is 450 feet deep. (**Attachment B - Preliminary Technical Report for Wonder Inn Potable Water System, Transient Non-Community Domestic Water Well, Woodard & Curran, Inc., June 8, 2021**; also as Appendix F-2 in the Initial Study)
 - The County Division of Environmental Health Services, which has authority over the water system, approved the technical report (refer to Attachment B).
 - A water treatment system will be installed as part of the Project (refer to Attachment B).
 - The Project is estimated to use 14 acre feet less than the former jojoba farm that operated between 1995 and 2007 (**Attachment C - Comparative analysis of freshwater usage for a 30-acre jojoba farm and the proposed Wonder Inn in Wonder Valley, CA PlanetGeek, LLC, August 7, 2021**, also as Appendix F-3 in the Initial Study)

- A supplemental detailed water quantity study will be provided as part of the Board presentation.
- The Proposed Project would not add additional demand on the local water agency as this site is self-contained, there is very little impervious surface, stormwater will percolate into the ground to restore the aquifer, and graywater recycling will be installed to further increase water availability.
- Information on the septic system, propane and electricity are provided for, and more information will be provided at the Board hearing.