



STAFF REPORT

6136 Adobe Road
Twentynine Palms, CA 92277
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To: Planning Commission via City Manager
From: Community Development Technician
Date: July 19, 2005
RE: PC 05-33

Minor Use Permit (MUP) application from Cameron Marshall Fuhrer for proposed tattoo studio at 5727 Adobe Road (APN 6123-121-10), with substandard parking proposed offsite (APN 618-121-11).

BACKGROUND: The applicant seeks to establish a tattoo studio in the existing structure at 5727 Adobe Road. Per Table 19.10-A in Section 19.10.020 of the Development Code, a Minor Use Permit is required.

Zoning for the subject parcel is General Commercial (CG). The proposed use can be allowed in the CG land use district subject to the Planning Commission's approval of the MUP. The MUP can be approved if the findings specified in Section 19.31.060 *Findings*. The required findings are:

- A. That the proposed design and location of the conditional use and the conditions under which it will be operated are in accordance with the purpose of this Development Code, the zoning regulations applicable to the site, the City of Twentynine Palms General Plan, and other applicable development policies and standards of the City; and
- B. That the proposed design and location of the use and the conditions under which it will be operated will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity; and
- C. That the proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity.

In approving an application for a MUP, the Planning Commission may impose reasonable and appropriate conditions to achieve the purposes of the Development Code and to justify making necessary findings. Section 19.31.070 *Conditions of Approval*, states that conditions may include, but shall not be limited to:

- A. Requirements for special building setbacks, open spaces, buffers, fences, walls and screening.
- B. Requirements for installation and maintenance of landscaping, and erosion control measures.

Attachments

- MUP Application
- Locator Map
- Site Plan
- Draft Parking Agreement

- C. Requirements for street and other infrastructure improvements and related dedications.
- D. Regulation of vehicular ingress, egress, and traffic circulation.
- E. Regulation of hours of operation or other characteristics of operation.
- F. Requirements for increased security.
- G. Requirements for periodic review.
- H. Requirements for special building design and features to enhance the visual impact and integrate the use into the community.
- I. Other conditions as may be deemed necessary to make the findings required by this Chapter.

Parking

The parking requirement for tattoo studios is one per 200 square feet of gross floor area. The proposal is 1,080 square feet, resulting in a parking requirement of six spaces.

The applicant proposes to provide the parking on the parcel immediately north of the site. The parking parcel is 30' wide and 116' deep. The lot is not paved. In submitting the application, the applicant has provided a parking layout that is substandard with no drive access located on the parcel and inadequate isle width to allow for safe circulation. Staff recommends the applicant submit a redesigned parking plan.

Section 19.82.060 D (1) requires that all paved parking stalls are to be clearly marked by painted (or other easily distinguished and durable material) pavement striping. To be compliant with this requirement, striping of the lot will be required.

Per Section 19.82.060 (G), all off-street parking is to be located on the same lot as the use it is designed to serve, unless the parking is within 300 feet from an entrance to the use it serves and the applicant shall provide a recordable instrument guaranteeing use of such parking facility for the benefit of the property and its use(s) for the duration of the use(s) for which the parking is provided. The document is to be recorded in the County Recorder's Office as a deed restriction on all subject properties.

Handicap Parking

Per the Americans With Disabilities Act and Title 24 of the California Code of Regulations, one of the required parking spaces is to be handicap accessible. The handicapped space is to be as close to the entryway as is reasonably possible. The applicant is proposing to locate the handicapped accessible space closest to the front entrance.

Conditions of Approval

As is noted above, the Planning Commission may impose reasonable conditions on the approval. Staff recommends that the applicant agrees to provide a recordable instrument guaranteeing the parking for the customers of the primary site as specified in Section 19.82.060 (G) of the Development Code.

Environmental Clearance

The California Environmental Quality Act (CEQA), provides for several areas of exemptions. Class 1 includes, “Operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses.” Staff believes that this class of exemption can be applied to the proposed project. If the Planning Commission concurs, a motion to approve the Minor Use Permit should include a finding that the project is exempt from CEQA. If the Commission does not concur, the matter should be referred back to staff for completion of an environmental analysis.

Approval Authority

The Planning Commission is the Approval Authority for the MUP. If the CEQA Exemption is approved, the Commission may, 1) Make the required findings and take action to approve the MUP subject to the conditions discussed above, 2) Make the required findings and take action to approve the MUP subject to a modified list of Conditions, 3) Continue the matter to a future specific date to allow additional time for consideration of the issues, or 4) Take action to deny the project.

Staff Recommendation

Staff recommends denial of the MUP based on inadequate access, parking and circulation for vehicular traffic.



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To: Planning Commission via City Manager
From: Community Development Technician
Date: July 19, 2005
RE: Review of General Plan Circulation Element

RECOMMENDATION: Conduct the Study session and provide staff direction

BACKGROUND:

On November 1, 2004, the Subcommittee met to review circulation issues. Following the discussion, the Subcommittee requested that staff present two matters to the Planning Commission for consideration and recommendation. The issues are, roadway development standards and requirement for road dedications.

Attachments

- Circulation Element

Following review of the roadway development standards in the General Plan, the Planning Commission recommended that they remain as is, no modifications were recommended.