



**CITY OF TWENTYNINE PALMS  
STAFF REPORT**  
6136 Adobe Road  
Twentynine Palms, CA 92277  
(760) 367-6799, Fax (760) 367-5400  
*commdev@ci.twentynine-palms.ca.us*

**To:** Planning Commission  
**From:** Community Development Director  
**Date:** December 6, 2005  
**RE:** PC 05-96 - An application for a Conditional Use Permit (MUP) by Brian and Patricia Damschen for an Internet Cafe at 5729 Adobe Road (APN 618-121-11).

**RECOMMENDATION:** That the Planning Commission make the appropriate findings, adopt the Notice of Exemption, and approve the conditional use permit.

**BACKGROUND:**

Earlier this year, the Planning Commission approved a Minor Use Permit (Section 19.10.020) for Strata's tattoo studio at 5727 Adobe Road. That approval included the applicant entering into a parking lot improvement agreement with the City. As of the writing of this report, the parking lot is under construction.

<b>Attachments</b>
<ul style="list-style-type: none"> <li>• CUP Application</li> <li>• Vicinity Map</li> <li>• Site Plan</li> <li>• Conditions</li> </ul>

Land Use, General Plan and Zoning			
Parcel	Land use	General Plan	Zone
Site	Commercial	CG	CG
North	Retail	CG	CG
East	Unimproved	CG	CG
South	Office	CG	CG
West	Retail	CG	CG

**SUMMARY**

Zoning for this parcel is General Commercial (CG). The proposed use, an Internet Café, is not listed in the zoning ordinance. The business functions as a computer lab, with individuals renting time on computers. Sixteen units will be available. Two employees may be present at any given time. The hours of operation will be from 10 am to 10 pm.

Because some communities have had problems with this type of business, a conditional use permit may be the best way of regulating time, place and manner. Therefore, the proposed use may be allowed in the CG land use district subject to the Planning Commission making the following findings, pursuant to Section 19.30.060:

- 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.

The Planning Commission may impose reasonable and appropriate conditions to achieve the purposes of the Development Code and to justify making necessary findings. Section 19.30.070 of the Development Code, *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.
- 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 an Internet Café, similar to places of assembly, is one parking space per three seats. The project includes 16 computers and two employees, for a total occupancy of 18 people, which requires six (6) parking spaces.

The applicant proposes parking on the parcel immediately north of the site, on a parcel 30' wide and 116' deep. This lot is in the process of being paved to meet the parking requirements of the tattoo parlor. The applicant has provided a parking layout that is substandard in width, and does not supply the required number of spaces and does not to allow for safe circulation. Staff recommends that the applicant submit a parking plan, which meets code requirements, and has secondary paved access to Two Mile Drive.

Section 19.82.060 D (1) requires that all paved parking stalls be 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 provides a recorded Parking Agreement, 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. If necessary, such a document may be recorded in the County Recorder's Office as a deed restriction on all subject properties.

### **Aesthetic Impacts**

The building site is in need of aesthetic improvements. The applicant has begun to repaint the building, and reconstruct the trellis. As a condition of approval these improvements will be completed and the applicant will add landscaping at the front of the building and to the parking lot. The CG zone allows a maximum lot coverage, including building and parking areas (impermeable surfaces) of 80%. The remainder of the site should be landscaped. As a condition of approval, staff has included a condition for the applicant to prepare a landscape plan, which meets this requirement.

### **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 applicant is proposing to locate the handicapped accessible space near the entrance.

### **Conditions of Approval**

As noted above, the Planning Commission may impose reasonable conditions on the approval. Staff has included a number of conditions, which the Planning Commission may impose to ensure compliance with the Development Code

### **Environmental Clearance**

The California Environmental Quality Act (CEQA), provides for Categorical Exemptions. Section 15301 (Class 1) of the CEQA Guidelines exempts the "Operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses," from further environmental review.

### **Approval Authority**

The Planning Commission is the Approval Authority for this application.



**CITY OF TWENTYNINE PALMS  
STAFF REPORT**  
6136 Adobe Road  
Twentynine Palms, CA 92277  
(760) 367-6799, Fax (760) 367-5400  
*commdev@ci.twentynine-palms.ca.us*

**To:** Planning Commission  
**From:** Community Development Director and Community Services Director  
**Date:** December 6, 2005  
**RE:** PC 05-100 - An application by the City of Twentynine Palms for site plan approval for the Knott’s Sky Park Master Plan, located at 6801 El Sol Avenue, Zone P (Public), Section 31, APN 616-041-05.

**RECOMMENDATION:** That the Planning Commission adopt the Categorical Exemption, approve the Park Master Plan and recommend acceptance by the City Council.

<b>Attachment</b>
<ul style="list-style-type: none"> <li>• Park Master Plan</li> </ul>

**BACKGROUND:**

The Park was originally dedicated to the public for recreational purposes. On November 15, 2005, the Planning Commission reviewed a Draft Park Master Plan (PMP), and provided the following direction to staff:

- Accessibility – The park and future nature trail, should be handicap accessible.
- Historic Issues – The dilapidated substandard “old hotel” is of little or no historic value and can be demolished. The Historic Society should be consulted in appropriately commemorating the site.
- Parking – Adequate parking should be provided.

The following table summarizes the land use, General Plan and Zoning designations.

Land Use, General Plan and Zoning			
Parcel	Land use	General Plan	Zone
Site	Park	P (Public)	P Public
North	Water District	P (Public)	P (Public)
East	Unimproved	RS-4	RS-4
South	Unimproved	P (Public)	P (Public)
West	Single Family Residential	RS-4	RS-4

**General Plan Recreation Element Compliance**

Section 3 of the General Plan Recreation Element identifies Knott’s Sky Park as an existing facility. Goal # 1 states “that the City will prepare a Park Master Plan to guide future decisions on the location of future parks, potential expansion of existing parks and the amenities to be offered at each.” The preparation of this plan is consistent with this goal.

**ADA Compliance**

Per the Americans With Disabilities Act and Title 24 of the California Code of Regulations, the project will be handicapped accessible. Accessibility improvements, including sidewalks are to be constructed in the first phase of park improvements.

**Old Hotel building**

The “Old Hotel” building is substandard, has been “condemned” by the Building Official and cannot reasonably be renovated without significant financial investment. In addition, the building is currently attracting the unwanted attention of vandals, resulting in additional property damage and graffiti. The Parks Committee determined that the building is an “attractive nuisance:” and should be removed. At the Park Committee’s direction, staff researched grants and determined that resources were not available for renovation of this building. At the Commission’s direction, staff will work with the Historic Society to ensure that a historic monument is constructed recalling the role of Knott’s Sky Park in the City’s history.

**Environmental Clearance**

The California Environmental Quality Act (CEQA), provides for Categorical Exemptions. Section 15301 (Class 1) of the CEQA Guidelines exempts the “minor alteration of existing structures or facilities ” from further environmental review. Therefore, the project is exempt from further environmental review under state law.

**Approval Authority**

The City Council, as legislature and property owner is the final Approval Authority for the Park Master Plan. The Planning Commission may approve the site plan and make a recommendation to the City Council.

**Parks Committee**

The Parks Committee, comprised of Mayor Cole and City Council member Benton, previously recommended approval of the Master Plan by the Planning Commission.