



**CITY OF TWENTYNINE PALMS
STAFF REPORT**

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 • Fax (760) 367-5400
plantech@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Technician
Date: May 6, 2008
RE: PC 07-82 – An application by Danny Boyer for a Conditional Use Permit and Letter of Public Convenience and Necessity for Club Silver Screen a bar at 5712 Adobe Road, (APN 618-343-24), CG Zone, T1N, R9E, Section 29.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, find the project Categorical Exempt pursuant to CEQA, adopt Planning Commission Resolution 08-10 and recommend approval of the project, subject to the attached Conditions of Approval.

Attachments	
1.	Conditions of Approval
2.	Resolution 08-10
3.	Application
4.	Site Plan

BACKGROUND: Danny Boyer requests approval of a Conditional Use Permit and Letter of Public Convenience and Necessity for a bar in an existing 4,216 sq. ft. building at 5712 Adobe Road (APN 618-343-24), CG Zone, T1N, R9E, Section 29. The current use is a 1,080 sq. ft. barbershop and 3,136 sq. ft. billiard parlor. Present zoning for the facility is General Commercial (CG). The proposed use, a 3,136 sq. ft. bar is allowed in the CG land use district subject to approval of a Conditional Use Permit. The applicant proposes to eliminate the billiard parlor but the barbershop use will remain as part of this application.

A billiard parlor, Combat Billiards currently operating at this location, (applicant Nancy Nguyen), with a Type 40 –On Sale Beer – license, was approved December 16, 2003 (PC#02-49). This use terminated 02/29/08 for non-payment of fees. Establishment of Club Silver Screen with a Type 48 – On Sale General – Public Premises license is proposed but no application has been received by ABC as of the writing of this report.

CEQA Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), the project was routed to the following agencies and departments for public review and comment:

City Manager
City Engineer
Twentynine Palms Fire Department
San Bernardino Co. EHS
Southern California Edison Company
Verizon
Burrtec
Mojave Desert AQMD
Joshua Tree National Park
I & L, FMD, MCAGCC
Morongo Basin Ambulance

Community Development Director
Twentynine Palms Water District
San Bernardino County Sheriff
Morongo Unified School District
Southern California Gas Co.
Time Warner Cable
Morongo Basin Transit Authority
Regional Water Quality Control Board
I. & L. NREA, MCAGCC
29 Palms Band of Mission Indians
San Bernardino, Env. Management Div.

Section 21084 of the Public Resources Code established a list of classes of projects which have been determined by the State of California not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA.

Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features. The project includes the leasing and minor alteration of an existing building and is Categorically Exempt from further environmental review under state law.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Commercial	CG	CG
North	Commercial	CG	CG
East	Commercial	CG	CG
South	Commercial	CG	CG
West	Commercial/SFR	CG/RM	CG/RM

General Plan

The CG land use district allows bars with approval of a Conditional Use Permit. As designed the project is consistent with the General Plan Land Use Element.

Zoning

The CG zone allows bars with approval of a Conditional Use Permit. With the proposed conditions, this project will be consistent with the Development Code.

Site Characteristics and Seismic Safety

The subject site consists of an existing 4,216 sq. ft. building on a 27,225 sq. ft. flat lot, APN 0618-343-24. The structure was built in 1952 the building was previously identified by Willdan and Associates as a Potentially Hazardous Building (un-reinforced masonry building) in 1990. On July 29, 1991 a Notification of Building Which May Be Damaged Or Unsafe In The Event Of An Earthquake was recorded with the County of San Bernardino (Document #91-286001). To release the lien, the building must be evaluated and be found to be structurally sound or retrofitted to meet seismic standards for Seismic Zone 4. No recorded Release of Lien has been located as of the date of this report.

Parking and Lot Coverage

Chapter 19.82 of the Development Code (Off-Street Parking and Loading) requires one (1) space for every 80 sq. ft. of open customer area, plus 1 space for each 200 sq. ft. of remaining floor area, plus 1 space for every 150 sq. ft. of outdoor customer area. The site plan depicts two handicap accessible parking spaces and 34 regular parking spaces for a total of 36 spaces. The required parking space count is 36 spaces (twenty-five (25) parking spaces for the bar customer area, six (6) spaces for remaining bar floor area and five (5) spaces for the barbershop). The project complies with the parking code in terms of number of spaces provided.

The County of San Bernardino Assessor’s records indicate the building was constructed in 1952. Lot coverage is nonconforming and was established prior to the Conditional Use Permit application with approximately 95% impervious surface with approximately 5% pervious surface dedicated to landscaped areas. The lot coverage cannot be reduced without eliminating required parking spaces. Staff is not recommending any change to lot coverage.

Traffic and Circulation

Because the project will not result in the development of any new structures, a traffic impact analysis was not prepared for this project. Street improvements for this parcel were installed as a requirement for a previous CUP approval at this location (Combat Billiards).

Alcoholic Beverage Control Board Approval and Hours of Operation

The City of Twentynine Palms is located in census tract 01-0414. In this census tract there are six (6) liquor licenses allowed by the State of Alcoholic Beverage Control Board (ABC) without special permission from the City. Currently there are 17 existing liquor licenses and three pending licenses in the census tract. This number of licenses is considered an over-saturation by the State of California. When an area is considered "over-saturated", a Letter of Public Convenience and Necessity from the City Council is required before ABC will grant approval of additional licenses. ABC has provided the applicant with a liquor license application packet but has received no application for a liquor license for this site at the writing of this report.

The Alcoholic Beverage Control Board allows for the consideration of residential uses within 100 feet of the site of liquor sales. Staff recommends that the bar's hours of operation be restricted to 6:00 a.m. to 12:00 p.m. Sunday through Thursday and 6:00 a.m. to 1:00 a.m. Friday and Saturday, to protect the health, safety and welfare of adjacent residential property owners. The Planning Commission and City Council may wish to modify these hours of operation.

Transit Service

The Morongo Basin Transit Authority has benches and signs in the vicinity of this project and has placed no requirement on this project.

Conditional Use Permit

Pursuant to Section 19.30.050 of the Development Code, the Planning Commission is required to make the following findings prior to recommendation of approval to the City Council of a CUP. 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 conditional 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.

If the required findings cannot be made, the application should be denied. Staff has prepared the following findings of approval for consideration: The site is located on Adobe Road and will therefore not be detrimental to the public health, safety, or welfare, and with restricted hours of operation not be materially injurious to properties or improvements in the vicinity.

- A. The subject site is approximately 0.63± acres and is therefore adequate in size to accommodate the proposed use.
- B. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- C. The proposed project, as conditioned, does not conflict with and is consistent with the

goals and objectives of the Twentynine Palms General Plan.

- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.

Approval Process

When a single project requires approval of multiple permits, all such permits shall be filed and reviewed concurrently. Processing and environmental review should be done concurrently and the highest Approval Authority of all the required permits shall make the final decision on the project. The Planning Commission is the Review Authority for the Conditional Use Permit and Letter of Public Convenience and Necessity. In recommending approval, the Commission must find that the proposed project is consistent with the General Plan. Because the subject property has the CG General Plan land use designation, development of the bar is consistent the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS
DRAFT CONDITIONS OF APPROVAL

PC 07-82

Applicant: Danny Boyer
Club Silver Screen
Project: 1080 sq. ft. Barber Shop and 3,136 sq. ft. Bar
Location: 5712 Adobe Road
APN: 0618-343-24
Approved: May 27, 2008
Expire: May 26, 2009

The following Standard Conditions of Approval shall be applicable to all Conditional Use Permits in the City. Additionally, site-specific conditions will be applicable as necessary to protect the public health, safety and welfare.

Planning Division

Per Section 19.30.090 (A) of the Development Code, Conditional Use Permits shall expire one (1) year from the date the approval was granted, unless prior to the expiration date:

1. A Building Permit is issued and remains active for any approved phase of the project; or
2. A Certificate of Occupancy is issued for the use or structure; or
3. The site is occupied in accordance with the approved use. (A use permit for a public utility installation may be valid for a longer period if specified by the Approval Authority or City Council.)
4. The site is occupied in accordance with an approved phase as part of a phased development.

Per Section 19.30.090 (B), an approved Conditional Use Permit shall expire if the use has been commenced and then is discontinued for a period of one (1) year or more.

Planning Conditions

- P1. Conditional approval is granted by the City Council acting as Approval Authority on May 27, 2008, to permit a bar with alcoholic beverage sales at the above referenced location. All development of the site shall be in substantial conformance with the adopted site plan and shall comply with all Conditions of Approval.
- P2. The applicant shall apply for and obtain a liquor license from the State of California Alcoholic Beverage Control Board. In addition the applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.
- P4. Parking lot lighting shall be installed in accordance with Chapter 19.70, Lighting Standards, to protect the health, safety and welfare of the bar patrons. Building permits are required.
- P5. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or

public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.

- P6. Prior to any construction or rehabilitation, the applicant shall submit three sets of plans to the City's Building Official and secure a Building Permit in conformance with the Uniform Building Code.
- P7. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district.
- P8. The applicant shall defend, at its sole expense (with attorneys approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
- P9. The Applicant shall provide paved parking for thirty-six (36) regular parking spaces including two (2) disabled accessible parking spaces in accordance with the Americans With Disabilities Act and Title 24 of the California Code of Regulations and City of Twentynine Palms Development Code 19.82.
- P10. The applicant shall provide the City Engineer with a Release Of Lien Of Building Which May Be Damaged Or Unsafe In The Event Of An Earthquake (San Bernardino County) prior to occupancy of the building under this Conditional Use Permit approval.
- P11. Business hours of operation be restricted to 6:00 a.m. to 12:00 p.m. Sunday through Thursday and 6:00 a.m. to 1:00 a.m. Friday and Saturday, to protect the health, safety and welfare of adjacent residential property owners.

General Conditions

- G1. All Conditions are continuing Conditions. Failure of the Applicant and/or operator to comply with any of the said Conditions at any time may result in the revocation of the Conditional Use Permit and/or citation for code violation.
- G2. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees, including reimbursement for all City expense in ensuring compliance with the Conditions of Approval.

Building and Safety

- B1. The County of San Bernardino Environmental Health Services and the California Regional Water Quality Control Board prior to issuance of building permits shall approve the sewage disposal system.
- B2. The applicant/developer shall submit plans and obtain city building permits for all sewage disposal, structures, walls and rehabilitation work. No work is to be done prior to approvals and permit issuance.

Engineering

General

E1. The project shall comply with all applicable City ordinances and resolutions.

Improvements

E2. Sidewalks shall be constructed adjacent to the parking lot to City Standards.

Fire Department

F1. Prior to any construction or rehabilitation, the owner shall contact the Twentynine Palms Fire Department for verification of current fire protection requirements.

F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.

F3. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.

F4. Street addresses shall be posted with numbers a minimum height of four (4) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.

F5. Prior to commencement of construction or rehabilitation, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:

A: SYSTEM STANDARDS

Fire Flow: 1500 GPM @ 20 PSI Residual Pressure
Duration: 2 Hours
Hydrant Spacing: 660 Feet

B: DISTRIBUTION SYSTEM

Mains: 6-Inch Minimum
Laterals: 6-Inch Minimum
Riser: 6-Inch Minimum

C: FIRE HYDRANTS

Number: To be determined
Type: 6-Inch, with one (1) two and one half (2 ½) inch outlet and one (1) four (4) inch outlet with National Standard Threads.
Street Valve: 6-Inch Gate

F6. The developer shall furnish the fire department with a copy of the water system improvement plans. A letter from the water purveyor stating what fire flow can be met shall be required.

F7. The applicant shall install a Knox Box.

The undersigned applicant verifies that he/she has read the Conditions of Approval, understands each Condition, and agrees to adhere to the Conditions of Approval.

Applicant/Developer

Date

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 08-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, RECOMMENDING APPROVAL OF PC 07-82 – AN APPLICATION BY DANNY BOYER OF CLUB SILVER SCREEN FOR A CONDITIONAL USE PERMIT AND LETTER OF PUBLIC CONVENIENCE AND NECESSITY FOR A BAR IN THE EXISTING 4,216 SQ. FT. BUILDING AT 5712 TWENTYNINE PALMS HWY (APN 618-343-24), LOCATED ON THE WEST SIDE OF ADOBE ROAD, SOUTH OF TWO MILE ROAD, CG Zone, T1N, R9E, Section 29.

WHEREAS, on September 10, 2007, an application was received from Danny Boyer of Club Silver Screen for a Conditional Use Permit and Letter of Public Convenience and Necessity to allow a bar, the Club Silver Screen, at 5712 Adobe Road, APN 0618-343-24, in the CG zone; and

WHEREAS, the land use designation (zoning) for the subject property is General Commercial (CG); and

WHEREAS, the existing use is a billiard parlor with beer sales and barber shop; and

WHEREAS, the proposed use is a full bar and a barbershop; and

WHEREAS, with the proposed conditions of approval, the proposed project design is consistent with the General Plan and Development Code; and

WHEREAS, Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, therefore the project is Categorical Exempt from further environmental review under state law; and

WHEREAS, the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; and

WHEREAS, the project site has no value as habitat for endangered, rare or threatened species; and

WHEREAS, with restrictions of the hours of operation, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

WHEREAS, the site can be adequately served by all required utilities and public services; and

WHEREAS, public hearing notice was published in a newspaper of record and notice was mailed to all property owners located within 300 feet of the project site; and

WHEREAS, a public hearing were held by the Planning Commission on May 6, 2008; and

WHEREAS, with respect to the Conditional Use Permit application the Planning Commission finds the following:

- A. The proposed site is located adjacent to Adobe Road and Two Mile Road, Arterial roadways, and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 0.63± acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms recommends adoption of the Categorical Exemption, adopts Planning Commission Resolution 08-10, and recommends approval of the Conditional Use Permit and Letter of Public Convenience and Necessity, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 6th DAY OF May, 2008

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Rebecca Rinkes, Chair

ATTEST:

Jacqueline Palmer, Deputy City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. _____ duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the _____ day of _____, _____, in Twentynine Palms, California.
Dated this _____ day of _____, _____.

Jacqueline Palmer, Deputy City Clerk

DRAFT

June 9, 2008

Department of Alcoholic Beverage Control
42-700 Bob Hope Drive
Suite 317
Rancho Mirage, CA 92270

RE: PC 07-82
Letter of Public Convenience and Necessity for Club Silver Screen, 5712 Adobe Road,
for a liquor license for On-Sale General.

At their regular meeting on May 27, 2008, the Twentynine Palms City Council reviewed a request from Danny Boyer on behalf of Club Silver Screen, for a Conditional Use Permit to allow a bar and for the issuance of a Letter of Public Convenience and Necessity for a liquor license for On-Sale General, at the above referenced facility in Twentynine Palms. After considering the request, the City Council approved the Conditional Use Permit and issuance of the Letter of Convenience and Necessity. This action is recorded in the official minutes of the meeting.

The case files related to this application will be retained at the Community Development Department at City Hall and are available for inspection during business hours. Any questions regarding this action should be directed to the City Clerk or the Community Development Department.

Sincerely,

Brenda Simmons
Community Development Technician

cc: Danny Boyer - Applicant/Club Silver Screen
Alex Meyerhoff, Community Dev. Director



CITY OF TWENTYNINE PALMS
STAFF REPORT
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(760) 367-6799 • Fax (760) 367-5400
commdev@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: May 6, 2008
RE: Discussion of pervious paving and lot coverage

RECOMMENDATION: Provide direction to staff on pervious paving.

BACKGROUND:

The applicant seeks direction on pervious paving. The applicant, The Way Station, owns a small parcel on SR62, located at the south east corner of SR 62 and Que Pas Lane which is designated as RL2.5 (Rural Living). Pursuant to Section 19.07.030 of the Development Code, the RL2.5 zone allows a maximum lot coverage (impervious surface) of 20%. Therefore, 80% of the site must have a pervious surface. The applicant would like to construct a church on the site, which is permitted as an Institutional Use in the RL.25 zone with Planning Commission approval of a Conditional Use Permit.

Attachments

- The Way Station: Pervious Paving Presentation

The applicant would like to know whether a pervious parking lot may be counted towards the 80% pervious requirement.

The applicant has provided background information on pervious paving, including maintenance and performance inspections, and would like to address the Planning Commission directly.

The project has been reviewed by the Development Review Committee as a pre-application.

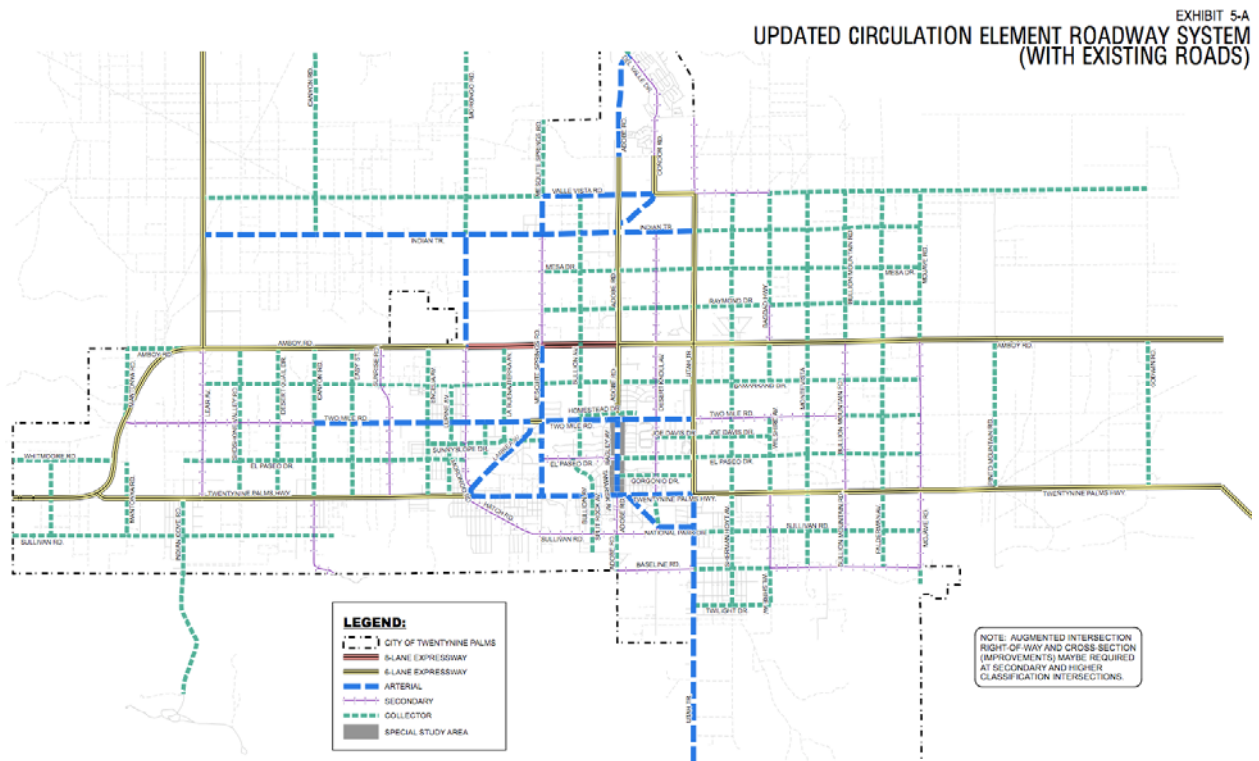
CITY OFFICES:
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(760) 367-6799
fax (760) 367-4890



To: Alex Meyerhoff, Community Development Director
From: Richard Pedersen, City Engineer
Date: April 29, 2008
Subject: City's Circulation Element of the General Plan

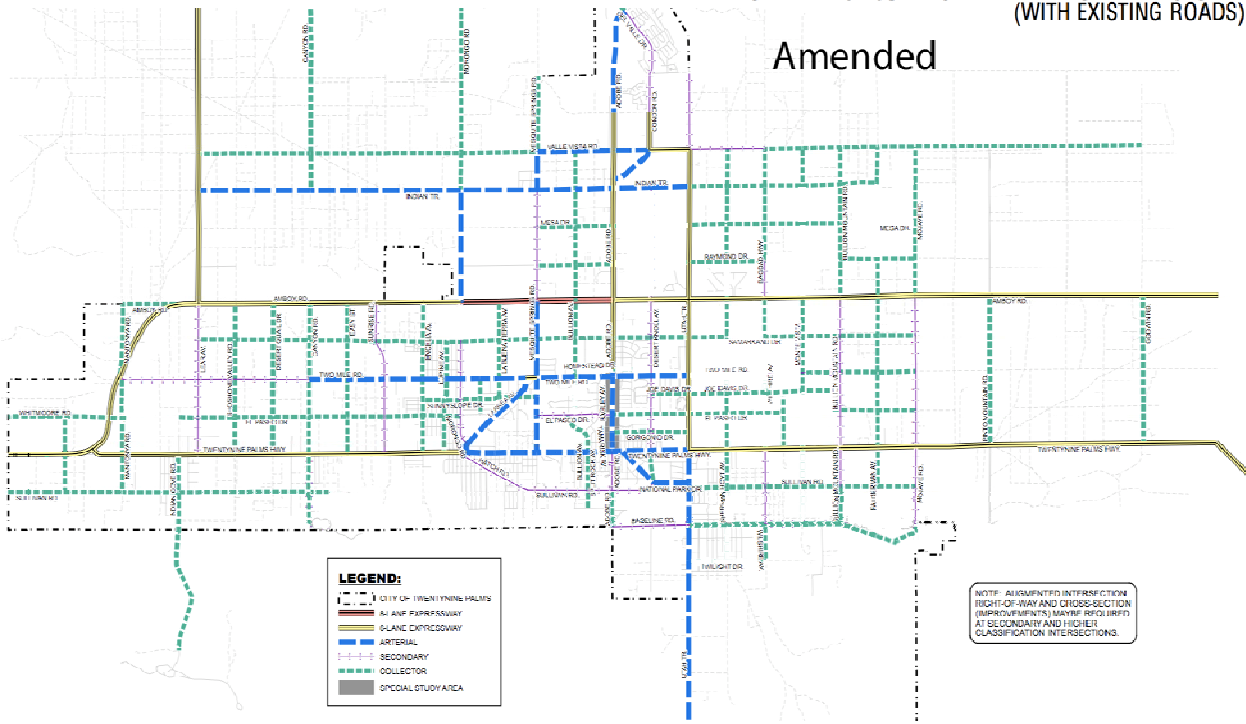
The City formed a Circulation Element Roadway System Task Force to evaluate the proposed modification to the City's Circulation Element as determined by the Urban Crossroads Report. The proposed "updated circulation element roadway system" is a great improvement over the City's current Circulation element in that several miles of 4-lane proposed roads were reduced to 2-lane Collector streets.

The following is the Exhibit of the proposed Urban Crossroad's recommended changes to the Circulation Roadway System, shown as Exhibit 5-A of their report.



The main assignment given to the Task Force was to evaluate the proposed roadway system to determine if the street layout made sense. After driving the entire city, Bill Easter and Irving "Stony" Stone, of the Task Force and have compiled their comments and recommendations which are shown on the "Amended" system on page 2. As a result, the road system as proposed by Urban Crossroads has been slightly amended. A presentation will be given at the Planning Commission meeting on May 6, 2009 to discuss the amendments to the report in detail.

Amended



OTHER ISSUES

Bicycle Element-

The report also includes other components of the Circulation Element including the bicycle circulation plan, the transit plan and intersection standards for major intersections. Staff has evaluated the proposed amendments and has determined that the bicycle plan will need to be modified to match the proposed amended road system at Two Mile Road east of Utah Trail.

Amboy Road, 8 lane section-

It was proposed to require the right-of-way for the 8-lane section of Amboy Road (the section between Morongo Road and Adobe Road) but only require that this section be constructed to a 6-lane facility.

Easy Street-

It was proposed to make Easy Street north of Samarkand Road a “Special Study Area”, due to topography.

Traffic Impact Fee-

The Traffic Impact Fee may be a topic for the City Council in that the topic entails financial ramifications and may be outside the purview of the Planning Commission.

Dirt Roads-

The purpose of the Circulation Element of the General Plan is to map out the major traffic corridors of the City. This road system is the backbone of the entire road system. “Exhibit 5-B” of the report, indicates the proposed street sections for the Circulation Element Roadway System. Local roads, rural roads, dirt roads, cul-du-sacs are not

shown and are not included in the circulation element. It is recommended that the Planning Commission discuss this topic under the subject of “local road standards” for the City of Twentynine Palms. This topic should be separate from the Circulation Element approval process but may be discussed concurrently.

Future Modifications to the General Plan’s Land Use Element and Zoning Map-

If the Council chooses to address the issues of the commercial zoning and residential zoning issues with its build-out, the Circulation Element will need to be further refined. It is recommended that a new model run of the circulation element be considered after any modification to land use as determined by the Council.

Positive affects of the proposed Circulation Element-

The Planning Commission should be aware that many approved projects were conditioned to construct many of the 4-lane “collectors” that are shown on the current roadway system. Most of these 4-lane roads will be reduced to 2-lane “collectors” with the approval of the update. Staff recommends retaining the name “Collector” for the 2-lane streets, as shown in the report so that in most cases the conditions of approval will reflect the new Collector standard. These previously approved projects should be consistent with the new approved Circulation Element. Staff will apply the approved circulation element to the previously approved projects as they are submitted for construction. If there is a case where interpretation is needed for consistency, staff will forward these cases to the Commission on a case-by-case basis.

RECOMMENDATIONS

1. That the Planning Commission recommend to the Council, the approval of the Urban Crossroad report with the proposed amendments to the Roadway System as shown above.
2. If desired, a recommendation to Council for modification to the local street standards.