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 Director
Date: June 3, 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: Continue the Public Hearing, consider public comment, find the project Categorically Exempt pursuant to CEQA, adopt Resolution 08-10 and deny of the project.

Attachments
1. Resolution 08-10
2. Application
3. 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 operates 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.

At the meeting on May 6, 2008, the Planning Commission directed staff to prepare a Resolution of Denial for this project.

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

Alcoholic Beverage Control Board Approval

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 received an application packet

The Alcoholic Beverage Control Board allows for the consideration of residential uses within 100 feet of the site of liquor sales. Staff recommends denial of the application to protect the health, safety, and welfare of the adjacent property owner(s).

General Plan and Zoning

The project 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. There are currently 17 liquor licenses, and three pending licenses. The area is considered overconcentrated. As designed the project is inconsistent with the General Plan Land Use Element and Development Code.

Public testimony at the Public Hearing on May 6, 2008, several neighbors spoke in opposition to the project. Their concerns include overconsentration, loitering, noise and previous problems with alcohol sales at this location.

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. Willdan and Associates previously identified the building 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. The applicant has contacted a civil engineer to address the building's structural issues.

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.

Lot Coverage
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.

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).

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 based on the Public Hearing. Staff has prepared the following findings for denial:

A. The area is overconcentrated with bars and the project will therefore be detrimental to the public health, safety, and welfare.

B. The subject site is approximately 0.63± acres and is not adequate in size to accommodate the proposed use, including the required parking facilities.

C. The proposed project conflicts with and is inconsistent with the goals and objectives of

the Twentynine Palms General Plan, Development Code and Redevelopment plan.

D. The proposed project will not meet the objectives of the General Plan and CG land use designation.

E. The area, Census Tract 01-0414, is presently overconcentrated with respect to alcohol sales.

F. The area, Census Tract 01-0414, is presently overconcentrated with respect to bars and drinking establishments.

G. A public convenience would not be served by granting approval of this establishment.

H. Approval of this permit would not constitute a public necessity.

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, presently overconcentrated with liquor licenses, development of the bar is inconsistent the General Plan Land Use Plan.

Appeal Process

The City Council is the Appeal Authority for projects denied by the Planning Commission. The City Council is authorized to approve, conditionally approve, or deny the Appeal. City Council decisions are final. Appeals shall only be considered if filed within ten (10) consecutive calendar days following the date of action for which the Appeal is made. If the last day to act falls on a non-business day, the following business day shall be deemed to be the last day to act.

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, DENYING 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, T1N, R9E, Section 29, CG Zone.

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 billiard parlor beer sales license is expired; and

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

WHEREAS, the proposed project design is inconsistent 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 Categorically Exempt from further environmental review under state law; and

WHEREAS, the project is inconsistent with the applicable general plan designation; and

WHEREAS, the project site has no value as habitat for endangered, rare or threatened species; 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 continued by the Planning Commission on May 6, 2008; and

WHEREAS, a public hearing was held by the Planning Commission on June 3, 2008; and

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

A The site is located on Adobe Road and will therefore be detrimental to the public health, safety, and welfare.

B The subject site is approximately 0.63± acres and is not adequate in size to accommodate the proposed use.

C. The proposed project conflicts with and is inconsistent with the goals and objectives of the Twentynine Palms General Plan, Development Code and Redevelopment Plan.

D. The proposed project will not meet the objectives of the General Plan and CG land use designation.

E. The area, Census Tract 01-0414, is presently overconcentrated with respect to alcohol sales.

I. The area, Census Tract 01-0414, is presently overconcentrated with respect to bars and drinking establishments.

J. A public convenience would not be served by granting approval of this establishment.

K. Approval of this permit does not constitute a public necessity.

L. Denial of the application would protect the health, safety, and welfare of the adjacent property owner(s), area residents, and the community as a whole.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms, adopts Planning Commission Resolution 08-10, and denies of the Conditional Use Permit and Letter of Public Convenience and Necessity.

APPROVED AND ADOPTED THIS 3rd DAY OF June, 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

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: <u>SYSTEM STANDARDS</u>

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

B: <u>DISTRIBUTION SYSTEM</u>

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

C: <u>FIRE HYDRANTS</u>

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

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

Notice of Exemption
City of Twentynine Palms
Community Development Department
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 • Fax (760) 367-5400

To: ☐ County of San Bernardino Clerk of the Board of Supervisors
385 North Arrowhead Avenue 2nd Floor
San Bernardino, CA 92415-0130

☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title: Club Silver Screen

Project Location: 5712 Adobe Road

Project Location: Twentynine Palms, San Bernardino County

Description of nature, purpose and beneficiaries of Project a Conditional Use Permit and Letter of Public Convenience and Necessity for a full bar and barber shop in the existing 4,216 sq. ft. building at 5712 Adobe Road (APN 618-343-24), located on the west side of Adobe Road, south of Two Mile Road.

Public Agency approving Project: Twentynine Palms City Council

Name of Person Carrying Out Project: Danny Boyer

Exempt Status: Categorical Type/Sec. 15301

Reason(s) Project is Exempt: Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, the project, the rehabilitation of an existing facility, is categorically exempt from further environmental review under state law.

For information, contact Alex Meyerhoff, Community Development Director, City of Twentynine Palms. (760) 367-6799

_____	_____	Community Development Director
Signature	Date	Title

CITY OF TWEHTYNINE 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: Planning Technician
Date: June 3, 2008
RE: PC 08-27 – An application by Kyle Stratton of American Art Studio for a Minor Use Permit (MUP) for a tattoo parlor, located at 5865 Adobe Road, Suite B., APNs 0623-102-11, CG Zone, Section 28, T1N, R9E.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, find the project Categorically Exempt pursuant to CEQA, adopt Resolution 08-11 and approve the project, subject to the attached Conditions of Approval.

Attachments
1. Conditions of Approval
2. Resolution 08-11
3. Application
4. Locator Map
5. Site Plan
6. Correspondence

BACKGROUND: Kyle Stratton requests approval of a Minor Use Permit for a tattoo parlor in a 960 sq. ft. suite in an existing 2,880 sq. ft. building located at 5865 Adobe Road (APNs 0623-102-11). The parcel area is 16,875 sq. ft. Zoning for the site is General Commercial (CG). Pursuant to Development Code Chapter 19.10 Commercial Districts, the proposed use, a tattoo studio is allowed in the CG land use district subject to approval of a Minor Use Permit.

CEQA Environmental Review
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 includes of the operation, repair, maintenance, or minor alteration of existing structures. Therefore, the project 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	Multi-family Residential	RMSP#1	RMSP#1
South	Commercial	CG	CG
West	Commercial	CG	CG

General Plan
The CG land use district allows tattoo studios with approval of a Minor Use Permit. As proposed the project is consistent with the General Plan Land Use Element.

Zoning
The CG zone allows tattoo studios with approval of a Minor Use Permit.

Site Characteristics
The subject site is located at the southeast corner of Adobe Road and Desert Trail. An existing 2,880 sq. ft. building, consisting of Suite A (1,920 sq. ft.) and Suite B (960 sq. ft.) was constructed in 1981 on the 16,875 sq. ft. lot. Paved parking (18 parking spaces, 17 regular and 1 handicap assessable space), curb, gutter and sidewalk were installed in 1981 at the time of site development.

Minor Use Permit
Pursuant to Section 19.31.060 of the Development Code, the Planning Commission is required to make the following findings prior to approval of a MUP. 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 Minor Use Permit the Planning Commission may impose reasonable and appropriate conditions in order to achieve the purposes of this Code and to justify making necessary findings. 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.

If the required findings cannot be made, the application should be denied. Staff has prepared the following findings of approval for consideration:

A. The site is located on Adobe Road 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 0.37 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, 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.

Parking
Section 19.82. of the Development Code requires one parking space for every 200 sq. ft. of gross floor area for retail/commercial uses. The building area is 2,880 sq. ft.. The building requires a total of 15 parking spaces, including 14 regular spaces and one handicap accessible space. The site plan identifies 18 parking spaces.

The site has recently been repaved and includes 15 parking spaces, which meets the code requirement for retail uses.

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.

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

Approval Process
The Planning Commission is the Approval Authority for the Minor Use Permit. In approving the project, the Planning Commission must find that the proposed project is consistent with the General Plan. The subject property has the CG land use designation. With approval of the Minor Use Permit the project is consistent the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS
DRAFT CONDITIONS OF APPROVAL
PC 08-27
Applicant: Kyle Stratton
Project: 960 Sq. Ft. Tattoo Studio
Location: 5868 Adobe Road, Suite B
APN 0623-102-11
Approved: June 3, 2008
Expire: June 2, 2010

The following Standard Conditions of Approval shall be applicable to all Minor 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 19.31.090 Minor Use Permits approved pursuant to this Chapter shall expire two (2) years from the approval date, 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.

An approved Minor 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 Planning Commission acting as Approval Authority on June 3, 2008, to permit a tattoo studio 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 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. 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.

P5. Prior to 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.

P6. All rehabilitation, construction and improvements shall comply with *Encroachments into*

Yards or Setbacks standards established in the Development Code for the underlying land use district.

P7. 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.

P8. The applicant/property owner shall submit an Offer of Dedication to the City Engineer for an additional 2' of right of way on Adobe Road.

P9. The applicant shall re-stripe the parking lot and provide paved parking for 4 regular parking spaces and 1 handicap accessible parking space 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. A trash enclosure built to city standard shall be provided. Contact the City's authorized waste hauler for confirmation of placement (760) 367-9168.

P11. Remove trash and debris behind store.

P12. Repaint back doors to cover rust.

P13. Eliminate non-permitted exterior light fixtures and replace with night sky compliant fixtures.

P14. Obtain sign permits for any new signs or copy changes.

P15. Clean up construction trash and debris in adjacent lot to the south.

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 Minor 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 applicant/developer shall submit plans and obtain city building permits for all rehabilitation work or tenant improvements. No work is to be done prior to approvals and permit issuance.

Engineering

No Engineering conditions were placed on this project.

Fire Department

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

F2. All construction, rehabilitation or tenant improvements 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, 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:

F6. 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. 08-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING OF PC 08-27 – AN APPLICATION BY KYLE STRATTON OF AMERICAN ART STUDIO FOR A MINOR USE PERMIT FOR A TATTOO STUDIO AT 5865 ADOBE ROAD, SUITE B (APN 623-102-11), CG ZONE, SECTION 28, T1N, R9E

WHEREAS, on April 25, 2008, an application was received from Kyle Stratton of American Art Studio for a Minor Use Permit to allow a tattoo studio at 5865 Adobe Road, APN 0623-102-11, in the CG zone; and

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

WHEREAS, the proposed project is an existing commercial building with an existing parking lot; and

WHEREAS, with the proposed conditions of approval, the proposed project 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 includes of the operation, repair, or minor alteration of existing facilities; and

WHEREAS, the project is Categorically 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, 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, public hearing was held by the Planning Commission on June 3, 2008; and

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

A. The proposed site is located adjacent to Adobe Road an Arterial roadway, 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 0.37 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 adopts the Categorical Exemption, adopts this resolution, and approves the Minor Use Permit subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 3rd DAY OF June, 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

Notice of Exemption
City of Twentynine Palms
Community Development Department
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 • Fax (760) 367-5400

To:
- County of San Bernardino Clerk of the Board of Supervisors
  385 North Arrowhead Avenue 2nd Floor
  San Bernardino, CA 92415-0130

- Office of Planning and Research
  1400 Tenth Street, Room 121
  Sacramento, CA 95814

Project Title: American Art Studio

Project Location: 5865 Adobe Road, Suite B

Project Location (city and county): Twentynine Palms, San Bernardino County

Description of nature, purpose and beneficiaries of Project a Minor Use Permit for a tattoo studio in the existing 2,880 sq. ft. building at 5865 Adobe Road, Suite B, APNs 623-102-11, CG Zone, Section 28, T1N, R9E.

Public Agency approving Project: Twentynine Palms Planning Commission

Name of Person Carrying Out Project: Kyle Stratton

Exempt Status: Categorical Type/Sec. 15301

Reason(s) Project is Exempt: Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, the project, the permitting and minor alteration of an existing facility, is categorically exempt from further environmental review under state law.

For information, contact Alex Meyerhoff, Community Development Director, City of Twentynine Palms, (760) 367-6799.

_____	_____	Community Development Director
Signature	Date	Title

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: June 3, 2008
RE: PC 03-40 – Request for the Phasing of Street Improvements for the Southern California Vipassana Center 68561 Twentynine Palms Highway (Hwy 62), RL-2.5, T1N, R8E, Section 32, APN 0613-071-03, -10 and -11.

RECOMMENDATION: Approve the proposed phasing of street improvements.

BACKGROUND: The applicant is required to construct street improvements associated with the project. The conditions of approval require right of way dedications and street improvements to Twentynine Palms Highway (SR62), Mantonya Road, Sullivan Road and Kearns Blvd. The applicant has requested that the street improvements be tied to project milestones.

Attachments

- Draft Second Amendment to Conditions
- Conditions of approval
- Site plans

The first phase is currently in plan check and a grading plan has been submitted. The phasing plan requested by the applicant is attached.

The applicant is requesting that sidewalk improvements be deferred until Phase 4 and 5.

SUMMARY: On October 21, 2003, the Planning Commission approved a CUP for the development of a 55,055 square foot meditation center. The approval included standard conditions of approval, including requirements for offsite improvements such as curb & gutter, sidewalks, street improvements and a bus shelter.

In 2005, an amendment to the project increasing the size to 63,503 square feet was approved. In 2007, an amendment to the conditional use permit was approved which reduced the overall size of the project to 58,976 square feet. One year time extensions were granted in 2005, 2006 and 2008. No extension was granted in 2007 because an amendment to the project was approved that year, which provided for an automatic one-year time extension.