



Planning Commission Agenda Item

Planning Commission Meeting Date: December 13, 2017

TO: Members of the Planning Commission

FROM: Cody Graybehl, Assistant Planner
c_graybehl@ci.lompoc.ca.us

SUBJECT: Development Plan Review – DR 17-03
Screened Patio – 636 North H Street

AGENDA ITEM NO. 1

A request from Richard Gasch, representing property owner for American Legion Post 211, for Planning Commission consideration to legally establish the use of an existing non-permitted 800 square foot screened patio in the parking lot at 636 North H Street (APN 087-131-002) in the *Planned Commercial District (PCD)* zone. This action is categorically exempt pursuant to Section 15301 (existing facilities) of the California Environmental Quality Act (CEQA).

Scope of Review

The Planning Commission is being asked to consider:

- If the required Findings of Fact in the Resolution can be made; and
- If the Conditions of Approval are appropriate for the project.

Planning Commission Action

1. Adopt Resolution No. 869 (17), approving Development Plan DR 17-03, based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval; or
2. Provide alternative direction.

Site Data

1. Property Owner: American Legion Post 211
2. Site Location: 636 North H Street
3. Assessor's Parcel Number: 087-131-002
4. Site Zoning: Planned Commercial Development (PCD)
5. General Plan Designation: General Commercial (GC)
6. Site Use: Commercial Center with Auto Repair/Retail, Barber, Office and Lodge
7. Surrounding Uses/Zoning:
North – Car Wash/PCD
South – Retail, Restaurant/PCD
East – High Density Residential/HDR
West – Retail Shopping Center/PCD
8. Site Area: 37,491 Square Feet/.86 Acres

Background

Planning staff received notice on Wednesday September 9, 2016 from the Department of Alcoholic Beverage Control (ABC) that the American Legion located at 636 North H Street would like to license their screened patio area to serve alcohol. The Planning Division and the Police Department reviewed the request. The Lompoc Police Department conducted a site inspection of the screened area. Concern was expressed over the lack of adequate enclosure of the gates into and out of the screened area. The Planning Division determined that the screened patio had been built in the parking lot without approval by the City. Ultimately, the Planning Division determined that a Development Review (DR) permit would be required to permit the existing screened patio.

Proposal

DR 17-03 is a request to legally establish a screened patio located within the parking lot at 636 North H Street. Members of the American Legion and their guests will utilize the patio space to enjoy beverages (including alcoholic) from the bar located inside the Post. The hours of operation at the American Legion are Monday-Thursday from 3:00 p.m. to 7:00 p.m., Friday 12:00 p.m. to 12:00 a.m. (closed earlier if activity is lacking) and Saturday/Sunday from 12:00 p.m. to 7:00 p.m. The patio is not open to the general public and bartenders will not be serving members and their guests in the patio area. The patio area is screened with a fence and is only accessible from the interior of the building used by the American Legion. As part of the staff review of this proposal, it was discovered that an accessory shed is located on the property. The accessory storage shed is attached to the east elevation of the building and would need to be removed as a condition of approval for this permit because it is located in the public right-of-way.

Conformance with General Plan

The General Plan Land Use designation for this property is *General Commercial (GC)* and the stated purpose is:

To provide commercial areas for a wide variety of retail, office, and service oriented enterprises which meet the needs of residents and visitors. To accommodate commercial uses which operate more effectively outside the other commercial areas of the community. (*Lompoc 2030 General Plan, Land Use Element, Table LU-1*).

The American Legion Post meets the General Plan Land use designation of GC because the proposed function to include a patio (an accessory use to the club/bar) is a service oriented enterprise in substantial conformance with the purpose of the land use designation.

Conformance with Zoning Ordinance

The zoning for the site is *Planned Commercial Development (PCD)*. The purpose of this zone is:

To provide for the orderly development of commercial centers in conformance with the comprehensive land use element of the City. This district is intended to provide flexibility in the design arrangements of various types of commercial developments. (*Lompoc Municipal Code Section 17.064.010*).

The primary use of the American Legion Post (Lodges & Clubs) is allowed in the PCD zone. The patio serves as an ancillary use to the Post. Therefore, the patio is consistent with the zoning.

Parking

Two (2) parking spaces have been removed from the site due to the location of the patio. Currently, the site has 59 available parking spaces of which 2 spaces are van accessible, and 38 spaces are required to accommodate the various uses at the site. Therefore, enough parking is available to accommodate the loss of the 2 parking spaces. Table 1 below provides a summary of the required and provided number of parking spaces for each use at the site demonstrating conformance with the City parking ordinance.

Existing Use	Parking Required
Lodge (1 space for each 5 permanently located seats)	7 spaces
Office	2 spaces
Personal Service	2 spaces
Auto Repair (Unoccupied)	4 spaces
Auto Repair	16 spaces
Retail	7 spaces
Parking Spaces Required	38 spaces
Parking Spaces Provided	59 spaces

Staff Review

No formal Development Review Board (DRB) meeting was held for DR 17-03. However, the application was circulated and Conditions of Approval were drafted by each of the departments, addressing both standard and project specific requirements that would need to be completed prior to occupancy sign-off of the patio.

Environmental Determination

The project is categorically exempt from review pursuant to Section 15301, existing facilities, of the California Environmental Quality Act (CEQA). A Notice of Exemption will be filed for the project following the Planning Commission action.

Noticing

On December 3, 2017:

- 1) Notice of the Public Hearing was published in the Lompoc Record;

On December 1, 2017:

- 2) Notices were mailed to property owners within 300 feet by US mail;
- 3) Notice was posted on the City website;
- 4) The project site was posted by City staff.

Appeal Rights

Any person has the right to appeal the Planning Commission action to the City Council within ten days of the action. Contact a Planning Division staff member for the required appeal form; the fee is \$257.80.

Attachments

1. [Draft Resolution No. 869\(17\) approving DR 17-03 and Conditions of Approval](#)
2. [Site Plan](#)

Staff Report has been reviewed and approved for submission to the Planning Commission			
Teresa Gallavan Economic Development Director / Assistant City Manager	Date	Brian Halvorson Planning Manager	Date

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RESOLUTION NO. 869 (17)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A DEVELOPMENT PLAN (DR 17-03) FOR A SCREENED PATIO AT THE AMERICAN LEGION POST 211 LOCATED AT 636 NORTH H STREET

WHEREAS, A request from Richard Gasch, representing property owner American Legion Post 211, for Planning Commission consideration to legally establish the use of an existing 800 square foot screened patio in the parking lot at 636 North H Street (APN 087-131-002) in the Planned Commercial District (PCD) zone; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on December 13, 2017; and

WHEREAS, at the meeting of December 13, 2017, Richard Gasch project applicant was present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of December 13, 2017, ___ spoke in favor of or opposition to the project; and

WHEREAS, this action is exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, THE LOMPOC PLANNING COMMISSION RESOLVES AS FOLLOWS:

SECTION 1: After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that the proposal to establish the use of an existing non-permitted screened patio, as conditioned, meets the requirements of the Lompoc Municipal Code and is consistent with the applicable policies and development standards. The Planning Commission finds that:

- A. The proposed use, as conditioned, is consistent with the applicable policies and development standards set forth in Lompoc Municipal Code Chapter 17.048.
- B. The site for the proposed use is adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, parking, and landscaping are adequate to properly adjust such use with the land and uses in the vicinity.
- C. The site of the proposed use relates to streets and highways adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use.

- D. The proposed use will have no adverse effect upon the abutting and surrounding properties from the permitted uses thereof.
- E. The proposed use is within the intent and purpose of the *Planned Commercial Development (PCD)* zoning district.
- F. The proposed use is not more obnoxious or detrimental to the public welfare, and is of a comparable nature and of the same class as the uses enumerated in Section 17.048 of the Lompoc Municipal Code.
- G. The conditions stated in Exhibit A to this resolution are necessary to protect the public health, safety, and welfare.
- H. All parking requirements can be met with the proposed patio located within a portion of the existing parking lot.

SECTION 2: Based upon the foregoing, DR 17-03 allowing the proposal to establish a screened patio at 636 North H Street is approved as proposed on December 13, 2017 subject to the conditions of approval attached in Exhibit A, which are incorporated by reference as if fully set forth herein.

The foregoing Resolution was adopted, on motion by Commissioner____, seconded by Commissioner ____, at the Planning Commission meeting of December 13, 2017 by the following vote:

AYES:

NOES:

ABSENT:

Brian Halvorson, Secretary

Ron Fink, Chair

Attachments: [Exhibit A – Conditions of Approval](#)

**DRAFT CONDITIONS OF APPROVAL
DR 17-03 – American Legion Post 211 Patio
636 North H Street (APN 087-131-002)**

The Conditions of Approval apply to DR 17-03 plans prepared by Susie Walker dated November 3, 2017, received by the Planning Division on November 9, 2017 and reviewed by the Planning Commission on December 13, 2017.

I. PLANNING

Planning - General Conditions

- P1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
- P2. In conformity with Sections 17.140.010, 17.152.010, and 17.152.020 of the Lompoc City Zoning Ordinance, the violation of any condition listed herein shall constitute a nuisance and a violation of the Lompoc City Zoning Ordinance and the Lompoc City Code. In conformity with Sections 1.24.010 and 1.24.060 of the Lompoc City Code, a violation of the Lompoc City Code and the Lompoc City Zoning Ordinance is a misdemeanor and shall be punishable as provided by law. In addition to criminal penalties, the City may seek injunctive relief. The applicant agrees to pay for all attorney's fees and costs, including, but not limited to, staff time incurred by the City in obtaining injunctive relief against the applicant as a result of a failure of the applicant to fully perform and adhere to all of the Conditions of Approval.
- P3. The applicant is advised that certain fees and charges will be collected by the City prior to issuance of building permits and/or prior to issuance of certificates of occupancy.
- P4. These conditions of approval shall be noted on the construction drawings filed for any building permits, including the Planning Commission resolution and the applicant's signed affidavit agreeing to comply with the conditions.
- P5. All revisions made by the Planning Commission and specified in the planning conditions of approval shall be shown on a revised site plan, which shall be reviewed by the Planning Division prior to submittal of construction drawings.
- P6. Minor changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Planning Manager and approved if acceptable. Major changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Planning Commission and approved if acceptable.
- P7. Prior to the installation of any signage or sign related construction the applicant shall obtain all appropriate permits. Approval of these plans with signage indicated does not imply approval of signage.
- P8. Owner agrees to and shall indemnify, defend, protect, and hold harmless City, its officers, employees, agents and representatives, from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Owner, or their respective contractors, licensees, invitees,

agents, sublessees, servants or employees, wherever on or adjacent to the Property the same may occur; (ii) any use of the Property, or any accident, injury, death or damage to any person or property occurring in, or on or about the Property, or any part thereof, or from the conduct of Owner's business or from any activity, work or thing done, permitted or suffered by Owner or its sublessees, contractors, employees, or invitees, in or about the Property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of Owner's part to be performed under the terms of this Agreement, or arising from any negligence of Owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City.

Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.

- P9. Building permits shall be obtained from the City of Lompoc for all tenant improvements to the structure and all new construction.
- P10. The applicant shall notify the City of Lompoc Planning Division of a change of ownership for the property or a change of project representative within 30 days of such change at any time during the City process prior to final Certificate of Occupancy.
- P11. Lompoc Municipal Code Section 17.006.030 allows any person to appeal a decision of the Planning Commission within 10 calendar days after the Planning Commission's decision. No grading, building, demolition, or other ministerial permit, nor any other discretionary permit, shall be issued by the City for the Project until the later of (1) the expiration of the 10-day appeal period, or (2) the City Council's decision on the appeal, if a timely appeal is filed.

Planning – Project Specific Conditions

- P12. One type of fencing shall be utilized around the perimeter of the patio (wood or chain link with slats to match). This fencing shall be modified within 90 days of the approval of this permit.

II. Building – General Conditions

- B1. Project shall comply with the most recent adopted City and State building codes.
- B2. Plans shall be submitted by a California licensed architect and/or engineer.
- B3. Dimensioned building setbacks and property lines, street centerlines, and between buildings or other structures shall be designated on plot plans.
- B4. All property lines and easements must be shown on the plot plan. A statement that such lines and easements are shown is required.
- B5. The Title Sheet of the plans shall include:
 - a. Scope of work
 - b. Occupancy group
 - c. Description of use
 - d. Type of construction
 - e. Height of the fence
 - f. Floor area of the patio
 - g. Interior floor plan with occupancy use by room
- B6. California accessibility regulations shall be incorporated within the plans.

Building – Project Specific Conditions

- B7. Kick plates on the base of each gate shall be required at exits in order to meet wheelchair accessibility requirements.
- B8. Maximum gate width shall be no larger than 48 inches in width.

III. Fire – General Conditions

- F1. The project shall conform to the 2016 CFC code.
- F2. Approved key boxes are required for all change of occupancies. Contact the Lompoc Fire Department for placement coordination at (805) 875-8063. A Knox box is required for afterhour's emergency access.
- F3. Three sets of plans shall be submitted to the Building and Fire Safety Division for review. The plans must address the panic hardware, illuminated exit sign, emergency lighting on the patio, and accessibility requirements.
- F4. Emergency exit doors shall provide correct direction of swing and properly rated exit hardware. 2016 CFC Section 1008.
- F5. Illuminated exit signage and emergency egress lighting is required 2016 CFC Section 1011. This includes fences in the path of travel.

Fire – Project Specific Conditions

- F6. If both gates are to remain, both shall comply with all exiting requirements above. The Southernmost gate can be eliminated, as an option. The gate closest to the building shall remain.
- F7. A bollard placed outside each gate is required to ensure that vehicles do not block the exits.
- F8. Each gate shall have a sign on the exterior stating, “EXIT DOOR – DO NOT BLOCK”.
- F9. No padlocks or additional locking devices are allowed on the gates. Panic hardware only.

IV. AVIATION/TRANSPORTATION - No General or Project Specific Conditions

V. ENGINEERING

Engineering - General Conditions

- EN1. In conformance with City Ordinance No. 1348(91) all Improvement Plans, including but not limited to, grading, water, sewer, streets, electrical system and other surface and subsurface improvements are to be based upon the control monuments as established by the City of Lompoc Coordinate Control System, Record of Survey Book 142, Pages 82 and 83.
- EN2. In conformance with City Ordinance No. 1348(91) all Improvement Plans, including but not limited to, grading, water, sewer, streets, electrical system and other surface and subsurface improvements are to be delivered in a computer format readily compatible for transfer to the City GIS System.

Engineering - Project Specific Conditions

- EN3. All private improvements must remain entirely on private property and outside of the public right-of-way.
- EN4. The unpermitted shed located in the public right-of-way behind the American Legion Post 211 shall be demolished.
- EN5. Any existing or proposed improvements within the public ROW will require a License Agreement. The License Agreement shall acknowledge that the title to the Area of Encroachment is to remain with the City of Lompoc and therefore that all rights and privileges of use permitted shall cease and expire upon notice of revocation by the City. Licensee shall be responsible for removal of all improvements as required by the License Agreement. The License Agreement is required to be in place prior to clearance of the permit for occupancy.

VI. SOLID WASTE - No General or Project Specific Conditions

VII. ELECTRIC- No General or Project Specific Conditions

VIII. WATER- No General or Project Specific Conditions

IX. WASTEWATER - No General or Project Specific Conditions

X. Stormwater – No General Conditions

Stormwater- Project Specific Conditions

S1. No pollutants, including, but not limited to, sediment, chemicals, trash and contaminated storm water shall be discharged from private property into, or where they could be transported to, City property, the City’s storm drain system, streets, storm channels, or waterways, either during or after construction.

XI. Police – No General Conditions

Police – Project Specific Conditions

LP1. All access points to the outside BBQ enclosed area should have to go through the bar, so persons who enter the enclosed area can be monitored by the Bartender or bar manager.

LP2. A one way exit shall be required to vacate the patio space. This exit shall not be used for public entry into the patio space.

LP3. Outside area shall be well lit.

LP4. Fire Department / Building inspector will determine the maximum occupancy of the outside enclosed area.

LP5. Persons allowed inside the enclosed BBQ area will be at least 21 years of age and the required signs will be visibly posted on the enclosed area.

LP6. The licensee will ensure that persons using the enclosed BBQ area do not disturb the peace of the nearby residents.

LP7. The sale and consumption of Alcoholic Beverages inside the enclosed BBQ area will only be allowed between the hours of 6AM to 10PM.

I do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the project. As the project representative, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Richard Gasch, Applicant

Date

Property Owner

Date

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DR 17-03
American Legion Patio
Item #1

Planning Commission Meeting
December 13, 2017

Project Location & Request

- 636 North H Street
- Request for a screened patio within the parking lot



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City of Lompoc Planning Division

CLASSIC INSTALLATION CO., INC.
15514 EAST LAUREL AVENUE
LOMPOC, CA 93436
(805) 735-2162
FAX (805) 736-4031



SITE PLAN

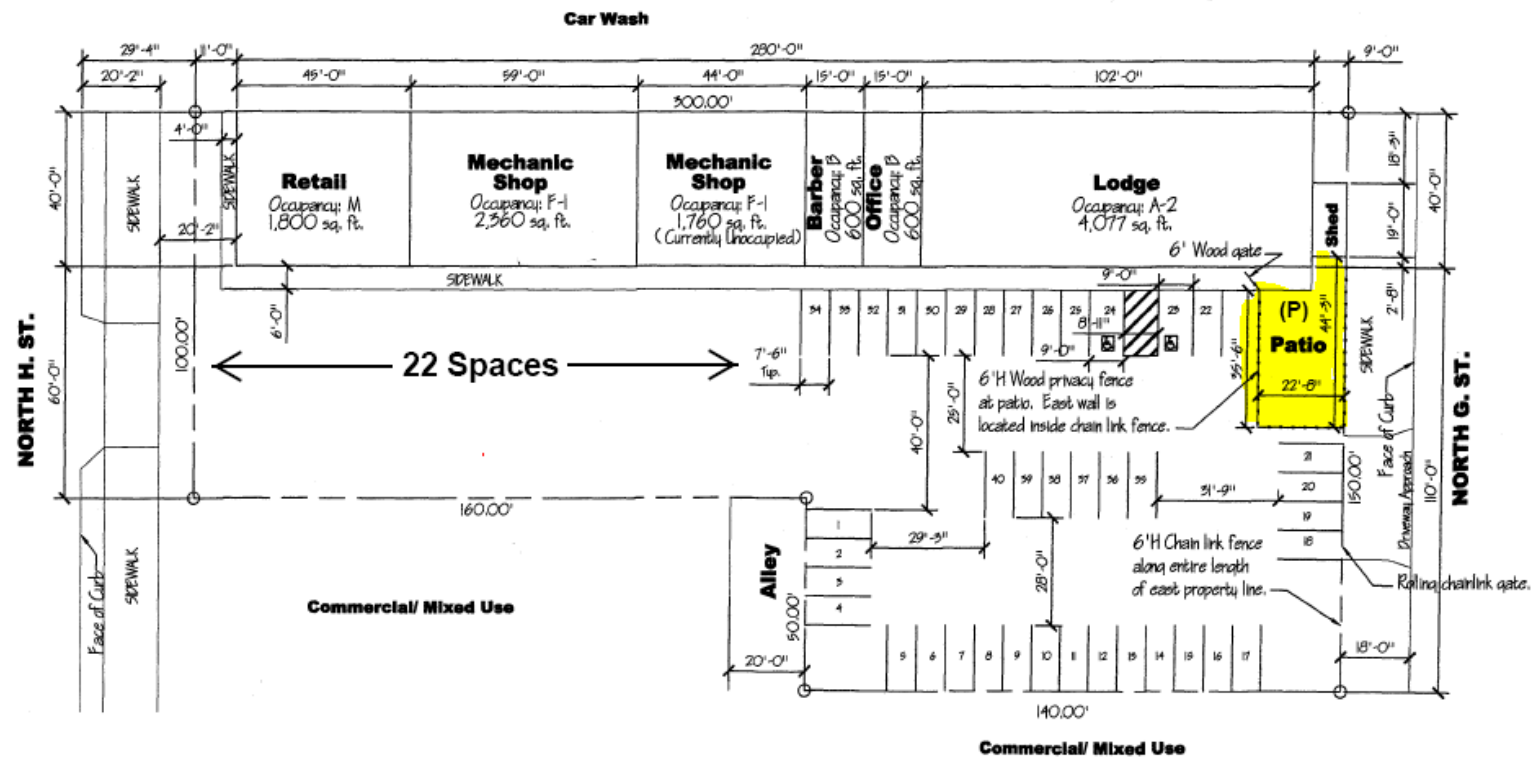
Project:
American Legion Post #211
656 North H. Street
Lompoc, California 93426

Last Revised
11/3/17

Project #
21B-025

Drawn by:
JSW

C-2.0



SITE PLAN

SCALE: 1" = 30'-0"



Project Information

- Parking analysis
- Shed in public right of way



Planning Commission Action

- Adopt Resolution No. 869 (17) approving Development Plan DR 17-03
- Provide alternative direction

NOV 9 2017

CLASSIC INSTALLATION CO, INC
1551A EAST LAUREL AVENUE
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SITE PLAN

Project: American Legion Post #211
636 North H. Street
Lompoc, California 93436

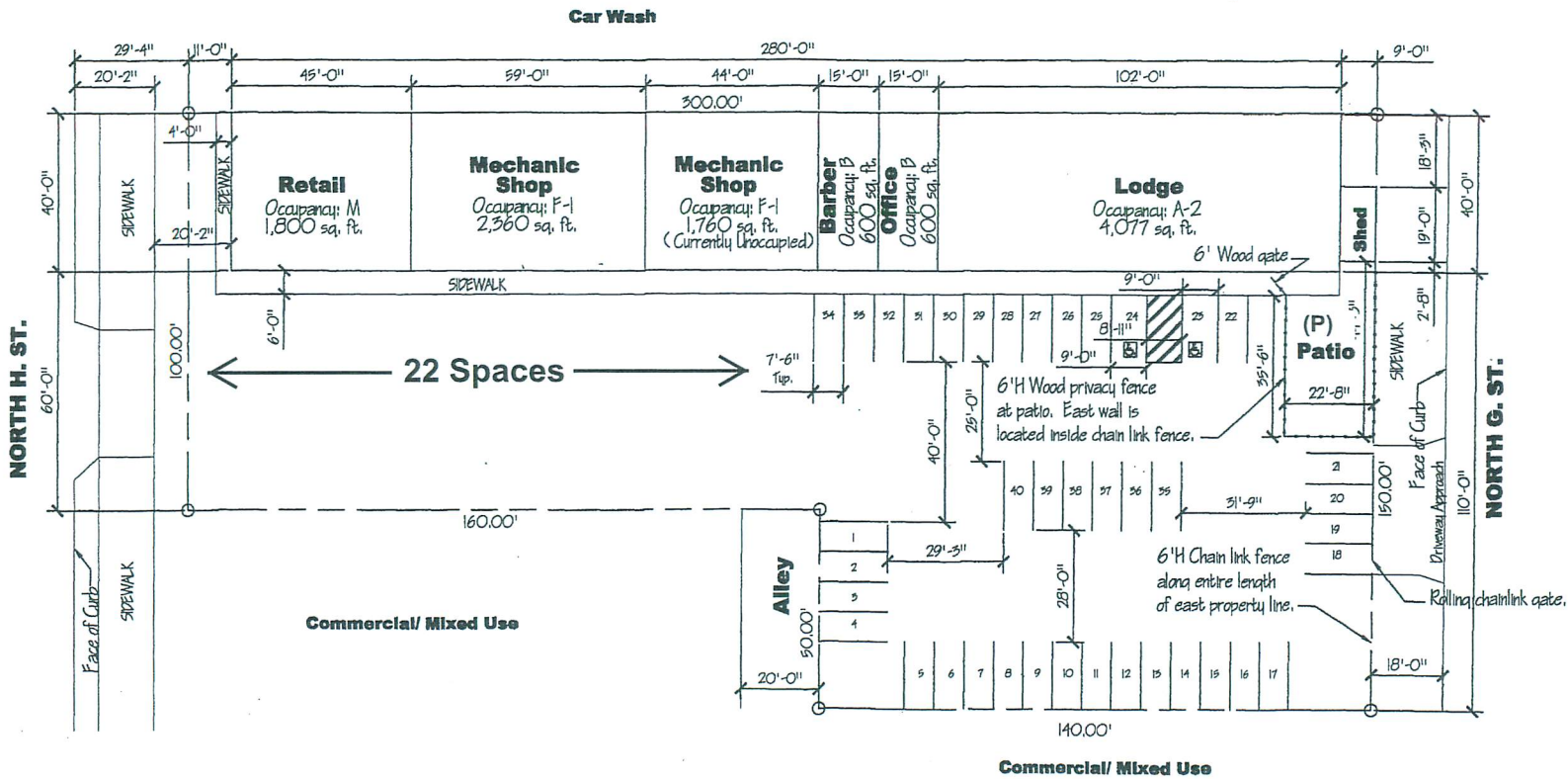
Project #

218-025

Last Revised
11/3/17

Drawn by:
JSW

C-2.0



SITE PLAN

SCALE: 1" = 30'-0"

