

AGENDA

TEHACHAPI PLANNING COMMISSION SPECIAL MEETING, MONDAY, SEPTEMBER 17, 2018 – 4:30 P.M.

Persons desiring disability-related accommodations should contact the City Clerk no later than ten days prior to the need for the accommodation. A copy of any writing that is a public record relating to an open session item of this meeting is available at City Hall, 115 South Robinson Street, Tehachapi, California, 93561.

CALL TO ORDER

ROLL CALL

PLEDGE TO FLAG

ACTION ITEMS

3. **CONTINUED PUBLIC HEARING-** Architectural Design and Site Plan Review No. 2018-08, 123 West F Street. Filed by Rudolfo Ramirez. Addition of Land Use Designations. Property is currently designated a Meeting Facility. Applicant is seeking approval of adding land use designations of Restaurant and Live/Amplified Music. Continued Public Hearing from Monday, September 10, 2018.

- A) OPEN HEARING
- B) NOTICE OF PUBLIC HEARING
- C) CORRESPONDENCE
- D) STAFF EXPLANATION OF PROJECT & RECOMMENDATION
- E) AUDIENCE DISCUSSION
- F) CLOSE HEARING
- G) COMMISSIONER'S DISCUSSION & ACTION

1. **PROPOSED RESOLUTION 18-10 OF THE PLANNING COMMISSION OF THE CITY OF TEHACHAPI APPROVING ARCHITECTURAL DESIGN AND SITE PLAN REVIEW NO. 2018-08 SUBJECT TO CONDITIONS OF APPROVAL** RE: ACTION

ADJOURNMENT



TEHACHAPI PLANNING COMMISSION

STAFF REPORT

Title: AD&SPR No. 2018-08

Date: September 10th, 2018

I. **GENERAL INFORMATION:**

1. Applicant: Rudolfo Ramirez
18200 Cheyenne Ave
Tehachapi, CA 93561
2. Architect: Robin L. York
York Drafting and Design
414 W. Tehachapi Blvd., Unit F
Tehachapi, CA 93561
3. Specific Request: Addition of Land Use Designations. Property is currently designated a Meeting Facility. Applicant is seeking approval of adding land use designations of Restaurant and Live/Amplified Music.
4. Project Location: 123 West F Street
Tehachapi, CA 93561
5. APN: 040-120-18, 040-120-13, 040-120-12
6. Existing Zoning: T-5 Downtown
7. Present Land Use: Meeting Facility
8. General Plan Designation: Area 1B – East Downtown
9. Surrounding Land Use:
North: Medical Services
South: Single Family Residential
East: Business/Personal Services
West: Civic
10. Correspondence in opposition: Yes No
Correspondence in favor: Yes No

II. PROPOSAL: Attachment A

The project applicant has submitted a request for approval to add land use designations at the subject site in addition to current land use designations. The subject site is currently designated as a Meeting Facility under the City of Tehachapi Zoning Code. The applicant is seeking to be granted the additional land use designations of Restaurant and Live/Amplified Music. This application has been submitted to Staff in conjunction with a Minor Use Permit for the approval and conditioning of the operation of the two uses. The approval authority for a Minor Use Permit is the Director of Development Services.

III. CIRCULATION/PARKING: Attachment B

The property contains one drive approach from West F Street, as well as access from the adjacent alleyway that bisects this downtown block. Before the applicant purchased the property the parking lot contained 48 parking stalls, but stall size was not compliant with the City standard of 10'x20'. Prior to this meeting the applicant decided to repave the parking lot and subsequently Staff requested from their drafting team that the new parking lot be designed with compliant parking stall dimensions, including other changes. Attachment B is an updated Site Plan for the subject site, including code complaint parking stalls. In addition to the increase in parking stall dimensions, the applicant also subtracted the amount of ADA accessible parking stalls (which were well over what the code requires). This brought the amount of parking on-site to 46 parking stalls.

Within the City of Tehachapi's T-5 zone all three land use designations, Meeting Facility, Restaurant, and Live/Amplified Music determine their parking ratios on an amount of seats provided. Staff has not received a seating plan from the applicant, as this will be a requirement as part of the Tenant Improvement Plan submitted to the Building Department and is not required at this phase. However given the floor plan submitted to Staff as part of this application the current occupancy load of the building is currently at 46 people thus it would seem that they can't seat more than 46 patrons; coincidentally the number of parking stalls proposed to be provided. While some of these numbers may change over the course of this project, in conjunction with the Downtown Parking Assessment done earlier in this year, Staff believes the applicant is sufficiently parked.

IV. ARCHITECTURAL ELEMENTS:

This is a Change in Land Use Designation application and the applicant has not indicated the potential for any remodeling of the façade of the structure. If, during the Tenant Improvement Plan submission, Staff determines that over 50% of the façade of the structure is under-going a remodel then the applicant would be required to seek approval from the City of Tehachapi Planning Commission.

V. SIGNAGE:

This application does not include a Sign Package. Any tenant wishing to affix signage to the building or site will be required to formally submit a sign package for approval to City Staff prior to permit issuance. Approval for downtown sign plans is made by the City of Tehachapi Director of Development Services in compliance with the Zoning Code.

VI. LANDSCAPING/LIGHTING:

This project does not require an expansion of the current on-site landscaping of the property. Staff visited the Site in person on 9/4/2018 and can report that on-site landscaping appears to be compliant with landscape maintenance codes found in Article 4.40.070 of the Tehachapi Zoning Code.

VII. AIRPORT LAND USE COMPATIBILITY: Attachment C, D & E

The subject site falls within Zone C of the Airport Land Use Compatibility Plan (ALUCP). Zone C is considered a "limited risk" zone with aircraft commonly at or below 1,000 feet. The land uses under consideration are potentially compatible with restrictions according to appendix D of the ALUCP.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Staff finds that this project is a type 15301 (Existing Facilities) Categorical Exemption under the California Environmental Quality Act and no further environmental review was warranted.

IX. DESIGN VARIANCE:

Staff does not propose any variance from our Subdivision and Development Standards for this project.

X. RECOMMENDATION:

Staff recommends adoption of Resolution No. 18-10 approving Architectural Design and Site Plan Review No. 2018-08 subject to the following conditions of approval.

XI. CONDITIONS OF APPROVAL:

Statutory Conditions of Approval

- The project approval is conditional and shall be valid for a period of two (2) years from the date of Planning Commission or Director approval unless substantial progress in the construction phase of the project has been achieved. "Substantial progress" is determined at the sole discretion of Development Service Director.
- All contractors and/or subcontractors shall be required to procure a business license prior to commencement of any work on the subject development.
- Permits and approvals must be obtained from other governmental agencies (i.e. Kern County Environmental Health, Kern County Fire Department, Caltrans, etc.) for this project. It is the responsibility of the applicant to seek and receive said permits/approvals prior to the start of business. The City reserves the right to withhold its approval of this project if the applicant fails to receive necessary and related approvals from other agencies.
- The developer/applicant shall indemnify, protect, defend, and hold harmless, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents (collectively the "City") from any and all claims, actions, demands, and liabilities arising or alleged to arise as the results of the applicant's performance or failure to perform under this Architectural Design & Site Plan Review No. 2018-07 or the City's approval thereof, or from any proceeding against or brought against the City, or any agency or instrumentality thereof, or any of their officers, employees and agents, to attack, set aside, void, annul, or seek monetary damages resulting from an action by the City or any agency or instrumentality therefor, advisory agency, appeal board or legislative body including

actions approved by the voters of the City, concerning Architectural Design & Site Plan Review No. 2018-01.

- Property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free of weeds and debris and maintained in a healthy, growing condition, and shall receive regular water, fertilizing, mowing or trimming.
- Signage is not part of this application request. Prior to the installation of any signage, approval must be received and permits obtained from the Development Services Department through a Sign Application Permit and associated application and building permit fees. All signage shall comply with Chapter 7 of the City's Zoning Ordinance.

Tenant Improvement Conditions of Approval

- The applicant shall submit complete Tenant Improvement Plans prepared in accordance with the California Building Code by a licensed professional for review and approval by the City Building Department (including mechanical, plumbing and electrical plans) prior to permit issuance.
- Kern County Fire Department and the City Engineer shall approve fire protection facilities and all Fire Department requirements prior to the issuance of building permits. The applicant is required to make a separate submittal to the Kern County Fire Department as part of Building Permit application. The City of Tehachapi does not provide this service. The address for the Kern County Fire Department is 5642 Victor Street, Bakersfield, CA 93308.

Prior to Issuance of Certificate of Occupancy Conditions of Approval

- The applicant is required to pay water/sewer connection fees, traffic impact fees, public safety fees, engineering fees, school fees, building permit fees, landscape application fee and other fees in place prior to the issuance of the certificate of occupancy.

XI. RECOMMENDED FINDINGS:

1. The proposed use is consistent with the goals and policies of the City's General Plan and meets the applicable district development standards.
2. The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the City of Tehachapi and the State of California.
3. The proposed use at this location with close monitoring and as proposed will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.
4. The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Tehachapi Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
5. This project is categorically exempt from the State CEQA Guidelines.

6. The proposal will not be detrimental to the project area and will promote the goals of the City of Tehachapi.
7. The safety and welfare of the community will not be compromised as a result of traffic impacts.

ATTACHMENTS

Attachment A	Project Location
Attachment B	Site Plan
Attachment C	ALUCP Overlay Map
Attachment D	ALUCP Compatibility Criteria
Attachment E	ALUCP Compatibility Guidelines for Specific Land Uses



**NOTICE OF PUBLIC HEARING
BEFORE THE TEHACHAPI PLANNING COMMISSION**

A Public Hearing will be held before the Tehachapi Planning Commission on Monday September 10th, 2018, or soon thereafter at 6:00 P.M., at the Wells Education Center 300 South Robinson Street Tehachapi, California, for the purpose of considering the following request:

1. Application Case No: Architectural Design & Site Plan Review No. 2018-08
2. Owner/Applicant: Rodolfo Ramirez
18200 Cheyenne
Tehachapi, CA 93561
3. Property Location: 123 West F Street
4. Request: Addition of land use designations. Property is currently granted the land use of Meeting Facility. The applicant is seeking to add the land use designations of Restaurant and Live/Amplified Music
5. Assessor Parcel Number: 040--120-13

The Planning Commission will consider verbal and written comments by all interested persons.

The California Environmental Quality Act (CEQA) requires consideration of the potential effects of this project on the environment. The Planning Department has determined the project to be exempt from CEQA General Rule 15061 from the preparation of environmental documentation in accordance with the State CEQA Guidelines.

Anyone wishing to present evidence or be heard in said matter may appear at said hearing or any continuation thereof.

TEHACHAPI PLANNING COMMISSION

TREVOR HAWKES, PLANNER, CITY OF TEHACHAPI

Dated: August 22, 2018
Posted: August 22, 2018
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