

AGENDA

TEHACHAPI PLANNING COMMISSION MEETING, MONDAY FEBRUARY 8, 2016 - 6:00 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

AUDIENCE ORAL AND WRITTEN COMMUNICATIONS

THE PLANNING COMMISSION WELCOMES PUBLIC COMMENTS ON ANY ITEMS WITHIN THE SUBJECT MATTER JURISDICTION OF THE COMMISSION. WE RESPECTFULLY REQUEST THAT THIS PUBLIC FORUM BE UTILIZED IN A POSITIVE AND CONSTRUCTIVE MANNER. PERSONS ADDRESSING THE COMMISSION SHOULD FIRST STATE THEIR NAME, THE MATTER OF CITY BUSINESS TO BE DISCUSSED, AND THE ORGANIZATION OR PERSONS REPRESENTED, IF ANY. COMMENTS DIRECTED TO AN ITEM ON THE AGENDA SHOULD BE MADE AT THE TIME THE ITEM IS CALLED FOR DISCUSSION BY THE CHAIRPERSON. NO ACTION CAN BE TAKEN BY THE COMMISSION ON MATTERS NOT LISTED ON THE AGENDA EXCEPT IN CERTAIN SPECIFIED CIRCUMSTANCES. THE COMMISSION RESERVES THE RIGHT TO LIMIT THE SPEAKING TIME OF INDIVIDUAL SPEAKERS AND THE TIME ALLOTTED FOR PUBLIC PRESENTATIONS. COMMENTS SHOULD BE LIMITED TO THREE (3) MINUTES. PLEASE TURN ALL CELLULAR PHONES OFF.

1. General public comments regarding matters not listed as an agenda item

APPROVAL OF MINUTES

1. REGULAR MEETING, 01/11/16

PUBLIC HEARING

1. PUBLIC HEARING, APPEAL BY GUY AND JENNIFER WILLIAMS OF THE DECISION OF THE DEVELOPMENT SERVICES DIRECTOR RELATING TO MINOR USE PERMIT NO. 2015-01 FOR THE OPERATION OF THE JENNIFER'S TERRACE OUTDOOR EVENT VENUE LOCATED AT 413 SOUTH CURRY STREET
 - A) OPEN HEARING
 - B) NOTICE OF PUBLIC HEARING
 - C) CORRESPONDENCE

- D) APPLICANT APPEAL
- E) STAFF REPORT
- F) AUDIENCE DISCUSSION
- G) CLOSE HEARING
- H) COMMISSIONER'S DISCUSSION & CONSIDER THE FOLLOWING RE: ACTION
OPTIONS
 - A. UPHOLD THE DETERMINATION OF THE DEVELOPMENT SERVICES DIRECTOR GRANTING MINOR USE PERMIT NO. 2015-01 TO JENNIFER'S TERRACE OUTDOOR EVENT VENUE SUBJECT TO CONDITIONS OF APPROVAL
 - B. MODIFY MINOR USE PERMIT NO. 2015-01 AS REQUESTED BY THE PERMIT APPLICANT
 - C. DENY MINOR USE PERMIT NO. 2015-01

PLANNING COMMISSION ANNOUNCEMENTS OR REPORTS

On their own initiative, a Planning Commissioner may ask a question for clarification, make a brief announcement, provide a reference to staff or other resources for factual information, take action to have staff place a matter of business on a future agenda, request staff to report back at a subsequent meeting concerning any matter, or make a brief report on his or her own activities. (Per Gov't. Code §54954.2(a))

DEVELOPMENT SERVICES DIRECTOR REPORTS

ADJOURNMENT

MINUTES

TEHACHAPI PLANNING COMMISSION REGULAR MEETING

Wells Education Center

300 South Robinson Street

Monday, January 11, 2016 – 6:00 P.M.

NOTE: Bu, Wi, Ch, Te and Wh are abbreviations for Planning Commissioners Butler, Williams, White, Teel and Chairperson Christensen, respectively. For example, Bu/Te denotes Commissioner Butler made the motion and Commissioner Teel seconded it. The abbreviation Ab means absent, Abd abstained, Ns noes, and NAT no action taken.

ACTION TAKEN

CALL TO ORDER

Meeting called to order by Chairperson Christensen at 6:00 p.m.

ROLL CALL

Roll call by Administrator of the Planning Commission Roxanne Davis.

Present: Chairperson Christensen, Planning Commissioners Williams, Teel White and Butler.

Absent: None.

PLEDGE TO THE FLAG

Led by Chairperson Christensen.

AUDIENCE ORAL COMMUNICATIONS

1. General public comments regarding matters not listed as an agenda item.
No public comments were made.

APPROVAL OF MINUTES

1. By motion the Commission approved the minutes for the regular meeting on 11/09/15.

Approved Minutes of 11/09/15
Te/Bu Ayes All

PUBLIC HEARING

1. Public Hearing, Architectural Design and Site Plan Review No. 2015-03, filed by Dan Almquist, located east and adjacent to Tucker Road (SR 202), north of Jiffy Lube and south of the Sail Thru Car Wash, west and adjacent to the Las Colinas subdivision, to consider construction of a 3,240 sq. ft. drive-thru Dunkin Donuts.

A) Opened Hearing at 6:04 p.m.

B) Notice of Public Hearing was published in the Tehachapi News on December 30, 2015 and one sign was posted on the property on December 29, 2015.

C) There was no correspondence received.

D) Staff Explanation – Jay Schlosser, Development Services Director reiterated information included in his staff report. Gavin Reid representing Dunkin Donuts was in the audience to answer questions posed by the Commission.

E) Audience Discussion – Received public comments from Ken Hetge, Business Owner and George Sandy, City Resident.

F) Closed Hearing at 6:28 p.m.

G) By motion, the Commission declared the project to be CEQA Exempt Section 15303 (c) (new construction or conversion of small structures under 10,000 sq. ft.).

Found Project CEQA Exempt
Bu/Te Ayes All

By motion, the Commission adopted Resolution No. 2016-01, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TEHACHAPI APPROVING ARCHITECTURAL DESIGN AND SITE PLAN REVIEW NO. 2015-03 SUBJECT TO CONDITIONS OF APPROVAL.

Adopted Res. No. 2016-01,
Approving AD&SPR No. 2015-03
Subject To Conditions Of
Approval
Wh/Wi Ayes All

PLANNING COMMISSION ANNOUNCEMENTS OR REPORTS

1. Commissioner White asked Staff if a roundabout is proposed for the Capital Hills area.
2. Commissioner White asked for an update on Freedom Plaza and if a court date has been set for the Walmart appeal.
3. Commissioner Butler reported that the Governor is proposing a new budget for road improvements and if they City has plans for widening 202 to four (4) lanes.

DEVELOPMENT SERVICES DIRECTOR REPORTS

1. Development Services Director Jay Schlosser reported that it is with great sadness Marcia Smith Senior Planner is no longer working for the City, she was will be missed.

ADJOURNMENT

By motion, the Planning Commission adjourned at 7:14 p.m.

Adj. at 7:14 p.m.
Wh/Bu Ayes All

ROXANNE DAVIS, CMC
Administrator of the
Planning Commission

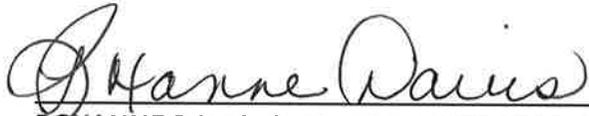
Approved this 8th day
of February, 2016.

DARYL CHRISTENSEN, Chairperson

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

The Planning Commission of the City of Tehachapi will hold a public hearing at its regular meeting of February 8, 2016 or soon thereafter at 6:00 P.M., at the Wells Education Center 300 South Robinson Street Tehachapi, California, to consider the following matter: Appeal by Guy and Jennifer Williams of the decision of the Development Services Director relating to Minor Use Permit No. 2015-01 for the operation of the Jennifer's Terrace Outdoor Event Venue located at 413 South Curry Street, Tehachapi, CA 93561.

All interested persons will have an opportunity to be heard.



ROXANNE DAVIS, CMC, ADMINISTRATOR OF THE
PLANNING COMMISSION OF THE CITY OF TEHACHAPI

Dated: January 20, 2016
Posted: January 20, 2016
Published: January 27, 2016 – Tehachapi News



September 9, 2015

City of Tehachapi
Marcia Smith
Tehachapi, CA 93561

Re: Jennifer's Terrace; CUP No. 2014-05

Dear Ms. Smith:

This letter responds to your letter dated August 31, 2015 respecting the Jennifer's Terrace event venue. We are writing in part because your letter has several misstatements and a demeaning tone and we want to set the record straight. We are writing also because we want to address in a responsible manner whatever concerns generated your letter.

Your letter states that a noise complaint was received on the evening of August 29, and seems to assume the complaint had some validity. These are not the facts. Sgt. Dunham was at the site during the event on Aug. 29. He found the noise level not to be excessive, and termed the call received by the city manager as a "non-complaint" from a "sensitive neighbor". While a call was apparently received, a meritorious complaint was not.

I call your attention to paragraph 5 of the Conditions of Approval (Amended) for the CUP referenced above, as set forth in the Memo to the File from David James, Community Development Director, dated April 23, 2015. It states: "Should the Jennifer's Terrace Outdoor Event Venue become *unmanageable* in terms of the behavior of the patrons renting the facility, such that there are *an inordinate number of police calls for service/intervention*, this will be grounds for revocation of the CUP." (Emphasis added.) In contrast with this reasonable condition, your letter states that "one (1) additional call regarding a noise complaint...will result in immediate revocation of your City of Tehachapi business license".

Your letter does not comport with the CUP and is unreasonable in several ways. (1) One call, and even one further call, does not constitute an inordinate number. (2) A call that is deemed a "non-complaint" by the officer on the scene does not require intervention and does not constitute any evidence whatsoever that the venue is "unmanageable". The standard to be applied under the CUP is "unmanageable", not



something that irritates the most sensitive neighbor. (3) The CUP refers to "police calls". It appears that the call was made to the city manager, which is curious since he is not in the normal line of communication for situations requiring police intervention. Such a call is not within the scope of the noise condition. (4) You threatened to revoke our business license in a summary manner. Before the CUP is revoked, we are entitled to some elemental due process, including a decision by a responsible city agency after it has held a hearing and had the opportunity to weigh evidence and testimony, not just a report of a telephone call. (5) Finally, it is your duty to participate in reasonable two-way communication with the Tehachapi citizens concerned. Your statement that you will no longer communicate with us on matters of concern to your office is highly inappropriate.

A recent event, combined with other statements and circumstances, makes us concerned that the city's issues with Jennifer's Terrace arise not from neighbor complaints but from political influence. On Tuesday, we hosted a meeting of 20 businesspersons of the county bridal event trade association, an important source of business for us. There was a solo singer who sang softly enough for business discussions to take place within a few feet of him. The police chief arrived, said the music was too loud and ordered it stopped. The attendees, all professional event planners, were appalled that such a small, orderly event would attract the attention of a city police chief. It gave our business a black eye with important potential customers. The police chief did not say there had been a neighbor complaint, but rather that there was a city council meeting at the police station nearby and that having music at the same time was "unfortunate". In contrast, we have spoken to almost all of our close neighbors including the church across the street, and none of them expressed a problem with the venue as we manage it.

We cannot prevent some anonymous person from making unwarranted complaints outside of proper channels. If our events are conducted properly and within the limits set forth in our CUP, we should be allowed to continue our business. We would like to meet with the responsible city official to confirm the standards to which we will be held. We will contact you to set up this meeting. If you are not the correct person to address these concerns, we will expect you to refer us to the proper official.

Sincerely,



Jennifer Williams



Guy Williams

Cc: Greg Garrett, Tehachapi City Manager
Kent Kroeger, Police Chief



Build Up. Play Up. Work Up. Explore Up. Live Up.



CITY OF
TEHACHAPI
CALIFORNIA

August 31, 2015

Jennifer Williams
Jennifer's Terrace
413 South Curry Street
Tehachapi, CA 93561

RE: Noise complaint received August 29, 2015

Dear Ms. Williams,

The City has received yet another complaint regarding noise associated with an event held last Saturday evening, August 29, 2015, at Jennifer's Terrace. Jennifer's Terrace is an outdoor venue located within an established single family residential neighborhood where a level of noise as exhibited last Saturday evening may not be tolerated as Staff has discussed with you before in person and in writing. Each time the Tehachapi Police Department is called regarding a noise complaint at your place of business, public safety resources are not available to assist with more urgent calls. City Staff will no longer write letters or discuss noise issues with you related to venues at Jennifer's Terrace. Let this letter show that one (1) additional call regarding a noise complaint from a gathering at Jennifer's Terrace will result in immediate revocation of your City of Tehachapi business license issued for Jennifer's Terrace.

Thank you for your consideration in this matter.

Sincerely,


MARCIA SMITH
Senior Planner

cc: Greg Garrett, City Manager
Chief Kroeger, Tehachapi Police Department

Build Up. Play Up. Work Up. Explore Up. **Live Up.**



CITY OF
TEHACHAPI
CALIFORNIA

December 22, 2015

Guy and Jennifer Williams
Jennifer's Terrace Outdoor Event Venue
413 South Curry Street
Tehachapi, CA 93561

RE: Notice of Decision for Minor Use Permit Application No. 2015-01

Dear Mr. and Ms. Williams:

Pursuant to my duties as Development Services Director, please accept this letter as notice that the City of Tehachapi hereby grants to you a Minor Use Permit for the operation of the Jennifer's Terrace Outdoor Event Venue. The City of Tehachapi received your Minor Use Permit application on October 5, 2015.

As dictated by the City Zoning Code, City Staff provided notice to both the immediate community and the public at-large of the pending permit application beginning on December 3, 2015. The City received five (5) responses to the Notice. All responses received were in opposition to granting a permit on the grounds that the Jennifer's Terrace Outdoor Event Venue is a nuisance to the neighborhood based on noise issues. These complaints appear in line with City Staff's experience regarding excessive noise.

Therefore, in consideration for your investment in the business, we grant to you a permit with restrictions against amplified music. Further conditions are included in the permit itself which is attached.

Any person with a valid interest in this action may appeal this decision to the Planning Commission in writing within 14 calendar days from the date of this notification. If you still wish to appeal this decision, you are required to inform me, in writing, of this desire within the 14 day timeline.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Schlosser', is written over a yellow starburst graphic.

John (Jay) Schlosser, P.E.
Development Services Director

Cc: Greg Garrett / COT
Chief Kroeger / COT
Marcia Smith / COT
Tom Schroeter / COT

115 South Robinson Street | Tehachapi, California 93561-1722

(661) 822-2200 | Fax: (661) 822-8559

www.tehachapicityhall.com



MINOR USE PERMIT 2015-01

TO: PROJECT APPLICANT (GUY AND JENNIFER WILLIAMS)

FROM: JAY SCHLOSSER, DEVELOPMENT SERVICES DIRECTOR

DATE: DECEMBER 22, 2015

Background

The owners of the Jennifer's Terrace Outdoor Event Venue have submitted a Minor Use Permit application requesting approval to conduct an event venue business at 413 S. Curry Street. Jennifer's Terrace Outdoor Event Venue is advertised as an enclosed outdoor space available for events such as weddings, anniversaries, birthday parties, balls, reunions, retirement celebrations and non-profit fundraisers. The site is located downtown and in close proximity to residential structures and a church. Handicap accessible off-street parking is available, all other parking occurs on street.

Although the applicant has had a business license since June 6, 2008, Jennifer's Terrace Outdoor Event Venue initially began operating without a Planning Department permit. Following the City's receipt of complaints from the public in 2014, the City of Tehachapi met with the project applicant and both parties agreed to move forward with an Administrative Conditional Use Permit (ACUP) in order to agree upon conditions for the operation of the venue.

The intent of the ACUP was to establish terms under which the venue would continue to operate in a manner that does not disturb the neighboring homes and businesses. Due to the failure of the applicant to comply with the terms of the ACUP, further disturbance complaints from nearby residents were received following the initial permit issuance which prompted an amendment to the ACUP on April 23, 2015. Due to the applicant's failure to comply with the revised conditions issued as Amendment No. 1, the City continued to receive complaints. The applicant did not request an extension of the ACUP which expired on December 4, 2015.

Given the above sequence of events, City Staff has suggested that the Project Applicant submit a request for a Minor Use Permit (MUP). The MUP process is designed to formally engage the properties adjacent to the site and to provide all involved parties with a chance to be heard in a public forum regarding the appropriateness of this business in its current location.

Zoning Consistency

The City adopted an updated zoning code in October 2014. Prior to this new code, an event venue with the characteristics of Jennifer's Terrace Outdoor Event Venue was prohibited in its current location. The updated code allows this use with a Minor Use Permit under the Use Class of 'Meeting Facility'. Attached is Table 3.20.070 (See Attachment 1) defining how various land uses are to be adjudicated within the T4.5

Neighborhood Center Zone. Also attached is a portion of Chapter 11.10 'Definitions' that defines what a 'Meeting Facility' is under the code. Staff believes this classification is appropriately applied to Jennifer's Terrace.

Determination

The Development Services Department hereby grants a Minor Use Permit to the project applicant subject to the following conditions of approval:

1. The operation of the Jennifer's Terrace Outdoor Event Venue shall, at all times, comply with all applicable Building Codes. The subject property holds a current Occupancy Classification of "B".
2. Sound equipment used in association with an event held within the Jennifer's Terrace Outdoor Event Venue shall be prohibited. Sound equipment is defined as any loud speaker, public address system, sound amplifier, radio, phonograph or MP3 player equipped with a loud speaker or sound amplifier or any machine or device for the amplification or reproduction of the human voice or music.
3. Should the Jennifer's Terrace Outdoor Event Venue become unmanageable such that there are more than two (2) calls for law enforcement service for nuisance activity within any twelve (12) month period, this will be grounds for revocation of the Minor Use Permit and Business License for Jennifer's Terrace Outdoor Event Venue. The terms 'call for law enforcement service' and 'nuisance activity' are as defined in Chapter 9.28 of the Tehachapi City Municipal Code.
4. Given the history associated with the Jennifer's Terrace Outdoor Event Venue, this permit shall be subject to City Staff modification indefinitely. Any modification that may be required shall be undertaken in accordance with the Minor Use Permit process. The applicants shall be afforded the rights enumerated to them in the most current version of the Zoning Code in place at the time of the modification. A modification, initiated by the City, shall be at no cost (in terms of fees) to the applicant. The applicant shall have the right to request modifications to the permit at any time but is subject to all applicable fees.
5. Portable/temporary restroom facilities are prohibited.
6. The area currently enclosed that was formerly used as off-street parking shall not be used for parking beyond the temporary time needed to load and unload materials associated with a given event at the subject venue.
7. When alcohol is served in association with an event, licensed, private security shall be on-site for the duration of the event.
8. Events shall not be allowed to operate between 9:00 pm and 8:00 am. No event-related activities shall occur between 10:00 pm and 7:00 am.
9. A Staff member of Jennifer's Terrace Outdoor Event Venue, in the capacity of a manager, shall be present during the entire duration of each event.

Neighborhood Center (T4.5) Zone 3.20.070

Table 3.20.070 Land Use Standards

Category	Use	Permit	Pkg
Entertainment and Recreation	Adult Entertainment	-	-
	Cinema, Nightclub	-	-
	Health / Fitness <1,500 sq ft	P	1/500
	Indoor / Outdoor Recreation	-	-
	Live/Amplified Music <1,000 sq ft	MUP	1:6
Restaurant and Food	Meeting Facility	MUP	1:6
	Drive-Through	-	-
	Pub / Bar <1,000 sq ft	CUP	1/350
	Restaurant (may incl alcohol sales)	MUP	1:4
	Outdoor Dining	MUP (1)	0
Retail	Wine Tasting/Microbrewery <1,000 sq ft	MUP	1:4
	Alcohol Sales (off-site)	-	-
	Artisan / Craft MFG (w/ on-site sales), Art Gallery / Exhibition	P	1/500
	Retail <1,500 sq ft	P	max 1
	Retail 1,500 to 2,400 sq ft	MUP	1/500
Services	Retail > 2,400 sq ft	-	-
	Secondhand Stores	-	-
	Care Facility for the Elderly <7	P	1/4R
	Care Facility for the Elderly >7	P	1/4R
	Day Care: Adult Day	P	1/4R
	Day Care: Small House <7	P (1)	1/4R
	Day Care: Large House 7 to 14	MUP (1)	1/4R
	Day Care Center: >15	MUP (1)	1/4R
	Emergency Shelter	-	-
	Funeral Home	-	-
	Group home <7	P (1)	1/U
	Group home >7	-	-
	Hotel / Motel	-	-
	Inn (B&B) max 15 rooms	MUP (1)	1/3R
	Laundromat / Dry Cleaning	P	1/400
	Medical Services	P	1/400
	Personal Services	P	1/400
	Personal Services, Restricted	-	-
	Transitional and Supportive Housing	MUP	1/U
	Veterinary Clinic/ Indoor Boarding	MUP	1/400

Category	Use	Permit	Pkg
Office and Civic	Office or Civic, Library, General	P	1/400
	Government	P	1/400
	School, College, University	CUP	1:4
	Transit Station	MUP	0
Residential	Farmworker Housing	-	-
	Carriage House (Secondary Dwelling)	P	1/U
	Ground Floor	P (2)	1/U
	Home Occupation	P (1)	0
	Mobile Home Park / Subdivision	-	-
	Multi Family Residential	MUP	1.5/U
	Rooming and Boarding House	P	1/U
	Single Family Residential	P	2/U
Industrial	Single Room Occupancy	MUP	1/2Us
	Agriculture	P	0
	Manufacturing	-	-
	Power / Electrical Substation	-	-
	Reverse Vending Machine	P	0
Motor-Vehicle Related	Small Collection Facility	-	-
	Car Wash, Gas Station	-	-
	Recreational Vehicle Park	-	-
	Repair, commercial (motor vehicles)	-	-
	Repair, personal (motor vehicles)	P	0
Communications	Motor Vehicle Sales, Rentals	-	-
	Telecommunications Facilities	CUP (1)	0
Other	Broadcasting / Recording Studio	MUP	1/400
	Temporary Use	TUP (1)	0
	Nature	-	-
	Agriculture (see 8.10.070)	P	0
	Greenway (see 8.10.080)	P	0
	Green (see 8.10.090)	P	0
	Plaza (see 8.10.100)	P	0
	Square (see 8.10.110)	P	0
	Passage (see 8.10.120)	P	0
	Playground (see 8.10.130)	P	0
	Sportsfield	-	-
	Roof Garden (see 8.10.150)	P	0

Key

P	Permitted Use - Zoning Clearance Required.
MUP	Minor Use Permit Required. See 9.30.50.B
CUP	Conditional Use Permit Required. See 9.30.50.A
TUP	Temporary Use Permit Required. See 9.70
-	Use not allowed

(1)	See Article 6 'Specific to Uses'
(2)	Not within 75 ft of street corner
1/400	1 parking space required for each 400 sq ft of floor area
1/2R	1 parking space required for each 2 rooms
1:6	1 parking space required for each 6 students or seats
1/U	1 parking space required for each dwelling unit

Guy Williams

From: Guy Williams [guyjenny@sbcglobal.net]
Sent: Sunday, October 18, 2015 10:28 AM
To: 'Jay Schlosser'
Cc: 'Marcia Smith'; 'Roxanne Davis'; 'Dennis Mullins'; 'Guy Williams'; 'jennifer.williams@npbfg.com'
Subject: RE: Jennifer's Terrace MUP

Jay,

As you suspected, the conditions the staff has applied to the MUP do not reflect in any way what we had discussed in our meeting on 9/22/15. I would suggest we meet to rework the proposed conditions. What would be the point of sending notices to the neighborhood on an MUP we cannot operate with. If we do successfully amend the MUP, at the planning commission or city council, wouldn't we have to resend notices to the neighborhood anyway?

At this point please hold on sending notices while we make a decision on whether to cancel our MUP application or continue down this or another process. We will get back with you NLT Friday, 10/23/15 on our decision.

Thank you

Guy & Jennifer Willaims

From: Jay Schlosser [mailto:jschlosser@tehachapicityhall.com]
Sent: Thursday, October 15, 2015 5:20 PM
To: guyjenny@sbcglobal.net
Cc: Marcia Smith; Roxanne Davis; Jay Schlosser
Subject: Jennifer's Terrace MUP

Guy & Jennifer,

Thank you for applying for a Minor Use Permit as we discussed. For the record, the City has agreed to process this permit application at no cost to you because we believe this is a more appropriate governance tool than the current Conditional Use Permit you hold for the operation of Jennifer's Terrace that is set to expire on December 4, 2015.

As a minor note, I presented to you in our meeting on 9/22/15 Table 3.20.070 of the current zoning code and noted that your business fits under the category of "Live/Amplified Music <1,000 sq ft". Upon closer examination, we believe a more appropriate category is "Meeting Facility". This change has no bearing on the issue at hand and does not change the appropriateness of the MUP process. I simply wanted to point out this change so there is no confusion.

As we discussed, I am providing the attached Memorandum to you as a courtesy. This Memorandum captures City's Staff's position relative to granting Jennifer's Terrace a MUP. The next stage, which we intend to undertake next week, is to provide a notice regarding this potential MUP to each property owner and resident located within a 300 foot radius of the subject site. This notice will invite them to provide feedback to us regarding the proposed permit (you will receive a copy). The outcome of that outreach effort will determine the next step. If the City receives a complaint regarding the permit, the permit will be placed on the agenda for the next upcoming Planning Commission and staff will refer the decision as to whether to grant the permit to this body. If no complaints are received, staff will process the permit using the attached document.

I suspect you do not favor some of the conditions in the attached Memorandum. If complaints are received, you may argue against these conditions to the Planning Commission. If no complaints are received, you may request that staff refer this item to the Planning Commission for the purpose of allowing you an opportunity to present your opposing

position for consideration. You may also pay a fee to appeal the outcome of the Planning Commission action to the City Council.

Your most recent letter to the City dated 9/9/15 makes it clear that you do not believe the City has the power to act upon the conditions of the current CUP without some "due process". As I have stated in our meetings and per our currently adopted zoning code, the MUP process is appropriate for this issue and provides a documented procedure by which you may present your case to the duly elected officials of this community.

Thank you for your cooperation, please feel free to respond to me via email if you have questions or comments.

John (Jay) H. Schlosser, P.E.

Development Services Director

City of Tehachapi

Office: 661-822-2200 ext 115



TEHACHAPI

CALIFORNIA

Live Up.



-No noise recap
-No contact



TEHACHAPI POLICE DEPARTMENT

CAD INCIDENT REPORT
1508290061

09/03/2015

Location JENNIFER'S TERRACE, 413 S CURRY ST				Cross Streets W D ST/W C ST			City TEHACHAPI		
Incident Type 415M - PEACE DISTURBANCE MUSIC				Call Taker RITCHIE, KARRIE ANNE			Dispatcher LOPEZ, KATHERINE		
Date 08/29/2015	Priority 3	Primary Unit C18	Beat	Fire Zone	Area T	Map	Source TELEPHONE CALL		
Caller Name				Caller Address			Caller Phone		
Dispositions Checks Ok				Weapon		Alm Level	Case Number		
Vehicles				Associated Incidents					
Incident Times		Special Circumstances							
Received	20:41:50								
Created	20:42:56								
Dispatched	20:44:10	Persons	Sex	DOB	Race	DL			
En Route	20:44:53								
On Scene	20:46:42								
Closed	20:49:21								
Recd-Closed	07:31								
Unit Times	OFFICERS	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Enrt-On Scene	On Scene-Clear	Disp-Clear
C18	Adams, Michael P	20:44:10	20:44:10	20:46:42	20:49:21	02:32	02:32	02:39	05:11
Incident Comments									
TIME	#	EVENT						BY	
20:42:56	1	Incident initiated at Jennifer's Terrace, 413 S Curry St, Tehachapi						K. Ritchie	
20:44:10	2	C18 MCDISP. Jennifer's Terrace, 413 S Curry St, Tehachapi						K. Lopez	
20:44:53	3	C18 ENRT.						K. Lopez	
20:46:42	4	C18 10-97.						K. Lopez	
20:49:21	5	C18 10-8.						K. Lopez	
20:49:21	6	C18 there is no music and the voices are at a reasonable level. It appears they may be shutting down						K. Lopez	
	7								
20:49:22	8	C18 Closed - Disposition OK						K. Lopez	
21:23:41	9	CS4 CS4 SPOKE WITH GUY WILLIAMS. NOISE WAS NOT AT A LEVEL TO WARRANT ANY KIND OF WARNING OR CONTACT FOR THAT MATTER.						J. Dunham	
	10								
	11	NOISE WAS VERY MINIMAL, LOUDEST NOISE HEARD WERE WOMEN LAUGHING.							
	12								

- No Noise heard
- No Contact



TEHACHAPI POLICE DEPARTMENT

CAD INCIDENT REPORT

1508070063

09/03/2015

Location JENNIFER'S TERRACE, 413 S CURRY ST				Cross Streets WD ST/W C ST			City TEHACHAPI		
Incident Type 415M - PEACE DISTURBANCE MUSIC				Call Taker RICE, REBECCA			Dispatcher HAGGARD, BRANDI NICOLE		
Date 08/07/2015	Priority 3	Primary Unit CS4	Beat T	Fire Zone T	Area T	Map	Source TELEPHONE CALL		
Caller Name				Caller Address			Caller Phone		
Dispositions Quiet on Departure				Weapon		Alm Level	Case Number		
Vehicles				Associated Incidents					
Incident Times		Special Circumstances							
Received	20:17:41								
Created	20:18:37								
Dispatched	22:17:56								
En Route	22:18:00								
On Scene	22:26:25								
Closed	22:31:48								
Revd-Closed	2:14:07								
Unit Times OFFICERS		Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Enrt-On Scene	On Scene-Clear	Disp-Clear
CS4	Dunham, Jason P	22:17:56	22:17:56	22:26:25	22:31:48	08:29	08:29	05:23	13:52

Incident Comments
-loud music

TIME	#	EVENT	BY
20:18:37	1	Incident initiated at Jennifer's Terrace, 413 S Curry St, Tehachapi	R. Rice
20:24:53	2	CS4 CS4 WILL MAKE CONTACT WITH JENNIFERS TERRACE AND R/P	J. Dunham
	3	AFTER PROATION SEARCH.	
22:17:56	4	CS4 MCDISP. Jennifer's Terrace, 413 S Curry St, Tehachapi	B. Haggard
22:18:00	5	CS4 ENRT.	B. Haggard
22:26:25	6	CS4 10-97. Jennifer's Terrace, 413 S Curry St, Tehachapi	J. Dunham
22:31:08	7	CS4 UNITS DELAYED WITH OTHER PRIORITY CALLS. NO NOISE HEARD	J. Dunham
	8	WHEN CS4 WENT 10-97. CS4 CONTACTED [REDACTED] 10-21 AND	
	9	ADVISED OF THE DELAY. [REDACTED] ED HE WAS LISTENING TO	
	10	THE POLICE SCANNER AND HEARD THE OTHER PRIORITY TRAFFIC [REDACTED]	
	11	[REDACTED] ANTIED THE ISSUE DOCUMENTED.	
22:31:48	12	CS4 10-8. Disposition: QD	J. Dunham
22:31:49	13	CS4 Closed - Disposition QD	J. Dunham



Sign & Support

10-21-15

We would appreciate your signature as a sign of continued support for

Jennifer's Terrace as together we continue to contribute to our valued community.

If you're interested in receiving information on upcoming events at the Terrace, please provide your email address below.

Name	Signature	Address	Phone #	Email
Jason Lene		222 pine ct	378-8601	
Lisa Hardenbrook		128 W D ST	331-2047	
Donna Anderson		21701 Indian Wells	477-9330	
Sherrie Leuboth		19672 Iris Way	(323) 472-5242	
JIM WALLACE		21920 Lucy CT	661 343-0933	
FRANCES MATHIS		219 West c st	461-221-1919	
MARIA Lopez		219 West c st	461-221-903	
Y DURKOW		7401 BIRCH ROSMOND	917-0428	
JOHN DURKOW		7901 Birch ROSMOND	917-8359	
Gary Wikox		420 S Green ST Tul.	345-5170	



10-21-15

Sign & Support

We would appreciate your signature as a sign of continued support for Jennifer's Terrace as together we continue to contribute to our valued community. If you're interested in receiving information on upcoming events at the Terrace, please provide your email address below.

Name	Signature	Address	Phone #	Email
Marge Harnet	Marge Green	You know	You know	N/A
Pat D	Clendenin	You know	"	"
Claudia	Daddy	You know	"	"
Nick	Wise	"	"	"
Norm	Smith	You know	"	"
Dave	Clendenin	You know	"	"
Mimi	Pat's Husband	"	"	"
Todd Hurst	Mimi	"	"	"
Lucie Marie Hoeweger	Todd Hurst	You know	"	"
Ruth Boetel	Lucie Marie Hoeweger	20775 Old Town Rd	661-822-5379	murtie@bak.or.ca
Lilla Jones	Ruth Boetel	22425 McCarthy Dr Tehechapi	661-823-8788	
	Lilla Jones	128 W.O. St	661-717-2898	

10-20-15



Sign & Support

We would appreciate your signature as a sign of continued support for Jennifer's Terrace as together we continue to contribute to our valued community.

If you're interested in receiving information on upcoming events at the Terrace, please provide your email address below.

Name	Signature	Address	Phone #	Email
Annella Griffin	Annella Griffin	227 W C St	822 5659	
Maria Lopez	Maria Lopez	219 West C St.	661-221-1903 221-1917	
Frances Macon	Frances Macon	219 West C St.	Same	
Dorothy Gillies	Dorothy Gillies	503 Curry St.	822-4960	
Rick Gillies	Richard F. Gillies	503 Curry St	2-4960	
Dale Martin	Dale Martin	401 Almond Ct.	805-748-5813	
Bonnie Arsenault	Bonnie Arsenault	404 Almond Ct	(720)324-0162	
Mo Martin	Mo Martin	272 West "D" St.	805-459-9920	
Lillian Jones	Lillian Jones	128 W. D St	661- 7172895	
isa Hardenbrook	isa Hardenbrook	128 W. D St	661- 331-2047	
LOIS ROGERS	Lois Rogers	120 W. D St	661 822 3330	
Karen Keller	Karen Keller	1304 Fair Oak Dr	661 822-7519	At Garden Judy

January 26, 2016

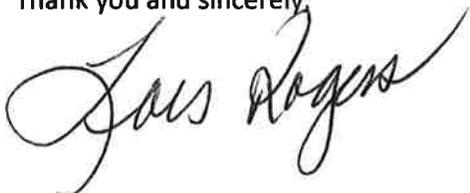
City of Tehachapi
117 South Robinson Street
Tehachapi, CA 93561

To Whom It May Concern:

My name is Lois Rogers and I live at 120 D Street, Tehachapi, CA. I have resided here for over 15 years. I am a close neighbor to Jennifer's Terrace. I would like to state that I never hear any offensive music from Jennifer's Terrace and I have never had any problems with Jennifer's Terrace. Over the last few months, someone talked to me and questioned if I had any problems with Jennifer's Terrace, also asking me if I feel the music is too loud. My answer to him was I hardly ever hear it and if and when I do, it's beautiful, it's definitely not repulsive music. I was curious after his questioning me of what's the real reason the City is trying to stop Jennifer's Terrace? What is the city's alternative motive for the harassment of Jennifer's Terrace? Jennifer has complied with all the CUP changes and you still want more?

If we are talking about noise... lets address the police sirens, the firetruck sirens, and ambulance sirens headed to the hospital throughout the night.

Thank you and sincerely,

A handwritten signature in cursive script that reads "Lois Rogers". The signature is written in black ink and is positioned above the printed name.

Lois Rogers

To Whom It May Concern,

As the President of the Kern County Bridal Association-Tehachapi Chapter, I would like to share the following information/stats based off our vendor member's records and our registered brides. The following statistics can also be verified at- theknot.com or theweddingreport.com

The wedding industry is a thriving industry and is a great contributing factor to the economic growth in Tehachapi for many reasons:

- Brings guests/new visitors to local hotels
- Guests are filling up at local gas stations
- Frequenting local businesses, food & shopping
- Frequenting wineries, museums, movies, entertainment locally

Weddings and events hosted locally also provide jobs for other local business to include:

Venues
Catering
Bakeries
Photographers
Videographers
Musicians
Event planners
Florists
Dress shops
Rental companies
Photo booth companies
Disk jockeys
Bartenders
Invitations/stationary
Jewelry
Restaurants
Marriage License

These are just some of the local businesses that can contribute to our local economy, build their businesses, all while also providing jobs locally. All this is possible from just one event.

Tehachapi has some very beautiful venues that have become a popular destination for brides to plan their big day. Tehachapi is appealing due to our lovely 4 seasons, friendly businesses and the ability to provide a "destination wedding" to surrounding cities with an average travel time of only 45mins-1 hour for their guests. The statistics for 2014

support the contributing economic factors to Tehachapi; from weddings and receptions alone, not including other special events that venues host.

Venues are most important as this is what a bride will typically book first. Tehachapi offers some very beautiful options located within the city and county areas.

-The Wedding Industry is a **\$53.4 billion industry**

-Average Wedding cost (Tehachapi): **\$23,000-\$39,000.00** (excluding honeymoon)

-Each wedding guest is an expense to bride: **\$164.00-\$200.00**

- Number of wedding guests: **136 average**

-Value of each out of town guest: **\$250-\$560.00 aprox-** based on Tehachapi events 2014 (Hotel, gas, dining)

-One event/wedding alone can bring **\$34,000-\$76,160+** to Tehachapi businesses (depending on number of guests and out of town guests)

Currently the wedding season is most popular **from March-October** in Tehachapi, CA. There are some winter weddings, yet they are limited due to indoor venue space locally.

I bring up these facts and information to support what I feel is a reasonable request by Jennifer's Terrace- extension of event times to be completed on weekends in accordance with a "noise ordinance" that they were recently told about. Limiting a prominent venue that brings revenue to our town and local business seems unjust as there seems to be no documented problems or complaints by surrounding residents or business'. Limiting the hours of a venue can be very detrimental to the success of a business when most receptions and events run past 9:00p.m. It can easily cause a venue to lose a significant amount of business.

I can personally say I have most recently witnessed a bride that was referred to me for wedding planning through the Kern County bridal Association, decide not to book with Jennifer's Terrace specifically due to the fact they would have to end their event by 8:30pm due to the city's new ordinance. She was very disappointed and was planning a wedding ceremony and reception with the budget of \$25,000.00. This bride chose to move her wedding to Paso Robles. This happens quite often for our local venues in Tehachapi. I feel these venues have historically been run by professionals and have had no problems to report of in regards to hosting events, so why are we limiting them and turning away business for our town's economy?

I myself have hosted events for our association at Jennifer's Terrace and the response has been very positive. We have had no complaints from surrounding residents or business'. I would think based on Tehachapi City meetings, Chamber meetings, and EDC meetings

that I have attended, we are all for boosting our local economy and supporting our local business'

I hope this local business can get the support needed and be treated fairly going forward as Jennifer's Terrace promotes other local business of Tehachapi. This affects everyone.

Allowing a venue to operate until 10:00 p.m. is a more than reasonable request and would allow more events to be booked. (Most events go past 9pm)

If any other information is needed from me, please feel free to contact me. I support this venue as they represent other local venues as well.

Sincerely,

Lindsay C. Coleman
President
Tehachapi Chapter
Kern County Bridal Association
661-809-5169
Lindsay@kcba.us



JENNIFER WILLIAMS



In Grateful Appreciation
For Your Hard Work and Support
of the Tehachapi Society of Pilots
Fund Raisers

PRESIDENT'S
AWARD

January 2016

2016
Small Business of the Year
Jennifer's Terrace



*FOR YOUR MANY YEARS OF
SERVICE TO
THE TEHACHAPI COMMUNITY*



TEHACHAPI
NEWS



GREATER TEHACHAPI
CHAMBER of COMMERCE



*Certificate of Special
Congressional Recognition*

Presented to
The Greater Tehachapi Chamber of Commerce
Jennifer's Terrace, Honoree
~2016 Small Business of the Year Award~

*in recognition of outstanding and invaluable
service to the community.*

January 23, 2016

DATE

A handwritten signature in black ink that reads "Kevin M. McCarthy". The signature is written in a cursive style with a prominent "K" and "M".

KEVIN MCCARTHY
MEMBER OF CONGRESS

KERN COUNTY SUPERVISOR ZACK SCRIVNER

Certificate of

RECOGNITION

Presented to

JENNIFER'S TERRACE

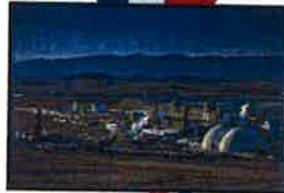
In Recognition of Being Named
2016 Small Business of the Year by

The Greater Tehachapi
Chamber of Commerce

January 23, 2016



ZACK SCRIVNER, Supervisor - Second District



T E H A C H A P I C I T Y

Council



CERTIFICATE OF RECOGNITION

**JENNIFER'S TERRACE
2015 SMALL BUSINESS OF THE YEAR**

WHEREAS, Jennifer's Terrace has been named the 2015 Tehachapi Small Business of the Year by the Greater Tehachapi Chamber of Commerce and the Tehachapi News; and

WHEREAS, Guy and Jennifer Williams are the proud owners and operators of Jennifer's Terrace since 2007; and

WHEREAS, Jennifer's Terrace has been recognized for providing an ideal special occasion event venue for community events such as weddings; reunions, anniversaries, seminars and more; and

WHEREAS, in addition to providing a great service to her customers, Jennifer Williams receives the honor for her generous contributions to the community and its many service organizations; and

NOW, THEREFORE, I, **Kim Nixon**, Mayor Pro Tem of the City of Tehachapi, hereby recognize Jennifer's Terrace for their efforts in providing a quality service for the community of Tehachapi.



Dated this 23rd day
of January, 2016

TEHACHAPI CITY COUNCIL

Kim E. Nixon
KIM NIXON, Mayor Pro Tem

S T A T E O F C A L I F O R N I A

Senate

CERTIFICATE OF RECOGNITION

Jennifer's Terrace

*On behalf of the California State Senate, it is my pleasure to congratulate
you on being given the*

2016 Small Business of the Year Award
by the

Greater Tehachapi Chamber of Commerce

Please accept my sincere congratulations and best wishes.

Friday, January 23, 2016



Jean Fuller, Senator 16th District

CALIFORNIA LEGISLATURE

Assembly

CERTIFICATE OF RECOGNITION

Jennifer's Terrace
Tehachapi Chamber of Commerce
2016 Small Business of the Year

I wish to extend my sincere congratulations for being awarded 2016 Man of the Year by the Tehachapi Chamber of Commerce. Your outstanding leadership and service in the community will continue to make Tehachapi a special place to live and work.

Dated the 23rd of January
Two Thousand and Sixteen



A handwritten signature in blue ink, appearing to read "Shannon Grove".

Assemblywoman Shannon Grove



R E S O L U T I O N

Presented to

Jennifer's Terrace
Small Business of the Year
TEHACHAPI CHAMBER OF
COMMERCE

I wish you continued success

January 23rd, 2016

A handwritten signature in blue ink, appearing to read "G. Runner", written over a horizontal line.

Sen. George Runner, Member, First District



October 19, 2015

Re: Business of the Year 2016
The Greater Tehachapi Chamber of Commerce

To Whom it May Concern,

I would like to nominate Jennifer's Terrace for the special designation of *Tehachapi's Small Business of the Year 2016*. There are so many ways that I feel the Terrace has made downtown Tehachapi a better place to work and play.

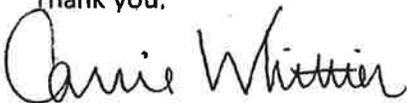
In addition to providing a gorgeous, outdoor location for weddings, anniversaries and high school reunions (I've attended more than a couple of those aforementioned weddings and reunions), Jennifer Williams has generously donated the terrace venue to multiple non-profit organizations that I belong to, support and/or have volunteered with – including the TCT, Houchin's Blood Bank, AAUW and Rotary Club International.

In addition to the extra commerce many of the Terrace's events bring to our downtown restaurants, caterers, hotels and storefronts, the garden itself has helped to transform one of Tehachapi's busiest streets – Curry Street – into one of its most attractive.

Before Ms. Williams bought and restored the historic home that is now her office – and created the beautifully landscaped terrace, Curry was sort of a blight – mostly filled with dilapidated older homes and floundering businesses. Now, it seems like every week brings new improvements to the homes and businesses that line Curry Street, and I truly believe that Jennifer's Terrace is part of the inspiration for that transformation.

Please consider my nomination of Jennifer's Terrace for this year's (2016) Business of the Year.

Thank you.



Carrie Whittier
A Tehachapi Resident since 1984
24140 Rowel Court
661-821-0676

To: Greater Tehachapi Chamber of Commerce, Tehachapi Business of the Year 2016

PO Box 401

Tehachapi, CA 93581

Subject: Nomination of Jennifer's Terrace for business of the year!

The Tehachapi Society of Pilots nominates Jennifer's Terrace as the small business of the year for their outstanding support of local charitable organizations.

The Tehachapi Society of Pilots (TSP) is a local non-profit that promotes the airport and aviation in the community. We annually offer scholarships to high school students in the local community that are pursuing aviation or aerospace related careers. About two years ago the TSP treasury was very low and we were threatened with the probability of terminating our scholarship program. Jennifer's Terrace suggested holding a fund raiser event for the TSP to raise funds for the scholarships and offered to donate the use of the terrace for our event. We had no experience conducting a fund raiser and the terrace volunteered to offer their assistance. For the TSP event, their expertise included; marketing the event, organizing/orchestrating logistics, soliciting donors, set up, arranging live music, assisting with dining, and conducting auctions for donated items.

We have held very successful fundraisers at the terrace for the last two years, replenishing our treasury and this year we were able to offer three scholarships to local students as they pursue careers in Science Technology Engineering and Math (STEM). Much of this success story is attributable to Jennifer's Terrace. They reach out to charities, are willing to donate the use of the terrace for non-profits, and offer their expertise in making events successful!

Jennifer's Terrace is providing a tremendous service to the Tehachapi community. They are assisting charities such as the TSP to be successful in their fund raiser efforts. This generosity directly results in assisting the young adults in our community as they pursue education for their career ambitions! The Tehachapi Society of Pilots gives the highest recommendation for Jennifer's Terrace as small business of the year. This business is a tremendous asset to our community.



Robert Meyer

President, Tehachapi Society of Pilots

PO Box 2212

Tehachapi, CA 93561

20775 Old Town Road
Tehachapi, CA 93561-8832
murtzie@bak.rr.com
November 18, 2015

To Whom It May Concern:

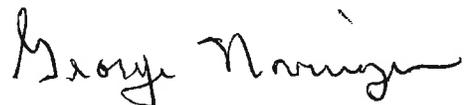
We are nominating Jennifer's Terrace for Small Business of the Year. We feel that this successful business really deserves this honor due to their many community activities as you can see on the attached page.

The owner Jennifer Williams is very community minded, gracious, and happy to share her beautiful facility with community organizations that are trying to raise funds for good causes. We have attended many of them and have always been impressed with the environment and the smooth operation of the event. Her employees are also most effective and make every one feel welcome. Jennifer's sons also assist on occasion, adding to the festive atmosphere of the event.

Another positive thing Jennifer does is to write a wise business column in each issue of the LOOP newspaper. This column is most helpful for our citizens.

We enthusiastically recommend Jennifer's Terrace for this honor.

Sincerely,



Anne Marie and George Novinger

November 8, 2015

Greater Tehachapi Chamber of Commerce,

Dear Sirs;

I wish to nominate Jennifer's Terrace for Business of the year 2016. Jennifer's Terrace is a true asset for Tehachapi. Not only are they providing a place for all occasions they do it beautifully. It has hosted many events both private and community sponsored. In doing so they also highlight other businesses of the area. They have proved to be a huge benefit to the community.

I personally have attended functions at Jennifer's and have found them to be thorough in the planning and preparation all the while providing a warm and welcoming atmosphere. It is a lovely showcase and an example to all of what can be done to enhance the reputation of Tehachapi, and to attract others who may be thinking of starting or re-locating to the area.

Sincerely,


JoAnn Centeno

As a local resident of Tehachapi, I most certainly appreciate a business that participates in the survival and improvements of our community.

We're all friends and neighbors in this great Tehachapi community and nominating "Jennifer Serrano" is a privilege.

Jennifer's organization has had so many beautiful Weddings, birthdays and reunions in the gorgeous Serrano Garden. She has also had business meetings for local business as well as Chamber gatherings. Jennifer has gone so far as to support our Rodeo, theatre groups, fundraises and a number of times during the year she has even seen time to have a few neighbor gatherings just to talk and meet friends.

I could go further, but I think just a few of her generous contributions to our Community is worthy of being:

"Business of the Year 2014"

Dave Rogers

To Whom this concerns :

I nominate Jennifers Terrace for Tehachapi Business of the year 2016. This business has fulfilled the criteria listed to be worthy of recognition. In their seven years of operation they have served the community with a venue perfect for fundraisers, charity events and celebrations. The events at Jennifers Terrace bring business to local restaurants, caterers, downtown shops and hotels. They have also donated their facility to many non-profit organizations for fundraisers and award ceremonies. Jennifers Terrace has been a positive and rewarding fixture to the community of Tehachapi. My husband and I live behind this facility and always enjoy hearing the laughter and music of celebration when there is a gathering.

Lisa Williams

513 Pauley Street
Tehachapi, CA 93561

T 661 822-4848

swilli8409@sbcglobal.net

November 3, 2015

Business of the Year 2016
Greater Tehachapi Chamber of Commerce
PO Box 401
Tehachapi, CA 93581

To Whom it May Concern:

The purpose of this letter is to nominate Jennifer's Terrace as Small Business of the Year 2016.

Jennifer's Terrace is hands down the most beautiful venue in town to host an event. I have attended and coordinated a wedding there and must compliment the staff for their professionalism. The staff saw to our every need as well as making suggestions that we found to be extremely helpful. Each time an event takes place at the Terrace it brings business to local hotels, restaurants, shops, and caterers, which has a positive impact to our community.

Jennifer's Terrace has also donated the use of their English Garden to host numerous events for Tehachapi's non-profit organizations. I attended the Houchin Blood Bank Thank You Dinner at the Terrace and I am always impressed by the well maintained gardens and generosity of the competent staff.

These are just a few of my personal experiences with Jennifer's Terrace and the reasons I have nominated them for Small Business of the Year 2016.

Sincerely yours,



Lisa Williams

528 Anita Drive
Tehachapi, CA 93561
November 4, 2015

GREATER TEHACHAPI
CHAMBER OF COMMERCE
P. O. Box 401
Tehachapi, CA 93581

To Whom It Concerns:

I am writing to recommend JENNIFER'S TERRACE for the Tehachapi Small Business of the Year. We have been clients of Jennifer's for about 15 years. During that time, she has always been professional, sincere, and honest. We value her services greatly and trust her completely.

In addition to the wonderful service that she provides, she also is a caring, contributing member of our community. She has donated her lovely terrace for numerous events, and shares her talents and services as needed.

Sincerely,

A handwritten signature in cursive script that reads "Lora Minton". The signature is written in black ink and is positioned below the word "Sincerely,".

Lora Minton

Nov. 4, 2015

I would like to nominate Jennifer's Terrace as a small business of the year award for 2016. It is a beautiful place to hold many events such as weddings and birthdays, as well as other celebrations. More importantly Jennifer's Terrace has donated its facilities to many non-profit organizations for annual fund-raisers and award ceremonies. Some examples are Rotary Club, Salvation Army, Joy for Jots, and Society of Pilots Scholarship and many others.

Jennifer's Terrace is most deserving of receiving this special award.

Sincerely,
Marilyn King

November 08, 2015

Tehachapi Chamber of Commerce
P.O. Box 401
Tehachapi, CA 93581

Dear Chamber,

Enclosed is my nomination of Jennifer's Terrace for Tehachapi Business of the Year 2016. Jennifer's Terrace has contributed to the community through their volunteer efforts, continuous involvement and support of charitable and non-profit organizations. They have improved the economic climate and the overall beautification of Tehachapi. What an amazing venue!

Consistently over the last 8 years they have hosted:

Celebrations of Life; Weddings; Multiple Tehachapi High School reunions; Birthday celebrations; Chamber mixers; Kern County Bridal Fair mixers; Community Theater's BEEKAY awards nights; Blood Bank Thank You dinners; Fundraisers; Rodeo events; AAUW Luncheons; the Rotary Club; Holiday non-profit fundraisers and much more.

They have contributed so much to the Tehachapi community that they absolutely deserve this award. Jennifer's Terrace, the 2016 Tehachapi Business of the Year!

Warm regards,



Jan Garrett
Prescott Valley, AZ 86314



05 November 2016

To whom it may concern:

We would like to Nominate
Jennifer Williams Financial Advisor and
Jennifer's Terrace for the Small business
award.

They, the whole office, have always treated
us with kindness and respect, even when
we have, what we consider, silly questions.

The Terrace is a place of ~~quite~~ quiet
beauty and peace.

We have attended quite a few events
at this venue and always have enjoyed
ourselves.

Thank you for your kind
attention,

Chuck and Betty
Okung



THINGS TO DO

DATE 10-25-2015

TODAY

- 1. To whom it MAY CONCER
- 2. my name is Frances I live
- 3. right behind Jennifer's Terrance
- 4. my Nices got married two
- 5. month ago lots of Family
- 6. came from out of State
- 7. and they love it and had
- 8. a good time.
- 9. I believe they try hard
- 10. to make everybody happy
- 11. For a small business I
- 12. hope they win the year
- 13. award
- 14.
- 15. your truly
- 16.
- 17. Frances
- 18. 214 west e St.
- 19.
- 20.
- 21.
- 22.



To place an order call:

TEHACHAPI
(805) 822-6760
20346 Valley Blvd.

PALMDALE
(805) 723-9488
41765 12th St. West, Ste. E



THINGS TO DO

DATE 10-25-2015

TODAY

- 1. Hello! my Name is maria
- 2. Lopez I live at 219 west
- 3. c st. what I love about
- 4. Jennifer's Terrace is that
- 5. when there hosting an event
- 6. I sit on my porch and
- 7. Listen to the music and
- 8. I joy it every much no
- 9. matter what they play,
- 10. it make my day and make
- 11. me very happy I hope
- 12. they win the year award
- 13.
- 14. I Thank you very much
- 15.
- 16. Maria Lopez
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.



To place an order call:

TEHACHAPI
(805) 822-6760
20346 Valley Blvd.

PALMDALE
(805) 723-9488
41765 12th St. West, Ste. E



To Whom it May Concern:

This letter is to give my vote for Tehachapi Business of the Year 2016 to Jennifer's Terrace.

The non-profit Tehachapi Society of Pilots has held 2-fund raiser at this venue. Mrs. Williams has been the best in helping us organize the events and venue its self is perfect.

Having this venue so locally in town is an enormous help with group gatherings. It is local to everyone and convenient.

I would recommend Jennifer's Terrace to anyone, club or group. The place is suited to large and small groups.

**Thank you
Sally Melvill**

A handwritten signature in black ink that reads "Sally Melvill". The signature is written in a cursive style with a long, horizontal flourish underneath the name.

I'm nominating the Company
"Jennifer's Terrace" for
many reasons -

1. It is so beautiful
2. The employees give 100% to the venue.
3. There's so many options to chose from.

4. They consider any requests you may have

5. Very accommodating as each situation is different.

6. They give back to the community by holding many functions to benefit our area.

Nov 4, 2015

Dear Commerce

We would vote for Jennifer's Financial Services and Jennifer's Terrace. This company has given more to this community than any other company. They celebrate and decorate for every occasion that there is during the year. Not only her help and guidance for people who need financial help, but to celebrate all business in the community. For example, Rotary, Salvation Army, Beekay Theatre Awards night, Toys for Tots, Celebration of life, Pilots Scholarship Fundraiser. Weddings, birthdays and so many more events. The company is always working to help the community to fundraise, make people happy and help with the older generation and younger generation make wise decision with their finances. Jennifer and her husband Guy Williams are very generous people and it is very much appreciated by the community.

Thank you

Teri + Doris Ibrao

11/10/12
PALMDALE CA.

TEHACHAPI CHAMBER OF COMMERCE

JENNIFER WILLIAMS HAS DONE A OUTSTANDING JOB WITH THE OPENING OF ENGLISH GARDENS GATES. ALL THE TEHACHAPI FUNDRAISERS, CHARITY EVENTS AND CELEBRATIONS.

SHE HAS DONE A GREAT JOB FOR THE CITY OF TEHACHAPI WITH FUNDRAISERS AND CEREMONIES.

I FEEL SHE HAS DONE HER PART TO GIVE BACK TO THE COMMUNITY.

SINCERELY,

GARY R HERMAN
37740 RUDALL AVE.
PALMDALE CA. 93550

Recommendation for Jennifer's Terrace as Small Business of the Year:

Jennifer's facility is an excellent location for weddings, celebrations, mixers, and fundraisers. For two years the Tehachapi Society of Pilots has conducted fundraisers for High School Scholarships. The events were very successful, and the best part was how well Jennifer's coordinated and decorated them. Jennifer's has developed relationships with several businesses who donate their time and resources to make fundraisers financially profitable. Jennifer's Terrace deserves recognition as an outstanding business...



James Wilhelm
Tehachapi Society of Pilots Newsletter Editor/Publisher
November 12, 2015

Mr & Mrs Charles R Smith

11/14/15

For the past six years, Jennifer's Terrace has donated their facility to numerous non-profit organizations for fundraisers and award ceremonies!

We feel that this strong record of giving should be rewarded by considering Jennifer's Terrace for Small Business of the Year. Sincerely:

Chuck & Donna Smith



Have you been to Jennifer's Terrace? If you haven't, I recommend you check it out.

Jennifer's Terrace is a beautiful place. I rented this facility in 2012 for my 10 year high school reunion. Since then I have moved back to Tehachapi and applied to Jennifer's Terrace as a Marketing & Event Coordinator. Lucky for me... I got hired!

Working alongside Sandy Williamson and Jennifer Williams has been a blessing. I have never worked with such wonderful women. Jennifer is a joy to work for. Jennifer is so professional, organized and considerate. Sandy brings a special kind of light to every day I work with her. The radiance she brings to The Terrace is something special and recognized by many. She is a fantastic role model for me, and I feel so very happy to learn from her.

Jennifer really cares about her community and causes that are close to her clients, neighbors and community members hearts. She donates her venue for multiple events throughout the year including the Tehachapi Society of Pilots scholarship fundraiser, which I proudly got to be a part of this year. This event raised money for scholarships for local students. Jennifer's Terrace also sponsors many other fundraisers (Relay for life) and gives to local charities. Jennifer's Terrace is the first to "raise their hand" to help, donate, or sponsor local causes.

Jennifer strives to make her employees, her clients and her community feel cared about. That is what I love most about Jennifer. The wonderful staff, the positive environment and the fantastic events... That's what makes Jennifer's Terrace special.

Sandy really puts her heart and soul into each event held at Jennifer's Terrace and it really shows. From a bride's big day, birthdays, office events, celebrations of life and fundraisers, every detail is carefully planned by the Terrace team. We love and respect our community as well as our neighbors and are proud to be a part of what makes Tehachapi great. I am so very, very proud and humbled to be a part of such a fantastic team.

I proudly nominate Jennifer's Terrace as Small Business of the Year 2016!

Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "K. Chavez" followed by a horizontal flourish.

Kristie Chavez

Save Jennifer's Terrace



Bottom Line Up Front (BLUF)

- Jennifer's Terrace has operated for 6 years without any known issues. Noise Issues communicated through City Manager began in 2014.
- City required Conditional use Permit(CUP) allowing amplified sound and an investment of over \$50K in improvements for 2015. CUP provided no guidance for an objective way to manage sound.
- Held 28 events since CUP in effect , 23 April, with NO sound issues. Only 2 calls made to police dept., Which they determined was not an issue. Never contacted by police just city manager.
- City required MUP process for 2016. After closed door session with City Council, city changed conditions from CUP to NO AMPLIFIED MUSIC. No Music, No Weddings. Unreasonable and Unwarranted!
- All evidence points to all issues coming from political pull from city council member with city manager
- Help us save Tehachapi's PEOPLE'S CHOICE for "Small Business of the Year" and restore proven sound conditions with objective measures

Value of Jennifer's Terrace

- Beautiful English Garden, Jewel of Downtown Tehachapi
- Voted number one place to be married in Tehachapi 2014 (Tehachapi Lifestyle)
- Great economic benefit to Tehachapi Businesses (Hotels, Catering, Bakeries, photographers, musicians, event planners, restaurants, ...)
- The economic benefit to Tehachapi that Jennifer's Terrace has already realized since opening is \$3M-\$6.5M (based on statistics from Kern County Bridal Association and City)
- Jennifer's Terrace awarded "Small Business of the Year 2016" Recognized and supported by:
 - Tehachapi community at large who voted for it
 - Bob Meyer , President TSP
 - Mike & Sally Melvill
 - Tim Trujillo, Past President Tehachapi Rotary
 - George & Anne Marie Novinger
 - Frances Macial & Maria Lopez
 - Pastor John Wold - Summit Christian Church
 - Lindsay Coleman-President Kern County Bridal Association

Is there really a noise issue at Jennifer's Terrace with the immediate neighborhood? How would you know?

- In 2014 & 2015 we personally knocked on all neighbors doors to see if there were any issues at all with Jennifer's Terrace. We gave them both my personal cell number, as well as my manager to ensure we addressed any concerns of theirs. Not only did all our neighbors tell us there were no issues, they all really appreciated what the terrace has done for the neighborhood and the city. Further, we received NO CALLS from neighbors with any issues for the 2014 & 2015 season (64 events)
- We received 40 signatures of support from our neighbors during our "Give back to the Neighborhood" event on 20 October 15 and the Fall Open House on 21 October 15
- The city stated they sent 35 letters to our neighborhood defined as a 300 ft radius, requesting any issue of significance with Jennifer's Terrace use of sound system, DJ's, acoustic live music. They received NO OPPOSITION from the neighborhood

2015 Events

- First event (18 April) of 2015 started off on wrong foot
 - Given verbal indirectly from the city OK to hold event even though COO was not signed. CUP was not in effect
 - Terrace Staff not fully trained for CUP
 - City manager called, Music turned down, event allowed to complete .
 - All conditions met and CUP in place by 23 April 15
- Remaining 28 events were held with aggressively and objectively measuring sound to stay below 75 decibels. This is in line with Tehachapi's General Plan
- Very Successful 2015 season with NO SOUND ISSUES. According to police records two calls were made on 8/7/15 and 8/29/15. Both reported no issue with sound and we were never contacted by police
- In all 8 years of operation, Jennifer's Terrace has never been cited for disturbing the peace or any noise related issue.

City's Unusual Behavior

- Appears all calls regarding Jennifer's Terrace go to city manager instead of following the normal line of communication requiring police intervention
- City Manger personally calls me on 29 August stating the Terrace is out of control, several complaints , police have been there twice. I speak with event manager , no contact with police. I speak with Sgt Dunham who states "Noise was not at a level to warrant any kind of warning or contact for that matter. Noise was very minimal, loudest noise were two women laughing " Only one call was made. Several witnesses told us the Parks and Rec. facility just down D street was very loud (10 times louder than the terrace said a police officer)
- Received threatening and demeaning (31 August)letter from city regarding 29 August event. They will no longer discuss this noise issue and will revoke business license with one more call (meritorious or not)
- Police chief shuts down music by order of City manager(one soloist) during the Kern County Bridal Association business meeting from 5 -7:30PM (Damaging to Terrace) not because of any neighbor complaint , but because City Council was holding a meeting at Police station and our timing was unfortunate. (8 September) Council Member Witness stated it wasn't too LOUD.
- Sent city reply on 9 September Jennifer's Terrace letter pointing out several misstatements, their violation of the CUP, and not following due process requirements.
- Only then did they want to meet with us and have us re-apply for Minor Use Permit (MUP)

MUP

- City required MUP process for 2016. After closed door session with City Council, city changed conditions from CUP to NO AMPLIFIED SOUND. No music, No Weddings. Unreasonable and Unwarranted!
- Provided city with reasonable and objective conditions for our MUP that would enable us to manage sound objectively to a given decibel level at defined locations on property. Decibel levels that meet the guidelines within the General Plan . City rejects without providing any reasons
- Five opposition letters are received by city that clearly have Councilman Phil Smith's fingerprints all over them. (wife, mother in law, next door neighbor..)
 - Once city realized Phil Smith not in defined neighborhood expanded MUP notice to public at large (not originally stated in city 15 October email)
 - All opposition outside of the city's solicited neighborhood
 - We spoke with 91 year old mother in law on 13 October and she stated "Jennifer's Terrace was a beautiful place and the music never bothered her"
 - One neighbor moved away in June 2014, (never around during CUP managed Terrace)
 - City Councilman Smith tried to solicit neighbors against Jennifer's Terrace but failed
 - Neighbor Witness

Zoning

- C1-Neighborhood/Commercial District (18.30)
 - Allowed to operate from 2008-2014 without a use permit or any restrictions on sound or time of operation. We closed always by 10 pm (in line with General Plan)
 - We believe our use is grandfathered in, so the new downzoning and MUP requirement should not apply to us
- T 4.5-Neighborhood Center
 - New zoning took place in late 2014
 - Allows Live/Amplified music with MUP (the city defined us this way at first and later decided to change it to meeting facility without our consent)

Managing Sound

- How do most cities/counties manage sound?
 - The only objective way to manage sound is by using a decibel meter and measuring the decibels from a fixed location.
 - Majority of cities and counties do it this way:
- Example: JOHNSON CITY
 - 11-503. Maximum permitted sound levels in residential zones.
 - 3) The following standards shall govern the allowable noise levels in any residential zoning district.
 - (a) Nighttime - 55 dBA between 11:00 PM and 7:00 AM.(b) Daytime - 75 dBA between 7:00 AM and 11:00 PM. (Ord. #3251, Oct. 1994, as amended by Ord. #3600, July 1998)

Managing Sound

- How do most cities/counties manage sound?
 - Example: Tehachapi's Dorner Family Vineyard Wedding Venue i CUP

The use of a public address system and amplified sound system shall be permitted but the applicant shall be subject to the noise standards contained in the Greater Tehachapi Area Specific and Community Plan. All amplified music and any other entertainment shall end promptly at 11:00 pm. The use shall not generate noise that exceeds an average 65 dB Ldn (24 hour median) between 7:00 am and 11:00 p.m. Noise level measurements shall be taken at the exterior of property line nearest to any residential home with sound level meter using an A-weighted network (scale) and where practical, the microphone shall be positioned five (5) feet above the ground and away from reflective surfaces. The Director of the Kern County Planning and Community Development Department, in consultation with the Kern County Public Health Services Department/Environmental Health Division, based on any violation of this condition, may require noise attenuation measures or further limitation on hours for amplified music and other entertainment.

Managing Sound

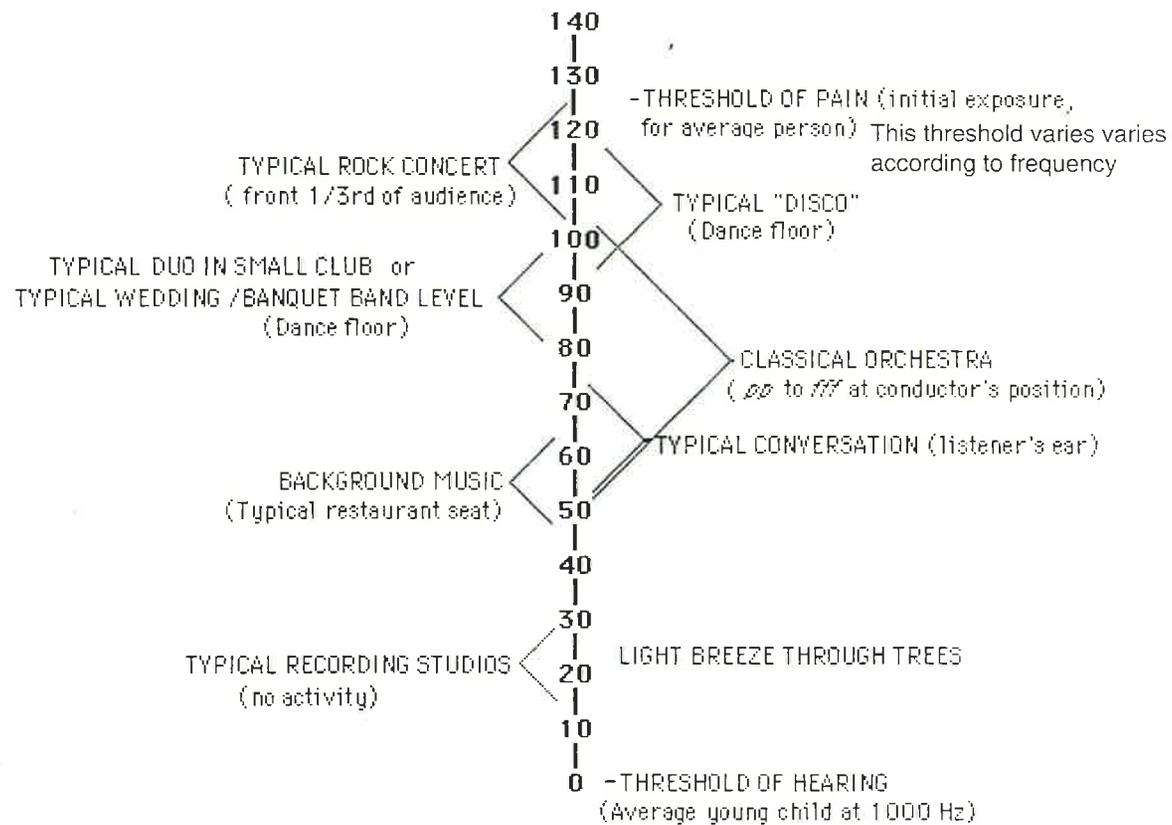


Fig. 3.3. Typical sound pressure levels.

Proposed changes to MUP Conditions

- Delete condition no. 2 and replace it with the following: “Sound equipment used in association with an event held within the Jennifer’s Terrace Outdoor Event Venue shall be defined as any loud speaker, public address system, sound amplifier, radio, phonograph or MP3 player equipped with a loud speaker or sound amplifier or any machine or device for the amplification or reproduction of the human voice or music. Sound equipment used in association with a Jennifer’s Terrace Outdoor Event Venue in terms of the volume and amplitude of the sound shall be no louder than necessary for the convenient hearing of the persons who are within the confines of the facility/venue and are voluntary listeners thereto. This standard shall be deemed met if the sound at 50 feet from property line is measured at equal to or less than 75 decibels.”
- Prohibiting all amplified sound is incompatible with holding events. It puts our venue out of business. The foregoing standard is the one in place by the CUP, plus a measurable, quantified noise standard as we previously discussed and as is customary in municipal noise ordinances.

Proposed changes to MUP Conditions

- In Condition no. 3, delete “such that there are more than two (2) calls for law enforcement service for” and replace it with “evidenced by repeated, verified”. We have seen this year that one overly sensitive citizen can make multiple calls even when activity at the venue is determined to be a “non-issue” by the responding police officer. The condition as recommended by staff is giving a license to a habitual complainer to close down a legitimate business. We doubt that any other business in the city has such a condition.
- In Condition no. 4, delete the first sentence and replace it with “The City may propose modifications to this MUP following repeated, verified nuisance activity.” We want and deserve the same permanence for our MUP as is intended by the MUP section of the zoning ordinance.
- In Condition no. 8, delete the period and add the following to the end of the first sentence: “on week nights and 10:00 pm and 8:00 am on weekend nights.”

What is the impact of the city's unwarranted and unreasonable conditions

- Weddings , Reunions, Celebration of Life, Fundraisers ...for 2016 will cancel
 - Possible law suits for damages
 - Value of currently booked 2016 weddings \$29,000
 - Economic value to Tehachapi 30,000/wedding at 15 Weddings =\$450,000
 - Loss of 6 fundraisers
- Jennifer Terrace will need to layoff 6 employees
- Many businesses will leave the city due to unfair practices
 - Many small businesses are leaving the City for more business friendly Kern County

Overwhelming Support for Jennifer's Terrace

- 40 signatures of the neighbors and near by businesses
- No one in the city defined and solicited neighborhood (35 people) responded in opposition to their letter
- Received numerous letters of support
- Kern County Bridal association letter
- Tehachapi community that voted Jennifer's Terrace Small Business of the Year for 2016

Closing

- Always willing to work with neighbors to ensure compatibility. We have proven this.
- Would even work with Phil Smith to address any legitimate concerns.
- I believe we have or can find an objective solution that makes this a win/win for everyone with an open mind
- Restore proven sound conditions with Objective Measures as proposed by the changes to our MUP conditions. This will allow the Beautiful Terrace to continue to give back to it's community, and be "The People's Choice Award"



TEHACHAPI PLANNING COMMISSION

STAFF REPORT

Title: MUP 2015-01
Date: February 2, 2016

I. GENERAL INFORMATION:

1. Applicant: Guy and Jennifer Williams
413 South Curry Street
Tehachapi, CA 93561
2. Architect: N/A
3. Specific Request: To appeal several conditions included in MUP 2015-01 as produced by the Development Services Director.
4. Project Location: 413 South Curry Street
Tehachapi, CA 93561
5. APN: 040-080-08
6. Existing Zoning: T4.5
7. Present Land Use: Outdoor Event Venue
8. General Plan Designation: Neighborhood Center
9. Surrounding Land Use:
North: Single Family Residential
South: Apostolic Faith Church
East: Single Family Residential
West: Single Family Residential
10. Correspondence in opposition: Yes No
Correspondence in favor: Yes No

II. MINOR USE PERMIT PROCEDURE:

The Minor Use Permit (MUP) is a procedural tool new to the updated Zoning Code adopted in October 2014. The conditions under which it is to be used are specifically outlined in the Zoning Code and is designed to provide the City with the ability to permit certain activities that are generally acceptable in a given zone (either transect or conventional) when operating conditions may need to be imposed in order to control a given use to maintain appropriate activities. The procedure has four primary steps:

1. Applicant completes application package and pays relevant processing fee.
2. Staff produces draft conditions of operation as necessary/appropriate.
3. Staff advertises pending permit to public at large and properties within 300 feet of the subject location.
4. Development Services Director makes a determination on the conditions and permit on the advertised day based upon staff recommendations and any relevant feedback received from the community.

As with most Planning Department activities, an interested party is able to appeal the decision of the Development Services Director or Planning Commission.

III. BACKGROUND:

The Jennifer's Terrace Outdoor Event Venue (Terrace) has been in operation (according to City records) since June 2008. At its inception, the City understood the venue to be "patio rental at special occasions". Functionally, the City understood this to be a small scale facility for neighborhood compatible activities. Examples might include; tea parties, baby/wedding showers, professional gatherings, etc. The original business license application supports this understanding by noting that the business was to have no employees or vehicles that might denote a larger business enterprise. Furthermore, between June 2008 and December 2013 (approximately), event activity was relatively limited. It is with this understanding that the City issued a Business License to the Terrace for these small scale patio activities. During that 5-1/2 year period, city records reflect only one documented instance of a call to the Tehachapi Police Department (TPD) for disturbing the peace.

It appears that the Terrace shifted operational priorities in 2014 to larger events featuring amplified music on a re-occurring basis. The City began receiving a corresponding set of complaints. City Staff engaged the Terrace owners with an escalating set of requests to control the noise from the venue. This effort culminated with a demand from City Staff to the Terrace that they either enter into a Conditional Use Permit or face code enforcement and policing actions to control the effects of the Terrace on the surrounding community. An application from the Terrace for a Conditional Use Permit (CUP) was received by the City on November 18, 2014. In this application, the Terrace operators assert that the venue is available for weddings, anniversaries, receptions, and numerous similar activities and that space is available for DJ's and acoustic live music.

An Administrative CUP (#2014-05) was issued to the Terrace on December 4, 2014 (Attachment B). The Conditions of Approval were accepted by the applicant (as evidenced by no appeal). A few Conditions of note are as follows:

1. The Jennifer's Terrace Outdoor Venue shall not schedule and/or allow any functions until such time all conditions are met and the City of Tehachapi has issued a Certificate of Occupancy.

2. Should the Jennifer's Terrace Outdoor Event Venue become unmanageable in terms of the behavior of the patrons renting the facility, such that there are an inordinate number of police calls for service/intervention, this will be grounds for revocation of the CUP.
3. Sound equipment used in association with an event held within the Jennifer's Terrace Outdoor Event Venue shall be defined as any loud speaker, public address system, sound amplifier, radio, phonograph or MP3 player equipped with a loud speaker or sound amplifier or any machine or device for the amplification or reproduction of the human voice or music. Said sound equipment used in association with a Jennifer's Terrace Outdoor Event Venue in terms of the volume and amplitude of the sound shall be no louder than necessary for the convenient hearing of the person or persons who are within the confines of the facility/venue and are voluntary listeners thereto.

The applicant failed to abide by the CUP, most notably, by holding events prior to the issuance of a Certificate of Occupancy. Due to changes requested by the applicant, City Staff undertook an amendment to the CUP. Amendment #1 to CUP 2014-05 was issued on April 23, 2015 (Attachment C). The above-noted Conditions were perpetuated in the Amendment. CUP 2014-05 expired on December 4, 2015.

It is important to note that between July 2014 and December 2015, the City of Tehachapi received numerous complaints from area residents regarding noise and loitering problems resulting from the Terrace. Seven (7) complaints received in this time period resulted in documented police response.

IV. MINOR USE PERMIT 2015-01:

Prior to the adoption of the revised Zoning Code in October 2014, a venue like the Terrace was permitted in a C-1 zone with a CUP. As such, City Staff offered a CUP to the applicant in Summer 2014. As noted above, this CUP was eventually granted on 12/4/14 and expired on 12/4/15.

With the new Zoning Code in effect, the City offered the Terrace the opportunity to apply for a Minor Use Permit for a Meeting Facility in zone T4.5. This is the appropriate permitting process for a business of this type in this location. The permit application was received on October 5, 2015. City Staff provided draft conditions to the applicant for consideration and discussion on October 15, 2015 (Attachment D). The applicant requested numerous changes to the draft conditions in an email to the City on November 19, 2015 (Attachment E). City Staff advertised MUP 2015-01 in accordance with the procedures outlined in the Zoning Code in December 2015. The City of Tehachapi received five (5) letters in opposition (Attachment F) to the noise generated at the Terrace requesting the City prevent future noise disturbances. Pursuant to the Zoning Code procedures, the Development Services Director rendered a decision on MUP 2015-01 granting a permit to the Terrace subject to several Conditions of Approval (Attachment G).

V. APPEAL:

The permit applicants, Guy and Jennifer Williams, have appealed the decision of the Development Services Director citing dissatisfaction with several Conditions of Approval for MUP 2015-01. The following is an itemized list of the desired changes from the applicant and a response from City Staff.

Appeal: Delete Condition #1. The former residential building was brought into compliance with building codes earlier this year when we performed all of the alterations required by the city at a cost of \$45,000, and the City of Tehachapi Building Inspector issued a certificate of occupancy. See Condition No. 2 of the current CUP.

Response: The Condition simply reminds the applicant to operate the venue in conformance with state and federal law. As such, the inclusion or omission of this Condition is mute. Staff believes it a valuable addition to remind the applicant of their need to comply with all relevant regulations.

Appeal: Delete Condition #2 and replace it with the following: "Sound equipment used in association with an event held within the Jennifer's Terrace Outdoor Event Venue shall be defined as any loud speaker, public address system, sound amplifier, radio, phonograph or MP3 player equipped with a loud speaker or sound amplifier or any machine or device for the amplification or reproduction of the human voice or music. Sound equipment used in association with a Jennifer's Terrace Outdoor Event Venue in terms of the volume and amplitude of the sound shall be no louder than necessary for the convenient hearing of the persons who are within the confines of the facility/venue and are voluntary listeners thereto. This standard shall be deemed met if the sound at 50 feet from property line is measured at equal to or less than 75 decibels."

Response: This issue is at the heart of the differing positions. This replacement Condition is vague, impractical, inappropriate, and does not conform to the penal code. Vague in the sense that "convenient hearing" is totally subjective. Impractical in that there is no reasonable way to measure and enforce the 75 decibel level. Inappropriate in the selection of 75 decibels, as the General Plan expects lower values in consideration of the adjacent neighborhood. As such, please note that the following items are examples of common sounds that are approximately 75 decibels:

- A passenger car travelling at 65 mph 25 feet from the hearer.
- A freeway 50 feet from the edge of pavement to the hearer.
- A loud vacuum cleaner.

Lastly, this modification is in violation of the penal code in the sense that 'disturbing the peace' is not confined to noises greater than a given sound level. Instead, the penal code allows subjectivity on this topic and leaves the power vested with the courts in determining whether a given situation represents a disturbance of the peace. In Staff's opinion, regular, loud, thumping, dance music in a residential neighborhood disturbs the peace.

To highlight this point, the following is an excerpt from the California Peace Officers Legal Source Book produced by the California Department of Justice relating to Penal Code Section 415, "Disturbing the Peace":

"If the noise is not a communication and, based on the time, place, or manner in which it is made, is the kind of noise that would disturb a reasonable person, an arrest is justified if someone is disturbed by it."

Appeal: Modify Condition #3, delete "such that there are more than two (2) calls for law enforcement service for" and replace it with "evidenced by repeated, verified".

Response: This modification is subjective and vague. Staff believes that the background information noted above provides evidence that a permit for the venue must include a defined set of terms for when the permit can be revoked. The Condition as provided by Staff does not mandate revocation when in violation but allows Staff to take that course if deemed necessary.

Appeal: Modify Condition #4, delete the first sentence and replace it with "The City may propose modifications to this MUP following repeated, verified nuisance activity."

Response: The Terrace has displayed a propensity to act before obtaining compliance. Generally speaking, the Terrace progressed its business model from a compatible use to an incompatible use between 2008 and 2014 without obtaining appropriate permits. Further, with permit in hand, the Terrace held events on several occasions before completing requisite steps. As such, City Staff does not believe it wise to limit the situations in which Staff can intervene to maintain compatibility.

Appeal: Modify Condition #8, delete the period and add the following to the end of the first sentence: "on week nights and 10:00 pm and 8:00 am on weekend nights."

Response: Staff believes the Terrace is, on occasion, disturbing the peace of the neighborhood. As such, we believe it prudent to limit the hours of operation in consideration of the neighborhood. After one (1) year of operation without a call for service to the TPD, Staff would potentially support revising these hours of operation.

VI. **OPTIONS:**

The Planning Commission is asked to consider the following options:

Option A: Uphold the determination of the Development Services Director granting Minor Use Permit 2015-01 to Jennifer's Terrace Outdoor Event Venue subject to the conditions of approval.

Option B: Modify Minor Use Permit 2015-01 as requested by the permit applicant.

Option C: Deny Minor Use Permit 2015-01.

VII. **RECOMMENDATION:**

Staff recommends that the Planning Commission uphold the determination of the Development Services Director granting Minor Use Permit 2015-01 as issued on December 22, 2015 (Attachment G).

ATTACHMENTS

Attachment A	Location Map
Attachment B	Conditional Use Permit 2014-05
Attachment C	Amendment #1 to Conditional Use Permit 2014-05
Attachment D	Draft Conditions of Approval for MUP 2015-01
Attachment E	Applicant Modifications to MUP 2015-01
Attachment F	Comments Received to MUP 2015-01
Attachment G	MUP 2015-01

ATTACHMENT A

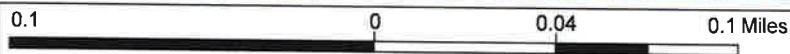


Legend

Roads

-  Freeway
-  Highway
-  Major
-  Minor
-  Local
-  Ramp
-  Unpaved

1:2,358



WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for general reference only. The County of Kern assumes no liability for damages, incurred by the user of this information, which occur directly or indirectly as a result of errors, omissions or discrepancies in the information.

Notes

Add notes here

ATTACHMENT B

INTEROFFICE MEMO

TO: FILE

FROM:  DAVID JAMES, COMMUNITY DEVELOPMENT DIRECTOR

DATE: December 4, 2014

SUBJECT: JENNIFER'S TERRACE OUTDOOR EVENT VENUE

BACKGROUND:

The Jennifer's Terrace Outdoor Event Venue represents an existing facility that has been hosting outdoor event venues since 2008. The facility is located within a well-established mixed use neighborhood that is never-the-less predominantly vintage single family residential units. The facility is located at 413 South Curry Street and the applicant has had a business license since June, 6, 2008 but to date has not procured a Conditional Use Permit (CUP) nor did the City up until relatively recently request that one be filed. However, the underlying zoning designation requires a CUP in order to establish conditions and "ground rules" if you will intended to ensure compatibility between the outdoor event venue activity and the surrounding neighborhood. Overtime the Jennifer's Terrace Outdoor Venue has evolved and permitted events with an increasing intensity, if you will, such that there have been operational issues that have created conflicts between a given event and residences in the vicinity of the venue. Additionally, the use of a porta-potty would suggest that the existing permanent restroom facilities are inadequate. Therefore, given the above circumstances the City of Tehachapi had requested that a CUP be applied for retroactively in order to provide a mechanism by which to address both the compatibility issues and the restroom issues. With respect to the private restrooms, through the CUP mechanism, staff is attempting to deal with both the adequacy of the restrooms in terms of providing permanent restroom facilities commensurate with the intensity/occupancy of a given event and to ensure compliance with the American Disabilities Act (ADA).

PROPOSAL:

As previously indicated the applicant is requesting a Conditional Use Permit (CUP) retroactively at the behest of the City of Tehachapi in order to continue operating the Jennifer's Terrace Outdoor Event Venue. Based upon the applicants project description the outdoor venue will occur within a garden setting linked to a vintage home that has been converted through the adaptive reuse process to accommodate a commercial enterprise available to the public and to compliment the outdoor venue space and activities. The venue will be available to host wedding ceremonies/receptions, corporate events, reunions, celebration of life type events, anniversaries, luncheons and holiday parties and other similar events. Additionally, the applicant's project description suggest that the venue could allow bands, DJ's and microphones for speaking events and other amplified sound systems as requested by those renting the facility. The application also suggests that

the sound level be limited to 75 decibels presumably as a means of maintaining compatibility and co-existence with surrounding residents.

CONDITIONAL USE PERMIT PROCESS AND REQUIREMENTS:

The proposed Jennifer's Terrace Outdoor Event Venue is an allowable use providing a Conditional Use Permit (CUP) has been approved/granted. There are two (2) levels of permitted land uses within the Zoning Code. Land uses that are permitted by right which only need a business license and/or a site plan approval and typically there are no conditions that address operational issues. Other land uses are permitted through the Conditional Use Permit mechanism. In these instances there are operational issues that must be monitored such as time of use, volume of sound and other restrictions and the CUP provides that mechanism were as a permitted by right land use there are no provisions to monitor activities. Additionally, once a permitted by right land use is operational it is permanent and you cannot put the genie back in the bottle, so to speak. A CUP on the other hand can be "sun setted" in this regard and after a prescribed period of time the CUP can be completely withdrawn or if there are unforeseen issues the CUP can be reapproved but with additional conditions and/or adjustments in response to previously unforeseen and unanticipated circumstances and issues. For example there may be parking issues that were unforeseen and the CUP would provide the mechanism by which the parking issues had to be resolved prior to the renewal of the CUP. There is no such "adjustment" mechanism for uses that are permitted by right and while the City may attempt to work with an applicant towards solving unforeseen issues, only the CUP mechanism provides the City with the leverage needed to enforce these adjustments. Therefore, staff has taken into account past complaint history given that this is an existing facility/venue and has attempted to address potential issues through the conditions of approval. The CUP provides a mechanism by which Staff can monitor Jennifer's Terrace Outdoor Venue overtime and make adjustments as necessary and the CUP approval can be withdrawn entirely if the applicant fails to comply with said conditions and restrictions.

PROJECT ANALYSIS:

The anticipated uses that the venue might accommodate could have land use compatibility and interface issues given the subject site's downtown location and proximity to residential structures and places of worship. Staff is of the opinion that the venue also has the potential to be a liability if there are no restrictions placed on the activities conducted therein and the operational aspects of the venue lack checks and balances. Additionally, the venue relies on an existing former single family structure that has gone through the adaptive reuse process to be used primarily as a professional office. The existing converted professional office structure only possess a single restroom that is inadequate to accommodate a large crowd. In addition, the existing restroom does not entirely comply with the American Disability Act (ADA) requirements. Therefore, one of the purposes of the CUP application is to ensure that there are adequate restroom facilities that comply with handicap accessibility requirements. A portable unit will be a prohibited solution to providing adequate restroom facilities and as such through the CUP process, additional permanent restroom facilities will be required.

Based on the application materials, the venue is anticipated to include live and/or pre-recorded amplified music. This activity represents the most likely opportunity or circumstance by which the venue could become a nuisance/annoyance to the surrounding neighborhood be it a residence or place of worship. As previously

indicated the applicant is proposing a 75 decibel maximum volume as the mean by which to maintain a peaceful co-existence with surrounding neighborhoods. Staff however has no expertise in this regard in terms of making a judgment call as to the efficaciousness of this standard. Additionally, there is no desire or capability by City Staff to serve as the decibel police. The applicant is free to pursue this standard if they so choose as a venue management tool. However, the City neither dismisses the 75 decibel threshold or supports the 75 decibel threshold. In this regard if there is a noise related complaint the fact that the activity may have remained at or below the 75 decibel threshold does not ameliorate nor negate the legitimacy of the complaint. As an alternative the venue has simply been conditioned to restrict the amplification to the degree necessary for the convenient hearing of the person or persons who are voluntary listener(s) within the confines of the venue. This condition represents a pragmatic and common sense approach to preempting potential noise related conflicts. Should this condition overtime restrict the types and intensities of uses the venue can accommodate then an adjustment may have to be made and the CUP process provides the mechanism to do so. At the end of the day the neighborhood was there first and the venue will need to adjust to the neighborhood not visa-versa.

CONCLUSION:

The Jennifer's Terrace Outdoor Event Venue (venue) is a permitted use within the context of a CUP. Staff is of the opinion that the venue with the proper checks and balances could be a community asset. The CUP process provides a mechanism by which to incorporate the necessary restrictions in order to maintain compatibility and co-exist with the surrounding neighborhood and to prevent the venue from becoming a liability. Therefore, with the above information in way of background Staff administratively approves Conditional Use Permit No. 2014-04 (Jennifer's Terrace Outdoor Event Venue) subject to the following conditions of approval;

CONDITIONS OF APPROVAL:

1. The Jennifer's Terrace Outdoor Venue shall not schedule and/or allow any functions until such time all conditions are met and the City of Tehachapi has issued a Certificate of Occupancy.
2. Prior to be issuance of a Certificate of Occupancy, the adaptive reuse of the adjacent and former residential structure shall be completed and signed off by the City of Tehachapi Building Inspector relative to complying with the American Disability Act (ADA) and 2013 California Building Code Chapter 11-B in terms of accessibility into the structure in and of itself and the accessibility of the restroom or restrooms as a public facility as determined by the Building Inspector.
3. Prior to the issuance of a Certificate of Occupancy the applicant shall provide one (1) additional public restroom pursuant to the California Building Code 2013 towards providing restroom capacity commensurate with the anticipated occupancy of any given event. In this regard portable/temporary restroom facilities are prohibited.
4. Prior to the issuance of a Certificate of Occupancy the applicant shall provide at least one (1) onsite handicap parking space. Said parking space shall comply with the 2013 California Building Code Chapter 11-B path of travel into the venue.

5. Should the Jennifer's Terrace Outdoor Event Venue become unmanageable in terms of the behavior of the patrons renting the facility, such that there are an inordinate number of police calls for service/intervention, this will be grounds for revocation of the CUP.
6. Sound equipment used in association with an event held within the Jennifer's Terrace Outdoor Event Venue shall be defined as any loud speaker, public address system, sound amplifier, radio, phonograph or MP3 player equipped with a loud speaker or sound amplifier or any machine or device for the amplification or reproduction of the human voice or music. Said sound equipment used in association with a Jennifer's Terrace Outdoor Event Venue in terms of the volume and amplitude of the sound shall be no louder than necessary for the convenient hearing of the person or persons who are within the confines of the facility/venue and are voluntary listeners thereto.
7. The Jennifer's Terrace Outdoor Event Venue shall be approved for an initial time period of six (6) months commencing from the date the certificate of occupancy is issued. At the conclusion of the six (6) month time period the applicant shall have the option of reapplying (no fee) at which time staff will consider extending the CUP for an additional six (6) month interval in addition to making any adjustments to the CUP as necessary towards resolving heretofore unforeseen and unanticipated issues.
8. Scheduled events shall not be allowed to go beyond 9:00 P.M.
9. A Staff member of Jennifer's Terrace Outdoor Event Venue shall be present during the entire duration of a given event in an event management capacity.

ATTACHMENT C

MEMO

TO: FILE

FROM:  DAVID JAMES, COMMUNITY DEVELOPMENT DIRECTOR

DATE: APRIL 23, 2015

SUBJECT: CONDITIONAL USE PERMIT NO. 2014-05 (AMENDMENT NO. 1) JENNIFER'S TERRACE
OUTDOOR EVENT VENUE

The original Conditional Use Permit (CUP) for the above referenced venue was approved on December 4, 2014. The subject CUP was conditioned to provide an additional public ADA compliant restroom as a condition of receiving a Certificate of Occupancy (C of O). To that end the applicant proposed a new stand-alone restroom facility that has significantly removed any off-street parking the venue previously had. The applicant is requesting to eliminate the two (2) remaining spaces and enclose the area and essentially incorporate the space into the venue. The enclosure includes a 20-foot sliding gate presumably to be used to load and unload of materials such as tables and chairs associated with a given venue end user. The gate however is wide enough that the area could still be used as parking even in an unofficial capacity. Therefore, the CUP has been conditioned per this amendment to not allow parking beyond the loading and unloading of materials.

Additionally, the original CUP was conditioned to provide one (1) handicapped parking space within the aforementioned off-street parking area (Condition No. 4). With the off-street parking area eliminated in favor of expanding the useable venue space, the condition is no longer relevant. Therefore Condition No. 4 of the original CUP has been eliminated per the CUP Amendment.

CONDITIONS OF APPROVAL (AMENDED)

1. The Jennifer's Terrace Outdoor Venue shall not schedule and/or allow any functions until such time all conditions are met and the City of Tehachapi has issued a Certificate of Occupancy.
2. Prior to be issuance of a Certificate of Occupancy, the adaptive reuse of the adjacent and former residential structure shall be completed and signed off by the City of Tehachapi Building Inspector relative to complying with the American Disability Act (ADA) and 2013 California Building Code Chapter 11-B in terms of accessibility into the structure in and of itself and the accessibility of the restroom or restrooms as a public facility as determined by the Building Inspector.
3. Prior to the issuance of a Certificate of Occupancy the applicant shall provide one (1) additional public restroom pursuant to the California Building Code 2013 towards providing restroom capacity

commensurate with the anticipated occupancy of any given event. In this regard portable/temporary restroom facilities are prohibited.

4. The area proposed to be enclosed that was formally used as off-street parking shall not be used for parking beyond the temporary time needed to load and unload materials associated with a given event at the subject venue.
5. Should the Jennifer's Terrace Outdoor Event Venue become unmanageable in terms of the behavior of the patrons renting the facility, such that there are an inordinate number of police calls for service/intervention, this will be grounds for revocation of the CUP.
6. Sound equipment used in association with an event held within the Jennifer's Terrace Outdoor Event Venue shall be defined as any loud speaker, public address system, sound amplifier, radio, phonograph or MP3 player equipped with a loud speaker or sound amplifier or any machine or device for the amplification or reproduction of the human voice or music. Said sound equipment used in association with a Jennifer's Terrace Outdoor Event Venue in terms of the volume and amplitude of the sound shall be no louder than necessary for the convenient hearing of the person or persons who are within the confines of the facility/venue and are voluntary listeners thereto.
7. The Jennifer's Terrace Outdoor Event Venue shall be approved for an initial time period of six (6) months commencing from the date the certificate of occupancy is issued. At the conclusion of the six (6) month time period the applicant shall have the option of reapplying (no fee) at which time staff will consider extending the CUP for an additional six (6) month interval in addition to making any adjustments to the CUP as necessary towards resolving heretofore unforeseen and unanticipated issues.
8. Scheduled events shall not be allowed to go beyond 9:00 P.M.
9. A Staff member of Jennifer's Terrace Outdoor Event Venue shall be present during the entire duration of a given event in a management capacity.

ATTACHMENT D

MEMORANDUM

TO: PROJECT APPLICANT (GUY AND JENNIFER WILLIAMS)

FROM: JAY SCHLOSSER, DEVELOPMENT SERVICES DIRECTOR

DATE: OCTOBER 14, 2015

SUBJECT: MINOR USE PERMIT NO. 2015-01

Background

The owners of the Jennifer's Terrace Outdoor Event Venue have submitted a Minor Use Permit application requesting approval to conduct an event venue business at 413 S. Curry Street. Jennifer's Terrace Outdoor Event Venue is advertised as an enclosed outdoor space available for events such as weddings, anniversaries, birthday parties, balls, reunions, retirement celebrations and non-profit fundraisers. The site is located downtown and in close proximity to residential structures and a church. Handicap accessible off-street parking is available, all other parking occurs on street.

Although the applicant has had a business license for this purpose since June 6, 2008, Jennifer's Terrace Outdoor Event Venue initially began operating without a Planning Department permit. Following the City's receipt of complaints from the public in 2014, the City of Tehachapi met with the project applicant and both parties agreed to move forward with an Administrative Conditional Use Permit (ACUP – See Attachment 1) in order to agree upon conditions for the operation of the venue. The ACUP is currently set to expire on December 4, 2015.

The intent of the ACUP was to establish terms under which the venue would continue to operate in a manner that does not disturb the neighboring homes and businesses. Further disturbance complaints from nearby residents were received following the initial permit issuance and prompted an amendment to the ACUP on April 23, 2015. Despite the revised conditions issued as Amendment No. 1 (See Attachment 2), the City has continued to receive complaints.

Given the above sequence of events, City Staff has suggested that the Project Applicant submit a request for a Minor Use Permit (MUP). The MUP process is designed to formally engage the properties adjacent to the site and to provide all involved parties with a chance to be heard in a public forum regarding the appropriateness of this business in its current location.

Zoning Consistency

The City adopted an updated zoning code in October 2014. Prior to this new code, an event venue with the characteristics of Jennifer's Terrace Outdoor Event Venue was prohibited in its current location. The updated

code allows this use, with a Minor Use Permit under the Use Class of 'Meeting Facility'. Attached is Table 3.20.070 (See Attachment 3) defining how various land uses are to be adjudicated within the T4.5 Neighborhood Center Zone. Also attached is a portion of Chapter 11.10 'Definitions' that defines what a 'Meeting Facility' is under the code. Staff believes this classification is appropriately applied to Jennifer's Terrace.

Determination

Staff recommends approval of the Minor Use Permit application subject to the following conditions of approval:

1. Sound equipment used in association with an event held within the Jennifer's Terrace Outdoor Event Venue shall be prohibited. Said sound equipment is defined as any loud speaker, public address system, sound amplifier, radio, phonograph or MP3 player equipped with a loud speaker or sound amplifier or any machine or device for the amplification or reproduction of the human voice or music.
2. Should the Jennifer's Terrace Outdoor Event Venue become unmanageable such that there are more than two (2) police calls for service/intervention (regardless of perceived or actual merit) within a twelve (12) month period, this will be grounds for revocation of the Minor Use Permit and Business License for Jennifer's Terrace Outdoor Event Venue.
3. Given the history associated with the Jennifer's Terrace Outdoor Event Venue, this permit shall be subject to City Staff modification indefinitely. Said modification, if required, shall be undertaken in accordance with the Minor Use Permit process. The applicant shall be afforded the rights enumerated to them in the most current version of the Zoning Code in place at the time of the modification. Said modification, initiated by the City, shall be at no cost (in terms of fees) to the applicant. The applicant shall have the right to request modifications to the permit at any time but is subject to all applicable fees.
4. Portable/temporary restroom facilities are prohibited.
5. The area currently enclosed that was formerly used as off-street parking shall not be used for parking beyond the temporary time needed to load and unload materials associated with a given event at the subject venue.
6. Events shall not be allowed to operate between 9:00 pm and 8:00 am. No event-related activities shall occur between 10:00 pm and 7:00 am.
7. A Staff member of Jennifer's Terrace Outdoor Event Venue, in the capacity of a manager, shall be present during the entire duration of each event.

ATTACHMENT E

Jay Schlosser

From: Guy Williams <guyjenny@sbcglobal.net>
Sent: Thursday, November 19, 2015 5:34 PM
To: Jay Schlosser
Cc: dmullins@KleinLaw.com
Subject: Re: MUP J Terrace

Follow Up Flag: Follow up
Flag Status: Completed

Jay,

As we are still within our 30 days, We request that you proceed to process our application for a Minor Use Permit and send out notices to the property owners entitled to receive them. Please copy us on what you send out as well as the city 300 ft radius map you have used to determine the property owners as asked before.

We also request that you place our application for a MUP on the agenda of an upcoming Planning Commission hearing so that we can oppose certain of the conditions contained in your staff report.

We propose that the conditions set forth in the staff report be amended as follows:

1.Delete condition no. 1. The former residential building was brought into compliance with building codes earlier this year when we performed all of the alterations required by the city at a cost of \$45,000, and the City of Tehachapi Building Inspector issued a certificate of occupancy. See Condition no. 2 of the current CUP.

2.Delete condition no. 2 and replace it with the following: “Sound equipment used in association with an event held within the Jennifer’s Terrace Outdoor Event Venue shall be defined as any loud speaker, public address system, sound amplifier, radio, phonograph or MP3 player equipped with a loud speaker or sound amplifier or any machine or device for the amplification or reproduction of the human voice or music. Sound equipment used in association with a Jennifer’s Terrace Outdoor Event Venue in terms of the volume and amplitude of the sound shall be no louder than necessary for the convenient hearing of the persons who are within the confines of the facility/venue and are voluntary listeners thereto. This standard shall be deemed met if the sound at 50 feet from property line is measured at equal to or less than 75 decibels.”

Prohibiting all amplified sound is incompatible with holding events. It puts our venue out of business. The foregoing standard is the one now in place, plus a measurable, quantified noise standard as we previously discussed and as is customary in municipal noise ordinances.

3.In Condition no. 3, delete “such that there are more than two (2) calls for law enforcement service for” and replace it with “evidenced by repeated, verified”. We have seen this year that one overly sensitive citizen can make multiple calls even when activity at the venue is determined to be a “non-issue” by the responding police

officer. The condition as recommended by staff is giving a license to a habitual complainer to close down a legitimate business. We doubt that any other business in the city has such a condition.

4. In Condition no. 4, delete the first sentence and replace it with "The City may propose modifications to this MUP following repeated, verified nuisance activity." We want and deserve the same permanence for our MUP as is intended by the MUP section of the zoning ordinance.

8. In Condition no. 8, delete the period and add the following to the end of the first sentence: "on week nights and 10:00 pm and 8:00 am on weekend nights."

Guy

Sent from my iPad

On Nov 19, 2015, at 12:09 PM, Jay Schlosser <jschlosser@tehachapicityhall.com> wrote:

Guy,

I am not aware of any reason that the MUP should not proceed because the next steps are completely in the City's court. The delay 30 days ago was initiated by you in response to your displeasure with the conditions associated with the proposed MUP. At your request, we reconsidered the conditions and responded to you that we would not be changing them as you requested. The next step in this process is to send advertisements to the property owners around your business.

In a show of good faith, I offered to waive the fee for the MUP so we could try to move you from the CUP to the MUP in a relatively seamless way. The City has no obligation to waive the fee or attempt to expedite this effort so that the Jennifer's Terrace Outdoor Event Venue maintains a permitted status.

As such, your request for an extension on the MUP is denied.

John (Jay) H. Schlosser, P.E.
Development Services Director
City of Tehachapi
Office: 661-822-2200 ext 115

-----Original Message-----

From: Guy Williams [mailto:guyjenny@sbcglobal.net]

Sent: Thursday, November 19, 2015 8:04 AM

To: Jay Schlosser

Cc: guyjenny@sbcglobal.net

Subject: MUP J Terrace

Jay,

We have had some family issues with my Dad which has taken a lot of time. We are also waiting on requested information from the planning department regarding previous zoning as well as the map showing the area the city is using for the MUP letters for neighborhood. We are still interested in working with the city regarding the MUP, but request an extension of 30 days to 21 December 15 finalize our decision. This will allow us time to settle my Dads affairs and focus on the MUP.

Thanks

Guy

Sent from my iPad

ATTACHMENT F

CITY OF TEHACHAPI
RECEIVED

DEC 09 2015

DEVELOPMENT SERVICES

October 22, 2015

To Whom It May Concern,

My name is Norma Markey. I have been living at 123 West D Street since 1965.

I would like to address the noise coming from Jennifer's Terrace on Curry Street. It has been a problem for several years now mostly in the warmer months of the year. It's not only the loud music but the DJ too. When I sit in my backyard I can make out every word the DJ says. The noise goes very late making it difficult to sleep.

I would appreciate any help the City can give our neighborhood to stop the noise.

Thank you,

Norma B Markey

CITY OF TEHACHAPI
RECEIVED

DEC 09 2015

DEVELOPMENT SERVICES

December 8, 2015

Dear Mr. Schlosser,

I'm writing in opposition to allow a minor use permit for Jennifer's Terrace as it relates to amplified sound.

I live on D Street approximately a block from Jennifer's Terrace. For the past few years we have been living with the noise and music from their events. During the summer these events occur several times a week. The DJ and music are so loud it sounds like it's in our backyard and it goes on for hours. It's hard to sleep if the bedroom windows are open on a warm night.

Our neighbors, the Newkirks, and I attempted to speak with the owners and got no response. Our neighbors finally sold their house after 23 years to move to a quieter environment. Needless to say, we were very saddened by this as they were wonderful people and added so much to our neighborhood.

I am hopeful that you will decide in favor of the neighborhood so we can enjoy our homes for years to come.

Sincerely,


Becky Smith

104 West D Street
Tehachapi, CA 93561

(661) 822-4806

My name is Dodie and I live at 421 So. Green St which is right across the street from Jennifer's Terrace. I'm tired of the loud music and screaming DJ's.

The Summit Church is right next door to me and they use the parking lot as their own personal parking lot. I hear cars till 11:00-12:00 at night which robs me of my sleep. (and I'm not a well person). The next day the parking lots full of butts and garalage.

This is a residential area not a play ground. Ther are a lot of seniors around here that are afraid to speak up for themselves or don't want to be involved. You need to do something about this.

CITY OF TEHACHAPI
RECEIVED

DEC 15 2015

DEVELOPMENT

13

Jay Schlosser

CITY OF TEHAQUIPI
RECEIVED

From: Phil Denton <pdenton31@yahoo.com>
Sent: Tuesday, December 15, 2015 4:25 PM
To: Jay Schlosser
Subject: Jennifers Terrace

DEC 15 2015

DEVELOPMENT SERVICES

Hello,

My name is Phil Denton, I own and reside at 112 West D Street with My Wife and Daughter. I am writing in regards to the notice given for the minor use permit for Jennifers Terrace. My family and I enjoy our summer evenings at our home. I am very familiar with loud music and how well it can carry over distances. I have heard parties already at Jennifers Terrace, and the sound is disruptive of our activities during summer evenings. It is nearly impossible to enjoy a peaceful summers evening with this music blaring near my home. I do not feel that a permit of this nature should be issued in a peaceful residential area such as ours. Thank You for Your consideration.

Best regards, Phil Denton.

Jay Schlosser

CITY OF TEHACHAPI
RECEIVED

From: Scott Newkirk <shnewkirk@gmail.com>
Sent: Thursday, December 17, 2015 5:53 PM
To: Jay Schlosser
Subject: Jennifer's Terrace

DEC 21 2015
DEVELOPMENT SERVICES

Hi again, Jay. Sorry about that first email: I have trouble at times with gmail and the tab key - not what I am used to!

I hope this note isn't too late. I became aware last week that Jennifer's Terrace's license to have DJs and amps on their property for hosting weddings and other parties had expired and they had applied for a renewal.

My wife and I strongly oppose the city of Tehachapi granting this renewal. This business is simply too intrusively noisy.

A little history here: We moved into the house at 112 West D Street in June of 1990. We lived there happily, raising 4 children and a grandson, until about the summer of 2013 when we became increasingly unhappy with the almost constant noise from Jennifer's Terrace. The noise from Friday through Sunday evening in essence prevented us from enjoying our back yard for our own BBQs and parties. We decided in the spring of 2014 to look at homes elsewhere and moved in June 2014. Among the other issues of living in a happily more vibrant downtown, Jennifer's Terrace was our main reason for moving - to 20597 Jury Ranch Drive. We can now entertain in peace!

I know ours was/is not the only home impacted by the noise. I do not feel it is necessary for the residents of the neighborhood either to put up with the noise or to complain about it, putting a damper on someone's celebration. The issue of noise should be the responsibility of the business hosting the affair: perhaps Jennifer's Terrace should consider moving to an area in the city zoned appropriately. While I do not have any ill will toward the owners of Jennifer's Terrace I do not believe their business belongs in a residential neighborhood.

Sincerely yours,

Scott Newkirk
shnewkrk@gmail.com

ATTACHMENT G



MINOR USE PERMIT 2015-01

TO: PROJECT APPLICANT (GUY AND JENNIFER WILLIAMS)

FROM: JAY SCHLOSSER, DEVELOPMENT SERVICES DIRECTOR

DATE: DECEMBER 22, 2015

Background

The owners of the Jennifer's Terrace Outdoor Event Venue have submitted a Minor Use Permit application requesting approval to conduct an event venue business at 413 S. Curry Street. Jennifer's Terrace Outdoor Event Venue is advertised as an enclosed outdoor space available for events such as weddings, anniversaries, birthday parties, balls, reunions, retirement celebrations and non-profit fundraisers. The site is located downtown and in close proximity to residential structures and a church. Handicap accessible off-street parking is available, all other parking occurs on street.

Although the applicant has had a business license since June 6, 2008, Jennifer's Terrace Outdoor Event Venue initially began operating without a Planning Department permit. Following the City's receipt of complaints from the public in 2014, the City of Tehachapi met with the project applicant and both parties agreed to move forward with an Administrative Conditional Use Permit (ACUP) in order to agree upon conditions for the operation of the venue.

The intent of the ACUP was to establish terms under which the venue would continue to operate in a manner that does not disturb the neighboring homes and businesses. Due to the failure of the applicant to comply with the terms of the ACUP, further disturbance complaints from nearby residents were received following the initial permit issuance which prompted an amendment to the ACUP on April 23, 2015. Due to the applicant's failure to comply with the revised conditions issued as Amendment No. 1, the City continued to receive complaints. The applicant did not request an extension of the ACUP which expired on December 4, 2015.

Given the above sequence of events, City Staff has suggested that the Project Applicant submit a request for a Minor Use Permit (MUP). The MUP process is designed to formally engage the properties adjacent to the site and to provide all involved parties with a chance to be heard in a public forum regarding the appropriateness of this business in its current location.

Zoning Consistency

The City adopted an updated zoning code in October 2014. Prior to this new code, an event venue with the characteristics of Jennifer's Terrace Outdoor Event Venue was prohibited in its current location. The updated code allows this use with a Minor Use Permit under the Use Class of 'Meeting Facility'. Attached is Table 3.20.070 (See Attachment 1) defining how various land uses are to be adjudicated within the T4.5

Neighborhood Center Zone. Also attached is a portion of Chapter 11.10 'Definitions' that defines what a 'Meeting Facility' is under the code. Staff believes this classification is appropriately applied to Jennifer's Terrace.

Determination

The Development Services Department hereby grants a Minor Use Permit to the project applicant subject to the following conditions of approval:

1. The operation of the Jennifer's Terrace Outdoor Event Venue shall, at all times, comply with all applicable Building Codes. The subject property holds a current Occupancy Classification of "B".
2. Sound equipment used in association with an event held within the Jennifer's Terrace Outdoor Event Venue shall be prohibited. Sound equipment is defined as any loud speaker, public address system, sound amplifier, radio, phonograph or MP3 player equipped with a loud speaker or sound amplifier or any machine or device for the amplification or reproduction of the human voice or music.
3. Should the Jennifer's Terrace Outdoor Event Venue become unmanageable such that there are more than two (2) calls for law enforcement service for nuisance activity within any twelve (12) month period, this will be grounds for revocation of the Minor Use Permit and Business License for Jennifer's Terrace Outdoor Event Venue. The terms 'call for law enforcement service' and 'nuisance activity' are as defined in Chapter 9.28 of the Tehachapi City Municipal Code.
4. Given the history associated with the Jennifer's Terrace Outdoor Event Venue, this permit shall be subject to City Staff modification indefinitely. Any modification that may be required shall be undertaken in accordance with the Minor Use Permit process. The applicants shall be afforded the rights enumerated to them in the most current version of the Zoning Code in place at the time of the modification. A modification, initiated by the City, shall be at no cost (in terms of fees) to the applicant. The applicant shall have the right to request modifications to the permit at any time but is subject to all applicable fees.
5. Portable/temporary restroom facilities are prohibited.
6. The area currently enclosed that was formerly used as off-street parking shall not be used for parking beyond the temporary time needed to load and unload materials associated with a given event at the subject venue.
7. When alcohol is served in association with an event, licensed, private security shall be on-site for the duration of the event.
8. Events shall not be allowed to operate between 9:00 pm and 8:00 am. No event-related activities shall occur between 10:00 pm and 7:00 am.
9. A Staff member of Jennifer's Terrace Outdoor Event Venue, in the capacity of a manager, shall be present during the entire duration of each event.