

NOTICE OF CONTINUANCE OF HEARING

AGENDA

TEHACHAPI PLANNING COMMISSION SPECIAL MEETING, MONDAY FEBRUARY 22, 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

PUBLIC HEARING

1. CONTINUED 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

H) COMMISSIONER'S DISCUSSION & ACTION

RE: ACTION

1. APPROVE MUP NO. 2015-01 SUBJECT TO REVISED CONDITIONS OF APPROVAL
2. DO NOT APPROVE MUP NO. 2015-01

ADJOURNMENT



MINOR USE PERMIT 2015-01

TO: PROJECT APPLICANT (GUY AND JENNIFER WILLIAMS)

FROM: JAY SCHLOSSER, DEVELOPMENT SERVICES DIRECTOR

DATE: FEBRUARY 22, 2016

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 churches. 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. However, 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 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 shall, in terms of the volume and amplitude, be no louder than an average of 70 dBA L_{eq} , for each measurement duration, beyond the boundaries of the corners of the property.

Compliance for this condition shall be based upon measurements taken periodically at specified intervals (See Attachment 2) during sound equipment usage at an event held at the venue with calibrated equipment that meets or exceeds the minimum industry performance requirements for "Type 1" standard instruments as defined in the American National Standards Institute (ANSI) S1.4 A-weighting in slow response. The applicant shall engage the services of a qualified sound measurement professional approved by the City, which approval shall not be unreasonably withheld, to design, install, and service the sound monitoring equipment. The City of Tehachapi shall be afforded the opportunity to require reasonable technical modifications to the proposed plan which do not materially increase cost of compliance. No events utilizing sound equipment shall take place at the Jennifer's Terrace Outdoor Event Venue without the sound monitoring equipment in place and fully functional. The applicant shall record and retain a log of periodic sound level measurements from the venue for the duration of sound equipment usage at each event. That information shall be transmitted to the City within five (5) calendar days of the event. In the event of a complaint received by the Tehachapi Police Department, City staff shall review the sound monitoring data against the above-noted limit of 70 dBA L_{eq} . The applicant shall be deemed in violation of this permit if the received data confirms sound levels above said limit. The applicant is solely responsible for all expenses needed to comply with this permit.

3. Should the Jennifer's Terrace Outdoor Event Venue become unmanageable, this will be grounds for revocation of the Minor Use Permit and Business License for Jennifer's Terrace Outdoor Event Venue. "Unmanageable" is defined as one of the following:
 - a. Three (3) calls for law enforcement service in response to a sound complaint made within 24 hours of the event and verified as violating Condition #2 noted above, within any twelve (12) month period. The term 'call for law enforcement service' is as defined in Chapter 9.28 of the Tehachapi City Municipal Code.
 - b. Repeated nuisance activity that leads to a violation of Chapter 9.28 of the Tehachapi City Municipal Code.
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. When alcohol is served in association with an event, licensed, private security shall be on-site for the duration of the event.
7. Events shall not be allowed to operate between 10:00 pm to 8:00 am on Friday and Saturday nights and between 9:00 pm to 8:00 am on all other nights. No event-related activities shall occur between 10:00 pm and 7:00 am on any day.
8. 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 1

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
	Meeting Facility	MUP	1:6
Restaurant and Food	Drive-Through	-	-
	Pub / Bar <1,000 sq ft	CUP	1/350
	Restaurant (may incl alcohol sales)	MUP	1:4
	Outdoor Dining	MUP (1)	0
	Wine Tasting/Microbrewery <1,000 sq ft	MUP	1:4
Retail	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
	Retail > 2,400 sq ft	-	-
Services	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
Single Room Occupancy	MUP	1/2Us	
Industrial	Agriculture	P	0
	Manufacturing	-	-
	Power / Electrical Substation	-	-
	Reverse Vending Machine	P	0
	Small Collection Facility	-	-
Motor-Vehicle Related	Car Wash, Gas Station	-	-
	Recreational Vehicle Park	-	-
	Repair, commercial (motor vehicles)	-	-
	Repair, personal (motor vehicles)	P	0
	Motor Vehicle Sales, Rentals	-	-
Communi-cations	Telecommunications Facilities	CUP (1)	0
	Broadcasting / Recording Studio	MUP	1/400
Other	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

11.10.020 Definitions of Specialized Terms and Phrases

example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. These facilities may also include incidental medical laboratories.

Meeting Facility (land use type): A facility that is available for public assembly, such as a conference hall, club hall, lodge, performing arts center, amphitheater, or event facility, or for religious worship, such as a church, temple or mosque.

Micro-Brewery (land use type): An establishment that brews less than 310,000 gallons (10,000 barrels) of alcoholic beverages such as ale, beer, mead, hard cider and does not exceed 5,000 square feet of floor area.

Mobile Home Park/Subdivision (land use type): An area containing house trailers that are parked in one particular place and used as a permanent living accommodation.

Motor Vehicle Sales, new (land use type): activity focused on the sale of new motor vehicles that involves the display of inventory.

Motor Vehicle Sales, used (land use type): activity focused on the sale of used motor vehicles that involves the display of inventory.

Motor Vehicle Rentals (land use type): Activity focused on the rental of motor vehicles with the inventory being readily available either on-site or in a remote site.

Multi Family Residential (land use type): a building occupied by multiple households in multiple dwellings.

N. Definitions

Nature (land use type): Areas that are to remain undeveloped and that generate their physical character through their natural topography, trees and plants.

Nightclub (land use type): A land use associated with an establishment focused primarily on dancing, that may or may not include alcoholic beverages and typically is open later than most restaurants.

Nature (land use type): Natural, uncultivated areas not developed with neighborhoods, districts, corridors or their fragments. Buildings in natural areas are utility oriented or in support of allowed tourism activity associated with the natural resources.

New Construction: The placement of uses or structures on a property upon which no existing construction has taken place. New construction shall include requests for new development under the provisions of a site plan approval, use permit, subdivision, variance, or building permit.

New Use: Any purpose for which land or premises, or a structure thereon, is improved, occupied, utilized, built or constructed for said purpose, which has not before existed on said land or premises, or any purpose for which a structure is rebuilt or reconstructed more than 60 percent of its then assessed value.

Nonconforming Lot: A lot that was legally created before the effective date of the Zoning Code or amendment, and does not comply with the minimum area, depth, width, or other applicable requirements of the Zoning Code.

Nonconforming Structure: A structure that lawfully existed before the effective date of the Zoning Code or amendment, and does not conform to the present requirements of the zone in which it is located.

Nonconforming Use: A use of land and/or a structure (either conforming or nonconforming) that lawfully existed before the effective date of the Zoning Code or amendment, but which is no longer allowed in the zone in which it is located.

Non-Transect Zones: Zones not conforming to any single band of the Transect and not starting with T.

O. Definitions

Office, General (land use type): Business and professional services. Examples of these uses include accounting services, insurance agent offices, real estate offices, travel agencies, counselling services, news services, telemarketing, utility company offices, elected official satellite offices, etc.

Attachment 2

Table 1

Sound Measurement Intervals

Sound Type	Day (8:00 am to 7:00 pm)	Night (7:00 pm to 10:00 pm)
Background	1 hour	30 minutes
Non-Background (Terrace-supplied Sound Equipment)	30 minutes	20 minutes
Non-Background (3 rd Party Sound Equipment)	30 minutes	15 minutes

Definitions:

“Background” – Amplified sound that is secondary to the event being held (i.e. soft background music, singer/musician who is not the focus of the event).

“Non-Background” – Amplified sound that is the focus of the event for either the entire event or a portion thereof (i.e. dance music, band music, singer/musician who is the focus of the event).

Notes:

1. If any portion of the amplified sound is produced using equipment that is not supplied by the Terrace, it shall be deemed “3rd Party Sound Equipment”.
2. Sound measurements shall be taken subject to the following terms:
 - a. The minimum sound measurement duration shall be 15 seconds.
 - b. Measurements shall be taken at each of the four (4) property corners at each specified interval.
 - c. Measurements shall occur within 5 minutes (+/-) of the specified interval time.