



**PLANNING COMMISSION
MEETING AGENDA
March 18, 2015**

PLANNING COMMISSION

**Chairman Craig Smith
Vice-Chairman Anne Bush
Commissioner Paul Senft
Commissioner Joseph Pacelli
Commissioner Tim Breunig**

CITY STAFF

**Community Development Director James J. Miller
City Planner Janice Etter
Principal Planner Ruth Lorentz
Associate Planner Andrew Mellon
City Attorney Jeff Ballinger**

39707 Big Bear Boulevard, Big Bear Lake, California 92315



INFORMATION FOR THE PUBLIC

The Planning Commission meets regularly on the first and third Wednesdays of the month at 1:15 p.m. in Hofert Hall at the Civic Center located at 39707 Big Bear Boulevard.

Procedure to Address the Planning Commission

The Planning Commission encourages free expression of all points of view. To allow all persons to speak, given the length of the agenda, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. To encourage all views and promote courtesy to others, the audience should refrain from clapping, booing or shouts of approval or disagreement.

Public Forum

The public may address the Planning Commission by completing a speaker card and submitting it to the Commission Secretary. The speaker cards are located on the table at the back of the Commission Chambers. During the "Public Forum" your name will be called. Please step to the microphone and give your name and city of residence for the record before proceeding. All remarks shall be addressed to the Commission as a body only. No person other than a member of the Commission and the person having the floor shall enter into any discussion without the permission of the Commission Chairman. Public comment is permitted only on items not on the agenda that are within the subject matter jurisdiction of the City. There is a three minute maximum time limit when addressing a respective board.

Discussion/Action Items

Speakers shall follow the same requirements as under the Public Forum, however, cards submitted after the Commission begins to discuss an item will be subject to the Presiding Officer seeking consensus from the Commission to consider hearing from the speaker, and if permitted, the speaker will have one minute to provide his or her comments.

Public Hearings

A speaker card must be completed and speakers must follow the three minute maximum time limit. Project applicants will be given ten minutes to present their item to the Commission and/or address questions brought before the Commission from members of the public. The Presiding Officer may entertain a motion to extend the applicant's time if needed. Speaker cards submitted after the close of the public hearing are subject to the guidelines as stated above.

Any handouts for the respective Commission shall be given to the Commission Secretary for distribution.

PLEASE NOTE: Agenda related writings or documents provided to the Planning Commission are available for public inspection at www.citybigbearlake.com and at the public Planning Department counter in the City Hall lobby located at 39707 Big Bear Boulevard during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

The City of Big Bear Lake wishes to make all of its public meetings accessible to the public. If you need special assistance to participate in a meeting, please contact the City Clerk's office. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to public meetings.



**PLANNING COMMISSION MEETING AGENDA
March 18, 2015**

TIME: 1:15 p.m.

Next Resolution PC2015-03

PLACE: Hofert Hall
City of Big Bear Lake
39707 Big Bear Boulevard
Big Bear Lake, California

CALL TO ORDER

FLAG SALUTE

ROLL CALL BREUNIG, BUSH, PACELLI, SENFT, SMITH

INTRODUCTION OF STAFF

AGENDA APPROVAL

PRESENTATIONS / ANNOUNCEMENTS / INFORMATIONAL ITEMS

Update on Big Bear Alpine Zoo

PUBLIC FORUM

1. CONSENT CALENDAR

- 1.1 Approval of the minutes of the Planning Commission meeting of February 18, 2015.
- 1.2 Major Special Event 2015-008/MSE – Village Streets and Streets East of The Village – Open Air Big Bear – “Memorial Day 5K Run”
- 1.3 Major Special Event 2015-012/MSE – Bartlett Road Parking Lot and Village Streets– Big Bear Lake Antique Car Club – “Fun Run”

2. PUBLIC HEARING ITEMS - None

3. DISCUSSION ITEM

- 3.1 Development Code Amendment – 2015-024 - To amend Section 17.25.220 of the Development Code pertaining to Development and Performance Standards for Ancillary Uses within Commercial Lodging Facilities and Bed and Breakfast Establishments to include outdoor gatherings as ancillary uses for commercial lodges and Bed and Breakfast establishments in the Multiple Family Residential (R-3) zone and to develop regulations for these outdoor gatherings.

4. PLANNING DIRECTOR’S REPORT

5. **SUMMARY COMMENTS**

6. **ADJOURNMENT**

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**CITY OF BIG BEAR LAKE
PLANNING COMMISSION MEETING MINUTES**

February 18, 2015

CALL TO ORDER 1:15 p.m.

FLAG SALUTE Commissioner Pacelli.

ROLL CALL Commissioners Breunig, Pacelli, Senft, and Chairman Smith. Vice-Chairman Bush was excused.

STAFF PRESENT James J. Miller, Community Development Director.

AGENDA APPROVAL

The agenda was approved by a voice vote.

PRESENTATIONS / ANNOUNCEMENTS / INFORMATIONAL ITEMS

Community Development Director Jim Miller told the Commission that the next meeting will be on March 18, 2015, due to the Planning Commissioner Academy the first week of March.

PUBLIC FORUM

None

1. CONSENT CALENDAR

1.1 Approval of the minutes of the Planning Commission meeting of February 4, 2015.

The consent calendar was approved with a voice vote.

2. PUBLIC HEARING ITEMS – None

3. PRESENTATION

3.1 Update of Rathbun Corridor Sustainability Plan

Jim Miller, Community Development Director, introduced the consultants, Jay Renkens and Steve Lang. Mr. Renkens discussed the input that came out of the previous night's community meeting and indicated that additional information was gained from individuals this morning that he will elaborate on during the presentation.

The Commission discussed concerns about trail material, signage on Moonridge, street improvements, parking, and pocket parks.

Public Comment

Liz Harris, spoke in favor of the proposed plan and had suggestions about traffic circulation and art.

Tim Vanderlipp spoke in favor of the proposed plan and voiced concern about the safety of equestrian trailers during winter months and prevention of vandalism and trespassing.

Public comment closed.

Jim Miller introduced Calvin Mingione who is a graduate student at University of California – Irvine and is doing a report on this project. Mr. Mingione said that a lot of his suggestions have been mirrored in the proposals made and suggested additional programs that encourage alternate modes of transportation, including shared community space.

The Commission discussed incentives for businesses and thanked the consultants for their work and for responding to comments.

4. **PLANNING DIRECTOR'S REPORT** – None
5. **SUMMARY COMMENTS** – None
6. **ADJOURNMENT** At the hour of 2:52 p.m., Chairman Smith adjourned the meeting.

MINUTES APPROVED AT THE MEETING OF MARCH 18, 2015.

Becky Romine, Commission Secretary



STAFF REPORT

PLANNING COMMISSION MEETING OF MARCH 18, 2015

CONSENT ITEM


SUMMARY AND RECOMMENDATIONS

- Project:** MAJOR SPECIAL EVENT 2015-008/MSE
- Proposal:** To hold the 3rd Annual 2015 Memorial Day 5k Fun Run on Sunday, May 24, 2015.
- Location:** Closure for the start and finish area on Pine Knot Avenue between Village Drive and Cameron Drive, and use of the following streets for the Memorial Fun Run course: Cameron Drive, Cherry Lane, Knickerbocker Road, Maryland Road, Jefferies Road, and Pennsylvania Avenue.
- Applicant:** Open Air Big Bear
- Representative:** Matt Smith
- Recommendation:** Staff recommends that the Planning Commission authorize the use and closure on Pine Knot Avenue between Village Drive and Cameron Drive, and the use of the following streets for the Memorial Fun Run course: Cameron Drive, Cherry Lane, Knickerbocker Road, Maryland Road, Jefferies Road, and Pennsylvania Avenue., with the closure of Cameron Drive at 9:30 for the start of the run for approximately one hour.

Submitted by,

JAMES J. MILLER
Community Development Director

Prepared by,


ANDREW P. MELLON
Associate Planner

DISCUSSION

On January, 29, 2015, the Planning Division received an application for the 2015 3rd Annual 5k Memorial Fun Run from Open Air Big Bear, represented by Matt Smith and Rick Bates. The 5k Memorial Fun Run is a recurring special event that has demonstrated success for more than two years. Last year the event grew in size to include a half marathon, however, the applicant has removed the half marathon component and it is now the same event in which it was originally approved two years ago. Therefore, staff is the reviewing authority based on Development Code Section 17.13.050(D) and has approved the event.

While the City Planner is authorized to review and approve the Major Special Event application, she is not authorized to permit the use and closure of City streets. Development Code Section 17.13.040(E) authorizes the Planning Commission to take such action.

The Planning Commission may authorize the use and closure of a City-owned facility for a special event provided that the event meets three criteria. Pursuant to Development Code Section 17.13.040 Use of City Facilities, the event must be free to spectators, family-oriented, visitor-oriented or both and does not involve the sale of used or mass produced goods as are typically associated with swap meets or auctions. The Memorial 5k Fun Run is consistent with each of these provisions.

This event requires the closure of Pine Knot Avenue between Village Drive and Cameron Drive between 5:00 a.m. and 3:00 p.m. The race course is proposed to follow Cameron Drive southwest on to Cherry Lane, Knickerbocker Road, Maryland Road, Jeffries Road, and Pennsylvania Avenue with intermittent closures between 9:30 a.m. and 11:30 a.m.

RECOMMENDATION

Based on the ability to meet the three criteria, the Planning Division recommends that the Planning Commission authorize the use and closure for the start and finish area on Pine Knot Avenue between Village Drive and Cameron Drive, and the use of the following streets for the Memorial Fun Run course: Cameron Drive, Cherry Lane, Knickerbocker Road, Maryland Road, Jefferies Road, and Pennsylvania Avenue., with the closure of Cameron Drive at 9:30 for the start of the run and will be closed for approximately one hour.

Attachment: Memorial 5k Fun Run Street Closure Map

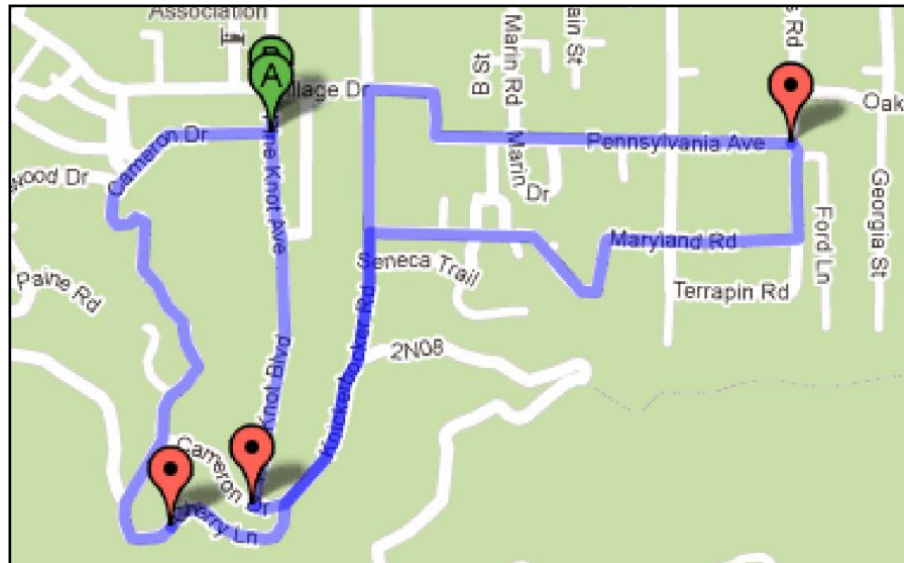
ATTACHMENT 1

MAJOR SPECIAL EVENT PERMIT 2015-008/MSE MEMORIAL 5K FUN RUN MAP OF START AND FINISH AND INTERMITTENT ROLLING CLOSURES AND USE OF CITY STREETS

START / FINISH AREA



MEMORIAL 5K FUN RUN ROUTE





STAFF REPORT

PLANNING COMMISSION MEETING OF MARCH 18, 2015

CONSENT ITEM

SUMMARY AND RECOMMENDATIONS

- Project:** MAJOR SPECIAL EVENT 2015-0012/MSE
- Proposal:** To authorize the use and closure of City-owned facilities for the annual Fun Run Car Show on August 7, 8, and 9, 2015.
- Location:** Bartlett Road Public Parking Lot, Bartlett Road, Cottage Lane, Pine Knot Avenue and Village Drive.
- Applicant:** Big Bear Lake Antique Car Club.
- Representatives:** Rick Donchi and Bill Downs, Big Bear Lake Antique Car Club.
- Recommendations:** Staff recommends that the Planning Commission authorize the use and closure of the Bartlett Road Public Parking Lot and the Village streets of Pine Knot Avenue, Bartlett Road, and Village Drive for the 2015 Fun Run.

Submitted by,

JAMES J. MILLER
Community Development Director

Prepared by,

MINA MORGAN
Contract Planner

BACKGROUND

In 2012, the City Council adopted Ordinance 2012-422 creating new regulations for Major Special Events (Development Code Chapter 17.13) and Resolution 2012-41 adopting a new administrative policy pertaining to the use and closure of City-owned facilities (Administrative Instruction Number 2012-01). These new regulations contained in Development Code Section 17.13.040 replace earlier Ordinances¹ and Administrative Instructions² and give the authority to grant the use and allow the closure of City-owned facilities to the Planning Commission. City-owned facilities include public parks, sidewalks, streets and parking lots.

There are several reoccurring Major Special event applications that are not required to be reviewed by the Planning Commission and which are allowed to be approved by staff. However, the authority to use and close city facilities is not granted to staff. Therefore, this Consent Item process has been created to bring requests to use and close city-owned facilities to the Planning Commission for action.

In these cases, the Planning Commission may authorize the use and closure of a City-owned facility for a special event provided that the event meets the following criteria:

1. The event is free to spectators.
2. The event is family-oriented, visitor-oriented or both. And,
3. The event does not involve the sale of used or mass produced goods as are typically associated with swap meets or auctions. Events that involve the sale of produce, antiques, arts and crafts and similar original items are allowed.

EVENT DESCRIPTION

The applicants are requesting to use and close the entire Bartlett Road public parking lot, Bartlett Road, Cottage Lane, Pine Knot Avenue, and Village Drive as graphically represented at right and corresponding to a Village Street Closure D in Table 17.13.030.A. of the Development Code. This closure is requested for the Big Bear Antique Car Club Annual Fun Run Car Show. The Fun Run activities take place on Friday, Saturday, and Sunday, August 7, 8, and 9, 2015. Registration activities take place on Friday in the southerly portion of the Bartlett Road public parking lot. The large car show occurs on Saturday, August 8th



¹ Development Code Section 17.03.300

² Administrative Policy Number 2001-01

and requires the closure of the full parking lot and Village streets from 4:30 a.m. until approximately 5:00 p.m. An awards ceremony takes place on Sunday morning in the entire Bartlett Road public parking lot, with all activities concluding by approximately noon.

CRITERIA

Pursuant to Development Code Section 17.13.040 Use of City Facilities, requests to use or close City-owned facilities shall be authorized by the Planning Commission for Major Special Events, provided that the event meets the following three criteria.

Criteria 1: The event is free to spectators. The Fun Run car show occurring on Saturday and the awards ceremony held on Sunday are free for spectators.

Criteria 2: The event is family-oriented, visitor-oriented, or both. The Fun Run car show and the awards ceremony are family and visitor-oriented and are appropriate entertainment activities for all age groups, local residents, and tourists. Survey data from prior year's events indicates that several thousand spectators attend this event and they come from all over Southern California and nearby States.

Criteria 3: The event will not involve the sale of used or mass produced goods as are typically associated with swap meets or auctions. Custom commemorative T-shirts are produced and sold at the event in small quantities. The event has a limited number of car-related exhibitors and a food and beverage tent. No other vendors are proposed at the event.

RECOMMENDATION

Based on the ability to meet the three criteria, the Planning Department recommends that the Planning Commission move to authorize the use and partial closure of the Bartlett Road public parking lot on Friday, August 7 through Sunday, August 9, 2015, for the Big Bear Lake Antique Car Club Fun Run, registration activities and awards ceremony. Staff further recommends that the Planning Commission move to authorize the use and full closure of the Bartlett Road public parking lot and the streets of Bartlett Road north of Beaver Lane, Cottage Lane south of Beaver Lane, Pine Knot Avenue from Stone Road to Cameron Drive, and Village Drive from Bonanza Trail to Knickerbocker Road on Saturday, August 8, 2015, for the Big Bear Lake Antique Car Club 2015 Fun Run Car Show, Major Special Event application 2015-012/MSE.



STAFF REPORT

PLANNING COMMISSION MEETING OF MARCH 18, 2015

DISCUSSION ITEM

SUMMARY AND RECOMMENDATIONS

- Project:** Development Code Amendment 2015-024
- Proposal:** To amend Section 17.25.220 of the Development Code pertaining to Development and Performance Standards for Ancillary Uses within Commercial Lodging Facilities and Bed and Breakfast Establishments to include outdoor gatherings as ancillary uses for commercial lodges and bed and breakfast establishments in the Multiple Family Residential (R-3) zone and to develop regulations for these outdoor gatherings.
- Location:** Citywide
- Applicant:** City of Big Bear Lake
- Representatives:** James J. Miller, Community Development Director
- Recommendation:** Staff recommends that the Planning Commission receive staff's presentation.

Prepared by,

JAMES J. MILLER
Community Development Director

PROJECT DESCRIPTION

Development Code Amendment 2015-024 proposes to amend Development Code Section 17.25.220 pertaining to Development and Performance Standards for Ancillary Uses within Commercial Lodging Facilities and Bed and Breakfast Establishments to clarify the use of these facilities for outdoor gatherings. The amendment proposes to limit outdoor gatherings to commercial lodges and bed and breakfast establishments in the Multiple Family Residential (R-3) zone only, to disallow outdoor gatherings as an ancillary use in the Residential-Low (R-L) and Single Family Residential (R-1) zones and to revise subsections of the Code to regulate noise, provide adequate parking, limit the maximum occupancy of the property and limit hours of operation. Staff is requesting that the Planning Commission review and discuss the proposed new code language and direct staff to proceed to prepare formal code language and return to the Planning Commission for a public hearing. For the purpose of this discussion, the existing code sections have been reproduced in this report and the proposed revisions are shown in red lettering.

BACKGROUND

In 2005, Development Code Section 17.25.220 was created to allow the general public use of ancillary facilities within commercial lodges and bed and breakfast establishments in the Multiple Family Residential (R-3) zones. In 2009, this section of the Development Code was revised to expand the general public use of ancillary facilities within commercial lodges and bed and breakfast establishments to be allowed in all residential zones, Residential-Low (R-L), Single Family Residential (R-1), and Multiple Family Residential (R-3) zones. This was done at the request of operators of bed and breakfast establishments and small lodging facilities who voiced their concern over the City's Development Code regulations that hampered their ability to be economically feasible. These operators indicated that their facilities were underutilized on weekdays when their facilities could be made available to local citizens. It was also felt that since these lodging facilities experienced low occupancy rates on weekdays, relaxing the regulations would not have an adverse effect on the surrounding neighborhood.

Recently, the City has been confronted with two code enforcement actions on commercial lodging facilities and bed and breakfast establishments who have held outdoor weddings, outdoor wedding receptions and other outdoor gatherings that have exceeded the capacity of the property. This has resulted in significant disruption to the surrounding neighborhoods. Numerous code complaints have been received concerning amplified music, noise, trash, on street parking, trespassing, public urination and traffic congestion. As a result, both the Planning Commission and the City Council have made recommendations that this particular section of the Development Code should be revised to address these concerns. Based on comments from citizens and policy makers, staff has developed the following proposed changes.

DISCUSSION

The following is a synopsis of the proposed changes to Section 17.25.220 of the Development Code:

**17.25.220 - DEVELOPMENT AND PERFORMANCE STANDARDS FOR
ANCILLARY USES WITHIN COMMERCIAL LODGING FACILITIES AND
BED AND BREAKFAST ESTABLISHMENTS IN THE MULTIPLE FAMILY
RESIDENTIAL (R-3) ZONE**

For the purposes of this section, ancillary use shall mean a use that is clearly incidental and subordinate to a principal use, which shall not cause intensification of the principal use, and which shall not be operated independently of the principal use. The following standards and regulations shall apply to uses ancillary to primary commercial lodging facilities and bed and breakfast establishments **in the Multiple Family Residential (R-3) zone: ~~any Residential zones:~~**

Staff is recommending that Section 17.25.220 apply only to commercial lodging facilities and bed and breakfast establishments in the R-3 zone. This would preclude any ancillary uses within bed and breakfast establishments in the R-L and R-1 zones from being open to the general public, but these uses would be available to registered guests.

Bed and breakfast establishments are regulated in the R-L and R-1 zones under a special section of the Development Code, Section 17.25.110. These bed and breakfast establishments are held to very specific standards restricting the commercial use of a single family home in a residential zone. These standards recognized the niche that a bed and breakfast establishment operates within and were put into place so as to not cause intensification in residential zones. A bed and breakfast establishment is basically an exception to the rule that allows a commercial activity to take place in a single family residence. The California Building Code also recognizes this exception and treats a bed and breakfast establishment as if it were a single family residence, requiring no additional public health and safety features to be constructed. By allowing an additional commercial activity to the bed and breakfast standards undermines the intent of Development and Building Codes.

In 2009, the economy was faltering and the changes to the ancillary use section were intended to help small lodges and bed and breakfast establishments to increase their occupancy. It was never intended to go beyond the point in which the ancillary use exceeded the typical day to day impacts of the primary use. Though it can be argued that multiple family zones, by nature, have a broader range of impacts than single family zones and additional commercial uses should be allowed, it is difficult to argue that a commercial use that intensifies or exceeds the low impacts that bed and breakfast establishments typically generate are permissible.

17.25.220.A.4 - General standards

4. Public use of outdoor areas of the property, including, but not limited to, landscaped areas, gardens, lawns, gazebos, balconies, outdoor patios, decks, pools, and spas is permitted provided that these structures comply with any applicable health and safety and Americans with Disabilities Act provisions and California Building Code accessibility requirements. For the purpose of this section, any tent, canopy, or similar temporary structure erected for an outdoor gathering shall comply with the codes and ordinances applicable to enclosed structures and buildings.

The existing code language includes the use of outdoor patios and decks, but does not address the use of landscaped areas, gardens and lawn areas which led to some confusion about where outdoor gatherings may occur and whether outdoor areas should be available for use by the general public. The proposed code language is intended to clarify that this section of the code also applies to outdoor areas of the property and that temporary structures such as tents and canopies are subject to the same codes and ordinances that are applied to structures and buildings, such as building setbacks, handicapped accessibility and exiting requirements.

17.25.220.A.6 - General standards

6. Unless otherwise specified in this Section, no Bed and Breakfast establishment or commercial lodging facility operator shall operate or permit the operation or playing of any device which reproduces, produces, or amplifies sound in such a manner as to be unreasonably loud, excessive, raucous or disturbing, but in no event shall noise exceed 55 decibels (dba, slow scale) as measured from the property line for a period exceeding ten (10) minutes. The operation or playing of any device which reproduces, produces, or amplifies sound is prohibited in the outdoor areas of the property, but may be allowed within a building or enclosed tent.

This proposed change is intended to clearly set the parameters for noise limits for an ancillary use. Regardless of the existing provisions in the Development Code to regulate noise, it is extremely difficult to quantify the impact to surrounding neighbors. By requiring all ancillary activities that generate excessive noise to be located in an enclosed structure or building it is felt that noise impacts can be effectively mitigated.

17.25.220.A.8 - General standards

8. Parking shall be provided for all ancillary uses on the property pursuant to Table 17.35.070.A-Parking Requirements in Commercial and Public Zones as listed for "hotels." As determined by the Planning Commission City Planner, shared parking may be considered when public use of the ancillary use(s) occurs only Mondays through Thursdays and there is evidence that the shared parking will have no significant impact on the residential character of the area. As

determined by the Planning Commission, ~~City Planner~~ stacked parking in conjunction with a valet service may be considered. In no case shall off site shuttled parking be allowed.

Parking and traffic is a significant concern when ancillary uses are filled to their capacity. Most residential streets are not designed to handle the two way traffic flow and on-street parking. Though shuttling participants to the ancillary use has been considered, it only addresses the need to provide for adequate parking and does not address the volume of traffic that will occur in and around the neighborhood. In addition, there has been a concern that in meeting parking demand a facility may result in a "sea of asphalt". However, allowing for stacked parking with a valet service would minimize the parking lot appearance of the facility. Finally, it has been noted that wedding receptions and similar catered events require numerous outside vendors (wedding official, photographers, cooks, servers, etc.) to accommodate the activity. The parking requirement for hotels includes the need to provide parking for banquet facilities and employees, and that parking requirement considers the cumulative total for all uses on the property. Therefore, it is recommended that parking be provided for all anticipated uses on the property.

17.25.220.B-Meeting and conference rooms and outdoor gathering areas

1. The maximum square footage of meeting and conference rooms and outdoor gathering areas shall not exceed a total of 1,000 square feet in area. ~~be determined by the applicable parking standards as set forth above in Section 17.25.220 (A)(7), and by all Development standards contained in Table 17.25.05.A.~~ In no case shall the cumulative total occupancy of the lodge or bed and breakfast, meeting and conference room, or outdoor gathering area exceed 49 people.

This change is intended to again clarify that this section applies to outdoor uses and that those outdoor uses should be limited to a maximum of 49 people. A building of less than 1,000 square feet would not be considered an "Assembly" use as identified by the California Building and Fire Codes. These Codes require significant fire and life safety features to be constructed when the occupancy of a building is 50 or more occupants. In addition, it was requested by the City Council at the Alpenhorn Appeal that a specific number be used in determining the maximum number of guests that would be allowed. As a result, staff concluded that, for reasons of public health and safety, no more than 49 people shall be allowed to occupy an outdoor gathering area or other ancillary assembly area. It was also determined that allowing an "assembly" use in a residential zone was an intensification of the residential zone and contrary to the General Plan language that discouraged any use that took away from an areas residential character.

17.25.220.B-Meeting and conference rooms and outdoor gathering areas

2. In no event shall a meeting or conference room be converted to or used as a separate public dining facility. This provision is not intended to prohibit

catered meals brought in for meetings and conferences **and outdoor gatherings.**

It is recommended that language be added to this section to specifically allow for outdoor gatherings to be catered.

17.25.220.D-Outdoor Use

1. The use of outdoor portions of the property for outdoor gatherings shall be prohibited between the hours of ~~10:00~~ 6:00 p.m. and 10:00 p.m. ~~7:00 a.m.~~
2. The use of outdoor portions of the property for outdoor gatherings shall be subject to the provisions regulating noise contained in Development Code Section 17.01.090.J. and Section 17.25.220.A.6.
3. Items associated with outdoor gatherings, such as tables, chairs, canopies and tents, and other portable items, shall not be placed in required parking spaces, drive aisles or required exit aisles.

In keeping with the General Plan policy to maintain the residential character of the residential zones, it is being recommended that outdoor gatherings be held between 10:00 a.m. and 6:00 p.m. Local neighborhoods tend to be the busiest during that time period and it is felt that the impact of an outdoor activity would not be as noticeable.

DISCUSSION - MAINTAINING RESIDENTIAL CHARACTER

Additional concerns and questions come to mind about how commercial lodging facilities and Bed and Breakfast establishments may be used for outdoor gatherings. Staff would like to discuss the frequency of outdoor gatherings, location of outdoor gatherings and the manner in which the property may be improved to create an outdoor gathering space.

Frequency

There is no regulation pertaining to how many outdoor gatherings may occur on a property. Should a commercial lodging facility or a Bed and Breakfast establishment that conforms to this code be allowed to hold an unlimited number of outdoor gatherings as a normal course of business; or should the number of outdoor gatherings per week, per month or per year be limited in order to preserve the residential character of the neighborhood?

Location

There is no regulation pertaining to where outdoor gatherings may occur on the property. Should outdoor gatherings be regulated to place them to the rear of the main building or residence on the property? Or, should these be allowed anywhere on the property, such as a landscaped front yard,

large side yard and rear yard areas? Is seeing an outdoor gathering disruptive to the residential character of the neighborhood?

Manner in Which the Property May Be Improved

In order to meet the parking and outdoor space requirements to hold outdoor gatherings, commercial lodging facilities and Bed and Breakfast establishment owners may chose to make improvements to their properties that may change the residential character of the neighborhood. In order to provide sufficient on-site parking, large portions of the front yard area may be paved and used as a parking lot. Unlike commercially-zoned property where parking is not allowed in the front setback area and a perimeter landscape buffer is present, parking is allowed in the setback areas in residential zones. Parking spaces may be located right up to the public right-of-way with no requirement for screening or a landscape buffer area. Should parking areas be required to be screened and/or maintain a setback from the public right-of-way?

Some business owners may chose to remove trees and native vegetation, and grade and pave large portions of the property to create an outdoor gathering space. At the present time, the Residential Development Code regulations require that 35% of the site be open space; however, there is no regulation as to where this open space must be located. In contrast, in the commercial zone, at least half of the landscaping is required to be visible from the public right-of-way. There is a possibility that a property could be improved for outdoor gatherings in a manner such that no open space is visible from the public right-of-way, which could change the residential character of the neighborhood. Should regulations be included to require a sufficient landscape area or buffer that is visible from the public right-of-way?

RECOMMENDATION

Staff is requesting that the Planning Commission review and discuss the proposed new code language and direct staff to proceed to prepare formal code language and return to the Planning Commission for a public hearing.