

- The parallel parking spaces along the east side of lot are too short. Stall length for parallel parking is 22 feet, not 18 feet as shown. This reduces the total number of spaces available.
- The parking spaces along the west side of the building are angled opposite of the driveway direction. The one-way driveway is going in the opposite direction of the way vehicles would need to pull into these spaces. The angle would also need to be reduced to provide a sufficient turning radius to get into the spaces. Also, there are dumpsters located along that side of the property that reduce available parking.

In addition, there is a large oak tree that would have to be removed to accommodate two of the spaces. Removal of this tree is inconsistent with the General Plan policies regarding oak tree protection. With all of the above considerations, staff believes that there are really only 15 to 17 spaces available on site after the new retaining walls are installed and parking area widened to accommodate the spaces. This is significantly less than the 43 required based on the parking standards of Chapter 17.18 which requires one space per every three seats. The capacity of the theater is 130, although the house usually has 40 to 100 persons.

The theater representatives have pointed out that Section 17.18.050 D provides that non-conforming uses as of the effective date (1987) of the parking ordinance do not have to comply with the standards. While accommodations can be made based on this provision, the County is still faced with the problem that there is a safety issue due to lack of parking, and the theater has lost the parking that it previously had available. In addition, the use has expanded with the addition of the school shows, and the ordinance provides for an increase in parking spaces as such non-conforming uses expand.

Another issue is regarding bus parking for school groups. The applicant indicated that two busses can park along the west side of the building, however, that requires that the busses back up into the road to exit the theater parking lot. In the past, the busses have parked along the road, where there is insufficient shoulder width, or in the monument parking lot in the state park, requiring the children to walk down the road. The proposed bus parking area is approximately 20 feet by 40 feet, which can accommodate two busses. The theater representative stated that he spoke with a CHP officer who indicated that backing up onto the highway is permitted, provided traffic is not blocked.

Representatives of the theater indicated that they are working on an agreement with another property owner for off-site parking. This cannot be relied upon, however, until an agreement is reached and documentation is provided to the County. The theater has also said that it will provide notice to bus drivers for the school groups that busses cannot be parked in the road to unload passengers. Additional notice will be provided on advertising and ticket sales identifying the parking shortage and encouraging ride sharing for local customers.

In summary, as recommended on August 24, 2006, staff finds that the use should be considered legal non-conforming, based on the prior building permit issuance by the County. However, certain limitations must be imposed to protect the public health, safety and welfare. The parking plan submitted provides only about 15 to 17 spaces, and there is presently no off-site parking available. Staff continues to recommend that a special use permit be required for the on-going use for school groups.

ATTACHMENTS:

Zoning Ordinance Parking Diagram
E-mail from Rick Lingford, dated Sept. 20, 2006
Letter from Doug Noble, dated Sept. 27, 2006