

**SAN ANSELMO PLANNING COMMISSION
MEETING OF MAY 21, 2001**

CALL TO ORDER

Commissioners Present: Chair House, Commissioners Harris, Wittenkeller, Morita, Zwick

Commissioner(s) Absent: Commissioner Jochum

Staff Present: Acting Planning Director Wight and Planning Technician Chambers

B. OPEN TIME FOR PUBLIC EXPRESSION

None

CONSENT AGENDA

1. Minutes – May 7, 2001

- 2. V-0111/DR-0114 – Ernest A. Giono, 1624 San Anselmo Avenue, APN 5-191-17, design review and variance request to: 1) build a new 1,243 square foot, two story house within 6' of the northerly side property line (8' required) and 11' of the southerly side property line (12' required); 2) a variance for 2 parking space (Code: 12' minimum setback on corner lots) to be located within 0' of the side yard setback; located within the R-1 Zoning District. (Staff person: Chambers)**

M/s Wittenkeller/Morita, and unanimously passed (5-0), to approve No. 1 Minutes.

1624 San Anselmo Avenue:

Commissioner Zwick recused himself from this project.

Commissioner Morita questioned the fence height requirements and whether or not a sidewalk would be required. Ms. Chambers responded that a fence could be constructed up to a maximum of 6' with a permit as long as there are no sight distance problems or vehicular concerns from the Building Department. These issues will be reviewed by the Building Official during the building permit plan review.

M/s Wittenkeller/Harris and unanimously passed (4-0), to approve V-0111/DR-0114 based on the findings and conditions as set forth in the staff report.

Chair House advised all parties of interest of the ten-day appeal period to the Town Council.

PUBLIC HEARING

- 1. DR-0122 – Java Rama Café, 546 San Anselmo Avenue, APN 6-102-31, design review of a metal fence to surround an outdoor eating area on the Town alley (an encroachment permit will be required), which includes plantings on the alley, located within the C-2 Zoning District. (Staff person: Wight)**

Ms. Wight presented the staff report.

Commissioner Wittenkeller did not like the idea of a permanent barrier. Mr. Applicant stated that they did not think of tables being an obstacle but it was a good concern. The fence would be attached by bolting 4 bolts per post that would be counter sunk into the cement. He did look into putting a fence that would be in a sleeve but you may not be able to disassemble it as quickly as possible. Given the situation – the fire department and police department visited the site and they felt a parallel bar would be acceptable.

In response to Commissioner Harris, Mr. Ganey stated that the width varies on the alley, but goes to approximately 9'. They are also proposing plantings as well. He noted that he is opposed to having this alley to be a part of the bicycle path and is opposed to bicycles going through there

Drew Mc Eachern, 574 San Anselmo Avenue, as a property owner he is concerned about encroachment onto town property. He wondered who would be responsible for the liability and questioned whether the applicant should have extra liability insurance. Also, if the business sells, is the business transferable? As a business owner he is in favor of all businesses being profitable. However, the town is opening up a Pandora's box. Soon every business in town will ask for the same thing. Business needs to be generated within the private property, such as Alfy's and Taco Jane.

Louise Matthews, Foothill Road, stated that her main concern is there is nothing in the Municipal code that regulates sidewalk cafes. The Municipal Code states that the sidewalk is just to be used

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to pass through. She is quite concerned that the town did not look at the architectural standards when utilizing public property. Two people under an umbrella need 93 inches. The bicycles will be using the path. This may have been feasible in 1995 but is not feasible in 2001. She would like no less than 6' clearance. There should be a use fee and a transfer fee, and an annual review and all appropriate insurance. She noted that Bubba's would not be allowed alcohol on the public street.

Mr. Ganey stated that he has had cafes before but there is no ordinance governing cafes here. They want to be a part of the community and do not want to create any problems. Perhaps they may need to do more thinking about this or forget the whole idea.

Ms. Wight referred to SAMC Title 7, Chapter 4 that states a permit by the Director of Public Works is required to obstruct the sidewalk. The Public Works Director can support this use as long as a 48" clearance is maintained. In addition, the Council has encouraged outdoor dining.

Commissioner Wittenkeller stated the new information provided tonight that the bicycle plan calls for this as an access to Sir Francis Drake is a concern to him. Any permanent barrier would be a nighttime hazard and an unsuspecting bicycle rider could get seriously hurt. This is a high liability for personal injury and the taxpayers would be footing the bill, even if there were an indemnification agreement. He is concerned about the precedent for other areas because it is a gift of public land. He might be open to the use of stanchions, similar to what is used for crowd control or barriers that can be rolled aside or removed in the evening. An arrangement of planters and tables and chairs would serve the purpose. He cannot vote approval of any permanent installation.

Commissioner Harris said there might be other types of barriers that would satisfy the situation, which could be installed and removed on a daily basis. He agrees that members of the public have brought up good issues. He wondered if the applicant would be required to sign a lease with the town for the use of public property. He supports outdoor dining but the proposal needs a little more study for public safety and public interest.

Commissioner Morita said she likes the idea of more outdoor cafes but it seems that we need to sit back and draft an ordinance to set a policy for the town and set fees, if appropriate. She would like that done prior to the applicant reapplying.

Commissioner Zwick said the little creek that runs behind the buildings on San Anselmo Avenue is an underused resource and having a public use on a public road would be wonderful precedent to shoot for. However, there are some holes in this proposal now. The bike access and permanent barriers present problems. Perhaps the plan should be reduced; perhaps place the tables closer to the building and maybe eliminate the barrier. He is not sure there needs to be a fee for this; if it works out, it can be an asset to the town. He suggested the downtown revitalization consultant look at this in conjunction with the downtown revitalization. Regarding precedent – he is not sure it will be out of control but he would like to add value to the downtown. Another suggestion to decrease congestion to cut into the building where all the windows exist to allow for more seating similar to the bussing area. Another solution might be to have visual supervision from inside to outside, which would help discourage the vandalism.

Chair House said she is in favor of something that slows the bikes down. Additional lighting could be installed so bicyclists can see at night. She would be interested in what the Town Attorney has to say about the liability and indemnity. She supports the idea of moving the tables outside and is in favor of the project but would like the Town Attorney to come up with language.

Mr. Ganey stated that he would be willing to continue the application. He noted that he envisioned using the outside area all year round.

M/s Wittenkeller/Harris, and unanimously passed (5-0) to continue the application to the meeting of June 4, 2001.

1. **UP-0105/DR-0118 – Mark Bergquist for CSK Auto, Inc. (Kragen Auto Parts), 820 Sir Francis Drake Boulevard, APN 6-061-13, use permit, design review and sign review for a new auto parts store to locate in the existing 9,210 square foot commercial space, located within the C-3 Zoning District. (Staff person: Feagans)**

Ms. Wight presented the staff report.

Bill Mosley, District Manager for Kragen Auto stated that it is his job to make this site the best site.

In response to Commissioner Harris, Mr. Mosley stated that he would be willing to amend Condition 9 to add vines to the north side of the building.

Vicki Peterson, 65 Bella Vista Avenue, said she does not think Conditions 2 and 3 are overly onerous and should be accepted. She does not feel this is an appropriate use but if approved, conditions of approval should be very strict. She suggested a word change from "conform" to "promote". Also, Condition 3 is not overly onerous. It is Kragen's responsibility to make sure they are not detrimental to the neighborhood.

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Victor Turkin, 901 Sir Francis Drake, said he wants protection from pollution in the creek and from traffic on Bella Vista. He wants protection for the kids.

Louise Matthews, Foothill Road, stated that when 76 Union went in, staff was adamant that there was a review every six months, by staff, not a public hearing. The public was concerned because there was no public hearing. She would like to see this done on a public hearing basis.

Mike Bufford, co-owner of the building, he will make sure that the building will be well maintained. At the advice of a Councilmember, they were told that the town wants service-oriented businesses in Town. They thought Kragen was a good solution. Kragen would be providing a place to recycle and parking is not an issue. There does not seem to be a lot of public outcry. They would be willing to cover the building in vines. It is becoming financially unfeasible each time there is a continuance.

Ms. Peterson stated that there will be a lot of people present when this gets appealed.

Commissioner Zwick stated that he has sympathy for the building owners. The issues are completely different on this project, it is attitude. If he were Kragen, he would have cleaned up the San Rafael store. He has a real skepticism that they will do what they should do.

Commissioner Morita stated that she was in agreement with Commissioner Wittenkeller's statement at a previous meeting that the town should establish a fine

Commissioner Wittenkeller responded that revocation of the use permit would be a financial liability and sufficient.

On the advice of Chair House, the Commission went over each condition and commented as follows:

Condition No 1

Consensus

Condition No 2

Commissioner Wittenkeller stated that the most powerful wording is the first one; do like the concept of "promoting" as opposed to "conforming". It means a state of action that can be looked at in reviewing performance. Change wording from "...revocation by the Planning Commission...to "...revocation by the Town...".

Commissioner Harris stated that the tougher option should be taken. He would merge the two proposed conditions into one.

Commissioners' Zwick, Morita and House: concurs with what has been said.

Consensus

Condition No 3

Commissioner Wittenkeller stated that he wants the original staff proposal. Would give the more controlling condition for the use. Does not think three-month traffic count is needed; would like a six-month public hearing review.

Commissioners' Zwick and Morita concur with Commissioner Wittenkeller.

Commissioner Harris stated that the first Condition 3 is better. He does not think the signs would have any impact and would just be a visual impediment on Drake. He suggests breaking this condition out into separate conditions as follows: "...there shall be a public hearing at the end of the fifth month, prior to the start of the sixth month for compliance with conditions..." and "...a six month public hearing shall take place for a minimum of two years..."

Consensus

Condition No. 4

Commissioner Zwick to add wording: "...to be replaced concurrently with the quarterly steam cleaning or more often as need..." Consensus

Condition No. 5

Commissioner Harris to add the following: "...color and design..."

Commissioner Morita to add the following: Have the town staff explore the possibilities of recycling containers.

Condition No. 6

Commissioner Zwick to amend as follows: "... to pick up litter and debris ...daily, or as often as necessary to keep it clean... as often as necessary to keep it clean as required by the Public works Department. Consensus

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Condition No. 7

Consensus

Condition No. 8

Commissioner Harris – amend as follows: hours of semi-truck deliveries shall be between 7 p.m. and 9 p.m. one day per week. Consensus

Condition No. 9

Commissioner Wittenkeller – amend as follows: landscape plan shall include 9 vines, 4 to be Boston ivy. Consensus

Condition No. 10

Commissioner Zwick – amend as follows: Provide and use a cover over the dumpster, as per all the applicable Best Management Practices. Consensus.

Condition No. 11

Mr. Mosley stated that the sign would be white letters, with white and blue star.

Commissioner Morita – amend as follows: "...the height of the screen shall be subject to planning staff review. Consensus

Condition No. 12

Consensus

Condition No. 13

Commissioner Harris – add: "...from the Town's sole active negligence." and defer to the Town Attorney. Consensus

Condition NO. 13

Consensus

Condition No. 14

Commissioner Morita – add wording as follows "Applicant to carry liability and pollution coverage insurance for instance through drainage protection services to protect the town in the event of a pollution accident especially as relates to San Anselmo Creek."

Commissioner Harris felt that was asking a lot of the applicant but would accept if they agree with it. He does not know what the costs are.

Commissioner Wittenkeller said he would support the wording and stated that the carrier should be an admitted California insurer

Chair House stated she is in favor of the concept but it is a little late to add this additional burden on the applicant. Consensus

Condition No. 15

"transferee" not "transferor". Consensus.

Conditions Nos. 16 and 17

consensus

Finding for approval of Use Permit

Commissioner Zwick said he would not vote approval for the project. He stated that he appreciates what the applicant has done and he appreciates even more what the owners have done. However, the Commission has had to pull Kragen up to this level. He looks at the San Rafael store where they make the most money and they do not keep the level up. He is not in favor of the applicant for those reasons.

Commissioner Morita concurs with Commissioner Zwick.

Commissioner Wittenkeller said he would vote for the highly conditioned use permit because the findings have been met to allow for the use. However, only on the preface that this is reviewed every six months for the next two years. He may change his mind in six months if the conditions are not met.

Commissioner Harris said he concurs with Commissioner Wittenkeller. This is a legal use and he is willing to take Kragen's promises at face value. The approval of the use also provides the opportunity to upgrade the building, which will also enhance the community and he can support the project.

Chair House said she can support the project because it will be reviewed every six months. She wants this store to be the most attractive store in the community. She would not hesitate to pull the use permit if the conditions are not met. She agrees with Commissioner Zwick that the third street store in San Rafael is not what we want in San Anselmo. The neighbors have valid concerns about the traffic but she is not sure what retail space would not generate some traffic. This is not a

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Blockbuster but it will increase traffic at certain times. She is in favor of the project with all the conditions. The burden is on Kragen to be a good neighbor.

M/s Wittenkeller/Harris, and passed (3-2 Noes: Morita/Zwick) to approve the application based on the resolution and as amended tonight.

Chair House advised all parties of interest of the ten day appeal period to the Town Council.

3. **U-0106/V-0114 - Marc and Lucy Schneidman, 281-A Crescent Road, A/P 7-222-61, use permit for an existing accessory structure to be converted to a separate second living unit; a parking variance (in conjunction with the second unit) for the existing parking to be within 15' of the front property line and within 6' of the rear property line (Code setbacks: 20'); setback variances for: 1) an existing accessory structure (to be converted to a second unit) to remain within 18.5' of the front property line and within 7.5' of the rear property line (Code setbacks: 20'); 2) a trellis, retaining wall, and barbecue/counter area to be within 11' of the front property line (Code setback: 20'); and 3) for two drystack retaining walls to be within 0' of the east side property line, on property located within the R-1 Zoning District. (Staff person: Wight)**

Ms. Wight presented the staff report.

Mark Schneidman, applicant, said they have been very careful to monitor the driveway access, which is 100 feet long. Whenever they have guests they ask them to park on Crescent. The neighbors on Cedar do not seem to have any issues and it cannot really be seen from Cedar because of the vegetation.

Commissioner Morita asked if fire access would be blocked. Mr. Schneidman responded that even with four cars parked it would not block access.

Louise Matthews, Foothill Road, wondered what would preclude this owner or a future owner from renting the main house and living in the second unit. Would it still be rent controlled?

Commissioner Zwick is in agreement with the second unit and this proposal. He would like staff to look at this neighborhood for the second units that are no longer in operation at some time in the future.

Commissioner Wittenkeller said he has some of the same concerns as David Faw who lives at 281 Crescent. There is less possibility to control the parking with a tenant as opposed to the owner. Generally he promotes the use of second units but there is extremely limited access to the upper properties and this is a concern to him.

Ms. Wight stated that the road is wider than it appears to be; the apron alone is 6' to 9'.

Commissioner Wittenkeller stated that his concern is that there is no other alternative for access of emergency vehicles.

Commissioner Harris had nothing to add.

Chair House said that she shares the concern of Commissioner Wittenkeller with regard to the narrow road but the neighbors would keep an eye on it if the owners were gone. There is a mechanism of monitoring the condition and she is therefore in favor of second units and can support this proposal.

Commissioner Morita said she is not sure how she feels about the proposal. She likes second units but it looks like this was part of 6 standard lots that became 8 or 9 lots and is substandard in size. She is worried about the crowding.

David Schwartz, landscape architect, explained that they have 6'9" of parking spaces and then the easement becomes 15' wide. Because the owner up the hill has ownership of the driveway, he could call and have cars removed.

Joan Trombley, 79 Lincoln Park, said she has a similar parking problem on her street because she lives at the end of a cull-d-sac.

M/s Harris/Zwick and passed (3-1-1 Noes: Wittenkeller Abstain: Morita) to approve the application based on the findings and conditions as set forth in the staff report.

Chair House advised all parties of interest of the ten day appeal period to the Town Council.

4. **V-0120/DR-0124 - Diana Herbst and Walt Meservey, 241 Los Angeles Boulevard, APN 6-011-22, a parking variance to legalize a converted garage to a storage/laundry room and park two cars within 0' of the front property line (Code requires 20') and within 5' of the south side property line (Code requires 8'); design review to add a 595 square foot kitchen/dining extension within 5' of the north side property line; and design review to**

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legalize an existing dormer over the garage by raising it, located within 5 feet of the south side property line, located within the R-1 Zoning District. (Staff person: Chambers)

Ms. Chambers presented the staff report.

Michael Barber, architect, said they are raising a dormer for headroom, and seeking a parking variance, which is similar to what other properties have. There is a 60' wide right of way in that neighborhood, which creates a further hardship for the owners to conform parking to the required front setback.

Edmund Hodgens, 245 Los Angeles Boulevard, said they are not opposed to the project and the parking will not change. The only sidewalk in the neighborhood is used by a property owner to park in order to avoid parking tickets.

Commissioner Zwick said he is in support of the project, to which Commissioners Morita and Wittenkeller agreed.

M/s Zwick, Morita, to approve the staff report. Motion passed unanimously.

Chair House advised all parties of interest of the ten day appeal period to the Town Council.

- 5. V-0121/U-0108 – Beth Casey for Bubba's Restaurant, 566 and 570 San Anselmo Avenue, APN 6-102-26, parking variance and use permit to have outdoor seating on the sidewalk (an encroachment permit will be required) in front of Bubba's and the adjacent store, Holly Hopper, located within the C-2 Zoning District. (Staff person: Wight)**

Ms. Wight presented the staff report.

Beth Casey, owner of Bubba's, stated that the owner of Holly Hopper next door said she did not care if Bubbas had tables and chairs in front of her store. Her intent of having the three tables outside was to create a buzz on the street. If the Commission feels smaller tables would allow foot traffic to pass by easier, she can do that.

Drew McEchern, 574 San Anselmo Avenue, stated that this encroachment moves about 40' away from the restaurant in front of another business and he is not in favor of the seating being so close to his building and. He presented photographs that were taken of the outdoor seating at Bubbas today and the photographs indicated four people sitting at the tables that are supposed to be for two people.

Charles Brown, 4 Lincoln Court, commented that the sidewalk is a public right of way and the tables and chairs will block the right of way. He noted that a wheelchair is not any wider than a stroller is and it would be difficult to pass by.

Kay Coleman, 22 Agatha Court, stated that part of the downtown revitalization is to bring people back downtown. She is aware of the street and sidewalk configuration and the sidewalk happens to be wider in some places. The particular section in front of Holly Hoppers and Bubba's is wide. This outdoor dining use will invite people downtown and create an atmosphere.

Louise Matthews, Foothill Road, stated that 44 inches would be used by an open car door, which would leave 27 inches of sidewalk left for the tables and people walking by. This is not an appropriate use of the town sidewalk. She would like to establish a Municipal Code Ordinance that addresses outdoor dining in San Anselmo so a criterion can be established. A simple bench, with people's feet extending out would take up 3'. This would not be wide enough to have people walk side by side. If Bubba's wants outside dining they can utilize their property by building a deck over the creek and ask for a parking variance.

Ms. Casey stated that she has a petition of support from all the merchants on the street except for Antique Timepieces and Gelato.

Commissioner Zwick said he is in favor of this on a trial basis but would only support a table in front of Holly Hopper with the owner's approval. The issue of regulating the location of tables and number of chairs will have to be monitored. Rectangular tables abutting the wall would improve access. The Town could use this as a test case for the downtown.

Commissioner Wittenkeller said that some tables here could be made to work but if it didn't, because there are no permanent structures, the tables would be gone. He likes the idea of smaller rectangular tables; perhaps add a laminated graphic that makes the third chair unappeasable. The tables should be restricted to the confines of the width of the property frontage. He could support a trial and if there were problems, the use would be abandoned.

Commissioner Harris stated that in concept he likes the idea of more outdoor life in the downtown area. It does however, behoove the town not to do this in a piece meal fashion. He would like to see this made a test case and have an expiration in six months; the renewal would be a new application. It could be like a six-month lease. He doesn't support the table in front of the Holly

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Hopper store and is not clear if the owner of the store supports it. He supports two smaller, rectangular tables on Bubba's property only.

Chair House stated that she supports two rectangular tables in front of Bubbas, with a three-month review back to the Planning Commission.

Commissioner Morita said she could support with two rectangular tables

Commissioner Harris wanted to know what the basis would be to revoke the use permit.

Chair House asked staff to check with the Town Attorney regarding the legal issues for insurance, indemnification, etc.

M/s Zwick/Wittenkeller/ and passed (4-1 Abstain: Harris), to approve U-0108/V-0121 based on the findings and conditions as set forth in the staff report and amended to include the following conditions: limit of 2 tables, rectangular in size, to be in front of Bubba and not in front of Holly Hopper; and the use permit shall be reviewed by the Planning Commission in three months.

Chair House advised all parties of interest of the ten day appeal period.

- 6. U-0109 – Ted Janko for Ted's Restaurant, 218 Sir Francis Drake Boulevard, APN 6-252-03, indoor live, amplified music conforming to the SAMC requirement that it be within a "completely enclosed building", located within the C-3 Zoning District. (Staff person: Wight)**

Ms. Wight presented the staff report.

Ted Janko, applicant, said they are now under construction to enclose the patio. They wanted to have outdoor dining in the patio a few years ago but the neighbors did not want this so he did not pursue it. They probably would only have the music on Saturday night. They have only ¼ of the patrons that came to Ted's 15 to 20 years ago. Parking is not a problem at night. He understands his neighbors have to contend with traffic on Sir Francis Drake but he would like some live music on Sunday also. If it does not work, he will not do it.

Commissioner Harris asked where the band would be because he was concerned about the direction of the amplification. Mr. Janko responded that he is not sure, they will sound proof the doors if necessary but he would like to have the doors open. He would like to bring more life to San Anselmo.

Monica Rizzo, manager of Ted's, stated that they have installed swamp coolers and it will not be necessary to have the doors left open to cool the building.

Eric Swenson, 31 Lincoln Park, stated that a neighbor that was unable to attend wanted him to state that she has no problem with the music but is opposed to amplified music because she has health condition and needs a lot of rest. He has fought to keep Lincoln Park a neighborhood. It is a special neighborhood and also unique to how sound travels from Sir Francis Drake. He feels the amplified music can cause some problems. Closing the doors and windows would cut down the noise but he is hesitant to support any approval. If approved, he would like it to be done on an experimental basis.

Roger Bettini, 18 Bank Street, explained that the original use permit was for non- amplified music on Sunday afternoons, which have never been followed. There are several windows that have been left open and allow sound to travel. The door to the kitchen will always be left open. He would suggest the Commission require an acoustical report if one has never been done. He said that on warm days all the doors will be open and music will not be contained within the building. The rear of the building is setback and creates a funnel affect. He does not want to listen to a rock bank when he is in his house.

Mr. Janko stated that the proof is in the pudding.

Commissioner Zwick suggested giving Mr. Janko an opportunity to have amplified music with specific hours of operation and with the understanding that the music will not continue unless it does not cause a problem. The application could also hire an accustician to measure the ambient now and then when the event is happening. He does not want to see any amplified music until the construction of the patio has been completed. The doors and windows must be closed as a condition of the use permit, although the applicant has already stated he would like to have the doors and windows open and this would inevitably cause problems for the neighbors.

Commissioner Morita said that if you do this and it will not work, you would have an uphill battle. She wanted the applicant to consider hiring an accustician. She has no problem with the 4:30 p.m. start time but is uncomfortable with the 1:30 a.m. close time.

Mr. Janko responded that he just could stand outside of the building and tell if sound is coming out. He does not understand why he needs to pay someone to do that.

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Commissioner Wittenkeller said that the previous owner years ago did have amplified music and it was very noisy. The live music concerns him because it does carry up the hill. Perhaps a very restricted trial might work but he is very skeptical.

Commissioner Harris supports live music but he did walk the alleyway behind the bar, and houses are very close. The noise could be very loud if the wind does blow in the direction of the residents. It would behoove the applicant to get an acoustical study prior to the walls going up. He could support a trial run on Friday and Saturday nights only. Continuing the music until 1:30 a.m. may be a little late. He would want to keep it in a controlled environment for a three to six month period.

Chair House said she was okay to try it one time to see how it works. She would like to see an acoustical study. She noted that the noise would probably not be a factor until the door opens or closes with people coming in and going out.

Commissioner Harris suggested leaving or coming could be prohibited during the music sets.

Commissioner Zwick said he would strongly recommend the applicant test the ambient baseline noise prior to the construction. It is important to get a baseline established without music and then have it happen again after the walls are up. |

Commissioner Harris stated he would consider granting the applicant a use permit because he will need that for advanced marketing. He is not sure he would grant the use permit for only one night. He noted that the location and direction the amplifiers are facing would have an impact on the noise.

M/s Harris/Morita, and passed (5-1 Noes: Wittenkeller) to approve the use permit based on the findings and conditions as set forth in the staff report and amended as follows: Condition 1 – change hours of live music from 7 days per week to Friday and Saturdays only; Condition 2 – Add: "The use shall not commence until completion of the enclosed patio and shall be reviewed after the first performance; if there is no significant adverse impact on the neighbors, the use will be reviewed by the Planning Commission after one month of operation to determine...".

Chair House advised all parties of interest of the ten day appeal period.

GENERAL DISCUSSION

Workshop on demolition permits for multi-family projects and the downtown commercial area.

Ms. Wight presented the staff report.

Commissioner Wittenkeller suggested placing a moratorium on demolitions until the ordinance has been drafted.

Commissioner Morita suggested the Historical Commission review this proposal and suggested single-family homes be included.

Commissioner Zwick said he would not like to see the single family included now because the Council only suggested the review of multifamily and commercial at this time.

Commissioner Harris suggested removing the word "historic" in subdivision act

Ms. Wight suggested Condition 3 to state they would apply for design review for construction of a new building..

Commissioner Harris wanted to add wording to Condition 1 from the last sentence on C. "Personal, family or financing difficulties, loss of prospective profits and neighboring violations are not justifiable hardships."

M/s House/Zwick, and unanimously passed, (6-0), to continue the application to June 4, 2001.

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

ADJOURNMENT

The meeting was adjourned at 11: 10 p.m. to June 4, 2001.

BARBARA CHAMBERS