

## AGENDA



Thursday, December 16, 2010

**Public Hearings and Possible Actions**  
**RECOMMENDATION FOR COUNCIL ACTION**

**Item No. 94**

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**Subject:** Conduct a public hearing and consider an appeal by Albert Stowell regarding the decision to renew an Outdoor Music Venue permit for The Allan House, located at 1104 San Antonio Street.

**For More Information:** Clara Hilling, 974-2686; Sylvia Arzola, 974-6448

**Prior Council Action:** August 5, 2010 - Council postponed to October 28, 2010. October 28, 2010 - Council postponed to December 16, 2010.

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On March 15, 2010, the Planning and Development Review Department approved an Outdoor Music Venue Permit (OMV) for a venue known as The Allan House, located at 1104 San Antonio Street.

On March 29, 2010, Mr. Albert Stowell, a property owner within 600', appealed approval of the permit on the basis that at the time the OMV permit was issued, there was not a temporary or conditional outdoor entertainment use permit for this property in effect. The appellant contends that the temporary use permit issued on March 16, 2010 allowing outdoor entertainment at this site was issued in error.

Sections 9-2-25(B) and 9-2-27 of the City Code provide that an interested party may appeal a decision if they are:

- The applicant;
- The notice owner of a single-family use located within 600 feet of the proposed outdoor music venue;
- The notice owner of a multi-family use located adjacent to the venue (for new permits only); or
- A registered neighborhood organization whose declared boundaries are within 600 feet of the proposed venue.

Staff recommends denial of the appeal due to the following:

- The applicant complies with Chapter 9-2 of the City Code, Noise and Amplified Sound;
- The sound equipment has been orientated east towards other commercial buildings; and
- The surrounding properties are all commercially zoned.