

AGENDA



Thursday, January 13, 2011

**Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION****Item No. 71**

Subject: Conduct a public hearing and consider an appeal by Mr. Gene Sanchez regarding the decision to approve an Outdoor Music Venue permit for Lustre Pearl, located at 97 Rainey Street.

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

On August 19, 2010, the Planning and Development Review Department approved an Outdoor Music Venue permit for a venue known as Lustre Pearl at 97 Rainey Street.

Mr. Gene Sanchez has appealed approval of the permit based on the following:

1. proximity of the stage to his home;
2. traffic problems on Rainey Street; and,
3. public health risk due to the inability of emergency service vehicles to reach individuals on Rainey Street.

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

1. the applicant;
2. the notice owner of a single-family use located within 600 feet of the proposed outdoor music venue;
3. the notice owner of a multi-family use located adjacent to the venue (for new permits only).

Staff recommends denial of this appeal due to the following:

1. the venue is located in the downtown CBD zoning district;
2. hours during the week were adjusted to Sunday-Wednesday 10:00 p.m.; Thursday 11:00 p.m. and midnight Friday and Saturday;
3. the Venue will construct a bandstand stage that will be oriented north and away from residences;
4. the speakers will be mounted low and at a downward angle;and,
5. traffic is not part of the review process for an outdoor music venue permit.