

Differences Between Current SUP Requirements and Owner Proposed Changes

Current Requirements		Applicant's Request*	Staff Recommendations*
1	Events shall be limited to a maximum of 225 guests;	No Change	
2	Events shall start no earlier than 9:00a.m., and shall end by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. on Fridays and Saturdays	No Change	
3	Music and entertainment shall discontinue by 9:45 p.m. Sunday through Thursdays and by 10:45 p.m. on Fridays and Saturdays	No Change	
4	Alcoholic beverages shall not be served after 9:30p.m. Sunday-Thursday and 10:30 p.m. on Fridays and Saturdays;	No Change	
5	Events at the facility shall be subject to the sound decibel restrictions established for residential properties;	<u>Eliminates Requirement.</u> Applicant requests the ability to operate under the <u>Commercial</u> Noise Ordinance. Decibel limits would be increased 13% (day: 63 to 70 and night: 56 to 63).	Staff recommends <i>"that the residential decibel number <u>apply only to the south and east property lines</u> as these are the sides that abut a residential area. The commercial decibel levels may <u>apply to the north and west property lines</u> adjacent to a commercial area/zoned properties."</i>
6	Any amplification, speaker or music source shall be required to be located entirely within the building;	<u>Eliminates Requirement.</u> Applicant requests that property be governed by existing Commercial Noise Ordinance without any special noise requirements. This change would <u>significantly increase neighborhood noise.</u>	<i>"Staff recommends that electronic amplification only be allowed for an officiant or spokesperson. Additionally, musical instruments that provide sound through acoustic means with no electronic amplifiers may be allowed. All other electronic amplification must be located entirely within the building. All doors and openings must remain closed when there is electronic amplification inside the building"</i>

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7	Noise dampening materials shall be installed inside the structure;	<p>Eliminates Requirement. Applicant requests that property be governed by Commercial Noise Ordinance without any special noise requirements. No special “noise dampening materials” have ever been installed as promised at City Council meeting per Dave Hall, City’s Chief Building Official</p>	Staff recommends approval.
8	An automated sound meter that controls decibel levels shall be utilized by the facility;	<p>Eliminates Requirement. Applicant requests that property be governed by Commercial Noise Ordinance without any special noise requirements. This technology, apparently, was never installed on the property as required.</p>	Staff recommends approval.
9	A facility owner shall be required to be present on-site during all events;	<p>Eliminates Requirement. Remove the requirement to allow manager or owner to be present during events. Council Member Eason wanted to have an Owner at all events, which was modeled after a Bed & Breakfast Event requirement to protect local neighbors.</p>	<p>Staff recommendation is conflicting. <i>“Staff recommends approval of this request. The facility owner, or authorized representative, must be present during an event for set-up and clean-up.”</i></p>
10	A minimum of one security officer shall be required at any event where alcohol is to be served that exceeds 50 guests, with two required at an event that exceeds 100 guests;	<p>No Change. This requirement has never been enforced by the City with only one security officer present at all events (including over 100 guests) even though neighbors have brought the violation to the City’s attention on a number of occasions.</p>	
11	Inside dance lighting, such as a strobe light, shall not be visible from outside the building;	<p>Eliminates Requirement per original request. This requirement has never been enforced by the City even though neighbors have formally complained to the City in writing about flashing dance lighting during events.</p>	Staff recommendation not known.

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12	Events serving alcohol shall require a state-licensed and certified bartender;	No Change	
13	No direct retail sales of alcohol to the general public is permitted;	No Change	
14	Primary entry to the building will be on the north side of the property for guests, vendors, and office usage;	Eliminates Requirement. Remove the primary entrance requirement. This change would allow guest drop-off and pick-up on Myrtle St, a narrow (24' wide) residential street.	Staff recommendation is unclear and additional information is needed from Staff. <i>"Staff recommends revising this condition to be consistent with UDC's definition of a primary entrance."</i>
15	The proposed 30-foot wide door shall remain closed when there is music or amplification or may be replaced with a stationary glass wall and a standard width glass door;	Eliminates Requirement. Owner requests that property be governed by Commercial Noise Ordinance without any special noise requirements. This change would significantly increase noise levels throughout the neighborhood.	<i>"Staff recommends that electronic amplification only be allowed for an officiant or spokesperson. Additionally, musical instruments that provide sound through acoustic means with no electronic amplifiers may be allowed. All other electronic amplification must be located entirely within the building. All doors and openings must remain closed when there is electronic amplification inside the building."</i>
16	No parking related to the event or office usage will be allowed on Myrtle Street and the adjacent residential area;	Eliminates Requirement. Remove the requirement to allow our clients to park in all areas where parking is allowed [including residential streets]. This change would significantly increase event parking (for 200+ guests) throughout neighborhood.	Staff recommends revising the language to restrict the valet parking service "from parking on Myrtle St and the adjacent residential area", but not for events of 75 (& under), allowing those guests (25-35 cars) to park anywhere in neighborhood.
17	Valet parking is required for events of 75 or more adult guests;	No Change	
18	A low level landscape buffer shall be planted and maintained along the southern property line	No Change This is also a UDC requirement.	

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19	The applicant shall acquire a shared parking agreement, as outlined in the UDC , to address the parking demands of larger events prior to issuance of the Certificate of Occupancy.	Eliminates “as outlined in the UDC”. Owner has <u>never</u> recorded an approved Parking Agreement for 2 years according to City Staff (11-5-15) though owner was required by the UDC to provide proof of a recorded parking agreement prior to approval of the Certificate of Occupancy which was given by City on 12-13-13.	Staff has reviewed and possibly approved a new Parking Agreement last month that, according to City Staff is: <ol style="list-style-type: none"> 1. 10 parking spaces below requirements 2. not exclusive to the Union on 8th though parking <u>agreement must be exclusive</u> for use of the Union on 8th per UDC 3. not recorded per UDC.
	The City does not allow the House Trailer on the property	Applicant would like to have a House Trailer permanently located on property and also be able to build a storage building on the property. The City has told the applicant 4-5 times that the house trailer is not allowed on property, but the applicant continues to bring the house trailer on the property for events.	Staff recommends the request, even though the applicant has disregarded City’s decision that the house trailer is not allowed on property over the last 2 years.

* Based on document named “SUP-2015-001_Staff_Review_Comments_4_11-02-2015” received from City through an Open Record Request. We are waiting for the final Staff Report to update the document. Comments have been added in **Bold**.