

Discussion ensued as to whether Council would support allowing the hoteliers to vote on the BID whether or not Paso Robles and/or Pismo Beach participate, as well as what type of participation San Luis Obispo should have on the BID.

**ACTION:** Moved by Carter/Settle to: 1) Postpone action on this item and direct staff to attempt to provide additional information regarding: a) the current loss of market share and how the expenditures by a countywide organization may be more effective than what the City is currently expending; b) how the City will be represented in Board decisions, c) who will have the option to review the BID or whether the Board of Supervisors will be the only agency to do so; d) whether there will be full cost recovery by the City for its involvement in the administration of the BID; and e) what percent of the funding will be expended on overhead vs. advertising San Luis Obispo. 2) Directed staff to work with the Chamber of Commerce on obtaining answers to its and its constituents questions once they have been articulated. 3) Attempt to determine whether the cities of Paso Robles and Pismo Beach will be participating in the BID, but to bring this back to Council regardless, preferably in March but in April at the latest (5:0).

It was clarified that staff will attempt to respond to Council's questions. However, questions raised by the Chamber of Commerce and its constituents will need to be articulated. In addition, some of those questions will require a response from Ms. Biaggini.

Council recessed at 9:16 p.m. and the meeting reconvened at 9:25 p.m. with all members present.

3. **APPEAL OF ARCHITECTURAL REVIEW COMMISSION'S ACTION TO REQUIRE THAT THREE WINDOWS ALONG MORRO STREET REMAIN CLEAR AS PART OF A FACADE REMODEL AT 899 HIGUERA ST (ARC 79-06).**

Associate Planner Hill presented the staff report. She discussed the applicant's request to modify the space, the Architectural Review's Commission to require that three of the six windows along Morro Street remain clear, and Copeland's appeal of this decision and desire to obscure all of the windows on Morro Street. She responded to questions.

Mark Rawson, appellant, discussed the amount of street frontage in the downtown center, including the linear feet of windows that exist (excluding those subject to the appeal). He explained how his project provides 100% visual window display or view into his building. He discussed the innovative aspects of the project's design, particularly the pedestrian walkway through the project, and the City's design criteria. He explained how, in light of that criteria and the project design, he thought findings can be made to support the appeal. In response to Council Member Brown, he noted the narrowness of the space and discussed the need for wall space by the retailers.

Mayor Romero opened the public hearing. No comments were forthcoming and Mayor Romero closed the public hearing.

Council Member Settle concurred with the applicant that the design for the corner is a considerable improvement and that the case can be made that the percentage of square feet set aside for window space would justify upholding the appeal.

Vice Mayor Mulholland expressed concerned with the increased number of "dead walls" in the City on public street fronts. She suggested ways to reconfigure the project to open it up and increase its pedestrian friendliness and activity on Morro Street. She said she would oppose the motion.

Council Member Brown discussed the uniqueness of the proposal and why he thought it would improve the lighting and make it a more walkable area. He explained why he questioned the feasibility of reconfiguring the project with a storefront on Morro Street.

Council Member Carter concurred with Vice Mayor Mulholland. He said that the Downtown Center involves three different shopping experiences, that the proposal will create a dead space, and the design will not create a visual appeal. He was also concerned with the precedent this would establish by creating dead zones.

Mayor Romero explained that he would support the motion because he did not think the design would create a dead space and that the desires and need of the business community should be prevalent in this case.

**ACTION: Moved by Brown/Settle to adopt Resolution No. 9861 (2007 Series) upholding the appeal and approving the enclosure or obscuring of all the windows along Morro Street; motion carried 3:2 (Mulholland/Carter opposed).**

4. ADOPTION OF A POST-DISASTER SAFETY ASSESSMENT PLACARD ORDINANCE.

Chief Building Official Girvin presented the staff report, explaining the purpose of the proposal that would enable the City to legally restrict occupancy of buildings damaged by an earthquake and displayed an example of the placard. He responded to questions by Vice Mayor Mulholland.

Mayor Romero opened the public hearing. No comments were forthcoming and Mayor Romero closed the public hearing.

**ACTION: Moved by Mulholland/Brown to introduce Ordinance No. 1502 (2007 Series) to create official placards that enables the Chief Building Official to legally restrict occupancy of damaged buildings after a disaster occurs; motion carried 5:0.**

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COUNCIL LIAISON REPORTS

Vice Mayor Mulholland reported on her attendance at the December 6<sup>th</sup> Water Resources Advisory Committee meeting and the December 12<sup>th</sup> Downtown Association Board of Directors meeting.

Council Member Settle reported that he will be attending a meeting in Sacramento on Thursday, representing the Council on the Revenue Tax Committee.

Council Member Carter reported on his attendance at the Downtown Association Planning Committee meeting today.

Mayor Romero reported on his attendance at a recent SLOCOG meeting and the December 14<sup>th</sup> Naclimiento Project Commission meeting (report on file in the City Clerk's office). He also reported on his attendance, along with Vice Mayor Mulholland and Council Members Brown and Carter at the Cheng Park dedication, on the recent Mayor's meeting, and on a recent Whale Rock Commission meeting.

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COMMUNICATIONS

Vice Mayor Mulholland referred to a letter Council received from the Mayor of Santa Clarita asking Council to adopt a resolution to "take back local control," and to send a message to