

STAFF REPORT

SAUSALITO HISTORIC LANDMARKS BOARD AND PLANNING COMMISSION

Project Sausalito Chamber of Commerce/Intersection of El Portal and Tracy Way
Design Review Permit
DR 12-180

Meeting Date October 17, 2012

Staff Heidi Burns, Associate Planner 

This staff report supplements the October 3, 2012 staff report.

Background

On October 3, 2012, the Historic Landmarks Board (HLB) and the Planning Commission reviewed a Design Review Permit to install an automated teller machine (ATM) within the existing Chamber of Commerce Information Kiosk located within the Downtown Historic Overlay Zoning District.

Both the HLB and the Planning Commission continued the review of the project in order for the applicant to return with the following information:

- ✓ Demonstrate the project will be in compliance with Americans with Disabilities Act (ADA) accessibility Guidelines; and
- ✓ Demonstrate a compatible panel for the bottom of the ATM can be addressed; and
- ✓ Provide a landscape/hardscape plan to identify the amount of existing landscaping to be removed and the extent of new hardscape to be installed in order to assure ADA accessibility compliance.

Discussion

The applicant has provided a site plan demonstrating the existing conditions comply with the ADA accessibility regulations. In addition to having at least one accessible path of travel which meets the ADA accessibility regulations, the applicant is also proposing to expand an existing 2-foot, 6-inch concrete path to 5-foot. The existing hedge will need to be trimmed approximately 2-foot, 6-inches on the right side of the path (when looking at the site plan) to accommodate the proposed expanded concrete path.

The applicant has not provided a detail regarding a compatible panel for the bottom of the ATM on the basis that it would be extremely difficult to custom fit a wood panel on the pedestal type of ATM being installed.

CORRESPONDENCE

As of the writing of the staff report, no public correspondence was received.

RECOMMENDATION

Staff recommends the Historic Landmarks Board and the Planning Commission approve the attached draft resolution (**Exhibit A**) which approves a Design Review Permit to install an ATM within the existing Chamber of Commerce Information Kiosk located within the Downtown Historic Overlay Zoning District at the intersection of El Portal and Tracy Way.

Alternatively, the Planning Commission may:

- Continue the hearing for additional information and/or project revisions; or
- Direct staff to prepare a resolution for denial of the Design Review Permit.

EXHIBITS

The lettering of the exhibits continues from the October 3, 2012 Staff Report.

- A. DRAFT Resolution (Revised)
- E. Planning Commission meeting minutes from 10-3-12, Excerpt
- F. Site Plan, date-stamped October 11, 2012

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**HISTORIC LANDMARKS BOARD AND PLANNING COMMISSION
RESOLUTION NO. 2012-XX**

**APPROVAL OF A DESIGN REVIEW PERMIT TO ALLOW THE EXTERIOR MODIFICATION
TO THE CHAMBER OF COMMERCE INFORMATION KIOSK LOCATED AT THE EL
PORTAL/TRACY WAY INTERSECTION TO ACCOMMODATE AN AUTOMATED TELLER
MACHINE (DR 12-180)**

WHEREAS, an application has been filed by the Sausalito Chamber of Commerce, requesting Planning Commission approval of a Design Review Permit to allow the exterior modification to the Chamber of Commerce Information Kiosk located at the intersection of the El Portal and Tracy Way public right-of-ways within the Downtown Historic Overlay Zoning District, in order to accommodate an automated teller machine; and

WHEREAS, the project site is located within the General Plan Public Institutional General Plan Land Use Designation, Public Institutional Zoning District, and Downtown Historic Overlay Zoning District; and

WHEREAS, the Historic Landmarks Board and the Planning Commission conducted a duly-noticed public hearings on October 3, 2012 and October 17, 2012 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Historic Landmarks Board and the Planning Commission have reviewed and considered the information contained in the staff report as well as any and all oral and written testimony on the proposed project; and

WHEREAS, the Historic Landmarks Board and the Planning Commission have reviewed and considered the information contained in the staff reports dated October 3, 2012 and October 17, 2012; and

WHEREAS, the Historic Landmarks Board and the Planning Commission have reviewed and considered the project plans titled "Sausalito Ferry Landing Information Kiosk" and date-stamped July 12, 2012; and

WHEREAS, the Historic Landmarks Board and the Planning Commission find that the proposed project, as conditioned herein, is consistent with the General Plan and complies with the requirements of the Zoning Ordinance as described in the staff report; and

WHEREAS, approval of the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities, which allows for minor alterations to an existing building.

**NOW, THEREFORE, THE PLANNING COMMISSION AND HISTORIC LANDMARKS BOARD
HEREBY RESOLVE AS FOLLOWS:**

1. The project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities.

*Exhibit A
(11 pages)*

2. A Design Review Permit to allow the exterior modification to the Chamber of Commerce Information Kiosk is approved based upon the findings provided in Attachment 1, and subject to the conditions of approval provided in Attachment 2. The project plans are provided in Attachment 3.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Historic Landmarks Board and the Planning Commission on the XX day of XX, 2012, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jeremy Graves, AICP
Secretary to the Planning Commission

AYES:
NOES:
ABSENT:
ABSTAIN:

Vicki Nichols
Secretary to the Historic Landmarks Board

Attachments:

- 1- Findings
- 2- Conditions of Approval
- 3- Project plans entitled "Sausalito Ferry Landing Information Kiosk" date stamped July 12, 2012

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HISTORIC LANDMARKS BOARD/PLANNING COMMISSION RESOLUTION
OCTOBER 17, 2012
DR 12-180
CHAMBER OF COMMERCE INFORMATION KIOSK

ATTACHMENT 1: FINDINGS

DESIGN REVIEW PERMIT FINDINGS

In accordance with Zoning Ordinance Section 10.54 (Design Review Procedures), the Design Review Permit is approved based on the following findings:

- A) The proposed project is consistent with the General Plan, any applicable specific plans and Historic Design Guidelines.

The project is consistent with General Plan policies, including those related to maintaining the historic character of the downtown, as well as the Historic Design Guidelines.

- B) The proposed architecture and site design complements the surrounding neighborhood and/or district by either: a) Maintaining the prevailing design character of the neighborhood and/or district or b) Introducing a distinctive and creative solution which takes advantage of the unique characteristics of the site and contributes to the design diversity of Sausalito.

The design of the improvements is the minimum necessary to accommodate an automated teller machine located within the Chamber of Commerce Information Kiosk.

- C) The proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.

The project is designed to fit within the footprint of the existing Chamber of Commerce Information Kiosk, thus maintaining the general scale of the building and its relationship to the surrounding buildings located within the Downtown Historic Overlay Zoning District.

- D) The proposed project has been located and designed to minimize obstruction of public views and primary views from private property.

The project is designed to fit within the footprint of the existing Chamber of Commerce Information Kiosk therefore there will be no impacts to public views and primary views from private property.

- E) The proposed project will not result in a prominent building profile (silhouette) above a ridgeline.

The subject parcel is not located along a ridgeline.

- F) The proposed landscaping provides appropriate visual relief, complements the buildings and structures on the site, and provides an attractive environment for the enjoyment of the public.

No new landscaping will be planted as a result of this project.

- G) The design and location of buildings provide adequate light and air for the project site, adjacent properties, and the general public.

It is not anticipated the project will disrupt the existing light and air associated with the project site because the improvements are located within the footprint of the existing building and will not create any new mass and bulk associated with the project site.

- H) Exterior lighting, mechanical equipment, and chimneys are appropriately designed and located to minimize visual, noise and air quality impacts to adjacent properties and the general public.

The project does not include the installation of new lighting, mechanical equipment, and/or chimneys. The project will create short-term impacts associated with construction. No long terms noise impacts will result from the project.

- I) The project provides a reasonable level of privacy to the site and adjacent properties, taking into consideration the density of the neighborhood, by appropriate landscaping, fencing, and window deck and patio configurations.

The project is designed to fit within the footprint of the existing Chamber of Commerce Information Kiosk, therefore no new impacts related to privacy will result from the project.

- J) Proposed entrances, exits, internal circulation, and parking spaces are configured to provide an appropriate level of traffic safety and ease of movement.

The project consists of the removal of one of two French doors to accommodate the installation of an automated teller machine. As such, access to the interior of the building will remain the same, therefore, not resulting in any changes in the circulation related to the building.

- K) The project site is consistent with the guidelines for heightened review for projects which exceed 80% of the maximum allowed Floor Area Ratio and/or site coverage, as specified in subsection E (Heightened [Design] Review Findings).

Heightened Review is not required.

HISTORIC OVERLAY DISTRICT FINDINGS

Pursuant to Sausalito Zoning Ordinance Section 10.46 (Historic Overlay District), the Planning Commission and Historic Landmarks Board find:

1. The proposed new construction or alteration is compatible with the architectural and historical features of the structure and/or district.

The project consists of one of two French doors to accommodate the installation of an automated teller machine that will be architecturally compatible with the existing Chamber of Commerce Information Kiosk and its surrounding environs.

2. The historical context of the original structure or district has been considered during the development and review of the proposal.

The design of the Chamber of Commerce Information Kiosk was approved by the Historic Landmarks Board and the Planning Commission in 1996. At that time, the Kiosk was found to be consistent with the historic context of the Downtown Historic Overlay Zoning District. The project is designed to fit within the footprint of the existing Chamber of Commerce Information Kiosk and therefore will maintain its context with the District.

3. The criteria for listing the structure or site on the local register does not apply, or the Historic overlay district will not be affected by the new construction or alterations.

As previously stated the project will not negatively impact the Downtown Historic Overlay Zoning District as summarized in the aforementioned Finding No. 2.

4. The State Historic Building Code is being applied to minimize alterations to the original historic structure.

The Historic Building code is not requested.

5. The Secretary of Interior Standards for Treatment of Historic Properties have been used to review and consider the new construction and proposed alterations.

The Chamber of Commerce Information Kiosk is not considered to be an eligible historic due to when the Kiosk was constructed (less than 50-years old), therefore the Secretary of the Interior Standards for the Treatment of Historic Properties is not applicable.

6. Alternative uses and configurations have been considered as part of the Design Review process.

The purpose of the project was to work within the existing footprint of the existing Chamber of Commerce Information Kiosk. The location of the automated teller machine is the only viable location that would have minimal impacts on the architecture of the existing building, therefore no alternative configurations were considered.

7. Findings specified by Chapter 10.54 (Design Review Procedures) can be made.

The Design Review Findings can be favorably made, as discussed in the Design Review Permit Findings above.

8. The proposed new construction or alteration will be compatible with and help achieve the purposes of the Historic Overlay District (Chapter 10.28.040.A).

The project will be compatible with the purposes of the Historic Overlay District, as described below.

- To promote the conservation, preservation, and enhancement of the historic or architecturally significant structures and sites that form an important link to Sausalito's past;

The Chamber of Commerce Information Kiosk was constructed in 1996 and is not a historic or architecturally significant building important to Sausalito's past.

- To deter demolition, destruction, alteration, misuse or neglect of historic or architecturally significant buildings;

As previously stated, the Commerce Information Kiosk was constructed in 1996 and is not a historic or architecturally significant building important to Sausalito's past.

- To stimulate the economic health and quality of the community and stabilize and enhance the value of property;

The purpose of the project is to allow an additional revenue source for the Chamber of Commerce to facilitate the economic health of the Chamber. In turn, the Chamber of Commerce will be able to continue to provide services to help stimulate the economic health of other local businesses and improve the quality of the community.

- To encourage development tailored to the character and significance of the historic district through sign and design review standards;

As previously discussed the project is found to be consistent with the Design Review Permit Findings.

- To provide review of projects located in the Historic overlay district by the Historic Landmarks Board;

The project was reviewed and approved by the Historic Landmarks Board at a joint meeting with the Planning Commission.

- To encourage the protection and reuse of structures, sites and areas that provide significant examples of the past or that are landmarks in the history of architecture;

As previously stated, the of Commerce Information Kiosk was constructed in 1996 and is not a historic or architecturally significant building important to Sausalito's past.

- To preserve structures that are unique and irreplaceable assets to the city and its neighborhoods; and

As previously stated, the Commerce Information Kiosk was constructed in 1996 and is not a historic or architecturally significant building important to Sausalito's past.

- To provide appropriate settings and environments for historic structures.

The structure is located in the Downtown Historic Overlay Zoning District, which is an appropriate and necessary setting for the Chamber of Commerce Information Kiosk.

**HISTORIC LANDMARKS BOARD/PLANNING COMMISSION RESOLUTION
OCTOBER 17, 2012
DR 12-180
CHAMBER OF COMMERCE INFORMATION KIOSK**

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions of approval apply to the plans prepared by Don Olsen Architects & Associates, entitled "Sausalito Ferry Landing Information Kiosk" and the date-stamped received July 12, 2012.

General

1. Upon building permit submittal the Conditions of Approval shall be shown on all construction drawings.
2. Upon building permit submittal the applicant shall provide a written response demonstrating compliance with each Condition of Approval.
3. No exterior lighting is approved for the project.
4. No new landscaping is approved for the project.
5. A replacement door with divided lights to match the adjacent door shall be installed if the ATM is removed from the Chamber of Commerce Information Kiosk.

Advisory Notes

Advisory notes are provided to inform the applicant of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

6. This approval will expire in two (2) years from the effective date of this resolution if the property owner has not exercised the entitlements hereby granted, or an extension has not been filed prior to the expiration date.
7. An approval granted by the Planning Commission does not constitute a building permit or authorization for construction. Appropriate construction permit(s) issued by the Building Division must be obtained prior to construction.
8. All applicable City fees as established by City Council resolutions and ordinances shall be paid. Third party review fees (cost plus 10%) shall be paid.
9. Pursuant to Municipal Code Chapter 3.36, Construction Traffic Road Fees shall be paid prior to issuance of a building permit.
10. An encroachment permit shall be obtained from the Department of Public Works prior to use

of the public right-of-way for non-public purposes (e.g., materials storage, debris box storage) including any and all construction and demolition activities.

11. Pursuant to Municipal Code Chapter 8.54, applicants shall submit a Recycling Management Plan to the Community Development Department prior to the issuance of any construction permits, unless the requirement is waived pursuant to Section 8.54.050.
12. Pursuant to Municipal Code Chapter 11.17, dumping of residues from washing of painting tools, concrete trucks and pumps, rock, sand, dirt, agricultural waste, or any other materials discharged into the City storm drain system that is not composed entirely of storm water is prohibited. Liability for any such discharge shall be the responsibility of person(s) causing or responsible for the discharge. Violations constitute a misdemeanor in accordance with Section 11.17.060.B.
13. Pursuant to Municipal Code Section 12.16.140, the operation of construction, demolition, excavation, alteration, or repair devices and equipment within all residential zones and areas within a 500 foot radius of residential zones shall only take place during the following hours:
 - Weekdays – Between 8:00 a.m. and 6:00 p.m.
 - Saturdays – Between 9:00 a.m. and 5:00 p.m.
 - Sundays – Prohibited
 - City holidays (not including Sundays) – Between 9:00 a.m. and 7:00 p.m.
14. Pursuant to Municipal Code Section 18.12.100, existing sewer service laterals shall be inspected for surface water connections and leakage at the time of remodeling of any building. Deteriorated service laterals shall be repaired prior to approval of the building permit.
15. Permits required by other agencies having jurisdiction within the construction area must be obtained in accordance with the respective agency's regulations.
 - Marin Municipal Water District – (415-945-1400), including landscaping and irrigation regulations;
 - Southern Marin Fire Protection District -- (415-388-8182); and
 - Bay Conservation and Development Commission – (415-352-3600).
16. Pursuant to Municipal Code Section 10.54.100, construction activities undertaken in accordance with a design review permit shall comply with the construction time limit regulations based upon the project's valuation. Construction projects which are not completed within the time limits are subject to daily penalties.
17. Projects involving commercial buildings and/or public accommodations must comply with the accessibility requirements of the California Building Code (Chapter 11B), including the following:
 - a. New buildings must be fully accessible.
 - b. Altered buildings must:
 - i. Provide access within the area of renovation, alteration, structural repair or addition;

- ii. Provide an accessible primary entrance to the building or facility and an accessible primary path of travel to the specific area of renovation, alteration, structural repair or addition; and
- iii. Provide accessible restrooms, drinking fountains, signs, and telephones, serving the area of alteration

No renovation, structural repair, alteration or addition shall be undertaken which decreases accessibility or usability of a building below the requirements for new construction.

In order to determine the full scope of accessibility work needed to be included in commercial buildings and public accommodation facilities, applicants are strongly recommended to conduct a detailed accessibility survey of the existing facilities, prepared by a California Certified Access Specialist (CAsp). The survey should be conducted early in the project's planning and budgeting process and should fully address the items listed above.

In addition, property owners and their registered design professionals should review the provisions of the Americans with Disabilities Act (ADA) to ensure their properties comply with the respective ADA provisions, including provisions applicable to public accommodations and commercial facilities (ADA Title III).

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HISTORIC LANDMARKS BOARD AND PLANNING COMMISSION RESOLUTION
OCTOBER 17, 2012
DR 12-180
CHAMBER OF COMMERCE INFORMATION KIOSK

ATTACHMENT 3: PROJECT PLANS

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SAUSALITO PLANNING COMMISSION
Wednesday, October 3, 2012
Draft Summary Minutes
*****EXCERPTS*****

Call to Order

Chair Keegin called the meeting to order at 6:30 p.m. in the Council Chambers of City Hall, 420 Litho Street, Sausalito.

Present: Chair Stafford Keegin, Vice Chair Joan Cox, Commissioner Stan Bair, Commissioner Richard Graef

Absent: Commissioner Bill Werner

Staff: Community Development Director Jeremy Graves
Associate Planner Heidi Burns, Assistant Planner Alison Thornberry-Assef, City Attorney Mary Wagner

HLB Chair Pierce called the joint meeting of the HLB and Planning Commission to order at 6:33p.m.

Present: Chair Morgan Pierce, Secretary Vicki Nichols, Committee Member Carolyn Kiernat, Committee Member John McCoy.

- 2. DR 12-180, Design Review Permit, City of Sausalito, El Portal/Tracy Way Intersection.** Design Review Permit for the installation of an ATM within the existing Chamber of Commerce Visitor Kiosk located in the public right-of-way at the intersection of El Portal and Tracy Way.

The public hearing was opened.

Associate Planner Burns presented the Staff Report.

HLB question to Staff:

- How would the security needs of the proposed ATM work with the existing landscaping? It is hoped the mature hedges would not be removed in favor of concrete paving over the planter to accommodate security needs. *Staff responded the applicant has indicated they will trim the hedges but not remove them, relocate the trash receptacle, and install a path of decomposed granite or concrete to provide access to the ATM.*

Commission questions and comments to Staff:

- The Staff Report says the trash receptacle will be relocated in "the field." Where is that? *Staff responded the trash receptacle would be put in an appropriate location around the project site that will not impede people going to or from the kiosk. The location will be determined by the applicant and Public Works staff and could be an added Condition of Approval.*
- Has an accessibility review been done for this particular application, specifically as to whether there is adequate access to the kiosk? *Staff responded it has not*

1 *been done yet. The accessibility review is typically done at the Building Permit*
2 *level.*

- 3 • The hedge will be trimmed back a little, but to be accessibility compliant the
4 bench on the left will have to be removed to open up the space. The applicant
5 has not provided detailed drawings illustrating what is to happen in that area
6 and whether it is capable of being made accessibility compliant. *Staff*
7 *responded although the project plans do not provide details the applicant has*
8 *provided photographs that show there are areas wide enough for the minimum*
9 *requirement of four feet plus a five foot turnaround to provide accessibility.*
10 *Staff is confident the project area would provide sufficient accessibility based*
11 *on accessibility regulations without taking away the landscaping.*
12 • The concern is that in order to be accessibility compliant the City may end up
13 with something significantly different than what it presented in the plans at this
14 meeting.

15
16 The public testimony period was opened.

17
18 Presentation was made by Don Olsen, Oonagh Kavanagh, and Cheryl Popp, the
19 applicants.

- 20 • Mr. Olsen will provide a drawing to staff showing they do meet the accessibility
21 regulations with respect to coming into the ATM machine and then turning
22 around.
23 • Removing the trash receptacle allows a walkway there, but they will not raise
24 the hedge, because it is all going to be uniform and it travels all the way across
25 the length of the ferry landing.

26
27
28 HLB questions to Mr. Olsen:

- 29 • Will the height of the ATM meet the accessibility requirement? *Mr. Olsen*
30 *responded it does meet accessibility requirements.*
31 • Is there paving under the trash receptacle where it currently stands? *Mr. Olsen*
32 *responded no. They would install new concrete to match that in the plaza.*

33
34 Commission questions and comments to Mr. Olsen:

- 35 • The ATM is tucked around the corner and not very visible. How will people
36 know it is there? *Mr. Olsen responded there is no other option with respect to*
37 *the placement of the ATM. Ms. Popp responded they believe the ATM will have*
38 *adequate exposure because people usually surround it.*
39 • If the lower portion below the ATM was the same color as the door next to it
40 and treated in some manner, then the ATM would not be so prominent and be
41 tied into the rest of the building.

42
43 The public made no comments.

44
45 The public testimony period was closed.

46
47 HLB comments:

- 48 • The proposal is compatible with the Historic District.

- There should be a Condition of Approval stating if the ATM is removed in the future the door should be rebuilt as it currently exists.
- White on the wall under the ATM is fine. Stone or other treatments may be more difficult and unnecessary.
- The accessibility issues will be handled in the permitting process.
- A color darker than white below the ATM may be better as the wall will incur scuff marks, but if the Chamber is diligent about keeping it clean there should be no issue.
- The site planning, landscaping, and paving are missing from the drawings. If the proposed site is not wide enough to accommodate ADA clearances there will be changes to the landscaping and hardscape. The HLB should have input, but without an accurate diagram of what exists and what is proposed it is difficult to compare and contrast what is intended. The application needs further review before approval.

Commission comment:

- The next Planning Commission meeting will also be a joint meeting with the HLB. Perhaps this matter should be continued so the hardscape, landscaping, accessibility issues, and a compatible panel for the bottom of the ATM can be addressed.

Staff comment:

- An alternative would be a Condition of Approval requiring a landscaping plan approved by the Community Development Director. Staff would work with the Chamber of Commerce to provide an appropriate looking area that is consistent with the regulations and requirements. If the HLB wishes to work with staff on that, staff could take the landscaping plan to the HLB as well.

HLB comment:

- There should be a Condition of Approval that a small group of Planning Commission and HLB members work with the Community Development Director to sort through the issues.

HLB Chair Pierce moved and Committee Member Nichols seconded a motion to continue the public hearing for Element Portal/Tracy Way Intersection to the meeting of October 17, 2012. The motion passed 3-1 with Committee Member Kiernat dissenting.

Commissioner Bair moved to continue the public hearing for Element Portal/Tracy Way Intersection to the meeting of October 17, 2012.

Commission comments:

- The ATM is fine as it is and does not need a panel at the bottom.
- Opening up the hedge and making that accessible will improve the situation in many ways.
- The ADA issues should be solved between the applicant and staff. The application should be approved rather than continuing it.

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- This could probably be handled at the staff level, but because the HLB has indicated an interest in revisiting this issue and we are reconvening in two weeks, which is not an inordinate delay, the matter should be continued.

Chair Keegin seconded the motion.

The motion passed 3-1 (No – Graef).

The public meeting was closed.

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