

# City sidesteps design ruling on Elks building

With three of its members interested (though not financially involved) parties, the Watsonville City Council Tuesday night finessed a hand in a controversy between the Elks Lodge and the city's Design Review Commission over landscaping of the Elks' parking lot on Martinelli Street.

The Design Review Commission stipulated April 12 that before the Elks could construct a 960-square foot exercise room and spa facility behind their main building, they would have to agree to screen the parking lot in front of it. The commission took the action after city planning staffers advised that a review of the parking lot, along with the "spa" permit request, was proper. (The parking lot is out of conformance with current zoning ordinances, which require that it be screened from the street.)

The Elks subsequently appealed the commission action, which came on a 3-3 vote.

But Tuesday night, the council decided the Elks had nothing to appeal and voted to approve the spa permit without conditions.

At the outset of the discussion, Mayor Bill Johnston noted that three council members (himself, Frank Osmer and Joe Marsano) were members of the Elks, suggesting, without saying it, that the council's impending vote on the issue might raise some potentially thorny ethical questions.

But Councilman Rex Clark saved his colleagues from their dilemma.

Clark pointed out that Design Review Commission regulations which interpret a tie vote as an affirmative action were in conflict with the city's charter, which does not.

Under the charter, Clark said, a majority vote of city bodies (the council or city commissions) was "necessary for action."

"Therefore," he said, "Design Review took no action and the entire matter is moot."

Clark moved for the council to "take jurisdiction" over the issue and approve the Elks permit application without condition, just as it

was earlier approved by the Planning Commission. After some discussion, that is what the council did.

Councilman Vido Deretich said Tuesday night he thought that over time, the Elks would fix up their parking lot without prodding by the city. "They're an honorable organization, and in due time, as they can afford it, they'll make it look better," he said.

But Elks member Marsano, who said he had "lived across from the Elks a number of years," said, "The parking lot looks good now; they should leave it the way it is."

City Attorney Don Haile was directed by the council to bring the ordinance governing design review procedures into conformity with the city charter.

In other matters Tuesday, the council:

—Denied requests by two catering truck operators for permits to park their trucks on Main Street for up to 12 hours at a time on evenings and weekends. The truck operators applied for permits after they were cited by the police department for violation of a city ordinance restricting them to no more than 10 minutes at any one location. Main Street restaurant operators opposed their requests.

—Approved a tentative map for Norbert Kowalkowski's proposed four-unit condominium development at 37 Jefferson St.

—Authorized the city recreation department to use the Police Activities League (PAL) building for summer recreation activities.

—Heard, but took no action on, a request by Farmers Market operator Jim Bacon for temporary subsidies for his cardboard and newspaper recycling business. Council members generally agreed that Bacon's recycling operation was important to the city, but were not sure how the city could properly assist him. A committee will explore the issue.

—OK'd a request by La Esperanza del Valle, a Mexican folk dance group, for permission to perform in the city Plaza on Mothers Day. The performance will be accompanied by amplified music.

REFERENCE