



**Action Minutes  
Planning Commission  
Regular Meeting  
7:00 p.m. – Thursday – December 17, 2009  
City Council Chambers, 809 Center Street**

**Call to Order** — 7:03 p.m.

**Roll Call** —

Present: Rod Quartararo, Chair; Scott Daly; David Foster; Larry Kasparowitz;  
Bill Schultz; Mari Tustin; Judy Warner  
Absent: None  
Staff: A. Khoury, Assistant Director; E. Marlatt, Principal Planner;  
Nancy Concepcion, Associate Planner; S. Randolph, Recorder  
Audience: 3

**Statements of Disqualification** — None

**Oral Communications** — None

**Announcements** — None

**Approval of Minutes** — November 5, 2009 and November 19, 2009

**ACTION: Commissioner Foster moved, and Commissioner Tustin seconded, that the Planning Commission APPROVE the minutes of November 5, 2009 as submitted. The motion passed 6-0-1, Commissioners Quartararo, Daly, Foster, Schultz, Tustin and Warner in favor and Commissioner Kasparowitz abstaining.**

**ACTION: Commissioner Warner moved, and Commissioner Schultz seconded, that the Planning Commission APPROVE the minutes of November 19, 2009 with modifications. The motion passed 7-0, Commissioners Quartararo, Daly, Foster, Kasparowitz, Schultz, Tustin and Warner in favor.**

**Public Hearings** —

1. **Ordinance Amendment** **A09-0004** **City-wide**  
Amendments to Title 24 of the Santa Cruz Municipal Code (Zoning Ordinance) modifying definitions and amending other sections regarding alcohol sales and live entertainment. (Environmental Determination: Exempt from CEQA) (City of Santa Cruz, applicant).  
**RECOMMENDATION:** That the Planning Commission recommend to the City Council approval of amendments to Title 24 (Zoning Ordinance) relating to modifications to the alcohol regulations with a finding that said amendments are in general conformance with the principals, policies and

**land use designation set forth in the General Plan and any adopted area or specific plan which may be pertinent.**

Associate Planner Nancy Concepcion presented the staff report.

The public hearing was opened.

Speaking from the floor:

- Rick Martinez, Santa Cruz Police Department
- Patty Sapone, Santa Cruz Police Department

The public hearing was closed.

Commissioners asked questions and made comments in regard to the following:

- Possibility of clarifying the definition of 'High-Risk Alcohol Outlet' by the substitution of 'and/or' instead of 'or' after the words 'banquet facility' and before the word 'premise';
- Which situations would trigger the requirement of a new permit;
- What 'queuing of patrons' means in terms of the management plan required, and its parameters;
- Whether requirements for a bonafide restaurant are still in the regulations and at what percentage;
- How established businesses would be affected by new regulations, including increase in fees;
- The high number of calls for service on current low-risk outlets;
- Ventilation requirements and noise issues; and
- Definition of 'major extension of hours' and how that is determined.

**ACTION: Commissioner Warner moved, and Commissioner Tustin seconded, that the Planning Commission recommend to the City Council APPROVAL of the amendments to Title 24 (Zoning Ordinance) relating to modifications to the alcohol regulations. The motion passed 7-0, Commissioners Quartararo, Daly, Foster, Kasparowitz, Schultz, Tustin and Warner in favor.**

**General Business** — None

**Informational Items** — None

**Subcommittee/Advisory Body Oral Reports —**

- Chairperson's Report (R. Quartararo) - None
- Planning Department Report – Assistant Director Alex Khoury announced that the January 7<sup>th</sup> meeting is cancelled and that there is nothing as yet for the January 21<sup>st</sup> agenda. 101 Manor Place was heard at the Dec. 8<sup>th</sup> Council meeting and the Planning Commission's denial was upheld. The Medical Marijuana Ordinance Amendment will probably be heard by Council at the second meeting in January. The Sentinel building has been sold and will be subdivided, which will come before the Planning Commission in a couple months.

**Items Referred to Future Agendas — None**

**Adjournment — 8:00 p.m.**

The next Planning Commission meeting will take place on January 21, 2010 in the City Council Chambers.

Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City Planning Department, 809 Center Street, Room 107 or on the City's website [www.cityofsantacruz.com](http://www.cityofsantacruz.com). These writings will also be available for review at the Planning Commission meeting in the public review binder at the rear of the Council Chambers.

**APPEALS** - Any person who believes that a final action of this advisory body has been taken in error may appeal that decision to the City Council. Appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk.

Appeals must be received by the City Clerk within ten (10) calendar days following the date of the action from which such appeal is being taken. An appeal must be accompanied by a five hundred dollar (\$500) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee.