



ACTION MINUTES
Planning Commission
Regular Meeting
7:00 p.m. - Thursday - February 4, 2010
City Council Chambers, 809 Center Street

Call to Order — 7:00 P.M.

Roll Call —

Present: Commissioners R. Quartararo, Chair; S. Daly; D. Foster; L. Kasparowitz;
M. Tustin; J. Warner
Absent: Commissioner B. Schultz (with notice).
Staff: E. Marlatt, Principal Planner; J. Lum, Associate Planner; M. Schwarb,
recorder
Audience: 5

Statements of Disqualification — None

Oral Communications — None

No action shall be taken on these items.

The Chair may announce and set time limits at the beginning of each agenda item.

Announcements — None

Approval of Minutes — December 17, 2009

ACTION: Commissioner Foster moved, and Commissioner Warner seconded, that the Planning Commission APPROVE the minutes of December 17, 2009 as submitted. The motion passed 6-0, Commissioners Quartararo, Daly, Foster, Tustin, Warner and Kasparowitz in favor.

Public Hearings —

1. **118 First Street** **09-085** **APN 005-212-07**
Minor Modification to Special Use Permit/Design Permit SUP/DP83-79 and Administrative Use Permit to allow a coffee vending cart at an existing bed-and-breakfast in the RT(C)/CZ-O zone district (Environmental Determination: Categorical Exemption) (Coastal Permit Exclusion) (Shahin Gutierrez, owner/filed: 5/28/2009) JL
RECOMMENDATION: That the Planning Commission acknowledge the environmental determination and approve the Minor Modification and Administrative Use Permit, based on the findings in the staff report and the Conditions of Approval listed in Exhibit "A".

Principal Planner Marlatt introduced Associate Planner J. Lum, who presented the staff report.

The Planning Commissioners asked questions and expressed concerns regarding:

- Signage
- Parking
- Storage for bicycles
- Language to prohibit sub-leasing of cart
- Covering for cart (currently a blue tarp)
- Preference for options other than permit parking
- Whether the cart is available for the public or only registered guests
- The longer term rentals in the rear

The Public Hearing was opened.

Maria Gutierrez, mother of the owner, spoke regarding the project and answered questions from the commissioners.

Shahin Gutierrez, owner, spoke about the project and his desire to exhibit art at the Bed and Breakfast.

The Public Hearing was closed.

The Commissioners made comments regarding the project. They thought it was a creative idea as well as a public benefit and a good fit for the beach area. Concerns were voiced about the potential health and safety issues associated with the two rear units that are currently being rented on a long term basis, the appearance of the cart covering and signage, and the use of parking permits.

Principal Planner Marlatt suggested that concerns regarding the rear rental units could be satisfied by an inspection of those units and that signage and the covering for the cart would be subject to staff approval.

ACTION: Commissioner Kasparowitz moved, and Commissioner Daly seconded, that the Planning Commission APPROVE the Minor Modification and Administrative Use Permit with the additional conditions that extended hours may commence on Memorial Day, the coffee cart cannot operate as a “bona fide restaurant” as defined in the Zoning Ordinance, the two rear rental units be inspected by the Building Division prior to commencement of the coffee cart use and that all signage and weather covering for the cart be subject to a Design Permit. The motion passed 6-0 with Commissioners Quartararo, Daly, Foster, Kasparowitz, Warner and Tustin in favor.

General Business — None

Informational Items — None

No action shall be taken on these items.

Subcommittee/Advisory Body Oral Reports —

No action shall be taken on these items.

- Chairperson's Report (R. Quartararo) None
- Planning Department Report
Principal Planner E. Marlatt reported that Alcohol Amendments were adopted by City Council at their last meeting and they also extended the medical marijuana dispensary moratorium for an additional four months and 15 days. He noted that the next Planning Commission meeting, scheduled for February 18, would be cancelled and that the first March meeting would include the election of a new Planning Commission Chair.

Items Referred to Future Agendas — None

Adjournment — 7:55 P.M.

The next Planning Commission meeting will take place on March 4, 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. 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.