



Action Minutes
Planning Commission
Regular Meeting
7:00 p.m. – Thursday, May 19 – 2011
City Council Chambers, 809 Center Street

Call to Order — 7:03 p.m.

Roll Call —

Present: Mari Tustin, Chair; David Foster; Peter Kennedy; Mark Mesiti-Miller;
Rod Quartararo; Bill Schultz;

Absent: Melissa Whatley (with notice)

Staff: J. Rebagliati, Director; M. Ferry, Associate Planner; S. Randolph, Recorder

Audience: ±35

Statements of Disqualification — Commissioner Mesiti-Miller advised that he met with George Ow and Jeffrey Dunn and the subject of Walgreen's (201 Front St) came up. Although he advised them he couldn't discuss the item prior to the hearing, they did talk a bit about the background of the project. He spoke with Planning Director Rebagliati who spoke with City Attorney Barisone about the conversation and was advised that no misconduct had taken place.

Oral Communications — None

Announcements — None

Approval of Minutes — April 7, 2011

ACTION: Commissioner Quartararo moved, and Commissioner Kennedy seconded, that the Planning Commission APPROVE the minutes of April 7, 2011 as presented. The motion passed 5-0-1-1, with Commissioners Foster, Kennedy, Quartararo, Schultz and Tustin in favor, Commissioner Mesiti-Miller abstaining and Commissioner Whatley absent.

Public Hearings —

1. 201 Front St CP11-0035 APN 007-031-01
Administrative Use Permit for a low-risk alcohol outlet and a Design Permit for the remodel of an existing commercial building including new signs in the CBD-E zone district.(Environmental Determination: Categorical Exemption) (Ow, George Jr. Trustees et al, owner/filed: 3/9/2011)MF
RECOMMENDATION: That the Planning Commission acknowledge the environmental determination and approve the Administrative Use and Design Permits based on the Findings and Conditions of Approval.

Associate Planner Ferry presented the staff report. He advised that the applicant requested an extension of hours from a 10 p.m. close time to an 11 p.m. one. Since the Police Department didn't have any issue with this, staff is recommending a change to Condition #22 to show the hours as 8:00 a.m. to 11:00 p.m. seven days a week.

The Applicant's representative, Jeff De Voe, spoke about the project and answered Commissioners' questions. He also submitted a letter with proposed changes they'd like to see to conditions #10 and #17.

The public hearing was opened.

Speaking from the floor in favor of the project:

- Benjamin Ow – read a letter in support from Reuben Helick
- Mark Primack
- Jack Schneder – read two letters in support from Scott Roseman and Scott Pineiro
- Kenneth Brown
- Bridget Brown
- Nicole Brown
- Rob Mylls
- William Ow – summarized two letters of support from Nick Marini and Doug Maher
- Jasmine Ow-Hurst – read a letter in support from Joseph Quigg
- George Ow, Jr.

The public hearing was closed.

The Commissioners asked questions and made comments in regards to the following:

- Possible earlier opening time
- Multitude of windows; potential of too much sign coverage on windows
- Pedestrian access points, especially near levee
- Landscaping, the green screen wall, possible mural, trees in area, trash enclosure lighting
- Keeping exposed ceiling to view bow-string trusses
- Reader-board cycle times
- Encouraging applicant to use Green Building practices, solar panels, etc.
- Need for an anchor tenant in area; security concerns

Paul Stevens with Hawkins Company, the project developer, answered Commissioners' questions.

Chair Tustin wanted the record to show she is against the electronic message board, but will not vote against the project for that reason.

ACTION: Commissioner Schultz moved and Commissioner Quartararo seconded, that the Planning Commission acknowledge the environmental determination and APPROVE the Administrative Use and Design Permits based on the Findings and Conditions, with modifications to Condition # 10 to allow removal of the green screen if structurally necessary, working with staff on a suitable landscaping or wall covering replacement; to Condition #17 to allow the

electronic message board, with flashing to be no less than 1 minute in duration; to Condition #22 to show open hours of 8:00 a.m. to 11:00 p.m., with flexibility on opening up to an hour earlier upon review by staff and the Police Department, and adding conditions that the applicant work with staff on window sign coverage limitations; and urging applicant to contribute to pedestrian path reconstruction fund. The motion passed on a vote of 6-0-1, with Commissioners Foster, Kennedy, Mesiti-Miller, Quartararo, Schultz and Tustin in favor, and Commissioner Whatley absent.

A break was called at 8:38 p.m., and the Commission reconvened at 8:45 p.m.

2. 201 West Cliff Drive CP10-0117 APN 004-091-26
Appeal of the Zoning Administrator's approval of a Coastal Permit to recognize the removal of five Heritage Trees in the OF-R zone district. (Environmental Determination: Statutory Exemption (15269 Emergency Projects) (Santa Cruz Seaside Company, owner/filed: 7/8/2010)MF
This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

RECOMMENDATION: That the Planning Commission acknowledge the environmental determination and deny the appeal, upholding the Zoning Administrator's approval of the Coastal Permit based upon the Findings and the Conditions of Approval.

Associate Planner Mike Ferry presented the staff report and advised the Commission that, although he had assured the Appellant that an overhead projector would be available for use at the meeting, he had been unaware that said projector had been removed from the chambers a few weeks prior. He apologized for the error.

Appellant Gillian Greensite requested a postponement so that she could prepare another presentation for the Commission that didn't necessitate the use of the projector.

Merry Crowen from Seaside Co (original applicant) requested the item be put first on any future agenda.

ACTION: Commissioner Quartararo moved, and Commissioner Foster seconded, that the Planning Commission CONTINUE the item to a date to be determined by staff. The motion passed on a vote of 6-0-1, with Commissioners Foster, Kennedy, Mesiti-Miller, Quartararo, Schultz and Tustin in favor, and Commissioner Whatley absent.

Informational Items — None

Subcommittee/Advisory Body Oral Reports —

- Chairperson's Report – None
- Planning Department Report – Director Rebagliati advised that the June 2nd Planning Commission meeting would likely be cancelled due to lack of business, and as there were no items for the June 16th meeting yet, that would also possibly be cancelled. With the Environmental Review for the General Plan almost complete, staff is looking to set up a series of workshops and wanted to assess the Commissioners' availability.

Items Referred to Future Agendas — None

Adjournment — 9:09 p.m.

The next Planning Commission meeting will take place on June 2, 2011 in the City 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.