



ACTION MINUTES
Planning Commission
Regular Meeting
7:00 p.m. – Thursday, August 18 – 2011
City Council Chambers, 809 Center Street

Call to Order — 7:02 P.M.

Roll Call —

Present: Commissioners P. Kennedy, M. Mesiti-Miller, R. Quartararo, B. Schultz, M. Whatley, and Chair M. Tustin.
Absent: Commissioner D. Foster (with notice).
Staff: K. Thomas, Principal Planner; C. Atchison, Project Coordinator for Public Works; N. Concepcion, Associate Planner; M. Schwarb, Recorder.
Audience: 50-60

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 — Meeting of August 4, 2011.

ACTION: Commissioner Quartararo moved, and Commissioner Kennedy seconded, approval of the Minutes of August 4, 2011, as submitted. The motion carried on a vote of 4-0-1-2 with Commissioners Quartararo, Kennedy, Whatley and Mesiti-Miller in favor, Commissioner Foster absent and Commissioners Tustin and Schultz abstaining.

Informational Items —

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No action shall be taken on these items.

1. Climate Adaptation Plan Presentation

RECOMMENDATION: That the Planning Commission hear the Presentation.

Principal Planner Thomas introduced Project Planner, Cathlin Atchison, who delivered a 10 minute Power Point presentation introducing the Climate Adaptation Plan which is a portion of the Climate Action Plan.

The Public Comment period was opened.

Speaking from the audience:

- Celia Scott.
- Reed Searle.

The Public Comment period was closed.

ACTION: The Planning Commission received the presentation and made comments.

Public Hearings —

- 2. 120 Union Street 09-032 APN 005-046-05**
Appeal of the Zoning Administrator's adoption of modified permit conditions for Zoning Permit 09-032 (Administrative Use Permit which allows live amplified entertainment and dancing in conjunction with the restaurant serving alcohol – "Cypress Lounge") pursuant to a mandatory public hearing review as required by Condition No. 4 of said permit. (Environmental Determination: Categorical Exemption) (Ashton Hodge, owner/filed: 3/11/2009) NC
RECOMMENDATION: That the Planning Commission acknowledge the environmental determination and deny the appeal, upholding the Zoning Administrator's modification of Zoning Permit No. 09-032.

Principal Planner Thomas introduced Associate Planner, Nancy Concepcion, who presented the staff report. Lieutenant Larry Richard of the Santa Cruz Police Department spoke regarding the many calls for service related to the Cypress Lounge. Deputy Chief Rick Martinez of the Santa Cruz Police Department clarified the different types of alcohol licenses and low and high risk alcohol outlets in relation to the revised Municipal Code.

Greg Carter, Attorney for Cypress Lounge owner Ashton Hodge, deferred comments until after the Public Hearing.

The Public Hearing was opened.

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Speaking from the audience in support of staff's recommendation reducing hours and eliminating a full Live Entertainment Permit and allowing only an Incidental live Entertainment Permit (i.e. does not allow for a disc jockey, karaoke or dancing) at Cypress Lounge:

- John Matusik, Union Street resident spoke and presented a letter. Mr. Matusik also read a letter from Michael Leeds, in support of the staff recommendations.
- Dick Vittitow, Union Street resident.
- Nancy Cavlan, Union Street resident.
- Virginia Kaufman, neighbor.
- Joan Akers, Union Street resident. Ms. Akers also read a letter from Kim Thomas, also a Union Street resident.
- Marian Vittitow.
- Anthony Fendler.

Speaking from the audience in support of Cypress Lounge and the appeal:

- Sienne Hayes.
- Charles Willis, security guard at the Cypress Lounge.
- Yesenia Cervantes.
- Angel Brown.

The Public Hearing was closed and a break was called at 8:57 P.M.

The Planning Commission reconvened at 9:07 P.M.

Attorney Greg Carter, representing Ashton Hodge, Cypress Lounge owner, outlined the measures Ashton has taken or will take to address issues with operating hours, noise, food service and security. He noted that the late hours of operation are necessary for the business to be economically viable and that the business currently employs 18 people. He also presented a petition signed by over 800 people in support of Cypress Lounge's appeal.

Shay Ackerley, of First Alarm security service, talked about the current plan to add an additional guard to patrol both in front and in the rear of the Cypress Lounge during the hours of 11 P.M. to 3:00 A.M., Thursday through Saturday.

Ashton Hodge, appellant, noted that the reduction in hours will put him out of business. He was not aware of the issues in the neighborhood as he spends his time inside the club. He feels he has met the conditions of the permit and needs the entertainment and late hours for the business to survive. He needs a chance to prove the new measures he has implemented will alleviate the neighborhood complaints.

The Commissioners asked a number of questions and voiced concerns about:

- Signatures on the petition (none from immediate neighbors);
- Concrete backer-board over the windows;
- Ventilation;
- Patio seating and noise from the patio;
- How much time the Appellant was given to correct violations;
- Lack of Appellant's knowledge of and conformance to the Conditions of Approval.

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Deputy Chief Martinez confirmed that the Appellant's Entertainment Permit had been revoked and that Mr. Hodge was appealing the revocation to the City Council. He also noted that he and Lieutenant Richard had met with Mr. Hodge a number of times in regard to the violations.

ACTION: Commissioner Quartararo moved, and Commissioner Kennedy seconded, that the Planning Commission deny the appeal, upholding the Zoning Administrator's modification of Zoning Permit no. 09-032. The motion carried on a vote of 6-0-1 with Commissioners Quartararo, Kennedy, Schultz, Whatley, Mesiti-Miller and Tustin in favor and Commissioner Foster absent.

General Business — None

Subcommittee/Advisory Body Oral Reports — None

No action shall be taken on these items.

- Chairperson's Report
- Planning Department Report

Principal Planner Thomas reported that the Draft General Plan EIR will tentatively be out in early September and, after the 60 day Public Comment period is concluded there will possibly be Public Hearings in early 2012. There will be a General Plan Open House Informational Meeting on September 7, 2011, for the Planning Commission, City Council, other commissions and the general public to focus attention on the plan. Next meeting's Agenda will include the new version of the Park Pacific plan.

Items Referred to Future Agendas — None

Adjournment — 10:40 P.M.

The next Planning Commission meeting will take place on **September 1, 2011** 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.