

ACTION MINUTES OF THE ZONING ADMINISTRATOR

City Council Chambers
809 Center Street
Santa Cruz, CA 95060

April 4, 2012
10:00 A.M. SESSSION

Staff Present: Alex Khoury, Zoning Administrator
Norma Ellis, Recording Secretary

Other: Approximately 8 members of the public

Other Staff: Peter Koht, Economic Development Coordinator

Alex Khoury, Zoning Administrator, called the meeting to order at 10:02 a.m. in the Council Chambers. He welcomed the public to the meeting and read the items to be heard at this morning's meetings, describing the procedures to be followed for the public hearing. He also informed those in attendance of their right to appeal any of the decisions of the Zoning Administrator, noting that appeals must be filed within ten calendar days of the meeting date. He noted all appeals must be filed within ten calendar days of the meeting date. He noted all appeals must be filed in the Planning Department along with the appeal fee of \$500, unless the project is appealable to the California Coastal Commission.

Call to Order by Zoning Administrator Alex Khoury

Oral Communications—None

Announcements - No action shall be taken on these items.

Public Hearings

Old Business - None.

New Business

1. **310 Coral St., Unit A** **07-125** **APN 001-051-44**
Administrative Use Permit to establish a fish market, restaurant and a low-risk alcohol outlet with outdoor seating in the IG zone district. (Environmental Determination: Categorical Exemption) (David Greenberger, owner/filed: 7/26/2007) **MF**

Recommendation: That the Zoning Administrator acknowledge the environmental determination and approve the Administrative Use Permit with the attached conditions of approval, listed in Exhibit "A".

The Zoning Administrator summarized the report.

The public hearing was opened.

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SPEAKING FROM THE FLOOR:

Max Turigliago, Manager for Dave's Albacore, stated that some of the information noted in the staff report is "untrue", particularly with respect to the tree removal. He stated that in 2000, Dave Greenberger, owner of Dave's Albacore made changes to the front parking situation and noted they would be the first to admit they took a tree out without a permit to put in new paving. He noted that the remaining flower beds are maintained monthly. He presented several pictures of the parking area currently and how it previously looked.

Max Turigliago noted Harvey West Boulevard as one of the busiest streets in Santa Cruz because Costco lies across the street and the street is extremely tight. He noted that flooding occurs at least once or twice a year next to their business. He stated he would prefer the Zoning Administrator accept plan A.1.1 rather than the staff recommended D.1 plan.

Dan McFadden, Avery Consulting, 204 Sacramento, stated that he was not an investor of the business and is an unpaid advocate. His sense is that there is a bad history of not pulling permits and that has ended up in a bad situation. He noted that this is perceived as code enforcement with respect to the issues of parking. He preferred to view this situation as an economic development issue. The Harvey West area is not the Pacific Garden Mall, as there are a lot of nonconforming issues. He noted that, with most light industrial areas, change is recognized. He stated that he would want to try to preserve this business, since it's a good business. The owner runs a clean shop and has done a good job over a long period of time. In discussions with Associate Planner Mike Ferry, the issues are parking and the allowable spaces. He noted there is flexibility and the issues are neither parking nor traffic issues. He recommended the idea of an in and out traffic area. The recommendation that staff has put forward will not work and is very discouraging. He encouraged the business owner to work with the Redevelopment Agency as there is flexibility with what exists currently.

Claire Machado stated that their motorcycle use is adding an accessible parking space and their business would be willing to share it for accessible parking for Dave's Albacore use. She didn't know if their space would change the path of travel along the sidewalk but may help with an accessible parking space requirement. She mentioned that she had been a Code Compliance Specialist for both the county and cities of Fremont and San Rafael. She enjoys Dave's Albacore business and the types of uses. She understands the City's concerns with the issues of parking and noted that their business next door would be willing to work with their neighbor to provide a solution.

Mike Keller stated that his wife has a tea business and is a subtenant of Dave Greenberger. He noted that paving is necessary for it is where they back up to load and unload and they have been a commercial tenant for ten years. He asked that staff reconsider putting a curb in because it would provide more onstreet parking for Costco people.

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Max Turigliaggo noted that in 2007, Dave had a parking plan and there was an attempt to try and change the design. He stated that Mike Ferry never received the design plan.

No one else wished to speak and the public hearing was closed.

In response to a question raised by the Zoning Administrator regarding deliveries occurring either off of Harvey West or the back area where the warehouse is located, Max Turigliaggo stated that they have deliveries in the back and the front.

The Zoning Administrator asked that where the tea house is does a roll-up door exist.

Max Turigliaggo stated that the roll-up door is in the front of the building and is big enough to put a fork lift through. Their other front door is not large enough for a fork lift.

The Zoning Administrator mentioned back in 1972 there was an approved plan for the entire site. There were two paved driveways to the two doors with landscape between the driveways. He noted that someone expanded the paved area and there currently exists no landscaping.

Max Turigliaggo stated that the business owner paved over it since it was not being kept up.

The Zoning Administrator stated that the additional paving was added without ever altering the original plan officially. He understands the parking issues in the area.

The Zoning Administrator stated that he had no problem with the restaurant, the alcohol license or the outdoor seating area. The main issue is the paved area that was paved over in violation of the original approval. He noted that he has been given five parking options. He likes A-1 the best because it leaves the remaining landscaping alone, and reduces the curb cuts and provides a backup area of 90 degrees, in order for three parking spaces to pull out head first. He encouraged the applicant to work with the Public Works Department to paint the curb and deal with the truck issues. He stated that he can't allow people to maneuver on the sidewalk. He noted that a 70-80 foot curb cut is not workable.

Max Turigliaggo stated he did not submit the five parking options and does not want to do any of them including his preferred A.1.1. He would like to leave the parking the way it is. He said the other option is to allow all outdoor seating with no parking. He further noted that their business is next to the homeless shelter, as well as to the Harvey West and Pogonip areas. He noted that their business has been broken into about 14 times. They now have bars on all the windows. If there is a huge cost, Dave may just close the business.

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The Zoning Administrator noted that the current parking does not work. He stated that code would normally require a 24-foot back up. He asked about the hours of operation.

Max Turigliaggo noted that their business is primarily opened for breakfast and lunch. Their business does not want to become a bar. He stated that their business could be a good anchor for that area since there aren't a lot of residential uses in that area. The hours of operation proposed in the conditions were fine.

The Zoning Administrator noted that Dave's Albacore began business in 1998, and later in 1999 started to serve sandwiches. He is certainly supportive of all the uses that are being utilized. He can't agree with the parking and what is currently occurring at the site, while being convenient to customers, is against code. He stated that the Planning and Public Works Departments would have never approved that.

The Zoning Administrator offered to continue the public hearing to allow the applicant's representative a chance to talk to staff further about the parking choices.

Max Turigliaggo stated that he did not think the recommendation would change so he asked for the decision to be made.

ACTION: The Zoning Administrator acknowledged the environmental determination and APPROVED the Administrative Use Permit, leaving the hours of operation the same, modifying Condition #6, deleting the word "D1" and replacing it with "A1" and modifying Condition #7, deleting the words "indicated on the site plan" and replacing it with the words "approved by the Urban Forester".

Adjournment

At 11:15 a.m., the Zoning Administrator adjourned to the next regularly scheduled meeting to be held on Wednesday, April 18, 2012 at 10:00 a.m. in the City Council Chambers.

APPROVED:

ALEX KHOURY, ZONING ADMINISTRATOR