



[ACTION MINUTES](#)
Planning Commission
Regular Meeting
7:00 p.m. - Thursday, April 19, 2012
City Council Chambers, 809 Center Street

Call to Order — 7:02 P.M.

Roll Call —

Present: Commissioners B.Schultz, Chair; D. Foster; P. Kennedy; M. Mesiti-Miller;
R. Quartararo, Vice Chair; T. Goncharoff; M.Tustin.
Absent: None.
Staff: Planning Director, J. Rebagliati; Principal Planner, E. Marlatt;
Associate Planner, N. Concepcion; Associate Planner, J. Lum;
Recorder, M. Schwarb.
Audience: 25-30.

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 — Director Rebagliati commented on the dance performances taking place outside Council Chambers.

Approval of Minutes — Minutes of March 29, 2012.

ACTION: Commissioner Tustin moved, and Commissioner Foster seconded, approval of the Minutes of March 29, 2012, as submitted. The motion carried on a vote of 5-0-2 with Commissioners Tustin, Foster, Mesiti-Miller, Quartararo and Schultz in favor and Commissioners Goncharoff and Kennedy abstaining.

Public Hearings —

1. 1011 Pacific Ave. CP12-0047 APN 005-142-11
Appeal of the Zoning Administrator's interpretation of the Downtown Recovery Plan and requirement for a revocable license/extension area permit for the use of the sidewalk due to the installation of a take-out window for a commercial business (Rockers Pizza Kitchen) located in the CBD zone district. (Environmental Determination: Categorical Exemption) (April Johnston, Successor Trustee, owner/filed: 3/21/2012) NC
RECOMMENDATION: That the Planning Commission uphold the Zoning Administrator's interpretation of the Downtown Recovery Plan and requirement for a revocable license/extension area permit for the use of the sidewalk due to the installation of a take-out window for a commercial business in the CBD zone district.

Principal Planner Marlatt introduced Associate Planner Concepcion who presented the staff report. It was noted that the Downtown Recovery Plan does not specifically address take-out windows and the issue before the Commission is whether a permit should be required and the process

Tim Dillon, part owner of Rockers Pizza, and an attorney, spoke, and gave a Power Point presentation in support of the appeal.

Paul Gerhardt, owner and day-to-day manager of Rockers Pizza, spoke supporting the appeal.

The Public Hearing was opened.

Speaking from the audience in support of the business:

- Robert Koche;
- Helbard Alkharsadeh;
- Theresa Conley;
- Sheri Land, employee of Rockers Pizza;
- James Norton;
- Joan Smith;
- Tiana Rogers.

The Public Hearing was closed.

The Commissioners made comments and asked questions regarding:

- Methods of keeping sidewalk clear and managing lines;
- Length of time required to amend the Downtown Recovery Plan/Zoning Ordinance;
- Issues around trash and clean-up near the restaurant;
- Cost of the extension area permit;
- Width of the sidewalk at the site;
- What hearing body would review the Permit Application.

ACTION: Commissioner Quartararo moved, and Commissioner Goncharoff seconded, not to uphold the Zoning Administrator's interpretation of the Downtown Recovery Plan and requirement for a revocable license/extension area permit, and to support staff's suggestion that the application processing of the permit specific to this business be suspended until the Downtown Recovery Plan and/or Zoning Ordinance is amended to include a permit process as it pertains to take-out windows. With the applicant's concurrence, the requisite permit for the take out window would be processed following approval of the Code amendments. The motion carried on a vote of 5-2 with Commissioners Quartararo, Goncharoff, Tustin, Kennedy and Schultz in favor and Commissioners Foster and Mesiti-Miller opposed.

Chairman Schultz called a break at 8:25 PM and the meeting resumed at 8:35 PM.

2. **727 Frederick Street** **CP12-0011** **APN 011-024-03**
Administrative Use, Design, and Conditional Fence permits to allow a two-story building with several use options, including entirely office, mixed-use (office/residential), or entirely residential with up to four apartment units on a property located in the PA zone district. (Environmental Determination: Categorical Exemption) (Cline, William E. & Ethelyne M. T., owners/filed: 1/17/2012) JL
RECOMMENDATION: That the Planning Commission acknowledge the environmental determination and approve the Administrative Use and Design Permits and deny the Conditional Fence Permit, based on the findings and the Conditions of Approval.

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

Mathew Thompson, Architect and representative for the Applicant spoke recommending the project.

The Public Hearing was opened.

No one wished to speak and the Public Hearing was closed.

The Commissioners made comments and asked questions regarding:

- Requirements for carport/covered parking;
- Parking requirements;
- Paved parking versus landscaping;
- Height of proposed fences;
- Character of the neighborhood;
- Versatility of the plan.

ACTION: Commissioner Mesiti-Miller moved, and Commissioner Goncharoff seconded, that the Planning Commission acknowledge the environmental determination, approve the Administrative Use and Design Permits and partially deny the Conditional Fence Permit with changes to Condition of Approval numbers 12, 13 and 16 and the addition of Conditions number 42 and 43 as written and submitted. The motion carried on a vote of 6-1, with Commissioners Mesiti-Miller, Goncharoff, Quartararo, Tustin, Kennedy and Schultz in favor, and Commissioner Foster opposed.

General Business — None.

Informational Items —

No action shall be taken on these items.

Commissioner Mesiti-Miller summarized his recent attendance at the League of California Cities Conference.

Subcommittee/Advisory Body Oral Reports —

No action shall be taken on these items.

- Chairperson's Report - None.
- Planning Department Report

Director Rebagliati noted that the next meeting items will include the Capital Improvement Plan, Zoning Ordinance Amendments, and 805 Ocean Street. The last meeting for May will focus on the General Plan 2030.

Items Referred to Future Agendas — None.

Adjournment — 9:55 P.M.

The next Planning Commission meeting will take place on May 3, 2012 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.

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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.