



Action Minutes
Planning Commission
Regular Meeting
7:00 p.m. - Thursday - June 20, 2013
City Council Chambers, 809 Center Street

Call to Order — 7:00 P.M.

Roll Call —

Present: R. Quartararo, Chair; M. Mesiti-Miller, Vice Chair; J. Nortz;
Mark Primack; Tim Goncharoff; Mari Tustin
Absent: (with notice) P. Kennedy
Staff: Planning Director, J. Rebagliati; Associate Planner M. Alsip; Senior
Planner, M. King; B. Noble, consultant w/DC&E; Police Officer, W.
Berry; Deputy Police Chief, R. Martinez; Recorder, M. Schwarb.
Audience: 35-40

Statements of Disqualification — None.

Oral Communications —

No action shall be taken on these items.

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

Ed Davidson noted that it has been decades working on the Arana Gulch path and still it isn't done. He opposed the arena because it removed parking. He asserted that lack of parking is in violation of our local coastal program.

George Meade expressed his concerns about a continuously overflowing dumpster at the Hitching Post Motel.

Announcements — None.

Presentation —

Resolution of Appreciation for William Schultz.

ACTION: **The presentation was postponed to a future meeting when Mr. Schultz can be present.**

Action Minutes**Public Hearings —****1. 303 Beach Street CP13-0039 APN 007-215-05**

Modification to Administrative Use Permit 09-0025 to change hours of operation to allow a 2:00 a.m. closing time for a restaurant in the RT(C), SP-O, CZ-O zoning districts. (Environmental Review: Categorical Exemption). (Bruno, Andrew R. Trustee, owner/ filed: 4/1/2013) MA

RECOMMENDATION: That the Planning Commission acknowledge the environmental determination and DENY the Modification to Administrative Use Permit CP09-0025 to change hours of operation to allow a 2:00 a.m. closing time based on the Findings in the staff report.

Associate Planner Mary Alsip presented the staff report for Bruno's Pizza permit modification. She explained that the type of alcohol license he has is a Type 47 which is a low risk service (a restaurant that serves food and alcohol) as opposed to a high risk service which is a bar/tavern/nightclub, etc.

Police Officer W. Berry noted that South Beach Pizza is a restaurant, and if they want to stay open until 2:00 am as a restaurant, the Police Department is not opposed. It is the alcohol service after midnight that the police oppose. Deputy Police Chief R. Martinez spoke in opposition to the application noting that Police staff are stretched thin and cannot handle any more high-risk outlets.

Deidre Hamilton, of Hamilton Swift, representative for applicant spoke on behalf of the application and emphasized that the venue is a restaurant serving alcohol and a family-friendly, tourist-friendly operation with no live music or other aspects of a bar.

Andrew Bruno, applicant, spoke about the operation of the restaurant. The restaurant is very small (49 seats) and also is attached to an ice cream parlor so is very much a family gathering spot, attracting many locals as well as tourists at the nearby hotels (over 800 rooms within walking distance). Since most restaurants close at 10:00 p.m. people have no place to have food after that hour.

The Public Hearing was opened.

Speaking from the audience:

- Kathleen Mendoza, managed the restaurant, in support;
- Tony Stroud, contractor, in support;
- Karl Anderle, in support;
- Botro Pife Perez, in support;
- Ed Davidson, doesn't care what hours the restaurant has, as long same rules apply to the Dream Inn and La Bahia.

The Public Hearing was closed.

Commissioners asked questions and made comments regarding:

- Calls for service;
- Percentage of food sales to alcohol sales;
- Undue concentration of alcohol outlets;
- Adequate staff to reduce calls for service;
- “Just one more” mentality needs to draw the line;
- Restaurant business is precarious;
- Need for choice/alternatives in the Beach area;
- Support of the public for the project deserves weight;
- Need for hiring security;
- Possibility of serving only food or, limiting alcohol to beer and wine;
- Decision sets a precedent;
- Applicant deserves benefit of a doubt;
- Hard to support the finding that this business automatically becomes high-risk just because of longer hours;
- Where the calls for service originate;
- Tourists opinions are not being considered;
- Land Use entitlement runs with the land.

ACTION: Commissioner Primack moved, and Commissioner Goncharoff seconded, that the Planning Commission approve a Modification to the Administrative Use Permit CP09-0025 to change hours of operation to allow a 1:00 a.m. closing time, with 6 month and 12 month reviews by the Zoning Administrator based on Police Department findings. The motion carried on a vote of 4-2-1 with Commissioners Primack, Goncharoff, Nortz and Quartararo in favor, Commissioners Tustin and Mesiti-Miller opposed, and Commissioner Kennedy absent.

A break was called at 9:10 p.m. and the Planning Commission reconvened at 9:20 p.m.

- 2. Ocean Street Area Plan A13-0007 Ocean Street Corridor**
- Adoption of the draft Ocean Street Area Plan and a Local Coastal Program amendment, consistent with the City’s *General Plan 2030* that calls for development and improvement of the Ocean Street area. The Area Plan describes and illustrates a 20-year vision along Ocean Street through the year 2030, and provides a framework for creating a more welcoming environment along the corridor. The Area Plan includes policies and actions to supplement those in the General Plan, development and design standards and guidelines, and implementation steps to ensure a high quality of new development along the street, including streetscape enhancements and improved public access. (Environmental Review: Negative Declaration). (City of Santa Cruz, filed: 12/2010)

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Recommendation: That the Planning Commission recommend that the City Council acknowledge the environmental determination and approve the Ocean Street Area Plan. (Environmental Review: Negative Declaration)

Senior Planner King introduced Ben Noble of DC & E who discussed the plan, its vision and boundaries. He discussed the streetscape aspects of the plan, the height limitations, and the ratio of residential/commercial/office expected. Senior Planner King added comments pertaining to the previous suggestions from Commissioners and the neighborhoods.

Commissioners made comments and asked questions regarding:

- Minimum setbacks;
- Building designs;
- Dedication of right-of-ways;
- Graduated density;
- Directional signage to guide people to downtown;
- Impacts to adjacent residential areas;
- Garbage enclosures and mechanical equipment;
- Signage noise.

The Public Hearing was opened.

Speaking from the audience:

- Ed Davidson, resident of Button Street;
- Ross Gibson, local historian;
- Paul Haje, local landowner;
- Darlene Clausen, resident of lower Ocean;
- Charlie Wilcox, new owner of Marianne's Ice Cream;
- Deborah Marks, resident of Leonard Street;
- Carol Wong, resident of May Avenue;
- Dave Bohrk, resident of Leonard Street;
- Mathew Thompson, local architect.

ACTION: Commissioner Mesiti-Miller moved, and Commissioner Goncharoff seconded, that the Planning Commission continue the item to the June 27, 2013 meeting. The motion carried on a vote of 6-0-1 with Commissioners Mesiti-Miller, Goncharoff, Nortz, Quartararo, Primack and Tustin in favor and Commissioner Kennedy absent.

General Business — None.

Informational Items —

No action shall be taken on these items.

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Subcommittee/Advisory Body Oral Reports — None.

No action shall be taken on these items.

- Chairperson's Report
- Planning Department Report

Items Referred to Future Agendas — None.

Adjournment — 10:50 P.M.

The next Planning Commission meeting will take place on June 27, 2013 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.