

**ACTION MINUTES
OF THE ZONING ADMINISTRATOR MEETING**

City Council Chambers
809 Center Street
Santa Cruz, CA 95060

May 21, 2014
10:00 A.M. SESSION

Staff Present: Eric Marlatt, Zoning Administrator
Linda Miranda, Recording-Secretary

Audience: 11

Eric Marlatt, Zoning Administrator, called the meeting to order at 10:01 a.m. in the Council Chambers of City Hall. He welcomed members of the public to the meeting and read a list of the items to be heard at this morning's meeting, 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 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 Eric Marlatt

Oral Communications—None

Announcements - No action shall be taken on these items.

Public Hearings

Old Business - None

Continued from the Zoning Administrator of May 7, 2014

1. **402 Ingalls St., Sp. 27 CP13-0042 APN 003-095-05**
Administrative Use Permit and Design Permit to expand an outdoor seating area adjacent to a brewpub, expand previously approved hours of operation, to allow the sale of wine and allow incidental entertainment for the Santa Cruz Mountain Brewing Company. The project site is located in the IGP2 zoning district. (Environmental Determination: Categorical Exemption) (Kelly Susan Porter, Trustees, owner/filed: 4/8/2013) **MA**
RECOMMENDATION: That the Zoning Administrator acknowledge the Environmental Determination and findings noted in the staff report and

The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities, we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call the City Clerk's Department at 420-5030 at least five days in advance so that we can arrange for such special assistance, or email CityClerk@cityofsantacruz.com. The Cal-Relay system number: 1-800-735-2922.

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approve the Administrative Use Permit and Design Permit, subject to the conditions listed in Exhibit "A".

The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Emily Thomas

Adair Paterno

SPEAKING FROM THE FLOOR WITH CONCERNS:

Maria Reis

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

ZONING ADMINISTRATOR ACTION: The Zoning Administrator acknowledged the environmental determination and approved the project at, 402 Ingalls St., Sp 27 subject to the findings and conditions contained in the staff report; with revised conditions #34 and #35.

REVISED CONDITIONS #34 & #35:

34. To maintain pedestrian and patron safety, it is recommended as much of the curbed landscape area at the southeast corner of the building be maintained. The exterior side of the proposed extended fence, which rests next to the curbed landscape, shall have concrete filled bollards on the exterior side of the fence **or incorporated into the design of the enclosure and relocation of the patio entrance to the east side of the enclosure,** in order to protect patrons, **subject to the review and appeal of the Police and Fire Departments.** The applicants shall submit a plan for building permit which includes these modifications.

35. The applicant shall maintain the existing landscaped bulb out area(s) to install plantings and the maintenance of the existing trees to enhance the patio area. The applicants are required to save the ~~two~~ existing (non-heritage) trees **in the southern landscape island flanking the enclosure.** ~~on-site, unless approved for removal by the Zoning Administrator.~~ **The (non-heritage) tree in the northernmost landscape island flanking the enclosure may be removed upon a determination by the City's Urban Forester that the tree is dead or dying. If the tree is removed it shall be replaced with another tree of a type and size deemed appropriate by the City Urban Forester.**

New Business

2. 701 Beach Street CP14-0016 APN 007-263-06
Coastal Permit to remove a heritage tree in the RTE/CZO/SPO zone district.
(Environmental Determination: Categorical Exemption) (Santa Cruz Seaside Company,
owner /filed: 1/28/2014) MA

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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 Zoning Administrator acknowledge the Environmental Determination and findings noted in the staff report and approve the Coastal Permit, subject to the conditions listed in Exhibit "A".

The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Trenton Teigen
Leslie Keedy

SPEAKING FROM THE FLOOR WITH CONCERNS:

Gill Greensite
John Phillip Bergwall

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

ZONING ADMINISTRATOR ACTION: The Zoning Administrator acknowledged the environmental determination and approved the project at 701 Beach St., subject to the findings and conditions contained in the staff report; with revised finding #10 of the Agenda Report.

REVISED AGENDA REPORT FINDING #10:

10. The project is consistent with the policies of the Local Coastal Program, the General Plan, and the California Coastal Act.

The removal of the tree is consistent with the Heritage Tree Ordinance which is part of the City's Local Coastal Program. Accompanying the Heritage Tree Ordinance is a resolution adopted by the Council setting forth criteria and standards for the heritage tree removal. This approval is based on one of the criteria involving a heritage tree having or likely to have excessive degradation of damage to real property. Fulfillment of these criteria is based in part on applicant testimony regarding damage to plumbing and sewer infrastructure, as well as from falling limbs. It's also based on testimony by City's Urban Forester at the hearing.

3. 1142 Soquel Avenue CP14-0048 APN 010-081-08
Administrative Use Permit to establish a recreational facility (Cross Fit gymnasium) in a multi-tenant building located in the CC zone district. (Environmental Determination: Categorical Exemption) (L. Webber, owner/filed: 3/24/2014) NC
RECOMMENDATION: That the Zoning Administrator acknowledge the Environmental Determination and findings noted in the staff report and approve the Administrative Use Permit, subject to the conditions listed in Exhibit "A".

The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Lilia Webber

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

ZONING ADMINISTRATOR ACTION: The Zoning Administrator acknowledged the environmental determination and approved the project at 1142 Soquel Ave., subject to the findings and conditions contained in the staff report; with revised condition #11.

REVISED CONDITION #11:

11. Bike parking shall be provided in accordance with Section 24.12.250-252 of the City's Zoning Ordinance and shall include the installation of one inverted U bicycle rack, **if necessary to bring the multitenant commercial complex into compliance with the bicycle parking ordinance.**

Adjournment—11:01am

The next Zoning Administrator meeting will be held on June 4, 2014 at 10:00 a.m. in the City Council Chambers.

APPROVED:

ERIC MARLATT, ZONING ADMINISTRATOR

Any writing related to an agenda item for the open session of this meeting distributed to the Zoning Administrator 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 Zoning Administrator meeting in the public review binder at the rear of the Council Chambers.

Appeals must be received by the Planning Department 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.