

Action Minutes

SPEAKING FROM THE FLOOR:

Shree Annadore, owner, noted that the property is zoned medium density and has three units. He also noted that the lot is only 55 feet and the zoning requirement is a minimum of 65 feet, therefore a variance was required.

In response to a question by the Zoning Administrator regarding the 2-car garage, the owner stated that there is access to the garage from Units C and D and Units A and B will be using the carport.

In response to a question by the Zoning Administrator about the garage door opener, the owner stated that they have an automatic garage door opener and both units will also have their own automatic garage door opener.

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

ZONING ADMINISTRATOR ACTION: The Zoning Administrator acknowledged the environmental determination and approved the Design Permit and Variance located at 809 Riverside Ave., subject to the findings noted in the staff report and the conditions contained in the staff report.

Added (bullet) Condition No. 11 & added Condition No. 20:

11.

- **Any existing plumbing, electrical, and mechanical work used in the new unit, shall be verified for compliance with the California Electrical, Plumbing, and Mechanical Codes by a California licensed electrician and plumber, subject to review and approval by the Building Official.**

20. **The garage door opener shall be maintained and kept in working order for the garage of Units 3 and 4.**

Continued from the Zoning Administrator meeting of March 19, 2014

2. 136 Fairview Place CP14-0002 APN 010-262-42
Coastal Permit for the demolition and reconstruction of a detached garage and basement in the R-1-5, CZ, SP-O zone district(s). (Environmental Determination: Categorical Exemption) (Donalyn Mikles, owner/filed: 1/6/2014) DL

This project requires a Coastal Permit which is appealable to the California Coastal Commission. Action taken at this meeting on the Coastal Permit may be appealed to the City Council utilizing the procedures noted below.

Recommendation: That the Zoning Administrator acknowledge the environmental determination and approve the Coastal Permit, subject to the findings noted in the staff report and the Conditions of Approval, listed in Exhibit "A".

The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Larry Golden, designer for the project, representing the applicant.

Larry Golden, designer, mentioned that obtaining a 36-inch box species tree and planting it under the direction of the city seems a little harsh as it is not easy to plant and is an expensive item.

The Zoning Administrator noted that the size of the tree could be a 15-gallon tree as the report shows the size of the tree was eliminated from the condition. He noted that the number and size of the species and location of the trees shall be approved by the Urban Forester. Mr. Golden agreed with the condition.

The Zoning Administrator stated that the applicant can work with the Urban Forester concerning Conditions 12 and 13. He noted that the worst-case scenario would be one street tree on both sides of the property.

In response to a question from the Zoning Administrator about the type of garage doors, Larry Golden stated that they will be roll-up doors.

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 Coastal Permit for the project at 136 Fairview Place, subject to the findings and conditions contained in the staff report, with the added Condition #15.

Added Condition No. 15:

15. **That if barn like garage doors are provided, they shall be hinged in such a manner to ensure the maximum eight-foot opening of the garage door is provided, subject to the approval of the Zoning Administrator.**

New Business

3. 120 Morrissey Blvd. CP14-0005 APN 009-361-20
Administrative Use Permit to establish low-risk alcohol outlet (grocery store selling alcohol) in the CC zone district. (Environmental Determination: Categorical Exemption) (Alden, Steven M. M/M SS et al, owner/filed: 1/7/2014) MF
Recommendation: That the Zoning Administrator acknowledge the environmental determination and approve the Administrative Use Permit, subject to the findings noted in the staff report and the 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:

Deidre Hamilton of Hamilton/Swift representing Grocery Outlet. She stated all the conditions of approval are acceptable to the applicant.

Patrick Davis, Grocery Outlet representative.

SPEAKING FROM THE FLOOR WITH CONCERNS:

Karen Paret, homeowner on Pacheco Avenue for 20 years, requested denial of the Administrative Use Permit. Her concerns are that the operators will decide to sell single item alcohol containers to better serve their customers which will allow cheaper alcohol. She doesn't want an increased problem with alcohol in their neighborhood as they don't need a third magnet business with cheap alcohol in their neighborhood. She recommended denying the permit.

The Zoning Administrator noted that there is a condition that prohibits the sale of single servings of alcohol in that business.

Candace Brown, resident and homeowner for 22 years. Her concerns were whether the grocery outlet is good for their neighborhood. She noted that there is a low use for alcohol. This store has large tourists, large crowds and people. She stated that there are about 500 homes that are well established with many of them historic in nature. She stated that a meeting was held with Hamilton/Swift and about 75 people attended that meeting. She said that almost everyone in that meeting were not in favor of this project. There's a lot of loitering in the neighborhood and mail that is stolen. She stated that this store will bring a lot of people from outside the community. She requested that this item be continued so that the neighbors can do some investigation. She further noted that the Grocery Outlet stores are independent, in a sense, and each store has its own operator. She stated there is no communication until the store obtains an operator. This store could be a mini Costco. She stated that alcohol is sold in volume. People are very concerned about the permit process and until an operator is brought forward they don't want to encourage alcohol in this neighborhood. She also would like Grocery Outlet to provide a truck access and turning access plan from the docks onto neighboring streets and intersections.

Kristin Truse, 200 block of Pacheco Ave., stated when you are smelling alcohol it is being consumed close to the area. She stated that there were a lot of children living in that area and that to bring in more alcohol to their neighborhood isn't a very good idea.

Cynthia Seagel, lives in the Morrissey area, and has been a homeowner since 2006. She is against this store selling more alcohol in the neighborhood. There are enough problems with transients in their neighborhood. Alcohol is alcohol no matter what size it comes in and how it's packaged. She is sorry to see the post office leaving and said she is happy with what already exist in that area.

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

Deidre Hamilton addressed a couple of the technical issues. In terms of the saturation and asking for the continuance, she noted that the Alcohol Beverage Control has already reviewed the saturation issues and the alcohol license has already been applied. The operator won't be known for a while as the lease with the post office isn't up until the end of the year. She further stated that any operator will have to abide by the permit conditions, so no continuance is necessary.

In response to a question by the Zoning Administrator, Patrick Davis of Grocery Outlet, mentioned that the operator is primarily in charge of employees, insurance and maintenance of the operation. He stated that Grocery Outlet owns the store and the products that are shipped to each store. The overall running of the business is up to the operator and is part of the community and they are responsible for the every day operations.

In response to a question by the Zoning Administrator, Patrick Davis stated that Grocery Outlet Corporation has recourse in the agreements that are made with the operators. They have had operators that adjusted to conditions of their neighborhood. One example was in the Downtown San Diego area, with similar issues as discussed at this hearing. He told how the pricing of alcohol was brought up to a higher amount at that location working with the Police Department. Once the operator is chosen they will bring together another meeting with the neighbors to make it go smoothly.

He stated that products on the end of aisles are on pallets but they are sold individually, not bulk. Grocery Outlet stores don't sell big bulky items. The store also sells produce, meat and other deli items. He stated that Grocery Outlet has set conditions about truck delivery and the operator would have to agree to those plans.

He further stated that Grocery Outlet Corporation is putting together a trucking plan for Santa Cruz as they understand the concerns of residential neighborhoods. The plan will be shipped out to all the warehouses and other trucking deliveries and even during construction, the trucking plans will be abided by and they will have to honor the neighborhood's request.

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

The Zoning Administrator stated that he read the report and some of the items he and the City looks for is what the Alcohol Beverage Control determines to be as an overconcentration. According to the ABC, they have determined that this is not an area of undue concentration of alcohol. Alcohol sales is listed as a low risk in the Zoning Ordinance in this neighborhood and that's why it's at this level of review of the administrative use permit. This hearing is really on the alcohol issues.

The Zoning Administrator further noted that, like other neighborhoods, this neighborhood has its issues; however, reviewing police incident map for the area there was very little tagged for alcohol and liquor incidents.

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In response to a question by the Zoning Administrator, that if the store had no alcohol sales could the grocery store still exist. Mr. Davis stated that they don't have any stores currently that don't have alcohol sales.

The Zoning Administrator stated that there are 34 conditions that discuss and address alcohol as well as a truck access plan. There will be two formal public reviews after the operation begins sales: six months and one year. The permit could be revoked, if the situation deteriorated and there is the potential of added security. He further stated that there are substantial conditions on a low risk alcohol outlet which meets the intent of the Zoning Ordinance.

ZONING ADMINISTRATOR ACTION: The Zoning Administrator acknowledged the environmental determination and approved the Administrative Use Permit for the project at 120 Morrissey Blvd., subject to the findings and conditions contained in the staff report. He stated that appeal process.

New Business

4. 220 Swanton Blvd. CP14-0006 APN 003-254-16
Design Permit for a two-story addition to a two-story dwelling on a substandard lot in the R-1-5/CZO zone district. (Coastal Permit Exclusion) (Environmental Determination: Categorical Exemption) (Clanton, Bart U/M, owner/filed: 1/8/2014) MF
Recommendation: That the Zoning Administrator acknowledge the environmental determination and approve the Design Permit, subject to the findings noted in the staff report and the Conditions of Approval, listed in Exhibit "A".

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Lisa Blatchley, architect for the project, stated that the width of the front gable of the garage will be enlarged with a 10-inch reduction in height. She stated that these changes will be reflected on plans submitted to the building department. She had reviewed the other conditions of approval and finds them to be acceptable.

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 Design Permit for the project at 220 Swanton Blvd., subject to the findings and conditions contained in the staff report, with the modification to Condition #26 as follows:

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Modified Condition No. 26:

26. The fenestration shown on the final building plans shall be in substantial accordance with the approved plans submitted and on file in the Department of Planning and Community Development of the City of Santa Cruz and as outlined verbally by the project architect during the Zoning Administrator public hearing process on April 2, 2014.

5. 1733 Seabright Ave CP13-0130 APN 010-042-07
Administrative Use Permit to establish a low-risk alcohol outlet (service of beer and wine) in an existing restaurant in the CC zone district. (Environmental Determination: Categorical Exemption) (Lau Shou King & Dong Quai Trust, owner/filed: 9/16/2013) MF
Recommendation: That the Zoning Administrator acknowledge the environmental determination and approve the Administrative Use Permit, subject to the findings noted in the staff report and the Conditions of Approval, listed in Exhibit "A".

The Zoning Administrator summarized the report.

The public hearing was opened. The Zoning Administrator asked if the applicant had read the conditions noted in Exhibit "A". The applicant stated that he had read them.

SPEAKING FROM THE FLOOR:

Tia L. Pan, son, stated that their store has been opened for about a year. Their hours of operation are from 11 am to 10 pm. The other conditions of approval are fine.

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 Administrative Use Permit for the project at 1733 Seabright Ave., subject to the findings and conditions contained in the staff report.

Adjournment

The Zoning Administrator adjourned at 11:00 a.m. The next Zoning Administrator meeting will be held on April 16, 2014 at 10:00 a.m. in the City Council Chambers.

APPROVED:

ALEX KHOURY, ZONING ADMINISTRATOR