



ACTION MINUTES
Planning Commission
Regular Meeting
7:00 p.m. – Thursday – February 5, 2009
City Council Chambers, 809 Center Street

Call to Order: 7:00 PM

Roll Call:

Present: Rod Quartararo, Chair; Scott Daly; David Foster; Larry Kasparowitz;
Mari Tustin; Judy Warner
Absent: Bill Schultz (with notice)
Staff: Assistant Director Alex Khoury; Principal Planner Eric Marlatt; Associate
Planner Nancy Concepcion; Recorder Shelley Randolph
Audience: 15 members of the public

Statements of Disqualification: None

Oral Communications: None

Announcements: None

Election of Officers:

ACTION: Commissioner Warner moved to nominate Commissioner Quartararo as Chair. The motion passed unanimously on a 6-0 vote, Commissioners Quartararo, Daly, Foster, Kasparowitz, Tustin and Warner in favor.

ACTION: Commissioner Foster moved to nominate Commissioner Daly as Vice Chair. The motion passed unanimously on a 6-0 vote, Commissioners Quartararo, Daly, Foster, Kasparowitz, Tustin and Warner in favor.

Approval of Minutes: December 4, 2008 and December 18, 2008

ACTION: Commissioner Warner moved, and Commissioner Foster seconded, that the Planning Commission APPROVE the minutes of December 4, 2008 as presented. The motion passed by a unanimous vote of 6-0, Commissioners Quartararo, Daly, Foster, Kasparowitz, Tustin and Warner in favor.

ACTION: Commissioner Tustin moved, and Commissioner Kasparowitz seconded, that the Planning Commission APPROVE the minutes of December 18, 2008 as presented. The motion passed by a vote of 5-0-1,

Commissioners Quartararo, Daly, Kasparowitz, Tustin and Warner in favor, Commissioner Foster abstaining.

Public Hearings —

- 1. 244 4th Ave. 08-140 APN 010-262-44**
Modification to Special Use Permit to construct a 985 square foot recreation room addition for the Santa Cruz Yacht Club which is located in an R-1-5/CZO/SPO zone district; Variance to reduce required parking. (Environmental Determination: Categorical Exemption) (Santa Cruz Yacht Club, owner: filed: 8/25/08) NC
RECOMMENDATION: That the Planning Commission acknowledge the environmental determination and approve the Modification to the Special Use, Coastal and Design Permits, and Variance to parking based upon the findings listed below and the Conditions of Approval included in Exhibit “A”.

Principal Planner Eric Marlatt introduced Associate Planner Nancy Concepcion, who presented the staff report.

Commissioners asked questions regarding where children would be dropped off, handicapped access, bicycle parking, whether amplified music would be allowed in the recreational room, where storage would occur and the definition of membership.

Associate Planner Concepcion answered that the children would be dropped off below in the harbor and that 4th Avenue was the only handicapped access for the site. Principal Planner Marlatt added that Condition of Approval 26 was written to address handicap access. Associate Planner Concepcion responded regarding the bicycle parking that the applicant must include a location for it in the building plans (the bike parking was also a condition.) She referred the question regarding membership to the applicant, and stated that amplified music was intended for the upper-level only; the recreational room would only be for movies, etc.

Cove Britton, with Matson-Britton architects, spoke for the applicant. He advised that membership is limited to 500, which won't change, and that it is defined as a couple, meaning that a couple is one member. He stated that limiting amplified music to the upper-levels makes sense with the proposed use for the space. He advised that there were some benefits to the new construction, one of which is the ability to install fire sprinklers within the existing structure, thereby making it safer. Another benefit is the improvement of handicap access to both levels. In regards to handicap access from below, he advised that it wasn't feasible: due to the distance, there would have to be a three-story elevator put in, and to do the proper ramping would require extensive grading. In regards to bikes, he stated that there was plenty of space down below for bike parking. He requested that the closing time be kept to the simple 10 am – 10 pm format rather than the more complex recommendations of 9:30 pm for amplified entertainment and 9:45 pm for the bar which were listed in the Conditions of Approval. He advised that these time variations might be more difficult for the club to enforce. He said that they were amenable to revisiting the parking situation in six months as they didn't expect the proposed project would change any of the parking issues currently there. There is plenty of space for storage, and

removal of the space beneath the deck for the recreational room wouldn't affect the club's storage capabilities.

Commissioner Kasparowitz asked Mr. Britton if the entire building needed to be handicap accessible, which Mr. Britton answered in the affirmative; this is why the elevator is being put in, and also why the bathrooms are being redone.

Commissioner Warner wanted to know if Yacht Club members liked to park on 4th Ave.

Bret Gripenstraw, Commodore of the Santa Cruz Yacht Club, stated that it was more convenient for members to park on 4th Avenue, but that many members own boats and have parking permits to park in the harbor.

Commissioner Quartararo stated that with this Modification to the Special Use Permit, parking up on 4th would be prohibited except for handicap access; Yacht Club members would need to park in the harbor. He emphasized that the club needed to be aggressive with their members so that at the six-month review, parking would no longer be an issue.

Principal Planner Marlatt advised that this was the issue with the 1993 permit. Since the permit at that time was never exercised, staff couldn't enforce the parking restrictions. Staff reincorporated it into the Conditions of Approval for this permit so that there would be some enforceability.

Bob DeWitt, past Commodore of the Yacht Club, who was involved with the proposal in 1993, advised that there was very little parking on 4th Avenue because it's a narrow street. In 1993, they had proposed that the neighbors consider permit parking for the neighborhood. The Yacht Club encourages people to park below; most members are slip owners and already have harbor parking permits, so the bulk of members can park below and not impact the street. The Yacht Club doesn't have police powers over their members, however – it's a public street. He questioned how the Yacht Club could enforce the parking. Agreeing that enforcement was an issue, he stated that he believed the solution was to proceed with the neighborhood permit parking system.

The public hearing was opened.

The following people spoke of their concerns about the proposal:

- Tom Pelio
- Roseanne Magid
- Marcia Jue-Pelio
- Gail Magid
- Ann Wasserman
- Michael Zilver

The following person spoke in favor of the proposal:

- Freda Crum

Mr. Britton spoke again to clarify that there was a condition in the Yacht Club use contract that the parking is required to occur in the harbor parking lot. He said that these were mostly “good neighbor” problems, which were centered around the parking issue and which could be resolved with the neighborhood permit parking system.

The public hearing was closed.

Commissioner Kasparowitz asked if there were code complaints, to which Associate Planner Concepcion answered in the negative, there weren’t any police calls or code complaints on file for the site. The Commissioner then asked if the City had a noise ordinance and, if so, what the time limits were. Associate Planner Concepcion replied that the noise ordinance tried to limit activities from 10:00 pm to 8:00 am.

Commissioner Tustin wondered why Condition 30 stated that activities could occur up to 11:00 pm.

Associate Planner Concepcion replied that it was supposed to be 10:00 pm, not 11:00 pm.

Commissioner Tustin then remarked that, when stopping time is 10:00 pm, people are often still there later; the process to begin stopping only *starts* at 10:00 pm. After closing, people typically gather and talk before getting into cars.

Associate Planner Concepcion replied that was the reason for the 9:30 pm and 9:45 pm stop times for amplified entertainment and bar service – to give time to cease those activities so that 10:00 pm would be the actual stop time.

Commissioner Tustin then asked if the City had any authority or enforcement powers over the Yacht Club to enforce certain issues with its members – forbidding members from parking on 4th Ave. for example. It’s still a public street, but the Yacht Club could, as a “good neighbor” policy, tell its members that there is no parking on 4th except for handicapped.

Associate Planner Concepcion replied that staff was recommending a six-month review to see how the parking situation was going and said that the City could monitor the situation; but without a residential permit parking program in place, there was not much that could be done as it was a public street.

Commissioner Tustin then asked why the Yacht Club couldn’t enforce this issue themselves; they should have a security person to enforce the issue.

Assistant Director Khoury added that one of the neighbors had suggested that as one of the conditions. A condition could be made that no parking be allowed on 4th, but the problem was enforcement. The City could respond to complaints, but monitoring would be difficult.

Commissioner Tustin then commented that the conditions could be more concrete; a named contact for neighbors to complain to for every event, available on site and by phone.

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Associate Planner Concepcion responded that a condition of that type had been placed on previous applications and could be placed on this one.

Commissioner Tustin then stated that she'd also like to see the Yacht Club be responsible for the noise, littering and loitering as well; if the Yacht Club had to clean up after its own members, they might be better about enforcement.

Commissioner Warner wanted to know how much parking was available in marked spaces on the property and how much it cost to park in the harbor if one didn't own a slip or boat.

Associate Planner Concepcion replied that there were eleven spaces currently being used to store boats. If the application were approved, the boats would be removed, and that area would be used to park vehicles.

Mr. DeWitt replied that, if you own a slip, you can buy a parking permit for \$30.00 per year; otherwise there is metered parking which is around \$1.00 per hour.

Commissioner Daly remarked that originally he'd thought this was a request for a Minor Modification; but hadn't realized the project's "bad neighbor" behavior. He hadn't been aware, when attending events at the Yacht Club himself, that it was possible to park below. There should be a more creative way to make the entry access and parking down below so that it effectively became the entrance to the Yacht Club. Perhaps the Port District needed to be consulted. Without that, the problem would persist.

Commissioner Kasparowitz wondered if a valet service could be made available during special events such as weddings.

Commissioner Foster wanted to see the Yacht Club advertised as having the harbor as its address; perhaps not a legal change of address, but that the letterhead and advertising show it as residing in the harbor, rather than on 4th Avenue. Also, parking only below should be written into all contracts and membership agreements, except senior and handicapped parking which could happen on 4th. Deliveries should also be on the harbor side. Bike parking should occur on 4th as well as the harbor side.

Commissioner Warner wanted to encourage the neighbors to consider permit parking for the neighborhood; it would solve a lot of problems.

Commissioner Quartararo recommended that some "good neighbor" rules be written into the bylaws or conditions of membership. He also was still unclear as to exactly how many people 500 members constituted. If it's a 'couple' per membership, does that mean 1,000 people? Are their families counted as well?

Mr. DeWitt answered that a regular membership was defined as a person, plus wife and children, if any. There were also inactive members, out-of-area members and junior members (parents didn't need to be members) – so it was hard to pin down a number. Even with that large number, it was rare that they're all at the club at once. One of the largest events, member-wise, was the

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general meeting, which usually had only 40 attendees. Capacity of the room is 72, so that is a limiting factor as well.

Commissioner Quartararo wanted to know how ‘youth’ was defined, since they were proposing a new capacity and participation with this recreational room. He noted that 16-year-olds can drive.

Club Manager, Greg Haws, answered that junior members were between 8 and 21 years of age, but that most were between 8 to 18, since the older ones go away to college.

Commissioner Quartararo also wanted to know if there were any parking restrictions mentioned in the bylaws.

Mr. DeWitt answered that there weren't, but they could be inserted, along with the rest of the Conditions of Approval in regards to stopping times of entertainment and bar service.

Commissioner Quartararo cautioned that the Yacht Club needed to show an effort to enforce these “good neighbor” rules or they could lose the use of the recreational room if found not in compliance. This was an investment that they could lose – it could be a problem for them after six months.

Mr. DeWitt advised that the Club had a monthly newsletter that went out to members and neighbors, so there was a means of communication in place.

Commissioner Warner moved the staff recommendation, secure in the knowledge that this situation would be reviewed after six months.

Commissioner Tustin seconded the motion, provided there was strong language written in the conditions making the Yacht Club responsible for noise, littering and loitering issues. She also advised she liked the idea of bicycle parking at the top, off 4th Ave.

Commissioner Kasparowitz wanted to know what changes to the Conditions were being made.

Principal Planner Marlatt responded that there was a correction on condition 30 from 11:00 pm to 10:00 pm for an end to activity. He also suggested changing condition 34 to have the six-month review hearing happen before the Planning Commission, rather than the Zoning Administrator. He advised that they could change the bike parking condition to clarify that the spaces needed to be on the 4th Ave. entrance as well as the harbor area. He noted that there were also suggestions made about membership enforcement, newsletters, contracts, bylaws, and a designated contact person during all events.

Commissioner Quartararo suggested adding that a parking plan be submitted as a condition.

Commissioner Daly suggested that instead of one sign on Condition #31, it should be opened up to multiple signs; a sign down below in the harbor should designate Yacht Club parking. Where to park needs to be clear to drivers.

Commissioner Quartararo wanted the conditions to be specific that amplified music was not allowed in the recreational room. Principal Planner Marlatt answered that it could be added to Condition #29.

Principal Planner Marlatt also recommended a clarification on Condition #29 regarding hours of operations; classes and meetings could be seven days a week, but that special events could only take place on certain days of the week.

Commissioner Kasparowitz wanted to leave the evening use for when they revisit the issue in six months; he didn't think seven days and seven evenings a week was fair for the neighborhood.

Commissioner Foster wanted to see a condition regarding the cleaning service not being active prior to 6 am nor after 11 pm.

Commissioner Tustin said that the neighbors haven't complained about the number of days – they just wanted their neighborhood quiet. She recommended they leave it open 6 days a week, as it currently stood, thus taking out the restrictions in Condition 29, and revisit it at the six-month review.

ACTION: Commissioner Warner moved and Commissioner Tustin seconded, that the Planning Commission ACKNOWLEDGE the environmental determination and APPROVE the Variance to parking and the Modification to the Special Use, Coastal and Design Permits with the following changes to the Conditions of Approval:

- amending condition 30 so that the activity end time be 10:00 pm, not 11:00 pm;
- amending condition 34 to show the hearing body as the Planning Commission, not the Zoning Administrator, for the six-month review;
- amending condition 16 to require bike parking spots along 4th Avenue as well as the harbor;
- amending condition 29 to show general days and hours of operation as Tuesday through Sunday, 10:00 am to 10:00 pm and Tuesday through Sunday, 4:30 pm to 10:00 pm for the recreation room, and adding a restriction that amplified music not be allowed in the recreation room;
- amending condition 31 to increase the signage needed;
- adding conditions for a parking plan and notification to members regarding said plan, and a designated contact for neighborhood.

The motion passed by a unanimous vote of 6-0, Commissioners Quartararo, Daly, Foster, Kasparowitz, Tustin and Warner in favor.

The Planning Commission adjourned for a break at 8:56 and reconvened at 9:04.

General Business —

2. Update of Planning Commission Bylaws

RECOMMENDATION: That the Planning Commission Recommend the City Council approve the Updated Planning Commission Bylaws.

In response to Commissioners' questions regarding what had been changed, Assistant Director Khoury advised that the new bylaws were in the standard format required for all advisory bodies. The old bylaws hadn't followed the standard, so now they would be in line with the rest. The only thing which was clarified was the vote; if there wasn't a full membership of the commission, then approval was a simple majority of the members in matters regarding land-use.

Commissioner Warner asked about the optional 'ex-officio membership' on page 5, Section 7 and wanted to know which other Commissions had them.

Assistant Director Khoury responded that he wasn't aware of any, just that it was part of the standard bylaws format. Commissioners then discussed how this was used for the General Plan Advisory Committee and how it might be used in the future for expertise for the City's response to climate change.

Commissioner Tustin asked whether, aside from specific duties and numbers of Commissioners, the bylaws were the same as other Commissions' bylaws.

Assistant Director Khoury responded that under Article IX, Section 6 (Agenda), the standard format lacked detailed information, so the old bylaws were copied over for this section to show information for Agenda order and meeting procedures. Other than this section, and the voting issue as mentioned before, everything else was in the standard format.

Commissioner Foster asked if there were a section covered in the bylaws that mentioned the Commission's contact with the public. Commissioner Warner added that the County Planning Commission didn't have that restriction, and neither did the City Council. Commissioners then discussed where the policy possibly originated, and whether or not it was specific to the Planning Commission.

Assistant Director Khoury advised that if the Commission wanted to continue this until the next meeting, he could research the matter.

ACTION by CONSENSUS: This item was CONTINUED to the next meeting.

Informational Items: None

Subcommittee/Advisory Body Oral Reports:

- **Chairperson’s Report (R. Quartararo)** – None

Chair Quartararo asked if any of the Commissioners believed there were things that needed to be addressed, or saw a need for a subcommittee, that they shouldn’t hesitate to say so.

Commissioner Foster wanted to know if they could see a return of the work list; a list of things they’d like to see addressed in the coming year. He wanted to view last year’s list and see what had gotten done, and what remained on the list.

- **Planning Department Report** – Assistant Director Khoury advised that the February 19th meeting would be cancelled, and that the March 5th meeting would constitute a full hearing on the La Bahia project. He also advised there would be a joint meeting with City Council on February 17th at 7:00 pm discussing the River Front/Pacific Corridor plan. The Housing Element hearing will tentatively come before the Planning Commission on March 19th.

Items Referred to Future Agendas — None

Adjournment — 9:20pm

The next Planning Commission meeting will take place on February 17, 2009 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.ci.santa-cruz.ca.us. 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.