

**ACTION MINUTES
OF THE ZONING ADMINISTRATOR MEETING**

City Council Chambers
809 Center Street
Santa Cruz, Ca 95060
April 1, 2009
10:00 A.M. SESSION

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

Other: Twelve members of the audience.

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 Hearing

New Business

1. **745 Ocean St. 08-196 APN 005-261-32; 33; 34**
Design Permit to construct approximately 2,200 square foot restaurant, Administrative Use Permit for outdoor seating and to establish a low-risk alcohol outlet, and Boundary Line Adjustment to combine three lots into a single parcel located in the CC zone district. (Environmental Determination: Categorical Exemption) (R. Rivoir, owner/filed: 12/1/08)
Recommendation: Approval, with conditions. JL

The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Harlan Faust

CORRESPONDENCE VIA EMAIL WITH CONCERNS:

Deborah Marks

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 745 Ocean St., subject to the findings and conditions contained in the staff report; modified conditions 22 and 44, with deleted condition 32.

MODIFIED CONDITIONS 22 AND 44:

22. Plans submitted for building permits shall include details demonstrating compliance with all fire code requirements, subject to review and approval by the Fire Department. The applicant shall meet all requirements of the Fire Department, ~~including but not limited to~~ which may include:

- Provide an additional fire hydrant;
- Provide an automatic fire sprinkler and fire alarm systems per the California Building Code and California Fire Code;
- Provide addressing in minimum six-inch high numbers in a contrasting color that is clearly visible from the street;
- Provide UL300 compliant hood and duct extinguishing systems;
- Provide “K” fire extinguishers within 30 feet;
- Obtain separate hood, sprinkler (underground and overhead), and alarm permits obtained through the Fire Department; and
- Post the maximum occupancy load within the restaurant.

44. The hours of operation shall be limited to 10:00 a.m. to ~~10:00~~ **11:00** p.m., seven days a week, unless a modification of this Use Permit is approved.

DELETED CONDITION 32:

~~**32.** A six inch continuous concrete curb shall be used to separate paved areas from landscaped areas.~~

2. **West Cliff Drive Between 09-007 APN 004-286-02**
 Pelton Avenue and Manor Avenue

Coastal Permit for public art to be located in an existing landscaped area of the West Cliff Drive Pedestrian/Bicycle Path located in the OFR/CZO/SPO zone district. (Environmental Determination: Categorical Exemption) (City of Santa Cruz, owner/filed: 1/20/09)

Recommendation: Approval, with conditions.

NC

This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Gayle O'Neil

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

ZONING ADMINISTRATOR ACTION: The Zoning Administrator acknowledged the environmental determination and approved the project at West Cliff Drive between Pelton Avenue and Manor Avenue, subject to the findings and conditions contained in the staff report.

- 3. 841 'A' Almar 09-013 APN 003-051-24**
Administrative Use Permit to modify existing permits to allow establishment of a Type 47 low-risk alcohol outlet in an existing restaurant in the CC zone district. (Environmental Determination: Categorical Exemption) (Almar Center, Inc., owner/filed: 2/9/09)
Recommendation: Approval, with conditions. NC

The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Nathan Myrick

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

ZONING ADMINISTRATOR ACTION: The Zoning Administrator acknowledged the environmental determination and approved the project at 841 'A' Almar, subject to the findings and conditions contained in the staff report; modified conditions 10 and 14.

MODIFIED CONDITIONS 10; 14:

- 10.** A Security Plan, including the use of surveillance cameras and security personnel, shall be prepared and submitted for review and approval to the Planning and Police departments. Surveillance camera(s) shall be installed to adequately monitor the interior and exterior areas of the business and be in working order during all hours of business. Applicant shall submit plans for review and approval to the Police Department prior to installation **and have all equipment installed within 30 days of approval of this Administrative Use Permit.**
- 14.** Applicant shall **maintain compliance** ~~submit exiting plans that are stamped and signed by a licensed California Architect which are compliant with the California Fire Code (CFC) and California Building Code (CBC).~~

- 4. 131 Center St. 09-010 APN 005-162-29**
Administrative Use Permit to establish a specialty retail use (scooter rental) in an existing multi-tenant building in the RT(C) district. (Environmental Determination: Categorical Exemption) (D. Cury, owner/filed: 2/3/09) **MA**
Recommendation: Approval, with conditions.

The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Judy Locke

SPEAKING FROM THE FLOOR WITH CONCERNS:

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

ZONING ADMINISTRATOR ACTION: The Zoning Administrator acknowledged the environmental determination and approved the project at 131 Center St., subject to the findings and conditions contained in the staff report; revised condition 3; modify condition 12 (bullet points 1; 3 and 4; adding 5th); add conditions 17; 18.

REVISED CONDITION 3:

- 3.** This permit shall be exercised within ~~one~~ three (3) years of the date of final approval or it shall become null and void.

MODIFIED CONDITION 12 (BULLET POINTS 1; 3 & 4; adding 5th):

- 12.** The applicant shall submit a landscaping and building improvement plan to augment the existing landscaping, paint the building, and which includes the following elements:
 - The applicant shall plant a tree and several shrubs on the area to the left of the door facing Washington Street. The species **shall be selected from the City's list of approved street trees** ~~to be at the behest of the Park and Recreation Department~~, and an irrigation system shall be installed and maintained.
 - The corner area, (Center Street and Washington Street) shall be planted with an appropriate species, of low shrubs and groundcover. This area shall also be irrigated.
 - The applicant shall paint the exterior of the building along Washington **and Cedar** Streets. ~~The colors shall be approved by the Zoning Administrator prior to application.~~
 - The applicant shall **replace** ~~remove~~ the **grate** window covers along Washington Street, ~~and shall repair and or replace those windows as needed.~~ **with the corrugated solar material presented at the April 1, 2009 Zoning Administrator meeting**
 - **The plastic awnings along Washington Street elevation shall be replaced with a metal or other material subject to approve of the Zoning Administrator.**

The applicant shall schedule an inspection with the Zoning Administrator or his designee within 30 days of approval of the Administrative Use permit to confirm that all work has been completed.

ADDED CONDITIONS 17; 18:

17. The parking spaces shall be restriped in accordance with the approval plans within 30 days of approval of the Administrative Use Permit.

18. All scooters shall be parked within the building with the exception of one which may be displayed in the area between the building and the Washington Street right-of-way during business hours.

Adjournment

The Zoning Administrator adjourned the meeting at **10:44 a.m.** to the next regularly scheduled meeting, held on April 15, 2009 at 10:00 a.m. in the City Council Chambers.

APPROVED:

ERIC MARLATT, ZONING ADMINISTRATOR