

**ACTION MINUTES
OF THE ZONING ADMINISTRATOR MEETING**

City Council Chambers
809 Center Street
Santa Cruz, CA 95060

October 19, 2016
10:00 A.M. SESSION

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

Audience: 8

Eric Marlatt, Zoning Administrator, called the meeting to order at 10:00 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 \$514, 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

New Business

1. 214 Gharkey Street

CP16-0177

APN 004-232-17

Administrative Use Permit to construct a two story ADU ten feet from the rear property line and to recognize a bathroom in a non-habitable accessory structure (workshop) on a property located in the R-1-5 district. (Coastal Permit Exclusion) (Environmental Determination: Categorical Exemption) (Michael Morrish, applicant/filed 9/6/16) MF

Recommendation: That the Zoning Administrator acknowledges the environmental determination and approves the Administrative Use Permit per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".

The Zoning Administrator summarized the report.

The public hearing was opened.

Action Minutes

SPEAKING FROM THE FLOOR:

Jay Ambrose

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 214 Gharkey St., subject to the findings and conditions contained in the staff report; with a strikeout, for condition #5; modified agenda report findings: 2; 5; 6; 7 and 8.

STRIKEOUT CONDITION #5:

~~5. The building plans shall be revised to remove the toilet in the workshop area of the accessory building as well as the interior wall creating the half bath area. The sink may remain.~~

SUBJECT TO MODIFIED AGENDA REPORT FINDINGS NOS. 2; 5; 6; 7 and 8:

2. That any additional conditions stipulated as necessary in the public interest have been imposed;

~~The City Council revised Section 24.12.140 (Accessory Buildings) restricting a property with multiple accessory buildings to have one sink in only one accessory building. The proposed garage/workshop could include the allowable sink.~~

~~The proposed half bath is located in an accessory building that is 13 feet from the main house and directly below the proposed ADU. The resident of the main house can walk 13 feet from the garage/workshop to the main house to use the toilet facilities while the resident of the ADU can simply walk upstairs from the garage/workshop to use their toilet facilities above. The proposed half bath in the garage/workshop is not appropriate based on the small size of the lot, the close proximity to restrooms adjacent to the accessory building, the size of the proposed half bath (10 feet by 6 feet) and the fact that many similar accessory buildings that included half baths were later converted into illegally constructed dwelling units that the 2015 ordinance revisions were designed to eliminate.~~

~~A recommended Conditions of approval includes the removal of the toilet in the workshop area of the accessory building as well as the interior wall creating the half bath~~
require recordation of Declaration of Restrictions memorializing use of the detached accessory structure as a non-habitable space on the first floor and an accessory dwelling unit on the second floor. within the workshop area. All of the Conditions are listed in Exhibit "A" of the Zoning Administrator Staff Report.

5. The structure and use are subordinate to the principal use.

Based on testimony from the applicant at the public hearing, the proposed half bath in the workshop is ~~not~~ subordinate to the house ~~or~~ **and** ADU. ~~in that it is located in an accessory building that is 13 feet from the main house and directly below the proposed ADU. The resident of the main house can walk 13 feet from the garage/workshop to the main house to use the toilet facilities while the resident of the ADU can simply walk upstairs from the garage/workshop to use their toilet facilities above.~~

6. The purpose of the use is incidental to the principal use.

The proposed half bath in the workshop is ~~not~~ incidental to the main house based on the small size of the lot, the close proximity to restrooms adjacent to the accessory building, ~~the size of the proposed half bath which is 10 feet by 6 feet.~~ testimony by the applicant at the public hearing.

7. The use is customarily appurtenant to the permitted use.

The first floor area of the detached accessory structure includes a workshop, which is customarily appurtenant to a single-family residence.

~~In 2015 the City Council revised the ADU regulations to make it easier to build new units or convert existing structures into ADUs. At the same time the City Council revised Section 24.12.140 (Accessory Buildings) restricting a property with multiple accessory buildings to have one sink in only one accessory building. The revisions were predicated on the fact that many similar accessory buildings that included half baths were converted into illegally constructed dwelling units that the 2015 ordinance revisions were designed to eliminate.~~

8. The structure will not be used as a dwelling.

A recommended Condition of Approval requires recordation of a deed restriction memorializing non-habitable use of the downstairs space. ~~Includes the removal of the toilet in the workshop area of the accessory building as well as the interior wall creating the half bath within the workshop area.~~

2. 135 Vista Branciforte CP16-0099 APN 009-012-38

Minor Land Division to re-subdivide two lots into three lots and a Heritage Tree Removal Permit to remove six heritage trees on a property located in the R-1-5 zone district. (Environmental Determination: Categorical Exemption) (Mark Grofesik, applicant /filed 5/12/16) MF

Recommendation: That the Zoning Administrator acknowledges the environmental determination and approves the Minor Land Division Permit per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".

The Zoning Administrator summarized the report.

ZONING ADMINISTRATOR ACTION: The Zoning Administrator continued the item to the Zoning Administrator meeting of November 2, 2016; this item will not be re-noticed and/or re-advertised.

3. 413 Laurel Street CP16-0148 APN 007-012-04 & -06

Administrative Use Permit for a Use Determination to allow for conversion of an office building to two residential units (on the first floor and subterranean level) and a commercial unit in an existing building in the C-N zone district.

(Environmental Determination: Categorical Exemption) (VISTA CENTER FOR THE BLIND, owner/filed 7/27/16) SH

Recommendation: That the Zoning Administrator acknowledges the environmental determination and approves the Administrative Use Permit for a Use Determination per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".

The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Bill Kempf
Harriet Miller

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 413 Laurel St., subject to the findings and conditions contained in the staff report; with added condition No. 10.

ADDED CONDITION NO. 10:

10. In order to meet the 8,000 square foot minimum lot size requirement for a mixed use project in the CN Zone District, prior to issuance of a building permit, the applicant shall either provide evidence confirming Assessor's Parcel Nos. 007-012-04 – 04 and -06 constitute one lot or obtain approval of a Boundary Line Adjustment and record the legal description to merge the two lots into a single parcel.

4. 1315 Water St. CP16-0117 APN 009-253-09

Administrative Use Permit and Sign Permit to establish a low risk alcohol outlet (brewpub) with an outdoor seating area on a parcel located within the C-C zone district. (Environmental Determination: Categorical Exemption) (GIBSON JEANNINE MARIE TRUSTEE, owner/filed 6/15/16) SH

Recommendation: That the Zoning Administrator acknowledges the environmental determination and approves the Administrative Use Permit and Sign Permit per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".

The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Christian Nielsen

Tim Clifford

Adair Paterno

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 1315 Water St., subject to the findings and conditions contained in the staff report; with revised conditions Nos. 17 and 22.

REVISED CONDITION Nos. 17 and 22:

17. The patio areas shall be closed to the public when the business is closed **by moving furniture inside the tenant space** to prevent loitering and other criminal behavior.

22. The applicant **shall take all reasonable efforts to** prevent loitering on the premises.

Adjournment—10:24am

The next Zoning Administrator meeting will be held on November 2, 2016 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 fourteen dollar (\$514) filing fee, unless the item involves a Coastal Permit that is appealable to the California Coastal Commission, 725 Front St., Suite 300, Santa Cruz, CA 95060 in which case there is no fee.

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.