

**ACTION MINUTES
OF THE ZONING ADMINISTRATOR MEETING**

City Council Chambers
809 Center Street
Santa Cruz, CA 95060

November 2, 2016
10:00 A.M. SESSION

Staff Present: Eric Marlatt, Zoning Administrator
Rachel Grothe, Associate Planner
Linda Miranda, Recording-Secretary

Audience: Approx. 20

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 \$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.

Old Business--

Continued from the Zoning Administrator meeting of 10/19/16

1. 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 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 approved the Minor Land Division and a Heritage Tree Removal Permit per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".

The Zoning Administrator summarized the report. He indicated that the item was continued from the previous meeting to allow code enforcement Staff to investigate the condition of an unpermitted unit on the site. An inspection was conducted by Code Compliance Officer, Laura Landry on October 31, 2016, which did not reveal significant health and safety concerns. It was noted that a wood stove served as the only heat source which does not comply with the building code.

The public hearing was opened.

Action Minutes

SPEAKING FROM THE FLOOR:

Matt Cooley. In response to a question from the Zoning Administrator, Mr. Cooley confirmed that the unit could be abated by May 1, 2017.

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, subject to the findings and conditions contained in the staff report.

REVISED—COMBINING CONDITIONS 7 & 8; 10; ADDED CONDITION NO. 24:

7. Prior to ~~approval~~ recordation of the Tentative Map, but no later than May 1, 2017, the applicant shall ~~schedule a Code Compliance inspection to determine if the detached structure is a residential unit.~~ apply for a building permit to demolish the detached structure on proposed parcel #3 and the owner shall provide relocation assistance to the tenant living in this structure in conformance with Section 24.08.1350 of the SCMC.
8. ~~If the structure is determined to be unsafe, the unit shall be vacated immediately and the owner shall provide relocation assistance to the tenant living in this structure in conformance with Section 24.08.1350 of the SCMC.~~
10. The applicant shall remove the detached structure located on parcel 3 within three months of the approval of the ~~Tentative-Parcel Map.~~
24. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the City of Santa Cruz or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of the City Attorney or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The City shall promptly notify the property owner of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. If the City fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the City harmless.

New Business--

2. 121 Campbell Street **CP16-0137** **APN 007-401-12**
Design Permit to legalize conversion of a portion of a permitted, detached garage to a 799 square foot dwelling unit. Variance to allow development of this additional unit on a substandard lot in the RM zone district lot that does not meet the minimum lot width for two units. (Environmental Determination: Categorical Exemption) (D. Schwartz Trustee owner/filed: 7/14/16) NC

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

Associate Planner, Rachel Grothe summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Ann Schwartz

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 121 Campbell Street, subject to the findings and conditions contained in the staff report; with revised condition 18 & added condition 19.

REVISED CONDITION NO. 18 AND ADDED CONDITION 19:

- 18.** The existing gate located on the driveway shall ~~remain in an operable condition to~~ **remain in an operable condition to** insure three parking spaces are accessible on the driveway.
- 19.** **Prior to issuance of a building permit, the applicant shall record a land use agreement memorializing the size and use of the habitable and non-habitable areas of the rear dwelling unit.**

3. 1218 Ocean Street **CP16-0181** **APN 008-251-23**
Administrative Use Permit for an automotive service use (transmission repair) to occupy an existing commercial building and a Sign Permit to construct a new freestanding sign and wall sign on a property located in the C-C zone district. (Environmental Determination: Categorical Exemption) (James and Lorna Jordan owner/filed: 9/12/16) RG

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:

Kim Johnson
Peter Glynn

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 1218 Ocean Street, subject to the findings and conditions contained in the staff report.

4. 204 Church St. CP16-0169 APN 005-048-07
Administrative Use Permit and Sign Permit to establish a low risk alcohol outlet (wine tasting room) with a wall sign in a multi-tenant building located in the CBD zone district. (Environmental Determination: Categorical Exemption) (Cedar Church Property LLC; owner/filed: 9/12/16) 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:

Alex Krause
John Locke
John McKelvey
Zachary Davis

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 204 Church Street, subject to the findings and conditions contained in the staff report; with revised condition no. 31.

REVISED CONDITION NO. 31:

31. To ensure patron and staff safety, exterior lighting shall be installed and properly maintained in working order in the interior and exterior areas of the business. Surveillance camera(s) that record activity shall be provided at the exterior **entrance to the** of the business. ~~specifically, at the front door, side doors, and at the exterior side yard.~~ To ensure staff can adequately monitor the exterior deck area, surveillance camera(s) shall be installed before alcohol service is allowed. The recordings shall be accessible to police within 48 hours.

Adjournment—10:32am

The Zoning Administrator meeting of November 16, 2016 is cancelled. The next regularly scheduled meeting will be held December 7, 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.