

**ACTION MINUTES
OF THE ZONING ADMINISTRATOR MEETING**

City Council Chambers
809 Center Street
Santa Cruz, CA 95060

February 5, 2014
10:00 A.M. SESSION

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

Audience: Approximately 50 members in the audience.

Eric Marlatt, Zoning Administrator, called the meeting to order at 10:02 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 Hearings

Old Business - None - (Continued from Zoning Administrator Meeting, January 15, 2014)

1. **216 Jessie Street** **CP13-0144** **APN 010-161-01**
Coastal Permit for fencing and path improvements in the Jessie Street Marsh area in the RL zone district. (Environmental Determination: Categorical Exemption) (City of Santa Cruz, owner/filed: 9/27/2013) **MF**
This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Recommendation: That the Zoning Administrator acknowledge the environmental determination and approve the Coastal Permit, based on the findings noted in the staff report and the Conditions of Approval, listed in Exhibit "A".

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.

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The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Gary Patton
Vickie Winters
Rachel O'Malley
Celia Scott
Don Webber
JD Sotelo
Mike Guth, Sierra Club
M. T. Odegaard
Chris Krohn
Perry Martin
Brenda Martin
Sara Nash
Ron Pomerantz
Mauro Garcia
Ted Flippo
Heather Rider
Leslie Keedy

CORRESPONDENCE RECEIVED FOR THE RECORD:

Perry Martin
David Carlson
Christy Kirven
Jude Todd
Jane Mio
Gary Patton
JD Sotelo
Karen Geisler
Mike Guth, Sierra Club

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 216 Jessie St., subject to the findings and conditions contained in the staff report; with added conditions 15 and 16, and revised agenda report Coastal Permit findings 2, 3, 7 and 8.

ADDED CONDITIONS 15 & 16:

- 15. This Coastal Permit approves the trails shown on the site plan submitted with the application except for the trail that connects Barson Street to the puncheon bridge. Future construction of this trail segment shall require a Coastal Permit to be approved by the City Council in conjunction with an amendment to the Jessie Street Marsh Management Plan.**

16. **Fencing approved as part of this permit is to be more than four feet in height along the western edge of the marsh, stepping up to six feet in height along the eastern edge of the marsh.**

REVISED AGENDA REPORT (COASTAL PERMIT FINDINGS):

2. **Protect vegetation, natural habitats and natural resources consistent with the Local Coastal Land Use Plan.**

The Biotic Resources Group and Dana Bland & Associates assessed the biotic resources along the proposed trail route and surrounding areas. The assessment identified sensitive biotic resources within the project area and evaluated the proposed activities relative to such resources. The majority of the trail project will be constructed within non-native annual grassland and in areas supporting invasive, non-native understory plants. The removal of this vegetation is not considered a significant impact to local or regional botanical resources. All trail construction will occur outside the cattail-bulrush marsh and associated wet grassland. The proposed creek crossing **will span the wetlands and, as such, no significant impacts to wetland** resources are expected. **The creek crossing will require permitting from CDFW** and The Regional Water Quality Board (RWQCB) because the creek and adjacent marsh/wetland is within their permitting jurisdiction. Recommendations from the project biologist were developed to avoid or minimize the project effects to sensitive biological resources. The recommendations are consistent with the development standards and guidelines required by the Jessie Street Marsh Management Plan and the City-wide Creeks and Wetlands Management Plan. Those recommendations have been attached to this report as Conditions of Approval.

3. **Be consistent with any applicable design plans and/or area plans incorporated into the Local Coastal Land Use Plan.**

With the elimination of the trail that connects Barson Street to the puncheon bridge (which is not delineated on Figure 8-2 of the Jessie Street Marsh Management Plan), the project is consistent with the development standards and guidelines required by the Jessie Street Marsh Management Plan and the City-wide Creeks and Wetlands Management Plan. The proposed wrought iron fence as described in condition no. 16 is in substantial conformance with Action P-3 of the Jessie Street Marsh Management Plan in that it “provides barriers to inhibit inappropriate access.” The location has been reviewed by the Biotic Resources Group in a report dated October 31, 2013 and has been concluded that it does not impact the type of wildlife that live in this area and will lead to improved water quality by precluding human entrance and trash.

7. **The project protects trees and vegetation and sensitive wildlife habitat.**

The Biotic Resources Group and Dana Bland & Associates assessed the biotic resources along the proposed trail route and surrounding areas. The assessment identified sensitive biotic resources

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within the project area and evaluated the proposed activities relative to such resources. The majority of the trail project will be constructed within non-native annual grassland and in areas supporting invasive, non-native understory plants. The removal of this vegetation is not considered a significant impact to local or regional botanical resources. All trail construction will occur outside the cattail-bulrush marsh and associated wet grassland. The proposed creek crossing will span the wetlands and as such, no significant impacts to wetland resources are expected. The creek crossing will require permitting from CDFW and Regional Water Quality Board (RWQCB) because the creek and adjacent marsh/wetland is within their permitting jurisdiction. Recommendations from the project biologist were developed to avoid or minimize the project effects to sensitive biological resources. The recommendations are consistent with the development standards and guidelines required by the Jessie Street Marsh Management Plan and the City-wide Creeks and Wetlands Management Plan. Those recommendations have been attached to this report as Conditions of Approval.

8. The project is consistent with the following criteria for bluff or cliff development:

- a. The development is sited and designed to assure stability and structural integrity of its expected economic life span and minimize alterations to natural land forms.**
- b. The development will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.**
- c. The development minimizes alteration of cliffs, bluff tops, faces or bases, and will not interfere with sand movement.**
- d. The development which proposes use of retaining walls shall be allowed only to stabilize slopes. Sea walls at the toe of sea cliffs to check marine erosion shall be allowed only where there is no less environmentally damaging alternative.**
- e. The development within one hundred feet of any cliff or bluff line shall follow the recommendations of an approved geologic report by a registered geologist. The area where such a report is required may be increased where the issue of slope stability requires a greater distance from any cliff or bluff line.**

The project site is located inland from East Cliff Drive in an existing marsh area. The project improvements are limited to at-grade trails, ~~two~~ a small bridge and fencing. The small size and location of these improvements have been designed and sited to assure the stability and structural integrity of their expected economic lifespan. The project will reduce erosion in the marsh area and will not interfere with cliffs, bluff tops or bluff bases.

New Business

2. 121 Sacramento Avenue CP13-0183 APN 003-262-09
Design Permit and Coastal Permits to construct a first and second-story addition to an existing one-story single-family residence and a new detached two-car garage on a substandard lot in the R-1-5 zone district. (Environmental Determination: Categorical Exemption) (Stewart, R. Dennis & Martha A., Trustees, owner/filed: 11/18/2013) JL

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

Recommendation: That the Zoning Administrator acknowledge the environmental determination and approve the Design Permit and Coastal Permit, based on 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:

Dennis Stewart
James Lloyd, architect
Sharon Peregon
Debbie Hancock
Cindy Rudohas

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, 121 Sacramento Ave., subject to the findings and conditions contained in the staff report; with revised conditions 16 and 28 (bullet item 2).

REVISED CONDITION 16:

16. All utilities and transformer boxes shall be placed underground unless otherwise specified. **approved by the Public Works Department in accordance with the requirements contained in Section 24.12.710-730 of the Zoning Ordinance.**

REVISED CONDITION 28 (BULLET ITEM 2):

28. Plans submitted for the building permit application shall demonstrate compliance with requirements of the Public Works Department, including but not limited to, the following:
- Add a note on site plan that the "Adjacent alley along property frontage is to be improved as directed by the City of Santa Cruz Public Works Department" as required by Section 15.24.070 of the Santa Cruz Municipal Code. A separate street opening permit shall be obtained by a licensed paving contractor from the Public Works Department prior to paving.
 - Install a 4-foot sidewalk and 4-foot landscape strip along property frontage per City standard details for curb, gutter, and sidewalk and landscape strip per City standard detail, **unless otherwise approved by the Public Works Department.** Include notes and City Standard Detail 8 of 23 on the plans.
 - State and Federal storm water regulations require development and remodeling projects in the City to incorporate design standards and Best Management Practices (BMPs) in order to reduce storm water pollution and minimize the potential for erosion. Plans submitted for building permits shall demonstrate compliance with the requirements for single-family residential dwelling projects

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contained in Chapter 6 of the City's Best Management Practices Manual revised March 2012. The project shall comply with all Tier 1 Low Impact Development (LID) requirements stated in part 1 on page 4. The site plan shall contain all relevant notes and details. The applicant shall complete the checklist in Appendix C, subject to review and approval by the Public Works Department. At a minimum, downspouts shall be disconnected from underground pipes or prohibited from directly flowing onto impervious surfaces and instead be redirected to landscaping or bioswales. Pervious walkway surfaces and driveways shall be installed where possible. Show all implemented LID measures on the plans.

3. **1007 Broadway** **CP13-0123** **APN 010-071-29**
Design Permit for a first- and second-story addition to a single-family residence on a substandard lot in the RL zone district (Environmental Determination: Categorical Exemption) (Searson, Andrew D. & Leslie A. H/W, owner/filed: 9/10/2013) JL
Recommendation: Recommendation: That the Zoning Administrator acknowledge the environmental determination and approve the Design Permit, based on 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:

Pat Powers

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 1007 Broadway, subject to the findings and conditions contained in the staff report; with revised condition 12.

REVISED CONDITON 12:

12. All utilities and transformer boxes shall be placed underground unless otherwise ~~specified~~ approved by the Public Works Department in accordance with the requirements contained in Section 24.12.710-730 of the Zoning Ordinance.

4. **400 Beach St** **CP13-0198** **APN 007-321-04**
Coastal and Design Permit to construct an access ramp to connect Beach Street bikeway to San Lorenzo River Trestle Bridge. (Environmental Determination: Categorical Exemption) (Santa Cruz Seaside Co, owner/filed: 12/19/2013) MF
This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Recommendation: That the Zoning Administrator acknowledge the environmental determination and approve the Design Permit and Coastal Permit, based on the findings noted in the staff report and the Conditions of Approval listed in Exhibit "A".

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Recommendation: That the Zoning Administrator acknowledge the environmental determination and approve the Administrative Use Permit, based on 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:

Peter Spellman

ZONING ADMINISTRATOR ACTION: The Zoning Administrator acknowledged the environmental determination and approved the project at 528 Seabright Ave., subject to the findings and conditions contained in the staff report.

Adjournment—11:56am

The next Zoning Administrator meeting will be held on February 19, 2014 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 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.