ACTION MINUTES
Planning Commission
Regular Meeting
7:00 p.m. – Thursday – April 19, 2007
City Council Chambers, 809 Center Street

Call to Order — 7:00 PM

Roll Call —

Present: David Foster, Chair; Scott Daly; Larry Kasparowitz; Rod Quartararo (7:26 PM); Bill Schultz; Judy Warner

Absent: None, one seat is vacant

Staff: Alex Khoury, Principal Planner; Ken Thomas, Principal Planner; Mike Ferry, Associate Planner; Tom Graves, Recorder

Audience: Approximately 40

Statements of Disqualification — None

Oral Communications — None

No action shall be taken on these items.
The Chair may announce and set time limits at the beginning of each agenda item.

Announcements – None

No action shall be taken on these items.

Approval of Minutes – March 15, 2007

ACTION: **Commissioner Warner moved and Commissioner Kasparowitz seconded APPROVAL of the Minutes of March 15, 2007. The vote was unanimous at 5/0.**

Public Hearings –

ACTION: **The Planning Commission, by Consensus, took up Item 2 first, and then Item 1.**

2. Ordinance Amendment 07-056 City-wide

Zoning Map Amendment and Amendment to Title 24 (Zoning Ordinance) of the Santa Cruz Municipal Code and the Local Coastal Implementation Plan, regarding creating a second General Industrial Performance Overlay District (IG-PER-2) over the IG zoning district on the west side of Santa Cruz. (Environmental Determination: Exempt from CEQA). **AK**

Recommendation: That the Planning Commission recommend to the City Council approval of amendments to the Zoning Ordinance, Zoning Map and Local Coastal Implementation Plan relating to creating a second General Industrial Performance Overlay District (IG-PER-2) over the IG zoning district on the Westside of Santa Cruz, in accordance with the finding set forth in the Zoning Ordinance Section 24.06.040.

Principal Planner Alex Khoury gave the staff report.

Redevelopment Director Ceil Cirillo spoke in favor of the ordinance amendment.

The Public Hearing was opened.

Elaine Kiernan
Carol Manson Spragens
Jim Strickland

The Public Hearing was closed.

ACTION: Commissioner Daly moved and Commissioner Warner seconded APPROVAL of amendments to the Zoning Ordinance, Zoning Map and Local Coastal Implementation Plan relating to creating a second General Industrial Performance Overlay District (IG-PER-2) over the IG zoning district on the Westside of Santa Cruz, in accordance with the finding set forth in the Zoning Ordinance Section 24.06.040. The motion specifically included adding back in acting/art/music studios, financial/real estate offices, and professional personal services. The vote was unanimous at 6/0.

1. 5 Isbel Dr. 04-270 APN 008-491-14, 15

Planned Development and Design Permit to reduce site area and lot standards, Road Abandonment, Heritage Tree Removal and a Tentative Map for a 43-unit subdivision at the intersection of Market and Isbel in the R-1-5 zone district. (Environmental Determination: EIR) (Branciforte Creek LLC, c/o T. Rahe, Owner / Filed: 12/9/04) **MF**

Recommendation: That the Planning Commission recommend to the City Council certification of the EIR and approval of the Planned Development, Design Permits, Road Abandonment, Heritage Tree removal and Tentative Subdivision Map for a 40-unit subdivision (Alternative 5) at the intersection of Market and Isbel in the R-1-5 zone district, based on the Findings listed below and the Conditions of Approval listed in Exhibit A.

Alex Khoury introduced Associate Planner Mike Ferry, who gave the staff report.

Consultant Bill Wiseman, RBF Consulting, presented the EIR.

The Public Hearing was opened.

Charlie Eadie presented the application.

Sylvia Mullen
Vince Cheap
Peggy Waters
Robin Haas
Ron Whiting
Michael Toland
Ben Curry
Eden Smith
Ed Silveira
Gordon Lion
Linda Locatelli
Judy Tollner
Ann Stanislawsky

Charlie Eadie spoke in rebuttal

Patrick Boursier said he felt, as the biologist, a 30 foot buffer for the spineflower was adequate.

The Public Hearing was closed.

Commissioner Daly said he likes the proposal, thinks it's well-designed, ecologically responsible, and housing types are varied and impressive in their use of Green Building principles. He said the affordable housing element is good as well. He also said he was pleased the traffic study indicated traffic wouldn't be significantly impacted by this development, and that he supports the proposal.

Commissioner Schultz said this parcel is unique in that it's so close to downtown, and yet encompasses elements of grassland, a riparian habitat, the spineflower, and undetermined archaeological resources. He said it would be desirable to preserve this site for public use, but realizes it's not possible. He said he wanted feedback from the commissioners about how this project reconciles itself with the new General Plan, since this site is not on a major traffic corridor but is, instead, on a country road traditionally used as a short cut. He said he realizes this project will benefit the community with more housing, and that may be reason enough to support it, but he wanted the commissioners to think about how this fits in with the new General Plan goals and objectives.

Commissioner Quartararo said development may help to preserve some of the unique features of this site such as the riparian habitat, the hydrology, and the archaeological resources, but the tradeoff is an increase in traffic and a major change in the setting. He said he doesn't see this project significantly affecting traffic in the area, although he does wish the city could use it as open space. This project also helps to create a sense of urgency vis-à-vis the General Plan in that perhaps this will spur the City to move to acquire some of these large sites that appear from time

to time; Frederick Street Park and its expansion comes to mind. He said every time we think there's no other parcel available in the City, another pops up, and the sense of urgency is to create a tax base soon that will afford the City the opportunity to acquire some of these before it really is too late.

Commissioner Warner said this is an incredible site, and that she's aware this is the oldest and most significant cultural area in the City. She said the work done on this regarding planning has been remarkable, and she will go with the staff recommendation.

Commissioner Kasparowitz said that if this site was given as a textbook problem in the classroom for a planning class, encompassing all of the details and unique features here, the solution would match very closely the plan that's before the Planning Commission now. The applicant has done the job they were asked to do, and the plan reflects careful thought and planning. He expressed regret the proposal didn't contain plans for the executive sites as well, especially since the lots are odd shapes. He said the Council would probably appreciate having some representation of what those houses will look like. He said this piece of the plan is the one that most concerns him, and he would like to have assurances that the people who buy these lots will know what they're buying into in terms of the management plan, but he agrees with the botanist that there's no real way to know what the proper buffer is for the spineflower, so he will accept that the proposed buffer seems reasonable given the soil change it encompasses. He said he's also very glad to see the houses on Market Street actually front Market Street, and that this is a nice part of the project. He said he's glad the condos are in here as well.

Chairperson Foster said he appreciates the small size of these units, as well as the design. He said he's also concerned about the executive lots in that the commission doesn't know what size houses will be built there, and suggested it might be good to impose a square footage limitation on these proposed structures. He also indicated he'd like to see something in the area management plan about the solitary bee habitat, and also wondered if the riparian area shouldn't be included, as well as a plan to manage the heritage trees.

Commissioner Schultz said he has three concerns: 1) If the spineflower goes extinct, what happens to the open space? 2) He'd like to see deed restrictions on the two executive lots immediately above the spineflower habitat to assure everything is done to accommodate it, and 3) He'd like to see very stringent monitoring of the archeological resources on this site, since they will most probably uncover significant finds. He said he's comfortable allowing staff to address these concerns.

Staff responded that the Tentative Map shows the spineflower habitat as well as all of the riparian areas as "Permanent Open Space" subject to a Habitat Management Plan. Staff also read aloud Mitigation Measure 4.3-2c that specifically requires lots 38, 39 & 44 above the spineflower habitat to consult qualified hydrologists and engineers to design improvement that direct surface and subsurface water away from the spineflower habitat.

Staff added a Condition to have the archeological monitor present during all of the site grading and not limited to the known archeological site.

ACTION: **Commissioner Schultz moved and Commissioner Quartararo seconded that the Planning Commission recommend to the City Council CERTIFICATION of the EIR and APPROVAL of the Planned Development, Design Permits, Road Abandonment, Heritage Tree removal and Tentative Subdivision Map for a 40-unit subdivision (Alternative 5) at the intersection of Market and Isbel in the R-1-5 zone district, based on the Findings and the revised Conditions of Approval.**

General Business –

A. Khoury passed out Capital Improvement Program reports to commissioners in preparation for an upcoming hearing.

Information Items – *No action shall be taken on these items.*

D. Louie Resignation letter

Subcommittee/Advisory Body Oral Reports – *No action shall be taken on these items.*

- **Chairperson's Report (D. Foster)** None
- **Planning Department Report (A. Khoury) A. Khoury said more tours to upcoming projects would be scheduled for commissioners.**

Items Referred to Future Agendas – None

Adjournment – 11:17 PM

The next Planning Commission meeting will take place on May 3, 2007 in the City 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 one hundred twenty-three dollar ($123) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee.

APPROVED: _____
David Foster, Chair

ATTESTED: _____
Greg Larson, Director