Action Minutes
Planning Commission
Regular Meeting
7:00 p.m. – Thursday – July 2, 2009
City Council Chambers, 809 Center Street

Call to Order: 7:02 PM

Roll Call:

Present: Rod Quartararo, Chair; Scott Daly; David Foster; Larry Kasparowitz; Mari Tustin; Bill Schultz; Judy Warner
Absent: None
Staff: Principal Planner E. Marlatt; Associate Planner M. Alsip; Associate Planner J. Lum; Associate Planner N. Concepcion, Recorder S. Randolph
Audience: Around 20

Statement of Disqualifications: None

Oral Communications: None

Announcements: None

Public Hearings –

Old Business (Continued from the Planning Commission meeting of June 18, 2009)

1. **145 Bayona Dr. 09-021 APN 002-161-66**
   Variance to slope regulations to recognize development adjacent to 30 percent slopes on property within the R-1-5 zone district. (Environmental Determination: Negative Declaration) (G. J. Lewis, owner/filed: 2/13/09) MA
   RECOMMENDATION: That the Planning Commission ADOPT the Negative Declaration and APPROVE the Slope Variance Permit.

Associate Planner Mary Alsip presented the staff report.

The public hearing was opened.

Speaking from the floor:
- Property owner Greg Lewis
- Richard Irish, civil engineer
- Brian Baldry, geotechnical engineer

The public hearing was closed.

Commissioners asked questions and made comments in regard to the following:
- Safety of un-permitted work
- Slope percentage in the different areas on site
- Accessibility of backyard

- Geography and topography of other lots in neighborhood
- Difficulty in finding a hardship to satisfy Variance requirement

ACTION: Commissioner Daly moved, and Commission Warner seconded, that the Negative Declaration be ADOPTED and the Slope Variance Permit be APPROVED, in accordance with the staff recommendation. The motion was approved by a vote of 6/1, Chair Quartararo and Commissioners Daly, Foster, Kasparowitz, Tustin and Warner voting in favor, and Commissioner Schultz opposed.

New Business

2. 101 Manor Place 09-065 APN 004-283-32
Design and Special Use Permits to construct a second unit on a corner lot; Variance to create a duplex as an addition rather than a new structure; Conditional Fence Permit to allow a six-foot high fence in an exterior side yard and an eight-foot high fence in a rear yard; and Conditional Driveway Permit to construct a one-car stand-alone driveway in the R-1-5/CZ-O zone district (Patricia Wood, owner/filed: 4/29/09) (Coastal Permit Exclusion) (Environmental Determination: Categorical Exemption) JL
RECOMMENDATION: That the Planning Commission ACKNOWLEDGE the environmental determination and APPROVE the Special Use Permit, Design Permit, Variance, Conditional Driveway Permit, and Conditional Fence Permit.

Associate Planner Janice Lum presented the staff report.

The public hearing was opened.

Speaking from the floor:
- Architect for the applicant John McKelvey
- Property owner Patricia Wood

The following people spoke against the proposal:
- Anthony Lombardi
- Mary Hamilton
- Richard Comstock
- Mark Harvey
- Patricia Lombardi
- Richard Stachowski

The public hearing was closed.

Commissioners asked questions and made comments in regard to the following:
- Whether house across the street is a duplex or not
- Whether an Accessory Dwelling Unit might be a better fit; restrictions regarding ADUs
- Parking issues

- Occupancy restrictions; vacation rentals in regards to the Zoning Ordinance
- Problems inherent with the existing 2-inch water line which serves street
- Size of new development; whether it's compatible with neighborhood

ACTION: Commissioner Daly moved, and Commissioner Warner seconded, that the Design and Special Use Permits be DENIED. The motion was approved by a vote of 5/2, Chair Quartararo and Commissioners Daly, Kasparowitz, Tustin and Warner voting in favor, and Commissioners Schultz and Foster opposed.

3. 250 California St. 09-074 APN 004-061-05
Major Modification to Special Use Permit (SUP #81-124) which established a private elementary school (Spring Hill School) on a property developed with a church in the R-1-5 zone district, to expand school by adding seventh and eight grade classes in former office spaces, and increase enrollment. (Environmental Determination: Categorical Exemption) (United Methodist Church, owner/filed: 5/11/09) NC
RECOMMENDATION: That the Planning Commission ACKNOWLEDGE the environmental determination and APPROVE the Major Modification to Special Use Permit 81-124.

Associate Planner Nancy Concepcion presented the staff report.

The public hearing was opened

Speaking from the floor:
- School principal Sylvie Hill

The following person spoke about their concerns regarding the proposal:
- Alison Reason

The public hearing was closed.

Commissioners asked questions and made comments in regard to the following:
- Procedures for child drop-off and pick-up
- Alternative routes to school for students
- The school's purchase of church land and the possible impacts
- Asbestos, lead-based paint & handicap access issues

ACTION: Commissioner Warner moved, and Commissioner Foster seconded, that the Major Modification to Special Use Permit 81-124 be APPROVED with conditions added in regarding alternative routes of transportation to school, asbestos, lead-based paint and handicap access. The motion passed by a unanimous vote of 7/0, Chair Quartararo and Commissioners Daly, Foster, Kasparowitz, Tustin, Schultz and Warner in favor.

General Business: None

Information Items: None

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

- **Chairperson's Report (R. Quartararo) –** None
- **Planning Department Report –** It was noted that the Planning Commission meeting of July 16, 2009 was cancelled. Additionally, it was confirmed that all Commissioners were available for the August 6, 2009 meeting.

Items Referred to Future Agendas: None

Adjournment: **10:40 p.m.**

The next Planning Commission meeting will take place on **August 6, 2009** in the City Council Chambers.

Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission 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.ci.santa-cruz.ca.us. These writings will also be available for review at the Planning Commission meeting in the public review binder at the rear of the 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 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.