



Action Minutes
Planning Commission
Regular Meeting
7:00 p.m. – Thursday – November 19, 2009
City Council Chambers, 809 Center Street

Call to Order — 7:02 P.M.

Roll Call —

Present: R. Quartararo, Chair; S. Daly; D. Foster; L. Kasparowitz;
B. Schultz; M. Tustin; J. Warner
Staff: J. Rebagliati, Director; A. Khoury, Assistant Director; E. Marlatt, Principal
Planner; M. Ferry, Associate Planner; D. Lauritson, Senior Planner; M.
Schwarb, Recorder
Audience: 25±

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

Approval of Minutes — None

Consent Agenda — None

Items on the consent agenda are considered to be routine in nature and will be acted upon in one motion. Specific items may be removed by members of the Planning Commission or members of the public for separate consideration and discussion. Items removed will be considered in the order they appear on the agenda.

Items Removed from the Consent Agenda — None

Public Hearings —

ACTION: Chair Quartararo suggested reversing the order of the Public Hearing items and item 2 was heard first.

- 1. Ordinance Amendment A09-0003 City-wide**
(Continued from the November 5, 2009 meeting).
Amendment to Title 24 of the Santa Cruz Municipal Code and the Local Coastal Implementation Plan and Title 6 of the Santa Cruz Municipal Code modifying standards for Medical Marijuana Dispensaries and Personal Medical Marijuana Use.

(Environmental Determination: Exempt from CEQA) (City of Santa Cruz, applicant, filed: 10/08/09).

RECOMMENDATION: That the Planning Commission recommend to the City Council approval of an amendment to the Municipal Code with a finding that said amendment, in accordance with Title 24 and Title 6 of the Municipal Code, serves and furthers the public necessity, the general community welfare, and good zoning practice; and that the amendment is in general conformance with the principles, policies and land use designation set forth in the General Plan, Local Coastal Plan and any adopted area or specific plan which may be pertinent.

Director Rebagliati recapped information from the previous meeting and introduced Associate Planner Ferry to report updated information.

The Public Hearing was closed at the last meeting so the meeting proceeded directly to discussion.

The commissioners discussed a number of issues including:

- Differences among collectives, cooperatives and non-profits
- Limiting the discussion to land use issues
- Attorney General's guidelines and ordinance compliance
- Whether grow houses should be separate businesses or only attached to the dispensary
- Whether limit of 2000 square feet of grow space is adequate
- Definition of a Primary Caregiver
- Whether a limit of 2 facilities is reasonable

Commissioner Tustin noted that she and Commissioner Warner had visited the two current dispensaries and that they appeared safe, secure, clean and well run.

ACTION: Commissioner Schultz moved and Commissioner Foster seconded to reopen the public hearing. The motion failed 2-5 with Commissioners Schultz and Foster in favor and Commissioners Quartararo, Kasparowitz, Daly, Tustin and Warner opposed.

ACTION: Commissioner Daly moved and Commissioner Warner seconded that the Planning Commission recommend APPROVAL of the ordinance amendment to the City Council with a change in the language of the financial condition to require an annual audit to be provided at a time certain. The motion passed 5-2 with Commissioners Quartararo, Daly, Foster, Tustin and Warner in favor and Commissioners Schultz and Kasparowitz opposed.

Commissioners Schultz and Kasparowitz both expressed that their opposition to the ordinance was due to the ordinance limitation of 2 dispensaries. Commissioner Kasparowitz also was in opposition to the mandatory requirement for solar panels for grow houses.

2. **536 Palm St.** **CP09-0004** **APN 004-441-18**
Special Use and Design Permits to convert Adult Education facilities and develop additional parking for grounds maintenance offices, shops and storage in the PF zone district. One heritage tree will be removed for the project. (Environmental Determination: Categorical Exemption) (S. C. Elementary School District, owner/filed: 8/17/09) DL
RECOMMENDATION: That the Planning Commission acknowledge the environmental determination and approve the Special Use and Design Permits, based on the Findings listed below and the attached Conditions of Approval.

Assistant Director Khoury introduced Senior Planner Lauritson who presented the staff report.

Speaking from the audience in favor of the project:

- Ken Wagman, President of the School Board
- Gary Bloom, Superintendent of the School District
- Mary Powers, Principal of Santa Cruz Adult School

The commissioners made comments and asked questions regarding:

- The new location of the Adult School
- What caused the trees to die
- Size of replacement trees
- Irrigation of the new trees
- Who regulates the use of toxics
- Hours of operation

ACTION: Commissioner Schultz moved and Commissioner Tustin seconded that the Planning Commission ACKNOWLEDGE the environmental determination and APPROVE the Special Use and Design Permits adding a condition to require minimum size 15-gallon trees and drip irrigation if deemed necessary by the Urban Forester. The motion passed 7-0 with Commissioners Quartararo, Schultz, Kasparowitz, Foster, Daly, Tustin and Warner in favor.

General Business — None

Informational Items — None

No action shall be taken on these items.

Subcommittee/Advisory Body Oral Reports —

No action shall be taken on these items.

- Chairperson's Report (R. Quartararo)
- Planning Department Report — Director Rebagliati announced that the 12/3/09 meeting is cancelled and 12/17/09 is still uncertain as the new Alcohol Ordinance may be on that agenda or the January agenda.

Items Referred to Future Agendas — None

Adjournment — 8:20 P. M.

The next Planning Commission meeting will take place on December 3, 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.cityofsantacruz.com. 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.