



Action Minutes
Planning Commission
Regular Meeting
7:00 p.m. - Thursday, April 18, 2013
City Council Chambers, 809 Center Street

Call to Order — 7:00 P.M.

Roll Call —

Present: Commissioners R. Quartararo, Chair; M. Mesiti-Miller, Vice Chair; P. Kennedy; J. Nortz; M. Primack; M. Tustin.
Absent: Commissioner T. Goncharoff (with notice).
Staff: Planning Director, J. Rebagliati; Principal Planner, E. Marlatt; Associate Planner, M. Ferry; Principal Planner, K. Thomas; Senior Planner, M. King; Deputy Police Chief, R. Martinez; Police Officer, W. Berry; Senior Planner, D. Lauritson; Recorder, M. Schwarb.
Audience: 30-35

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 —

Minutes of February 7, 2013.

ACTION: Commissioner Primack moved, and Commissioner Kennedy seconded, approval of the Minutes of February 7, 2013, as submitted. The motion carried on a vote of 5-01-1, with Commissioners Primack, Kennedy, Nortz, Quartararo and Mesiti-Miller in favor, Commissioner Tustin abstaining, and Commissioner Goncharoff absent.

Minutes of February 21, 2013.

ACTION: Commissioner Mesiti-Miller moved, and Commissioner Primack seconded, approval of the Minutes of February 21, 2013, as submitted. The motion carried on a vote of 4-0-2-1, with Commissioners Mesiti-Miller, Primack, Quartararo

and Kennedy in favor, Commissioners Tustin and Nortz abstaining, and Commissioner Goncharoff absent.

Public Hearings —

- 1. 1321 River Street CP12-0196 APN 008-011-03**
Special Use Permit for Medical Marijuana Dispensary in the IG zone district (Environmental Determination: Categorical Exemption) (Linkemyer, Harlan Eugene & Evel, owner/filed: 11/27/2012) MF
RECOMMENDATION: That the Planning Commission acknowledge the environmental determination and consider the Special Use Permit based on the findings listed in the Staff Report and the Conditions of Approval.

Associate Planner Ferry introduced himself and presented the staff report. He explained the Ordinance changes adopted in 2010. He noted that he had received correspondence with regard to the project with 21 letters or emails opposed to the project and 12 letters or emails in favor.

The applicant, Dave Thompson, introduced himself, discussed the project, and answered questions.

The Public Hearing was opened. Speaking from the audience were:

- Jean Doerr, who read a letter signed by 17 nearby residents in opposition to the project;
- Larry Wolfsen, River Street resident, in opposition;
- Carol Foster, owner of the Pogonip Terrace Apartments, in opposition;
- Scott Harrison, River Street resident, in opposition and with concerns about traffic;
- Taylor Wolfsen, River Street resident, with concerns about traffic and ADA compliance;
- Cathy Puccinelli, nearby resident, in opposition;
- Arsen Tsolacky, security consultant for the collective, in support;
- Fred Antaki, realtor for the applicant, spoke about the difficulty of finding a site, and in favor of the project;
- Kirian Bahn, River Street resident 28 feet away, in opposition;
- Mike Schell, former public safety officer, in opposition;
- Emmalee Fox, River Street resident, in opposition;
- Barbara Booth, close friends with owner of the building, lease is strict, thinks this use will make area more secure and is in favor;
- Wayne Inman, manager of Pogonip Terrace Apartments, concerned about ownership of dispensary, in opposition;
- Kristine Castro, River Street resident, frightened in her home and opposed to the dispensary.

The Public Hearing was closed.

Action Minutes

Dave Thompson, applicant, addressed some of the neighborhood concerns, and noted that the same concerns were raised when Greenway was approved and they have operated for eight years with no complaints. He believes that a second dispensary is necessary. He answered a number of questions.

Warren Berry, Police Department, spoke briefly in regard to safety, and noted that the conditions the department added addressed patient and neighborhood safety.

Rick Martinez, Deputy Police Chief, answered questions and noted that this is a high crime area. He clarified that the police department is neutral and does not support or oppose the project. He added that the police department will not be monitoring the security cameras at the project.

The Chair called for a break at 9:15 p.m. and the Planning Commission reconvened at 9:22 p.m.

The Commissioners asked questions and made comments regarding:

- Production capacity of the grow area;
- Identity of the vender;
- Traffic impacts;
- Signage;
- Delivery services;
- Who issues the recommendation cards;
- High crime areas;
- Calls for police service;
- Identity of the proprietor;
- Electricity usage;
- Solar power;
- Capacity of the grow facility;
- The 600 foot separation between dispensaries;
- Mutual benefit companies;
- ADA requirements;
- Adequate distribution of facilities;
- Background checks;
- Undue concentration of facilities;
- Residential neighborhood with difficulties.

ACTION: Commissioner Tustin moved, and Commissioner Nortz seconded, denial of the project. The motion carried on a vote of 4-2-1 with Commissioners Tustin, Nortz, Mesiti-Miller and Quartararo in favor, Commissioners Primack and Kennedy opposed, and Commissioner Goncharoff absent. The Public Hearing was closed, and the item was continued

Action Minutes

to the meeting of May 2, 2013 with direction given to staff to bring back findings for denial.

2. **Zoning Ordinance Amendment A13-0004 City-Wide**
A Local Coastal Plan Amendment and an ordinance of the City of Santa Cruz amending Title 24 of the Municipal Code, the Zoning Ordinance, to add Section 24.12.431, "Protection of Paleontological Resources," and to make other required changes to Section 24.12.430, "Protection of Archaeological Resources," per the General Plan 2030. (Environmental Determination: Exempt from CEQA) (City of Santa Cruz, applicant / applied: 3/22/2013) MK
RECOMMENDATION: **That the Planning Commission acknowledge the environmental determination and recommend to the City Council approval of the Local Coastal Plan Amendment and Zoning Ordinance amendment based on the Findings listed in the staff report.**

ACTION: The Item was CONTINUED to the meeting of May 2, 2013, by Consensus.

3. **Zoning Ordinance Amendment A13-0003 City-Wide**
A Local Coastal Plan Amendment and an ordinance of the City of Santa Cruz amending Title 24, Section 24.12.200 of the Municipal Code, the Zoning Ordinance, to exempt mixed-use development from covered parking requirements. (Environmental Determination: Exempt from CEQA) (City of Santa Cruz, applicant / applied: 3/22/2013) MK
RECOMMENDATION: **That the Planning Commission acknowledge the environmental review determination and recommend to the City Council approval of the Local Coastal Plan Amendment and the Zoning Ordinance text amendment based on the Findings in the staff report.**

ACTION: The Item was CONTINUED to the meeting of May 2, 2013, by Consensus.

General Business — None

Informational Items —

No action shall be taken on these items.

Historic Property Maintenance Discussion.

ACTION: The Commissioners RECEIVED information in regard to "demolition by neglect" from Senior Planner, D. Lauritson

Action Minutes

Subcommittee/Advisory Body Oral Reports —

No action shall be taken on these items.

- Chairperson's Report
- Planning Department Report

Planning Director Rebagliati noted that discussion of the Fiscal Year 2014-2016 Capital Improvements Program would be on next meeting's agenda and that Commissioners would receive a copy of the Draft early next week.

Items Referred to Future Agendas — None.

Adjournment — 10:30 P.M.

The next Planning Commission meeting will take place on May 2, 2013 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.