



Action Minutes
Planning Commission
Regular Meeting
7:00 p.m. - Thursday, November 21, 2013
City Council Chambers, 809 Center Street

Call to Order — 7:00 P.M.

Roll Call —

Present: M. Mesiti-Miller, Vice Chair; P. Kennedy; J. Nortz; M. Primack;
T. Goncharoff;
Absent: M. Tustin (with notice)
Staff: Assistant Director, A. Khoury; Principal Planner, E. Marlatt; Associate
Planner, M. Alsip; Associate Planner, M. Ferry, Police Officer, W.
Barry; Deputy Police Chief, R. Martinez; Recorder, M. Schwarb.
Audience: 50-60.

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 October 3, 2013.

ACTION: Commissioner Kennedy moved, and Commissioner Nortz seconded, approval of the Minutes of October 3, 2013, as submitted. The motion carried on a vote of 5-0-1 with Commissioners Mesiti-Miller, Kennedy, Nortz, Goncharoff and Primack in favor and Commissioner Tustin absent.

Public Hearings —

1. 1250 Escalona Dr. CP13-0017 APN 002-182-02
Slope Modification and Slope Variance to slope regulations to recognize development on slopes between 30-50 percent slopes on property within the R-1-5 zone district. (Environmental Determination: Categorical Exemption) (Foucek-Sinopoli, Georjean S/W, owner/filed: 2/14/2013) MA

RECOMMENDATION: That the Planning Commission acknowledge the environmental determination and select one of the following two options:

1. Approve the Slope Modification for the walls and deck and DENY the Slope Variance for the shed;

OR

2. Approve the Slope Modification for the walls and deck and Approve the Slope Variance for the shed,

based on the Findings in the staff report and the Conditions of Approval listed in Exhibit "A".

Principal Planner Marlatt commented that the recommendation was unusual since it began as a code enforcement issue. He then introduced Associate Planner Alsip who presented the staff report.

Richard Emigh, representative for the applicant, noted that the current structures take up less space than the previous, permitted structures; that the structures are solidly founded on bedrock and there is no indication of settling; there are no erosion or seismic problems; that there are no drainage or environmental issues; and finally, that there are no groundwater issues.

Speaking from the audience, in support:

- George Ow, Jr., in support of approving the project;
- Gena Foucek-Sinopoli, applicant, explained how the project came to be and showed a short video;
- Carolyn Burk, writer, in support of the art wall;
- John Mello, read a letter from his Mother, Helen Mello, in support of the art wall;
- Ed Martinez;
- Frederick Miller;
- Wilma Field;
- Robert Taylor, contractor;
- Louise Pearse, a neighbor;
- Chris Quesenberry, a neighbor;
- Patricia Bertuccelli, a neighbor;
- Hans Leuthold, next door neighbor;
- Ellamae Wise;
- Nicholas Ronello, attorney.

The Public Hearing was closed.

The Commissioners made comments and asked questions regarding:

- Appreciation for the staff work;
- Sound construction;
- Geology;
- Zoning Ordinances;

- Support of art;
- Where the complaint originated;
- Concern about the time lines;
- Possible City liability;
- Extension of time lines to October 15, 2014;
- What the structure contains;
- Expectations that code compliance and final approval will be in the hands of the Building Official.

ACTION: Commissioner Goncharoff moved, and Commissioner Nortz seconded, that the Planning Commission acknowledge the environmental determination, approve the Slope Modification for the walls and deck, and approve the Slope Variance for the shed with a change to Condition of Approval number three extending the time to perform the work noted in the Geotechnical Report and to obtain final inspection to October 15, 2014. The motion carried on a vote of 5-0-1 with Commissioners Goncharoff, Nortz, Kennedy, Mesiti-Miller and Primack in favor and Commissioner Tustin absent.

2. 115 Limekiln Street CP13-0110 APN 001-045-24
Special Use Permit to establish a Medical Marijuana outlet to operate in an existing building in the IG zone district. (Environmental Determination: Categorical Exemption) (PENJAK LLC, owner/filed: 8/13/2013) 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 listed in Exhibit "A".

Associate Planner Ferry presented the staff report.

Barbara Palmer, applicant, spoke regarding the family's journey to applying for this medical marijuana outlet. Brad Palmer and Grant Palmer founders of the CannaCruz Collective spoke briefly about their intentions within the community and the benefits for the community. Kaye Westwind spoke about her past experience working in dispensaries and how this one will operate. Ben Rice, attorney for the applicants, spoke regarding the family and how the Collective will actually be an improvement for the neighborhood. Cameron Shuts, of First Alarm, spoke about the security planned for the facility. Kathleen Gile, medical marijuana patient spoke about the

Officer Warren Barry spoke about the security plan for the facility and noted the police review found it to be comprehensive and well-designed.

The Public Hearing was opened.

Speaking from the audience:

- Daniel Crews, neighbor, concerned about the railroad tracks;
- Nancy Aniceto, with concerns;
- Cleo, representing ASC, Association Standardized Cannabis, in favor of the project;
- Shelley Patterson, business owner, with concerns;
- Robert Norse, in support of the application;
- Ian Rice, cofounder of SC laboratories doing testing of marijuana, in support of the project.

Brad Palmer, responded to neighbor's concerns noting that loitering, smoking on the street, etc., would be reasons for expulsion from the Collective.

The Commissioners asked questions and made comments regarding:

- How many students are at the school on Fern St;
- Location of school;
- Any interest in the Delaware area location;
- Second story permitted;
- Could the First Alarm guard patrol the street as well;
- Neighborhood concerns regarding the projects;
- Sincerity and responsibility of applicants.

ACTION: Commissioner Primack moved, and Commissioner Goncharoff seconded, that the Planning Commission acknowledge the environmental determination and approve the Special Use Permit. The motion carried on a vote of 5-0-1 with Commissioners Goncharoff, Primack, Nortz, Kennedy and Mesiti-Miller in favor and Commissioner Tustin absent.

General Business — None.

Informational Items — None.

No action shall be taken on these items.

Subcommittee/Advisory Body Oral Reports — None.

No action shall be taken on these items.

- Chairperson's Report
 - Planning Department Report
- Assistant Director Khoury announced there is nothing currently scheduled for the meeting of December 5 and the meeting will likely be cancelled. The meeting of December 19 there will be at least one item on the agenda.

Items Referred to Future Agendas — None.

Adjournment — 9:17 P.M

The next Planning Commission meeting will be held January 16, 2014 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.