



Action Minutes  
**Planning Commission**  
**Regular Meeting**  
7:00 p.m. - Thursday, September 4, 2014  
City Council Chambers, 809 Center Street

**Call to Order** — 7:00 P.M.

**Roll Call** —

**Present:** Commissioners C. Nielsen; J. Nortz; M. Primack; P. Spellman; M. Tustin; P. Kennedy; Chair M. Mesiti-Miller.

**Absent:** None.

**Staff:** Assistant Director A. Khoury; Housing and Community Development Manager C. Berg; Associate Planner N. Concepcion; 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 August 7, 2014, July 17, 2014, and June 19, 2014.

**ACTION:** Commissioner Tustin moved, and Commissioner Nortz seconded, approval of the minutes of August 7, 2014 as submitted. The motion carried on a vote of 5-0-2 with Commissioners Tustin, Kennedy, Mesiti-Miller, Nortz and Primack in favor, none opposed and Commissioners Spellman and Nielsen abstaining.

Commissioner Tustin moved, and Commissioner Mesiti-Miller seconded, approval of the minutes of July 17, 2014 as submitted. The motion carried on a vote of 5-0-2 with Commissioners Tustin, Mesiti-Miller, Primack, Spellman and Nielsen in favor, none opposed and Commissioners Nortz and Kennedy abstaining.

Commissioner Tustin moved, and Commissioner Mesiti-Miller seconded approval of the minutes of June 19, 2014 as submitted. The motion carried on a vote of 6-0-1 with Commissioners Tustin, Mesiti-Miller, Spellman, Nielsen, Nortz and Kennedy in favor, none opposed and Commissioner Primack abstaining.

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**Consent Agenda –**

*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.*

1.     **2931 Mission Street                      CP14-0068                      APN 003-011-10**  
Special Use Permit for a use determination to establish a fitness club ("Toadal Fitness") in an existing institutional building in the PF/CZO/SPO zone district (Environmental Determination: Categorical Exemption) (County of Santa Cruz Housing Authority, owner/filed: 5/7/2014)                      NC  
**RECOMMENDATION:**     That the Planning Commission acknowledge the environmental determination and approve the Special Use Permit based on the findings in the staff report and the Conditions of Approval listed in Exhibit "A".

**ACTION:**     Commissioner Nortz moved, and Commissioner Kennedy seconded that the Planning Commission acknowledge the environmental determination and approve the Special Use Permit. The motion carried on a vote of 7-0 with Commissioners Kennedy, Nortz, Nielsen, Mesiti-Miller, Primack, Spellman and Tustin in favor and none opposed.

**Public Hearings –**

2.     **Ordinance Amendment                      A14-0002                      City-wide**  
Amendments to Title 24 (Zoning Ordinance) of the Santa Cruz Municipal Code and the Local Coastal Implementation Plan regarding requirements for Accessory Dwelling Unit in Chapter 24.12 Part 3: Off-Street Parking and Loading Facilities and Chapter 24.16 Part 2: Accessory Dwelling Units. (Environmental Determination: Exempt from CEQA) (City of Santa Cruz, applicant).  
**RECOMMENDATION:**     That the Planning Commission recommend to the City Council approval of amendments to the Zoning Ordinance relating to Accessory Dwelling Units with a finding that said amendments, in accordance with Zoning Ordinance Section 24.06.040, serve and further the public necessity, and the general community welfare, and good zoning practice and that the amendments are 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.

Assistant Director Khoury delivered a brief staff report, noting that the Commission had met eight different times to discuss the Ordinance amendments.

The Public Hearing was opened.

Speaking from the audience:

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- Maura Kelsea;
- Paula Gregoir;
- David Plumlee;
- Jay Campbell;
- Kat Bailey;
- Joe Mancino;
- Chelsea George;
- Ed Davidson;
- David Foster;
- Jamie Hollomon;
- Lenore Diane;
- Douglas Doherty.

The Public Hearing was closed.

The Commissioners asked questions and made comments regarding:

- Green Building Standards;
- City Council position on owner Occupancy;
- Clear and effective path to legalization;
- Plumbing fixtures;
- Daylight planes;
- Bed and Breakfast uses;
- ADUs used as short term vacation rentals;
- Current building code requirements.

During the discussion the Chair recognized City Council member, Micah Posner, who spoke briefly about the City Council's direction regarding the owner occupancy requirement for Accessory Dwelling Units and encouraged the Planning Commission to advise the Council if they had opinions regarding this issue.

**ACTION:** Commissioner Kennedy moved, and Commissioner Nortz seconded, that the Planning Commission recommend to the City Council approval of amendments to the Zoning Ordinance relating to Accessory Dwelling Units with a finding that said amendments, in accordance with Zoning Ordinance Section 24.06.040, serve and further the public necessity, and the general community welfare, and good zoning practice and that the amendments are 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. The motion passed on a vote of 4-3 with Commissioners Tustin, Kennedy, Nortz and Mesiti-Miller in favor and Commissioners Primack, Spellman and Nielsen opposed.

**ACTION:** Commissioner Kennedy moved, and Commissioner Nortz seconded, that the Planning Commission recommend the City Council reconsider

the owner occupancy requirement for Accessory Dwelling Units based on testimony heard by the Commission. The motion carried on a vote of 6-1 with Commissioners Nielsen, Spellman, Nortz, Primack, Kennedy and Mesiti-Miller in favor and Commissioner Tustin opposed.

**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 - None.
- Planning Department Report - None.

**Items Referred to Future Agendas** — None.

**Adjournment** — 9:15 P.M.

The next Planning Commission meeting will take place on October 2, 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](http://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.