



Action Minutes

***No.18 memorializing the hours of operation as 10:30 a.m. to 11:00 p.m. seven days a week.***

The applicant asked the Zoning Administrator to verify the hours of operation.

The public hearing was opened.

**SPEAKING FROM THE FLOOR:**

Christopher Wadleigh

Stephanie Howard

Peter Glynn

Derek Timm

**SPEAKING FROM THE FLOOR WITH CONCERNS:**

John Lippman

Russell Brutsche'

Rick Hyman

Larry Duimstra

Reed Searle

Felicia Gilman

No one else wished to speak and the public hearing was closed.

**ZONING ADMINISTRATOR ACTION:** The Zoning Administrator acknowledged the environmental determination and approved the project at 1400 Ocean St., subject to the findings and conditions contained in the staff report; with added conditions #18 & #19.

**ADDED CONDITIONS #18 & #19:**

**18. Hours of operation are limited to 10:30 a.m. to 11:00 p.m. seven days a week.**

**19. Prior to issuance of a building permit, the applicant in conjunction with the property owner, shall submit a maintenance and management plan to address potential nuisance impacts associated with the exterior areas adjacent to the tenant space, including the outdoor seating areas, outlining measures to address trash/litter removal, landscape maintenance, noise and loitering, subject to approval by the Zoning Administrator.**

**19. 1314 Ocean Street**

**CP16-0226**

**APN 008-242-21**

Administrative Use Permit for a fast food restaurant (Dunkin Donuts) in the CC zone district. (Environmental Determination: Categorical Exemption) Ocean Street Commons LLC, owner/filed: 11-22-16. MF

**Recommendation: That the Zoning Administrator acknowledges the environmental determination and approves the Administrative Use Permit per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".**

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*The Zoning Administrator summarized the report. He indicated that subsequent to completion of the staff report, staff recommended the addition of condition No.18 memorializing the hours of operation as 5:00 a.m. to 10:00 p.m. seven days a week.*

The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Billy Glynn

SPEAKING FROM THE FLOOR WITH CONCERNS:

Reed Searle  
John Lippman  
Russell Brutsche  
Rick Hyman  
Larry Duimstra  
Reed Searle  
Felicia Gilman

No one else wished to speak and the public hearing was closed.

**ZONING ADMINISTRATOR ACTION:** The Zoning Administrator acknowledged the environmental determination and approved the project at 1314 Ocean St., subject to the findings and conditions contained in the staff report; with added conditions #18 & #19.

**ADDED CONDITIONS #18 & #19:**

**18. Hours of operation are limited to 5:00 a.m. to 10:00 p.m. seven days a week.**

**19. Prior to issuance of a building permit, the applicant in conjunction with the property owner, shall submit a maintenance and management plan to address potential nuisance impacts associated with the exterior areas adjacent to the tenant space, outlining measures to address trash/litter removal, landscape maintenance, noise and loitering, subject to approval by the Zoning Administrator.**

**3. 732 Riverside Avenue**

**CP16-0231**

**APN 007-401-26**

Administrative Use Permit and Design Permit for a 264 square foot addition to create a duplex on a parcel exceeding 5,500 square feet in the R-M zone district. (Coastal Permit Exclusion) (Environmental Determination: Categorical Exemption) Micah Posner, owner/filed: 11-23-16.  
MF

**Recommendation: That the Zoning Administrator acknowledges the environmental determination and approves the Administrative Use Permit and Design Permit per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".**

The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Micah Posner  
Akiko Minami  
Felicia Gilman

*The Zoning Administrator indicated that he read and received a large volume of correspondence both in support and opposed to the project. He indicated that the City does not enforce private agreements, but rather follows zoning code and area plans.*

*He indicated that a majority of correspondence received in opposition included two recurring themes.*

- 1) Tenant in Common ownership with not all of the partners agreeing with the filing of the application. Early on, the applicant made the Planning Director aware of the dispute resulting in a City Attorney inquiry. The City Attorney opined that it is a civil matter. Upon receiving correspondence suggesting potential litigation, the Zoning Administrator asked the City Attorney to revisit the previous determination. It was confirmed that the City doesn't need to insure unanimity amongst the owners on filing the application.*
- 2) Much of the correspondence opposed to the project suggested that the project should be denied given the applicant's history of having an unpermitted unit on the property. He noted that the unpermitted unit has since been abated and the Zoning Administrator's role is one of ensuring consistency with the General Plan and Zoning Ordinance.*

SPEAKING FROM THE FLOOR WITH CONCERNS:

Karsten Wade  
Debora Wade

No one else wished to speak and the public hearing was closed.

**ZONING ADMINISTRATOR ACTION:** The Zoning Administrator acknowledged the environmental determination and approved the project at 732 Riverside Ave., subject to the findings and conditions contained in the staff report: with added conditions #17 & 18.

**ADDED CONDITIONS #17 & #18:**

- 17. Prior to issuance of a building permit the applicant shall schedule a site inspection with planning staff to verify that the driveway maintains a 10-foot wide clearance consistent with the Zoning Ordinance.**

**18. Construction hours shall be Monday through Friday 8:00 a.m. to 7:00 p.m. and Sunday 9:00 a.m. to 5:00 p.m.**

**2. 511 Broadway CP16-0216 APN 010-051-37**  
Administrative Use Permit for a use variation to permit a single-family residential use in a listed historic structure in the CC zone district. (Environmental Determination: Categorical Exemption). The Eschaton Foundation, owner/filed: 11/2/16. RB  
**Recommendation: That the Zoning Administrator acknowledges the environmental determination and approves the Administrative Use Permit per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".**

The Zoning Administrator summarized the report.

The public hearing was opened.

**SPEAKING FROM THE FLOOR:**

Tom Helman

No one wished to speak and the public hearing was closed.

**ZONING ADMINISTRATOR ACTION:** The Zoning Administrator acknowledged the environmental determination and approved the project at 511 Broadway, subject to the findings and conditions contained in the staff report.

**Adjournment—11:40am**

The next Zoning Administrator meeting will be held on February 1, 2017 at 10:00 a.m. in the City Council Chambers.

**APPROVED:**

**ERIC MARLATT, ZONING ADMINISTRATOR**

Any writing related to an agenda item for the open session of this meeting distributed to the Zoning Administrator 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 Zoning Administrator meeting in the public review binder at the rear of the Council Chambers.

Appeals must be received by the Planning Department 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 fourteen dollar (\$514) filing fee, unless the item involves a Coastal Permit that is appealable to the California Coastal Commission, 725 Front St., Suite 300, Santa Cruz, CA 95060 in which case there is no fee.

The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities, we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call the City Clerk's Department at 420-5030 at least five days in advance so that we can arrange for such special assistance, or email [CityClerk@cityofsantacruz.com](mailto:CityClerk@cityofsantacruz.com). The Cal-Relay system number: 1-800-735-2922.