



Action Agenda  
**Planning Commission**  
**Regular Meeting**  
7:00 p.m. - Thursday, July 20, 2017  
City Council Chambers, 809 Center Street

**The following is an unofficial representation of the Planning Commission's Actions. Minutes are official upon approval.**

**Call to Order** — 7:05 pm

**Roll Call** —

**Present:** Commissioners P. Kennedy; C. Nielsen; G. Pepping, P. Spellman; Vice-Chair, J. Conway; Chair, M. Mesiti-Miller.  
**Absent:** (with notice) Commissioner A. Blizinski.  
**Staff:** Acting Director, A. Houry; Principal Planner, E. Marlatt; Principal Planner, R. Powers; Associate Planner, N. Concepcion; Senior Planner, M. Ferry; Associate Planner, R. Grothe; Project Planner, S. Harriman; Recorder, M. Schwarb.  
**Audience:** 100±

**Statements of Disqualification** — Commissioner Nielsen announced he is disqualified from Item 4 on the agenda.

**Oral Communications** —

*No action shall be taken on these items.*

*The Chair may announce and set time limits at the beginning of each agenda item.*

- Gillian Greensite;
- Robert Singleton;
- Evan Siroky.

**Announcements** — None.

**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. **160 Belmont** **CP16-0205** **APN 008-141-74**  
Tentative Map to subdivide a tenant in common cooperative ownership development into five condominium lots on one common lot in the RL zone district; consideration of a request for a waiver of the inclusionary housing

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requirements and consideration of a modification of the subdivision ordinance provisions for the conversion of existing structures vacancy requirements. (Environmental Determination: Categorical Exemption) (Bamboo Court HOA, filed 10/13/16) MF

**RECOMMENDATION:** That the Planning Commission recommend to the City Council acknowledgment of the environmental determination and approval of the Tentative Map to subdivide a tenant in common cooperative ownership development into five condominium lots on one common lot, waiver of inclusionary housing requirements and a modification of the Subdivision Ordinance vacancy rate requirements in the RL zone district, based on the findings listed in the attached draft resolution and the Conditions of Approval attached as Exhibit A.

2. 230 Alta Vista Dr. CP17-0028 APN 002-161-38  
Slope Variance to reconstruct a single family residential deck over a slope exceeding 30% in the R-1-5 zone district. (Environmental Determination: Categorical Exemption) (Joseph and Janet Platin, filed 2/13/17) RG  
**RECOMMENDATION:** That the Planning Commission acknowledge the environmental determination and approve the Slope Variance based on the Findings listed in the staff report and the Conditions of Approval listed in Exhibit "A."

**ACTION:** The Planning Commission **APPROVED** the consent agenda on a vote of 6-0-1 with Commissioners Conway, Kennedy, Spellman, Nielson, Pepping and Mesiti-Miller in favor, none opposed, and Commissioner Blizinski absent.

Public Hearings —

3. 1191 Water Street AUP/DP 83-244 APN-009-243-27  
Public Hearing to consider Revocation or Modification of Administrative Use Permit and Design Permit 83-244 for an auto repair shop use (*Precision Mercedes*) as per Condition No. 3.(Owner (Environmental Determination: Categorical Exemption) NC  
**RECOMMENDATION:** That the Planning Commission revoke Administrative Use Permit and Design Permit 83-244 which established an auto repair shop with the findings contained in the staff report.

**ACTION:** The Planning Commission **CONTINUED** the item to the meeting of September 28, 2017, directing Planning staff to consider a plan to modify the existing permit with conditions to manage the parking and business operational issues, with input from the neighborhood on a vote of 6-0-1, with Commissioners Conway, Kennedy, Spellman, Nielson, Pepping and Mesiti-Miller in favor, none opposed, and Commissioner Blizinski absent.

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4. Amendment to Municipal Code Title 24, Zoning Related to Short Term Rentals  
 City-Wide  
 Amendment to Municipal Code Section 24.12, Community Design, to establish a new Part 18, Short Term Rentals regulations and standards. (Environmental Determination: Exempt pursuant to CEQA Section 15061(b) 3, General Rule.)  
 RECOMMENDATION: That the Planning Commission review proposed draft ordinance amendments regulating Short-Term Rentals, receive public comment, find that the proposed ordinance amendments are exempt from CEQA and forward an affirmative recommendation to the City Council on the proposed ordinance.

ACTION: The Planning Commission FOUND the proposed ordinance amendments exempt from CEQA and RECOMMENDED approval of the proposed ordinance amendments with the evening's discussed changes to the City Council, on a vote of 5-0-1-1 with Commissioners Conway, Kennedy, Pepping, Spellman and Mesiti-Miller in favor, none opposed, Commissioner Blizinski absent and Commissioner Nielsen recused. The points discussed included:

- Confirmed a cap of 300 hosted rentals with all Commissioners in favor.
- Confirmed no new non-hosted rentals be allowed with all Commissioners in favor.
- Confirmed only one short term rental allowed per person or entity with all Commissioners in favor.
- Confirmed a five year phase out plan for non-complying short term rentals (hosted and non-hosted) and ten year phase out for non-hosted short term rentals.
- Added that entities owning multiple short term rentals will have three years to reduce to one.
- Confirmed grandfathering in 18 ADUs used as short term rentals with all Commissioners in favor. Confirmed grandfathering approximately 30 legacy short term rentals with Commissioner Spellman dissenting.
- Confirmed that home exchanges are excluded as short term rentals with all Commissioners in favor.
- Suggested increased fines and penalty levels for short term rental infractions to \$500.00 per day for a first offence, \$1000.00 per day for a second offence; and \$2000.00 per day with all Commissioners in favor.
- Added that 5+ bedroom short term rentals shall be subject to a public hearing with all Commissioners in favor.
- Added that only one rental agreement to be in effect at only one time with all Commissioners in favor. Added the word "habitable" to the definition of host.

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

Chair Mesiti-Miller noted that he had communication with the City Attorney regarding ex parte communication regarding policy decisions.

- Planning Department Report

Acting Director Khoury noted that the August 3, 2017 Planning Commission meeting will be cancelled and possibly the second scheduled meeting of August will be cancelled as well.

**Items Referred to Future Agendas —** Discussion of By-Laws focusing on ex parte conversations regarding policy.

**Adjournment — 12:45 am**

The next Planning Commission meeting is scheduled for August 3, 2017 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 fourteen dollar (\$514) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee.