



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

June 18, 2012

AGENDA DATE: July 11, 2012
AGENDA ITEM: 10
TIME: After 9:00 a.m.

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

SUBJECT: General Plan Land Use Designation Changes and Zoning Ordinance Amendments for APN 042-233-23, located at 9687 Soquel Drive in Aptos

Commissioners:

Introduction

For many years the subject parcel was zoned C-1 (Neighborhood Commercial). In 1992 or earlier, this parcel was given two land use designations in the General Plan: C-S (Service Commercial) and R-UL (Urban Low Density Residential) and two zonings: C-4 (Commercial Services) and R-1-20 (Single family residential, 20,000 square feet minimum parcel size) (see Exhibit C).

In 1999 a permit was granted to construct and operate a 35,033 square foot self-storage facility and office. Regarding the split zoning, the staff report from that application stated that "[t]he R-1-20 designation reflects the residential development to the north [of the subject parcel], but that portion of the subject parcel is essentially unbuildable due to slopes in excess of 30%. The project has been designed to be located on the C-4 portion of the site." Similarly, regarding the land use designation, the staff report stated that "[t]he project is located in the Service Commercial (C-S) and Urban Low Density Residential (R-UL) General Plan designations . . . but all structures are proposed to be located within the C-S designation."

Analysis

The property owner has requested that the County correct the land use designation and zoning to ensure that financing associated with the property not be compromised (see

Exhibit D). The following chart shows the former, current, and proposed land use designation and zoning.

Land Use Designation (L) and Zoning (Z)		
Former	Current	Proposed
L = C-C (Community Cmrl.) Z = C-1 (Neighborhood Cmrl.)	L = C-S (Service Cmrl.) Z = C-4 (Cmrl. Services) L = R-UL (Res.-Urban Low) Z = R-1-20 (SFRes., 20,000 sq. ft. min. parcel size)	L = C-S (Service Cmrl.) Z = C-4 (Cmrl. Services)

The zoning map of the area from the 1970s shows the subject parcel zoned C-1 with R-1-20 zoning to the northeast. If the then existing, east-west line separating the R-1-20 and C-1 zone districts on the east side of Monroe Avenue were extended west across the subject parcel, the result would be the split zoning that exists today (Exhibit C). Staff believes this line was so extended in the drafting of a version of the map that was drawn sometime after the 1970's era map. There does not appear to be any land use related reason for the extending the line, nor any record of a GP designation or zoning change. Therefore, staff believes the line was extended in error.

Land Use and Zoning Context

Parcels abutting the subject parcel to the north and extending along Soquel Drive to the west have consistent residential land uses, land use designations, and zoning. The subject parcel is the most westerly of nine parcels along Soquel Drive that have either commercial or commercial and residential mixed uses and include a flooring company, U-Haul rental agency, tool rentals, security alarm service, general office buildings, auto repair, and barbeque restaurant. Including the subject parcel, five of those nine parcels have the split commercial/residential land use designation and zoning. Three of those five have commercial uses on the commercial portion of the parcel and residential uses on the residential portion of the parcel and so the split land use designation and zoning on those is not inappropriate.

The remaining parcel of the five abuts the subject parcel on the east and has a commercial use, but is not fully developed; because of that, any proposed change to the land use designation and zoning on that parcel would entail in-depth environmental review. In depth environmental review is not required for the subject parcel because it is fully developed, and correcting the drafting error will not result in any additional development.

Environmental Review

The proposal to change the land use designation and zone district is categorically exempt from further environmental review under the California Environmental Quality Act because it can be seen with certainty that the action will not lead to any significant impact on the environment (CEQA Guidelines Section 15061(b)(3)). This is because the parcel


is already fully developed; correcting the land use designation and zone district error will not allow for any additional development.


Recommendation

It is therefore RECOMMENDED that your Commission take the following action:

Adopt the attached Resolution (Exhibit A) recommending that the Board of Supervisors certify the environmental exemption and approve the proposed changes to the land use designation and zone district as described in this report.

Sincerely,


Steven Guiney AICP
Planner IV


Paia Levine
Principal Planner

Exhibits: A. Resolution
 B. CEQA Notice of Exemption
 C. Maps
 D. Letter from property owner

cc: Robert Marani

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner
duly seconded by Commissioner
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION RECOMMENDING
LAND USE DESIGNATION AMENDMENTS AND ZONE DISTRICT
AMENDMENTS FOR APN 041-233-23 IN THE APTOS AREA

WHEREAS, prior to 1992 APN 041-233-23 was zoned Neighborhood Commercial (C-1); and

WHEREAS, on or about January 1, 1992, the County's land use designation maps were amended and APN 041-233-23 was given two land use designations, Service Commercial (C-S) and Urban Low Density Residential (R-UL); and

WHEREAS, on or about January 1, 1992, the County's zoning maps were amended and APN 041-233-23 was placed in two zone districts, Commercial Services (C-4) and Single-family Residential, 20,000 net developable square feet per dwelling unit (R-1-20); and

WHEREAS, the dual land use designations and dual zone districts of APN 041-233-23 were not requested by the owner and appear to have been applied inadvertently; and

WHEREAS, the Planning Commission, on July 26, 2000, approved a development permit for a commercial use, a 35,033 square foot self-storage facility and office, on APN 041-233-23 that has resulted in a fully developed parcel; and

WHEREAS, the owner of APN 041-233-23 has requested the County to give the parcel one land use designation and place it in one zone district accurately reflecting the existing approved land use to ensure availability of financing; and

WHEREAS, the Planning Commission, on July 11, 2012, following a duly noticed public hearing, recommended amendments to the General Plan and Zoning Ordinance relating to the land use designations and zone districts of APN 041-233-23; and

WHEREAS, the proposal to change the land use designation and zone district is categorically exempt from further environmental review under the California Environmental Quality Act pursuant to California Environmental Quality Act Guidelines

Section 15061(b)(3) because it can be seen with certainty that the action will not lead to any significant impact on the environment because the parcel is already fully developed and changing the land use designation and zone district as proposed will not allow for any additional development.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Notice of Exemption be certified by the Board of Supervisors and that the Board of Supervisors approve the proposed land use designation and zone district changes as shown below:

1. Change the General Plan land use designations on APN 041-233-23 from Service Commercial (C-S) and Urban Low Density Residential (R-UL) to Service Commercial (C-S).
2. Change the zoning of APN 041-233-23 from Commercial Services (C-4) and Single-family Residential, 20,000 net developable square feet per dwelling unit (R-1-20) to Commercial Services (C-4).

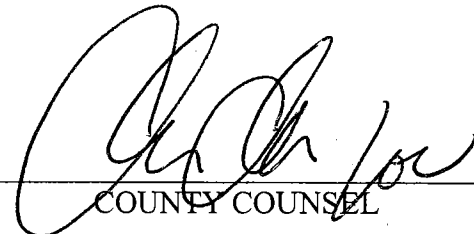
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2012 by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson of the Planning Commission

ATTEST: _____
Ken Hart, Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

cc: County Counsel
Planning Department

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: N/A

Assessor Parcel Number: 041-233-23

Project Location: North side of Soquel Drive between Freedom Boulevard and Rio Del Mar Boulevard at 9687 Soquel Drive.

Project Description: The project is to change the land use designation and zoning on a fully developed parcel with split land use designation and zoning that were inadvertently applied. According to the County's zoning maps, the front portion of this parcel (about 5/8 of the parcel) is zoned C-4 (Commercial Services) and has a General Plan land use designation of C-S (Service Commercial), both of which are appropriate for the current self-storage facility use. The rear portion of the parcel is zoned R-1-20, a residential zoning, and has an R-UL (Urban Low Residential) land use designation, neither of which is appropriate for the current use. The correct land use designation and zoning for the parcel are C-S and C-4, respectively; changing the land use designation and zoning will not allow for any further development. The parcel is fully developed with a self-storage building that received permits in 2000.

Person or Agency Proposing Project: County of Santa Cruz

Staff Contact and Phone Number: Steven Guiney, (831) 454-3182

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. ☒ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15061(b)(3)..
- C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
Specify type:
- E. ☐ **Categorical Exemption**
Specify type: (example: Class 5: Minor Alterations to Land Use Limitations)

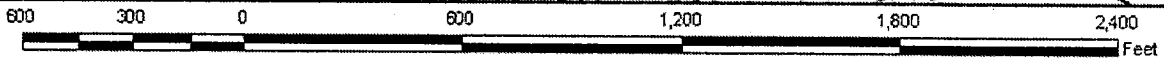
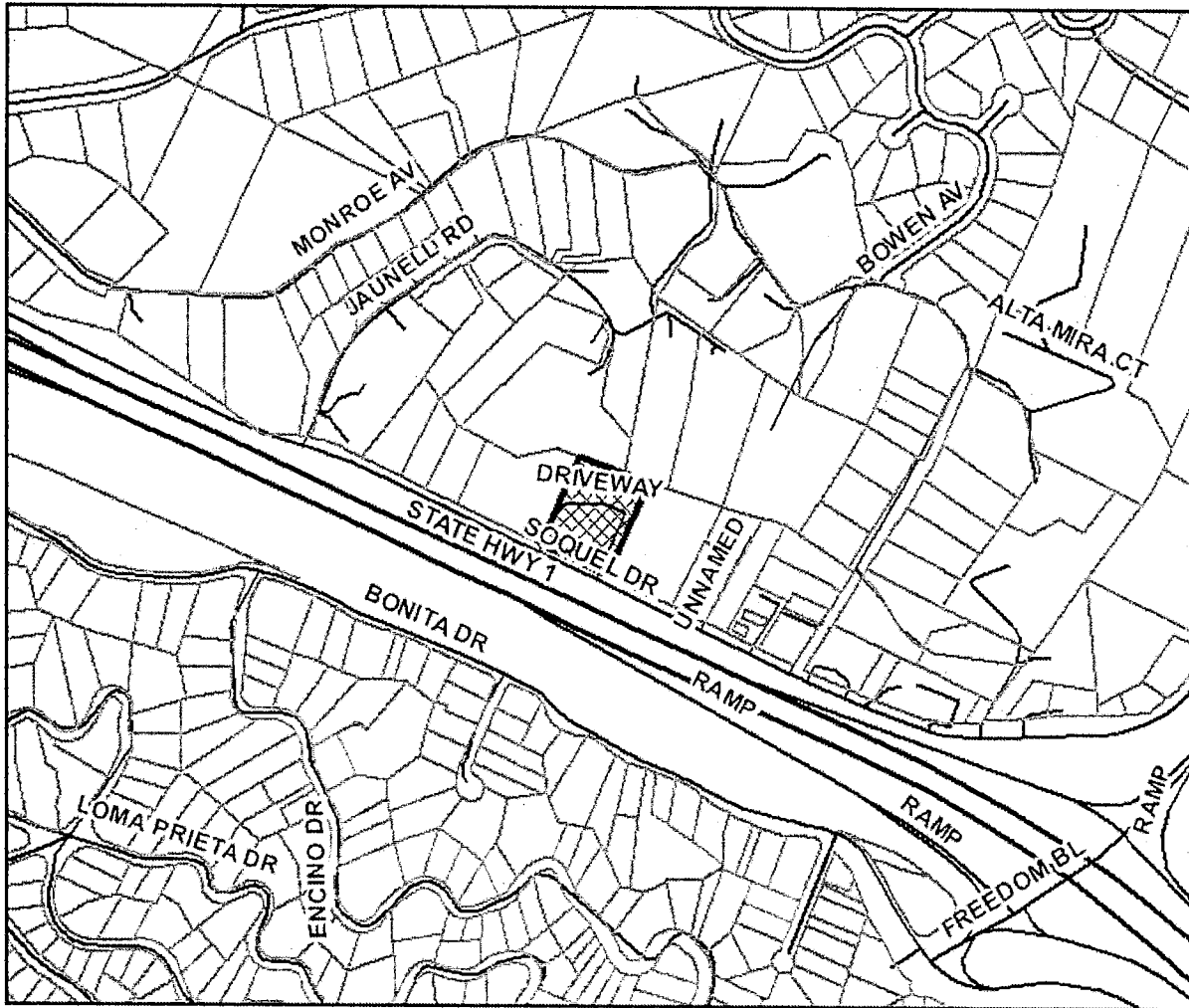
F. Reasons why the project is exempt: The change in land use designation and zoning will not result in a direct or reasonably foreseeable indirect physical change in the environment and it can be seen with certainty that there is no possibility that the change in land use designation and zoning may have a significant effect on the environment because the parcel is already fully developed and the change in land use designation and zoning will not allow any further development.

In addition, none of the conditions described in Section 15300.2 apply to this project.





Staff Planner: _____ Date: _____

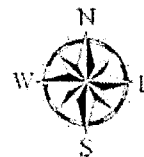


Location Map



LEGEND

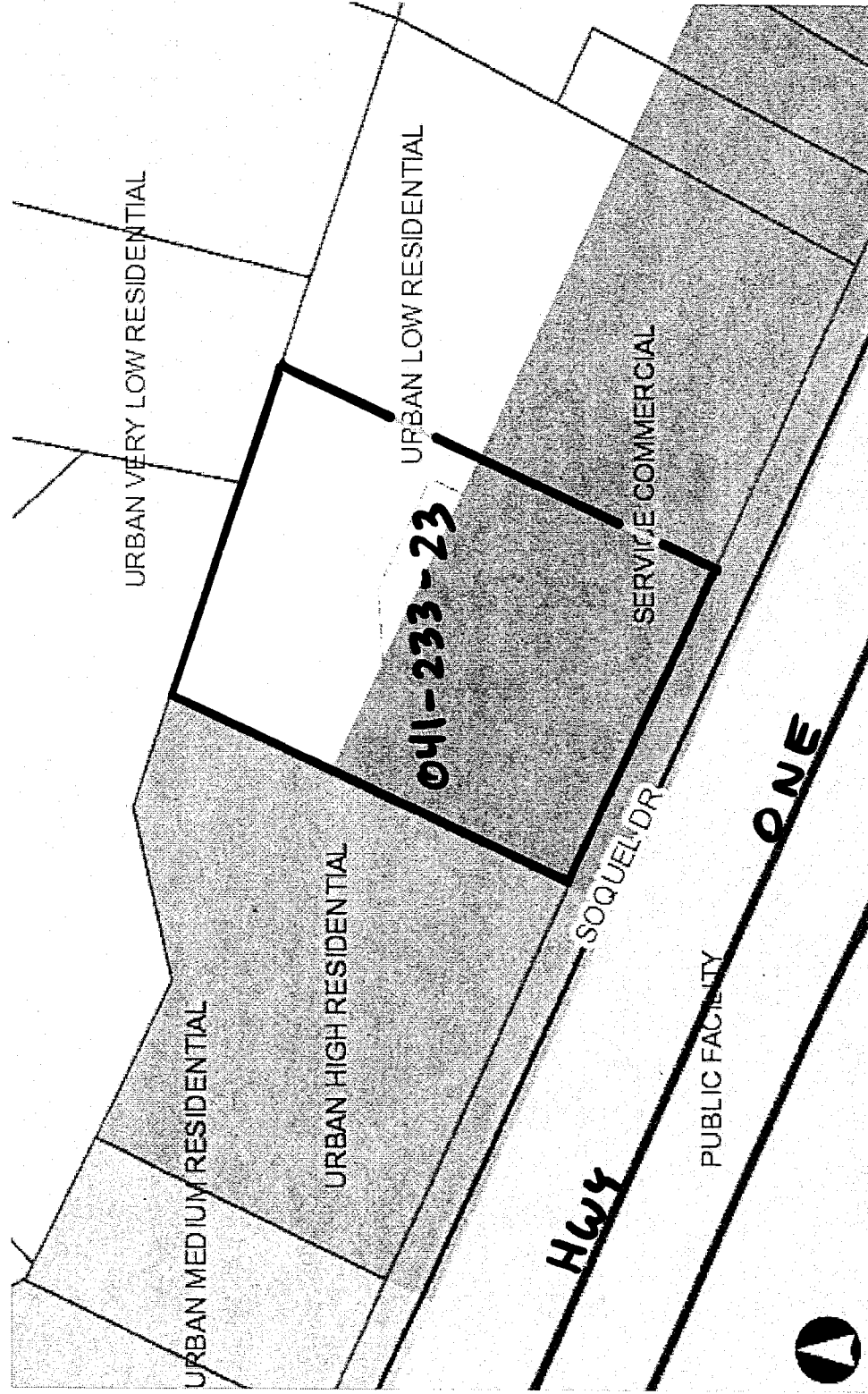
-  APN: 041-233-23
-  Assessors Parcels
-  Streets
-  State Highways



Map Created by
County of Santa Cruz
Planning Department
November 2011

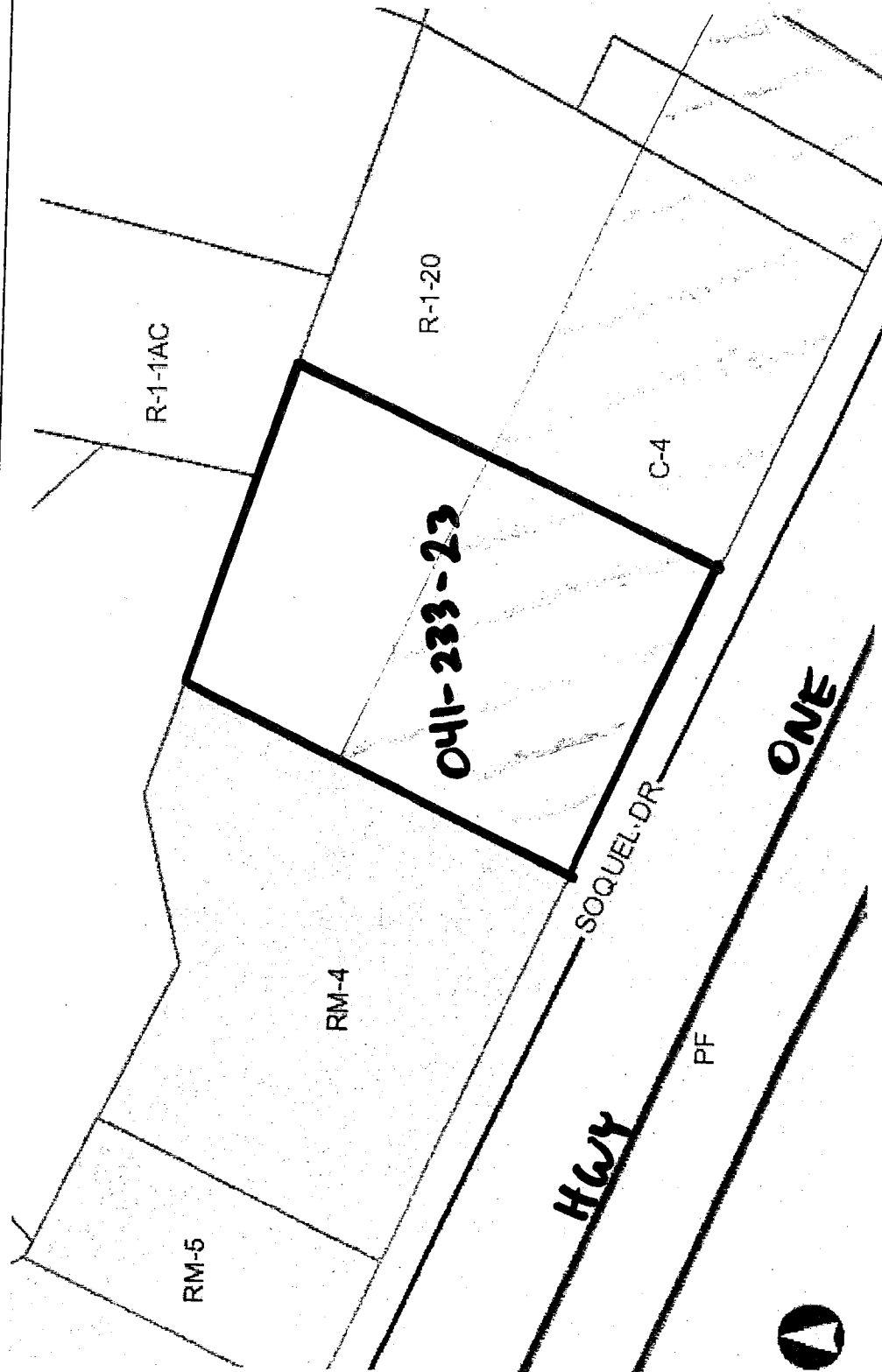
Existing Land Use Designation

Map



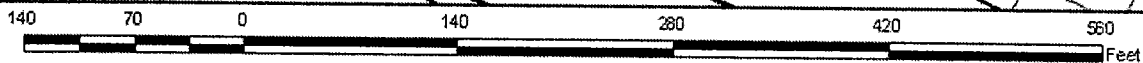
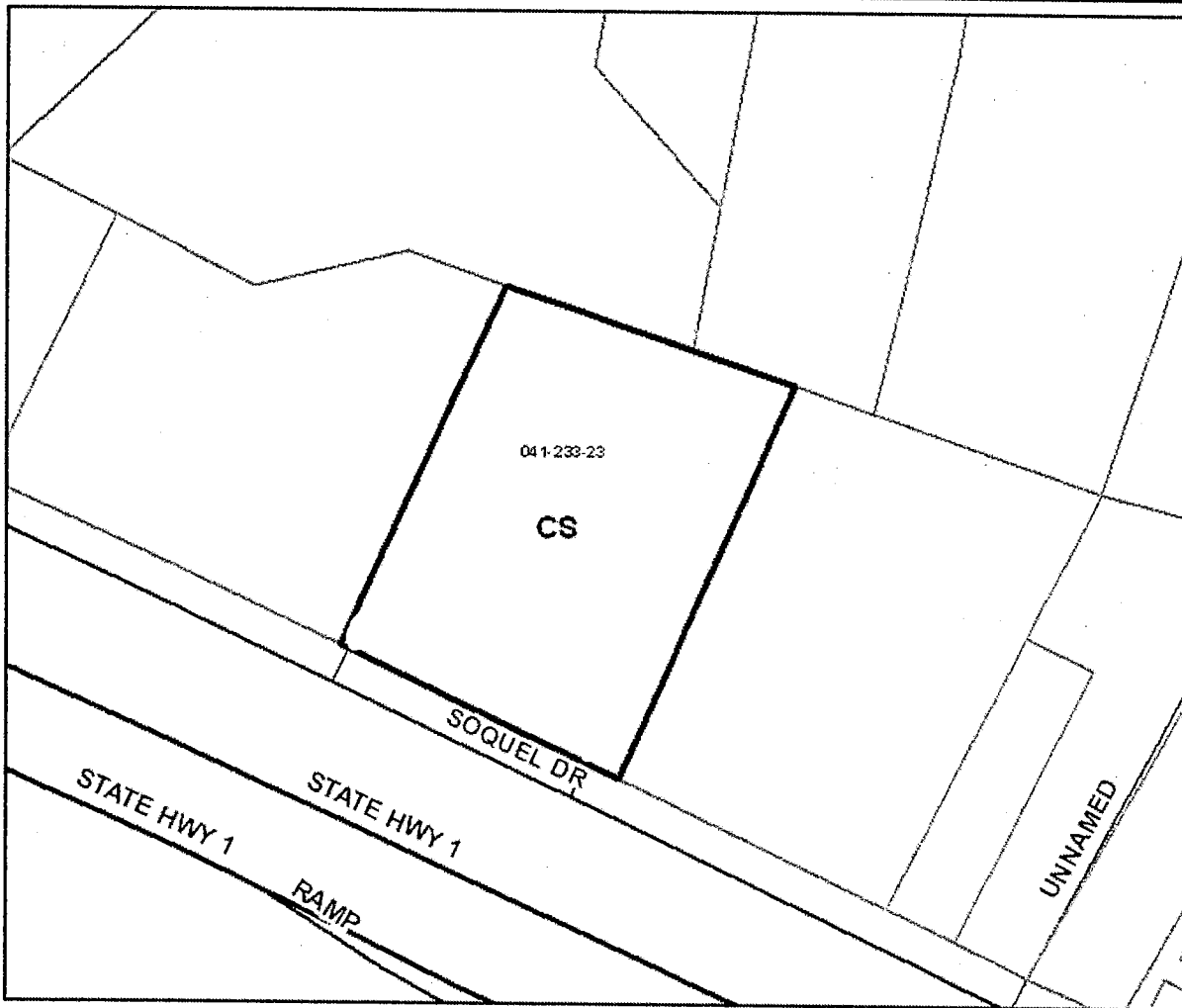
Existing Zoning

Map







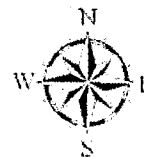


Proposed General Plan Designation Map



LEGEND

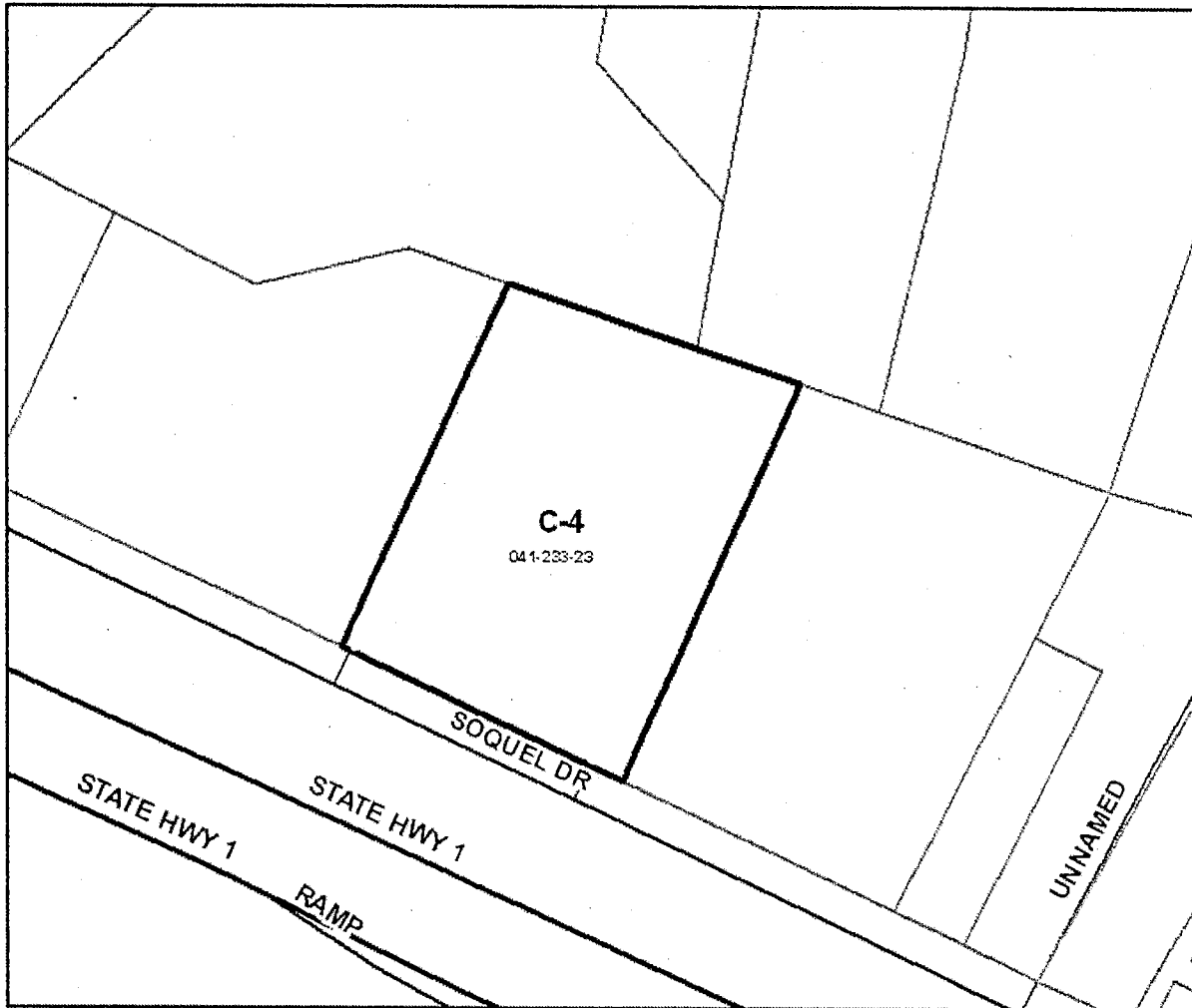
-  APN: 041-233-23
-  Assessors Parcels
-  Streets
-  State Highways







Map Created by
County of Santa Cruz
Planning Department
November 2011

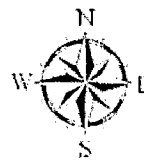


Proposed Zoning Map



LEGEND

-  APN: 041-233-23
-  Assessors Parcels
-  Streets
-  State Highways



Map Created by
County of Santa Cruz
Planning Department
November 2011

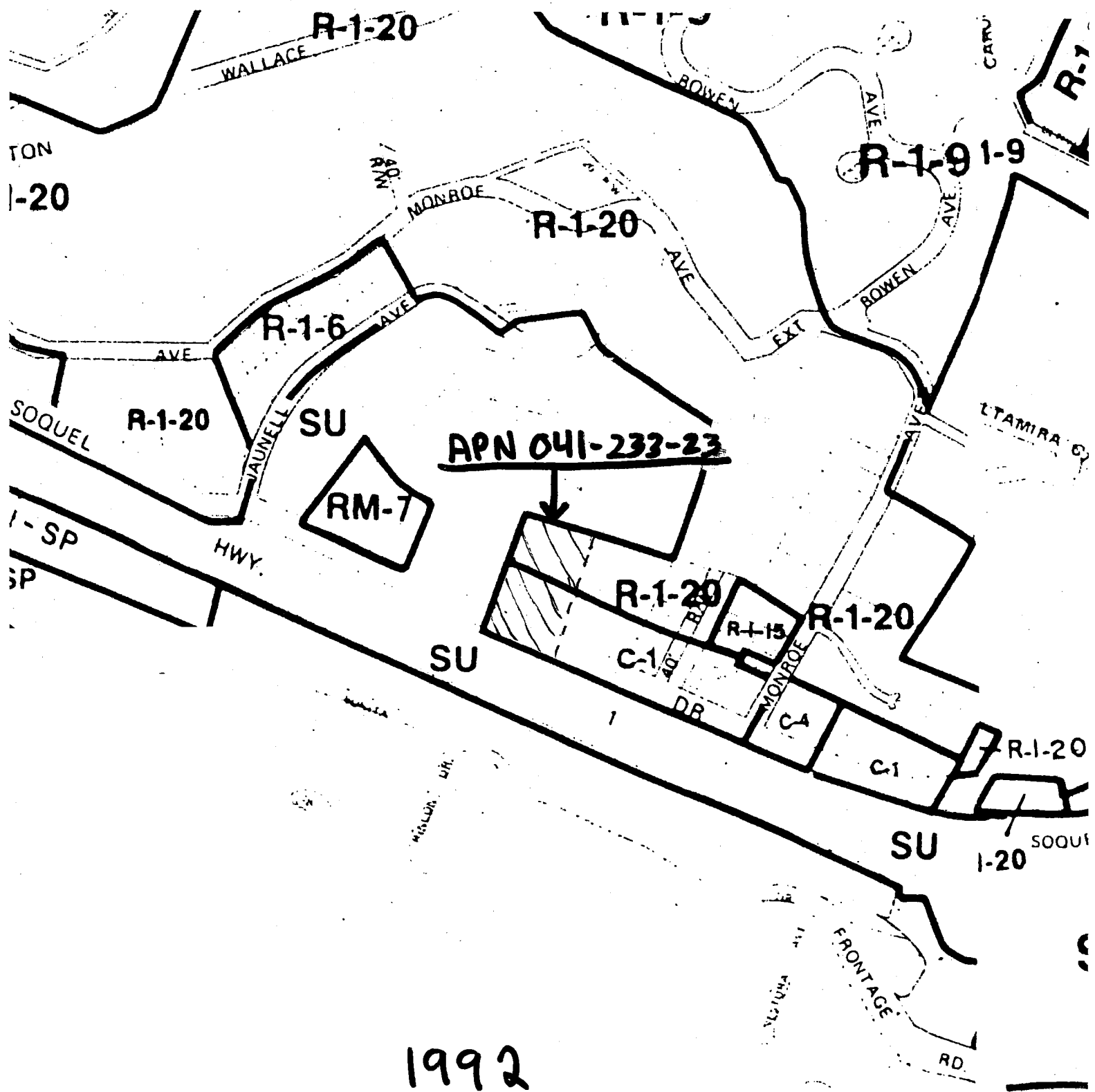
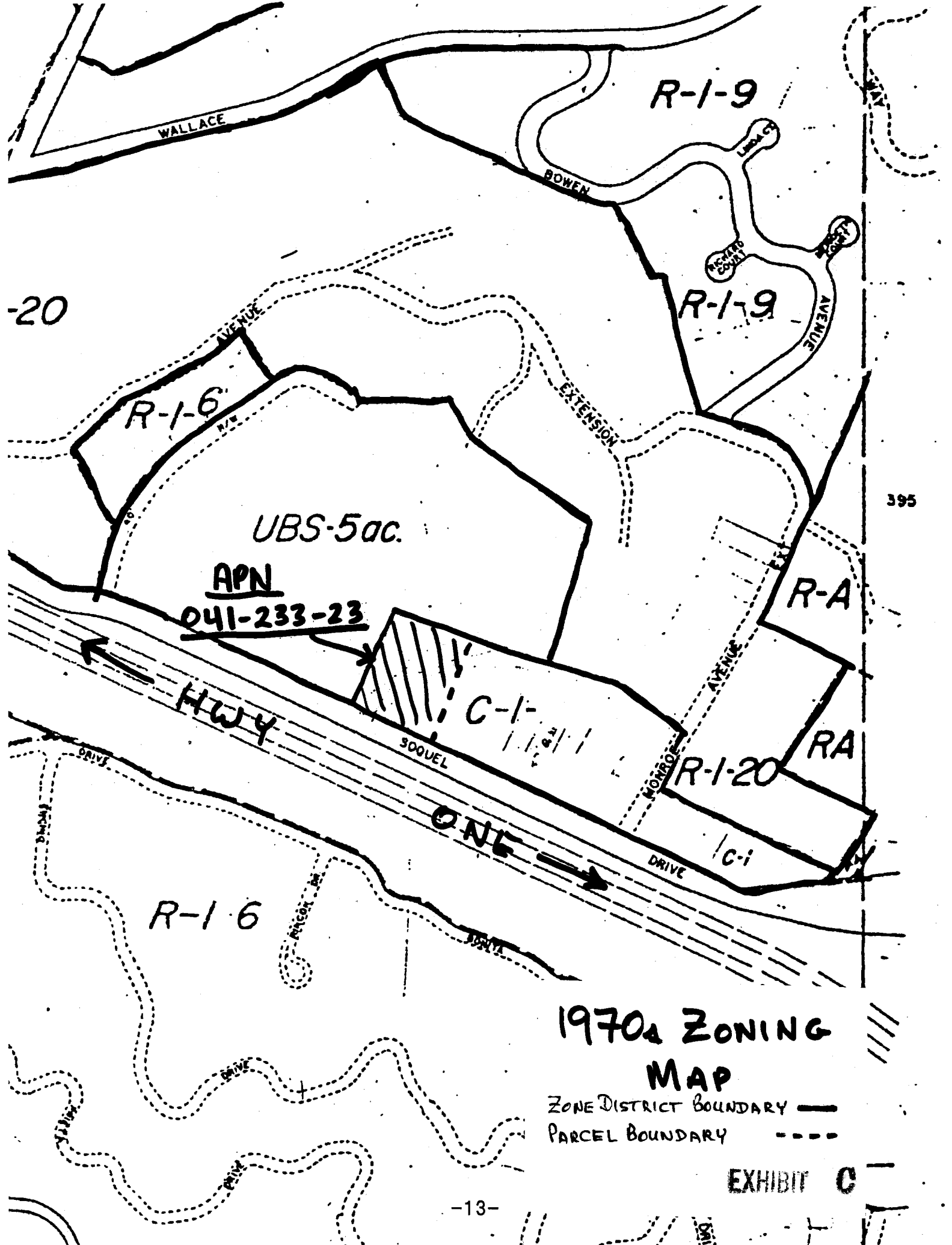


EXHIBIT C



1970s ZONING MAP

ZONE DISTRICT BOUNDARY —
PARCEL BOUNDARY - - -

EXHIBIT C

STOREMORE AMERICA APTOS
9687 SOQUEL DRIVE
APTOS, CA 95003

Ms. Paia Levine
Santa Cruz Planning Department
701 Ocean Street - Fourth Floor
Santa Cruz, CA 95060

March 10, 2011

Dear Paia,

I'm writing on behalf of StoreMore America Aptos, LLC located at 9687 Soquel Drive in Aptos, California. StoreMore owns and operates a commercial self storage facility on the parcel at that address.

Slightly over a year ago, StoreMore was seeking to extend permanent financing on the property with its lender. In the course of this process, the appraiser reported that the current zoning on the property is split between C4 and residential zoning with the line on the county zoning map literally running through the rear part of our building. This caused a great deal of confusion with the loan extension process.

Upon hearing this, I called Planning and subsequently met with Mark Demming. At the meeting with Mark he told me that this "split zoning" was a mistake and was most likely a result of old information incorrectly transferred when zoning maps were updated from manual to digital at a prior time. He stated that our parcel was supposed to be C4 only. Mark retired shortly after we met in the fall of 2009.

Several months ago I called Steve Guiney and met with him. Steve agreed with Mark's assessment and told me he was familiar with the problem. He also told me that he had been the planner who had corrected this same problem for our neighbors to the West. Steve said this error would be corrected by Staff on an administrative basis without having to make an application or follow a lengthy process and without any cost to us. Steve instructed me to write a letter to you with a copy to him as well as to our new Planning Director.

I have included a site plan for your convenience. We are now in the process of extending our financing again and our lender has asked us to correct this within the next 60 days so that our extension can be granted in a timely manner. Please let me know if you need any additional information, I trust you will help us correct this mistake as soon as possible.

We appreciate your assistance.

Very Truly Yours,

Robert. J. Marani
StoreMore America



cc: Steve Guiney - Deputy Zoning Administrator
Kathy Previsich - Planning Director ✓