



## Staff Report to the Planning Commission

Application Number: **07-0448**

**Applicant:** County of Santa Cruz  
Redevelopment Agency  
**Owner:** Live Oak School District  
**APN:** 029-101-42

**Agenda Date:** January 23, 2008

**Agenda Item #:** 7  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to divide an approx. 80,000 sq. ft. parcel into two parcels (of approx. 18,000 and 62,000 sq. ft.)

**Location:** 17<sup>th</sup> Avenue and Capitola Road, Santa Cruz

**Supervisory District:** First District (District Supervisor: Janet K. Beautz)

**Permits Required:** Minor Land Division

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0448, based on the attached findings and conditions.

### Exhibits

- |   |                                       |
|---|---------------------------------------|
| A. Project plans                              | E. Location map                       |
| B. Findings                                   | F. General Plan map                   |
| C. Conditions                                 | G. Zoning Map                         |
| D. Categorical Exemption (CEQA determination) | H. Discretionary Application Comments |

### Parcel Information

Parcel Size:	Approx. 80,000 sq. ft.
Existing Land Use - Parcel:	Live Oak Senior Center
Existing Land Use - Surrounding:	Gas station, residential, elementary school
Project Access:	17 <sup>th</sup> Avenue
Planning Area:	Live Oak
Land Use Designation:	PF (Public and Community Facilities) and CO (Commercial Office)
Zone District:	PF (Public Facility) and P-A (Professional and Administrative Offices)

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

Coastal Zone:   X   Inside      Outside  
Appealable to Calif. Coastal Comm.      Yes   X   No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: N/A  
Fire Hazard: Not a mapped constraint  
Slopes: N/A  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line:   X   Inside      Outside  
Water Supply: City of Santa Cruz Water Department  
Sewage Disposal: Santa Cruz County Sanitation District  
Fire District: Central Fire Protection District  
Drainage District: Zone 5

### Project Setting

The subject parcel is unusually configured in that it contains a “panhandle”. As currently configured the parcel has two frontages -17th Avenue and Capitola Road, both are publicly maintained streets.

Both the Zoning and General Plan designations are split on the property. The portion of the parcel that abuts Capitola Road has a PF (Public Facility) Zoning designation and a P (Public Facility/Institutional) General Plan designation. This portion is where the existing Live Oak Senior Center is located. Across the street is the Live Oak School.

The “panhandle” portion of the property is vacant and is adjacent to 17\* Avenue. The parcel is currently zoned PA (Professional and Administrative Offices) and has a C-0 General Plan Designation. To the north of this property on the same side of the street there are mobile homes and on the opposite side of the street are single-family residences and a doughnut shop.

### Project Proposal

The parcel is owned by the Live Oak School District. The Redevelopment Agency of the County of Santa Cruz is proposing to divide the property along the boundaries of the Zoning and General Plan designations (see Exhibits F and G). The RDA is working with two non-profit agencies to design a small office building for the site. Plans for the building will be submitted after approval

of the lot split, and will require a Commercial Development Permit (Level 5 – Zoning Administrator) approval. The other parcel in the proposed MLD will remain as the Live Oak Senior Center.

### **Zoning Consistency**

The subject property is an approximately 79,733 square foot lot.

The proposed division of land complies with the zoning ordinance as the property is intended for professional office and administrative uses and the lot sizes meet the minimum dimensional standards for the PA Zone District.

### **SITE DEVELOPMENT STANDARDS TABLE**

	<b>PA/PF standards</b>	<b>Parcel A</b>	<b>Parcel B</b>
<b>Site Area</b>	PA - 10,000sq. ft. min.*	61,897 sq. ft.	17,833.9 sq. ft.
<b>Min. Parcel Frontage:</b>	60 feet min.	112.08ft.	302.36 ft.

\* there is no minimum parcel size standards for the PF district.

### **Local Coastal Program Consistency**

The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

### **Environmental Review**

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is located with the Urban Services line, is already served by existing water and sewer utilities, and no change of use is proposed.

### **Conclusion**

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **07-0448**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)

Report Prepared By:

  
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Report Reviewed By:

  
Mark Deming  
Assistant Director  
Santa Cruz County Planning Department



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## Subdivision Findings

1. That the proposed subdivision meets all requirements or conditions of the Subdivision Ordinance and the State Subdivision Map.

The proposed division of land meets all requirements and conditions of the County Subdivision Ordinance and the State Map Act in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan and the Zoning Ordinance as set forth in the findings below.

2. That the proposed subdivision, its design, and its improvements, are consistent with the General Plan, and the Area General Plan or Specific Plan, if any.

The proposed division of land, its design, and its improvements, are consistent with the General Plan. The project creates two lots located in the Commercial Office and Public Facility General Plan designations.

The project is consistent with the General Plan in that the full range of urban services is available and will be extended to the new parcel created, including municipal water and sewer service. The land division is on an existing street, and no improvements are needed to provide satisfactory access to the project. The proposed land division is similar to the pattern and density of surrounding development, is near commercial shopping facilities and recreational opportunities, and will have adequate and safe vehicular access.

The land division, **as** conditioned, will be consistent with the General Plan. The land division is not in a hazardous or environmentally sensitive area and protects natural resources by providing commercial/institutional development in an area designated for this type and density of development.

3. That the proposed subdivision complies with the zoning ordinance provisions as to uses of land, lot sizes and dimensions and any other applicable regulations.

The proposed division of land complies with the zoning ordinance provisions as to uses of land, lot sizes and dimensions and other applicable regulations in that the **use** of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the PF and **PA** Zone Districts where the project is located, and all setbacks will be consistent with the zoning standards.

4. That the site of the proposed subdivision is physically suitable for the type and density of development.

The site of the proposed land division is physically suitable for the type and density of development in that no challenging topography affects the site, the existing property is commonly shaped to ensure efficiency in further development of the property, and the proposed parcels offer a traditional arrangement and shape to insure development without the need for

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variances or site standard exceptions. No environmental constraints exist which would necessitate the area remain undeveloped.

5. That the design of the proposed subdivision or type of improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

The design of the proposed division of land and its improvements will not cause environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. No mapped or observed sensitive habitats or threatened species impede development of the site as proposed. The project was determined to be exempt from CEQA, pursuant to the California Environmental Quality Act and the County Environmental Review Guidelines (see Exhibit D).

6. That the proposed subdivision or type of improvements will not cause serious public health problems.

The proposed division of land or its improvements will not cause serious public health problems in that municipal water and sewer are available to serve the proposed parcels, and these services will be extended to serve the new parcel created.

7. That the design of the proposed subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision.

The design of the proposed division of land and its improvements will not conflict with public easements for access in that no easements are known to encumber the property. Access to both lots will be from existing public roads.

8. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

The design of the proposed division of land provides to the fullest extent possible, the ability to use passive and natural heating and cooling in that the resulting parcels are oriented in a manner to take advantage of solar opportunities. All of the proposed parcels are conventionally configured and the proposed building envelopes meet the minimum setbacks as required by the zone district for the property and County code.

9. The proposed development project is consistent with the design standards and guidelines (Section 13.11.070 through 13.11.076) and other applicable requirements of this chapter.

No proposed building has been included with this application.

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## Conditions of Approval

Exhibit A: Tentative Map, prepared by Cary Edmundson & Associates Land Surveying, dated July 21, 2007.

- I. This permit authorizes the division of a lot into two parcels. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
11. Prior to recordation of the Parcel Map the applicant/owner shall:
  - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
- III. A Parcel Map for this land division must be recorded prior to ~~the~~ expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements are required or shall be allowed. The Parcel Map shall meet the following requirements:
  - A. The Parcel Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
  - B. This land division shall result in no more than two (2) parcels.
  - C. ~~The~~ minimum lot size shall be 10,000 square feet net developable land per unit.
  - D. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
    1. Lots shall be connected for water service to city of Santa Cruz Water District.
    2. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. All regulations and conditions of the Sanitation District shall be met.
  - E. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.

IV. Operational Conditions

A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and
2. COUNTY defends the action in good faith.

C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning

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IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

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- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

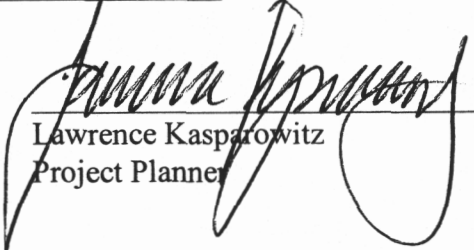
**Please note: This permit expires two years from the effective date on the expiration date listed below unless you obtain the required permits and commence construction.**

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

  
Mark Deming  
Assistant Director

  
Lawrence Kasparowitz  
Project Planner

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Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

# 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: 07-0448  
Assessor Parcel Number: 029-101-42  
Project Location: 17th Avenue, Santa Cruz

Project Description: Proposal to divide an approx. 1.8 acre parcel into two parcels.

Agency Proposing Project: County of Santa Cruz Redevelopment Agency

Contact Phone Number: (831) 454-3404

- 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 15060(c).  
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: Class 15 - Minor Land Divisions (Section 15315)

F. Reasons why the project is exempt:

Minor land division within an urbanized area with all urban services available.

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

\_\_\_\_\_  
Lawrence Kasparowitz, Project Planner




Date: \_\_\_\_\_

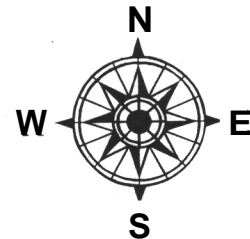


# Location Map



## LEGEND

-  APN: 029-101-42
-  Assessors Parcels
-  Streets

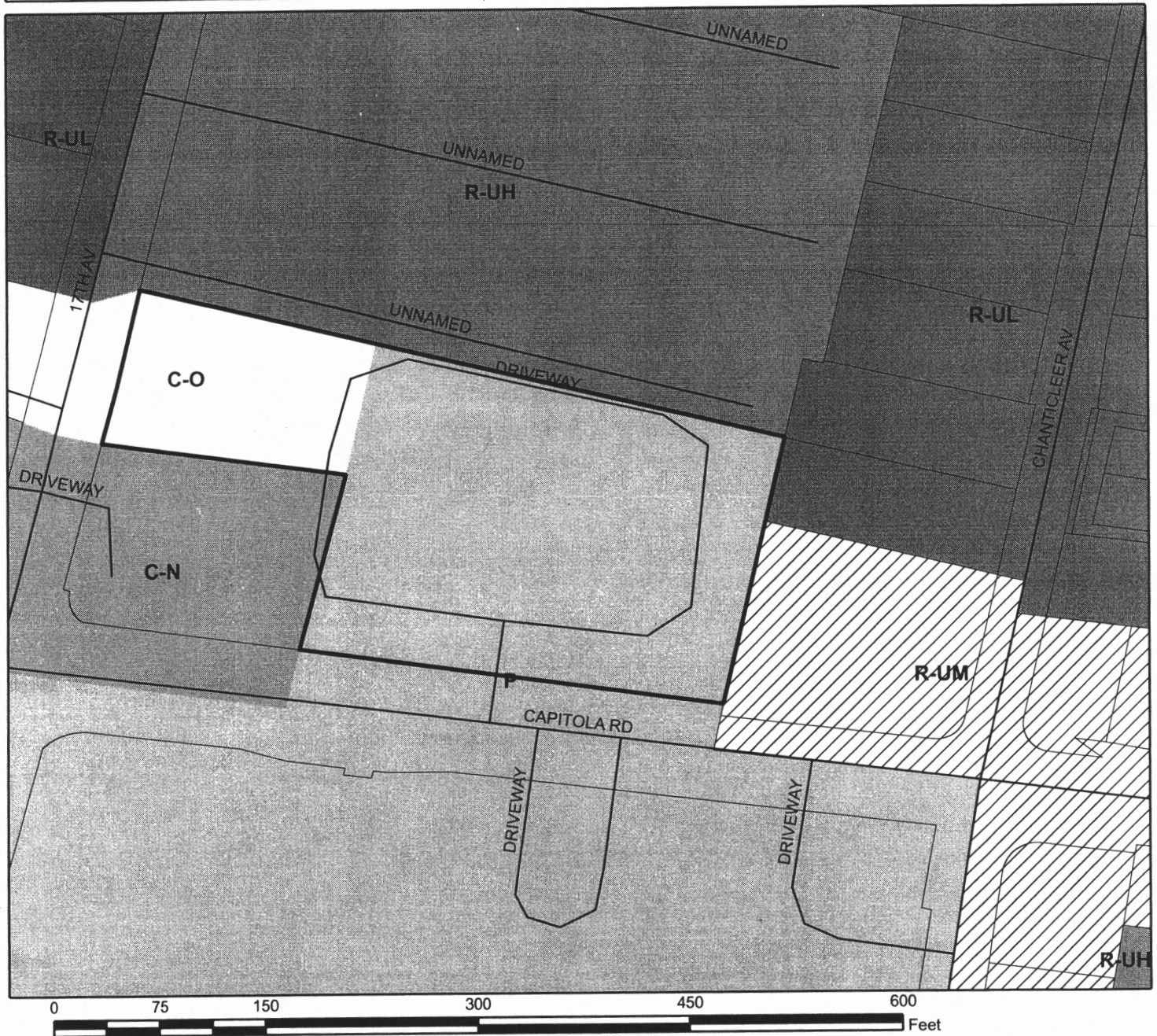


Map created by  
County of Santa Cruz  
Planning Department  
August 2007



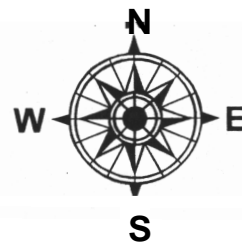


# General Plan Designation Map



## LEGEND

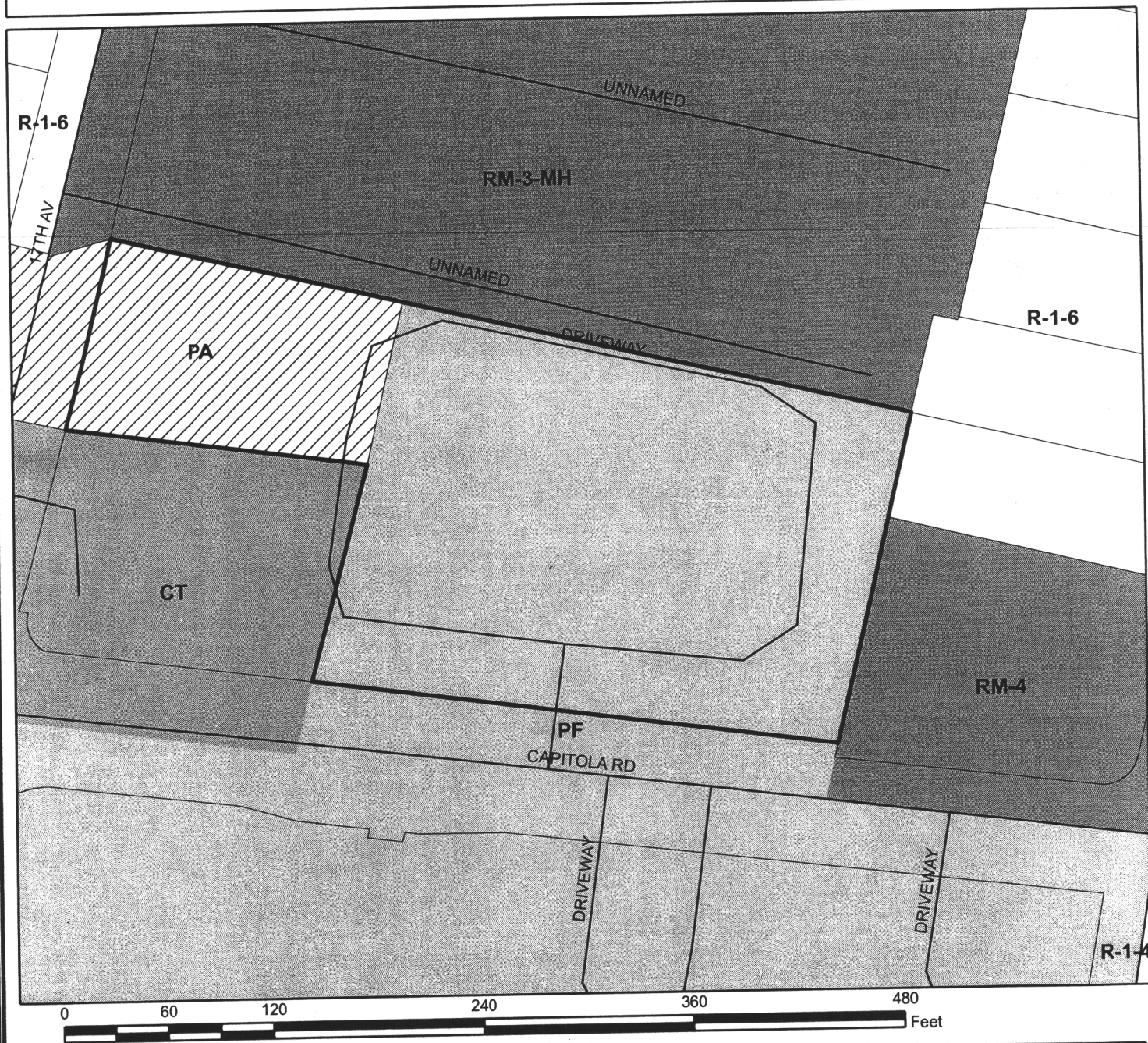
- APN. 029-101-42
- Assessors Parcels
- Streets
- Commercial-Neighborhood
- Commercial-Office
- Residential - Urban Low Density
- Residential - Urban Medium Density
- Residential - Urban High Density
- Public Facilities











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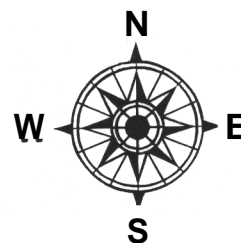


# Zoning Map



## LEGEND

-  APN: 029-101-42
-  Assessors Parcels
-  Streets
-  PUBLIC FACILITY
-  COMMERCIAL-PROFFICE
-  COMMERCIAL-TOURIST
-  RESIDENTIAL-MULTIFAMILY
-  RESIDENTIAL-SINGLEFAMILY



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Planning Department  
August 2007

