



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

**TOM BURNS, PLANNING DIRECTOR**

March 26, 2008

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

**Agenda Date: May 14, 2008**

**Item #: 7**

**Time: After 9 AM**

**APN: 032-051-36**

**Subject: Application 08-0073**

A request to extend the approved Tentative Map for Subdivision Tract 1494

Members of the Commission:

### **Project History**

Application No. 04-0294 (Portola Plaza) was approved by the Planning Commission on February 8, 2006. This permit created a subdivision for nineteen parcels in a mixed use building on one lot. The building plans, improvement plans, tentative map and landscape plans are included as Exhibit A and the original staff report to your Commission, dated November 9, 2005 is included as Exhibit F for project background information only.

The plans and tentative map have been reviewed and accepted by all reviewing agencies and County departments.

### **Permit Extension Process**

County Code Section 18.10.133 (b) allows for the extension of a tentative map for a period or periods not to exceed a total of five years from the date of original expiration, if an application for extension is filed prior to the expiration of the conditionally approved tentative map. This mirrors the language in the Subdivision Map Act, Government Code Section 66452.6 (e). County Code requires that requests to extend tentative maps be processed pursuant to Level VI (Planning Commission) review for subdivisions of five to nineteen lots. County Code Section 18.10.133(a) allows for the extension of Development Permits (in this case the Rezoning and General Plan Amendment) associated with a Tentative Map for the same period as the tentative map.

In the case of the tentative map for Permit 04-0294, the map would have originally expired on February 8, 2008. The applicant is now requesting a five-year extension to February 8, 2013, to allow minor revisions to be incorporated into the Final Map.

Application      **08-0073**  
Applicant:      **Abbas Haghshenas**  
Owner:          **Abbas Haghshenas**  
APN:            **032-051-32**  
Agenda Date:    **May 14, 2008**

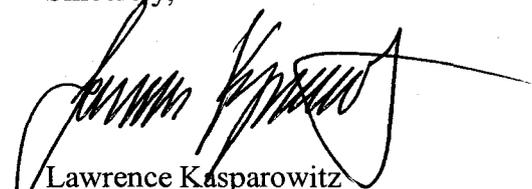
### Environmental Reviews

Although the original subdivision approval was subject to environmental review and required an Initial Study and Negative Declaration, the action to extend the tentative map is exempt because that action, in itself, has no potential to cause a physical change in the environment. A Notice of Exemption from the Environmental Quality Act is included as Exhibit D.

### Staff Recommendation

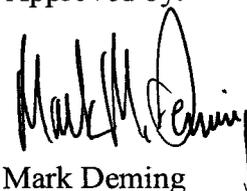
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **08-0073**, extending the Tentative Map for Subdivision Tract 1494 to February 8, 2013, based on the findings (Exhibit C) and conditions (Exhibit B) for Permit 04-0294.

Sincerely,



Lawrence Kasparowitz  
Development Review Planner

Approved by:



Mark Deming  
Assistant Planning Director

### Exhibits:

- Project plans prepared by A Plus (sheets A-A, C1, A-1 through A-6, L-1, T-1, T-2), dated August 1, 2005, revised January 31, 2006. Landscape Plan prepared by Jeffrey Herr, dated January 31, 2006
- Conditions of Approval for Permit 04-0294
- Findings for Approval for Permit 04-0294
- Notice of Exemption from the California Environmental Quality Act
- Location Map
- Staff report to the Planning Commission, November 9, 2005 (for project background only)

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

## Conditions of Approval

### Land Division, Commercial Development Permit and Variance 04-0294

Tract No.: 1494

Applicant: Abbas Haghshenas

Property Owner: Abbas Haghshenas

Assessor's Parcel Number(s): 032-051-36

Property Address and Location: North side of Portola Drive, 100 feet west of 40th Avenue.  
(3911 Portola Drive)

Planning Area: Live Oak

---

#### Exhibits:

A. Project plans prepared by A Plus (sheets A-A, C1, A-1 through A-6, L-1, T-1, T-2), dated August 1, 2005, revised January 31, 2006. Landscape Plan prepared by Jeffrey Herr, dated January 31, 2006.

Traffic Study prepared by Pang Ho Associates, dated February 18, 2005.

Drainage Analysis prepared by Bowman & Williams, dated February 28, 2005  
(with revisions dated April 21, 2005 and June 7, 2005).

---

This permit authorizes the construction of a two-story structure containing offices and/or retail uses, with associated parking and landscaping on the lower level and seventeen condominium units with private outdoor space, common walkways, elevators and stairs and an office condominium space on the upper level.

All correspondence and maps relating to this land division shall carry the land division number noted above.

- I. Prior to exercising any rights granted by this Approval, the owner shall:
  - A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof, and
  - B. Pay a Negative Declaration De Minimis fee of \$25 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

- II. A Final 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 Final Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Final Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Final Map shall meet the following requirements:
- A. The Final 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 seventeen (17) new residential condominium parcels, two (2) commercial condominium parcels and associated common area parcels. A statement shall be included that the common area parcels are for shared common areas, landscaping, road, and utilities improvements only and shall not be used for the creation of any additional residential or commercial units.
  - C. The following items shall be shown on the Final Map:
    - 1. Building envelopes, common area and/or building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the C-2 zone district of 10 for the front yard, 0 feet for yards abutting commercially zoned property, and 30 feet for yards abutting residential property, excluding the trash enclosure, which is uncovered and not subject to setback requirements, and the residential carports, for which a Variance has been granted.
    - 2. Show the net area of each lot to nearest square foot.
  - D. The following requirements shall be noted on the Final Map as items to be completed prior to obtaining a building and or demolition permit on lots created by this land division:
    - 1. Lots shall be connected for water service to the 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.
    - 3. Prior to demolition of any structures on the subject parcel, all required clearances and permits shall be obtained from the Monterey bay Unified Air Pollution Control District and a Demolition Permit shall be obtained from the County of Santa Cruz.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

4. All future construction on the lots shall conform to the Architectural Floor Plans and Elevations, and the Photomontage as stated or depicted in Exhibits "A" (except as noted below) and shall also meet the following additional conditions:
  - a. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
  - b. Submit a final sign program for the proposed commercial development which complies with the requirements of the County Code regarding signs in the C-2 zone district as a shopping center/office complex.
  - c. Include details showing compliance with fire department requirements.
  - d. In order to ensure that impacts from geotechnical hazards are less than significant, prior to the issuance of any building permit, the applicant shall revise the plans to reflect all the recommendations of the geotechnical report (American Soil Testing, 2005).
  - e. Show all rooftop equipment and any screening required to minimize visual impacts.
  - f. All rooftop mechanical and electrical equipment shall be designed to be an integral part of the building design, and shall be screened.
  - g. Utility equipment such as electrical and gas meters, electrical panels, and junction boxes shall not be located on exterior wall elevations facing streets unless screened from streets and building entries using architectural screens, walls, fences, and/or plant material.
  - h. The balcony on the unit shown on Exhibit "A" as No. 210 shall be modified such that it does not encroach into the required ten-foot front setback.
5. A final Landscape Plan for the entire site specifying the species, their size, and irrigation plans and meet the following criteria and must conform to all water conservation requirement of the City of Santa Cruz Water District water conservation regulations:
  - a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue.
  - b. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.

- c. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
- d. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, over-spray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.
- e. The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit applications. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.
- f. Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be used to maximize the efficiency of water applied to the landscape.
- g. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
- h. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
- i. All planting shall conform to the landscape plan shown as part of Exhibit "A". The Flowering Plums and Italian Cypress shall be 24" box size. All other trees shall be 15 gallon minimum size.
- j. Trees planted in the County right of way shall be approved by the Department of Public Works and shall be installed according to provisions of the County Design Criteria.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

6. Details of a recycling facility including the following:
  - a. Commercial, industrial, institutional and multi- family residential uses shall include areas for recycling storage and collection adequate in capacity, number and distribution to serve the development where the project occurs.
  - b. Access into the storage area shall be provided with adequate vertical and horizontal clearances for collection vehicles as specified by the County of Santa Cruz.
  - c. Recycling Design Criteria Provisions shall be made to protect the recyclable materials from weather by covering the storage area or by the use of covered receptacles.
  - d. Recycling storage areas should be adjacent to or within the same enclosures as the garbage area or at least as convenient as the location for garbage storage.
  - e. Maximum distance for the storage area to be no greater than 250 feet from each living unit in a multifamily residential development.
  - f. An exterior sign with the international recycling logo shall be required, including the name and phone number of the responsible person and an interior sign for the types of materials to be recycled as specified by the County of Santa Cruz Recycling Design Criteria.
7. All future development on the lots shall comply with the requirements of the geotechnical report prepared by American Soil Testing, dated 2005. The plans shall be modified from Exhibit "A" to reflect all of the recommendations of the Geotechnical Report.
8. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located. In the case of the Live Oak School District, the applicant/developer is advised that the development may be subject to inclusion in a Mello-Roos Community Facilities District.
9. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
  - a. Water Quality: Silt and grease traps shall be installed according to the approved improvement plans.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

- b. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
  - c. Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
10. Any changes between the approved Tentative Map, including but not limited to the attached exhibits for architectural and landscaping plans, must be submitted for review and approval by the decision-making body. Such proposed changes will be included in a report to the decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code.
11. The parking area shall contain a least 106 parking spaces of which 32 parking spaces may be designed as compact spaces and appropriately marked, and 5 accessible spaces designed in accordance with Sections 13.10.550 through .560 of the County Code. All spaces shall be striped and defined by wheel stops (except for tandem spaces). Parking and circulation areas shall be surfaced **as shown on the approved plans (Exhibit A).**
12. All outdoor areas, parking and circulation areas shall be lighted with low-rise lighting fixtures that do not exceed 15 feet in height. The construction plans must indicate the location, intensity, and variety of all exterior lighting fixtures. All lighting must be consistent with Title 24, Part 6, California Code of Regulations, Energy Efficiency Standards for Residential and Non-Residential Buildings. All lighting shall be directed onto the site and away from adjacent properties.

III. Prior to recordation of the Final Map, the following requirements shall be met:

- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- B. Meet all requirements of the Santa Cruz County Sanitation District including, without limitation, the following standard conditions:
  - 1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
  - 2. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of the CC&R's to the district.
- C. Meet all requirements of the Santa Cruz County Department of Public Works, Drainage section.
- D. A Homeowners Association, or Common Interest Development association, shall be

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

formed for maintenance of all area under common ownership including sidewalks, driveways, all landscaping, drainage structures, water lines, sewer laterals, fences, silt and grease traps, **power washing of the area with pavers** and buildings. CC&R's shall be furnished to the Planning Department prior to the recordation of the final map and shall include the following, which are permit conditions:

1. All drainage structures, including silt and grease traps, **power washing of the area with pavers** and detention facilities, shall be permanently maintained by the Homeowners Association.
  2. **Water Quality:** Annual inspection of the silt and grease traps **and power washing of the area with pavers** shall be performed and reports sent to the Drainage section of the Department of Public Works on an annual basis. Inspections shall be performed prior to October 15 each year. The expense for inspections and report preparation shall be the responsibility of the Homeowners Association.
- E. All new utilities shall be underground. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the owner/applicant. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries.
- F. All requirements of the Central Fire Protection District shall be met.
- G. Park dedication in-lieu fees shall be paid for 25 bedrooms (assuming that two, two bedroom units will be affordable). These fees are currently \$750 per bedroom, but are subject to change.
- H. Child Care Development fees shall be paid for 29 bedrooms. These fees are currently \$36 per bedroom, but are subject to change.
- I. Pay the current Live Oak Transportation Improvement Area (TIA) fees. Currently, these fees can be calculated as follows, but are subject to change:
1. The development is subject to Live Oak Transportation Improvement (TIA) fees at a rate of \$400 per daily trip-end generated by the proposed use. **The traffic engineer shall confirm the total number of daily trip-ends with the Department of Public Works.** The total TIA fee is to be split evenly between transportation improvement fees and roadside improvement fees.
- J. Submit one reproducible vellum copy of the Final Map to the County Surveyor for distribution and assignment of temporary Assessor's parcel numbers and situs address.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

- K. Enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of and Section 13.10.391(b)(1) of the County Code, and the County Affordable Housing Guidelines. This agreement shall include the following statement:
1. The developer shall provide two designated affordable two-bedroom units for sale to low or moderate income households and pay an in-lieu fee for .55 unit. The current sales price for a two bedroom unit (under the above described guidelines for a low or moderate income family) is \$231,904. This sales price assumes a certain income level and family size for each unit based on the above described guidelines, and \$150 per month Homeowners Association dues, and is subject to change.
- L. Submit and secure approval of engineered improvement plans from the Department of Public Works and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities, per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
1. All improvements shall be designed by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria unless otherwise indicated on the approved improvement plans. Plans shall also comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Code.
  2. Complete drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations and all volumes of excavated and fill soils (including drainage originating off-site).
  3. Water Quality: Details for the installation of required silt and grease traps to filter runoff from the parking area. Submit a silt and grease trap maintenance ~~and power washing of the area with pavers~~ agreement to the Department of Public Works.
- M. The project geotechnical engineer shall prepare a soil treatment plan that includes a description of the technique used for the mixing and spreading operations, site map indicating soils storage areas and the boundaries of the area to be over-excavated and treated, barriers at the perimeter of the work area and soils poles adequate to contain any material that contains lime or other treatment, and a schedule indicating the number of work days required to complete the treatment phase of the project. The plan shall be submitted for review and approval by the Planning Department.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

IV. All future construction within the property shall meet the following conditions:

- A. Prior to any disturbance, the owner/applicant shall organize a pre-construction meeting on the site. The applicant, grading contractor, Department of Public Works Inspector and Environmental Planning staff shall participate.
- B. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. Obtain an Encroachment Permit from the Department of Public Works for any work performed in the public right of way. All work shall be consistent with the Department of Public Works Design Criteria unless otherwise indicated on the approved improvement plans.
- C. No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan that may or may not be granted.
- D. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out work required by another of these conditions).
- E. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- F. To minimize noise, dust and nuisance impacts of surrounding properties to insignificant levels during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:
  - 1. Limit all construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address and emergency situation.
  - 2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
  - 3. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

- G. Construction of improvements shall comply with the requirements of the geotechnical report. The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
- H. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.
- I. All future development on lots created by this subdivision shall comply with the requirements set forth in Condition II.C.1, above.
- J. All signage on the subject property shall comply with the requirements of the applicable County sign ordinance.
- K. Outdoor furniture and fixtures such as lighting, free-standing signs, trellises, raised planters, benches, trash receptacles, newspaper racks, bus stops, phone booths and fencing, shall be compatible with project architecture; shall be integral elements of the building and landscape design; and shall be included in, and shown on, all site and landscape plans.
- L. In the event that future County inspections of the subject property disclose non-compliance 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 Approval revocation.

V. Operational Conditions

- A. **Master Occupancy Program:** All change of use requests for uses allowed within the zone district shall be processed at Level 1, with the following restrictions:
  - 1. No Level 1 Change of Use shall be approved that would create a parking demand in excess of the spaces currently provided on-site.
  - 2. The Level 1 Change of Use application submittal shall include the following:
    - a. A description of the proposed use;
    - b. The area of the proposed use (in square feet) including any space proposed to be exclusively storage;
    - c. A sign plan for any proposed signage, consistent with the sign program approved for this commercial development permit.
  - 3. The following uses are specifically prohibited:

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

- a. Adult entertainment, night clubs, dance halls, game rooms, pool halls, contractor's shops, automobile repair, taxi company, Service commercial uses, recycling centers, shipping terminals, liquor store and massage parlor.
- b. Any other uses not specifically allowed in the C-2 zone district.

B. 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.

VI. 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.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void.

VII. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated in the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigation is hereby adopted as a condition of approval for this project. This program is specifically described following each mitigation measure listed below.

The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to section 18.10.462 of the Santa Cruz County Code.

- A. Mitigation Measure: Geotechnical Hazards: (Condition II.D.7)

Monitoring Program: Plans submitted for a building permit shall be modified such that they are consistent with the geotechnical report. A building permit will not be issued without a review letter from the geotechnical engineer verifying that the plans are consistent with the report.

- B. Mitigation Measure: Water Quality (Conditions II.D.7, III.D.2)

Monitoring Program: To prevent project drainage discharges from carrying silt, grease, and other contaminants, prior to public hearing the applicant shall revise the plans to indicate a silt and grease trap. The trap shall be maintained by the property owner according to the following monitoring and maintenance schedule:

- a. The traps shall be inspected to determine if they need cleaning or repair prior to October 15 each year, at a minimum interval of once per year;
- b. A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage Section of the Department of Public Works within 5 days of inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.

**AMENDMENTS TO THIS LAND DIVISION APPROVAL SHALL BE  
PROCESSED IN ACCORDANCE WITH CHAPTER 18.10 OF THE COUNTY CODE.**

This Tentative Map is approved subject to the above conditions and the attached map, and expires 24 months after the 14-day appeal period. The Final map for this division, including improvement plans if required, should be submitted to the County Surveyor for checking **at least 90 days** prior to the expiration date and in no event later than 3 weeks prior to the expiration date.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

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

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

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

\_\_\_\_\_  
Principal Planner

\_\_\_\_\_  
Lawrence Kasparowitz  
Development Review Planner

cc: County Surveyor

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

## Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned C-2 (Community Commercial), a designation that allows commercial and mixed commercial and residential uses. The proposed mixed-use project is a conditionally allowed use within the zone district, consistent with the site's (C-C) Community Commercial General Plan designation. The Master Occupancy Program will restrict the types of uses to those that would not generate additional parking demand.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

The proposed mixed use project and subdivision is consistent with the design criteria and special use standards and conditions of County Code Section 13.20.130 et seq., in that the project minimizes grading and is visually compatible with the character of the surrounding commercial area. The project site is an infill project within the Urban Services Line and is not visible from any beaches.

The proposed building is located in a commercial area and has been designed to be compatible with the character of surrounding development. Although there is no common architectural style in the area, the Pleasure Point Commercial Area Plan, prepared by the County Redevelopment Agency, calls for all new development to reinforce the scale, size and pedestrian orientation of the district. New buildings should be located at or near the sidewalk, or should incorporate public areas in the front of the building. Although the Pleasure Point Commercial Area Plan is not a part of the Local Coastal Program, it does express the intent of the Board of Supervisors to guide development in a commercial area that is currently in transition with several undeveloped and under developed sites. This offers an opportunity to enhance the overall commercial district and to provide more pedestrian oriented shops and other services, which will be available to both local residents and visitors.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

The project site is not located in the appealable area between the shoreline and the first through public road. Consequently, the proposed addition will not interfere with public access to the beach, ocean, or any nearby body of water. In addition, the project site is not identified as a priority acquisition site in the County Local Coastal Program, and is not designated for public recreation or visitor serving facilities. The commercial uses in the project will, however, have the potential to provide services to both local residents and visitors.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, commercial uses are allowed uses in the C-2 (Community Commercial) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain non-conforming single-family dwellings, a mobile home park and commercial structures, with a variety of commercial uses. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is an infill project within the Urban Services Line and has been designed to complement and enhance the existing commercial uses in the vicinity.

The proposed building is located in a commercial area and has been designed to be compatible with the character of surrounding development. Although there is no common architectural style in the area, the Pleasure Point Commercial Area Plan, prepared by the County Redevelopment Agency, calls for all new development to reinforce the scale, size and pedestrian orientation of the district. New buildings should be located at or near the sidewalk, or should incorporate public areas in the front of the building. Although the Pleasure Point Commercial Area Plan is not a part of the Local Coastal Program, it does express the intent of the Board of Supervisors to guide development in a commercial area that is currently in transition with several undeveloped and under developed sites. This offers an opportunity to enhance the overall commercial district and to provide more pedestrian oriented shops and other services, which will be available to both local residents and visitors.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

## Commercial Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

The location of the proposed project, and the conditions under which it would be operated or maintained, will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity. The project is located in an area designated for a wide variety of commercial use and is not encumbered by physical constraints which would prohibit development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The circulation for traffic entering and exiting the project has been designed to be safe for the existing traffic flow on Portola Drive. The project, as proposed, will not be detrimental to surrounding properties and improvements.

Adequate conditions of approval have been included to reduce impacts from construction related noise. A condition of approval has been included to limit all construction-related activity to the time between 8:00 A.M. and 5:00 P.M., weekdays, to reduce construction noise impact on nearby residential development.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the mixed use development, and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the C-2 (Community Commercial) zone district in that the primary use of the property will be professional and administrative offices and residential above ground floor retail, which are allowed in that zone district. The proposed uses are outlined in the Master Occupancy Program (Sheet A-A, Exhibit A) and limit proposed uses to those with lower parking demand.

The proposed improvements are consistent with the development standards for the C-2 district, as they relate to front, side, rear setbacks and height, with the exception of the rear setback to the residential carports, for which a Variance is proposed, and a small portion of the upper floor (Unit 210 balcony) that is cantilevered into the setback. A condition of approval has been included to remove this minor encroachment.

The total parking requirement, per County Code Section 13.10.552, is 106 spaces: 65 for the commercial uses (12,842 square feet at 1 space/200 square feet); 30 for the two bedroom units (2.5 spaces per unit/12 units); 10 for the one bedroom units (2 spaces per unit/5 units); and 8 guest parking spaces (20% of the required 40 residential spaces). Additionally, the project is

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

eligible for a shared parking reduction of 10% (7 spaces) for the commercial uses, as there will be a minimum of three independent property users; two commercial uses downstairs and one upstairs. The applicant has proposed a total of 106 spaces, of which 40% may be compact and five are required to be accessible. As proposed, approximately 30% of the total required spaces would be designated as compact spaces and five accessible spaces are provided, all with accessible path of travel to the building. The majority of the compact spaces are, however, larger than required by the County Code, as they are 8.5 feet by 16 feet, where 7.5 feet by 16 feet would be allowed.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed commercial use is consistent with the use and density requirements specified for the Community Commercial (C-C) land use designation in the County General Plan.

General Plan policy 2.14.6 requires that compatibility to adjacent uses be ensured through the Development Permit process by regulating signage, landscaping, on-site circulation, parking, drainage, site and building design, and traffic patterns. The proposed project has undergone extensive review by Development Review, Environmental Planning, the Department of Public Works and the County Redevelopment Agency to assure that these factors have been considered and addressed. Driveway location, design and on-site traffic patterns will minimize hazards for vehicles and pedestrians. The bulk and scale of the proposed building are appropriate for a community-serving commercial building. Although the project design does differ from other development in the immediate area, adjacent properties carry similar zoning designations and many are vacant or have significant additional development potential. Because the proposed project is consistent with the adopted Pleasure Point Commercial Area Plan (Exhibit G), future new development in the area will be similar to the proposed project with visible storefronts or outdoor use areas at or near the sidewalk. Consistency with General Plan Chapter 8, Community Design, is further discussed under "Design Review."

General Plan Policies 3.21.3 and 3.21.4 require that new development project mitigate impacts on transportation facilities through system improvements and/or transportation impact fees. The applicant has proposed frontage improvements consistent with the adopted plan line for Portola Drive and consistent with the existing improvements installed by the County Redevelopment Agency. In addition, the development is subject to Transportation Improvement Area (TIA) fees based on the number of new vehicle trips attributable to the proposed use.

The proposed project will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the mixed-use project will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed project will not be improperly proportioned to the parcel size or the character of

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed mixed use project, with approval of the associated Variance, will comply with the site standards for the C-2 zone district (including setbacks, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

A specific plan has not been adopted for this portion of the County, however the Pleasure Point Commercial Area Plan was prepared by the County of Santa Cruz Redevelopment Agency has been adopted by the Board of Supervisors. The project conforms to the recommendations of the report.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that proposed uses have been analyzed in a traffic study, which was prepared by Huang Po Associates and reviewed by the County of Santa Cruz Department of Public Works. This report determined that approximately 589 vehicle trips would be generated by the proposed project, a net increase of 507 trips above the total existing 82 trips generated by uses currently on-site. Of the 507 new trips, 19 would be generated during the AM peak and 27 new trips would be generated during the PM peak. The impact of the new traffic was evaluated for two intersections in the immediate project area; Portola Drive and 38<sup>th</sup> Avenue and Portola Drive and 41<sup>st</sup> Avenue. Both of these intersections currently operate a Level of Service (LOS) "C" or better and the additional traffic generated will not result in reduced LOS. Analysis by the traffic engineer indicates that the project will increase the average delay at 38<sup>th</sup> and 41<sup>st</sup> Avenues less than 0.5 seconds.

Further analysis for cumulative conditions, based on a 2% growth rate for the next 20 years indicates that, at that time, both of the intersections would operate at unacceptable levels of service both with and without the proposed project. However, for cumulative conditions, analysis assuming the installation of a traffic signal at both intersections indicated that the signals would improve the level of service to C or better. The County General Plan, Policy 3.12.1, establishes LOS "C" as the objective and LOS "D" as the minimum acceptable level of service. The proposed project will contribute to the mitigation of the "bigger picture" improvements in the form of Transportation Improvement Area (TIA) fees, which are designated for road improvements within the Live Oak Transportation Improvement area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed mixed use project is consistent with the land use intensity and density of the neighborhood. The design of the proposed project will complement and harmonize with the existing and proposed uses in the vicinity. The bulk and scale of the proposed building are appropriate for a community serving commercial area. Although there is no common architectural style in the area, the Pleasure Point Commercial Area Plan, prepared by

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

the County Redevelopment Agency, calls for all new development to reinforce the scale, size and pedestrian orientation of the district. New buildings should be located at or near the sidewalk, or should incorporate public areas in the front of the building. The Pleasure Point Commercial Area Plan expresses the intent of the Board of Supervisors to guide development in a commercial area that is currently in transition with several undeveloped and under developed sites. This offers an opportunity to enhance the overall commercial district and to provide more pedestrian oriented shops and other services, which will be available to both local residents and visitors

Because the proposed use will not generate excessive traffic or noise, it will be compatible with the existing land use intensities in the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed structure will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Commercial projects are reviewed under Chapter 13.11 (Site, Architectural and Landscape Design Review) of the County Code. This project has been reviewed by the County Urban Designer (See Exhibit O). A primary purpose of the Design Review ordinance, as defined by General Plan Objective 8.1, is to achieve functional high quality development through design review policies that recognize the diverse characteristics of the area, maintain design creativity, and preserve and enhance the visual fabric of the community. Because the proposed project is subject to design review, the applicant has submitted architectural photomontages showing the existing street and neighboring building with the new building superimposed in the photo. Architectural plans are included as part of Exhibit "A", which also includes the site plan and landscape plan.

The proposed building design has been designed to retain the existing small building scale by breaking down the mass of the building into five segments. The building is designed enfronting on Portola Drive, with parking behind. This minimizes the impact of pavement and parked vehicles. There is sufficient variation in wall plane, roofline, and architectural treatment to create a sense of human scale and significant pedestrian interest, which is consistent with commercial development along 41<sup>st</sup> Avenue to the east. The second story is stepped back from the first floor for the majority of the building and there are recessed areas on the lower floor to provide additional visual interest.

Access to the parking areas is from Portola Drive. Sufficient landscaping is provided in the parking area to meet requirements of one tree for each five parking spaces. A total of 49 trees are proposed for 114 parking spaces, or one tree for every 2.3 spaces. Fourteen of the trees located in the parking area are proposed to be 24-inch box sized, which exceeds the requirement that 25% of the trees be at least that large. Additional landscaping is also proposed along the Portola Drive frontage.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

Frontage improvements on Portola Avenue (curb, gutter, sidewalk and landscaping) have been completed by the County Redevelopment Agency. Although pedestrian improvements exist on Portola Avenue, engineered improvement plans will be required for the proposed renovation, to assure that accessibility requirements can be met and that proposed improvements are consistent with the improvements recently installed by the Redevelopment Agency.

The applicant has designed the parking to include significant landscaping, both trees and shrubs, and has proposed wood fencing surrounding the parking area to reduce the impact on adjacent residential development. The proposed configuration of parking and landscaping would create a visual buffer and the restriction of parking in the rear of the parcel to residents only would reduce the impact of commercial parking on neighboring uses.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

## Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

The special circumstances applicable to this parcel relate to the depth and configuration of the parcel, the location of the mobile homes on the adjacent parcel to the north and related County regulations that affect the placement of structures on the subject parcel. The required setback from a commercial (C-2) district structure to a residential (R) zone district is thirty feet, when there is no residential component to the project. For mixed-use developments, however, the residential portion is to be developed according to development standards of Urban High Residential, per County Code Section 13.10.332, which would correspond to a Zoning designation of RM-1.4 to RM-4.

The rear setback for that zone district is 15-feet. The residential carports are covered and are subject to setback. The subject parcel is essentially a square shape, and the Pleasure Point Commercial Area Plan, which specifically addresses this parcel, encourages new commercial structures to be located near the sidewalk, with parking in the rear. The proposed development is consistent with county goals, and all of the parking is located behind the proposed structure. Parking is not subject to the same setback requirements as are structures, however, so either the residential or commercial parking, without the carports, would be allowed in the location proposed.

Portola Drive is typical of a commercial strip; the commercial zone is one lot deep on both sides of the road and is surrounded to the north and south by residential zoning. There are numerous examples of commercial buildings that have been built closer than the current required thirty feet setback. Granting this variance would deprive this property privileges enjoyed by other property in the vicinity and under identical zoning classification.

2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.

The proposed carports will help to mitigate the impacts of noise and car headlights on the adjacent residential development the proposed variance would be in harmony with the general intent of the zoning ordinance to mitigate the effects of commercial activities on residential properties. County Code Section 13.11.072 notes that reasonable protection for adjacent properties from noise may be achieved by several methods, including site planning, building siting and building orientation.

3. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

The granting of the variance to the required south side yard setback will not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity. The Pleasure Point Commercial Area Plan, which specifically addresses this parcel, encourages new commercial structures to be located near the sidewalk, with parking in the rear.

County Code Section 13.11.074 also requires that site design minimize the visual impact of pavement and parked vehicles and encourages the siting of buildings toward the front or middle portion of the lot and parking to the rear or site, where appropriate. The proposed development is consistent with those stated goals, and all of the parking is located behind the proposed structure. There is an existing mobile home park directly to the north that would be subject to light from car headlights and noise if no structures were provided to moderate these impacts.

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

## Subdivision Findings

- 1 That the proposed subdivision meets all requirements or conditions of the subdivision ordinance and the state subdivision map act.

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 subdivision, its design, and its improvements are consistent with the General Plan, and the area general plan or specific plan, if any.

The project is consistent with the General Plan in that the full range of urban services is available and will be extended to the building, 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, with the exception of new driveway access from Portola Drive. 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 regarding infill development in that the proposed development will be consistent with the pattern of the surrounding development, and the design of the project is consistent with the character of the surrounding buildings. The land division is not in a hazardous or environmentally sensitive area and protects natural resources by providing residential development in an area designated for this type and density of development.

3. That the proposed subdivision complies with 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 proposed building will be consistent with the zoning standards found in County Code Section 13.10.333. The proposed project complies with the development standards in the zoning ordinance as they relate to setbacks, maximum building height, and required open space, with the exception of the residential carports, for which a Variance to the required rear setback has been requested. The proposed project is also consistent with the regulations relating to mixed-use development, as the area of the residential units comprises less than 50% of the floor area of the entire development, as required by County Code Section 13.10.332.

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

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

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, and the proposed units offer a typical air space condominium arrangement and shape to insure development without the need for variances or site standard exceptions. No environmental constraints exist which would prevent redevelopment of the area.

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.

An Initial Study was prepared and a Mitigated Negative Declaration, complying with the requirements of the California Environmental Quality Act, has been issued. Mitigation measures have been incorporated into the Conditions of Approval to assure that the project will not have a negative effect on the environment.

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 project, and these services will be extended to serve the new residential units.

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 will be from Portola Drive, a public street.

8. That 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 majority of the roof will be flat and will be able to accommodate solar panels for water heating and/or electric generation.

# 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: 08-0073  
Assessor Parcel Number: 032-051-32  
Project Location: 3911 Portola Drive, Santa Cruz  
  
Project Description: Extend the approved Tentative Map for Subdivision 04-0294  
  
Person Proposing Project: Abbas Haghshenas  
  
Contact Phone Number: (408) 364-0888

- 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

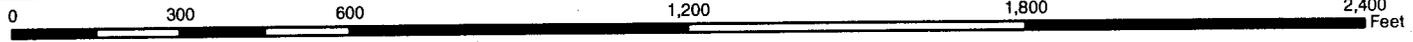
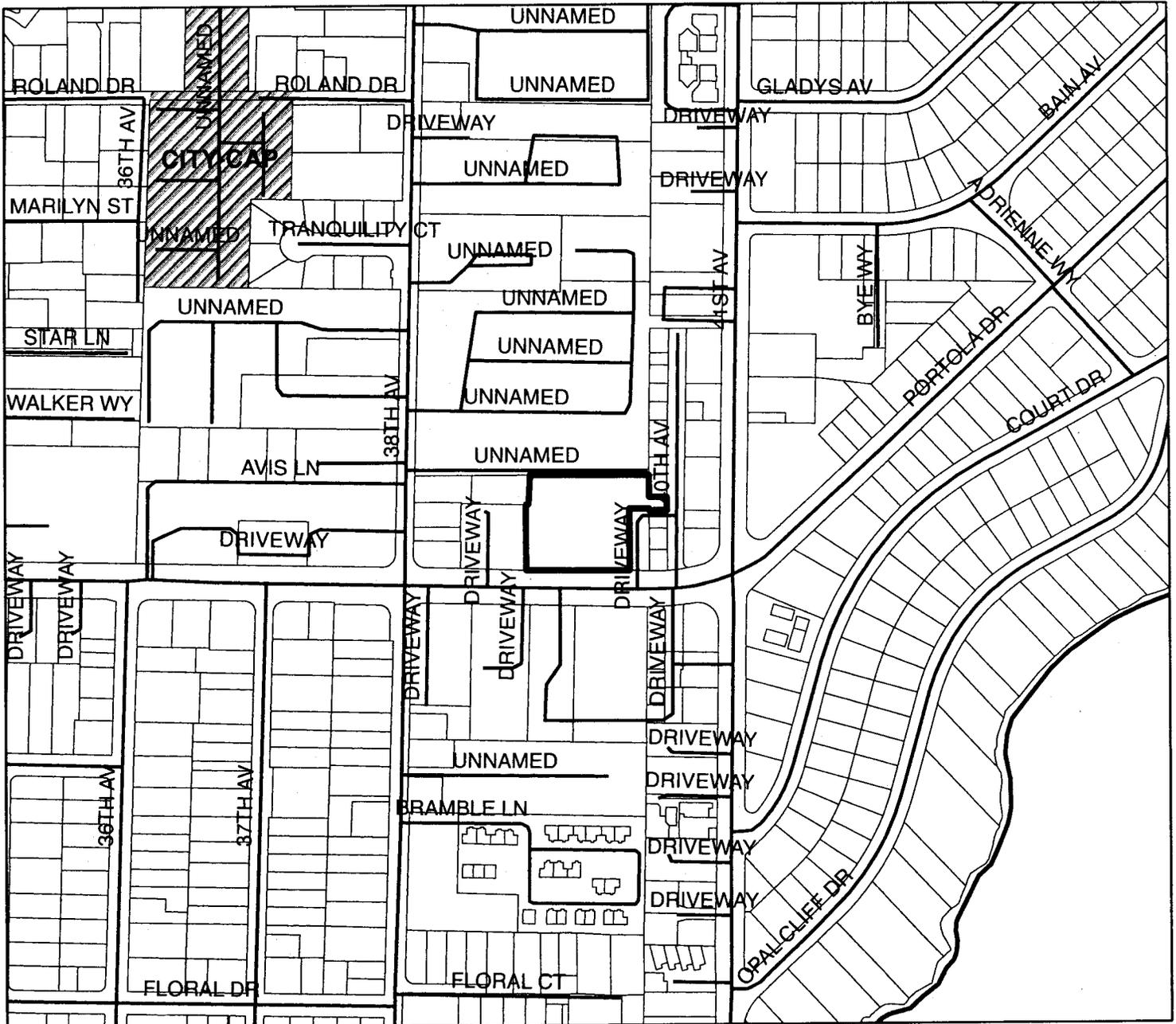
Specify type:

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

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

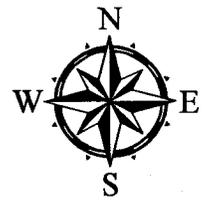


# Location Map



### LEGEND

-  APN: 032-051-36
-  Assessors Parcels
-  Streets
-  County Boundary
-  CAPITOLA



Map Created by  
 County of Santa Cruz  
 Planning Department  
 April 2008

## EXHIBIT E



# Staff Report to the Planning Commission

Application Number: **04-0294**

**Applicant:** Abbas Haghshenas  
**Owner:** Abbas Haghshenas  
**APN:** 032-051-36

**Agenda Date:** November 9, 2005  
**Agenda Item #:**  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to remove two structures and to construct a 25,435 sq. ft. mixed-use building containing two commercial condominium units, seventeen residential condominium units, and a common area with related parking and landscaping, including the construction of residential carports within the required 15-foot rear setback.

**Location:** Portola Drive (at 40<sup>th</sup> Street), Santa Cruz

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

**Permits Required:** Commercial Development Permit, Coastal Development Permit, Subdivision, Master Occupancy Program and a Variance.

### Staff Recommendation:

- Approval of Application 04-0294, based on the attached findings and conditions.
- Certification of the Mitigated Negative Declaration as complying with the requirements of the California Environmental Quality Act

### Exhibits

- |  |  |
|--|--|
| A. Project plans                                       | F. Petition from neighbors and letters in support of the project |
| B. Findings  | G. Pleasure Point Area Commercial Plan                           |
| C. Conditions  |  |
| D. Urban Designer's memorandum                         |  |
| E. Initial Study with Negative Declaration mitigations |  |

### Parcel Information

Parcel Size: 52,620 sq. ft. (1.2 acres)  
Existing Land Use - Parcel: Commercial  
Existing Land Use - Surrounding: Commercial  
Project Access: Portola Drive  
Planning Area: Live Oak  
Land Use Designation: C-C (Community Commercial)  
Zone District: C-2 (Community Commercial)  
Coastal Zone:  Inside  Outside  
Appealable to Calif. Coastal Comm.  Yes  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: Four trees proposed to be removed (in poor health – see below)  
Scenic: Not a mapped resource  
Drainage: Drainage report prepared by Dunbar and Craig (see Initial Study)  
Traffic: Traffic report prepared Huang Po Associates (see Initial Study)  
Roads: Existing roads adequate  
Parks: Existing park facilities 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 Description

The applicant requests approval to construct a two-story mixed-use building. The lower floor would be comprised of one commercial condominium with office and retail space, to be leased to individual tenants, and would also include the parking areas, landscaping and other site improvements. The upper floor would consist of seventeen residential condominiums with private outdoor space, a shared open walkway, and one additional office condominium. Of the seventeen residential units, twelve are proposed with two bedrooms and five with one bedroom. The proposed building would front on Portola Drive, with parking behind the structure to minimize the impact of pavement and parked vehicles. The proposed building would have variation in wall plane, roofline, and architectural treatment to create a sense of human scale and pedestrian interest. The second story is stepped back from the first floor for a majority of the façade, and there are recessed areas on the lower floor.

The primary access to the development would be from Portola Drive, with emergency access to 40<sup>th</sup> Avenue. Landscaping has been provided, both for the parking area (one tree for each 2.3 parking spaces) and along the Portola Drive frontage. A total of 106 parking spaces would be provided, of which 69 would be standard size, 32 would be compact and 5 would be accessible. The proposed Master Occupancy Program would limit uses to those with lower parking requirements, such as retail and office as opposed to restaurants, for example.

**Project Setting & Surroundings**

The project is on the north side Portola Drive, one block west from the intersection of 41<sup>st</sup> Avenue, in the Live Oak Planning Area. The subject parcel is approximately 1¼ acre in area and the topography is generally flat. The parcel is surrounded by Community Commercial (C-2) zoning on the south, east and west. A mobile home park, zoned Multiple Residential (RM-3-MH) is located to the north of the subject parcel. There is a mixture of uses on the surrounding commercially zoned properties, including retail, restaurant, office, and auto services. There is also a new mixed-use commercial/residential development on the corner of 41<sup>st</sup> Avenue and Portola Drive, with retail, office and restaurant uses below and apartments above.

There have been a variety of uses on the parcel, under the prior owner, including a chiropractic office, an automobile detail business, and storage of boats and recreational vehicles. None of those uses was permitted, and there is an active Code Compliance investigation on the parcel. The proposed use would remove the unpermitted uses and structures, thus rectifying the violation.

**Zoning Consistency**

The subject property is a 52,620 sq. ft. (1.2 acre) lot. The parcel is zoned C-2 (Exhibit F), and retail sales, personal services, restaurants and other commercial uses are allowed in that zone district. The proposed uses are outlined in the Master Occupancy Program (Sheet A-A, Exhibit A) and limit proposed uses to those with lower parking demand.

The proposed improvements are consistent with the development standards for the C-2 district, as they relate to front, side, rear setbacks and height, with the exception of the rear setback to the residential carports, for which a Variance is proposed, and a small portion of the upper floor (Unit 210 balcony) that is cantilevered into the setback. A condition of approval has been included to remove this minor encroachment (Condition II D (4) (h)). Site standards, as they relate to the proposed project, are as follows:

**SITE DEVELOPMENT STANDARDS TABLE**

	<b>C-2 Standards</b>	<b>Proposed Project</b>
<b>Front yard setback:</b>	10 feet	10'-0"
<b>Side yard setback:</b>	0	4 feet (East) / 26 feet (West)
<b>Rear Yard setback:</b>	0 (15 ft. for residential component)	62'-0" (to main building) <b>(5'-6" to residential for carports-see discussion below)</b>
<b>Building Height:</b>	35 feet maximum	32'-6"
<b>Parking</b>	106 (with 10% reduction)	106

**General Plan Consistency**

The General Plan designation for the parcel on which the building is located is Community Commercial or C-C, and the C-2 zoning is consistent with this designation. This designation is intended to provide well designed centers of concentrated commercial use accommodating a mix of activities serving the general shopping, service and office needs of community-wide market areas.

The proposed retail center will be consistent with this designation, as it is in an area designated for this type of use, and will not represent an increase in the intensity of use that would have a negative impact on surrounding development.

General Plan policy 2.14.6 requires that compatibility to adjacent uses be ensured through the Development Permit process by regulating signage, landscaping, on-site circulation, parking, drainage, site and building design, and traffic patterns. The proposed project has undergone extensive review by Development Review, Environmental Planning, the Department of Public Works and the County Redevelopment Agency to assure that these factors have been considered and addressed. Driveway location, design and on-site traffic patterns will minimize hazards for vehicles and pedestrians. The bulk and scale of the proposed building are appropriate for a community-serving commercial building. Although the project design does differ from other development in the immediate area, adjacent properties carry similar zoning designations and many are vacant or have significant additional development potential. Because the proposed project is consistent with the adopted Pleasure Point Commercial Area Plan (Exhibit G), future new development in the area will be similar to the proposed project with visible storefronts or outdoor use areas at or near the sidewalk. Consistency with General Plan Chapter 8, Community Design, is further discussed under "Design Review."

General Plan Policies 3.21.3 and 3.21.4 require that new development project mitigate impacts on transportation facilities through system improvements and/or transportation impact fees. The applicant has proposed frontage improvements consistent with the adopted plan line for Portola Drive and consistent with the existing improvements installed by the County Redevelopment Agency. In addition, the development is subject to Transportation Improvement Area (TIA) fees based on the number of new vehicle trips attributable to the proposed use.

#### **Setback Variance and Fence Height Exceptions**

The required setback from a commercial (C-2) district structure to a residential (R) zone district is thirty feet, when there is no residential component to the project. For mixed-use developments, however, the residential portion is to be developed according to development standards of Urban High Residential, per County Code Section 13.10.332, which would correspond to a Zoning designation of RM-1.4 to RM-4. The rear setback for that zone district is 15-feet. The applicant is proposing to locate carports and a trash enclosure within this 15-foot setback, with a setback from the property line of approximately five feet, six inches. Because the trash enclosure is uncovered and is, essentially, a six-foot high fence, it is not subject to setback requirements. The residential carports are, however, covered and are subject to setback. Because the proposed carports will help to mitigate the impacts of noise and car headlights on the adjacent residential development, findings for approval of a Variance to the 15-foot setback have been included. Should the Commission feel that the findings are not justified in this case, the carports can be removed from the plan as only structures are subject to required setbacks, not uncovered parking.

A six-foot high fence is allowed on the property line outside of the front setback. During a neighborhood meeting, an adjacent residential neighbor to the west requested an eight-foot high fence along her rear property line. Because the higher fence would be adjacent to the trash enclosure, this request is reasonable, and the higher fence has been incorporated into the project plans.

### **Parking and Circulation**

Project plans indicate that a total of 104 parking spaces would be required for the proposed development. Independent calculations by staff, however, indicate that the total requirement would actually be 106 spaces: 65 for the commercial uses (12,842 square feet at 1 space/200 square feet); 30 for the two bedroom units (2.5 spaces per unit/12 units); 10 for the one bedroom units (2 spaces per unit/5 units); and 8 guest parking spaces (20% of the required 40 residential spaces). Additionally, the project is eligible for a shared parking reduction of 10% (7 spaces) for the commercial uses, as there will be a minimum of three independent property users; two commercial uses downstairs and one upstairs. The applicant has proposed a total of 106 spaces, of which 40% may be compact and five are required to be accessible. As proposed, approximately 30% of the total required spaces would be designated as compact spaces and five accessible spaces are provided, all with accessible path of travel to the building. The majority of the compact spaces are, however, larger than required by the County Code, as they are 8.5 feet by 16 feet, where 7.5 feet by 16 feet would be allowed.

The residential parking is separate from and reserved (as assigned and enforced through the HOA and CC&R's) for use by only the residential units, although additional guest parking, above that required, will be available after business hours for the commercial uses. Although not included in the parking analysis, there is also on-street parking available on Portola Drive.

Access to the parking areas is provided on the western parcel boundary, with secondary access provided onto 40<sup>th</sup> Avenue in case of emergency. Although the applicant did investigate the possibility of a driveway onto 40<sup>th</sup> Avenue, it was determined that the street is sub-standard and could not handle the additional trips generated by the project.

### **Coastal Design Issues and Local Coastal Program Consistency**

Coastal design criteria require that development be sited, designed and landscaped to be visually compatible with the character of surrounding areas; that grading, earth moving and removal of major vegetation be minimized; and that landscaping be compatible with the surrounding vegetation and be suitable to the climate, soil and ecological characteristics of the area. Additional coastal development criteria address ridgeline development, which is not applicable to the project site.

The proposed building is located in a commercial area and has been designed to be compatible with the character of surrounding development. Although there is no common architectural style in the area, the Pleasure Point Commercial Area Plan, prepared by the County Redevelopment Agency, calls for all new development to reinforce the scale, size and pedestrian orientation of the district. New buildings should be located at or near the sidewalk, or should incorporate public areas in the front of the building. Although the Pleasure Point Commercial Area Plan is not a part of the Local Coastal Program, it does express the intent of the Board of Supervisors to guide development in a commercial area that is currently in transition with several undeveloped and under developed sites. This offers an opportunity to enhance the overall commercial district and to provide more pedestrian oriented shops and other services, which will be available to both local residents and visitors.

Because the site is relatively flat, only minor grading or earth moving would be required, and all major, mature vegetation will be retained, with the exception of four of the six existing cypress trees located in the on-site parking area. The four trees that will be removed are in poor health and will

be replaced with a combination of coastal live oaks and Myoporum, an excellent screening combination for the coastal climate.

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.

### Design Review

Commercial projects are reviewed under Chapter 13.11 (Site, Architectural and Landscape Design Review) of the County Code. This project has been reviewed by the County Urban Designer (See Exhibit D). A primary purpose of the Design Review ordinance, as defined by General Plan Objective 8.1, is to achieve functional high quality development through design review policies that recognize the diverse characteristics of the area, maintain design creativity, and preserve and enhance the visual fabric of the community. Because the proposed project is subject to design review, the applicant has submitted architectural photomontages showing the existing street and neighboring building with the new building superimposed in the photo. Architectural plans are included as part of Exhibit "A", which also includes the site plan and landscape plan.

The proposed building design has been designed to retain the existing small building scale by breaking down the mass of the building into five segments. The building is designed enfronting on Portola Drive, with parking behind. This minimizes the impact of pavement and parked vehicles. There is sufficient variation in wall plane, roofline, and architectural treatment to create a sense of human scale and significant pedestrian interest, which is consistent with commercial development along 41<sup>st</sup> Avenue to the east. The second story is stepped back from the first floor for the majority of the building and there are recessed areas on the lower floor to provide additional visual interest. Should the Commission determine that the project does not adequately address the goals of the Pleasure Point Commercial Area Plan by complementing the mass and scale of surrounding development, it may be possible to redesign the front façade and still maintain the basic project concept.

Access to the parking areas is from Portola Drive. Sufficient landscaping is provided in the parking area to meet requirements of one tree for each five parking spaces. A total of 49 trees are proposed for 114 parking spaces, or one tree for every 2.3 spaces. Fourteen of the trees located in the parking area are proposed to be 24-inch box sized, which exceeds the requirement that 25% of the trees be at least that large. Additional landscaping is also proposed along the Portola Drive.

Frontage improvements on Portola Avenue (curb, gutter, sidewalk and landscaping) have been completed by the County Redevelopment Agency. Although pedestrian improvements exist on Portola Avenue, engineered improvement plans will be required for the proposed renovation, to assure that accessibility requirements can be met and that proposed improvements are consistent with the improvements recently installed by the Redevelopment Agency.

The applicant has designed the parking to include significant landscaping, both trees and shrubs, and has proposed wood fencing surrounding the parking area to reduce the impact on adjacent residential development. The proposed configuration of parking and landscaping would create a visual buffer and the restriction of parking in the rear of the parcel to residents only would reduce

the impact of commercial parking on neighboring uses.

### **Traffic and Transportation Issues**

The proposed project would result in an increase in the existing traffic load on local streets. To assess this impact, a traffic report was prepared by Huang Po Consultants, and revised on April 20, 2005. This report determined that approximately 589 vehicle trips would be generated by the proposed project, a net increase of 438 trips above the total existing 82 trips generated by uses currently on-site. Of the 438 new trips, 19 would be generated during the AM peak and 27 new trips would be generated during the PM peak. The impact of the new traffic was evaluated for two intersections in the immediate project area; Portola Drive and 38<sup>th</sup> Avenue and Portola Drive and 41<sup>st</sup> Avenue. Both of these intersections currently operate a Level of Service (LOS) "C" or better and the additional traffic generated will not result in reduced LOS. Analysis by the traffic engineer indicates that the project will increase the average delay at 38<sup>th</sup> and 41<sup>st</sup> Avenues less than 0.5 seconds.

Further analysis for cumulative conditions, based on a 2% growth rate for the next 20 years indicates that, at that time, both of the intersections would operate at unacceptable levels of service both with and without the proposed project. However, for cumulative conditions, analysis assuming the installation of a traffic signal at both intersections indicated that the signals would improve the level of service to C or better. The County General Plan, Policy 3.12.1, establishes LOS "C" as the objective and LOS "D" as the minimum acceptable level of service. The proposed project will contribute to the mitigation of the "bigger picture" improvements in the form of Transportation Improvement Area (TIA) fees, which are designated for road improvements within the Live Oak Transportation Improvement area.

### **Drainage**

Bowman and Williams, Civil Engineers, completed a Drainage Analysis, revised on June 7, 2005, that was reviewed and accepted by the Stormwater Management Section of the County of Santa Cruz Department of Public Works. The proposed drainage system has a series of catch basins along the northern and western property lines. These catch basins will connect to an existing 18" diameter reinforced concrete storm sewer pipe that runs along Portola Drive. According to the County of Santa Cruz Master Drainage Plan, the downstream storm sewer pipe is 36" in diameter, which is over-capacity for a 10-year storm, although the next downstream pipe is 42" in diameter and has capacity for up to a 50-year storm.

To mitigate any drainage problems that could result from the over-capacity downstream drainage, and to be consistent with County Design Criteria, a storage volume of 224 cubic feet is required to limit runoff from the proposed development to pre-development rates. The proposed pervious pavers and gravel storage bed are the primary drainage mitigation measure. An off-line storm sewer detention system has been included in the project plans (Sheet C-1, Exhibit A) to detain additional stormwater, with an outlet control structure to limit runoff to pre-development rates. By utilizing detention and controlling the outflow to current rates, the effect of the proposed improvements on downstream properties will be negligible.

### **Affordable Housing Obligation**

The proposed project is subject to the County's Affordable Housing Requirements pursuant to County Code Chapter 17.10, which requires that a minimum of 15% of the dwelling units be affordable. The affordable requirement is based on the proposed total of seventeen units, or a 2.55 unit total affordable obligation. The applicant is proposing the payment of an in-lieu fee, with an alternative that would designate Units 213 (one bedroom) and 216 (two bedroom) as affordable units and payment of an in-lieu fee for the additional .55 units. Staff is recommending that the two affordable units be built on site, to increase the availability of affordable, for sale housing in this area.

Section 17.10.032(a)(3) of the County Code, however, requires that the average bedroom count in the affordable units not be less than the average bedroom count in the market rate units of the project. As proposed, the average number of bedrooms in the fifteen market rate units would be 1.7, while the average number of bedrooms in the proposed two affordable units would be 1.5. In order to achieve consistency with the provisions of the County's Affordable Housing Ordinance, it is recommended that the applicant designate two, two-bedroom units as the affordable units and pay the in-lieu fee for the additional .55 unit. The in-lieu fee is based on the average market price of the market rate units, as established in the County's Affordable Housing Guidelines.

### **Pleasure Point Commercial Area Plan**

The Santa Cruz County Redevelopment Agency prepared a plan for the merchants, property owners and residents of the Pleasure Point area. This plan focused on the revitalization of the commercial district on 41<sup>st</sup> Avenue, Portola Drive, and the intersection of the two streets. The Santa Cruz County Redevelopment Agency Board of Directors approved this plan on August 15, 1995.

In the section titled "Key Opportunity Sites and New Commercial Construction," the site of this application is discussed directly and indirectly. Among the primary points are those:

- All new development, on any site in the Pleasure Point commercial area, should be designed to reinforce the scale, size and pedestrian orientation of the district
- New or remodeled buildings should be located at or near the sidewalk.
- Parking should be located to the rear of the parcels and should be well marked.
- No one style of architecture is common to the area, but design elements should be carefully planned to enhance the overall district, and to improve the general image.

Staff believes that the proposed project is in conformance with the adopted Pleasure Point Commercial Area Plan. The complete Pleasure Point Commercial Area Plan is included as Exhibit G.

### **Environmental Review**

Environmental review has been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). The project was reviewed by the County's Environmental Coordinator on September 12, 2005. A preliminary determination to issue a Negative Declaration with Mitigations (Exhibit J) was made on September 19, 2005. The mandatory public comment period expired on October 19, 2005, with one comment received. This

Application #: 04-0294  
APN: 032-051-36  
Owner: Abbas Haghshenas

comment was received from the Monterey Bay Area Quality Control District and Condition II D 3 addresses routing the final plans to them for review and comment.

The environmental review process focused on the potential impacts of the project in the areas of drainage and compliance with the soils report. The environmental review process generated two mitigation measures, which addressed the quality of drainage by requiring silt and grease traps and providing monitoring, and requiring that the final plans be revised to reflect the recommendations of the geotechnical report. These mitigation measures have been included as conditions of approval.

### 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

- **APPROVAL** of Application Number 04-0294, based on the attached findings and conditions.
- Certification of the Mitigated Negative Declaration as complying with the requirements of the California Environmental Quality Act.

**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: \_\_\_\_\_

Lawrence Kasparowitz  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-2676  
E-mail: [pln795@co.santa-cruz.ca.us](mailto:pln795@co.santa-cruz.ca.us)

Report Reviewed By: \_\_\_\_\_

Cathy Graves  
Principal Planner  
Development Review