

Staff Report to the Planning Commission

Application Number: 131263

Applicant: Powers Land Planning

Owner: EKB Partners APN: 030-121-49

Agenda Date: January 22, 2014

Agenda Item #: 6 Time: After 9:00 a.m.

Project Description: Proposal to divide a commercial property into two parcels (one for each existing building) with common areas for parking, circulation, and landscaping. No physical improvements proposed. Requires a Minor Land Division.

Location: Property located on the west side of 41st Avenue approximately 600 feet south of Soquel Drive in Soquel.(2701 41st Avenue)

Supervisorial District: 1st District (District Supervisor: John Leopold)

Permits Required: Minor Land Division

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 131263, based on the attached findings and conditions.

Exhibits

A. Categorical Exemption (CEQA

E. Assessor's, Location, Zoning and General Plan Maps

determination)
B. Findings

F. Comments & Correspondence

C. Conditions

D. Project plans

Parcel Information

Parcel Size:

48,288 square feet

Existing Land Use - Parcel:

Two multi-tenant commercial buildings

Existing Land Use - Surrounding:

Community commercial retail and services

Project Access:

41st Avenue

Planning Area:

Soquel

Land Use Designation:

C-C (Community Commercial)

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 Zone District: C-2 (Community Commercial)
Coastal Zone: ____ Inside ___X_ Outside

Environmental Information

Geologic Hazards:

Not mapped/no physical evidence on site

Soils:

Not required

Fire Hazard:

Not a mapped constraint

Slopes:

2-5%

Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

No grading proposed

Tree Removal:

No trees proposed to be removed

Scenic: Drainage:

Not a mapped resource Existing drainage adequate

Archeology:

Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:

X Inside Outside

Water Supply:

City of Santa Cruz

Sewage Disposal:

Santa Cruz County Sanitation District

Fire District:

Central Fire Protection District

Drainage District:

Zone 5 Flood Control District

Project Setting

The subject property is developed with two commercial buildings (approximately 9,000 and 10,000 square feet) with shared parking and landscape areas. The surrounding parcels are a mix of commercial retail and service establishments. The property is served by 41st Avenue and the parking areas are connected via private driveways to the commercial properties to the south.

History

The existing commercial development is the result of a reconstruction of the rear building after a fire destroyed the structure in 2009. The reconstruction was approved under 09-0238 (which amended approvals 226-U, 674-U, D-72-6-29 and 74-1091-PD). The reconstruction resulted in a reduction of the total commercial square footage and included an net increase of 32 parking spaces on the project site. Prior to reconstruction, the commercial use of the property had primarily been as a bulk retail (furniture) business. After reconstruction was completed, the property owners requested a master occupancy approval to allow multiple tenants based on a shared parking arrangement. Commercial Development Permit 10-0083 authorized a master occupancy program to allow multiple tenants in the two buildings on the property.

APN: 030-121-49 Owner: EKB Partners

Zoning & General Plan Consistency

The subject property is a 48,288 square foot lot developed with two commercial buildings. The parcel is located in the C-2 (Community Commercial) zone district, a designation which allows commercial uses. The existing commercial development is a permitted use within the zone district. No physical changes or changes to the allowed commercial uses are proposed as a part of this project. The project is consistent with the site's (C-C) Community Commercial General Plan designation.

Minor Land Division

The applicant proposes to divide the existing commercial property into two separate commercial condominium parcels with common areas for shared parking and landscape improvements. There are no physical improvements proposed. The division of commercial parcels requires a minimum of 10,000 square feet for each individually owned parcel. However, in commercial condominium projects, the total size of individual ownership units may vary as long as the overall property (including commercial building footprints and shared common areas) is a minimum of 10,000 square feet. The proposed division complies with the minimum size requirement in that the total combined parcel area (including building footprints and shared common areas) will exceed 10,000 square feet. Interior setbacks are allowed to vary in common interest developments, and all exterior setbacks will be met to the existing buildings in the proposed parcel configuration.

No improvements are proposed, so no improvement plans are required. The existing Commercial Development Permit 10-0083 that allows multiple-tenants per the approved Master Occupancy Program will continue to apply to the overall site (including shared parking for both commercial buildings located within the common areas).

Conclusion

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

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number 131263, based on the attached findings and conditions.

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

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

Report Prepared By:

Randall Adams

Santa Cruz County Planning Department

701 Ocean Street, 4th Floor Santa Cruz CA 95060

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Report Reviewed By:

Ken Hart

Principal Planner Development Review

Santa Cruz County Planning Department

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

Application Number: 131263
Assessor Parcel Number: 030-121-49
Project Location: 2701 & 2703 41st Avenue
Project Description: Proposal to divide an existing commercial property with two buildings into two separate parcels with common areas.
Person or Agency Proposing Project: Powers Land Planning
Contact Phone Number: 831-600-7401
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).
E. X Categorical Exemption
Specify type: Class 15 - Minor Land Divisions (Section 15315)
F. Reasons why the project is exempt:
Minor land division within the Urban Services Line and all structures are existing with all urban services available
In addition, none of the conditions described in Section 15300.2 apply to this project.
Date:
Randall Adams, Project Planner

Subdivision Findings

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

This finding can be made, in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan and the Zoning Ordinance as set forth in the findings below.

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

This finding can be made, in that the proposed division of land, its design, and its improvements, will be consistent with the General Plan. The project includes an existing commercial development with two separate multi-tenant buildings located in the Community Commercial (C-C) General Plan designation. The proposed project is consistent with the General Plan, in that the existing commercial development and the approved commercial uses will not be modified as a result of this project.

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. No change in existing improvements or services is proposed.

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

This finding can be made, in that the use of the property will be commercial in nature and parcel sizes meet the minimum standards for the C-2 (Community Commercial) zone district where the project is located. The project creates two commercial condominium parcels with shared common areas and is located in the C-2 (Community Commercial) zone district which allows one individually owned commercial parcel for each 10,000 square feet of net developable parcel area. The proposed project is consistent with these requirements, in that the total parcel area (including commercial building footprints and shared common areas) includes over 10,000 square feet of net developable area. Interior setbacks are allowed to vary in common interest developments, and all exterior setbacks will be met to the existing buildings in the proposed parcel configuration.

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

This finding can be made, in that no physical improvements are proposed.

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.

This finding can be made, in that no mapped or observed sensitive habitats or threatened species

will be adversely impacted. No physical improvements are proposed as a component of this project.

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

This finding can be made, in that municipal water and sewer services are available to serve all proposed parcels. No change in existing improvements or services is proposed.

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.

This finding can be made, in that no changes to existing easements are proposed.

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

This finding can be made, in that the resulting parcels are oriented to the extent possible in a manner to take advantage of solar opportunities.

9. 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 no physical improvement are proposed and the existing commercial buildings are compatible with the surrounding pattern of commercial development in the area.

Conditions of Approval

Land Division 131263

Applicant: Powers Land Planning Property Owner: EKB Partners

Assessor's Parcel Number(s): 030-121-49

Property Address and Location: 2701 & 2703 41st Avenue, Soquel

Planning Area: Soquel

Exhibit(s):

D. Tentative Map - prepared by Robert L. DeWitt & Associates, Inc., dated 7/25/13.

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.
- II. A Parcel Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. The Parcel Map shall meet the following requirements:
 - A. The Parcel Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
 - B. This land division shall result in no more than two (2) commercial building parcels, and shared common areas for parking, circulation, and landscaping, as depicted on the approved Exhibit "D" for this permit.
 - C. The following items shall be shown on the Parcel 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 front yards (from 41st Avenue), 0 feet for side yards, and 0 feet for rear yards.
 - 2. Show the net area of each lot to nearest square foot.
 - 3. All easements and dedications to be recorded prior to recordation of the Parcel Map.

4. Any changes from the approved Exhibit "D", including but not limited to the Tentative Map, must be submitted for review and approval by the Planning Department. Changes may be forwarded 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. Any changes that are on the final plans which do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review.

III. Prior to recordation of the Parcel 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. A Common Interest Development (CID) association, or a shared maintenance agreement, shall be formed for maintenance of all areas under common ownership including, sidewalks, roadways, parking areas, landscaping, drainage structures, water lines, sewer laterals, fences, silt and grease traps and buildings. CC&R's, or a copy of the maintenance agreement, shall be furnished to the Planning Department and shall include the following, which are permit conditions:
 - 1. All landscaping on the property shall be permanently maintained by the Common Interest Development (CID) association.
 - 2. All drainage structures, including silt and grease traps and detention facilities, shall be permanently maintained by the Common Interest Development (CID) association.
 - 3. Shared parking for the multiple tenant commercial spaces shall be managed by the Common Interest Development (CID) association.

IV. Operational Conditions

- A. All conditions of Commercial Development Permit 10-0083 (including the master occupancy program for multiple tenants and shared parking arrangements) continue to apply to both parcels. The combined tenant mix of both commercial buildings shall be subject to the requirements (including parking availability as determined by the approved parking study) of Commercial Development Permit 10-0083.
- B. 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. 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, it 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. <u>Settlement</u>. 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. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.
 - 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.

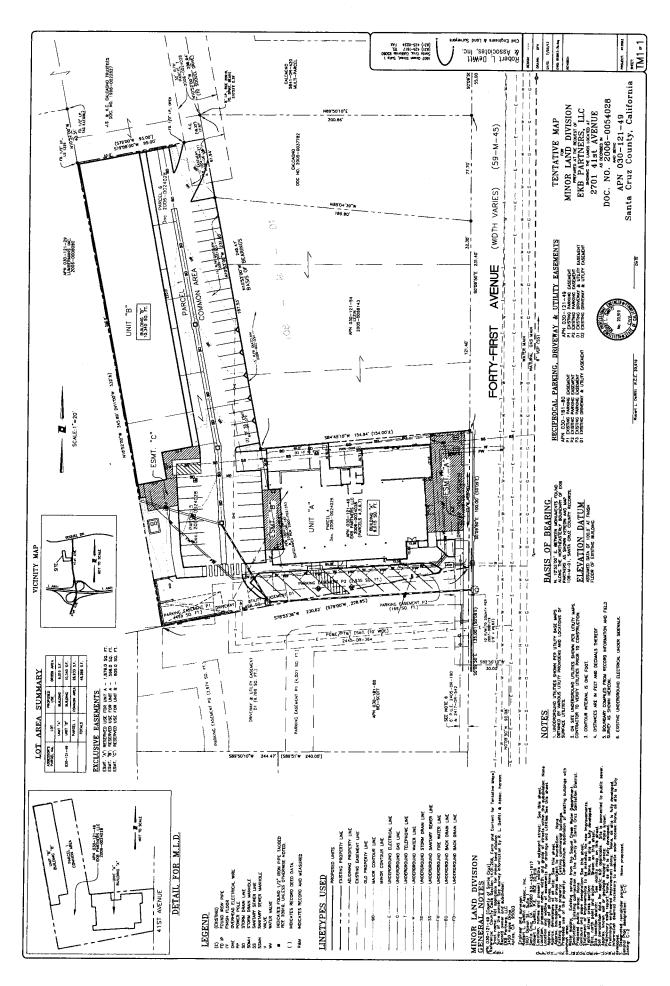
AMENDMENTS TO THIS LAND DIVISION APPROVAL SHALL BE PROCESSED IN ACCORDANCE WITH CHAPTER 18,10 OF THE COUNTY CODE.

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.

cc: County Surveyor

Approval Date:			
Effective Date:	<u></u>		
Expiration Date:			
Ken Hart Principal Planr	er	Randall Adams Project Planner	

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



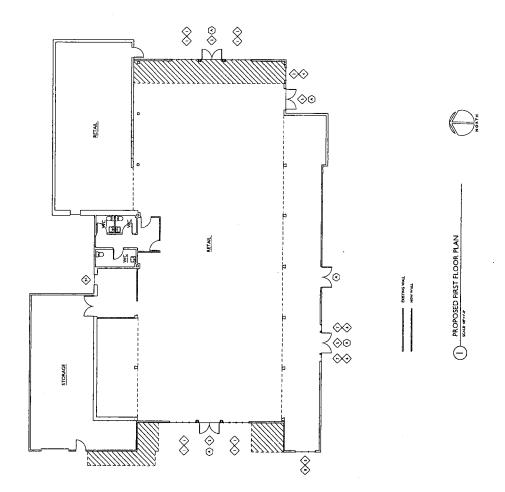


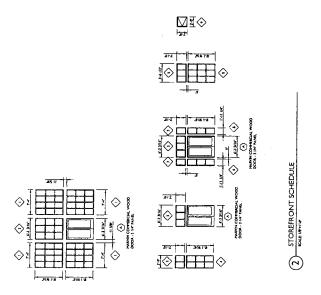


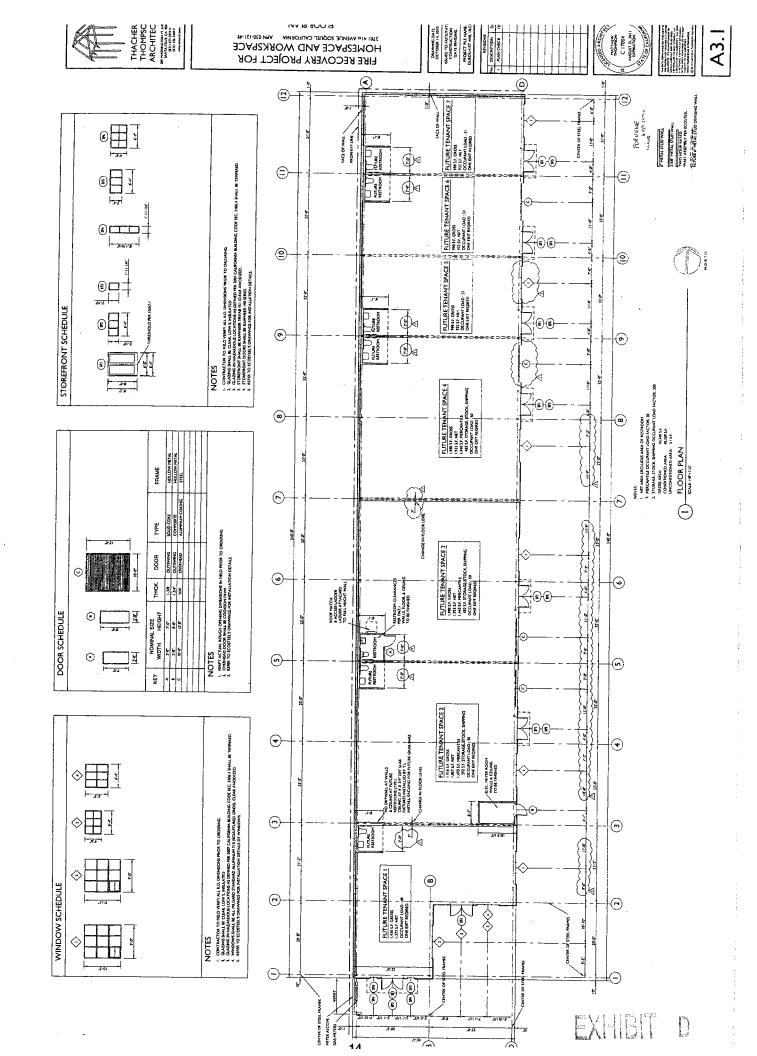


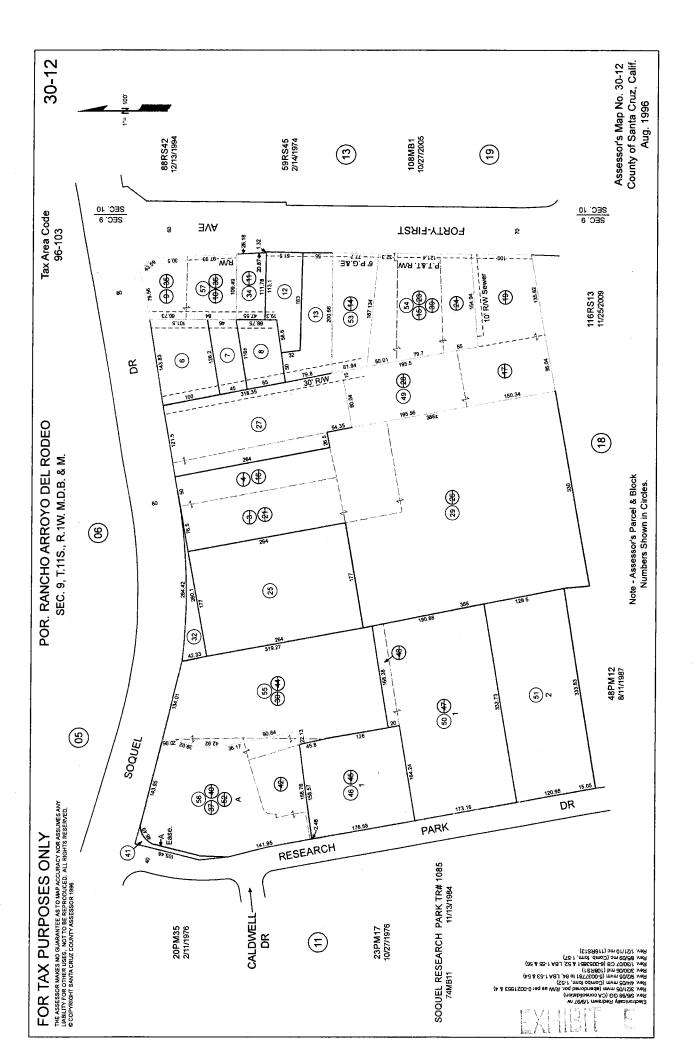






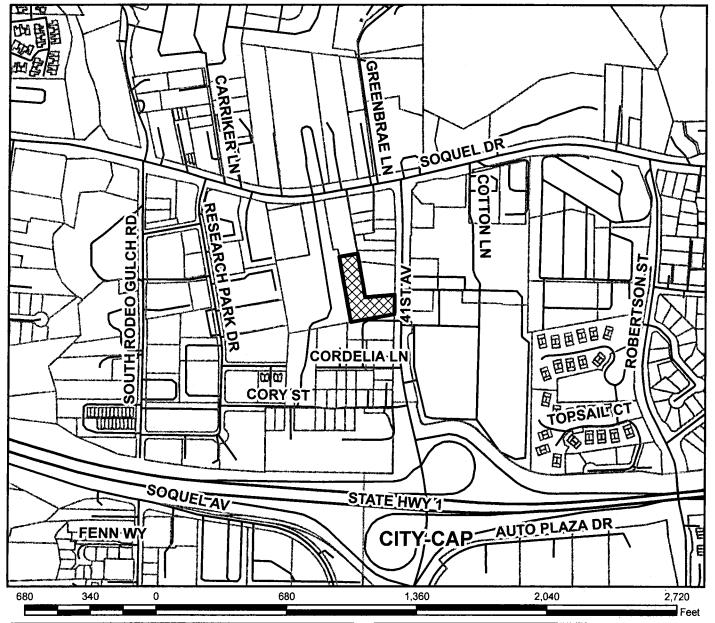




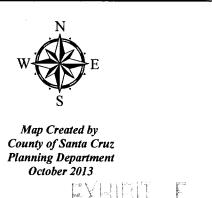




Location Map



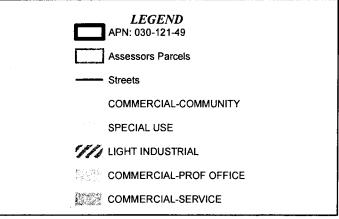
APN: 030-121-49 Assessors Parcels Streets State Highways CAPITOLA





Zoning Map





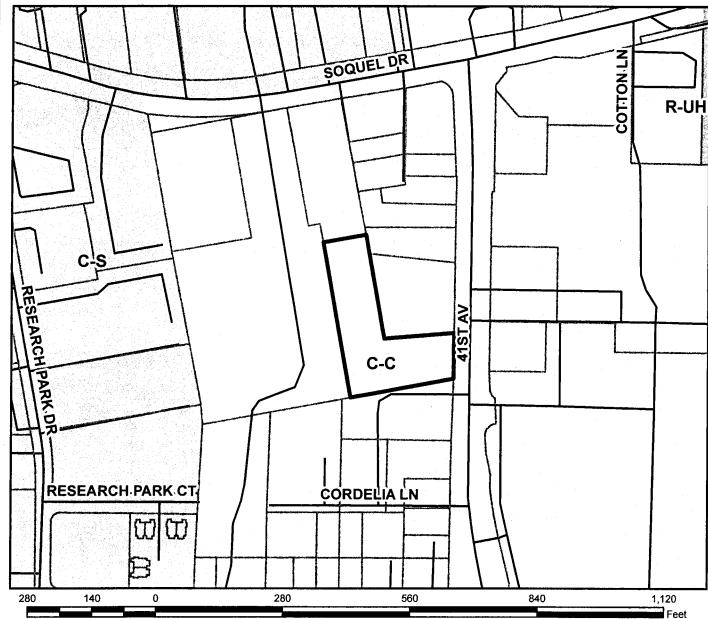


Map Created by County of Santa Cruz Planning Department October 2013

EXHIBIT



General Plan Designation Map





Residential - Urban High Density



Map Created by County of Santa Cruz Planning Department October 2013

EXHIBIT



Powers Land Planning, Inc.

Land Use and Development Consulting

September 24, 2013

Randall Adams County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor Santa Cruz, CA 95060

RE:

Minor Land Division (Commercial Condominium) Application

APN: 030-121-49

Dear Randall and Reviewers,

The purpose of this application is to create separate commercial condominium parcels for the two existing buildings and to create one common parcel for landscaping, drainage, parking and utilities. There is no physical development proposed with this application. No exterior changes to the existing structures are proposed with this application.

The common area includes three (3) exclusive use easements that will be associated with a specific building.

As you know, shared parking agreements exist between the subject parcel and other adjacent or nearby parcels. This proposal does not change the existing parking agreements.

The common parcel will be co-managed by the owners of the buildings as indicated in the draft CCR's for the project.

Please let us know if you have any questions about the proposal. Thank you for your review.

Ron Powers

Enclosures:

Tentative Map with Floor Plans

Preliminary Title Report (Planner application file)

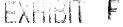
Joint Parking and Traffic Circulation Agreement 2/15/1983 (Planner application file)

Grants of Reciprocal Non-Exclusive Easements and Agreement 10/17/2007 (Planner application file)

P.O. Box 2409 Aptos, CA 95001

Office: 831-600-7401 Mobile: 831-535-3701

Email: ron@powersplanning.com



NOTICE OF NEIGHBORHOOD MEETING EKB PARTNERS PROPERTY COMMERCIAL CONDOMINIUM PLAN

You are being notified of this meeting because your property lies within 300 feet of the boundaries of this property. The County of Santa Cruz Planning Department requires a neighborhood meeting to be completed prior to scheduling the project for a formal public hearing with the County Planning Commission.

MEETING PURPOSE: Allow neighbors to review plans and ask questions relating to the proposed Minor Land Division (Commercial Condominium Plan) located at 2701 41st Avenue. Parcel number 030-121-49.

PROJECT DESCRIPTION: THIS PROJECT IS NOT PROPOSING ANY DEVELOPMENT. The proposal is to create two condominium parcels and one common parcel. One condominium Parcel A would be for the eastern building (current furniture store) and one condominium Parcel B would be for the building to the west. This plan allows the two buildings to have ndependent owners. The parking and landscaping would remain in shared ownership as a common Parcel C.

LOCATION: 2703 41st Avenue, Suite D, Soquel (Discretion Brewing)

DATE: October 15, 2013 **FIME:** 7:00 pm to 8:00 pm

The Dueck family owns this property and members of the family, along with Ron Powers will be available at the meeting to introduce the project and answer questions. If you are unable to attend this meeting, you may contact us for more information:

'owers Land Planning, Inc., Ron Powers
.O. Box 2409
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