



# COUNTY OF SANTA CRUZ

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## 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

**KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR**

**Agenda Date: January 13, 2016**

Agenda Item #: 8

Time: after 9:00 a.m.

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

**Subject: Application 151277**

Request to extend the approved Tentative Map for Minor Land Division 131263

Members of the Commission:

### **Project History**

Application No. 131263 (EKB Properties - Minor Land Division) was approved by your Commission on January 22, 2014. This approval allowed a minor land division to divide an existing commercial property developed with existing commercial buildings to create two separate commercial parcels (one for each building). The approved tentative map is included as Exhibit A and the staff report to your Commission, dated January 14, 2009, is included as Exhibit G for project background information only.

The applicant continues to plan to divide the property, but due to the current economic factors they are requesting additional time to record the map. A 5 year extension has been requested to allow for economic conditions to change prior to the recordation of the map.

### **Permit Extension Process**

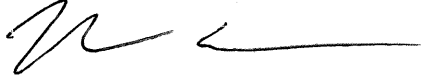
County Code Section 18.10.133 (B) allows for the extension of a tentative map for a period not to exceed a total of five years from the date of original expiration, if an application for extension is filed prior to the expiration of the conditionally approved tentative map. This mirrors the language 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 Minor Land Divisions.

In the case of the tentative map for Permit 131263, the map would expire on February 5, 2016. The request for an extension was submitted on October 6, 2015, prior to the expiration date of the map. The applicant is requesting a five-year extension to February 5, 2021.

### Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **151277**, extending the Tentative Map for Minor Land Division 131263 to February 5, 2016, based on the findings (Exhibit B) and conditions (Exhibit C) for Permit 131263.

Sincerely,



Randall Adams  
Development Review Planner

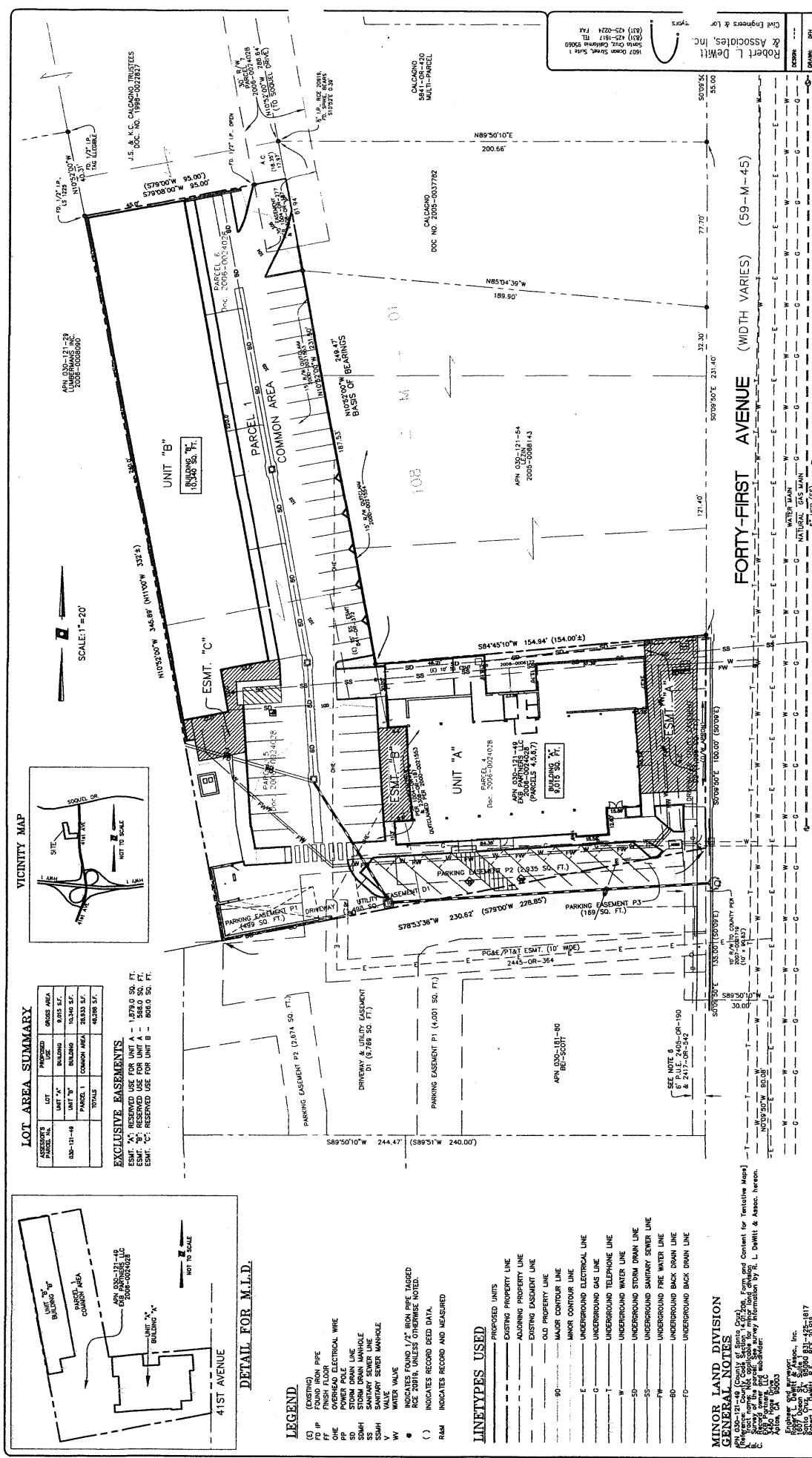
Reviewed by:



Steven Guiney, AICP  
Principal Planner

### Exhibits:

- A. Tentative Parcel Map for Minor Land Division 131263
- B. Findings for Approval for Permit 131263
- C. Conditions of Approval for Permit 131263
- D. Notice of Exemption from the California Environmental Quality Act
- E. Location Map
- F. Correspondence from applicant
- G. Staff report to the Planning Commission, January 22, 2014 with Exhibits (for project background only)

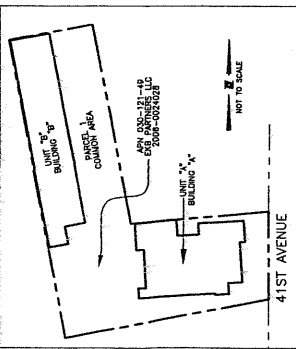


### LOT AREA SUMMARY

ASSESSOR'S PARCEL NO.	LOT	PROPOSED USE	ORIGIN AREA
03-11-48	UNIT "A"	RESIDENTIAL	10,779.0 SQ. FT.
	UNIT "B"	RESIDENTIAL	8,015.0 SQ. FT.
	UNIT "C"	RESIDENTIAL	13,335.0 SQ. FT.
	COMMON AREA	COMMON AREA	28,033.0 SQ. FT.
	TOTALS		60,162.0 SQ. FT.

### EXCLUSIVE EASEMENTS

ESMT. "A" RESERVED FOR UNIT "A" - 10,779.0 SQ. FT.  
 ESMT. "B" RESERVED FOR UNIT "B" - 8,015.0 SQ. FT.  
 ESMT. "C" RESERVED FOR UNIT "C" - 13,335.0 SQ. FT.  
 ESMT. "D" RESERVED FOR UNIT "D" - 28,033.0 SQ. FT.



### DETAIL FOR M.L.D.

### LEGEND

- (G) IP FINISH FLOOR
- FF FINISH FLOOR
- OHE OVERHEAD ELECTRICAL WIRE
- SD STORM DRAIN LINE
- SDM STORM DRAIN MANHOLE
- SS SANITARY SEWER LINE
- SSM SANITARY SEWER MANHOLE
- V VALVE
- W WATER VALVE
- INDICATES FOUND 1/2" IRON PIPE TAGGED
- INDICATES RECORD DEED DATA.
- RAM INDICATES RECORD AND MEASURED

### LINE TYPES USED

- PROPOSED UNITS
- EXISTING PROPERTY LINE
- ADJOINING PROPERTY LINE
- EXISTING EASEMENT LINE
- OLD PROPERTY LINE
- MAJOR CONTOUR LINE
- UNDERGROUND ELECTRICAL LINE
- UNDERGROUND GAS LINE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND WATER LINE
- UNDERGROUND STORM DRAIN LINE
- UNDERGROUND SANITARY SEWER LINE
- UNDERGROUND FIRE WATER LINE
- UNDERGROUND BACK DRAIN LINE
- UNDERGROUND BACK DRAIN LINE

### MINOR LAND DIVISION

GENERAL NOTES:  
 1. THIS MAP IS A TENTATIVE MAP PREPARED FOR THE PURPOSE OF RECORDING THE PROPOSED MINOR LAND DIVISION.  
 2. THE PROPOSED MINOR LAND DIVISION IS SUBJECT TO THE APPROVAL OF THE COUNTY CLERK OF SANTA CRUZ COUNTY.  
 3. THE PROPOSED MINOR LAND DIVISION IS SUBJECT TO THE APPROVAL OF THE COUNTY CLERK OF SANTA CRUZ COUNTY.  
 4. THE PROPOSED MINOR LAND DIVISION IS SUBJECT TO THE APPROVAL OF THE COUNTY CLERK OF SANTA CRUZ COUNTY.

NOTES:  
 1. UNDERGROUND UTILITIES SHOWN PER UTILITY BASE MAPS OBTAINED BY VARIOUS UTILITY PROVIDERS AND LOCATIONS OF SURFACE UTILITIES.  
 2. ON SITE UNDERGROUND UTILITIES SHOWN PER UTILITY MAPS. CONTINUATION TO VERTICALLY UTILITIES PRIOR TO CONSTRUCTION.  
 3. CONTOUR INTERVAL IS ONE FOOT.  
 4. DISTANCES ARE IN FEET AND DECIMALS THEREOF.  
 5. BOUNDARY COMPILED FROM RECORD INFORMATION AND FIELD SURVEY AS SHOWN HEREON.  
 6. EXISTING UNDERGROUND ELECTRICAL UNDER SIGNALS.

### NOTES

1. BASIS OF BEARING  
 ALONG THE NORTHERLY BOUNDARY OF EXISTING PARCELS AS SHOWN ON THE COUNTY RECORDS.  
 2. ELEVATION DATUM  
 ASSUMED DATA OF 180.0' AT FINISH FLOOR OF EXISTING BUILDING.

### RECIPROCAL PARKING, DRIVEWAY & UTILITY EASEMENTS

APN 030-121-48  
 P1 EXISTING PARKING EASEMENT  
 P2 EXISTING PARKING EASEMENT  
 P3 EXISTING PARKING EASEMENT  
 D1 EXISTING DRIVEWAY & UTILITY EASEMENT  
 D2 EXISTING DRIVEWAY & UTILITY EASEMENT  
 D3 EXISTING DRIVEWAY & UTILITY EASEMENT

### TENTATIVE MAP

MINOR LAND DIVISION  
 PREPARED AT THE REQUEST OF  
 EKB PARTNERS, LLC  
 2701 41ST AVENUE  
 DOC. NO. 2006-0054028  
 APN 030-121-49

Santa Cruz County, California  
 Robert L. Dearth, E.C.E. 702879



## **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. The owner's certificate shall include:
  - a. Dedication of additional road right of way, if required, to install frontage improvements along 41st Avenue consistent with the approved plan line for 41st Avenue.
5. 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.
- C. 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 (equal to 150% of engineer's estimate of the cost of improvements), 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:

4. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria except as modified in these conditions of approval.
  - a. The existing driveway apron along the 41st Avenue frontage shall be removed and 41st Avenue frontage improvements shall be installed per the approved plan line for 41st Avenue, except as modified to align with the existing installed traffic signal improvements. Improvement plans shall be subject to review and approval by the Department of Public Works.

#### 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, 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.
- 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**

# 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: 151277

Assessor Parcel Number: 030-121-49

Project Location: 2701 & 2703 41st Avenue, Soquel

**Project Description: Extend approved tentative map for Minor Land Division 131263**

**Person or Agency Proposing Project: EKB Partners**

**Contact Phone Number: (831) 566-9911**

- A.   X   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:

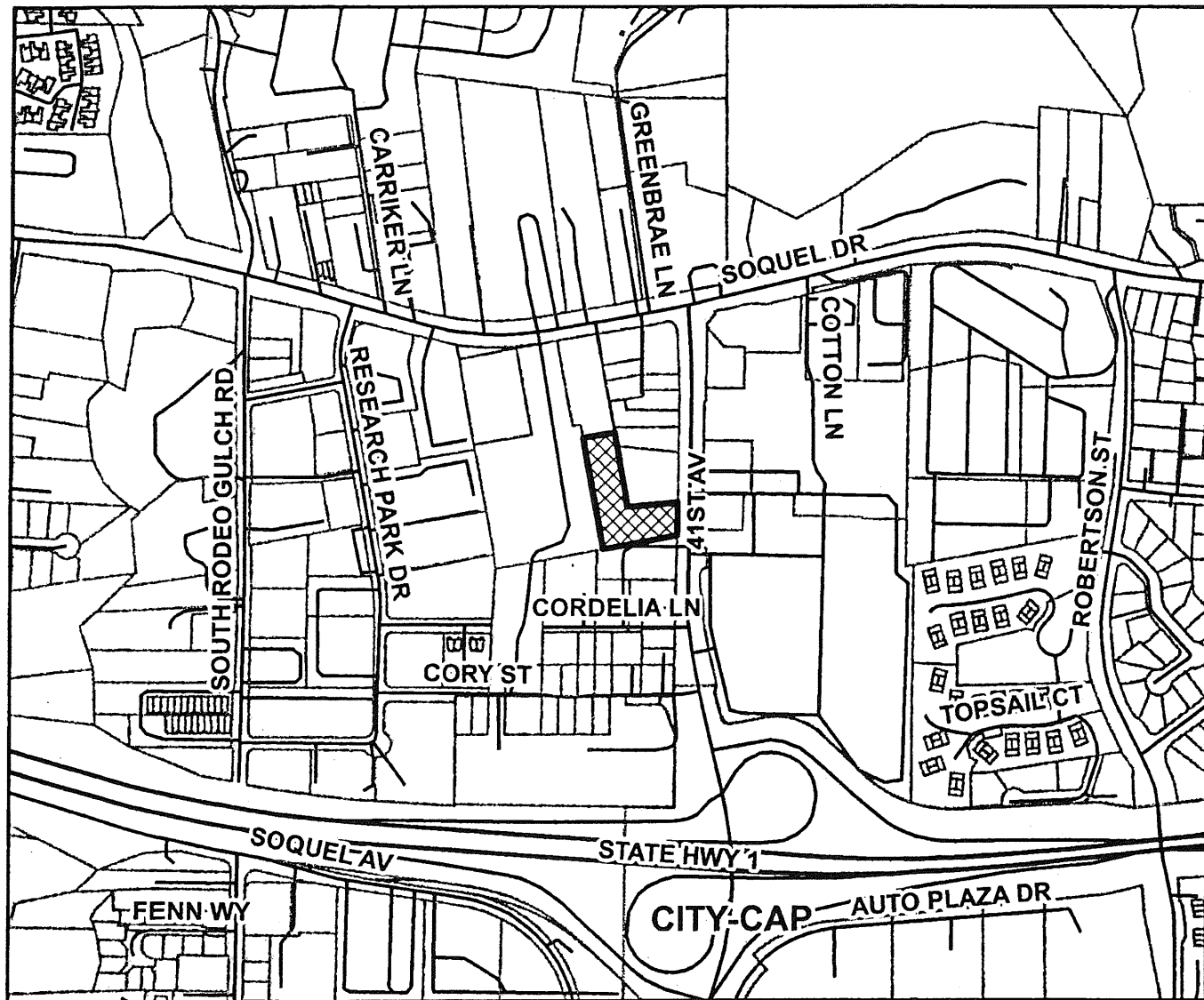
- F. **Reasons why the project is exempt:**

\_\_\_\_\_  
Randall Adams, Project Planner






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

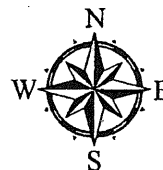


# Location Map



## LEGEND

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



Map Created by  
County of Santa Cruz  
Planning Department  
October 2013

EXHIBIT E

APPLICATION FOR :

SEPTEMBER 25, 2015

TIME EXTENSION OF TENTATIVE MAP

By EKB PARTNERS

MLD Ref. # 131263

To RANDALL ADAMS,

EKB Partners asks for a 5 year time extension, to file a subdivision map, for Parcel # APN 030-121-49

EKB understands an additional cost deposit of \$1,500 is required.

EKB has invested a sizable amount of funds towards this project already and would ask for an extension for the following reasons:

We understand that we are in a re-development zone, that has the potential for development on large scale, that could have an impact how we 'position' ourselves (the property in question), in relation to such development. EKB desires to have the flexibility to take advantage of potentially dividing the property (buildings) into two parcels.

Another goal of the property division, is to allow for the potential of selling one of the buildings (probably the building fronting 41<sup>st</sup> ave), for the purpose of 'exchanging' this single-tenant building for a multi-tenant property, for dispersion of risk.....single tenant vs. multi tenants.

Also, we have been approached by certain parties, that would possibly like to own their space, rather than pay rents. The division of this parcel would allow the potential for this scenario.

At this time, we ask the County for an extension to give us time to formulate these, and other options. As mentioned above, we have invested considerable funding already, so it would be greatly appreciated if the County would grant an extension to give us a chance to complete all the requirements. We definitely desire this project to remain on the books, at the County, and we will make attempts to move forward, as soon as we are able.

EKB Partners,



Brian Dueck, Partnership Representative

**Staff Report to the Zoning Planning Commission**  
**(Minor Land Division 131263)**

**Application Number 151277**  
**Planning Commission Hearing**



## Staff Report to the Planning Commission

Application Number: **131263**

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**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)

**Supervisory 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 determination) | E. Assessor's, Location, Zoning and General Plan Maps |
| 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)

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

Zone District: C-2 (Community Commercial)  
Coastal Zone: ☐ Inside ☒ 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: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: ☒ 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.

### **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**

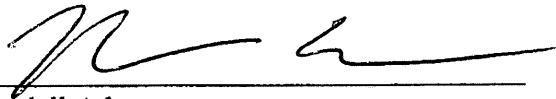
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **131263**, based on the attached findings and conditions.

**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.**



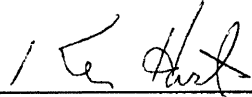
**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

Report Prepared By: \_\_\_\_\_



Randall Adams  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3218  
E-mail: [randall.adams@co.santa-cruz.ca.us](mailto:randall.adams@co.santa-cruz.ca.us)

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. ☒ **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.

\_\_\_\_\_  
Randall Adams, Project Planner

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

## **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

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Owner: EKB Partners

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.

Application #: 131263  
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Owner: EKB Partners

## 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, 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.
- 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.

Application #: 131263  
APN: 030-121-49  
Owner: EKB Partners

**cc: County Surveyor**

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

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

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

\_\_\_\_\_  
Ken Hart  
Principal Planner

\_\_\_\_\_  
Randall Adams  
Project Planner

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









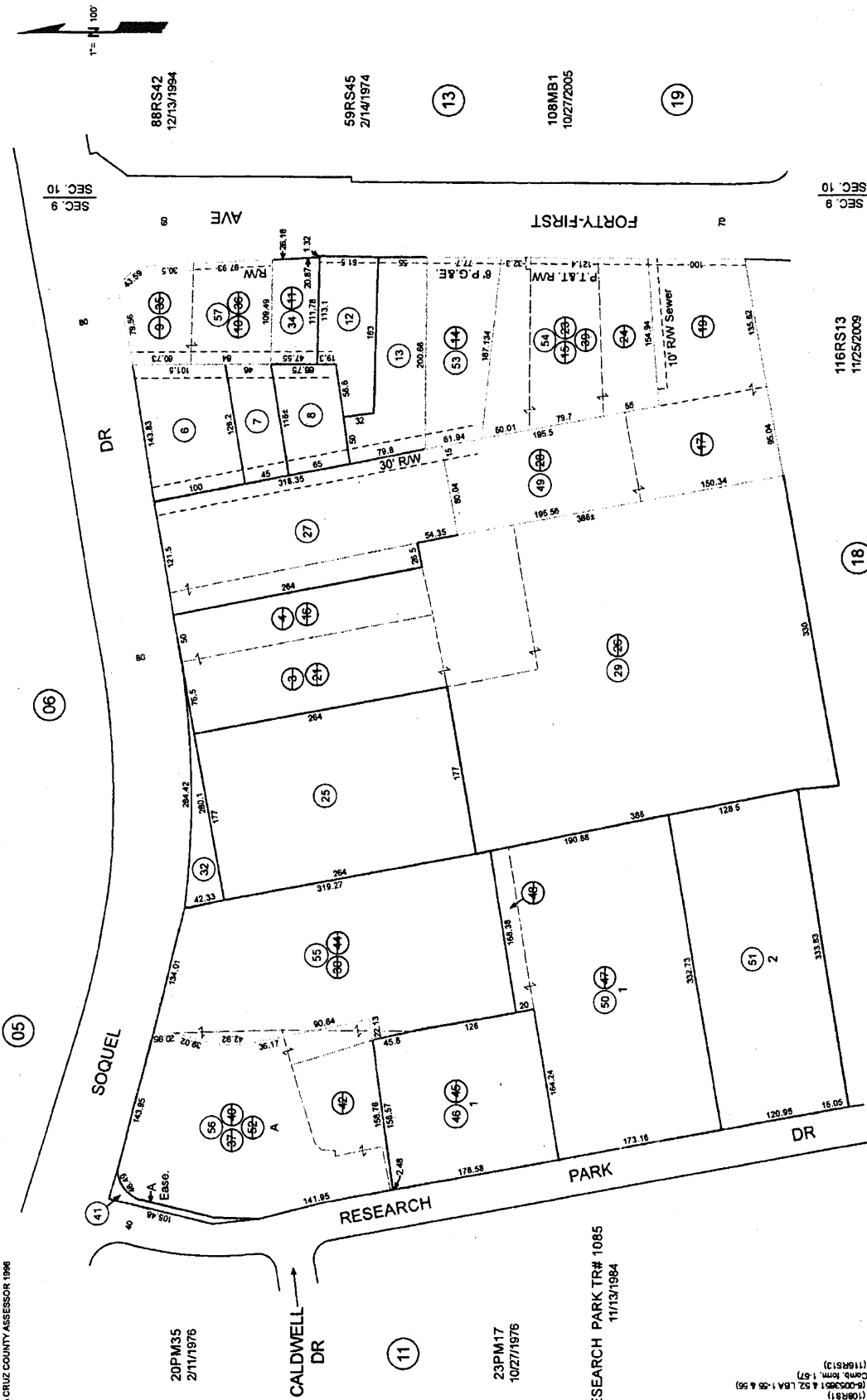
**FOR TAX PURPOSES ONLY**

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1996

**POR. RANCHO ARROYO DEL RODEO**  
SEC. 9, T.11S., R. 1W. M.D.B. & M.

**Tax Area Code**  
96-103

**30-12**



88RS42  
12/13/1994

59RS45  
2/14/1974

108MB1  
10/27/2005

SEC. 10  
SEC. 9

116RS13  
11/25/2009

Assessor's Map No. 30-12  
County of Santa Cruz, Calif.  
Aug. 1996

Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

48PM12  
8/11/1987

SOQUEL RESEARCH PARK TR# 1085  
74MB11  
11/13/1984

23PM17  
10/27/1976

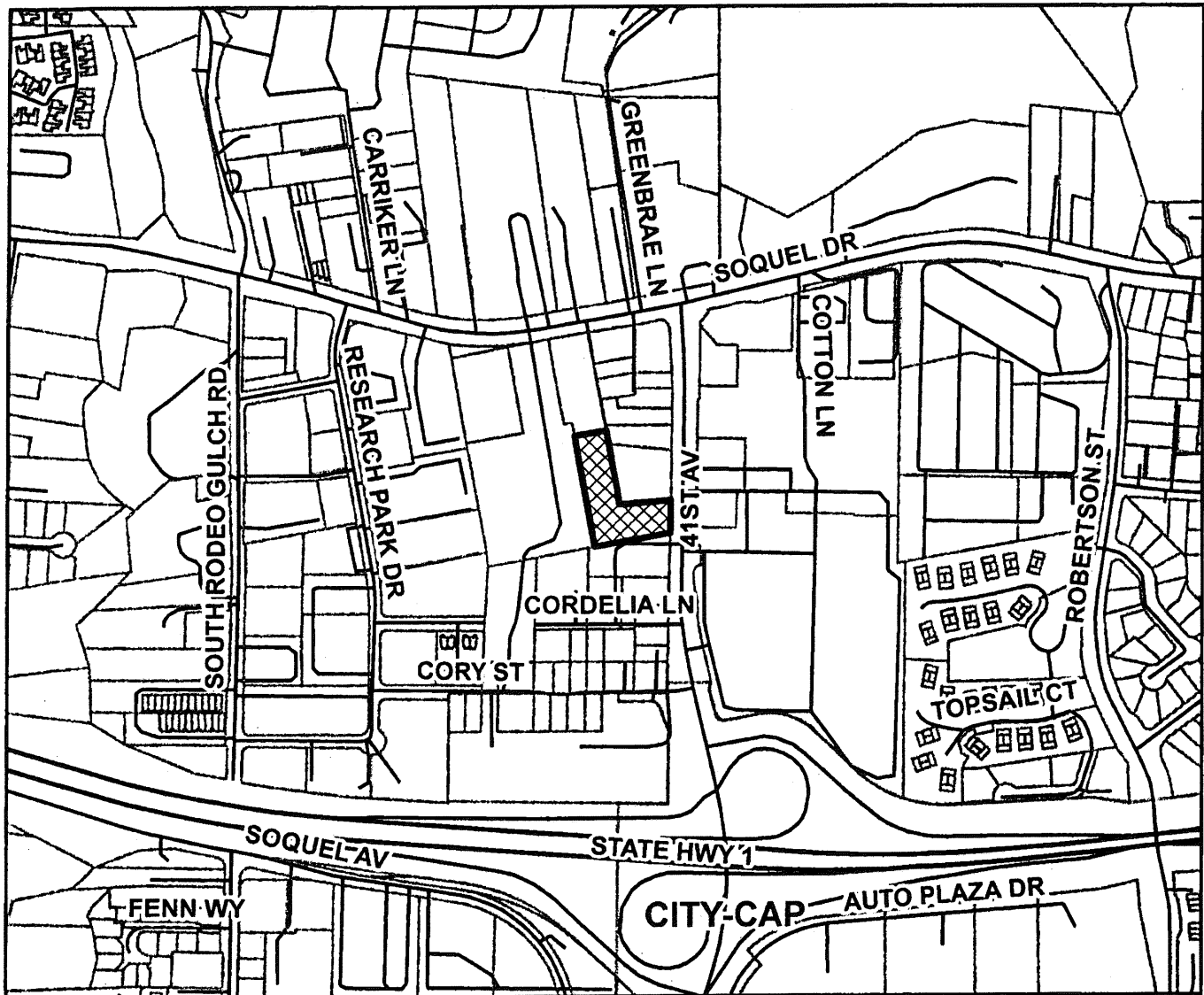
20PM35  
2/11/1976

Electronically Redrawn 1/9/97 by  
Rev. 56/98 G.D. (C.A. consolidation)  
Rev. 32/102 mm (Sanctioned by R.A. per 0-0021553 & 4)  
Rev. 44/05 mm (Combo form, 1/52)  
Rev. 92/05 mm (0-0037781 to 94, LBA 1-53 & 54)  
Rev. 102/01 G.D. (0-003851 & 52, LBA 1-55 & 56)  
Rev. 95/09 mm (Combo form, 1/57)  
Rev. 12/170 mm (116RS13)






**EXHIBIT E**

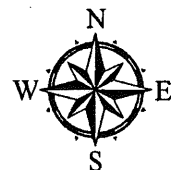


# Location Map



## LEGEND

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

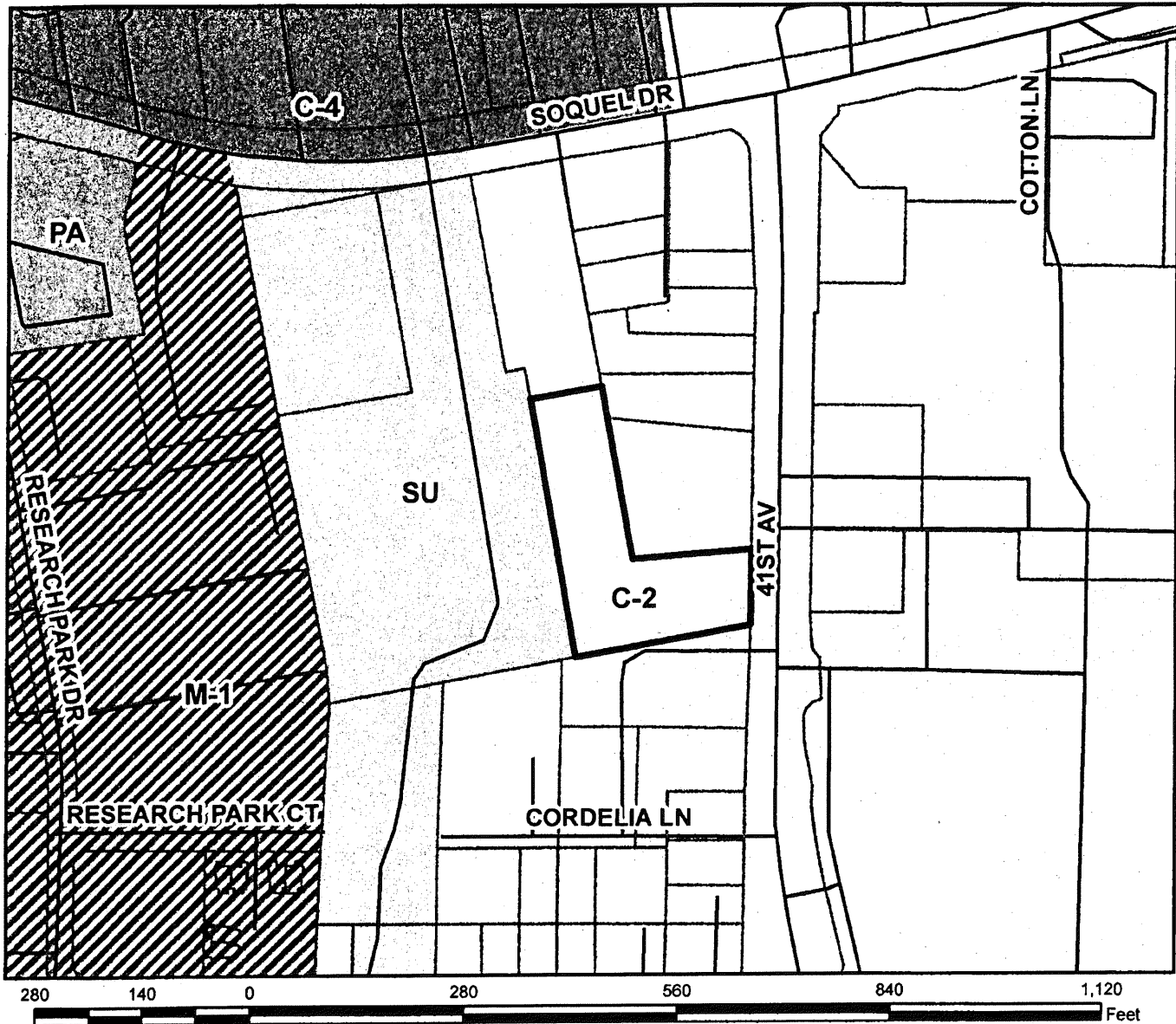


Map Created by  
County of Santa Cruz  
Planning Department  
October 2013

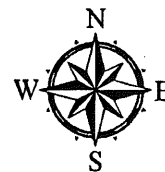
EXHIBIT E



# Zoning Map



- LEGEND**
- APN: 030-121-49
  - Assessors Parcels
  - Streets
  - COMMERCIAL-COMMUNITY
  - SPECIAL USE
  - LIGHT INDUSTRIAL
  - COMMERCIAL-PROF OFFICE
  - COMMERCIAL-SERVICE

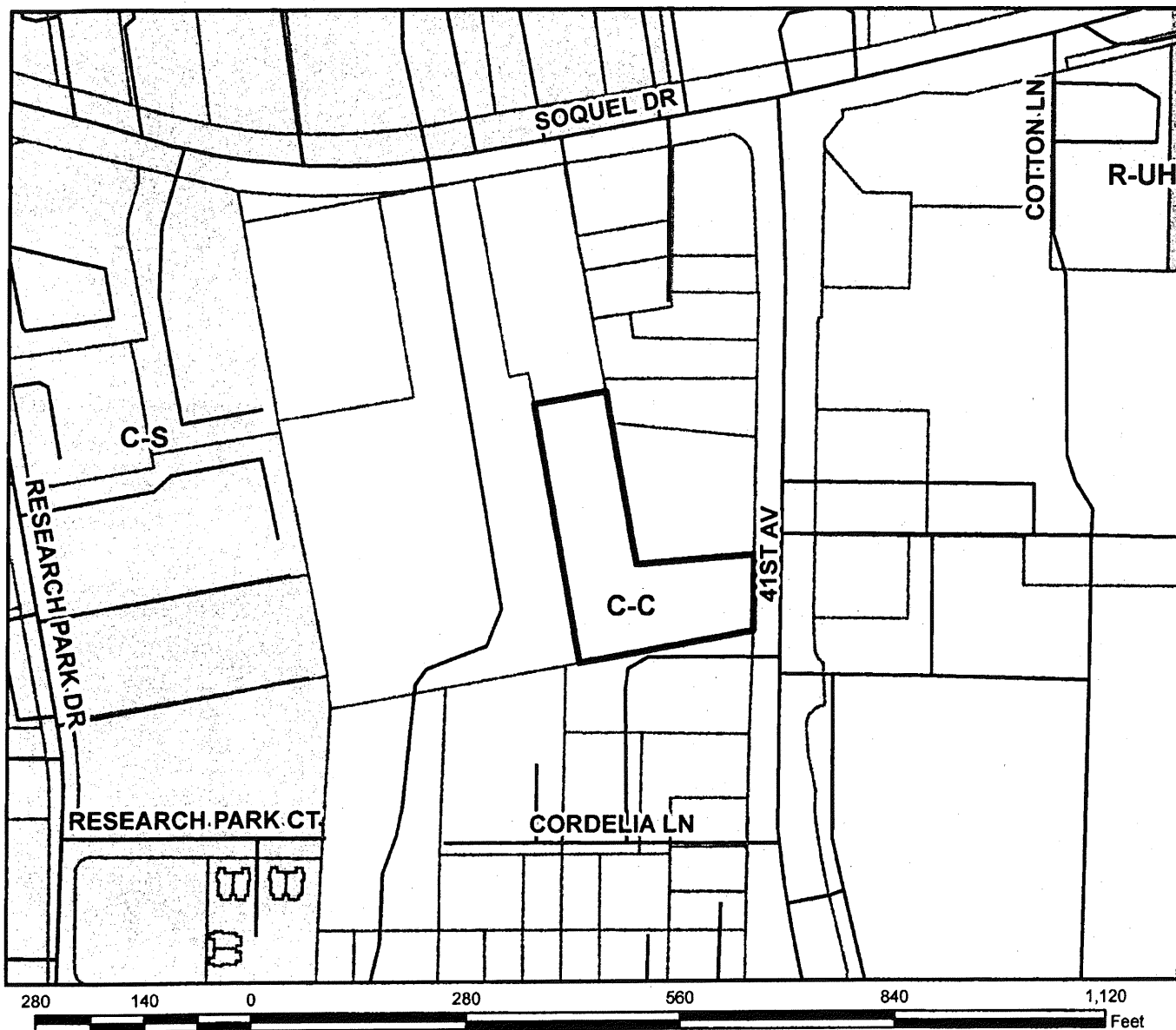


Map Created by  
County of Santa Cruz  
Planning Department  
October 2013

EXHIBIT F



# General Plan Designation Map



## LEGEND



APN: 030-121-49



Assessors Parcels



Streets

Commercial-Community

Commercial-Service



Residential - Urban High Density



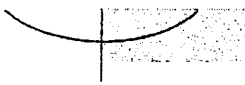
Map Created by  
County of Santa Cruz  
Planning Department  
October 2013

EXHIBIT E



Powers Land Planning, Inc.

Land Use and  
Development Consulting



September 24, 2013

Randall Adams  
County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> 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.

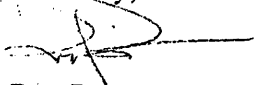
The common area includes three (3) exclusive use easements that will be associated with a specific building.

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.

Sincerely,



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 41<sup>st</sup> 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 independent owners. The parking and landscaping would remain in shared ownership as a common Parcel C.

**LOCATION:** 2703 41<sup>st</sup> Avenue, Suite D, Soquel (Discretion Brewing)

**DATE:** October 15, 2013

**TIME:** 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:

Powers Land Planning, Inc., Ron Powers  
P.O. Box 2409  
Aptos, CA 95001  
31-600-7401  
[ron@powersplanning.com](mailto:ron@powersplanning.com)

Ed Dueck, EKB Partners, LLC  
3450 Haas Drive  
Aptos, CA 95003  
(831) 688-4367  
[eddiedueck@gmail.com](mailto:eddiedueck@gmail.com)