



PLANNING COMMISSION AGENDA REPORT

VII. 7

MEETING DATE: OCTOBER 11, 2010

ITEM NUMBER:

SUBJECT: PARCEL MAP PM-10-134 TO CONSOLIDATE AND RECONFIGURE NINE PARCELS
INTO FOUR PARCELS FOR COSTA MESA CENTER
171 – 187 EAST 17TH STREET

DATE: SEPTEMBER 30, 2010

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136
WSHIH@CI.COSTA-MESA.CA.US

DESCRIPTION

The applicant proposes to consolidate and reconfigure nine parcels into four parcels for Costa Mesa Center.

APPLICANT

C&S Engineers, Inc. is representing the property owner, Vons, A Safeway Co.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


KHANH NGUYEN
Acting Asst. Development Svs. Director

BACKGROUND***Site Location***

The commercial retail center (Costa Mesa Center) is anchored by Vons grocery store, and is located on the southwest corner of Orange Avenue and East 17th Street. The site consists of nine parcels with the same property owner. It is zoned C1 (Local Business District) and has a General Plan designation of General Commercial.

Site Renovation Project (ZA-07-13)

On January 7, 2010, the Zoning Administrator approved Zoning Application ZA-07-13 to facilitate renovation of the shopping center. The project involves the following:

- Demolish two of the three buildings (Vons and adjacent retail shops) and replace with a new Vons grocery store and retail building.
- Reconfigure the parking lot to provide additional parking spaces and landscaping, including two bioswales.
- Upgrade existing building façades for CVS pharmacy and Baja Fish Tacos.

ANALYSIS***Parcel Map Request***

The existing subdivision of the property consists of nine separate lots. The proposal involves consolidation and reparcelization of the property to create **four** separate legal lots as follows:

Table A - Parcel Map Summary

Number	Acreage	Square Feet
Parcel 1 (Vons)	2.87 acres	125,150.11 sq.ft.
Parcel 2 (Retail Building)	0.48 acre	20,716.44 sq.ft.
Parcel 3 (Retail Building)	2.65 acres	115,317.97 sq.ft.
Parcel 4 (Retail Building)	0.21 acres	8,959.58 sq.ft.

The purpose of the proposed subdivision is to accomplish the following:

1. Complete the required reconfiguration of the parcel lot lines for the new Vons Shopping Center. The new supermarket building and associated retail areas approved under ZA-07-13 features a different building footprint than the original Vons. The existing subdivision is inconsistent with the new construction project as there are legal lot lines traversing across the property and proposed structures. Attachment 4 is a site plan of the new Vons Shopping Center approved by the Zoning Administrator in January 2010.

2. Create separate legal lots to accommodate transfer of specified parcels to affiliate formed by Safeway, Incorporated (Vons' parent company). A common practice for large shopping centers is to subdivide the property for financial purposes so that certain parcels may be sold to separate legal entities associated with the parent company. In this case, Property Development Centers, LLC is a Safeway affiliate which would acquire the parcels associated with the other retail buildings (Parcels 2, 3, and 4).

Justification for Approval

Staff supports approval of Parcel Map PM-10-134 for the following reasons:

- Approval of the map would not intensify the allowable commercial uses on the property. Since no changes in the use and square footage of the buildings are proposed, no land use impacts are anticipated with the map approval. The parking and access to the site would continue to be shared to allow the center to function as a single cohesive development.
- Proposed subdivision complies with Zoning Code. While the newly subdivided parcels are considered separate legal parcels, they are tied in common through a land use restriction and shared access/parking agreement. Therefore, staff believes that Code requirements for new subdivisions (i.e. minimum lot size and street frontage requirements) are not applicable to this proposed tentative parcel map.

Condition of approval no. 1 requires recordation of reciprocal ingress and egress easements for shared access, parking, and drainage across all parcels.

- The map is consistent with Zoning Application ZA-07-13. The proposed map consolidates and reconfigures nine parcels into fewer (four) parcels to facilitate a subdivision for the renovated shopping center. The parcels range from 0.21 acres to 2.87 acres, each containing a retail building and parking areas. Although the site would contain multiple legal parcels, it is considered one for purposes of floor area ratio (FAR) and parking calculations and will accommodate the project approved under Zoning Application ZA-07-13.

Condition of approval no. 2 requires recordation of a land use restriction (LUR) to ensure common use and maintenance of all parking spaces, driveways and landscaping for a unified appearance and to ensure the development containing four legal parcels continues to be considered one for purposes of FAR and parking calculations.

- The map is consistent with the State Subdivision Map Act. Approval of the map, subject to conditions and Code requirements, would allow correction of the parcel lines that cross over buildings and allow legal subdivision of a commercial shopping center for separate ownership.

GENERAL PLAN CONFORMITY

Since the parcel map will not affect existing and allowable commercial uses on the property, the project will remain consistent with the General Commercial General Plan designation of the property.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve the application. This would allow subdivision of the site as proposed.
2. Approve the application with modifications. The Commission may require modifications to the parcel configuration and/or include additional conditions. The existing parcels need to be altered, either as proposed by the applicant or under the direction of the Commission, to allow a legal subdivision where lot lines do not cross over existing or new buildings.

Staff does not believe denial of the map is a viable alternative given that the subdivision would rectify inconsistencies with the existing lot configuration and approved construction.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15315 for Minor Land Divisions. If the parcel map is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

CONCLUSION

Staff believes that the parcel map will not have any significant land use impacts. Approval of the parcel map would allow the legal subdivision of an existing commercial shopping center without intensifying the allowable uses on the property or restricting shared access, parking, or common maintenance of the center. Therefore, staff recommends approval of the application.

Attachments: 1	Draft Planning Commission Resolution
2	Applicant Letter
3	Location Map
4	Site Plan
5	Proposed Parcel Map

Distribution: Development Services Director
Deputy City Attorney
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (4)
File (2)

C&S Engineers, Inc.
32605 Temecula Pkwy, Ste. 101
Temecula, CA 92592

Vons, A Safeway Co.
618 Michillinda Ave.
Arcadia, CA 91007

File: 101110PM10134	Date: 093010	Time: 4:00 p.m.
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ATTACHMENT 1

RESOLUTION NO. PC-10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PARCEL MAP PM-10-134

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by C&S Engineers, Inc., representing Vons, A Safeway Company, with respect to the real property located at 171 – 187 East 17th Street, requesting approval of a parcel map to consolidate and reconfigure nine parcels into four parcels for Costa Mesa Center, in the C1 zone;

WHEREAS, Planning Commission held a duly noticed public hearing on October 11, 2010, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Parcel Map PM-10-134 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Parcel Map PM-10-134 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable Federal, State, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 11th day of October 2010.

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS (for approval)**

- A. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15315 for Minor Land Divisions.
- B. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- C. The proposed use of the subdivision is for a commercial retail center which is compatible with the objectives, policies, General Plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.
- D. The subject property is physically suitable to accommodate Parcel Map PM-10-134 in terms of type, design, and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan. While the newly subdivided parcels are considered separate legal parcels, they are tied in common through a land use restriction and shared access/parking agreement. Therefore, Zoning Code requirements for new subdivisions (i.e. minimum lot size and street frontage requirements) are not applicable to this proposed tentative parcel map.
- E. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- F. The subdivision will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the subdivision.
- G. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. The parcel map shall include reciprocal ingress and egress easements for shared access, parking, common area landscaping and drainage across all parcels prior to final map approval.
2. A Land Use Restriction (LUR), executed by and between the applicant and the City of Costa Mesa, shall be approved and recorded prior to or in conjunction with the Final Parcel Map. The Land Use Restriction shall contain and inform future property owner(s) of the following information:
- (1) Highlight the required reciprocal access (ingress/egress), parking, common area landscaping, and drainage easement recorded on the property pursuant to Parcel Map PM-10-134;
 - (2) Indicate that the development site containing the four legal parcels shall be comprehensively considered as a single development site for purposes of calculating floor-area-ratio (FAR) and parking requirements. In other words, the individual structures on each parcel shall not be considered independently of the other structures with regard to Zoning Code requirements for development in the C1 zone. The commercial development standards shall apply to the property as a whole.
 - (3) Indicate that the legal ownership entities of the separate parcels shall jointly be responsible for common use and maintenance of all common areas as identified for the property. These common areas shall include the parking areas, driveways, landscaping, etc. The common areas shall be properly maintained to have a unified, quality appearance.
 - (4) Indicate that the Land Use Restriction shall not expire unless superseded by subdivision of the property as a common-interest development, or other appropriate process as approved by the City's Development Services Director.
 - (5) Contain the conditions of approval for Parcel Map PM-10-134.

Applicant shall submit to the Planning Division a copy of the legal description of the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.

A certificate of occupancy shall not be issued for the Vons building under Building Permit BC10-00149 until the Land Use Restriction and Parcel Map have been approved by the Development Services Director and recorded with the County of Orange. Exceptions to this requirement may be made by the Development Services Director.

ATTACHMENT 2

Project Description

The applicant is requesting approval to subdivide 5.73 acre site into four (4) parcels. Parcel 1 at 2.87 acres; Parcel 2 at 0.48 acres; Parcel 3 at 2.18 acres and Parcel 4 at 0.21 acres. The proposed use of the parcels is for an existing and proposed commercial/office center, which is compatible with the objectives, policies, general land use, and programs specified in the General Plan. The subject property is physically suitable to accommodate the proposed parcel map in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.



August 23, 2010

City of Costa Mesa
Development Service Department
77 Fair Drive
Costa Mesa, CA 92628

Attention: **Planning Division**

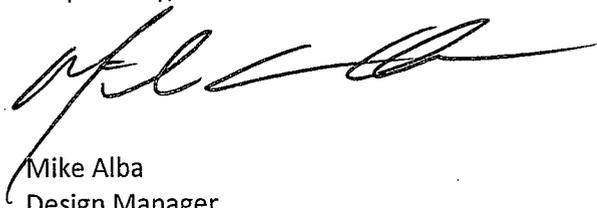
Subject: **Planning Application – Parcel Map
Project Description
Vons - 185 East 17th Street**

This letter is to serve as the "Applicant Letter" as part of the Parcel Map Application for the existing Vons Store located at 185 East 17th Street, Costa Mesa, California. Vons / Pavilions is currently in the process of demolishing the existing store and will construct a new store in the same location on the property. Conditions of Approval for this project are detailed in the Zoning Application No. ZA-07-13, dated February 2, 2010. Listed below are the major project components that will better describe the project:

- Demolition of the existing Von Store and adjacent retail building
- New construction of the Vons Store and adjacent retail building
- Re-grading of both proposed building pads
- Construction of new landscape islands
- Relocation of the handicap parking stalls
- Upgrading the storm water piping system
- Upgrading the Fire Line, Water Services and Sewer Services to both buildings
- Grind and new asphalt overlay of the entire existing parking lot
- Re-construction of the existing driveway entrances on Orange Avenue and 17th Street

Please note that the Building Plans, Precise Grading Plans and Utility Plans have been reviewed and approved by the City of Costa Mesa and respective utility agencies. Should you have any questions regarding this project, please feel free to contact me at (626) 821-5616.

Respectfully,



Mike Alba
Design Manager
VONS / PAVILIONS A Safeway Company

ATTACHMENT 3

LOCATION/AERIAL MAP

