

STAFF REPORT

PROJECT INFORMATION:

Application: Minor Subdivision 1236-16
Date of Hearing: June 15, 2016
Applicant/Owner: Ron Culler
Location: 80 Los Altos Drive, Hollister CA
APN: 020-240-035
Zoning: RR (Residential Rural)
Project Planner: Robert Rivera

PROJECT DESCRIPTION: The applicant is proposing to subdivide an existing 1.37 acre parcel into two parcels. One parcel would be .81 acres; the second parcel would be a .56 acres. Parcel two would be a buildable lot where presumably a single family dwelling could be built.

SITE DESCRIPTION: The subject parcel in total is approximately 1.37 acres in size and the topography of the parcel is flat. The subject property has an existing single family dwelling and proposes to keep the existing home. The properties located North, East, West, and South of the subject parcel are also rural residential.

Scenic Highway: No

Seismic: No

Fire Hazard: High Fire Severity Area

Floodplain: Zone X (outside the 500 year flood) and a very small portion of the driveway is in AE.

Archaeological Sensitivity: Low Sensitivity.

Kit Fox Habitat: Within Impact Fee Area

Other Endangered or Sensitive Species: None known

Soils: AnB, RsD2

PLANNING AND ZONING: The property is designated Residential Mixed (RM) by the General Plan and Rural Residential (RR) by the zoning ordinance. The RR zone is intended to provide areas of mixtures of housing and limited agricultural uses. The single-family dwelling is the primary use while agricultural uses are intended to be of secondary importance. No new buildings are being proposed at this time; however the creation of a buildable lot would presume a future single family dwelling and improvements.

STAFF ANALYSIS: The proposed project will subdivide an existing 1.37 acre parcel into two parcels. The existing parcel is a non-conforming flag-shaped parcel; however, the split will not create multiple non-conforming parcels. Instead, one conforming parcel will be created and the size of the non-conforming flag-shaped parcel will be reduced to the minimum size allowed.

One buildable lot would be created by this project. The proposed project will be served by Hollister City Sewer and Sunnyslope Water District. Both sewer and water would be

provided thereby reducing the minimum building size from one acre to one-half acre. The proposed project is consistent with both the County Zoning Ordinance and General Plan in that it promotes and provides a mixture of housing with the single-family dwelling being the primary use.

ENVIRONMENTAL EVALUATION: An Initial Study and Negative Declaration were prepared for the project. The public review period on the environmental document began on May 17, 2016 and ended on June 9, 2016. No comments were received as a result of circulation of the initial study.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission approve MS 1236-16 along with the CEQA Findings, Subdivision Findings and Conditions of Approval.

CEQA Findings:

Finding 1: That the Initial Study for MS 1236-16 has been prepared in compliance with the provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the San Benito County Implementing Procedures for the California Environmental Quality Act.

Evidence: All provisions including both State and County environmental guidelines and policies for the preparation of an Initial Study have been followed. The environmental documents in the preparation of the Initial Study are filed in the project record located at the San Benito County Planning Department in file number MS 1236-16.

Finding 2: That the Planning Commission has considered the proposed Negative Declaration together with all comments received from the public review process.

Evidence: The Initial Study has been presented to the Planning Commission for the June 15th meeting and comments were made at the meeting. No comments were sent to the Planning Department as a result of the initial study circulation.

Finding 3: The Negative Declaration reflects the independent judgment of the Planning Staff.

Evidence: The Planning Department prepared the Initial Study. This report and the staff recommendation reflect the Planning Department's independent evaluation of the project.

Finding 4: That the Planning Commission has found that there is no substantial evidence that the proposed project will have a significant effect on the environment.

Evidence: The Planning Commission has found that the project has proposed and conditioned, will not result in a significant impact on the environment.

Subdivision Findings: Subdivision Findings:

Finding 1: That the proposed map is consistent with the General Plan or any applicable specific plan.

Evidence: *The site is designated as Residential Mixed in the General Plan's Land Use Element, and allows various types of housing as well as single family dwellings. The minimum parcel size allowed with access to sewer and water is one half acre, which would be consistent with the applicant's proposal. The proposal is consistent with adjoining development within the Rural Residential Zoning District. There are no grade one soils on this property or on surrounding this properties.*

Finding 2: That the design or improvements of the proposed subdivision is consistent with the General Plan or any applicable specific plan.

Evidence: *The proposed project would reduce the size of a current non-conforming lot and create one conforming buildable lot that would be in compliance with the General Plan policies. The proposal is consistent with the surrounding area.*

Finding 3: That the site is physically suitable for the type of development.

Evidence: *The property is located within an area with no environmental constraints. Grade one soils do not exist on this property. The project site has also been identified as "Urban and Built-up Land" by the Farmland Mapping and Monitoring Program, 2012. Therefore, there shall be no conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. The site is physically suitable for development.*

Finding 4: That the site is physically suitable for the density of development.

Evidence: *The property is located within an area with no environmental constraints. Grade one soils do not exist on this property. The project site has also been identified as "Urban and Built-up Land" by the Farmland Mapping and Monitoring Program, 2012. Therefore, there shall be no conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. The site is physically suitable for development.*

The San Benito County Zoning Ordinance requires Residential Mixed to provide a minimum of one half acre per building site, where sewer and water are available. The proposed subdivision follows the requirements set forth in the County Zoning Ordinance. The site is physically suitable for development.

Finding 5: That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: *The projects initial study does not identify nor is the site documented as a being a fish or wildlife habitat area. Therefore, the proposed improvements will not have a significant impact on either fish or wildlife or their habitats.*

Finding 6: That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Evidence: *The project improvements have been reviewed by Responsible Agencies to ensure that the proposed subdivision would not have an impact on public health. Any future developments will be subject to review during the issuance of a building permit.*

Finding 7: That the design of the subdivision or the 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.

Evidence: *This project will not conflict with any existing easements but will require an irrevocable offer of dedication to San Benito County and the public for public use, a full 30 foot right-of-way for the proposed common driveway.*

Finding 8: Subject to Section 66474.4 of the Government Code, that the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and that the resulting parcels following a subdivision of that land are not too small to sustain their agricultural use.

Evidence: *This property is not under a Williamson Act Contract.*

Finding 9: Subject to Section 66474.6 of the Government Code, that the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Division 7 of the Water Code.

Evidence: *The proposed subdivision has been reviewed by the Department of Environmental Health and the San Benito County Water District and has been found not to violate any existing requirements prescribed by the Central Coast Regional Water Quality Control Board.*

CONDITIONS OF APPROVAL:

- 1. Indemnification:** APPLICANT shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter "COUNTY") free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as "Legal Action"), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys' fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT'S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of Applicant's decision not to defend legal action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. [Planning]
- 2. Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan and Conditions of Approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the

land use on the site shall be subject to further Planning Commission review and approval. [Planning]

3. **Compliance Documentation:** The permittee shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
4. **Fire:** Any and all development on this property shall be required to meet the standards set forth in the latest editions of the 2013 California Fire Code, Public Resources Codes 4290 and 4291, Ordinances 822 and 823 of the San Benito County Code and other related codes as they apply to a project of this type and size. [Fire]
5. **Right of Way:** Prior to recordation of the Parcel Map, the applicant shall make the following irrevocable offer of dedication to San Benito County and the public for public use, full 30 foot right-of-way for the proposed common driveway. [Public Works]
6. **Improvements:** Prior to recordation of the Parcel Map the applicant shall bond for or make the following roadway improvements: full 16 foot AC pavement on 18 foot (AB) for the proposed common driveway with county approved turnaround facility. [Public Works]
7. **Geotechnical Report:** Prior to recordation of Parcel Map, a comprehensive design-level geotechnical engineering investigations report shall be submitted for review by Public Works Department. Prior to acceptance of required improvements, a letter of geotechnical compliance shall be submitted to Public Works Department upon completion of site improvements. A note shall be placed on the parcel map referencing the aforementioned reports for future reference by potential property owners. [§ 23.31.023] [Public Works]
8. **Drainage:** As part of submission of engineered improvement plans for this project, the applicant shall comply with County Drainage Standards and provide erosion control details for the project. Included in this will be drainage calculations and construction details for either a retention or detention pond for impermeable surfaces created as part of this project. Details and direction of flows of drainage swales and grades shall also be included. All drainage improvements must be installed in conjunction with any improvements that would create impermeable surfaces as part of this project. [Public Works]
9. **Utilities:** All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations [§23.17.003(F)]. All necessary utilities must be installed or bonded for prior to recordation of the Parcel Map. [Public Works]

10. **Utility Plans:** As part of submission of Improvement Plan for this project, applicant shall include utility plans and have them approved by each corresponding utility companies when applicable, which includes but not necessarily limited to sanitary sewer, water, gas, electric, telephone, and cablevision, and shall furnish copies said approved plans to Public Works Department for concurrence. Said plans shall be part of the final or approved Improvement Plan. [Public Works]
11. **Driveway:** Applicant shall also show exact geometry of the proposed common driveway entrance to allow proper review and confirm that any entrance or exit to a county road does or shall be provided to comply with at least the current standard driveway entrance detail. Construction of said driveway entrance shall be done with appropriate Roadway Encroachment Permit (noted in #13 below) and satisfy noted detail. (This detail is available as a handout as part of encroachment permit packet.) [Public Works]
12. **Encroachment:** Pursuant to § 19.27.004 of the County Code, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County Right-of-Way or any road offered for dedication to the County prior to commencement of any improvements associated with this project. [Public Works]
13. **Street Name:** Prior to recordation of the Parcel Map, the applicant may submit a list of proposed street name(s) for the common driveway from Los Altos Drive to the project site to County Planning and Communications departments for road name approval. Applicant may coordinate and ask the consensus from the neighbors to provide name for the common driveway from Los Altos Drive. [§ 23.07.003.(A)(1) (SBC Code)] [Public Works]
14. **Parkland:** Pursuant to San Benito County Code of Ordinances Section 23.15.008 Dedication of Parkland, the subdivider shall dedicate land; pay a fee in lieu thereof or a combination of both, at the option of the County, for park and recreational purposes. [Public Works]
15. **Storm Water Prevention Plan:** Prior to start of grading and/or construction activities, a Storm Water Pollution Prevention Plan (SWPPP) prepared by a certified QSD/QSP (Qualified SWPPP Developer/Qualified SWPPP Practitioner) shall be submitted to County Public Works Department. A QSD/QSP should be retained for the duration of the construction and should be responsible to coordinate and comply with requirements by the Regional Water Quality Control Board, to file Notice of Intent (per Construction General Permit Order No. 2009-0009-DWQ as amended by 2010-0014 DWQ), and to monitor the project as to compliance with requirements until its completion. [Public Works]
16. **Home Owners Association:** A homeowners association (as defined in Section 23.01.004), duly incorporated under the laws of the State of California, shall be formed for this subdivision. The covenants and restrictions for the subdivision shall provide for its formation and operation and delineate the rights and obligations of the

association, its directors and its members (which must include the right of the association, through its members, to levy assessments that are a legal obligation of members and a lien on subdivided property owned by members of the association). The homeowners association shall be activated at or before the time of approval of the final or parcel map, for the purpose of street lighting, street sweeping, road maintenance, storm drainage, landscaping maintenance and other services directly related to the subdivision. An applicant may propose another option to developing a homeowners association. If so, the applicant's request shall be brought before the Board of Supervisors, reviewed and approved prior to or during approval of the final or parcel map, and any approved alternative shall be activated at or before the time of approval of the final map by the Board of Supervisors. [§23.25.007 (SBC Code)] [Public Works]

17. **Warranty:** Applicant shall provide warranty security in an amount not less than 10% of the estimated cost of construction of the improvements to guarantee the improvements against any defective work or labor done or defective materials used in the construction or installation of the improvements throughout the warranty period which shall be the period of one year following completion and acceptance of the improvements. [§ 23.17.009(C)(4)] [Public Works]
18. **Improvement Plans:** Prior to the recordation of the Parcel Map or before release of alternate Bond, one set of "As Built" Improvement Plans on a suitable reproducible media shall be prepared by the applicant's engineer and delivered to the Public Works Department. [§ 23.31.002.(K)(1)] [Public Works]

Attachments

- A. Initial Study
- B. Vicinity Map
- C. Assessors Parcel Map
- D. Project Parcel Map