

STAFF REPORT

PROJECT INFORMATION:

Application: Minor Subdivision 1243-17
Date of Hearing: January 16, 2019
Applicant/Owner: Darin Del Curto
Location: 2200 Santa Ana Valley Road
APN: 025-090-061
General Plan: Agriculture (A)
Zoning: Agricultural Productive (AP)
Project Planner: Taven M. Kinison Brown

PROJECT DESCRIPTION

The applicant proposes to subdivide an existing 58.98-acre agricultural property already developed with a single family residence and paved driveway, into four residential parcels of 13.89, 5.00, 5.04, and 8.60 acres, respectively, with a 26.45-acre remainder. Parcel 4 would be configured around the applicant's existing residence. The current zoning designation would allow one (1) single-family dwelling on each of the newly created lots and an additional dwelling on each subject to additional criteria, such as minimum building site requirements. Parcels 1 through 4 would be accessed via a 550-foot shared roadway along a 60-foot-wide private ingress, egress and utility easement, which would then continue unconstructed across Parcel 4 to the unbuilt remainder parcel.



The project site is located two miles east of Fairview Road and 4¼ miles east of the center of Hollister.

BACKGROUND

This was first heard by the Planning Commission at its meeting of September 20, 2017. During the hearing, a co-user of the applicant's water supply well objected to the subdivision. The item was not decided upon by the Commission and was continued to a date uncertain. In the last 16 months, the applicant has proven an independent water supply with the County Division of Environmental Health and has requested one additional parcel.

In the recent past prior to this application, Mr. Del Curto successfully processed a General Plan Amendment and Zone Change request (GPA 08-38 and ZC 08-166) from AR (Agricultural Rangeland) with 40-acre minimum parcel sizes to allow for the AP (Agricultural Productive) Zoning District with 5-acre minimum parcel sizes. Calera Wine was also granted the same change in land use intensity under the same action of the Board of Supervisors in Board of Supervisors Resolution 2009-65, which enacted multiple General Plan Amendments at once. (See **EXHIBIT D.**)

SITE DESCRIPTION

The Del Curto property encompasses 58.98 acres across rolling grasslands on the north side of Santa Ana Valley Road, approximately 2.1 miles east of Fairview Road. While the balance of the property is vacant and used for grazing, Mr. Del Curto's estate is on the property with a well-defined paved driveway access to the residence from Santa Ana Valley Road. Properties to the north and east are primarily open grazing lands. The properties to the west are similarly configured with generous parcel sizes and residential estate structures. (See attached **EXHIBIT A** and **B.**)

<u>Scenic Highway:</u>	No
<u>Seismic Hazards:</u>	A small portion of the northeast corner of the property lies within a special studies zone along the Quien Sabe Fault shown on the Special Studies Zone map, Tres Pinos Quadrangle.
<u>Fire Hazard:</u>	Moderate Fire Severity
<u>Floodplain:</u>	Zone X: Areas determined to be outside the 0.2% annual chance floodplain, according to FEMA FIRM 06069C0205D, effective 4/16/2009.
<u>Kit Fox Habitat:</u>	Within impact fee area
<u>Other Species:</u>	California horned lark. (Not federally or state listed)
<u>Soils:</u>	Not Grade 1 Soils
<u>Williamson Act:</u>	Not within a Williamson Act designation.

Proposed Parcel 1 would contain 13.894 acres. This parcel includes approximately 1,100 feet of frontage on Santa Ana Valley Road but would take access from a 750-foot private drive connecting from a circular cul-de-sac-like turnaround area at the end of the shared ingress, egress and utility easement. A recommended building site has been drawn near the lot's east edge, near the top of a roughly 15-percent slope rising approximately 30 feet above Santa Ana Valley Road. The parcel also has potential for further subdivision, although no additional lots are proposed at this time.

Proposed Parcel 2 includes 5.004 acres, including a few agricultural out building structures and a few mature trees, and has approximately 300 feet of frontage on Santa Ana Valley Road. Access to the parcel and its recommended building site though would be from the 60-foot-wide private ingress, egress and utility easement with its circular turnaround area. The elevation on this parcel rises approximately 40 feet from its Santa Ana Valley Road frontage.

Proposed Parcel 3 includes 5.042 acres. Access to the parcel and its recommended building site would come through a driveway shared with Parcel 2 that would connect to the four parcels' shared access drive. An existing water line runs from the northwest across this lot to serve Parcel 4's existing residence. A proposed water line serving the other parcels would follow this parcel's perimeter to connect a water well on the western side of the property with the uphill water storage tanks on the east side of proposed Parcel 1.

Proposed Parcel 4 includes the Del Curto estate, reserving 8.599 acres of the original 59 acres. No development or changes are expected here other than a potential fence separation with the other parcels once a parcel map is approved. Parcel 4 is shown with the Del Curto residence, open stables, barn, out-building/garage, circular driveway turnaround, landscaping and the septic drain field and tank location. This parcel would have water service of its own, not shared with the other parcels.

The **Proposed Remainder** includes 26.448 acres. This lot contains gentle slopes up to 10 percent at greatest and would remain as it was before the subdivision. This other parcels' shared access easement would extend northward to this parcel. Because this is a remainder parcel, and because no construction is proposed on this lot, this part of the easement would not be required to be constructed to the same standards as for the other parcels.

PLANNING AND ZONING

The property is designated as Agriculture (A) by the General Plan and Agricultural Productive (AP) by the Zoning Ordinance. The AP Zone is intended to provide for areas within the county to be used for agricultural production as set forth in the General Plan. In addition to customary agricultural uses, single-family dwellings are an allowed use in the AP District, and building sites shall be five acres at a minimum. No new buildings are proposed at this time; however, the creation of four lots here would enable the construction of future single-family dwellings and improvements on Parcels 1 through 3, and potentially second dwelling units.

STAFF ANALYSIS

The Del Curto property encompasses approximately 59 acres and the intensification of land uses from the former zoning designation of 40 acre minimum building sites under the (old) AR Agricultural Rangeland designation to the AP Agricultural Productive designation with 5 acre minimums has already been considered and acted upon by both the Planning Commission and Board of Supervisors. An Initial Study and Mitigated Negative Declaration (found in **EXHIBIT E**) were part of the record leading to the Board's actions. Mitigation measures simply required future development to be consistent with state and local laws regarding cultural resource protections and compliance with Uniform Building Code requirements, etc.

The Environmental Health Department, County Fire Department and Public Works and Planning Divisions have evaluated the proposal to create the four parcels plus a remainder and have included standard conditions of approval to meet codes and regulations. Briefly:

- Environmental Health has conditioned the project to assure that future septic systems are located within their respective (new) properties, that the Small Water System is adequate, properly named and subject to additional permitting by the Environmental Health Department, and that hazardous materials must be addressed properly if they are to be stored in existing or proposed facilities.
- The County Fire Department (Hollister Fire) has conditioned that proper turnarounds (for emergency vehicles) be provided, that there are fire hydrants no further than 150 feet from (future) homes, and that there are properly-sized water storage tanks for each parcel in proportion to future building sizes.
- The Public Works Division has required that numerous (but standard) conditions be met by the applicant prior to recording a Parcel Map for the property. The Public Works conditions broadly include:
 - Offers of dedication for rights of way;
 - Contribution to roadway improvements;

- Fair-share traffic mitigation fees;
 - Design-level geotechnical engineering investigation (to assure protection of public improvements);
 - Proper drainage and retention facilities, utility installations, and Storm Water Pollution Prevention;
 - Formal and complete improvement plans, encroachment permits and requests for street names;
 - Dedication of parkland and/or payment of in-lieu fees; and
 - Establishment of an agreement for ongoing maintenance of common infrastructure.
 - (San Benito County Traffic Impact Fees {TIF} and others are required at the time of building permit issuance, not with map recordation.)
- The Planning Division has included standard conditions of approval for indemnification, conformity to approved plans, acceptance of conditions of approval, compliance documentation, and the collection of habitat conservation impact fees. The project is below the parcel count (less than 5) for the San Benito County Inclusionary Housing Ordinance to apply.

ENVIRONMENTAL EVALUATION

The attached resolution (see **EXHIBIT C**) contains an Addendum to the mitigated negative declaration of GPA 08-38 and ZC 08-166, the prior General Plan Amendment and Zone Change enacted on this property. The prior mitigated negative declaration found that no significant environmental effects would result from that project, which reduced the minimum lot size from 40 acres to 5 acres, with simple conditions added to the approval to assure that existing regulations and customary practices would be followed in the future. No comments resulting in substantial revision of the document were given during that time. The Board of Supervisors adopted this document with Board Resolution 2009-65 (attached as **EXHIBIT D**), which included findings recognizing the mitigated negative declaration's conclusions under the California Environmental Quality Act (CEQA).

The Addendum expresses that the current proposal would not have further potential for significant environmental effects beyond the GPA 08-38/ZC 08-166 mitigated negative declaration. State CEQA Guidelines Section 15162(a) lists conditions under which a subsequent environmental review would have been required, and the Addendum finds those situations do not exist for this project. Given conditions of approval recommended by staff, any impacts would be managed with the same practices used for most projects of this type and would be mitigated sufficiently.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution, which includes findings, conditions of approval, and the California Environmental Quality Act (CEQA) Addendum to the previously adopted negative declaration for GPA 08-38 and ZC 08-166. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve Minor Subdivision 1243-17 Tentative Parcel Map, subject to the conditions of approval found in the resolution.

EXHIBITS

- A. Proposed Tentative Parcel Map
- B. Project Data Sheet
- C. Planning Commission Resolution 2019-____ (draft, including CEQA Addendum)
- D. Board of Supervisors Resolution 2009-65, approving GPA 08-38 and ZC 08-166
- E. General Plan Amendment 08-38 and Zone Change 08-166 Initial Study/Mitigated Negative Declaration (study text only)

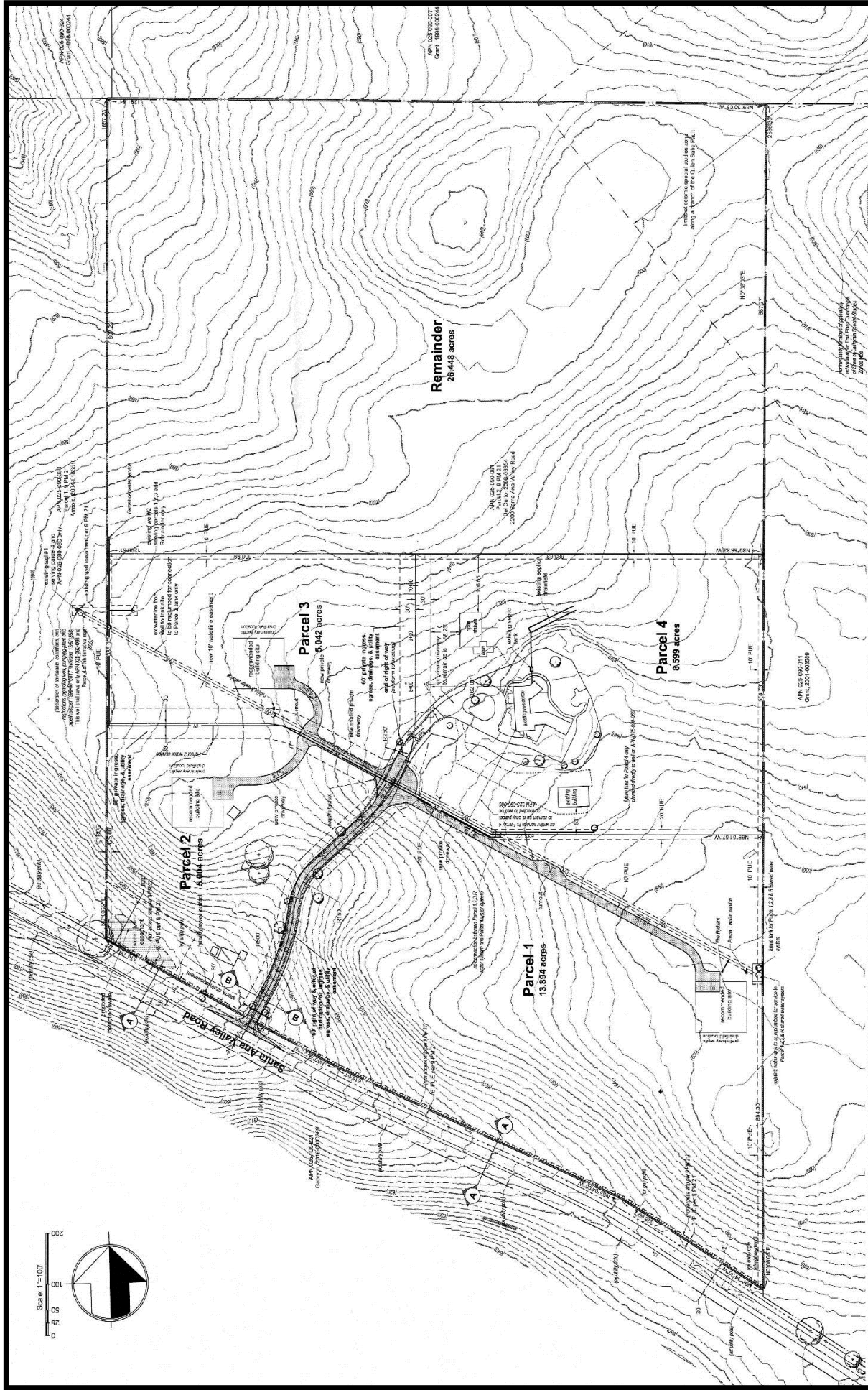


EXHIBIT A. Proposed tentative parcel map with Parcels 1 through 4 to the south and a remainder parcel to the north. Proposed Parcel 4 is currently built with a residence. Access would be shared via a drive to Santa Ana Valley Road.

EXHIBIT B
Project Data Sheet
Darin Del Curto MS 1243-17
2200 Santa Ana Road

Project proposal: To allow a minor subdivision of 58.98 acres into four lots plus one remainder

Assessor Parcel Number: 025-090-061

Legal Lot of Record: Parcel 2 as shown in that certain parcel map recorded on November 12, 1998, in Book 9 of Parcel Maps, at Page 21, Official Records of San Benito County, State of California.

Permit Requirement: Minor Subdivision

Zoning: Agricultural Productive (AP)

General Plan: Agricultural (A)

Land Use: Agricultural with a residential estate

Minimum Building Site Allowed: 5 Acres

Lot Sizes:

Parcel 1	13.894 acres
Parcel 2	5.004 acres
Parcel 3	5.042 acres
Parcel 4	8.599 acres
Remainder	26.448 acres
	<hr/> 58.987 acres

Sewage Disposal: Individual On-site Septic

Water: Existing well – private water system

CEQA Determination: Addendum to GPA 08-38 and ZC 08-166 Mitigated Negative Declaration to find no significant impacts to result from the project provided compliance with conditions of approval, including prior adopted mitigation measures.

FEMA Flood Zone: Zone X, areas determined to be outside the 0.2% annual chance floodplain, according to FEMA FIRM 06069C0205D, effective 4/16/2009.

Fire Severity: Moderate Fire Severity

Within earthquake fault zone: A small portion of the northeast corner of the property lies within a special studies zone along the Quien Sabe Fault shown on the Special Studies Zone map, Tres Pinos Quadrangle.

Williamson Act Contract Area: No

Is the proposal consistent with the General Plan Designation and Zoning? Yes. All proposed lots exceed the 5 acre minimum attributable to the Agricultural Productive Zoning District.