



San Benito County Resource Management Agency

Public Works / Planning & Building / Parks / Integrated Waste

JOHN GUERTIN, Agency Director

TO: Members of the Board of Supervisors
FROM: Michael Kelly, Associate Planner
DATE: February 5, 2019
RE: **County File PLN170009 (Zone Change and Tentative Subdivision Map)**

Planning staff is presenting to the Board of Supervisors County file PLN170009, a request for approval of a zoning map amendment and tentative subdivision map on Assessor's Parcel 020-650-020, or 569 through 579 South Ridgemark Drive.

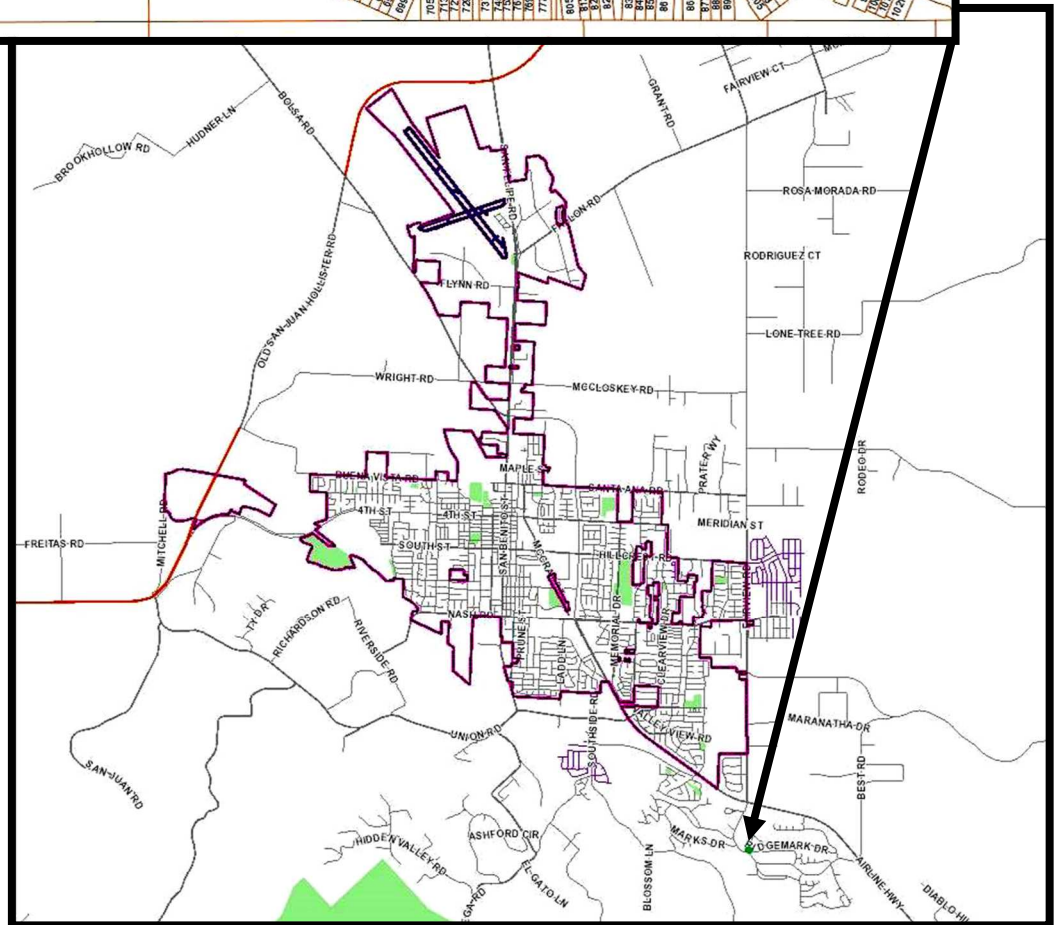
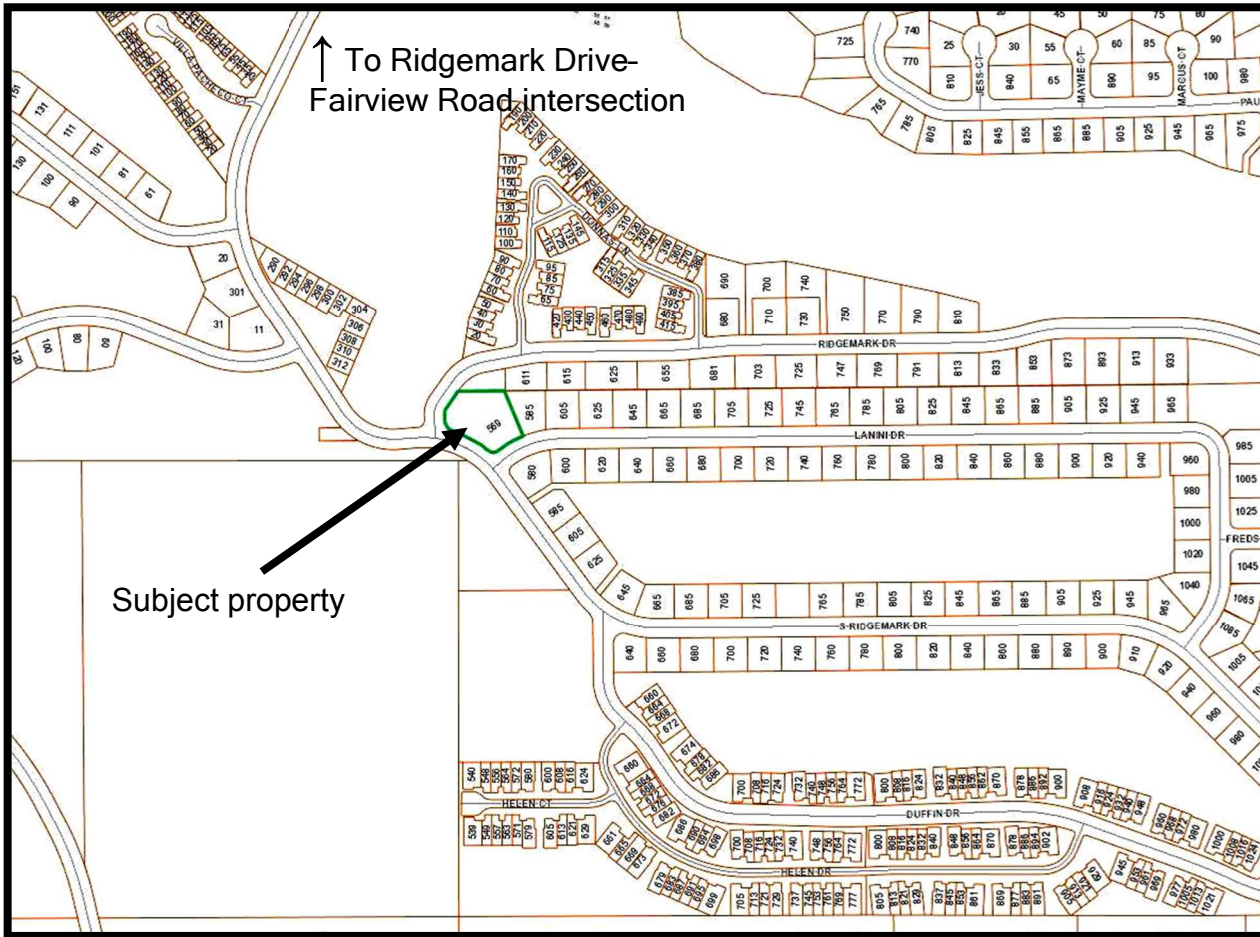
PROJECT DESCRIPTION

The applicant and owner, Chao Wu, proposes the rezoning of an already-built 0.64-acre parcel from Residential Multiple (RM) zoning to Residential Multiple/Planned Unit Development (RM/PUD). The applicant also proposes a tentative subdivision map establishing six lots, or one lot for each existing residence, each with a zero-lot-line design, permissible under the proposed changed zone.

SITE DESCRIPTION

The 0.64-acre project site is located near the center of the Ridgemark development at the meeting point of its main internal street (South Ridgemark Drive, becoming Ridgemark Drive to the west) and two other streets (Lanini Drive and a separate segment of Ridgemark Drive). The site is currently built with three residential duplex buildings, constructed in 2016 at a density of 9 $\frac{3}{8}$ dwellings per acre. Prior to this time a real estate office stood on the property.

Eastward are single-story single-family dwellings on lots of about a quarter-acre, and northward are one- and two-story townhouses attached in twos and fours. To the northwest, across Ridgemark Drive, is open space historically used as part of Ridgemark's golf course but more recently proposed for residential development (file PLN170008), though not currently approved for this use. Just beyond that on Ridgemark Drive is a cluster of zero-lot-line, small-lot houses, with larger-lot residences west of there. To the south is currently open land that was approved in April for development including 90 residences (TSM 15-94).



PLANNING AND ZONING

The site is zoned Residential Multiple¹ (RM), the intent of which being “to allow for areas of multiple-family dwellings, in areas already developed to urban density, as well as having utility services to allow this density to continue. This will allow unincorporated pockets of urban concentration to occur where public sewer and water, as well as circulation, other utilities and services that exist or can be provided.” Where public sewer and water services both exist, the zone envisions 8 to 20 dwelling units per acre and states no minimum lot area requirement but does ordinarily require minimum setbacks from property lines.

The Planned Unit Development² (PUD) combining district, proposed for this project as an overlay onto the site’s existing RM zoning, can be used to modify these standards while maintaining the overall intensity of the base zone. The district’s purpose includes encouraging “a greater variety in type, design and layout of dwellings” and “provid[ing] an alternative procedure which can relate the type, design and layout of residential development to the particular site.” While PUD zoning generally maintains the setback distances of the base zone, County standards for subdivision design address planned unit developments³ as a distinct class of subdivisions that are allowed non-standard setbacks as well as other features of non-standard lots. Such subdivisions may take place provided “a desirable living environment can be created in the development, at no disadvantage to the general public.” In practice, the County has allowed setback modifications under this provision where deemed suitable for the specific setting of the project.

The RM zone, including its combination with the PUD overlay, corresponds to the General Plan Land Use Element designation of Residential Mixed (RM), described as “allow[ing] areas of unincorporated urban uses ... [in] areas that are largely developed and have public infrastructure and services necessary to support the increased density,” permitting up to 20 dwelling units per acre and a maximum floor area ratio of 0.8 (the rule that interior floor area is not to exceed 80 percent of lot area regardless of the building’s layout on the lot).

ENVIRONMENTAL EVALUATION

No physical changes would occur from this subdivision, with all results to take place on a paper subdivision map that would legally place each residence on its own lot. This is similar in effect to other

Owner/Applicant: Chao Wu.

Location: 569, 571, 573, 575, 577, and 579 South Ridgemark Drive.

APN: 020-650-020.

Zoning: Residential Multiple (RM).

General Plan: Residential Mixed (RM).

Legal Lot of Record: Successive lot line adjustment (LLAs 90-207, 05-468) followed by development permit issuance (2006, 2015).

Minimum Building Site Allowed: No stated minimum.

Land Use: Six residences in three duplexes on one lot.

Sewage Disposal: Sunnyslope County Water District.

Water: Sunnyslope County Water District.

State Farmland Map Designation: Urban and Built-Up Land.

Land Conservation Act (Williamson Act): Not a preserve.

Soils: Rincon loam, 2 to 9 percent slopes (Grade 1).

Seismic: Not within an Alquist–Priolo Earthquake Fault Zone.

FEMA Flood Zone: Zone X, or areas determined to be outside the 0.2% annual chance floodplain, according to FEMA Flood Insurance Rate Map 06069C0215D, effective April 16, 2009.

Fire Severity: Urban unzoned (local responsibility area).

Archaeological sensitivity: Not sensitive.

¹ County Code §25.11.040 *et seq.*

² County Code Chapter 25.19.

³ County Code §23.25.004

subdivision types addressed by State CEQA Guidelines Categorical Exemptions Class 1 (Existing Facilities), including “[d]ivision of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt.” The existing residences were constructed under a ministerially-issued building permit, which was found to be in agreement with the site’s RM zoning, established following the County’s 1984 comprehensive zoning update⁴. The portion of the project involving a zoning map amendment, the overlay of the PUD zone, would enable only the lot lines on paper and no further physical change. The project would not take place in an extraordinary place or situation that would involve the CEQA Guidelines §15300.2 exceptions from exemption by affecting resources of critical concern, contributing to an arguably significant or cumulative impact, or meeting other criteria found in the code section.

STAFF ANALYSIS

Any effect of the subdivision would not be visible. No physical change would occur, and the residences would remain in their current state except with the possibility of separate ownership. Given that the residences are built as duplexes, the only way to allow separate ownership by means other than condominiums is by drawing non-standard lot lines.

The County Subdivision Ordinance permits this provided that “a desirable living environment can be created in the development, at no disadvantage to the general public,”⁵ and proceeds to list multiple means to achieve this outcome that include features of this proposal. Among them are “less than standard setback distances,” “structural forms as town houses” (similar to these duplexes), “[u]sing common driveways,” and “[m]ixing dwelling classes or lot sizes beyond that possible with standard zoning.” The existing construction resembles this approach, and the subdivision as proposed further pursues it.

The County General Plan also favors the PUD approach to some degree. The variation allowed by the PUD district helps implement Policies LU-4.1, HOU-2A, HOU-2I, and HOU-2L, encouraging a variety of housing types. Policy LU-4.5 encourages “innovative site planning techniques,” endorsing the use of creative approaches to land use that could include the non-standard lots of this proposal.

At its meeting to review this project on December 5, 2018, the Planning Commission adopted Resolution 2018-12, regarding the rezoning and the conditional approval of the tentative subdivision map. This resolution is considered to be conditional approval of the map conditioned on the Board’s adoption of the rezone notwithstanding the resolution’s inadvertent language describing the action as a recommendation. The Board resolution accompanying this staff memo makes the California Environmental Quality Act (CEQA) finding, Zone Change findings, Planned Unit Development findings, and Subdivision findings in agreement with those contained in Planning Commission Resolution 2018-12. With these findings by the Board and concurrent adoption of the rezone ordinance, the Board by adopting the resolution would thereby affirm the Planning Commission’s conditional approval of the tentative subdivision map.

⁴ County Ordinance 479.

⁵ County Code §23.25.004(C).

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors review this report, hold a public hearing, and hear any proponents and opponents of the proposed project. Staff further recommends that the Board of Supervisors:

- adopt the attached ordinance to enact the Residential Multiple/Planned Unit Development (RM/PUD) zone on the subject property and
- make the findings contained within Planning Commission Resolution 2018-12 and adopt the attached resolution to affirm the conditional approval by the Planning Commission of the tentative subdivision map, subject to the conditions of approval included within Planning Commission Resolution 2018-12.

ATTACHMENT

- A. Tentative Map

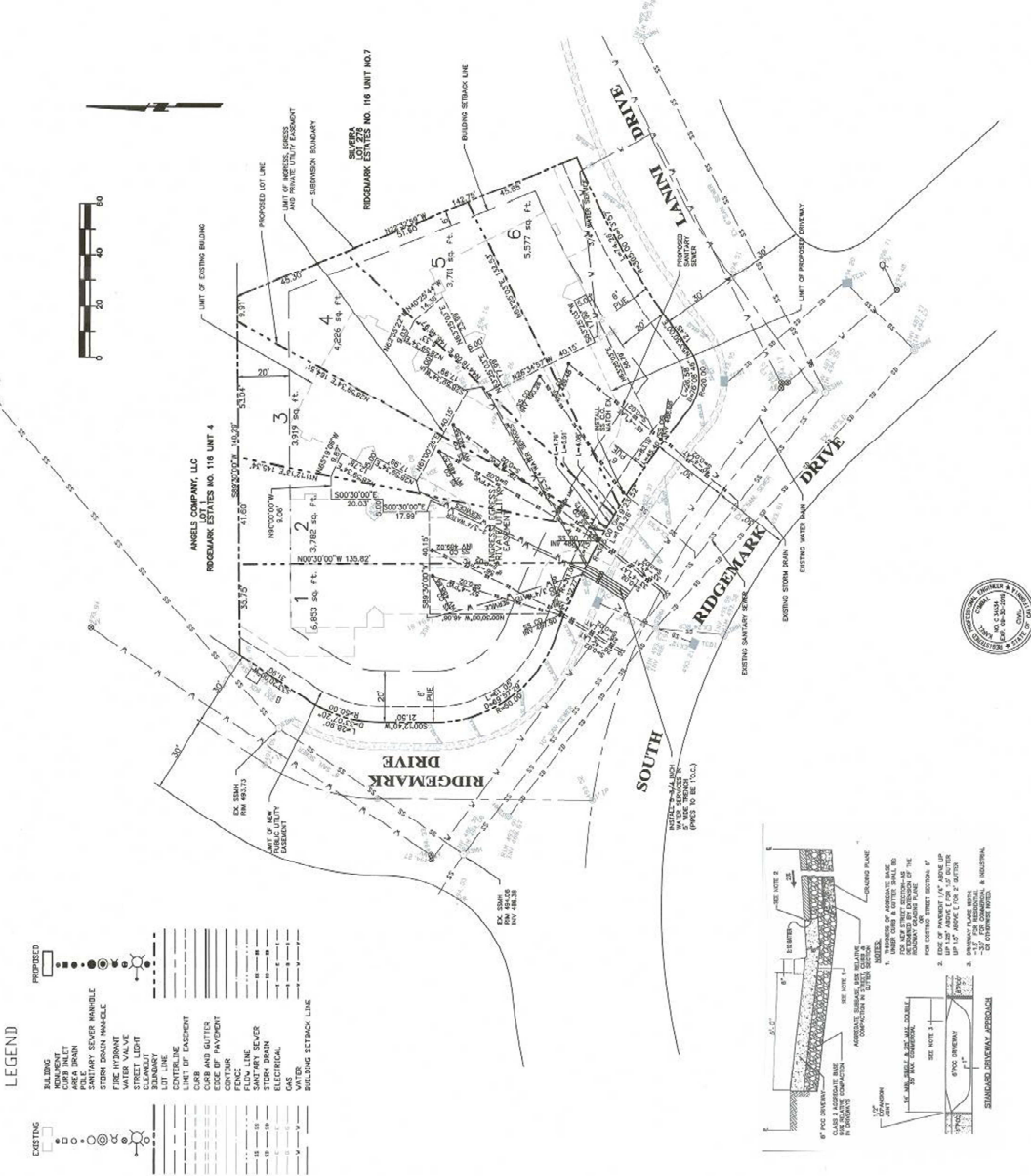


VICINITY MAP

LOT AREAS

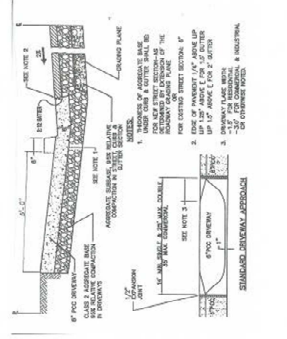
Parcel	Area (sq.ft.)
1	6853
2	3782
3	3919
4	4226
5	3701
6	5577

NOTES:
 OWNER AND DEVELOPER: CHAO, MI
 891 WEST HEDDING STREET, SUITE 103
 SAN JOSE, CA 95128-1248
 ENGINEER: WESTFALL ENGINEERS, INC.
 1455 S. GARDEN AVENUE, SUITE 3
 SARASOTA, FL 34230
 MAP WAS PREPARED IN JUNE 2018.
 WATER SUPPLY: BY SUNNYSLOPE COMPANY WATER DISTRICT
 WASTE WATER/SEWAGE: BY SUNNYSLOPE COMPANY WATER DISTRICT
 TELEPHONE/ELECTRIC: BY P.U.C.
 TOTAL AREA TO BE SUBDIVIDED: 0.64 ACRES TO BE SUBDIVIDED INTO 6
 PARCELS OF APPROXIMATELY 0.11 ACRES PER PARCEL.
 MINIMUM SIZE OF PARCELS IS 3701 SQ.FT.
 DENSITY: 10 UNITS PER ACRE.
 EXISTING GENERAL PLAN DESIGNATION - RESIDENTIAL
 LAND USE, EXISTING AND PROPOSED - RESIDENTIAL
 13785 SQ.FT. IS THE COMMON AREA WHICH INCLUDES AN OPEN SPACE.

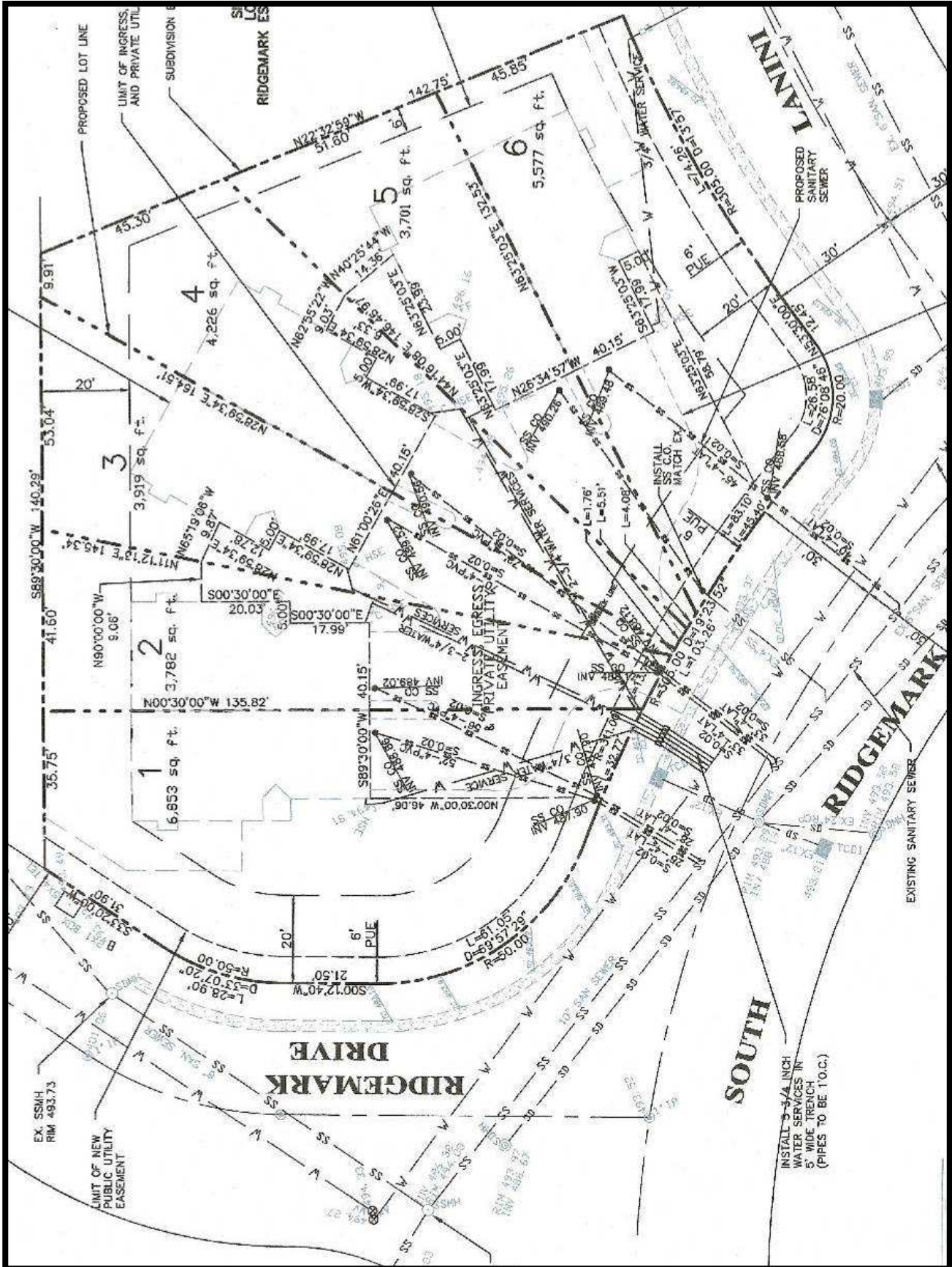


LEGEND

EXISTING	PROPOSED
PAVING	PAVING
ROADWAY	ROADWAY
SEWER MAIN	SEWER MAIN
WATER MAIN	WATER MAIN
STORM DRAIN	STORM DRAIN
STORM DRAIN MANHOLE	STORM DRAIN MANHOLE
FIRE HYDRANT	FIRE HYDRANT
ELECTRIC	ELECTRIC
STREET LIGHT	STREET LIGHT
LOT LINE	LOT LINE
CONTROL LINE	CONTROL LINE
CONTOUR	CONTOUR
COB AND GUTTER	COB AND GUTTER
CONTOUR	CONTOUR
FOUR	FOUR
SANITARY SEWER	SANITARY SEWER
GAS	GAS
ELECTRIC	ELECTRIC
BUILDING SETBACK LINE	BUILDING SETBACK LINE



ATTACHMENT A. Tentative map



ATTACHMENT A (continued). Tentative map in closer detail