



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

TOM BURNS, PLANNING DIRECTOR

January 2, 2007

Subject:	Status of Application	Agenda Date: January 10, 2007
Application #	05-0768	Item#: 10
Assessor's Parcel #:	030-041-04, 33	Time: After 9 AM
Owner:	Ben and Lori Dettling, Kem Akol	

Members of the Planning Commission:

This item came before the Commission on December 15, 2006. The Commission asked that the report and drawings be corrected to be internally consistent. Staff has also been discussing other information that will be required with the applicant, which will require changes to the drawings and the staff report.

Staff is requesting a continuance on this item until February 14, 2007.

Lawrence Kasparowitz
Project Planner
Development Review

Mark Deming
Assistant Director

ADDITIONS TO THE STAFF REPORT FOR THE PLANNING COMMISSION

ITEM 10: 05-0768

LATE CORRESPONDENCE

12/21/06

Tom Burns
Director of Planning
Santa Cruz County Planning Department

RE: Issue of legality of proposed MLD at **3330** Main St., Soquel, CA,
Application # **05-0768**; Request for Continuance

Dear **Mr.** Burns,

Pursuant to my Dec. 20* phone conversation with Dave Reetz, First District Administrative Assistant, I wish to address **our** neighborhood's concern with respect to the legality of the above referenced development application. Glenda Hill, Principal Planner, first raised such concerns after her review of the application, as recorded Dec. 2, 2005 on Page **68** of the Staff Report to the Planning Commission,

“Lot legality should be resolved as part of this application.”

There are no further comments by **Ms.** Hill in the Staff Report and a call to her office seeking clarification has not yet been returned. It would seem, however, **from** the reading of the report that this matter of legality went ignored or unresolved.

This is how we would sum it up: the subject property is divided into two tax parcels but comprises only one legal lot of record. The development application attempts to subdivide one of the **tax** parcels, presupposing its status as a separate legal lot of record, when, in fact, it is only part of the whole.

The two tax parcels at issue are APN **030-041-04** and APN **030-041-33**. It is Parcel **04** that the developers propose to subdivide and Parcel **33** that is erroneously omitted **from** consideration. Parcel **04** is zoned R-**1-6** while Parcel **33** is zoned PF (Public Facility). It is important to note that the subject property is bounded on two sides by Main Street Elementary School.

In the early 1990's, a new school was coming to Soquel and this area of Main St. was rezoned to accommodate it. A “Public Facility” zoning boundary line was drawn; a line that, in some places, followed existing property lines and, in other places, cut through properties where no boundary

line previously existed. (See Exhibit A, Assessor parcel map, circa 1991). It will be noted that this latter delineation occurred in the case of the subject property, formerly known **as** APN 030-041-12. (It will further be noted that this also happened to a neighboring property, formerly known **as** APN 030-041-10.) The rezoning created a property overlaid by **two** different **tax** assessment rates. In order to segregate and properly apportion taxation, the Assessor's office created two separate **tax** parcels on this previously undivided lot with the newly adopted zoning line being the line of demarcation between the new **tax** parcels, 33 **and** 04 (see Exhibit B, current Assessor parcel map). Assessor records show that Parcel 33 first came into being on Jan. 22, 1991 (see Exhibit C, Assessor parcel history).

The operative words here are "previously undivided lot". In the case of the subject property, the previous owners were not granted a minor land division in **and** around 1991, when, according to Assessor records, Parcel 33 was created. I say this from personal experience, having known the previous owners all of my **58** years. That knowledge aside, it should be noted that Parcel 33 is a landlocked parcel. Had the County of Santa Cruz granted a MLD to subject property in 1991, Planning Dep't code would have required that the new Parcel 33 be configured as a flag lot or that, at bare minimum, an access easement to Parcel 33 be granted across Parcel 04. Neither situation seems to be the case.

Lastly, in light of these revelations and assuming that the County is in agreement, we ask that the proposed application 05-0768, currently before the Planning Commission, be continued indefinitely until these issues can be sorted out and a revised plan, including neighborhood input, can be promulgated. Please keep us informed.

Best Regards,

A handwritten signature in cursive script that reads "Wayne Morgan". The signature is written in black ink and has a long, sweeping horizontal line extending from the end of the name.

Wayne Morgan
MASSTIC (Main Street School Traffic Committee)
Contact phone: 462-2721

Cc: Jan Beautz, First District Supervisor
Larry Kasparowitz, Project Planner
Steve Kennedy, Soquel Neighbors Alliance

1/2/07

Tom Burns
Director of Planning
Santa **Cruz** County Planning Dep't

RE: MLD Application # 05-0768; 3330 Main Street, Soquel

We request that the Santa Cruz County Planning Dep't withdraw its Staff Recommendation for "Approval" for the above referenced application, **as** that project is currently proposed. To proceed "as-is" would, in our view, be putting "the cart before the horse" and would constitute **the** antithesis of good planning.

Why? First, some background: It appears that the applicants have gone about this awkwardly from the start. They initially proposed residential development on land that was zoned Public Facilities (PF), without first going through the necessary rezoning process. When halted in this attempt, they changed tactics and proposed development on a parcel of land that was not a legal lot of record, knowledge of which was clearly available in County Records (See Exhibit A, Parcel Notebook Inquiry entry of 3/13/98 by DMM). Furthermore, the applicants were duly advised on Dec. 2, 2005 in written comments **from** Principal Planner Glenda Hill that lot legality was at issue (See Exhibit **B**, Staff Report to the Planning Commission, Page **68**). This advice went ignored, as it would seem. Now the applicants are scrambling for a way out of a quagmire and a great delay of their own making.

Why do we say that this project, as currently proposed, represents poor planning? First it should be noted that, as a neighborhood and school community, we fully intend to oppose any application to rezone away from the current PF designation that a large (**12,000** sq. ft.) portion of the subject property currently enjoys. Why oppose? There is a great and overriding public need for parking and traffic mitigation in the immediate area of this proposed development, adjacent to Main Street School, Soquel*. This PF zoned land, because of its size and location, offers the last and best opportunity to remedy this condition **of** intense traffic congestion by essentially doubling existing school parking while re-routing off-street traffic. We intend to approach the Soquel Union School District** and the Santa **Cruz** County Board of Supervisors promoting this solution and the first step in that effort is to retain and make secure the current PF zoning on that portion of subject property. Secondly, the development's current 3-lot design is based around satisfying 5-lot development requirements, which include: a 30' wide roadway; an additional 18' wide driveway for Lot 1 that accesses from Main St.; a Lot 1 width variance request; a request for setback and roadway exceptions; and **1400** cubic yards of grading. It is critically important to understand, at this point, that the current development design and all specifications are predicated on the assumption that there will be five

houses built on that property someday in the future, which necessarily assumes that the PF land will, most assuredly, be rezoned to allow for residential. Now, let's say that this "3-lot-scaled-for-5-lot" project is approved by County Planning and proceeds to construction. At the same time that the developers are grading and hammering, they apply for a rezone of the remaining PF land but, **lo** and behold, are denied by the Board of Supervisors. Instead, we, the neighborhood, prevail in our petition and the current PF zoning is retained. That decision would cap the development on this property to **a** maximum **three** lots, not the 5 lots that the project was sized for. Now what have we gotten ourselves into?

We, the neighborhood, would end up with the following "as-builts": **an** oversized roadway that didn't need to be; building lots that are sited and configured inappropriately; grading quantities that are way more excessive than what needed to be; substandard lot and setback dimensions that didn't need to be; a separate Lot 1 driveway that didn't need to be; excessive storm water runoff and potential drainage problems that could have been avoided; the elimination of curbside parking that didn't need to happen***. If the project plays out the way this scenario depicts, the unfortunate consequence would be a poorly planned project that overly and unnecessarily impacts an otherwise quaint, older section of Main Street. Is there a real chance of this happening? Absolutely, and this is why we say to proceed on the current basis is to **plan** poorly.

The zoning issue with respect to the back portion of this property needs to **be** addressed and resolved **first** before rushing to approval with any development on this property. Anything short of that would, in our opinion, be "putting the cart before the horse" Let's first find out what we're planning for, then we can properly plan for that. This is a classic example of why we have a Planning Dep't, a Planning Commission and Public Hearings. Please keep us apprised of your thoughts and intentions.

Sincerely,



Wayne Morgan, **MASSTIC** (Main Street School Traffic Committee)

462-2721 or diggerco@pacbell.net

Cc: Jan Beautz, First District Supervisor

Larry Kasparowitz, Project Planner

Steve Kennedy, Soquel Neighbors Alliance

Lisa Seeger, Friends of Main Street

* Main Street traffic problems began when a large section of land owned by the school district was deleted from the original school parking lot design due to the fact that a historic building, the Parrish House, was situated on that parcel, with a

requirement to preserve it. After a multi-year unsuccessful effort to re-locate the building, it was resolved that a **12,000** sq. ft. portion of the surrounding land would be sectioned **off** from the school property and sold as private housing. This unavoidable action resulted in a school parking shortage. On top of that, school busing was eliminated, creating the need for private transportation to and from school. Heavy traffic congestion ensued as cars formed a long queue down Main Street to drop-off and pick-up their kids. On top **of** that, Capitola Elementary School was closed and many **of** those students were absorbed into the Main Street School campus, yielding even more parent car trips. On top of everything else, numerous Soquel High School parents drop off and pick up at the nearby Main Street/Bridge Street intersection, so that their high school'ers can use the Bridge St. pedestrian bridge over Soquel Creek, thus avoiding Old San Jose Rd. traffic to get to **and** from Soquel High School.

We have heard from the MLD applicants that they have a letter from the school that says that the school “doesn’t want it”, “it” referring to the PF zoned portion of subject property. The Minutes from the Soquel **Union** School District meeting of July **20,2005** do indicate that an item was brought to them by Kem **Akol**, subject property developer, and that a resolution was passed by the School Board “to support the rezoning of parcel **03004133**”. Due to Winter Break, we have been unable, as of this writing, to contact School Superintendent Kathleen Howard for clarification and supporting documentation. However, the justification for this decision seems to have been based on a claim that the property in question was “accidentally rezoned for school use”. We would ask for the origin of such a claim and proof that this rezoning was, indeed, done by “accident”. Could it be that the School District was “led” into a decision based on an improper rationale? Could it be that the size and significance of the parcel in question was downplayed (which a return email from School Board President Ted Donnelly seems to suggest)? We believe it to be appropriate that the Soquel School Administration and School Board now hear from their community, their constituency, who, up to now, has not been included in the discussion. It is our contention that one “letter”, possibly misinformed, does not constitute the “end of story”; that public scrutiny and the Public Hearing processes still have relevance.

******* County Transportation Planning has indicated that a 24’ wide roadway would be adequate to serve 3 parcels if enough on-site parking were provided. A roadway exception would still be required but could be supported based on similarly approved projects. This would mean that proposed Lot 1 would not need a substandard width variance and there would be no need for an additional 18’ wide driveway curb-cut on Main Street. A 3-lot proposal of this design concept would receive our support. It would constitute an appropriate residential development for the site while addressing the greater “public need” to alleviate parking and traffic overload.

09:51:15 Fri Dec 29, 2006

EXHIBIT "A"

12/29/06 PP11
09:49:50

COUNTY OF SANTA CRUZ - ALUS 3.0
PARCEL NOTEBOOK INQUIRY

I-ALPLU110
ALSLU110

PARCEL NO.: 030 041 33 SUBJECT: PAGE: 1
PARCEL-----SUBJECT-----DATE-----WHO--DESCRIPTION-----
03004133 MISCELL 03/13/98 DMM MISCELLANEOUS
ASSESSOR'S PARCEL NO. 30-041-04 & 33 COMBINED.
03004133 MISCELL 10/12/06 LAK MISCELLANEOUS
THE ACCESS TO THIS PARCEL IS THROUGH BENJAMIN PARRISH LANE. IF THE OWNER REM
AINS THE SAME AS MLD 05-0678 (A THREE LOT DIVISION WITH ONE EXISTING HOUSE) A
ND THIS LOT IS PROPOSED TO BE DIVIDED, THEN THIS MLD MAY BE SUBJECT TO AHO PE
R 17.10 (SEE TOM POHLE OR DISCRETIONARY COMMENTS FOR 05-0768).

** THE END **

CHANGE INQUIRY
PF4-VIEW SUBJECTS

PA2-EXIT

Project Planner: Cathleen Carr

Application No.: 05-0768

APN: 030-041-04

Date August 4, 2006

3

Time 13 18 19

Page 3

Building Department. this project will be subject to a Small Project In Lieu fee.

The second way in which this project could become subject to an AHO is **if** the adjacent parcel, previously proposed as a part of this development will be proposed as a separate project in the future. In such cases, County Code 17 10 requires the AHO to be applied, and the resulting affordable unit(s) to be built and/or fees to be paid as **if** the current project and the previous one are one.

Based on these staff concerns, staff **recommends** that, prior to issuance of a building permit for the proposed project the developer be required to provide proof of the recordation of a condition, requiring building an affordable unit(s) and/or paying fees as are then in effect. The proposed condition, reviewed and approved by the County, would be recorded against the title of the parcel previously proposed for development.

===== UPDATED ON FEBRUARY 10, 2006 BY TOM POHLE =====
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Long Range Planning Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON DECEMBER 2, 2005 BY GLENDA L HILL =====

1. Proposed right-of-way is less than 40 feet in width thereby requiring a less than 40-foot right-of-way approval and a roadway exception. 2. Proposed house on Lot 1 does not show the required 20-foot street side yard for new corner lots. This requires a Variance request or redesign. 3. Lot 4 does not meet the minimum 40-foot site frontage or 60-foot site width required by the zone district for lots on cul-de-sacs. This requires either a) a redesign; b) Variances; or c) designation of the area that does not meet the minimum requirements as a corridor access (flag). The consequence of designating this area as a corridor access is that the area is deducted from net developable area and the required front yard begins where the parcel meets its minimum 60-foot site width. This would require the proposed house to be relocated or a Front Yard Variance.

Long Range Planning Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON DECEMBER 2, 2005 BY GLENOA L HILL =====
 cot legality should be resolved as part of this application

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

Environmental Review Initial Study
 ATTACHMENT 8, 3 of 13
 APPLICATION 05-0768



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