

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 22, 2008

Planning Commission County of Santa Cruz 701 Ocean Street Santa Cruz, CA 95060 Agenda Date: February 27, 2008

Item #: 7

Time: After 9 AM APN: 103-071-43

Subject:

Application 07-0710

Request to extend the approved Tentative Map for Minor Land Division 03-0500

Members of the Commission:

Project History

Application No. 03-0500 (Casalegno - three-lot Minor Land Division) was approved by your Commission on January 25, 2006. This approval allowed a minor land division to divide an existing split zoned property to create two single-family residential parcels and a commercial parcel. The approved tentative map is included as Exhibit A and the original staff report to your Commission, dated January 25, 2006, is included as Exhibit F for project background information only.

The tentative map and improvement plans are under review by reviewing agencies and County departments, but the applicant needs additional time to record the parcel map due to the number of parties involved within the Casalegno family and Casalegno Heritage, Inc. (including the Casalegno's Market and other assets). This extension has been requested to allow the family to work out tax, financial, and corporate issues that have arisen within the extended Casalegno family.

Permit Extension Process

County Code Section 18.10.133 (b) allows for the extension of a tentative map for a period or periods not to exceed a total of five years from the date of original expiration, if an application for extension is filed prior to the expiration of the conditionally approved tentative map. This mirrors the language in the Subdivision Map Act, Government Code Section 66452.6 (e). County Code requires that requests to extend tentative maps be processed pursuant to Level VI (Planning Commission) review for Minor Land Divisions.

In the case of the tentative map for Permit 03-0500, the map would have originally expired on February 8, 2008. The request for extension was submitted on December 4, 2007, prior to the expiration date of the map. The applicant is requesting a two-year extension to February 8, 2010,

Application 07-0710

Page 2

Applicant: Powers Land Planning Owner: Casalegno Heritage, Inc.

to allow for family and corporate issues to be addressed. The new expiration date could be extended for three additional years (for a total of five years after the original expiration date), if necessary, with proper review and approval.

Environmental Review

Although the original land division was subject to environmental review and required an Initial Study, the action to extend the approved tentative map is exempt because that action, in itself, has no potential to cause a physical change in the environment. A Notice of Exemption from the California Environmental Quality Act is included as Exhibit D.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number 07-0710, extending the Tentative Map for Minor Land Division 03-0500 to February 8, 2010, based on the findings (Exhibit B) and conditions (Exhibit C) for Permit 03-0500.

Sincerely,

Randall Adams

Development Review Planner

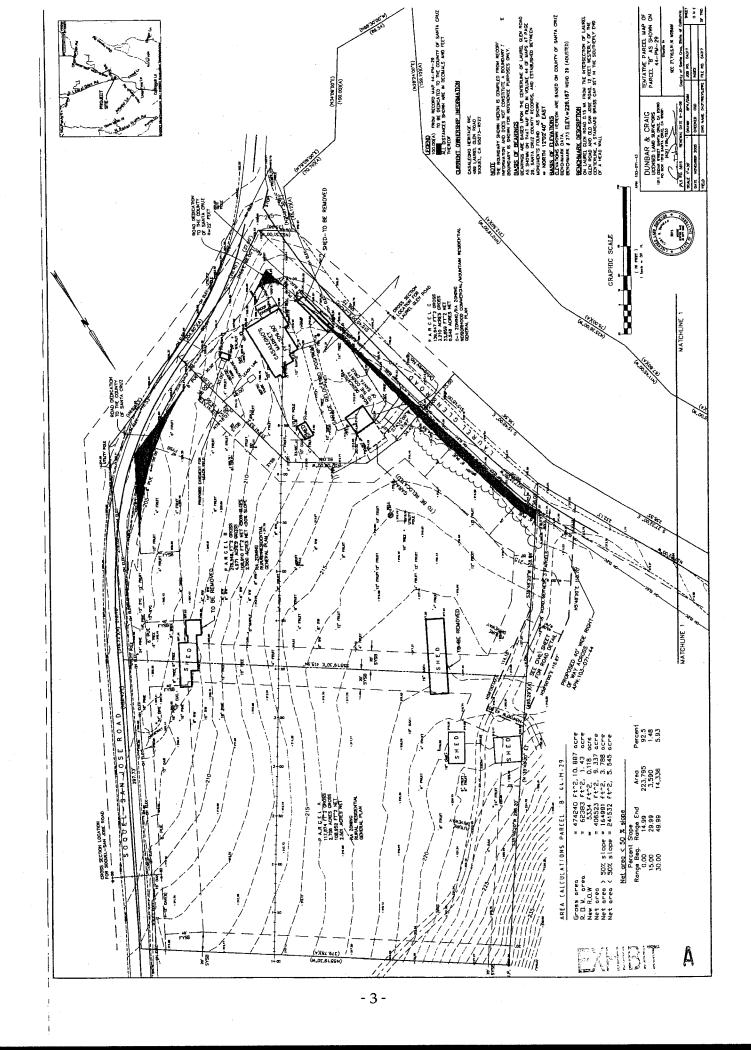
Reviewed by/

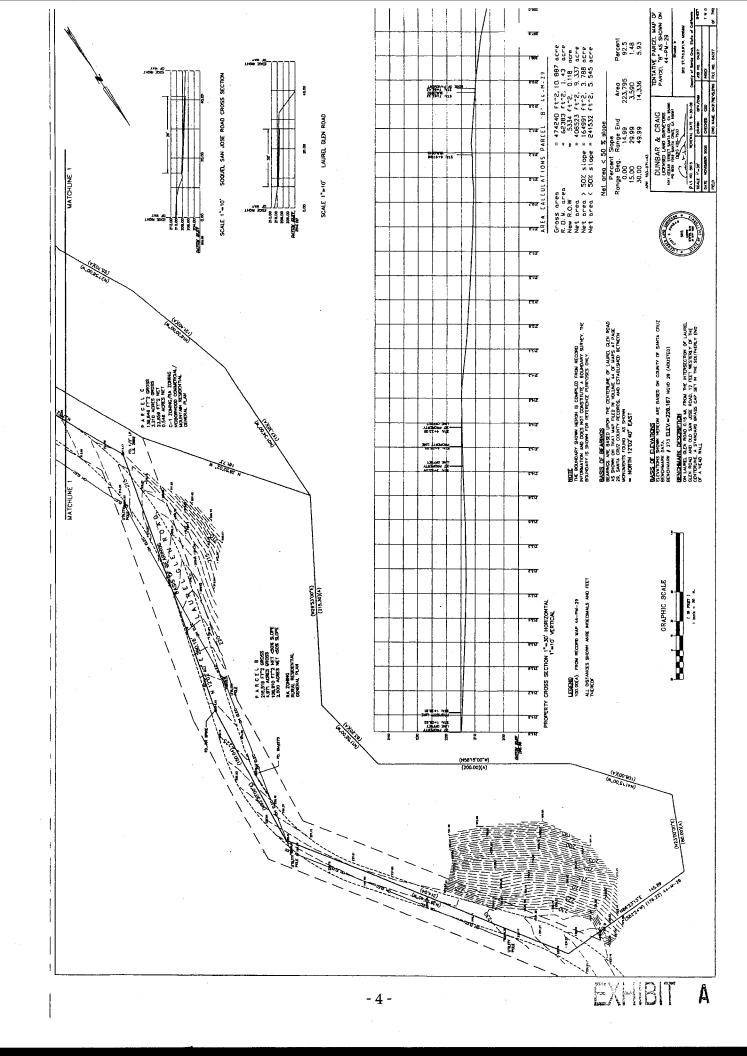
Mark Deming, AICP

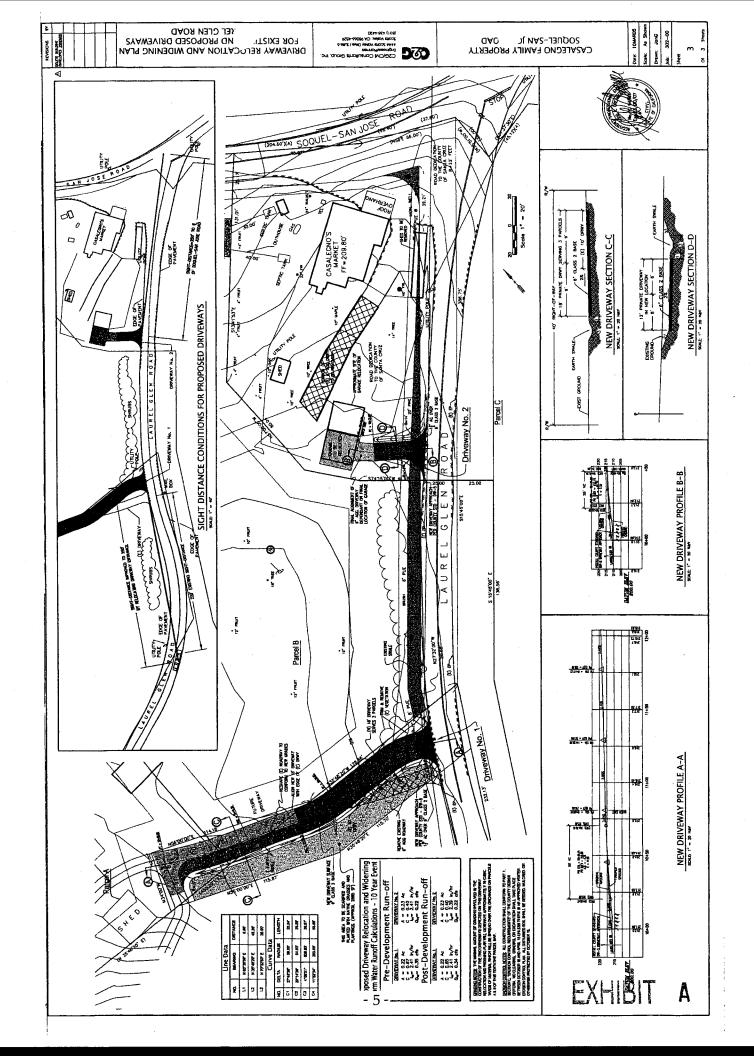
Assistant Planning Director

Exhibits:

- A. Tentative Parcel Map for Minor Land Division 03-0500, prepared by Dunbar & Craig, dated 11/05
- B. Findings for Approval for Permit 03-0500
- C. Conditions of Approval for Permit 03-0500
- D. Notice of Exemption from the California Environmental Quality Act
- E. Location Map
- F. Correspondence from applicant
- G. Staff report to the Planning Commission, 1/25/06 (for project background only)







Owner: Casalegno Heritage, Inc.

Subdivision Findings

1. That the proposed subdivision meets all requirements or conditions of the Subdivision Ordinance and the State Subdivision Map Act.

This finding can be made, in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan and the Zoning Ordinance as set forth in the findings below.

2. That the proposed subdivision, its design, and its improvements, are consistent with the General Plan, and the area General Plan or Specific Plan, if any.

This finding can be made, in that the project is located within the Rural Residential (R-R) General Plan land use designation. The division of land on parcels with a Rural Residential (R-R) General Plan designation is allowed at densities determined by the Rural Residential Density Matrix. This proposal complies with the requirements of the Rural Residential Density Matrix, which authorizes a density of development of one dwelling unit per 2.5 acres of net developable land area, in that the residential parcels will each contain 2.5 acres of net developable land area. The commercial parcel complies with the requirements of the Neighborhood Commercial (C-N) General Plan land use designation in that the parcel will comply with the 10,000 square foot minimum size required for commercial parcels.

The project is consistent with the General Plan in that the necessary infrastructure is available to the site including private water, septic waste treatment, and nearby recreational opportunities. The land division is located off of a public street which provides satisfactory access. The proposed land division is similar to the pattern and density of the surrounding rural residential development in the project vicinity.

The proposed land division is not located in a hazardous or environmentally sensitive area and protects natural resources by expanding in an area designated for residential development at the proposed density.

3. That the proposed subdivision complies with Zoning Ordinance provisions as to uses of land, lot sizes and dimensions and any other applicable regulations.

This finding can be made, in that the proposed residential development will be located within the RA (Residential Agriculture) zone district, a designation which allows residential uses. The commercial portion of the property will be located in the C-1 (Neighborhood Commercial) zone district and will allow the continued operation of a historic commercial use. The proposed parcel configuration meets the minimum dimensional standards and setbacks for the zone districts.

4. That the site of the proposed subdivision is physically suitable for the type and density of development.

This finding can be made, in that no challenging topography affects the building site, technical reports prepared for the property conclude that the site is suitable for development, and the proposed parcels are properly configured to allow development in compliance with the required

Owner: Casalegno Heritage, Inc.

site standards. No environmental constraints exist which would be adversely impacted by the proposed development.

5. That the design of the proposed subdivision or type of improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

This finding can be made, in that no mapped or observed sensitive habitats or threatened species impede development of the site and the project has received a Negative Declaration pursuant to the California Environmental Quality Act and the County Environmental Review Guidelines.

6. That the proposed subdivision or type of improvements will not cause serious public health problems.

This finding can be made, in that in that a private well and on site septic are available to serve the proposed development.

7. That the design of the proposed subdivision or 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.

This finding can be made, in that the development will be located at a safe distance from existing vehicular easements and improvements to the access roadways will provide a benefit to public safety. Additionally, the proposed project will include a dedication of right of way to the County to accommodate existing public roadway improvements.

8. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

This finding can be made, in that the resulting parcels are oriented to the fullest extent possible in a manner to take advantage of solar opportunities.

9. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed residential land division is not subject to the design review ordinance and the existing commercial structure is not proposed to be modified.

Owner: Casalegno Heritage, Inc.

Conditions of Approval

Land Division 03-0500

Applicant: Powers Land Planning, Inc.

Property Owner(s): Casalegno Heritage Inc.

Assessor's Parcel No.: 103-071-43

Property Location and Address: Property located on the north west corner of the intersection of

Soquel-San Jose Road and Laurel Glen Road.

(3600 Soquel-San Jose Road)

Planning Area: Summit

Exhibits:

A. Project Plans including Tentative Map & Preliminary Improvement Plans by Dunbar & Craig, dated 11/05.

All correspondence and maps relating to this land division shall carry the land division number noted above.

- I. Prior to exercising any rights granted by this Approval, the owner shall:
 - A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof, and
 - B. Pay a Negative Declaration De Minimis fee of \$25 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- II. A Parcel Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel Map shall meet the following requirements:
 - A. The Parcel Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.

Owner: Casalegno Heritage, Inc.

B. This land division shall result in no more than two (2) residential parcels and one commercial parcel total. A statement shall be added to clearly state that all new structures must be located within the designated building envelopes.

- C. The minimum amount of parcel area per dwelling unit shall be 2.5 acres of net developable land for the residential parcels and the minimum parcel area of the commercial parcel shall be 10,000 square feet.
- D. The following items shall be shown on the Parcel Map:
 - 1. Building envelopes located according to the approved Tentative Map. The building envelopes for the perimeter of the residential parcels shall meet the minimum setbacks for the RA (Residential Agriculture) zone district of 40 for the front yard, 20 feet for the side yards, and 20 feet for the rear yard. Future development on the commercial parcel shall meet C-1 site standards.
 - 2. Show the net developable land area of each lot to nearest square foot and to the nearest hundredth of an acre.
 - 3. The owner's certificate shall include:
 - a. An irrevocable offer of dedication to the County of Santa Cruz for portions of the Soquel-San Jose Road and Laurel Glen Road rights of way as shown on the Tentative Map. Following acceptance of the dedication by the County, the subject right of way is to be County maintained.
 - b. A 6 foot wide easement for public utilities as shown on the tentative map.
- E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
 - 1. The existing private well, and any new proposed wells, shall be reviewed by the County Department of Environmental Health Services.
 - 2. The proposed septic system(s), serving the new parcel(s), shall be reviewed by the County Department of Environmental Health Services.
 - 3. The access road shall be surfaced with all-weather materials and widened as indicated on the preliminary improvement plans. A minimum of 18 feet of width is required for access roadways serving 3 parcels. Access to the new residential parcels shall be from Laurel Glen Road.

Owner: Casalegno Heritage, Inc.

4. Submit 3 copies of a plan review letter prepared and stamped by a licensed geotechnical engineer.

- 5. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.
- 6. Prior to any building permit issuance or ground disturbance, a detailed grading and erosion control plan shall be reviewed and approved by the Planning Department. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
 - a. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
 - Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
- 7. Any changes between the Parcel Map and the approved Tentative Map must be submitted for review and approval by the Planning Department.
- III. Prior to recordation of the Parcel Map, the following requirements shall be met:
 - A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
 - B. Meet the requirements of the Santa Cruz County Department of Public Works, Drainage section as described in the Discretionary Application Comments..
 - C. All requirements of the Central Fire Protection District shall be met.
 - D. Structures which cross property boundaries must be removed from the project site. Demolition Permits must be obtained for any applicable structure.
 - E. Park dedication in-lieu fees shall be paid for the total number of bedrooms in the proposed dwelling unit(s). These fees are currently \$578 per bedroom, but are subject to change.
 - F. Child Care Development fees shall be paid for the total number of bedrooms in the proposed dwelling unit(s). These fees are currently \$109 per bedroom, but are subject to change.
- IV. All future construction within the property shall meet the following conditions:
 - A. Prior to any disturbance, the owner/applicant shall organize a pre-construction

Owner: Casalegno Heritage, Inc.

meeting on the site. The applicant, grading contractor, Department of Public Works Inspector and Environmental Planning staff shall participate.

- B. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. Obtain an Encroachment Permit from the Department of Public Works for any work performed in the public right of way. All work shall be consistent with the Department of Public Works Design Criteria unless otherwise indicated on the approved improvement plans.
- C. No land disturbance shall take place prior to issuance of building permits (except the minimum disturbance required to install required improvements, provide access for County required tests or to carry out work required by another of these conditions).
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- E. Construction of improvements shall comply with the requirements of the geotechnical report. The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
- F. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on a new parcel.
- V. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.
- VI. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

Owner: Casalegno Heritage, Inc.

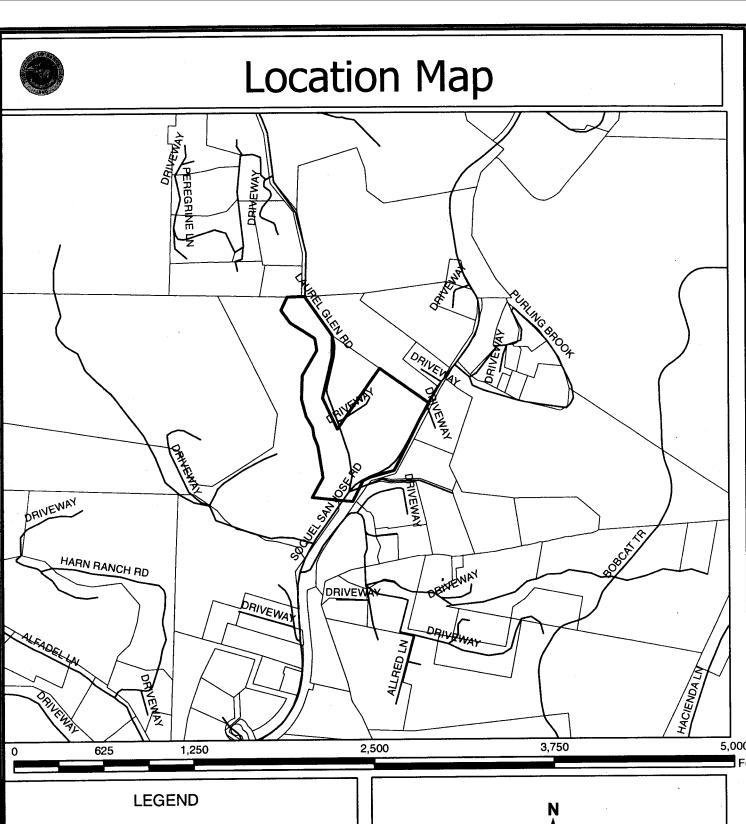
A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. <u>Settlement</u>. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void.

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

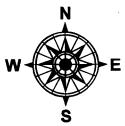
* *	umber: 07-0710 el Number: 103-071-43
	on: 3600 Soquel-San Jose Road, Soquel
Project Description: Extend approved tentative map for Minor Land Division 03-0500 Person or Agency Proposing Project: Powers Land Planning	
A. <u>X</u> B	The proposed activity is not a project under CEQA Guidelines Section 15378. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C	Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
D	Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
Specify type:	
E	Categorical Exemption
Specify type:	
F. Reaso	ns why the project is exempt:
	Date:
Randall Adam	as, Project Planner



APN: 103-071-43

Assessors Parcels

Streets



Map created by County of Santa Cruz Planning Department December 2007

EXHIBIT



Powers Land Planning, Inc.

Land Use and Development Consulting



December 4, 2007

County of Santa Cruz Planning Department Attn: Randall Adams 701 Ocean Street, 4th Floor Santa Cruz, CA 95060

RE: Casalegno Heritage Minor Land Division 03-0500

APN: 103-071-43

Dear Mr. Adams:

On behalf of the Casalegno family, I am requesting a two-year time extension for the above MLD. The above permit is scheduled to expire on February 8, 2008.

The time extension is requested in order to allow the family to work out details for corporate and financial transfer of potential lot(s) within the family. With multiple family members involved with the Casalegno Heritage, Inc. there are several tax, financial and corporate issues to work through in order to keep the property within the extended family. These factors have delayed and will continue to delay the recording of the final map.

Please let me know if you have any questions about this situation.

Thank you for your consideration.

Sincerely

Ron Powers, AICP

cc: Casalegno Heritage, Inc.



Staff Report to the Planning Commission

Application Number: 03-0500

Applicant: Powers Land Planning, Inc.

Agenda Date: 1/25/06

Owner: Casalegno Heritage, Inc.

Agenda Item #:

APN: 103-071-43

Time: After 9:00 a.m.

Project Description: Proposal to divide a 10.887 acre parcel into three parcels of approximately 2.676 acres, 4.976 acres, and 3.236 acres.

Location: Property located on the north west corner of the intersection of Soquel-San Jose Road and Laurel Glen Road. (3600 Soquel-San Jose Road)

Supervisoral District: 1st District (District Supervisor: Janet Beautz)

Permits Required: Minor Land Division, Archaeological Site Review, Soils Report Review.

Staff Recommendation:

- Approval of Application 03-0500, based on the attached findings and conditions.
- Certification of the Negative Declaration per the requirements of the California Environmental Quality Act.

Exhibits

D.

A. Project plans

E. Rural Residential Density Matrix

Comments & Correspondence

B. Findings

C. Conditions

Mitigated Negative Declaration

(CEQA Determination) with the following attached documents:

following attached documents: (Attachment 2): Assessor's parcel map

(Attachment 3): Zoning map

(Attachment 4): General Plan map

Parcel Information

Parcel Size:

10.9 acres

Existing Land Use - Parcel:

Casalegno Store, outbuildings, and existing orchard.

Existing Land Use - Surrounding:

Rural residential neighborhood

F.

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Owner: Casalegno Heritage, Inc.

Project Access:

Soquel-San Jose Road and Laurel Glen Road

Planning Area:

Summit

Land Use Designation:

R-R (Rural Residential), C-N (Neighborhood

Commercial) & R-M (Mountain Residential)

Zone District:

RA (Residential Agriculture) & C-1 (Neighborhood

Commercial)

Coastal Zone:

Inside

X Outside

Environmental Information

An Initial Study has been prepared (Exhibit D) that addresses the environmental concerns associated with this application.

Services Information

Urban/Rural Services Line:

Inside

X Outside

Water Supply:

Private Well

Sewage Disposal:

Septic

Fire District:

Central Fire Protection District

Drainage District:

None

History

The subject property is owned by the Casalegno family and contains the historic Casalegno's Market at the intersection of Soquel-San Jose Road. In order to preserve the historic commercial use of this structure, the Casalegno family requested that the area immediately surrounding the store be zoned and designated for commercial uses. The County granted this request and a portion of the subject property was rezoned to C-1 (Neighborhood Commercial) and the General Plan land use designation changed to C-N (Neighborhood Commercial). The areas that were amended to allow the commercial use were drawn much larger than the area surrounding the historic store, due to the scale of the zoning maps prepared at that time. During the review of this application, this error has been identified and the zoning and General Plan maps will be corrected to reflect the Casalegno family's original request and will correspond with the boundary proposed between Parcels B & C.

Project Setting

The project site is located at the intersection of Soquel-San Jose Road and Laurel Glen Road. The property is currently used as an orchard and is the site of the Casalegno's Market with attached dwelling unit. A number of outbuildings are located on the property, with one building that has been converted for use as a residence (possibly pre-dating building code requirements). The property has numerous fruit trees and with some scattered oaks and pine trees.

Zoning & General Plan Consistency

The subject property is an approximately 10.9 acre parcel, located in the RA (Residential Agriculture) & C-1 (Neighborhood Commercial) zone districts, designations which allows

Owner: Casalegno Heritage, Inc.

residential and commercial uses. The allowed residential density for the division of land on parcels with a (R-R) Rural Residential General Plan designation is determined by the Rural Residential Density Matrix and the minimum parcel size for new parcels in the C-N (Neighborhood Commercial) General Plan designation is 10,000 square feet.

Minor Land Division

The applicant proposes to create two new residential parcels and to retain the existing commercial use on a third parcel. The proposed residential parcels will be north of the commercial use and will be accessed by a separate shared driveway from Laurel Glen Road. No development is proposed across Laurel Glen Road, where a natural drainage course exists. All improvements are adequately setback from riparian vegetation to protect this resource.

The existing and proposed development is served by a public roadway. The proposed residential improvements will be located in an area of relatively level terrain and will not require excessive grading to develop. Additionally, the proposed project will include a dedication of right of way to the County to accommodate existing public roadway improvements. The septic systems have received preliminary approval from the County department of Environmental Health Services.

Rural Residential Density matrix

The residential portion of the proposed Minor Land Division is subject to the Rural Residential Density Matrix in order to determine the appropriate density of development within the allowed General Plan density range. The subject property is located within the Rural Residential (R-R) General Plan land use designation. The portion of the subject property across Laurel Glen Road is designated (R-M) Mountain Residential, but this area will not be developed and has not been used as factor in determining the residential density for this proposed division. A matrix has been prepared (Exhibit E) which included a review of the applicant prepared matrix and current requirements. The allowed maximum density, per the Rural Residential Density Matrix, is 2.5 acres of net developable land area per parcel. The proposed Minor Land Division complies with this requirement, in that the new residential parcels will both include 2.5 acres of net developable land area.

Environmental Review

Environmental review has been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). The project was reviewed by the County's Environmental Coordinator on 11/14/05. A preliminary determination to issue a Negative Declaration (Exhibit D) was made on 11/16/05. The mandatory public comment period expired on 12/13/05, with no comments received.

The environmental review process focused on the potential impacts of the project in the areas of geologic and cultural resource issues. The environmental review process did not identify any potential impacts from the proposed development which would require mitigation measures.

Application #: 03-0500

APN: 103-071-43

Owner: Casalegno Heritage, Inc.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- APPROVAL of Application Number 03-0500, based on the attached findings and conditions.
- Certification of the Negative Declaration per the requirements of the California Environmental Quality Act.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By:

Randall Adams

Santa Cruz County Planning Department

701 Ocean Street, 4th Floor Santa Cruz CA 95060

Phone Number: (831) 454-3218

E-mail: randall.adams@co.santa-cruz.ca.us

Report Reviewed By:

Cathy Graves
Principal Planner
Development Review