

COUNTY OF SANTA CRUZ  
PLANNING DEPARTMENT

Date: 8/22/01  
Agenda Item: No. 1  
Time: After 9:00 a.m.

**ATTACHMENT 4**

### STAFF REPORT TO THE PLANNING COMMISSION

3

APPLICATION NO.: 00-0473

APN: 110-071-12

APPLICANT: Ron Gordon

OWNERS: M.S. & Dawla Mohssen

PROJECT DESCRIPTION: Proposal to recognize the construction of a 627 square foot enclosure of a walk-in cooler unit at an existing convenience store; recognize an existing produce stand; apply baserock over unpaved areas; recognize Environmental Health permits for relocation and increase the number of gasoline pumps and underground storage tanks and construct overhead canopy; establish a Master Occupancy Program permitting mixed commercial and residential uses; and re-zone the south corner of the property to Neighborhood Commercial (C-1) consistent with the Neighborhood Commercial General Plan designation of that portion of the parcel.

LOCATION: Northwest corner of Highway 152 and Casserly Road (3 Hecker Pass), in Watsonville.

FINAL ACTION DATE: 11/21/01 (per the Permit Streamlining Act)

PERMITS REQUIRED: Requires a Commercial Development/Master Occupancy Permit, an Agricultural Buffer Determination, and re-zoning.

ENVIRONMENTAL DETERMINATION: Exempt per CEQA Section 1801(a).

COASTAL ZONE:     yes XXno

#### PARCEL INFORMATION

PARCEL SIZE: 11.173 acres

EXISTING LAND USE: PARCEL: Neighborhood Commercial, Residential, Agricultural

SURROUNDING: Commercial, Residential, Agricultural

PROJECT ACCESS: State Highway 152, Casserly Road

PLANNING AREA: Salsipuedes

LAND USE DESIGNATION: Neighborhood Commercial

ZONING DISTRICT: Commercial Agriculture (CA)

SUPERVISORIAL DISTRICT: Fourth District

#### ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. Floodplain, GHA completed (Exhibit H)
b. Soils	b. 120, 162 Conejo/Pinto loams
c. Fire Hazard	c. N/A
d. Slopes	d. 0 - 9 percent slopes
e. Env. Sen. Habitat	e. N/A
f. Grading	f. None proposed
g. Tree Removal	g. None proposed

Applicant: Ren Gordon  
 Application No. 00-0473  
 APN: 110-071-12

- |                       |   |
|-----------------------|---|
| h. Scenic             | h. Mapped resource                        |
| i. Drainage           | i. Adequate                               |
| j. Traffic            | j. No significant increase                |
| k. Roads              | k. Adequate                               |
| l. Parks              | l. Adequate                               |
| m. Sewer Availability | m. No                                     |
| n. Water Availability | n. Yes                                    |
| o. Archeology         | o. Mapped, no resources found (Exhibit G) |

### SERVICES INFORMATION

W/in Urban Services Line: \_\_\_\_yes **XX**\_\_\_\_no

Water Supply: Pajaro Valley Water Management Agency

Sewage Disposal: Santa Cruz County Sanitation District #12

Fire District: Pajaro Valley Fire Protection District

Drainage District: Zone 7 Flood Control & Water Conservation District

### ANALYSIS & DISCUSSION

#### Background

On July 6, 2000, the County Planning Department accepted this application for a rezoning of a portion of Assessor's Parcel Number 110-071-12 from Commercial Agriculture to Neighborhood Commercial to accurately reflect land use patterns which have existed on the site since 1951. In addition to the rezoning, the proposal includes the establishment of a Master Occupancy Permit for the site to recognize the existing mixed residential and commercial use of this portion of the 11.173 acre parcel. The permit seeks to recognize an existing produce stand, an addition for the enclosure of a walk-in cooler at the convenience store, regrading and repaving of the existing parking lot, and recognition of Environmental Health permits for the relocation and increase in number of gasoline pumps and replacement of underground storage tanks.

The project was previously considered under Application #99-0590 but abandoned on November 22, 1999. The project has been reviewed and approved by the Agricultural Policy Advisory Commission on October 19, 2000 (Exhibit F). In accordance with the California Environmental Quality Act and the County Environmental Review Guidelines, the project qualifies for a Categorical Exemption per CEQA Section 1801(a), an existing facility. (see Exhibit D).

#### Project Setting & Surroundings

The project site is located in the Salsipuedes planning area and is 11.173 acres in area. The Brothers Market was constructed in 1951 and Assessor's records indicate taxable structures on the site since 1953. The neighborhood store has served the community continuously since that

time. Brothers Market is the only gas station and mini mart between Casserly Road and Gilroy along Highway 152, and serves the local farm community with gasoline, diesel fuel, prepared food items and small groceries. Hours of operation for the convenience store are 6 a.m. to 10 p.m. seven days a week, and the produce stand operates from 6 a.m. to 5 p.m. April through October, fresh produce season and weather permitting. The site adjoins commercial agriculture to the north, west and east, and commercial and residential development to the south.

### Project Description

The property owner is requesting that the County recognize the addition of a 627 square foot cooler enclosure attached to an existing 1,381 square foot convenience store. The project site is an 11.173 acre parcel with commercial bush berry production on all but the southern corner. This corner portion of the property fronting on Highway 152 and Casserly Road has been developed with a convenience store and residence since 1951. In addition, this permit seeks to recognize a 1,404 square foot produce stand which would be used during the growing season to market produce grown on the site. No changes are proposed for the existing 1,678 square foot, three-bedroom single-family dwelling. The applicant has obtained required permits from the Environmental Health Service for gasoline and underground storage tank replacement, consistent with the 1994 California Underground Storage Tank Regulations. Two detached farm storage sheds of 224 square feet and 1,200 square feet remain unchanged.

The property has had a split General Plan designation since the 1980 General Plan update, with the corner of the parcel designated as Neighborhood Commercial and the majority of the farmland designated as Agriculture. The implementing zoning has been Commercial Agriculture for the entire parcel, thus the convenience market expansion could not be recognized under the existing zoning designation. County Code Section 13.10.130(a) requires that zoning regulations be consistent with the adopted General Plan. County Code Section 13.01.060(c) states that when a General Plan amendment affects the land use designation of specific properties, those properties shall be concurrently rezoned to a zone district as necessary to maintain consistency with the General Plan. The zoning for this corner of the parcel should be changed to Neighborhood Commercial (C-1) to maintain consistency with the Neighborhood Commercial General Plan designation.

Access to the property is from Highway 152 and Casserly Road. The project is required to comply with all applicable regulations dealing with siting, design, lighting, signage, landscaping, drainage, parking and circulation.

### General Plan & Zoning Consistency

The project site has a General Plan land use designation of Neighborhood Commercial (C-N) for the corner portion of the parcel with the bulk of the parcel designated as Agriculture(A). This C-N designation provides compact, conveniently located, and well designed shopping and service uses to meet the needs of individual neighborhoods, rural communities and visitors. The

convenience store has served the public in its present location since 1951 and is the only gas station and mini mart between Casserly Road in Watsonville and Gilroy, approximately 18 miles. The project is consistent with General Plan policy 2.13.1, which designates areas existing as small-scale neighborhood and visitor serving businesses within walking distance of urban neighborhoods, visitor attractions, or centrally located to serve rural communities. Highway 152 is a designated scenic corridor. General Plan policy 5.10.11 requires new discretionary development to be sited out of public view, obscured by natural land forms and/or existing vegetation. The existing convenience market and produce stand are a transition from adjacent commercial residential development and the flat agricultural surroundings of adjacent farmland. Design of the commercial business utilizes a low profile, plywood exterior, consistent with traditional local design. The project site is landscaped with low growing ornamentals at the frontage to preserve sight distance at access points, and mature apricot, fig and avocado trees at the perimeter of the commercial area adjacent to the bush berry farm. Adherence to sign, landscaping and lighting requirements of Section 5.10 of the General Plan is required.

The project was reviewed at a noticed public hearing before the County Agricultural Policy Advisory Commission on October 19, 2000. The Commission voted unanimously to approve the recommended rezoning (Exhibit E), finding that the existing commercial development did not adversely affect the agricultural viability of the subject parcel in that the commercial/residential development is located on the perimeter of good agricultural soils, consistent with General Plan policy 5.13.8. The mixed commercial/residential use on the corner of the site is accessory to the principal agricultural use of the parcel in that it provides housing for farm workers, fuel for farm equipment, and a market for the sale of produce grown on the site. The project is consistent with the objectives of the General Plan.

The project is located in the "Commercial Agriculture" (C-A) zone district. The purpose of the "C-A" zone district is to preserve the commercial agricultural lands within Santa Cruz County which are a limited and irreplaceable natural resource, to maintain the economic integrity of the economic farm units comprising the commercial agricultural areas of the County, to implement the agricultural preservation policy of Section 16.50.010 of the Santa Cruz County Code, and to maintain and enhance the general welfare of the county as a whole by preserving and protecting agriculture, one of the County's major industries. Within the CA zone district, commercial agriculture shall be encouraged to the exclusion of other land uses which may conflict with it. Retention of the existing bush berry production farm is consistent with the CA zoning.

Existing commercial and residential development is consistent with the proposed rezoning to Neighborhood Commercial (C-1). The purpose of C-1 zoning is to provide compact and conveniently located shopping and service uses to meet the limited needs within walking distance of individual urban neighborhoods or centrally located to serve rural communities. Neighborhood Commercial uses and facilities are intended to be of a small scale, with a demonstrated local need or market, appropriate to neighborhood service areas, and to have minimal adverse impact on adjacent residential areas. Visitor serving uses allowed in this zone district include primarily food services, auto fueling with no service bays or repair services, and related accessory uses as per

County Code Section 13.10.331. The project is consistent with this designation in that the retail and residential functions on the site are in compliance with County Code Section 13.10.332.

The project is consistent with all required development regulations of the Commercial Zone District and Design Review regulations including the provision of 15 parking spaces on site, less than 35 foot building height, required landscaping, compliance with signage regulations, and setbacks consistent with the agricultural buffer determination.

### Conclusion

All required findings can be made to approve this application. The project is consistent with the General Plan in that the project constitutes a Neighborhood Commercial use and the rezoning of the corner portion of the parcel to Neighborhood Commercial maintains required consistency between the General Plan and Zoning designation for the parcel.

Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.


### RECOMMENDATION:

It is therefore RECOMMENDED that your Commission approve Application No. 00-0473 and the attached Resolution (Exhibit L) recommending that the Board of Supervisors approve Application No. 00-0473, to rezone a portion of Assessor's Parcel Number 110-071-12 from Commercial Agriculture "CA" to Neighborhood Commercial "C-1" to maintain consistency with the Neighborhood Commercial General Plan designation for this portion of the parcel.


### EXHIBITS

- A. Project Plans by Ron Gordon dated 6/2/99
- B. Findings
- C. Conditions
- D. CEQA Notice of Exemption
- E. Agricultural Policy Advisory Commission Minutes dated 10/19/00
- F. APAC Staff Report 10/19/00
- G. Archaeological Reconnaissance Survey 98-0590 dated 9/26/98
- H. Geologic Hazards Assessment dated 11/17/98
- I. Environmental Health Underground Tank Inspection
- J. Reviewing agency comments
- K. Location map & Topographic map
- L. Rezoning resolution

Report Prepared By:

  
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Planner IV, Development Review  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-5174  
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Report reviewed by:

  
Cathy Graves  
Principal Planner  
Development Review  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Date: 7/31/2001

Permit Approval Date: 8/22/01

Permit Effective Date: 9/05/01

Permit Expiration Date: 9/05/03

**REZONING FINDINGS**  
**(County Code Section 13.10.215)**

**1. THE PROPOSED ZONE DISTRICT WILL ALLOW A DENSITY OF DEVELOPMENT AND TYPES OF USES WHICH ARE CONSISTENT WITH THE OBJECTIVES AND LAND-USE DESIGNATIONS OF THE ADOPTED GENERAL PLAN; AND**

The proposed Neighborhood Commercial (C-1) zone district will recognize existing mixed commercial and residential land uses on the 11.173 acre project site. The project site has a General Plan land use designation of Neighborhood Commercial (C-N) for the corner portion of the parcel, which is approximately one acre in area, with the bulk of the parcel designated as Agriculture (A). The Agriculture portion of the parcel is in commercial bush berry production. The C-N designation provides for compact, conveniently located, and well designed shopping and service uses to meet the needs of individual neighborhoods, rural communities and visitors. The convenience store has served the public in its present location since 1951 and is the only gas station and mini mart between Casserly Road in Watsonville and Gilroy, approximately 18 miles. The project is consistent with General Plan policy 2.13.1, which designates areas existing as small-scale neighborhood and visitor serving businesses within walking distance of urban neighborhoods, visitor attractions, or centrally located to serve rural communities.

The existing commercial development does not adversely affect the agricultural viability of the subject parcel in that the commercial/residential development is located on the perimeter of good agricultural soils, consistent with General Plan policy 5.13.8. The mixed commercial/residential use on the corner of the site is accessory to the principal agricultural use of the parcel in that it provides housing for farm workers, fuel for farm equipment, and a market for the sale of produce grown on the site.

**2. THE PROPOSED ZONE DISTRICT IS APPROPRIATE OF THE LEVEL OF UTILITIES AND COMMUNITY SERVICE AVAILABLE TO THE LAND; AND**

The proposed Neighborhood Commercial (C-1) zone district is appropriate given the existing level of utilities and community service available to the land. The project site is served by Pajaro Valley Water District, has private septic service and is within Zone 7 of the County Flood Control and Water Conservation District. The project gains access from Highway 152 and Casserly Road.

**3. a) THE CHARACTER OF DEVELOPMENT IN THE AREA WHERE THE LAND IS LOCATED HAS CHANGED OR IS CHANGING TO SUCH A DEGREE THAT THE PUBLIC INTEREST WILL BE BETTER SERVED BY A DIFFERENT ZONE DISTRICT; OR**

**b) THE PROPOSED REZONING IS NECESSARY TO PROVIDE FOR A COMMUNITY RELATED USE WHICH WAS NOT ANTICIPATED WHEN THE ZONING PLAN WAS ADOPTED; OR**

- c) THE PRESENT ZONING IS THE RESULT OF AN ERROR; OR
- d) THE PRESENT ZONING IS INCONSISTENT ~~WITH~~ THE DESIGNATION SHOWN ON THE GENERAL PLAN.

The present Commercial Agriculture (CA) zoning is inconsistent with the Neighborhood Commercial (C-N) General Plan designation for the corner portion of the parcel. The larger portion of the parcel is engaged in the agricultural production of bush berries and carries an Agriculture (A) General Plan designation. The General Plan was amended in 1980 to correct the inconsistency, reflecting the mixed residential and commercial use which Assessor's records confirm have existed continuously at the corner since 1951, but the zoning designation was not corrected at the same time. The property has had a split General Plan designation since the 1980 General Plan update, with the corner of the parcel designated as Neighborhood Commercial and the majority of the farmland designated as Agriculture. The implementing zoning has been Commercial Agriculture for the entire parcel, thus the convenience market expansion could not be recognized under the existing zoning designation. County Code Section 13.10.130(a) requires that zoning regulations be consistent with the adopted General Plan. County Code Section 13.01.060(c) states that when a General Plan amendment affects the land use designation of specific properties, those properties shall be concurrently rezoned to a zone district as necessary to maintain consistency with the General Plan. The zoning for this corner of the parcel should be changed to Neighborhood Commercial (C-1) to maintain consistency with the Neighborhood Commercial General Plan designation.



## DEVELOPMENT PERMIT FINDINGS

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, AND WILL NOT RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The proposed location of the cooler enclosure addition to the existing convenience store, recognition of the existing produce stand, regrading and repaving the parking lot, and recognition of Environmental Health Permits for the relocation of gasoline pumps and replacement of underground storage tanks, and the conditions under which they would be operated or maintained will not be detrimental to the health, safety or welfare of persons residing in the neighborhood or the general public in that the cooler enclosure serves to offer improved weather protection for the facility which is used in the daily operations of the convenience store business. Compliance with the requirement that construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance will ensure the optimum in safety and the conservation of energy and resources, so that the project will not be materially injurious to properties or improvements in the vicinity. The project proposal has received the required clearances from the Environmental Health Service.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

Existing commercial and residential development is consistent with the proposed rezoning to Neighborhood Commercial (C-1). The purpose of C-1 zoning is to provide compact and conveniently located shopping and service uses to meet the limited needs within walking distance of individual urban neighborhoods or centrally located to serve rural communities. Neighborhood Commercial uses and facilities are intended to be of a small scale, with a demonstrated local need or market, appropriate to neighborhood service areas, and to have minimal adverse impact on adjacent residential areas. Visitor serving uses allowed in this zone district include primarily food services, auto fueling with no service bays or repair services, and related accessory uses as per County Code Section 13.10.331. The project is consistent with this designation in that the retail and residential functions on the site are in compliance with County Code Section 13.10.332.

The project is consistent with all required development regulations of the Commercial Zone District and Design Review regulations including the provision of 15 parking spaces on site, less than 35 foot building height, required landscaping, compliance with signage regulations, and setbacks consistent with the agricultural buffer determination.

**ATTACHMENT 4**

**3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.**

The project site carries split designation with both Neighborhood Commercial and Agriculture. The proposed use is consistent with the General Plan in that the mixed residential/commercial use in the area designated Community Commercial complies with General Plan policy 2.13.1 which designates areas existing as small-scale neighborhood and visitor serving businesses centrally located to serve rural communities. The existing development does not adversely affect the agricultural viability of the parcel in that the commercial/residential development is located on the perimeter of good agricultural soils, consistent with General Plan policy 5.13.8. The mixed commercial/residential use on the corner of the site is accessory to the principal agricultural use of the parcel in that it provides housing for farm workers, fuel for farm equipment, and a market for the sale of agricultural products grown on the site. A specific plan has not been adopted for this area.

**4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.**

The proposed convenience market and addition, produce stand and existing single-family residence will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity in that this type of development has continuously existed at this site since 1951. There is no increase in the number of bedrooms for the single-family dwelling on site, which remains at three bedrooms.

**5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.**

The proposed project will complement and harmonize with existing and proposed land uses in the vicinity in that the existing development pattern has remained largely unchanged over the past 50 years. The corner market store and residence have traditionally been a part of the rural landscape, surrounded by agricultural production. The development maintains a low, one story profile and utilizes wood siding products and neutral exterior colors. Existing mature landscaping of fruit trees serves separates the residence from adjacent farmland. The commercial/residential development takes up about one acre of the 11.173 acre project site with the balance of the parcel in commercial bush berry production. The existing convenience market and produce stand are a transitional development between adjacent residential development across Casserly Road and the flat agricultural surroundings of adjacent farmland. The project is compatible with the neighborhood.

**6. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076) AND ANY OTHER APPLICABLE REQUIREMENTS OF CHAPTER 13.11.**

The proposed convenience store cooler addition extends the existing building approximately 15 feet to the rear of the parcel behind the existing market. There is little physical change in the outward appearance of the structure which retains a low one story profile. The project is compatible with the site in that the building is sited to maximize orientation towards the south to maximize solar heating opportunities and so that the entrance is from the interior parking lot rather than from an area facing Highway 152. Rooftop equipment is screened to be an integral part of the building design. Parking layout gives direct access to the business and maintains excellent sight distance. Established landscaping is supplemented with Mayten and Japanese Maple trees to meet parking lot landscaping requirements consistent with Code Section 13.11.074. The parking lot is flat and is fully accessible. Signage is required to meet all requirements of Code Section 13.10.581. Exterior lighting is directed onto the site and away from adjacent properties. Building and security lighting is integrated into the building design. All lighted parking and circulation areas shall utilize low-rise light standards or light fixtures attached to the buildings. Light standards to a maximum of 15 feet are allowed. Area lighting shall be high pressure sodium vapor, metal halide, fluorescent, or equivalent energy efficient fixtures. Trash and recycling facilities shall be screened from view.

RECORDING REQUESTED BY:  
COUNTY OF SANTA CRUZ

WHEN RECORDED, RETURN TO:  
PLANNING DEPARTMENT  
COUNTY OF SANTA CRUZ  
701 OCEAN STREET  
SANTA CRUZ CA 95060

### CONDITIONS OF APPROVAL

Commercial Development Permit No. 00-0473  
Applicant and Property Owner: Ron Gordon for **M.S. &** Dawla Mohssen  
Assessor's Parcel No. 110-071-12  
Property location and address: 3 Hecker Pass, Watsonville  
Salsipuedes Planning Area

Exhibits: A: Architectural Plans prepared by Ron Gordon dated 6/2/99, revised 7/26/01

- I. This permit recognizes the enclosure of a walk-in cooler unit at an existing convenience store, an existing produce stand, regrading and repaving of the parking lot, relocation and installation of three gasoline pumps and underground storage tanks, and mixed commercial/residential use on the site.
- I. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa **Cruz** County Building Official within 90 days of project approval.
  - C. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days.
  - D. Comply with all requirements of the Environmental Health Service.
  - E. Obtain a soils report for review and approval by Environmental Planning.

II. Prior to issuance of a Building Permit the applicant/owner shall:

- A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes between the approved Exhibit "A," including, but not limited to the attached exhibits for preliminary grading, drainage, erosion control, architectural, and landscaping plans, and the final Architectural Plans must be submitted for review and approval by the decision-making body. Such proposed changes will be included in a report to the decision-making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code. Any changes that are on the final plans that do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review.

The final plans shall include, but not be limited to, the following:

1. Exterior elevations identifying finish materials and colors.
2. Floor plans identifying each room and its dimensions.
3. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, and accessory structures. Building setbacks shall be maintained in compliance with the approved agricultural buffer determination. Existing building footprints shall be maintained with no closer encroachments permitted towards the CA zoned land across Highway 152. Development setbacks shall be consistent with the C-1 zoning as per Code Section 13.10.333 plus a minimum distance of 60 feet from APN 110-081-27 (the width of Highway 152 right-of-way) and a minimum of 100 feet from APN 051-492-15 (the diagonal measurement across Highway 152 and Casserly Road), the adjacent Commercial Agriculture zoned parcels. Driveway access on Casserly Road shall comply with Public Works Design Criteria. A minimum of fifteen (15) parking spaces shall be provided on site, one of which shall be designated as accessible.
4. A final Landscape Plan. This plan shall include the location, size, and species of all existing and proposed trees, plants, and turf areas, lighting and irrigation system. Final plans shall show the location of the vegetative buffering barrier required by the Agricultural Policy Advisory Commission adjacent to the single-family residence on site.
5. A sign plan consistent with County Code Section 13.10.581 and General Plan policy 5.10.18 shall be submitted to Planning staff for review and approval.

- B. Meet all requirements and pay the appropriate plan check fee of the Pajaro Valley Fire Protection District (Exhibit J).
  - C. Silt and grease traps in the lowest spot within the paved area shall be shown on the plans as required by Public Works and a maintenance agreement provided by Public Works shall be recorded.
  - D. Record a Statement of Acknowledgment, as prepared by the Planning Department, and submit proof or recordation to the Planning Department. This statement shall acknowledge the adjacent agricultural land use and the agricultural buffer setbacks.
  - E. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
  - F. Pay the Santa Cruz County Child Care fee in effect at the time of Building Permit issuance. On 9/12/01, the fee would total \$144.21, levied at \$0.23/sq.ft for the 627 square foot cooler addition to the convenience market.
  - G. Obtain an Encroachment Permit from the California Department of Transportation for any work performed in the public right-of-way.
  - H. 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.
- III. All construction shall be performed in accordance with the approved plans. For reference in the field, a copy of these conditions shall be included on all construction plans. Prior to final building inspection and building occupancy, the applicant/owner shall meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official within two years of project approval.
  - C. Parking areas and access driveways shall be surfaced with baserock meeting Public Works Design Criteria to minimize dust.
  - 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.

#### IV. Operational Conditions.

- A. All landscaping shall be permanently maintained. The vegetative barrier and fencing shall be permanently maintained between the residential uses and the remainder of the property.
- B. All required Agricultural Buffer setbacks shall be maintained.
- C. A minimum of 15 parking spaces are to be provided on site for the commercial and residential uses, with a minimum of one accessible parking space.
- D. Exterior signage shall not exceed a total of 50 square feet in area. Directional signs up to 16 square feet in area are permitted. Illuminated signs are not permitted within the scenic corridor except for directional and informational signs for visitor-serving and commercial purposes.
- E. Hours of operation for the convenience market are 6 a.m. to 10 p.m. seven days a week, and for the produce stand 6 a.m. to 5 p.m. seven days a week during the produce growing season, April through October.
- F. In the event that future County inspections of the subject property disclose noncompliance 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 permit revocation.

- V. 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, its 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.

**ATTACHMENT 4**

- 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. Settlement. 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. Successors Bound. "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.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM DATE OF APPROVAL  
UNLESS YOU OBTAIN YOUR BUILDING PERMIT AND COMMENCE  
CONSTRUCTION.**



By signing below, the owner agrees to accept the terms and conditions of Permit 00-0473 and to accept responsibility for payment of the County's cost for inspections and all other action related to noncompliance with the permit condition. Permit 00-0473 is null and void in the absence of the owner's signature below.

Executed on \_\_\_\_\_  
(date)

Property Owner(s) signatures:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.  
IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT  
SHALL BE ATTACHED.**

**STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ ) ss**

On \_\_\_\_\_ before me \_\_\_\_\_, personally  
appeared \_\_\_\_\_  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose  
name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature \_\_\_\_\_  
(Signature of Notary Public)

**FORM MUST BE REVIEWED AND APPROVED BELOW BY SANTA CRUZ COUNTY  
PLANNING DEPARTMENT PRIOR TO BEING RECORDED**

Dated: \_\_\_\_ / \_\_\_\_ / 2001

**COUNTY OF SANTA CRUZ**

By: \_\_\_\_\_

**NOTICE OF EXEMPTION FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**ATTACHMENT 4**

01 50

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No.00-0473

Assessor Parcel No. 110-071-12

Project Location: 3 Hecker Pass, Watsonville

Project Description: Proposal to recognize the construction of a 627 square foot enclosure of a walk-in cooler unit at an existing convenience store; recognize an existing produce stand; regrade and repave the parking lot; recognize Environmental Health permit to relocate and increase the number of gasoline pumps from 2 to 3 and upgrade underground storage tanks; establish a Master Occupancy Program permitting mixed commercial and residential uses, and rezone the south corner portion of the parcel to Neighborhood Commercial (C-1).

Person or Agency Proposing Project: Ron Gordon for M.S. & Dawla Mohssen

Phone Number: 831-724-4673

- A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines, Sect. 1928 and 501.  
B. \_\_\_\_\_ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.  
C. \_\_\_\_\_ Statutory Exemption other than a Ministerial Project. Specify type:  
D. Categorical Exemption

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> 1. Existing Facility                   | _____ 17. Open Space Contracts or Easements                                  |
| _____ 2. Replacement or Reconstruction                                     | _____ 18. Designation of Wilderness Areas                                    |
| _____ 3. New Construction of Small Structure                               | _____ 19. Annexation of Existing Facilities/- Lots for Exempt Facilities     |
| _____ 4. Minor Alterations to Land   | _____ 20. Changes in Organization of Local Agencies                          |
| <input checked="" type="checkbox"/> 5. Alterations in Land Use Limitations | _____ 21. Enforcement Actions by Regulatory Agencies                         |
| _____ 6. Information Collection  | _____ 22. Educational Programs   |
| _____ 7. Actions by Regulatory Agencies for Protection of the Environment  | _____ 23. Normal Operations of Facilities for Public Gatherings              |
| _____ 8. Actions by Regulatory Agencies for Protection of Nat. Resources   | _____ 24. Regulation of Working Conditions                                   |
| _____ 9. Inspection  | _____ 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| _____ 10. Loans  |  |
| _____ 11. Accessory Structures   | _____ 26. Acquisition of Housing for Housing Assistance Programs             |
| _____ 12. Surplus Govt. Property Sales                                     | _____ 27. Leasing New Facilities   |
| _____ 13. Acquisition of Land for Wild-Life Conservation Purposes          | _____ 28. Small Hydroelectric Projects at Existing Facilities                |
| _____ 14. Minor Additions to Schools                                       |  |
| _____ 15. Minor Land Divisions   | _____ 29. Cogeneration Projects at Existing Facilities                       |
| _____ 16. Transfer of Ownership of Land to Create Parks                    |  |

E. Lead Agency Other Than County: N/A

Date: 8/22/01

*Joan Van der Hoeven*  
Joan Van der Hoeven, AICP, Project Planner



AGRICULTURAL POLICY ADVISORY COMMISSION  
**County of Santa Cruz**

0151

**ATTACHMENT 4**

BRUCE DAU, Chairperson  
DAVE MOELLER, Secretary

SANTA CRUZ COUNTY AGRICULTURAL POLICY  
ADVISORY COMMISSION  
**REGULAR MEETING**

**MINUTES - OCTOBER 19, 2000**

**MEMBERS PRESENT**

Don Hagerty  
Lud McCrary  
Mike Dobler  
Sam Earnshaw  
Bruce Dau

**STAFF PRESENT**

Cathleen Carr  
Joan Van Der Hoeven  
Dave Moeller  
Pat Tabula

**OTHERS PRESENT**

Ron Tyler  
Charles Allen  
Stuart Kitayama  
Lee Murphy  
Ron Gordon  
Dawla Mohssen

1. The meeting was called to order by Commissioner Dau at 1:30 p.m.
2.
  - a) Approval of June 15, 2000 APAC Minutes -  
Motion by Commissioner Dobler, seconded by Commissioner Hagerty to approve the June 15, 2000 minutes as published. Motion passed.
  - b) Approval of August 17, 2000 APAC Minutes -  
Motion by Commissioner Dobler, seconded by Commissioner McCrary to approve the August 17, 2000 minutes. Motion passed.
  - c) Approval of September 21, 2000 APAC Minutes -  
Motion by Commissioner Hagerty, seconded by Commissioner McCrary to approve the September 21, 2000 minutes. Motion passed.
  - d) Additions/corrections to Agenda: None
3. Review of APAC's Correspondence: Included in Agenda packet.
  - a) Notice of Pending Action for Application 00-0517 APN: 051-321-03  
Proposal to construct a 407.25 square foot bedroom/bath addition to an existing two bedroom single family dwelling of 1,086 square feet constructed in 1953. Project requires an Agricultural Buffer Setback Determination. Situs: 793 Casserly Road.

## ATTACHMENT 4

4. Commissioner's Presentations: None
5. Oral communications: Dave Moeller requested items 6 & 7 on agenda be reversed.
7. **APN: 046-151-07** (Applicant: Chuck Allen, Landmark Realty for Owner: Kitayama Bros).

Proposal to divide Assessor's Parcel Number 046-151-07 zoned Commercial Agriculture into three parcels and a remainder lot. Requires a Minor Land Division, a Coastal Development Permit and Agricultural Policy Advisory Commission Review.

Cathleen Carr gave staff presentation and recommended the Commission agree with the findings that the applicant cannot meet the conditions of findings.

Charles Allen, President of Landmark Real Estate Co., Inc., spoke in favor of the division.

Lee Murphy, California Cut Flower Commission, spoke in favor of the division.

Ron Tyler provided report on economic viability of smaller parcels.

Stuart Kitayama gave explanation of why they would like to divide.

After a lengthy discussion, motion made by Commissioner Dobler, 'seconded by Commissioner Hagerty to accept the staff report and recommend denial of application 99-0770.

Motion passed unanimously.

6. **APN: 110-071-12** (Applicant: Ron Gordon, Owners: M.S. & Dawla Mohssen)

Proposal to recognize the remodel of a **627** square foot enclosure of a walk-in cooler at an existing convenience store, recognize an existing produce stand, apply baserock over unpaved areas, recognize Environmental Health permit for the relocation and increase in number of existing gasoline pumps and underground storage tanks mandated by the 1994 California Underground 'Storage Tank regulations, and construct a canopy, and establish a Master Occupancy program for mixed residential and commercial uses. Requires a Commercial Development Permit/Master Occupancy Permit and an Agricultural Buffer Setback Determination to reduce the required 200 foot buffer setback from Commercial Agricultural zoned property and a re-zoning of the south corner of the property to Neighborhood Commercial (C-1) consistent with the Neighborhood Commercial (C-N) General Plan designation of that portion of the parcel.

EXHIBIT E

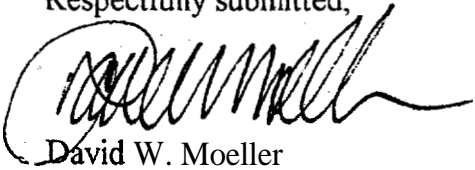
Joan Van Der Hoeven **gave** staff report/presentation and recommended approval.

After a very brief discussion, motion by Commissioner Hagerty, seconded by Commissioner McCrary to recommend approval.

Motion passed unanimously.

There being no further business, the meeting was adjourned at 3:30 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David W. Moeller', written over a circular stamp or seal.

David W. Moeller  
Executive Secretary

DWM:pt

COUNTY OF SANTA CRUZ  
AGRICULTURAL POLICY ADVISORY COMMISSION

Date: October 19, 2000  
Agenda Item: No. 6  
Time: After 1:30 p.m.

### STAFF REPORT TO THE AGRICULTURAL POLICY ADVISORY COMMISSION

APPLICATION NO.: 00-0473  
APPLICANT: Ron Gordon, AIBD  
OWNERS: M.S. & Dawla Mohssen

APN: 110-071-12

**PROJECT DESCRIPTION:** Proposal to recognize the remodel of a 627 square foot enclosure of a walk-in cooler at an existing convenience store, recognize an existing produce stand, apply baserock over unpaved areas, recognize Environmental Health permit for the relocation and increase in number of existing gasoline pumps and underground storage tanks mandated by the 1994 California Underground Storage Tank Regulations, and construct a canopy, and establish a Master Occupancy Program for mixed residential and commercial uses. Requires a Commercial Development Permit/Master Occupancy Permit and an Agricultural Buffer Setback Determination to reduce the required 200 foot buffer setback from Commercial Agricultural zoned property and a re-zoning of the south corner of the property to Neighborhood Commercial (C-1) consistent with the Neighborhood Commercial (C-N) General Plan designation of that portion of the parcel.

**LOCATION:** Property is located on the northwest side of Highway 152 and Casserly Road (at 3 Hecker Pass Road), in Watsonville.

**FINAL ACTION DATE:** 1/19/01 (per the Permit Streamlining Act)

**PERMITS REQUIRED:** Agricultural Buffer Reduction

**ENVIRONMENTAL DETERMINATION:** Subject to Environmental Review

**COASTAL ZONE:** yes XX no

#### PARCEL INFORMATION

**PARCEL SIZE:** 11.173 acres

**EXISTING LAND USE:** PARCEL: Single family dwelling, commercial, commercial agriculture

**SURROUNDING:** Rural residential, agricultural land, commercial

**PROJECT ACCESS:** Highway 152, Casserly Road

**PLANNING AREA:** Salsipuedes

**LAND USE DESIGNATION:** Agriculture, Neighborhood Commercial

**ZONING DISTRICT:** CA - Commercial Agriculture

**SUPERVISORIAL DISTRICT:** 4<sup>th</sup>

#### ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. Portions in 100 year floodplain/College Lake intermittent stream
b. Soils	b. 120, 162 USDA soil types Conejo/Pinto Loams 0-9% slopes
c. Grading	c. None proposed
d. Tree Removal	d. None proposed
e. Biotic Resource	e. None mapped 22

- |                           |   |
|---------------------------|---|
| f. Scenic                 | f. None mapped  |
| g. Drainage               | g. Adequate   |
| h. Traffic                | h. No significant increase                                    |
| j. Archeology             | j. Mapped resource, no prehistoric cultural resources present |
| i. Roads                  | i. Adequate   |
| k. Agricultural Resources | k. Type 1A - Viable Agricultural Land                         |

#### SERVICES INFORMATION

W/in Urban Services Line: \_\_\_yes XXno  
Water Supply: Pajaro Valley Water Management Agency  
Sewage Disposal: Septic, CSA #12  
Fire District: Pajaro Valley Fire Protection District  
Drainage District: Zone 7 Flood Control/Water Conservation District

#### ANALYSIS & DISCUSSION

##### Project Description

The applicant is proposing to recognize the remodel of a 627 square foot enclosure of a walk-in cooler unit at an existing convenience store (Brother's Market); recognize an existing produce stand (Agaccio Farms); apply baserock over unpaved areas of the parking lot; recognize the relocation of gasoline pumps and underground storage tanks permitted by Environmental Health in 1999 (per mandated 1994 CA Underground Storage Tank Regulations) and construct a new canopy; and establish a Master Occupancy Program for mixed residential and commercial uses. The 11.173 acre parcel is developed on the southwest 1.07 acre corner with a commercial/residential development, continuously utilized as such since the original construction in 1951, and the remaining 10.1 acres of the parcel is used for commercial berry production. The proposal seeks a reduction in the required 200 foot agricultural buffer from Commercial Agriculture (CA) zoned land across Highway 152 to about 50 feet from the CA zoned property along the southern property line (APN 110-081-27, the 59 acre Battaglia farm) and about 150 feet from the Commercial Agricultural parcel directly west of that diagonally across Casserly Road (APN 051-492-15, the 48 acre Kett farm). The project also includes re-zoning of the southern corner of the parcel from Commercial Agriculture to Neighborhood Commercial in order to be consistent with the Neighborhood Commercial General Plan designation of this portion of the parcel.

##### Discussion and Analysis

The project site is located in the Salsipuedes planning area. The parcel is approximately 11.173 acres. The subject property (Agaccio Farms) is characterized by level to gently sloping topography (9% or less) and is crossed by an unnamed, intermittent tributary creek in the vicinity of College Lake. Santa Cruz County Assessor's records indicate that the commercial and residential development on the site has existed since 1951. The southern corner of the parcel (1.07 acres) is developed with an existing single family dwelling with 3 bedrooms, and commercial development including a convenience store with fuel dispensers (diesel and regular fuel), a produce market, storage building and packing shed. The remaining 10.1 acres are farmed commercially with bush berry production being the major commercial crop. The project site carries a split

Application No. 00-0473

APN: 110-071-12

ATTACHMENT 4

## General

- Plan designation of Neighborhood Commercial/Agriculture, and the implementing zoning is Commercial Agriculture. County Code Section 13.10.170 indicates that C-1 zoning is consistent with the Neighborhood Commercial Land Use Designation, and the existing uses (1 residence, produce stand, gas station without service bays or repair service) on the site are consistent with the C-1 zoning. A county-initiated re-zoning of the south corner of the parcel to C-1 is included with this proposal.

The subject parcel is across Highway 152 from two CA zoned parcels which are within 200 feet of the existing development. The CA parcel directly south (APN 110-081-27, the 59 acre Bottaglia farm) is approximately 59 acres in size and is in commercial agricultural production. The CA zoned parcel diagonally across Casserly Road, also fronting on Highway 152 to the southwest (APN 051-492-15, the 48 acre Kett farm) is developed with a single-family dwelling and commercial vegetable production. In order to minimize or prevent potential conflicts between existing or future commercial agricultural and habitable land uses, it is recommended that the following mitigations be implemented to allow for a reduced agricultural buffer setback consistent with County Code Section 16.50.095. State Highway 152 offers a significant barrier between the parcels.

The existing convenience store is oriented such that there are no openings on either the Casserly Road or the State Highway 152 frontages, and customers enter the store from a doorway facing the interior of the lot. It is recommended that this configuration be retained. Additional landscaping is required to be planted at the Casserly Road/Highway 152 intersection which does not block sight distance for the traveled right-of-way creating a traffic hazard (see Exhibit E, site plan). Additional shade trees are required to be planted along the Highway 152 frontage of the parcel. An overhead canopy is proposed for the fuel dispensing area to offer weather protection for customers.

The existing Agaccio Farms produce stand has an opening facing Highway 152 and it is recommended that the opening be closed and that customers use the other existing entrance which also faces the interior of the parcel. Additional trees and shrubs are to be planted as per Exhibit E. The adjacent dirt driveway is to be improved with baserock to reduce dust in the immediate vicinity of the produce stand.

The existing 3 bedroom single-family residence on the site is fenced with a solid wood 6 foot high fence and additional trees and shrubbery are required to buffer the residence from adjacent agricultural activities on the property as per Exhibit E. Mature apricot, fig and avocado trees adjacent to the single-family residence are to be retained.

Although the development has removed a portion of potentially arable land from future agricultural use, the commercial/residential development is located to maintain arable land. The use has existed on site since 1951 and the proposed development will have a negligible impact on the agricultural potential of the subject parcel.

RECOMMENDATION:

Staff recommends that your Commission approve the Agricultural Buffer Reduction from 200 feet to about 60 feet to the commercial and residential development from the southern property line adjacent to CA zoned



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APN: 110-071-12

land and to about 100 feet from the southeastern CA zoned property to the commercial and residential development proposed under application 00-0473, and approve the staff-initiated rezoning of the southern

- corner of the parcel from Commercial Agriculture to Neighborhood Commercial to maintain required consistency with the Neighborhood Commercial General Plan designation of this portion of the parcel, based on the attached findings (Exhibit A) and recommended conditions (Exhibit B).

### EXHIBITS

- A. Findings
- B. Conditions
- C. Assessor's Parcel Map
- D. Zoning and General Plan Maps
- E. Site Plan
- F. Project description by Ron Gordon dated August 7, 2000.
- G. Letter of Louis Schiavon dated 9/13/00

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.

Report Prepared By:



Joan Van der Hoeven, AICP  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3140  
Email: pln140@co.santa-cruz.ca.us

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EXHIBIT F

A 25

Application No. 00-0473

APN: 110-071-12

**REQUIRED FINDINGS FOR AGRICULTURAL BUFFER SETBACK REDUCTION  
COUNTY CODE SECTION 16.50.095 (b)**

1. SIGNIFICANT TOPOGRAPHICAL DEFERENCES EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200 FOOT SETBACK; OR
2. PERMANENT SUBSTANTIAL VEGETATION OR OTHER PHYSICAL BARRIERS EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200 FOOT BUFFER SETBACK; OR
3. A LESSER SETBACK DISTANCE IS FOUND TO BE ADEQUATE TO PREVENT CONFLICTS BETWEEN THE NON-AGRICULTURAL DEVELOPMENT AND THE ADJACENT AGRICULTURAL USES, BASED ON THE ESTABLISHMENT OF A PHYSICAL BARRIER, UNLESS IT IS DETERMINED THAT THE INSTALLATION OF A BARRIER WILL HINDER THE AFFECTED AGRICULTURAL USE MORE THAN IT WOULD HELP IT, OR WOULD CREATE A SERIOUS TRAFFIC HAZARD ON A PUBLIC OR PRIVATE RIGHT-OF-WAY; AND/OR SOME OTHER FACTOR WHICH EFFECTIVELY SUPPLANTS THE 200 FOOT BUFFERING DISTANCE TO THE GREATEST DEGREE POSSIBLE; OR

A lesser setback to existing commercial agricultural operations on APN 110-071-12 across Highway 152 from Assessor's Parcel Numbers 110-081-27 and 051-492-15 is adequate to prevent conflicts between the existing non-agricultural uses and commercial farming operations. The state highway is 60 feet wide between the subject parcel and the CA land across the road and 100 feet wide diagonally across Casserly Road for the next adjacent CA land. No wood fence or hedge barrier would be acceptable due to traffic line-of-sight considerations. The installation of street trees with large canopies, a structural canopy over the existing gasoline and diesel fuel pump area, maintaining entrances to existing businesses with openings facing the interior of the lot rather than the Highway 152 frontage, and supplemental planting of hedges around the existing fenced single-family residence would effectively supplant the 200 foot buffering distance to the greatest degree possible.

4. THE IMPOSITION OF A 200 FOOT AGRICULTURAL BUFFER SETBACK WOULD PRECLUDE BUILDING ON A PARCEL OF RECORD AS OF THE EFFECTIVE DATE OF THIS CHAPTER, IN WHICH CASE A LESSER BUFFER SETBACK DISTANCE MAY BE PERMITTED, PROVIDED THAT THE MAXIMUM POSSIBLE SETBACK DISTANCE IS REQUIRED, COUPLED WITH A REQUIREMENT FOR A PHYSICAL BARRIER, OR VEGETATIVE SCREENING OR OTHER TECHNIQUES TO PROVIDE THE MAXIMUM BUFFERING POSSIBLE, CONSISTENT WITH THE OBJECTIVE OF PERMITTING BUILDING ON A PARCEL OF RECORD.

Application No. 00-0473  
APN: 110-071-12

# ATTACHMENT 4

## REQUIRED FINDINGS FOR NON-AGRICULTURAL DEVELOPMENT ON OR ADJACENT TO COMMERCIAL AGRICULTURAL LAND COUNTY CODE SECTION 16.50.095(e)

ANY NON-AGRICULTURAL DEVELOPMENT PROPOSED TO BE LOCATED ON OR ADJACENT TO TYPE 1, TYPE 2 OR TYPE 3 AGRICULTURAL LAND SHALL BE SITED SO AS TO MINIMIZE POSSIBLE CONFLICTS BETWEEN AGRICULTURE IN THE AREA AND NON-AGRICULTURAL USES, AND WHERE STRUCTURES ARE TO BE LOCATED ON AGRICULTURAL PARCELS, SUCH STRUCTURES SHALL BE LOCATED SO AS TO REMOVE AS LITTLE LAND AS POSSIBLE FROM PRODUCTION OR POTENTIAL PRODUCTION.

The subject parcel is zoned CA - Commercial Agriculture and is adjacent to two parcels zoned CA, all designated as Type 1A, Viable Agricultural Land. The subject parcel carries a split General Plan designation with the existing 1.07 acre corner portion with residential/commercial development designated as Neighborhood Commercial and the remainder 10.1 acre farmed portion designated as Agriculture. The project site has retained this configuration since 1951 with minimal conflict between the agriculture in the area and the non-agricultural uses. The single-family residence is used for housing by workers in the agricultural production on the site, the convenience store sells diesel fuel which is used to fuel farm equipment, and the produce stand sells produce that is grown on the parcel. Utilization of solid wood fencing and hedges around the single-family dwelling and other physical barriers required in the attached conditions will prevent potential conflicts between the proposed residential/commercial uses and existing agricultural uses on the adjacent parcels. Retaining entrances to the convenience store and produce stand so that they are oriented towards the interior of the parcel, and installation of the canopy over the existing fuel dispensers and landscaping shall further mitigate any potential conflicts between agricultural and non-agricultural uses. Thus, the development should not adversely affect the agricultural viability of the subject parcel.

## REQUIRED SPECIAL FINDINGS FOR "CA" AND "AP" USES. COUNTY CODE SECTION 13.10.314(a)

1. THAT THE ESTABLISHMENT OR MAINTENANCE OF THIS USE WILL ENHANCE OR SUPPORT THE CONTINUED OPERATION OF COMMERCIAL AGRICULTURE ON THE PARCEL AND WILL NOT REDUCE, RESTRICT, OR ADVERSELY AFFECT AGRICULTURAL RESOURCES, OR THE ECONOMIC VIABILITY OF COMMERCIAL AGRICULTURAL OPERATIONS OF THE AREA.

The continued mixed use of the 1.07 acre corner portion of the parcel shall enhance the continued operation of commercial agriculture on the parcel and will not adversely affect agricultural resources or the economic viability of commercial operations in the area in that the single-family dwelling on site provides housing for farm workers, the produce stand provides an outlet for the sale of goods produced on the parcel, and the market gas and diesel sales provide fuel for farm implements and machinery. The remainder 10.1 acres of the parcel is actively farmed with berry production and the mixed uses have successfully co-existed on the site since 1951.

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 APN: 110-071-12

## ATTACHMENT 4

2. THAT THE USE OR STRUCTURE IS ANCILLARY, INCIDENTAL OR ACCESSORY TO THE PRINCIPAL AGRICULTURAL USE OF THE PARCEL OR THAT NO OTHER AGRICULTURAL USE IS FEASIBLE FOR THE PARCEL OR
3. THAT THE USE CONSISTS OF AN INTERIM PUBLIC USE WHICH DOES NOT IMPAIR LONG-TERM AGRICULTURAL VIABILITY; AND

The 1.07 acre corner portion of the 11.173 acre parcel on the corner of Highway 152 and Casserly Road that is in a mixed residential/commercial use is accessory to the principal agricultural use of the parcel in that it provides housing for farm workers, fuel for farm equipment and a market for the sale of produce grown on the site. The 10.17 acre portion of the parcel farmed as berry production land. The land is designated as Type 1A, viable agricultural land, and exceeds the minimum 10 arable acres required for Type 1 lands per General Plan policy 5.13.14. The agricultural support facilities are located on the perimeter of the property as per General Plan policy 5.13.8.

4. THAT THE SINGLE-FAMILY RESIDENTIAL USES WILL BE SITED TO MINIMIZE CONFLICTS, AND THAT ALL OTHER USES WILL NOT CONFLICT WITH COMMERCIAL AGRICULTURAL ACTIVITIES ON SITE, WHERE APPLICABLE, OR IN THE AREA.

The single-family residential use has existed in the present location since 1951 and is sited at the Casserly Road frontage of the parcel near the intersection with State Highway 152. The driveway to the residence does not cross agricultural land but is located on the perimeter or edge of the property. In order to minimize potential conflicts with the adjacent agricultural use, agricultural buffer measures in place include the provision of a solid wood six foot high fence and landscaping. Other single-family residences are located across Casserly Road. Similarly, the convenience market, produce stand, storage buildings and packing shed and cooler facilities do not conflict with farming operations on site, but enhance the overall production capabilities by locating on the production site.,

5. THAT THE USE WILL BE SITED TO REMOVE NO LAND FROM PRODUCTION OR POTENTIAL PRODUCTION IF ANY NON-FARMABLE POTENTIAL BUILDING SITE IS AVAILABLE, OR IF THIS IS NOT POSSIBLE, TO REMOVE AS LITTLE LAND AS POSSIBLE FROM PRODUCTION.

The mixed uses have existed in their current configuration since 1951 and there has been no additional removal of arable farmland from production since that time.

**REQUIRED FINDINGS FOR THE AMENDMENT OF TYPE 1 AGRICULTURAL LAND  
COUNTY CODE SECTION 16.50.050(d)**

1. THAT THERE HAS BEEN NEW INFORMATION PRESENTED, WHICH WAS NOT AVAILABLE OR OTHERWISE CONSIDERED IN THE ORIGINAL DECISION TO APPLY A PARTICULAR DESIGNATION, TO JUSTIFY THE AMENDMENT. SUCH NEW INFORMATION MAY INCLUDE, BUT NOT BE LIMITED TO, DETAILED SOIL ANALYSIS, WELL OUTPUT RECORDS, WATER QUALITY ANALYSIS, OR DOCUMENTED HISTORY OF CONFLICTS FROM SURROUNDING URBAN LAND USES.

Since 1951 the southernmost corner of the parcel fronting on the intersection of Casserly Road and Highway 152 has been in residential and commercial use. Although the 11.173 acre parcel carries a split General Plan designation of Neighborhood Commercial (N-C) for the southern 1.07 acres and Agriculture (A) for the 10.17 acre portion which is in agricultural production, the implementing zoning is Commercial Agriculture (CA) for the entire 11.173 acre parcel. Government Code Section 65860 requires that zoning ordinances be consistent with the General Plan. In the event that a zoning ordinance becomes inconsistent with a general plan, such zoning ordinance shall be amended within a reasonable time so that it is consistent with the amended general plan. A deletion of the Type 1 designation on the southernmost corner portion of the parcel is justified due to the continuous historical documented residential and commercial use at the site.

2. THAT THE EVIDENCE PRESENTED HAS DEMONSTRATED THAT CONDITIONS ON THE PARCEL(S) IN QUESTION DO NOT MEET THE CRITERIA, AS SET FORTH IN SECTION 16.50.040 OF THE SANTA CRUZ COUNTY CODE, FOR THE EXISTING AGRICULTURAL, LAND TYPE DESIGNATION FOR SAID PARCEL(S).

The southernmost corner of APN 110-071-12 does not meet the criteria for classification as Type 1 Commercial Agricultural Land as per County Code section 16.50.040(a) in that the land has not had a history of commercial agriculture over a long period of time or is likely to continue to be capable of commercial agricultural use in the foreseeable future. Assessor's records indicate that the residential/commercial use of the southernmost corner of the parcel has been continuous since 1951, predating County land use regulations. Land directly across Casserly Road is in commercial and residential use and new commercial land would have to be set back at least 200 feet from these pre-existing uses.

3. THAT THE PROPOSED AMENDMENT WILL MEET THE INTENT AND PURPOSES OF THE AGRICULTURAL LAND PRESERVATION AND PROTECTION ORDINANCE AND THE COMMERCIAL AGRICULTURE ZONE DISTRICT ORDINANCE.

The existing commercial/residential use has existed continuously on the site since 1951 and predates the zoning ordinance. The proposed amendment serves to correct a zoning map error and will bring the project site into conformity with the General Plan Neighborhood Commercial designation as required by Government Code Section 65860.

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APN: 110-071-12

**ATTACHMENT 4**

4. THAT THE VIABILITY OF EXISTING OR POTENTIAL AGRICULTURAL USE IS ALREADY SEVERELY LIMITED BY CONFLICTS WITH THE URBAN USES; THE EVALUATION OF AGRICULTURAL VIABILITY SHALL INCLUDE, BUT NOT BE LIMITED TO AN ECONOMIC FEASIBILITY EVALUATION WHICH CONTAINS AT LEAST:
- a) AN ANALYSIS OF GROSS REVENUE FROM THE AGRICULTURAL PRODUCTS GROWN IN THE AREA FOR THE FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF FILING THE APPLICATION.
  - b) ANALYSIS OF THE OPERATIONAL EXPENSES, EXCLUDING THE COST OF LAND, ASSOCIATED WITH THE PRODUCTION OF THE AGRICULTURAL PRODUCTS GROWN IN THE AREA FOR THE FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF FILING THE APPLICATION.

There has been no agricultural use on this portion of the parcel for at least 50 years as the use has been continuous residential and commercial use.

5. THAT THE CONVERSION OF SUCH LAND AROUND THE PERIPHERY OF THE URBAN SERVICE AREAS (AS DEFINED BY **THE** URBAN SERVICES LINE OR RURAL SERVICE LINE) WOULD COMPLETE A LOGICAL AND VIABLE NEIGHBORHOOD AND CONTRIBUTE TO THE ESTABLISHMENT OF A STABLE LIMIT TO URBAN DEVELOPMENT.

The project site is distant from any urban or rural service line. The existing land use does not constitute a conversion as the non-agricultural use has been continuous on the southernmost portion of the parcel since at least 1951.

6. THAT THE CONVERSION OF SUCH LAND WOULD NOT IMPAIR THE VIABILITY OF OTHER AGRICULTURAL LANDS IN **THE** AREA.

No pending conversion of the existing land uses on the project site are proposed. The southernmost portion of the parcel has remained in continuous residential/commercial use since 1951 while the balance of the parcel has been in continuous agricultural production during that same period. Correction of the zoning map error shall not reduce the viability of other agricultural lands in the area in that there is a long-standing history of successful co-existence between this parcel and adjacent agricultural lands.

Application No. 00-0473  
 APN: 110-071-12

## ATTACHMENT 4

### AGRICULTURAL BUFFER DETERMINATION Conditions Of Approval

Application No. 00-0473  
 Assessor's Parcel No. 110-071-12

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Exhibit E: Site plan prepared by Ron Gordon, dated 6-2-99.

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- I. This permit authorizes an Agricultural Buffer Setback reduction to about 60 feet from the southern property line across Highway 152 from APN 110-081-27 and about 100 feet diagonally across Highway 152 and Casserly Road from APN 051-492-15. Prior exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof
  - B. Obtain a Commercial Development/Master Occupancy permit for the convenience store and produce stand.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with Exhibit E on file with the Planning Department.
    1. Existing building footprints shall be maintained with no closer encroachment permitted towards the CA zoned land across Highway 152. Development setbacks shall be consistent with the CA zoning (20 feet) as per Code Section 13.10.313(a) plus a minimum distance of 60 feet from APN 110-081-27 (the width of Highway 152) and a minimum of 100 feet from APN 051-492-15 (the diagonal measurement across Highway 152 and Casserly Road), the adjacent Commercial Agriculture zoned parcels.
    2. Final plans shall show orientation of public entrances for the produce stand and convenience market to the interior of the lot. A canopy shall be constructed over the existing fuel dispensers.
    3. Parking areas and access driveways shall be surfaced with baserock meeting Public Works Design Criteria standards, to minimize dust.
    4. Final plans shall show the location of the vegetative buffering barrier as per Exhibit

Application No. 00-0473  
APN: 110-071-12

**ATTACHMENT 4**

E. Species type, plant sizes and spacing shall be indicated on the final plans for review and approval by Planning Staff.

- B. The owner shall record a Statement of Acknowledgment, as prepared by the Planning Department, and submit proof of recordation to the Planning Department. This Statement of Acknowledgment shall acknowledge the adjacent agricultural land use and the agricultural buffer setbacks.

III. All construction shall be performed according to the approved plans for the building permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. The agricultural buffer setbacks shall be met as verified by the County Building Inspector.
- B. The required vegetative and/or other physical barrier shall be installed and the existing fence shall be maintained. The applicant/owner shall call the Interim Agricultural Planner at 454-3140, a minimum of three working days in advance to schedule an inspection to verify the required barrier (vegetative and/or other) has been completed.
- C. All inspections required by the building and grading permits shall be completed to the satisfaction of the County Building Official.

IV. Operational Conditions

- A. The vegetative barrier and fencing shall be permanently maintained between the residential uses and the remainder of the property.
- B. All required Agricultural Buffer Setbacks shall be maintained.
- C. In the event that future County inspections of the subject property disclose noncompliance 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 permit revocation.



FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED

© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1997

~~0165~~

ATTACHMENT 4

Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

Assessor's Map No. 1  
County of Santa Cruz  
April 1955

PDR SECS 14,22 & 23, T.11S, R.2E, M.D.B. & M.

SALSI PUEDES RANCHO

Tax Area Code  
60-110

~~69-110~~

SALSI.  
11/3

20-011

EXHIBIT F

**EXHIBIT C**

SCALE (FT/INCH) = 291  
WIDTH IN FEET = 2,309.28  
DEPTH IN FEET = 2,454.52

REQUEST ID: gen plan

ATTACHMENT 4

11007112

AG

PROJECT LOCATION

R-S

NB3 ASSESSOR PARCELS  
NB3 G P BASE LAYER

N ↑

SCALE (FT/INCH) = 194  
WIDTH IN FEET = 1,539.52  
DEPTH IN FEET = 1,636.35

REQUEST ID: 000-0473

ATTACHMENT 4

CA

11007112

RA

11008127

C

CA

051-492-15

35

N83 ASSESSOR PARCELS  
N83 PLANNING ZONES  
N83 FEMA FLD HZRD GR

N ↑

EXHIBIT F

ZONING

EXHIBIT D

35

Sl. No.	Topic	Page No.	1st Test	2nd Test	3rd Test
1	Mathematics	10	10	10	10
2	Science	20	20	20	20
3	History	30	30	30	30
4	Geography	40	40	40	40
5	English	50	50	50	50
6	Art	60	60	60	60
7	Music	70	70	70	70
8	Physical Education	80	80	80	80
9	Information Technology	90	90	90	90
10	Life Sciences	100	100	100	100

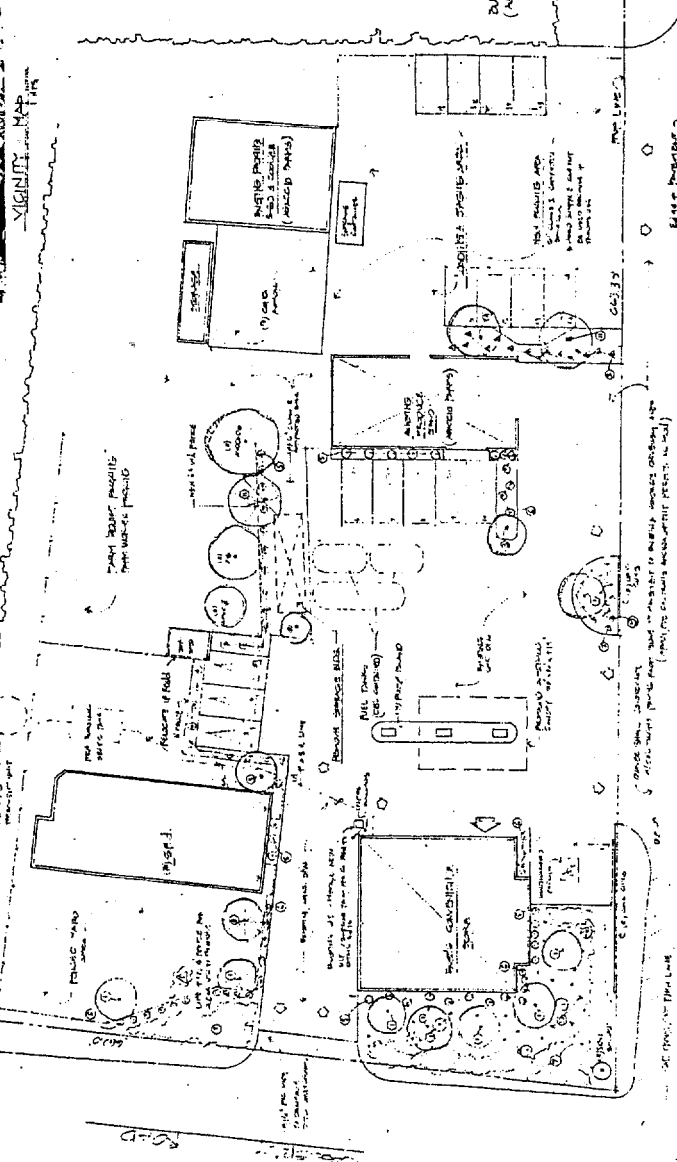
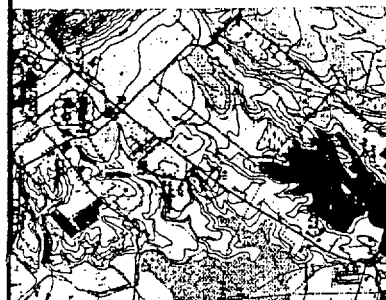
## PROJECT DATA : 00000115.

[illegible]

POSTING DATED: 1 JANUARY 1965  
STATION: 14.9.11  
PAGE 3, 17, 20, 21

IN STATE LEGISLATION. - THE UNIVERSITY SHOULD BE TRANSFERRED TO STATE OWNERSHIP. - STATE SHOULD TAKE OVER THE UNIVERSITY. - STATE SHOULD TAKE OVER THE UNIVERSITY. - STATE SHOULD TAKE OVER THE UNIVERSITY.

0168  
ATTACHMENT 4



HEX-KER  
FARAD HIGHWAY, 152





RON GORDON, A.I.B.D.

Planning & Building Design  
Landscape Consultant

August 7, 2000

**ATTACHMENT 4**

County of Santa Cruz  
Planning Department  
701 Ocean Street, Room 400  
Santa Cruz, California 95060

Attn: Joan Van der Hoeven, AICP

RE: Development Permit No. 00-0473  
Brothers Market  
3 Hecker Pass Rd, Hwy 152  
Watsonville, California 95076

Brothers Market was constructed in 1951. It was originally built as a gas station and small mom & pop grocery store. Over the years the facility slowly deteriorated and was sold to the present owners (MS & Dawla Mohssen) in 1995. Since the purchase, the owner has been diligently cleaning up the property (i.e. bringing the gas pumps/tanks up to code, covered canopy, lighting, etc.).

The owner's are preparing to bring the building into code compliance, in addition to upgraded food preparation and new refrigeration cooler. The updated mini mart hours of operation are 6 am to 10 pm 7 days a week, and the produce stand operating hours 6 am to 5 pm April thru October (fresh produce season and weather permitting). The interior and exterior upgrades to the mini mart will be as per Texaco standards and colors with slight modification of window openings and store entrance/exits.

Brothers Market is the only gas station and mini mart from Watsonville (Cassery Rd. to Gilroy approximately 18 miles.) serving the small farming community as well as through traffic between Watsonville and Gilroy with gasoline & diesel fuel, prepared food items and small groceries.

Sincerely,

Ron Gordon, A.I.B.D.

Project Planner

Agricultural Policy Advisory Commission:

9/13/2000

Re. 000473, 3 Hecker Pass Highway, APN 110-071-12:

If an "Agricultural buffer zone is necessary, which is doubtful, it should be the responsibility of the one who creates the need for it rather than the victim, to provide that buffer zone.

As a neighboring landowner, We ask that you honor M.S. and Dwala Mohssen's request with a minimum amount of hassle.

Thanks

*Louis Schiavon*

Louis Schiavon

BOX 700

FREEDOM 95019

688-5061



## PLANNING DEPARTMENT

## COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

October 8, 1998

701 OCEAN STREET, ROOM 400, SANTA CRUZ, CALIFORNIA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ATTACHMENT 4

Mr. Michael Dodd  
18130 Wylie Hill Lane  
Salinas, CA 93907

SUBJECT: ARCHAEOLOGICAL RECONNAISSANCE SURVEY, APN 110-071-12  
APPLICATION NO. 98-0590

Dear Mr. Dodd:

The County's archaeological survey team has completed the archaeological reconnaissance for the property listed above. The research has shown that no prehistorical cultural resources were evident at that site. A copy of the review is attached for your information. No further archaeological review will be required for the proposed development.

Please call me at 454-3162 if you have **any** questions.

Sincerely,

Suzanne Smith  
Resource Planner

enclosure

## EXHIBIT B

SANTA CRUZ ARCHAEOLOGICAL SOCIETY  
1305 EAST CLIFF DRIVE, SANTA CRUZ, CALIFORNIA 95062

PRELIMINARY PREHISTORIC CULTURAL RESOURCE  
RECONNAISSANCE REPORT

PARCEL APN: 110-071-12

SCAS PROJECT #: SE-98-701

PLANNING PERMIT #: 48-0590

PARCEL SIZE: 10 ACRES

APPLICANT: MICHAEL DODD

NEAREST RECORDED PREHISTORIC SITE:

On 9-26-98 (2) members of the Santa Cruz Archaeological Society spent a total of (1) hours on the above described parcel for the purpose of ascertaining the presence or absence of prehistoric cultural resources on the surface. Though the parcel was traversed on foot at regular intervals and diligently examined, the Society cannot guarantee the surface absence of prehistoric cultural resources where soil was obscured by grass, underbrush or other obstacles. No core samples, test pits, or any subsurface analysis was made. A standard field form indicating survey methods used, type of terrain, soil visibility, closest freshwater source, and presence or absence of prehistoric and/or historic cultural evidence was completed and filed with this report at the Santa Cruz County Planning Department.

The preliminary field reconnaissance did not reveal any evidence of prehistoric cultural resources on the parcel. The proposed project would, therefore, have no direct impact on prehistoric resources. If subsurface evidence of such resources should be uncovered during construction the County Planning Department should be notified.

Further details regarding this reconnaissance are available from the Santa Cruz County Planning Department or from Patrick H. Cave, Chairman of the Reconnaissance Committee, Santa Cruz Archaeological Society at 1305 East Cliff Drive, Santa Cruz, California, 95062. Phone (831) 751-9467



# COUNTY OF SANTA CLARA

0173

## INTER-OFFICE CORRESPONDENCE

DATE: November 17, 1998

ATTACHMENT 4

TO: Bob Stakem, Project Planner

FROM: David Carlson, Environmental Planning

SUBJECT: Geologic Hazards Assessment, Application No. 98-0590, APN 110-071-12

---

A Geologic Hazards Assessment (GHA) was required for this application because portions of the property are located within a federally designated 100-year flood zone. The flood map indicates the approximate limits of the 100-year flood but does not provide actual water surface elevations for the 100-year flood.

I have visited the site and compared the surveyed topographic map submitted by the applicant to the flood map. A comparison of the maps indicates that all of the existing and proposed buildings, especially the proposed relocation of the 550 square foot single family dwelling and the relocation of the 224 square foot office, are located outside of the 100-year flood zone. During a site inspection I noted no small scale or unique topographic features that would cause a different flood pattern than what is shown on the flood map. Therefore, it appears that the existing and proposed buildings on this application will not be subject to flood related hazards. This completes the GHA for this application.

35

EXHIBIT H

SCALE (FT/INCH) = 164  
WIDTH IN FEET = 1,298.97  
DEPTH IN FEET = 1,380.67

REQUEST ID: 00-0473

ATTACHMENT 4

11007112

FLOODPLAIN

NB3 ASSESSOR PARCELS  
NB3 R&C STREAMS  
NB3 FEMA FLD HZRD GR  
NB3 R&C FLDWAY/FLDPL

N ↑

APPLICATION FOR PERMIT TO CONSTRUCT UNDERGROUND HAZARDOUS MATERIALS STORAGE TANK

FEE: \$707.00 DATE PAID: 3/5/99 PERMIT NUMBER 001-99 ATTACHMENT 4  
LOCATION 3 HECKER PASS RD.  
FACILITY NAME BROTHERS Hecker Pass MKT APN \_\_\_\_\_  
OWNER/OPERATOR Masleh Mottsin TELEPHONE 724-4924  
PROPERTY OWNER Masleh Mottsin TELEPHONE 724-4924  
CONTRACTOR Portco Inc Advis. 316-6943  
ADDRESS 3912 Portola Drive # 8  
LICENSE NUMBER 734175 TELEPHONE 476-7201 - (408) 892-0338

OWNER/BUILDER DECLARATION SUBMITTED: (X) YES ( ) NO ( ) NOT APPLICABLE

TANKS (ATTACH DETAIL SHEETS FROM MANUFACTURER)

NUMBER OF TANKS BEING INSTALLED 3

CAPACITY	WILL STORE	MANUFACTURER
<u>10,000</u>	<u>Regular</u>	<u>XEROX</u>
<u>4000</u>	<u>Super</u>	<u>XEROX</u> PL0500 \$303.00
<u>4000</u>	<u>Diesel</u>	<u>XEROX</u> 2N \$202.00
		PL0501 \$404.00
		CHECK \$707.00

PIPING: PRESSURE DELIVERY X SUCTION \_\_\_\_\_

CONSTRUCTION MATERIAL:

PRIMARY Fiber Glass SECONDARY Fiber Glass

DEPTH TO GROUNDWATER 3-5 +5 Feet DETERMINED BY RRM Monitoring wells

DESCRIBE LEAK DETECTION SYSTEM FOR TANKS & PIPING (ATTACH DETAIL SHEETS FROM MANUFACTURER)

Gilbarco Internal continuous monitor

FOR OFFICE USE ONLY

PERMIT APPROVED BY: R. Supply DATE: 3/24/99 EXPIRES: 9/24/99  
INSPECTED BY: R. Supply DATE: 5/7/99  
Final R. Supply DATE: 5/26/99

HSA-568  
12/87

DISTRIBUTION: WHITE - EHS YELLOW - OWNER 43 PINK - FISCAL

35

EXHIBIT 1

Project Planner: Joan Van Der Hoeven  
Application No.: 00-0473  
APN: 110-071-12

Date: July 25, 2001  
Time: 14:21:30  
Page: 1

ATTACHMENT 4

Environmental Planning Completeness Comments

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

07/17/00: Please include a condition in the Use Permit as follows: Prior to building permit issuance, the applicant shall complete a soils engineering report for the project. This report shall be reviewed and approved by the Planning Department.

Environmental Planning Miscellaneous Comments

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

NO COMMENT

Project Review Completeness Comments

No Comment, as this outside the Redevelopment Agency project area.

Project Review Miscellaneous Comments

NO COMMENT

Accessibility Completeness Comments

I do not see on the site plan where the proposed new restroom building is proposed to be located. Please supply this information. NO COMMENT

Accessibility Miscellaneous Comments

Scope of project requires that existing sanitary facility in commercial building (store and cooler) be upgraded to full accessibility. This may be done with a building permit application.

Please see California Building Code, chapter 11, for specification regarding accessibility. If I can be of any help, do not hesitate to call me at 454-3236, or fax to 454-2131.

Dpw Drainage Completeness Comments

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

What type of drainage improvements exist downstream? How will site runoff affect downstream facilities? Plans need to delineate what portion of site is existing, what portions of site need to be recognized and what portion of the site is proposed. Parking area/fueling station require a silt and grease trap per Detail SD16 of the County Design Criteria. Plans should indicate how drainage is to be directed to the silt and grease trap as well. Revised plans shall be reviewed at cost to the County. revised comments 9/19/00 Approved with the following conditions to be included:

1 - The silt and grease trap shall be located in the lowest spot within the paved

Project Planner: Joan Van Der Hoeven  
Application No.: 00-0473  
APN: 110-071-12

Date: July 25, 2001  
Time: 14:21:30  
Page: 2

**ATTACHMENT 4**

area in order to capture all paved area runoff. Plans should show spot elevations and contours (and any other applicable information) to verify silt and grease trap is appropriately placed.

2 - Vehicles requiring maintenance and/or visibly leaking fluids shall not be parked in base rock / dirt parking area. These vehicles should be parked only on the paved portion of the lot to protect the water quality of the stream located behind the lot.

3 - A silt and grease trap maintenance agreement per figure SD-17 shall be recorded.

**Dp w Drainage Miscellaneous Comments**

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

see above comments

**Dp w Road Engineering Completeness Comments**

The project plans are not acceptable at this time. The project plan set includes two different site plans in terms of access, and the plans have the previous application number from 1998. Please refer to comments for application number 98-0590 for additional comments. 9/1/00 - No additional information required at this time.

**Dp w Road Engineering Miscellaneous Comments**

Additional comments will be generated when revised plans are submitted. 9/1/00 - It is recommended that Caltrans review the access from Highway 152 and that the applicant be conditioned to improve the shoulder area to Caltrans standards. It does not appear necessary to have asphalt paving near the ag. fields since farm equipment will be utilizing this area. The only other area of concern is the corner of the store where access from Casserly Road leads to the gas pumps. Sight distance at this corner will be restricted, and additional control may be necessary. The driveway access on Casserly will have to be improved to meet current County design criteria standards.

**Environmental Health Completeness Comments**

Applicant's site plan shows location of septic system. UPDATED 8-8-00

**Environmental Health Miscellaneous Comments**

If hazardous materials or hazardous waste are to be used, stored or generated on site, contact the appropriate Hazardous Material Inspector in Environmental Health at 454-2022 for proposed UST work.

Applicant must obtain approval for an Environmental Health Plan Review prior to submittal of building plans. Applicant must obtain Environmental Health Plan Check approval, a construction inspection final and a Food Establishment Health Permit prior to opening. Contact Doug Pearson of Environmental Health at 454-2733. EHS review fee for Commercial Development is \$256, not \$196.

Project Planner: Joan Van Der Hoeven  
Application No.: 00-0473  
APN: 110-071-12

Date: July 25, 2001  
Time: 14:21:30  
Page: 3

**ATTACHMENT 4****Pajaro Valley Fire District Completeness Comments**

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

DEPARTMENT NAME: Pajaro Valley Fire

Have the DESIGNER add the appropriate NOTES and DETAILS showing this information on the plans and RESUBMIT, with an annotated copy of this letter:

Note on the plans that these plans are in compliance with California Building and Fire Codes (1997) as amended by the authority having jurisdiction.

The job copies of the building and fire systems plans and permits must be onsite during inspections.

FIRE FLOW requirements for the subject property are 1750 GPM. Note on the plans the REQUIRED and AVAILABLE FIRE FLOW. The AVAILABLE FIRE FLOW information can be obtained from the water company.

SHOW on the plans a public fire hydrant within 250 feet of any portion of the property, along the fire department access route, meeting the minimum required fire flow for the building. This information can be obtained from the water company.

Building numbers shall be provided. Numbers shall be a minimum of 4 inches in height on a contrasting background and visible from the street, additional numbers shall be installed on a directional sign at the property driveway and street.

NOTE on the plans that the roof covering shall be no less than Class "C" rated roof.

SHOW on the plans, DETAILS of compliance with the driveway requirements. The driveway shall be 18 feet minimum width and maximum twenty percent slope.

All Fire Department building requirements and fees ~~will~~ be addressed in the Building Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

72 hour minimum notice is required prior to any inspection and/or test.

Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with the applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source, and, to hold harmless and without prejudice, the reviewing agency.

The ~~wa~~ & openings between cooler & store shall be 1 hr. rated construction. A second exit ~~will~~ be required in the store building. Fuel delivery & storage systems shall meet the requirements of Article 52 & 79 of the California Fire Code 1998 Edition.

All buildings ~~will~~ require lighted exit signs, max. occupancy signs & Fire Extinguishers. Other requirements may apply after inspection or issuance of building permit. Contact Mike Snyder at 335-6748 with any questions or for an appointment, All requirements still apply at the time of this review 9/20/00.

**Pajaro Valley Fire District Miscellaneous Comments**

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

MT. MADONNA  
CO. PARK

CORRALITOS

PINTO LAKE CO. PARK

PROJECT LOCATION

FREEDOM

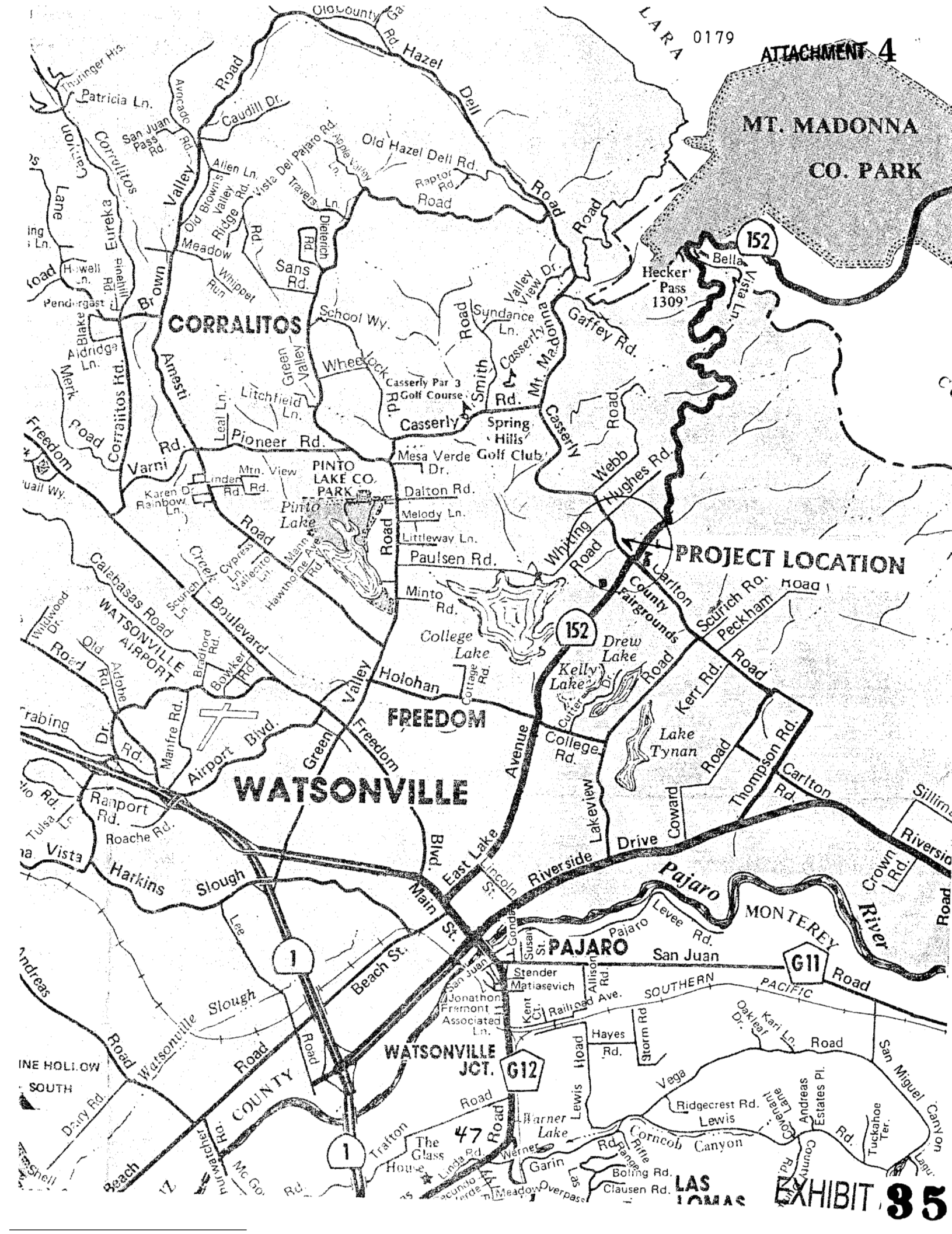
WATSONVILLE

PAJARO

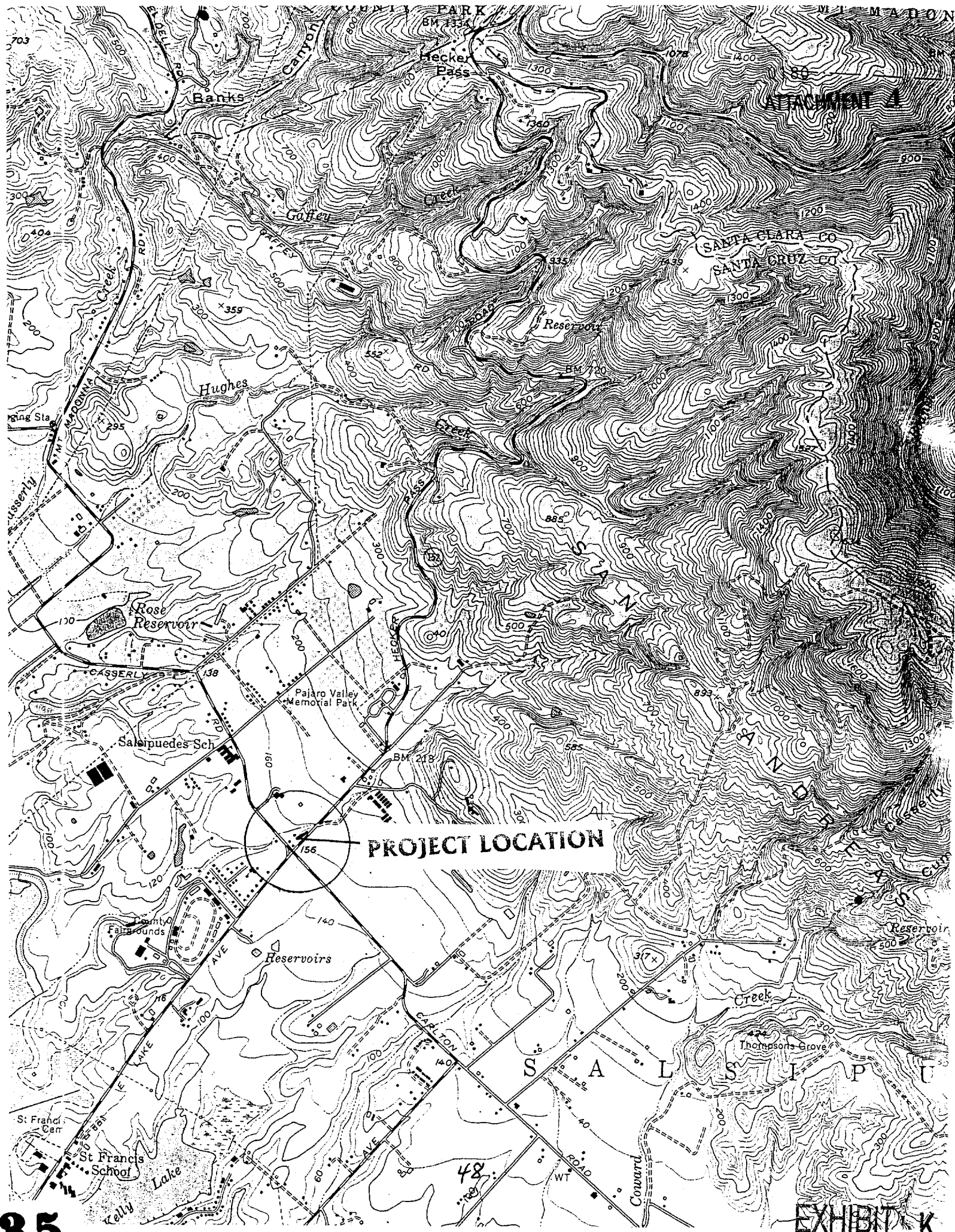
WATSONVILLE JCT.

MONTEREY

LAS TOMAS









BEFORE THE PLANNING COMMISSION  
COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

ATTACHMENT /

RESOLUTION NUMBER \_\_\_\_ - 01

On the motion of Commissioner \_\_\_\_\_

Duly seconded by Commissioner \_\_\_\_\_

The following Resolution is adopted:

PLANNING COMMISSION RESOLUTION SENDING RECOMMENDATION TO  
THE BOARD OF SUPERVISORS ON PROPOSED AMENDMENT TO THE  
ZONING ORDINANCE

---

WHEREAS, the Planning Commission has held a public hearing on Application #00-0473, involving the rezoning of a portion of Assessor's Parcel Number 110-071-12 from Commercial Agriculture "CA" to Neighborhood Commercial (C-1) to be consistent with the Neighborhood Commercial (C-N) General Plan designation, and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report,

NOW THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by changing a portion of APN 110-071-12 from the "CA" Commercial Agriculture zone district to "C-1" Neighborhood Commercial;

BE IT FURTHER RESOLVED that the Planning Commission makes findings as recommended in the report to the Planning Commission.

PASSED AND ADOPTED by the Planning Commission, County of Santa Cruz, State of California, this 22<sup>nd</sup> day of August 2001, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

ABSTAIN: Commissioners

\_\_\_\_\_  
DENISE HOLBERT, Chairperson

ATTEST: \_\_\_\_\_  
CATHY GRAVES, Secretary

APPROVED AS TO FORM:

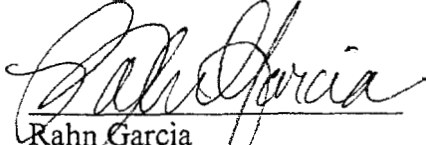
  
Rahn Garcia  
COUNTY COUNSEL

EXHIBIT L  
35

ORDINANCE NUMBER \_\_\_\_\_

ATTACHMENT 4

ORDINANCE AMENDING CHAPTER 13.10 OF **THE** SANTA CRUZ COUNTY CODE BY REZONING A PORTION OF ASSESSOR'S PARCEL NUMBER 110-071-12 FROM "CA" COMMERCIAL AGRICULTURE TO "C-1" NEIGHBORHOOD COMMERCIAL TO MAINTAIN CONSISTENCY WITH THE NEIGHBORHOOD COMMERCIAL GENERAL PLAN DESIGNATION OF THIS PORTION OF THE SITE.

---

The Board of Supervisors of the County of Santa **Cruz** ordains as follows:

#### Section I

The southern corner portion of Assessor's Parcel Number 110-071-12 adjacent to the intersection of Highway 152 and Casserly Road in Watsonville has continuously been under Neighborhood Commercial use since 1951 with the remainder of the property used for commercial agricultural production. This portion of the property carries a Neighborhood Commercial General Plan designation with the remainder designated as Agriculture. In order for the zoning to be consistent with the General Plan, the southern corner portion of the parcel must be rezoned to Neighborhood Commercial.

#### Section II

The proposed rezoning was reviewed and approved by the Santa Cruz County Agricultural Policy Advisory Commission at a public hearing on October 19, 2000 after consideration of the staff report and public testimony. The project was further reviewed at a noticed public hearing before the Planning Commission on August 22, 2001 with a resolution recommending the rezoning.

#### Section III

The County Zoning Plan is hereby amended by changing the zoning on the southern corner portion of APN 110-071-12 from "CA" Commercial Agriculture to "C-1" Neighborhood Commercial as per Exhibit **A**, attached.

#### Section IV

This ordinance shall take effect on the 31<sup>st</sup> day after final passage.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2001, by the following vote:

AYES: SUPERVISORS  
 NOES: SUPERVISORS  
 ABSENT: SUPERVISORS  
 ABSTAIN: SUPERVISORS

ATTEST:

• Clerk of the Board

APPROVED AS TO FORM:

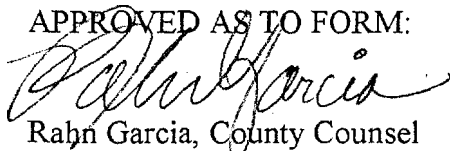
  
 Rahn Garcia, County Counsel

EXHIBIT L

## EXHIBIT A


**Situate in the Rancho Salsipuedes, Santa Cruz County, California.**

Being a portion of the lands conveyed to M. S. Mohssen and Dawla Mohssen, by deed recorded in Volume 561 1, Official Records, at Page 688, Santa Cruz County Records and more particularly described as follows.

Beginning at the intersection of the northwestern sideline of Hecker Pass Road, State Highway 152, with the northeastern sideline of Casserly Road, a county road, thence from said point of beginning along the said northwestern sideline of Hecker Pass Road N 41" 12' E 280.00 feet; thence leave said sideline of **Hecker** Pass Road at right angles : N 48° 48' W 147.00 feet; thence S 47" 06' W 263.41 feet to the said northeastern sideline of Casserly Road; thence along the said northeastern sideline of Casserly Road, S 42' 54' E 175.00 feet to the point of beginning.

Portion of **APN** 110-071-12

Compiled from that site **plan** of Brothers Market, dated 8-20-98.

  
Clifford J. Bridgette  
Professional Land Surveyor  
LS4134 Renewal 6-30-04  
July 27, 2001

