



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **08-0480**

Applicant: Geoff Scurfield
Owner: Khosrow Haghshenas
APN: 052-271-03

Date: 4/16/09
Agenda Item #: **8**
Time: 1:30 p.m.

Project Description: Proposal to demolish an existing gas station, to construct a replacement gas station with a convenience store, restaurant, car wash, and associated improvements.

An Agricultural Buffer Setback Reduction is requested to reduce the required agricultural buffer setback from 200 feet to 56 feet (from APN 052-271-04) to the north, 15 feet (from APN 052-271-04) to the northeast, 190 feet (from APN 052-272-01 across Riverside Drive/Highway 129) to the south, and 74 feet (from APN 052-581-09 across Lee Road) to the west.

Location: Property located on the east side of Lee Road, at the northwest corner of Highway 1 and Highway 129, in Watsonville. (200 Lee Road)

Permits Required: Agricultural Buffer Setback Reduction, Coastal Development Permit, Commercial Development Permit, Sign Variance

Staff Recommendation:

- Approval of Application 08-0480, based on the attached findings and conditions.

Exhibits

- | | |
|------------------|-------------------------------------|
| A. Project plans | D. Assessor's parcel map, Location, |
| B. Findings | Zoning, General Plan maps |
| C. Conditions | E. Comments & Correspondence |

Parcel Information

Parcel Size:	1 acre
Existing Land Use - Parcel:	Existing gas station
Existing Land Use - Surrounding:	Agriculture and Highway 1
Project Access:	Lee Road
Planning Area:	San Andreas
Land Use Designation:	C-N (Neighborhood Commercial)

Zone District: CT-W (Tourist Commercial - Watsonville Utilities
Combining District)
Supervisory District: Second (District Supervisor: Ellen Pirie)
Within Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. X Yes No

Services Information

Inside Urban/Rural Services Line: Yes X No (Property is served by existing urban
services from the City of Watsonville)
Water Supply: City of Watsonville
Sewage Disposal: City of Watsonville
Fire District: CalFire (County Fire Department)
Drainage District: Zone 7 Flood Control District

History

This application replaces application number 05-0629 for a replacement gas station on the subject property at 200 Lee Road in Watsonville. Application number 05-0629 was heard by your Commission on 1/18/07 and was continued to 3/15/07 prior to taking a final action. The proposal at that time included a request for Agricultural Buffer Setback reductions of 55 feet (from APN 052-271-04) to the north and 7 feet (from APN 052-271-04) to the northeast, and 74 feet (from APN 052-581-09 across Lee Road) to the west. The need for an agricultural buffer barrier in the form of a 6 feet high tight redwood fence or wall (along the north and northeast property lines) was discussed by your Commission, but was disputed by the project architect at both hearings. Without an agricultural buffer barrier, your Commission was unable to approve a reduced setback and denied the application on 3/15/07. Since that time, the applicant has realized the need to install an agricultural buffer barrier to protect adjacent agricultural resources. The applicant has also relocated the building further from the northeast property line and has included additional landscaping to improve the effectiveness of the agricultural buffer barrier. These revisions are included in the current application number 08-0480.

Analysis and Discussion

The proposed project is to demolish an existing Chevron gas station and to construct a replacement gas station, convenience store and car wash of approximately 6,650 square feet with a fuel canopy of approximately 2,948 square feet on a 1 acre parcel. The project is located at 200 Lee Road in Watsonville at the northwest corner of the intersection of Highway 1 and Highway 129.

The subject property is relatively level and is located within the flood plain of the Pajaro River. Although the parcel is located outside of the Urban Services Line, the existing gas station is served (water and sewer) by the City of Watsonville. The parcel is designated C-N (Neighborhood Commercial) in the General Plan is zoned CT-W (Tourist Commercial - Watsonville Utility combining district). CA (Commercial Agriculture) zoned land is located to the north, west, and south.

The proposed building site is located within 200 feet of CA (Commercial Agricultural) zoned

land to the north and west. The applicant is requesting a reduction in the agricultural buffer setback from 200 feet to 56 feet (from APN 052-271-04) to the north, 15 feet (from APN 052-271-04) to the northeast, 190 feet (from APN 052-272-01 across Riverside Drive/Highway 129) to the south, and 74 feet (from APN 052-581-09 across Lee Road) to the west.

The existing gas station is setback about 70 feet from the CA zoned Redman House property (APN 052-271-04) to the north and about 83 feet to the northeast. These setbacks would be reduced to about 56 feet to the north and about 15 feet to the northeast. The reorientation of the fuel canopy would result in a setback of about 190 feet from the CA zoned parcel (APN 052-272-01) across Riverside Drive/Highway 129 to the south. The existing setback of about 75 feet from the fuel canopy to the CA zoned parcel (APN 052-581-09) across Lee Road to the west would be maintained at about 74 feet.

A reduced agricultural buffer is recommended due to the fact that the parcel is surrounded on three sides by CA (Commercial Agriculture) zoned properties and the 200 foot minimum setback would not allow sufficient building area if the required 200 foot setbacks were maintained from the adjacent CA zoned properties. The proposed gas station will replace an existing gas station at the same location. The replacement structure will be located closer to the northeast side of the property due to the need to improve circulation to the reoriented fuel canopy. However, it should be noted that the closest areas to adjacent agricultural uses will be parking areas and the automated car wash (where people will not be outside of their vehicles). The applicant is proposing to install a tight board redwood fence along the north and northeast property lines and to install additional landscaping as an agricultural buffer barrier to protect the agricultural interests on the CA zoned parcel to the north. The CA zoned properties across Lee Road and Riverside Drive/Highway 129 are a sufficient distance away from the proposed development to protect the agricultural interests on these parcels and the installation of agricultural buffer fencing along the street frontage of this freeway intersection is not advised. The applicant shall be required to record a Statement of Acknowledgement regarding the issuance of a County building permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Commercial use conflicts.

Site Standards

Although unrelated to the requested Agricultural Buffer Setback reductions, the site standards for the CT (Tourist Commercial) zone district require minimum side and rear yard setbacks of 30 feet from commercial structures adjacent to an agricultural district. The current proposal includes a car wash building that is set back 15 feet from the adjacent CA (Commercial Agriculture) zoned parcel (APN 052-271-04) to the northeast. A Variance to reduce the 30 feet setback to 15 feet will be included in the review of this application and will be heard by the Zoning Administrator. Alternatives do exist that would not require a Variance, such as relocation of the building to the south and west, or removal of the car wash from the proposed project. Although the decision regarding the proposed Variance will not be made by your Commission, approval of an Agricultural Buffer Setback reduction of 15 feet (from APN 052-271-04 to the northeast) would allow the project to proceed as proposed. Or, alternatively, your Commission may choose to approve a 30 feet Agricultural Buffer Setback reduction (from APN 052-271-04 to the northeast) that would allow a modified project to proceed without a Variance to the required setback.

Environmental Review

This project will be subject to the preparation of an Initial Study under the requirements of the California Environmental Quality Act (CEQA). As a component of the environmental review, the potential impact of the proposed development on agricultural resources will be assessed. The results of your Commission's action regarding the Agricultural Buffer Setback determination will assist in the preparation of the environmental documentation for this project.

Recommendation

- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to 56 feet (from APN 052-271-04) to the north, 15 feet (from APN 052-271-04) to the northeast, 190 feet (from APN 052-272-01 across Riverside Drive/ Highway 129) to the south, and 74 feet (from APN 052-581-09 across Lee Road) to the west, for the commercial development proposed under Application Number 08-0480, based on the attached findings and recommended conditions.

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

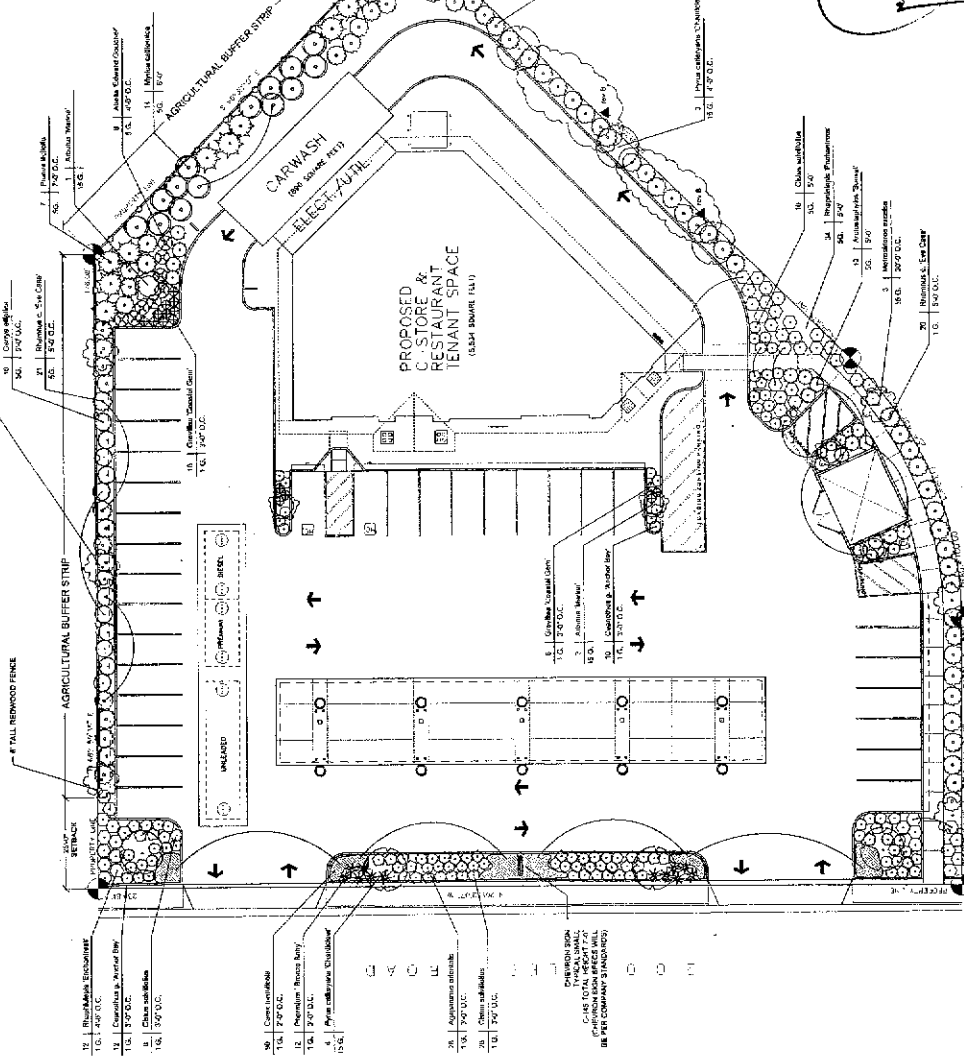
The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Randall Adams
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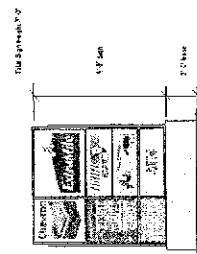
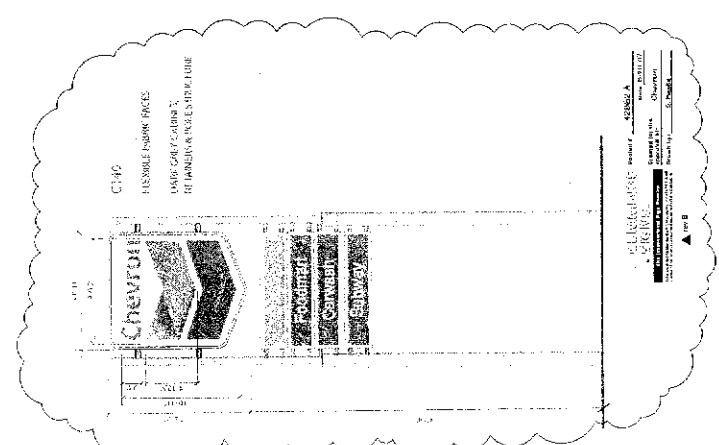
Report Reviewed By: Paia Levine
Principal Planner
Development Review



SCHEM 1/15" = 1'-0"



1077

[illegible][illegible][illegible][illegible]

Size	45	Width	14" - 3"	Length	4' - 8"	Weight	2 ⁰⁰	Area (sq. ft.)	29.2
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EXHIBIT A

**Required Findings for Agricultural Buffer Setback Reduction
County Code Section 16.50.095(d)**

1. Significant topographical differences exist between the agricultural and non-agricultural uses which eliminates or minimizes the need for a 200 foot agricultural buffer setback; or

Not applicable

2. Permanent substantial vegetation (such as a Riparian Corridor or Woodland protected by the County's Riparian Corridor or Sensitive Habitat Ordinances) or other physical barriers exist between the agricultural and non-agricultural uses which eliminate or minimize the need for a two hundred (200) foot agricultural buffer setback; or

Not applicable

3. A lesser setback is found to be adequate to prevent conflicts between the non-agricultural development and the adjacent agricultural development and the adjacent agricultural land, 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) or the existence of some other factor which effectively supplants the need for a two hundred (200) foot agricultural buffer setback; or

The proposed replacement gas station is proposed to be setback from CA (Commercial Agriculture) zoned land 56 feet (from APN 052-271-04) to the north, 15 feet (from APN 052-271-04) to the northeast, 190 feet (from APN 052-272-01 across Riverside Drive/Highway 129) to the south, and 74 feet (from APN 052-581-09 across Lee Road) to the west, where a setback of 200 feet is typically required. An effective barrier consisting of a six foot tall solid board fence enhanced with additional landscaping would be adequate to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned land (APN 052-271-04) to the north. The location of the required barrier shall not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic. In order to prevent traffic hazards, and due to the increased separation from the proposed development for CA zoned parcels to the south (APN 052-272-01) and west (APN 052-581-09), the installation of agricultural buffer barriers Lee Road and Riverside Drive/Highway 129 is not advised.

4. The imposition of a two hundred (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 (e.g. solid fencing and/or vegetative screening) to provide the maximum buffering possible, consistent with the objective of permitting building on a parcel of record.

The subject property is non rectangular and is approximately 240 feet by 250 feet at the widest point, and the imposition of a 200 foot agricultural buffer on the subject property would preclude use of the subject property for commercial purposes if the required 200 foot setbacks were maintained from the adjacent Commercial Agriculture zoned properties to the north, south, and west.

EXHIBIT B

5. Required findings for non-agricultural development on commercial agricultural land, County Code section 16.50.095(e).

The subject parcel is zoned CT-W (Tourist Commercial - Watsonville utility combining district) and is designated Neighborhood Commercial (CN) in the General Plan. The existing use on the property is a gas station and the majority of the site is paved. The parcel is not designated for agricultural production and no agricultural production would be lost as a result of this project. The parcel is within 200 feet of Commercial Agriculture zoned land, but is not zoned Commercial Agriculture or Agricultural Preserve.

Conditions of Approval

- I. This permit authorizes Agricultural Buffer Setback Reductions from the proposed commercial use to APNs (052-271-04, 052-272-01 & 052-581-09). This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Elements of the Exhibit A which do not pertain to the agricultural buffer setback reductions and associated buffer barrier are not a part of this approval. 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 Coastal Development Permit, Commercial Development Permit, and associated approvals required for the proposed gas station.
 - C. Obtain a Building Permit and Grading Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- 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 from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. The following minimum setbacks shall be met from the proposed commercial development to the surrounding Commercial Agriculture zoned parcels: 56 feet (from APN 052-271-04) to the north, 15 feet (from APN 052-271-04) to the northeast, 190 feet (from APN 052-272-01 across Riverside Drive/Highway 129) to the south, and 74 feet (from APN 052-581-09 across Lee Road) to the west.
 2. Final plans shall show the location of the vegetative buffering barrier (and any fences/walls used for the purpose of buffering adjacent agricultural land) which shall be composed of drought tolerant shrubbery. The shrubs

utilized shall attain a minimum height of six feet upon maturity. Species type, plant sizes and spacing shall be indicated on the final plans for review and approval by Planning Department staff.

- B. The owner shall record a Statement of Acknowledgement, as prepared by the Planning Department, and submit proof of recordation to the Planning Department. The statement of Acknowledgement acknowledges 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 physical barrier shall be installed. The applicant/owner shall contact the Planning Department to schedule an inspection to verify that the required barrier (vegetative and/or other) has been completed.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official and/or the County Senior Civil Engineer.
- IV. Operational Conditions
- A. The vegetative and physical barrier shall be permanently maintained.
 - B. All required Agricultural Buffer Setbacks shall be maintained.
 - C. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, 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.
- 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.

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 three years from the effective date listed below or if additional discretionary permits are required for the above permitted project, this permit shall expire on the same date as any subsequent approved discretionary permit(s) unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: 4/16/09

Effective Date: 4/30/09

Expiration Date: 4/30/12

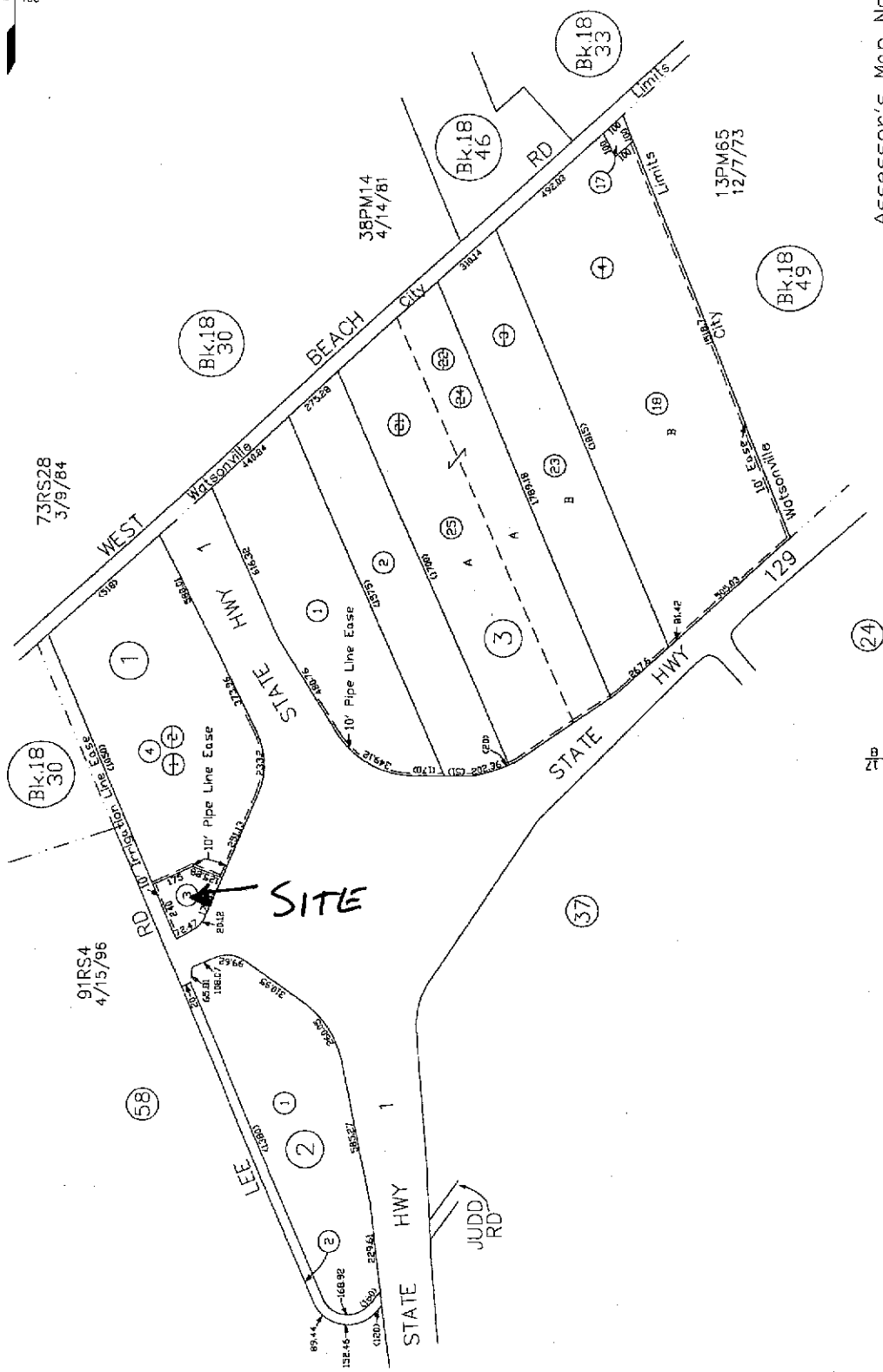
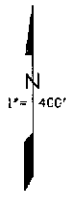
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under the provisions of County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

52-27

Tax Area Code
69-262

POR. RANCHO BOLSA DEL PAJARO
SECS. 8 & 17, 112S., R2E., M.D.B. & M.

FOR TAX PURPOSES ONLY
THE ASSESSOR MAKES NO WARRANTY AS TO MAP ACCURACY NOR ASSUMES ANY
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Note - Assessor's Parcel & Block
Numbers are Shown in Circles.

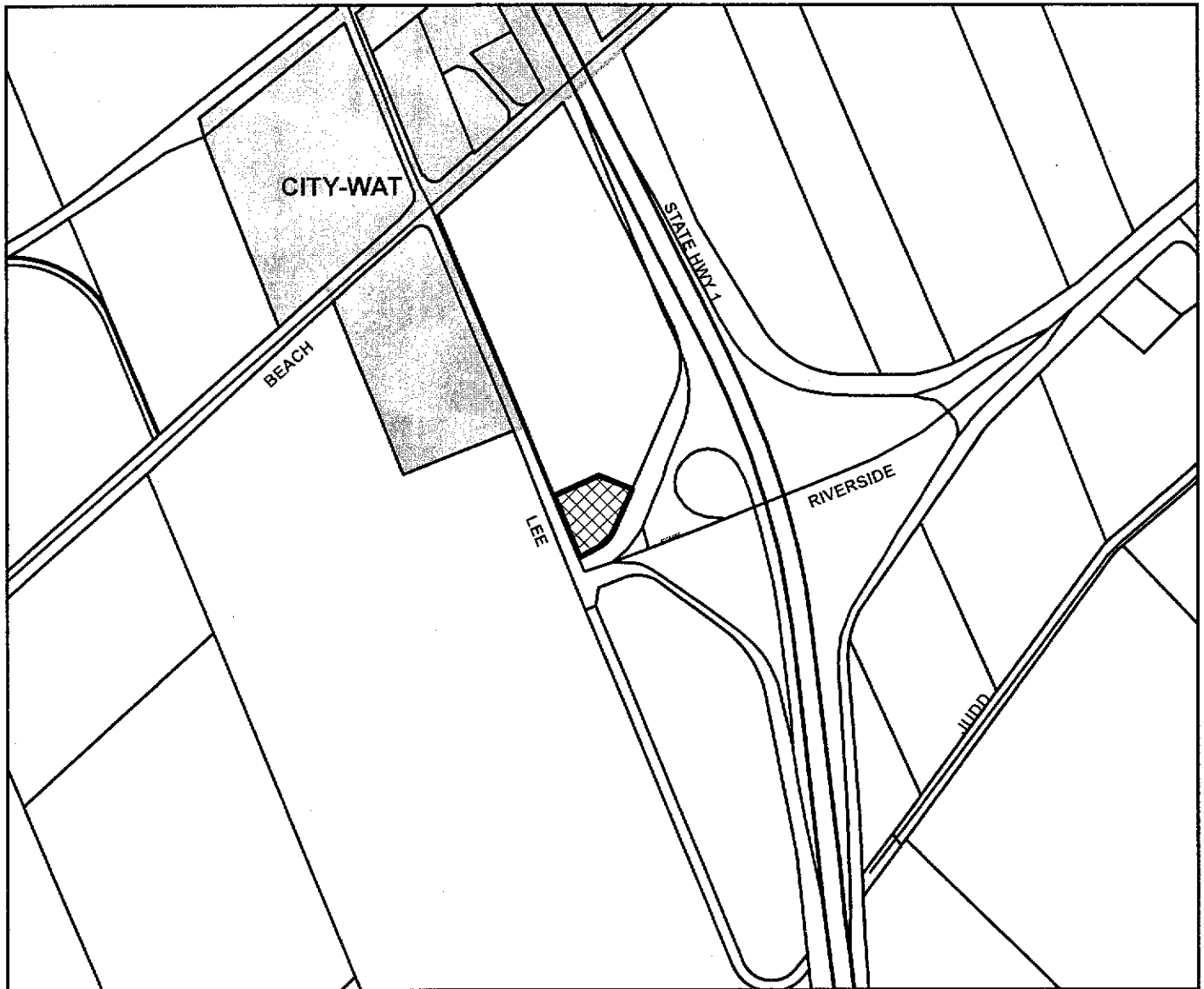
Assessor's Map No. 52-27
County of Santa Cruz, Calif.
Aug. 2000

EXHIBIT D

Electronically redrawn 8/12/00 KSA
Rev. 6/12/01 nvm (changed page refs)








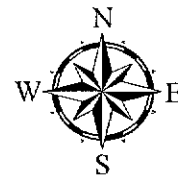
Location Map



850 425 0 850 1,700 2,550 3,400 Feet

LEGEND

-  APN: 052-271-03
-  Assessors Parcels
-  Streets
-  State Highways
-  WATSONVILLE

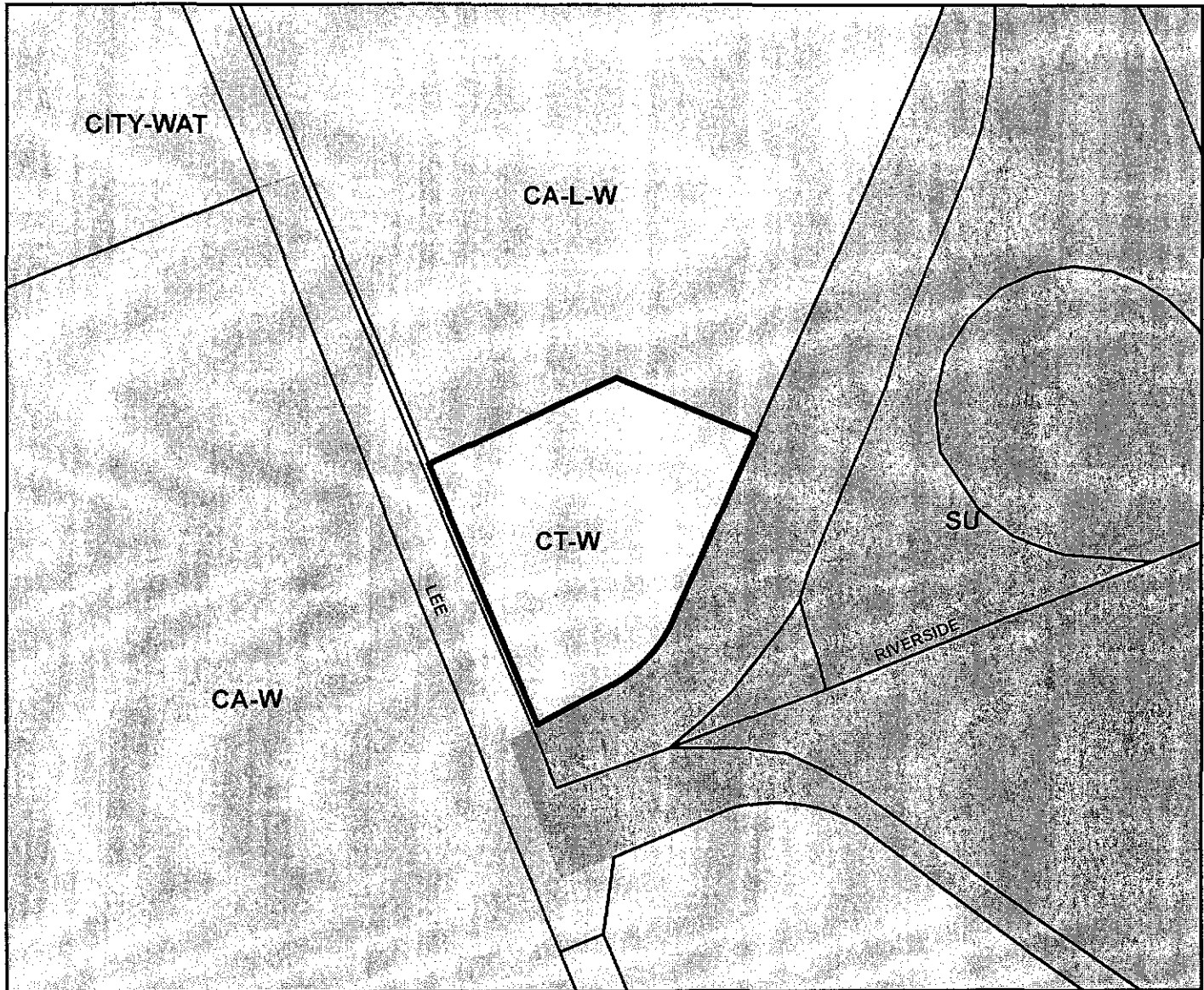


Map Created by
County of Santa Cruz
Planning Department
March 2009

EXHIBIT D



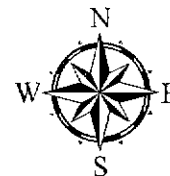
Zoning Map



200 100 0 200 400 600 800 900 Feet

LEGEND

- APN: 052-271-03
- Assessors Parcels
- Streets
- WATSONVILLE
- COMMERCIAL-TOURIST
- AGRICULTURE COMMERCIAL
- SPECIAL USE

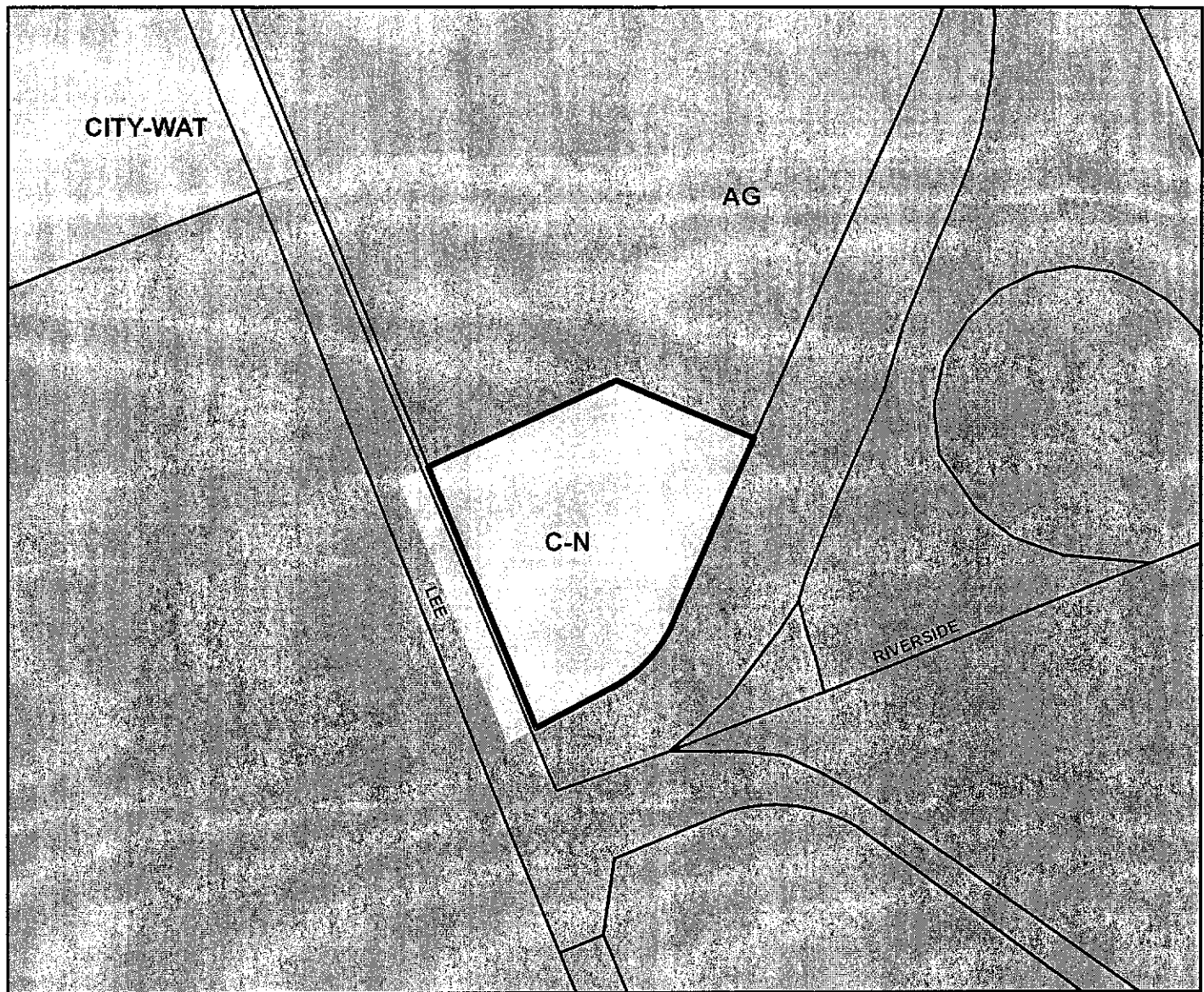


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March 2009

EXHIBIT D

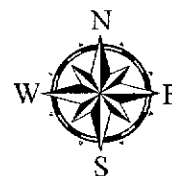


General Plan Designation Map



LEGEND

-  APN: 052-271-03
-  Assessor's Parcels
-  Streets
-  WATSONVILLE
-  Commercial-Neighborhood
-  Agriculture



Map Created by
County of Santa Cruz
Planning Department
March 2009

EXHIBIT D

October 28, 2008

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

Re: Operational Statement for Pajaro Valley Chevron convenience store and restaurant, 200 Lee Road, Watsonville.

To the Planning Staff:

Since 1992, I have been the owner and operator of Pajaro Valley Chevron service station, located at 200 Lee Road just outside of Watsonville, California. The service station has three full service bays for auto repairs that are currently not being utilized except for convenience store storage and two fueling islands each with two double-sided dispensers.

My plans for this site are to demolish all the existing structures including the entire fueling area and canopy. New construction will consist of three separate structures: a new convenience store with a co-branded fast food restaurant, a carwash structure, and a new canopy at the fueling area, install new underground fuel storage tanks and fuel piping system, provide an outdoor seating area, new landscaping and on-site parking.

The following is an operational statement for the new business. The fueling area will have five fueling islands with each island having one double-sided dispenser and a roof canopy structure of 2,948 square feet. The convenience store and restaurant will occupy a total building footprint of 5,534 square feet. The carwash structure will be a tunnel type facility of 890 square feet.

The convenience store and fast food restaurant will operate twenty-four (24) hours a day, seven days a week. The convenience store will make application for a liquor license to have off-sale general liquor sales for beer and wine. The store will have merchandise for candies, hot and cold drinks, microwavable prepackaged foods, deli items, ice sales and miscellaneous dry goods for automotive and household items.

Convenience store employees will have training in-house for food safety while the sales of alcoholic beverages will require additional training of convenience store employees.

The carwash structure will have capacity to service approximately ten automobiles per hour and has capacity to handle five autos in a queue without interfering with traffic lot circulation. All operations of the carwash structure are to be handled by employees of the convenience store.

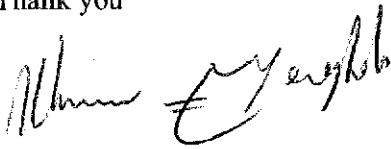
EXHIBIT E

The maximum desirable indoor seating capacity for the restaurant will be between forty-five and sixty patrons. Outdoor seating is available to serve the patrons from the convenience store and the restaurant as well as the public.

The convenience store will tentatively have three shifts with a minimum of two employees per shift for a total of six employees. The restaurant can have an additional three shifts with a possibility of four employees minimum per shift for a total of twelve employees.

If you have any questions, concerns or need further clarifications, please do not hesitate to contact me.

Thank you

A handwritten signature in cursive script, appearing to read 'Khosrow Haghshenas', written in dark ink.

Khosrow Haghshenas