



**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 #: 9
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
- B. Findings
- C. Conditions
- D. Assessor's parcel map, Location, Zoning, General Plan maps
- 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)

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 foot 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.

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.

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

TRANSMITTAL - LEVEL 5, 6 & 7

DATE: _____
TO: Support Staff
FROM: Randall Adams
RE: Application # 08-0480

PLEASE COMPLETE THE ITEMS CHECKED BELOW:

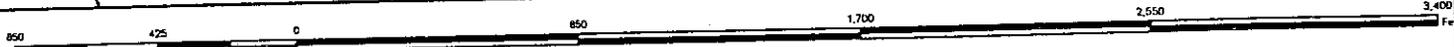
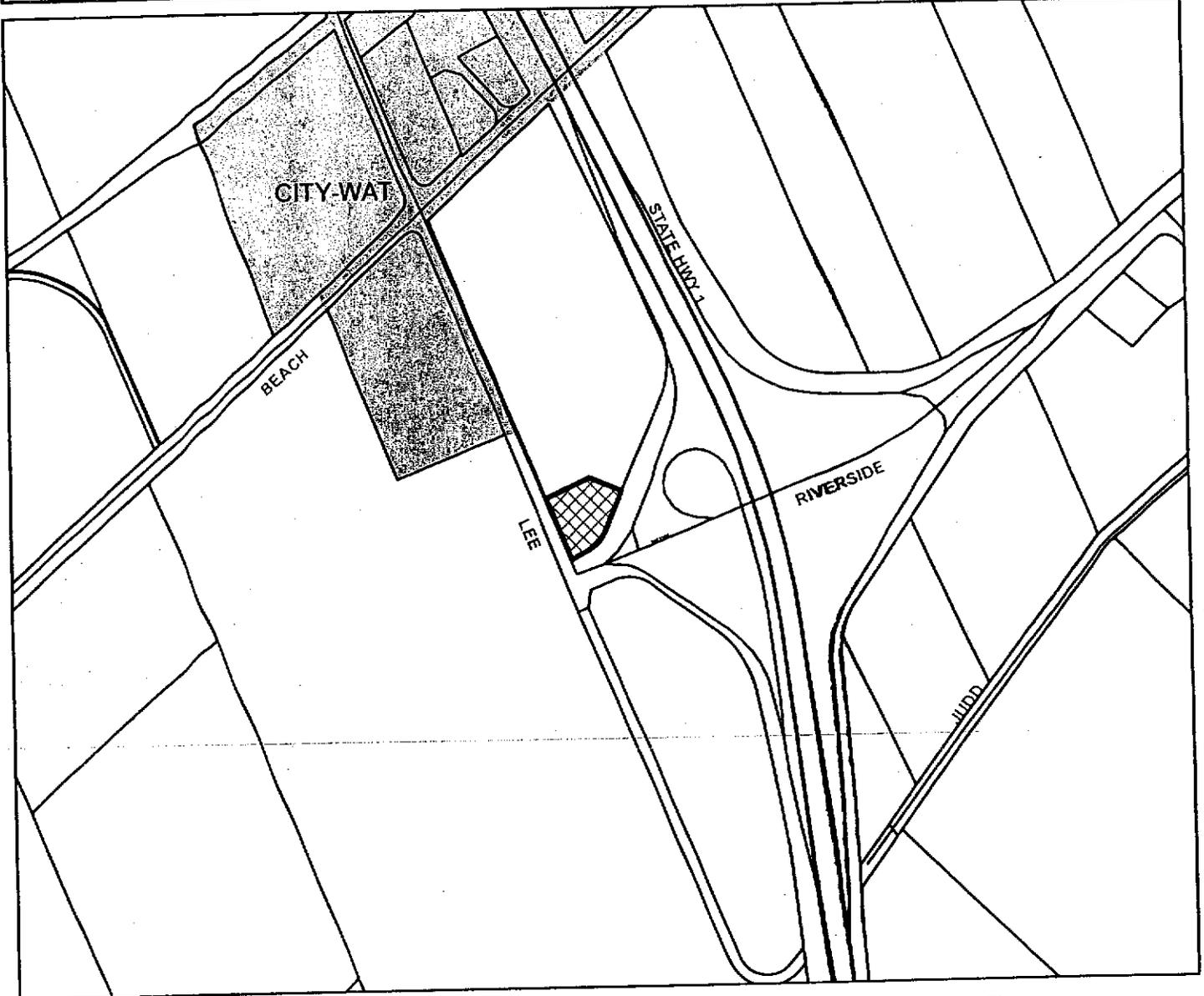
Return all original documents to the planner, unless checked Use original documents for distribution

- Make ___ copies of the attached documents; distribute as follows:
 - Mail copies to: Applicant Owner Applicant/Owner (if same)
 - Send a copy to District Supervisor _____ (via Inter-office mail)
 - Send copies to: DPW Surveyor (Plans & Conditions – all land divisions)
 - Housing (Conditions – projects with affordable housing reqts.)
 - _____
 - Extra copy to planner
 - Mail a copy to the California Coastal Commission: Certified Mail Send attached plans
 - Mail copy of Coastal Exclusion to Coastal Commission with **any** attached documents/exhibits.
 - Mail copy of permit conditions to: _____ (Local Fire District)
- Send copy of CEQA notice to the Clerk of the Board:
 - Notice of Exemption
 - Notice of Determination/Negative Declaration
 - Certificate of Fee Exemption
- Special instructions:
 - Send attached exhibit(s) to:
 - Applicant Owner Applicant/Owner (if same)
 - Send attached recordable documents to:
 - Applicant Owner Applicant/Owner (if same)
 - _____
 - _____

Completed by: _____
(support staff) (date)

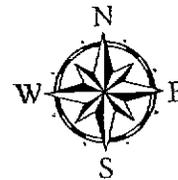


Location Map



LEGEND

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

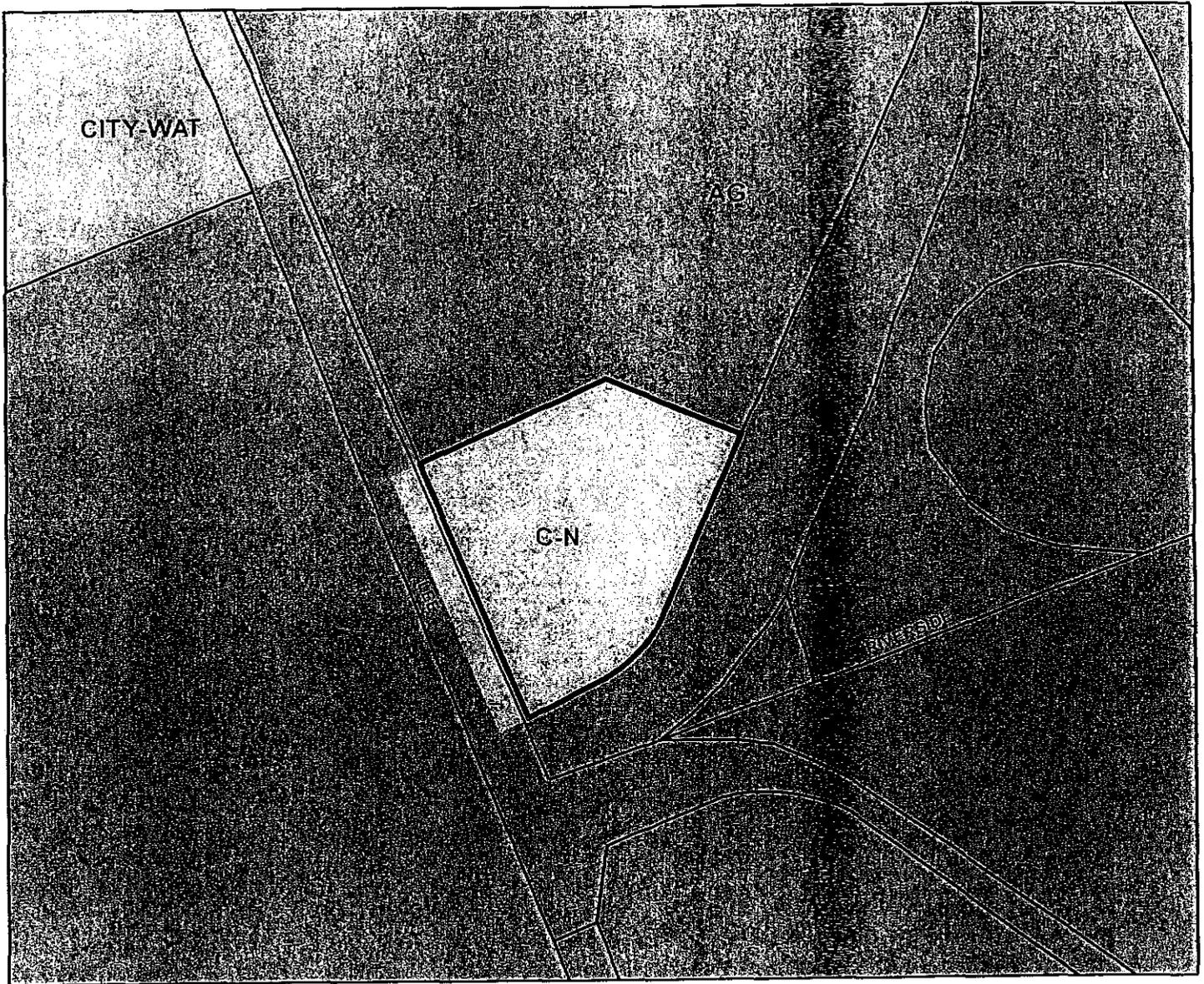


Map Created by
 County of Santa Cruz
 Planning Department
 March 2009

EXHIBIT D

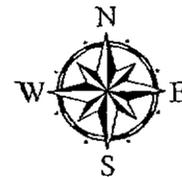


General Plan Designation Map



LEGEND

-  APN: 052-271-03
-  Assessors Parcels
-  Streets
-  WATSONVILLE
-  Commercial-Neighborhood
-  Agriculture



Map Created by
County of Santa Cruz
Planning Department
March 2009

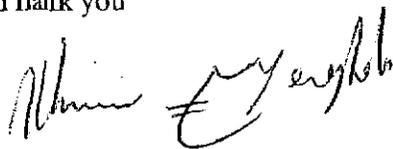
EXHIBIT D

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".

Khosrow Haghshenas