



## Staff Report to the Agricultural Policy Advisory Commission

Application Number: **09-0349**

**Applicant:** Keith Venter

**Date:** February 18, 2010

**Owner:** J. Craig Venter & Heather Kowalski

**Agenda Item #:** 6

**APN:** 104-211-19

**Time:** 1:30 p.m.

**Project Description:** Proposal to construct a single family dwelling of approximately 1,292 square feet within the required 200 foot agricultural buffer setback. Requires an Agricultural Buffer Determination to reduce the required 200 foot setback to about 125 feet and a Biotic Presite.

**Location:** Property located on the right side of Soquel San Jose Road about one mile north of Soquel Drive (783 Soquel San Jose Road).

**Permits Required:** Agricultural Buffer Setback Reduction

### Staff Recommendation:

- Approval of Application 09-0349, based on the attached findings and conditions.

### Exhibits

- |                                |                                      |
|--------------------------------|--------------------------------------|
| A. Project plans               | E. Assessor's, Location, Zoning, and |
| B. Findings                    | General Plan maps                    |
| C. Conditions                  | F. Comments & Correspondence         |
| D. Arial Photo with Topography |                                      |

### Parcel Information

Parcel Size:	67,645 square feet (1.5 acres)
Existing Land Use - Parcel:	Single Family Residence (west); wooded open space (east)
Existing Land Use - Surrounding:	Single Family Dwellings to the west; open space and Soquel Creek to the east
Project Access:	Via Soquel San Jose Road
Planning Area:	Soquel
Land Use Designation:	R-UL & O-U (Urban Low Residential & Urban Open Space)
Zone District:	R-1-6 (Single Family Residential - 6,000 square feet

minimum)  
Supervisory District: First (District Supervisor: Leopold)  
Within Coastal Zone: ☐ Inside ☒ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

### Services Information

Inside Urban/Rural Services Line: ☒ Yes ☐ No  
Water Supply: Soquel Creek Water District  
Sewage Disposal: Santa Cruz County Sanitation District  
Fire District: Central Fire District  
Drainage District: Zone 5

### Analysis and Discussion

The proposed project is to demolish the existing two bedroom single family dwelling and to construct a two bedroom, two story single-family dwelling of approximately 1292 square feet on a 1.5 acre parcel. The proposed location of the residence is on the west side of the parcel at the Soquel San Jose Road frontage. The building site (the entire parcel) is within 200 feet of Commercial Agricultural land to the east. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to result in a 125 foot setback from APN 104-211-33.

The parcel is located within the Urban Services Line and may be characterized as residential neighborhood. The parcel carries an Urban Low Residential (R-UL) General Plan designation in the proposed location of the residence and an Urban Open Space (O-U) General Plan designation on the eastern portion of the property. The implementing zoning is Single Family Residential - 6,000 square feet minimum (R-1-6).

The subject property is characterized by flat topography at the frontage of Soquel San Jose Road that drops off steeply behind the proposed location of the house. A wooded riparian area and Soquel Creek are located between the proposed residence and the arable portion of the east adjacent agricultural parcel which creates an approximately 400 foot permanent buffer between the two uses (EXHIBIT D). The east adjacent Commercial Agriculture zoned parcel is currently being used as a nursery and takes access from Main Street.

A reduced agricultural buffer is recommended due to the fact that the requirement for a full 200 foot buffer would not provide sufficient building area on the parcel in that the parcel is only about 175 feet wide. No additional buffering barriers are recommended due to the existence of an approximately 400 foot wide, permanent riparian buffer between the proposed residence and the adjacent nursery. In order to protect the rights of the Commercial Agricultural land, 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-Residential use conflicts.

### Recommendation

- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 125 feet to the single-family dwelling from the adjacent CA zoned

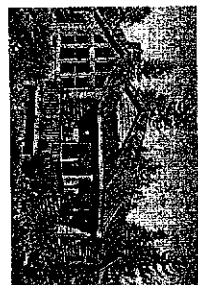
property known as APN 104-211-19, proposed under Application # 09-0349, based on the attached findings and recommended conditions.

**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](http://www.co.santa-cruz.ca.us)**

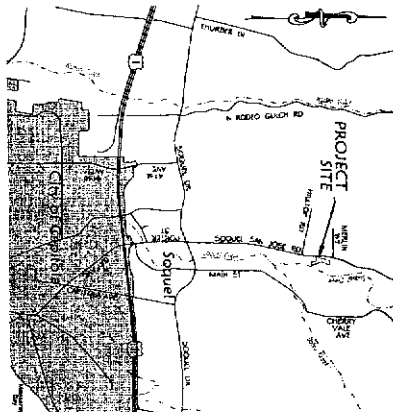
Report Prepared By: Samantha Haschert  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3214  
E-mail: [samantha.haschert@co.santa-cruz.ca.us](mailto:samantha.haschert@co.santa-cruz.ca.us)

Report Reviewed By: Paia Levine  
Principal Planner  
Development Review



# New Single Story Residence for J. Craig Venter and Heather E. Kowalski 783 Soquel San Jose Road Soquel, California

A.P.N. 104-211-19



Vicinity Map  
Scale: NTS

## Project Description

- Occupancy Group: Residential
- Construction Type: Type V, Wood Framing
- This Project Consists of:
  - Demolishing the existing single story house (832 Sq. Ft.),
  - two small wood sheds, front fence and the water well.
  - Install New 1,292 Square Foot Single Story House.
  - Construct a new gravel driveway w/ 3 parking spaces.

## Square Footage of the Project

- Demo existing house ..... 832 Sq. Ft.
- Construct new house ..... 1,292 Sq. Ft.
- Existing lot size ..... 67,455 Sq. Ft.

Lot Coverage by Structures: 2%  
Floor Area Ratio: .036  
Soquel Creek Water District (New connection)  
Santa Cruz County Public Works Sanitation District  
Drainage Zone 5

## Symbols and Abbreviations

- Demolish Existing Feature
  - Remove from Site
  - New Structure
  - New Asphalt
  - New Gravel Driveway
  - Finish Gravel Driveway
  - Property Lines
  - Adjacent Property Lines
  - Right of Way Line
  - Fence
  - Water Lines
  - Gas Lines
  - Oriented Lines
- A.P.N. = Assessor's Parcel Number  
CONC = Concrete  
CONT = Contained  
DI = Drainage Inlet  
FFE = Edge of Pavement  
FHT = Fire Hydrant  
FRTG = Fitting  
IP = Iron Pipe  
LP = Light Pole  
OC = On Center  
PP = Power Pole  
P.S.I. = Pounds Per Square Foot  
P.S.I. = Pounds Per Square Inch  
T & G = Tongue and Groove  
T.B.M. = Temporary Bench Mark  
WG = With  
WV = Water Valve

## List of Owner, Architect & Engineers

- Client/Owner:** J. Craig Venter and Heather E. Kowalski  
783 Soquel San Jose Road  
Soquel, California
- POC/Owner Representative:** Keith Venter  
33096 Moreno Court  
Fremont, CA  
Cell: 510-575-4737
- Architect/Project Engineer:** George Warden  
Cabin Kit Homes  
P.O. Box 132  
Green, AZ 85921  
1-800-358-1113
- Geotechnical Investigation:** Sean Dewert  
United Soil Engineering, Inc.  
3175 S. Bascom Ave.  
Santa Clara, CA  
408-980-2990
- Land Surveyor:** Paul F. Jensen, L.S. #4627  
1000 Thurmon Gulch Rd.  
Boulder Creek, CA 95060  
631-335-4093
- Title 24: Residential Energy Compliance:** Brandon Bae  
1761 Bridge Road  
Scotts Valley, CA 95066  
631-335-4092
- General Building Contractor:** DBI Construction  
P.O. Box 1115  
Millsfield, CA 94035  
631-335-4394
- Land Use Consultant:** Laurie Sweet  
P.O. Box 791  
Boulder Creek, CA 95006  
(631) 335-6217  
lsweet@gsaia.com

**NEW IMPERVIOUS AREA:**  
IN GRAVEL DRIVEWAY: 200 SQ. FT. = 1042.5 SQ. FT.  
EXISTING ASPHALT DRIVEWAY: 1842.5 SQ. FT.  
NEW IMPERVIOUS AREA @ DRIVEWAY: 3915.0 SQ. FT.  
NEW SHED: 100 SQ. FT.  
DEMOLISHED EXISTING SHED: 1002.5 SQ. FT.  
NEW IMPERVIOUS AREA @ NEW SHED: 460 SQ. FT.  
**TOTAL NEW IMPERVIOUS AREA: 555 SQ. FT.**

## Index of Sheets

Sheet	Description
01	Cover Sheet
02	Existing Site & Erosion Control Plan
03	Existing Site & Erosion Control Plan
1	Foundation Plan & Lower Level Floor Plan
2	Main Level Floor Plan, Door Schedule, Window Schedule & Building Sections
3	Elevations

"CABIN KIT HOMES"

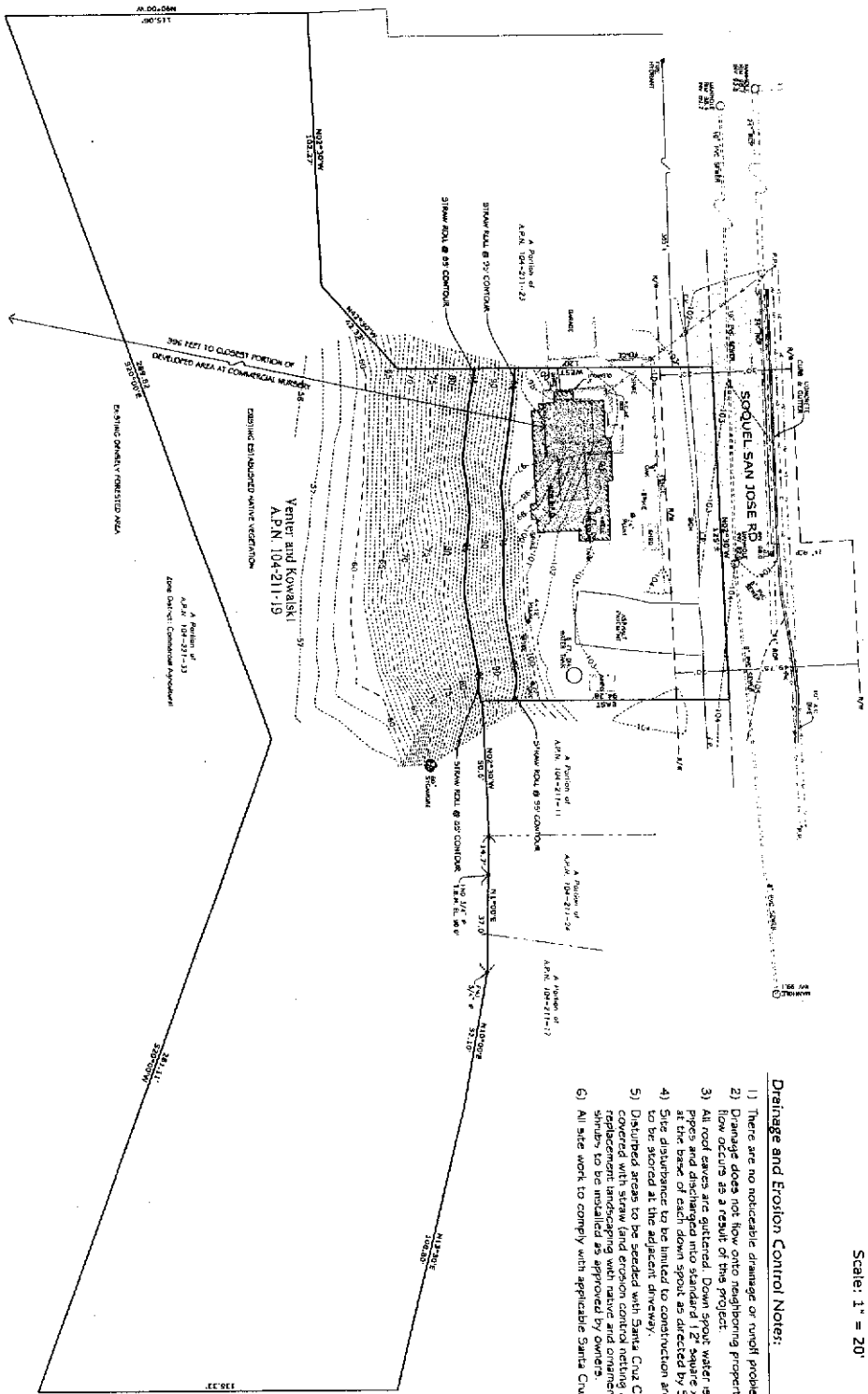
888-358-1113  
WWW.CABINKIT.COM

PROJECT:

VENTER  
CABIN KIT

A.P.N. 104-211-19  
783 Soquel San Jose Rd.  
Soquel, CA

Scale: 1" = 20'



#### Drainage and Erosion Control Notes:

- 1) There are no noticeable drainage or runoff problems currently on the site.
- 2) Drainage does not flow onto neighboring property or street and no sheet flow occurs as a result of this project.
- 3) All road carves are guttered. Down spout water is to be collected in closed pipes and discharged into standard 12" square x 12" deep splash boxes at the base of each down spout as directed by Soils Engineer.
- 4) Site disturbance to be limited to construction area. Construction materials to be stored at the adjacent driveway.
- 5) Disturbed areas to be seeded with Santa Cruz County Erosion Control Mix, covered with straw (and erosion control netting as needed). Permanent replacement landscaping with native and ornamental ground cover and shrubs to be installed as approved by Santa Cruz County.
- 6) All site work to comply with applicable Santa Cruz County codes and ordinances.

#### Erosion Control Notes:

- The following notes shall be adhered to between Oct. 15th and April 15th, all other times shall be as required:
- 1) 2 inches to 4 inches of straw shall be placed on all disturbed soils.
  - 2) Seed all disturbed areas with winter barley.
  - 3) Install straw rolls at contour lines 95' and 95', full width of property.
  - 4) Import and spread gravel at construction entrances and in staging areas.
  - 5) Inspect erosion, sediment and runoff controls on a daily basis if rain is occurring or imminent.
  - 6) Additional seed, straw rolls, straw balls shall be stored on site in a dry location.

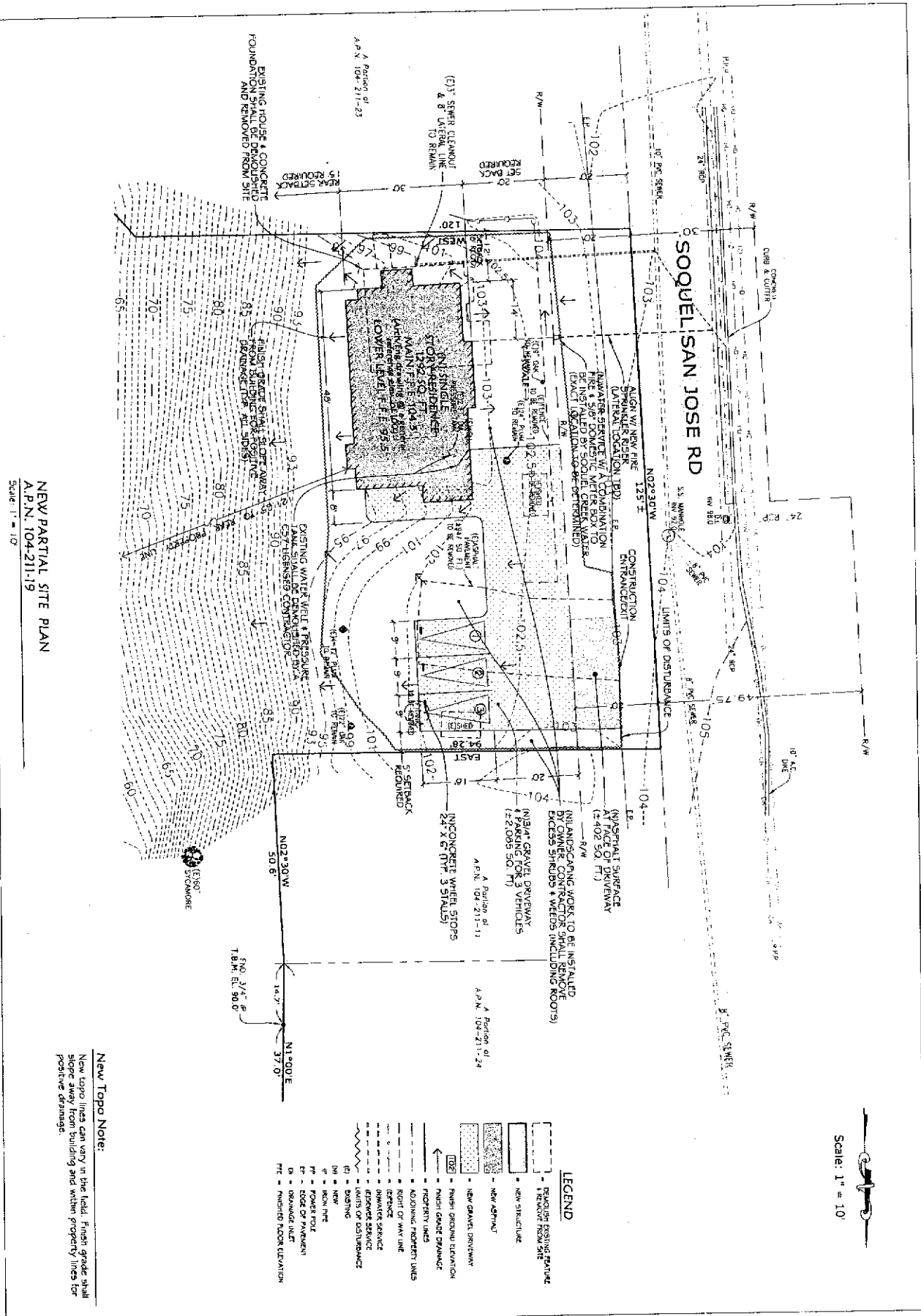
#### EXISTING SITE & EROSION CONTROL PLAN

Scale: 1" = 20'

PROJECT:		VENTER CABIN KIT	
APN:		104-211-19	
OWNER:		703 Santa Clara St. San Jose, CA	
DRAWN BY:		J.M.	
CHECKED BY:		J.M.	
SCALE:		AS SHOWN	
SHEET TITLE:		Existing Site and Erosion Control Plan	
SOURCE:		FOOTING	
DATE:		1/29/2	
SHEET:		02	

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**VENTER**  
**CABIN KIT**

A.P.N. 104-211-19  
701 Soquel San Jose CA  
Soquel, CA

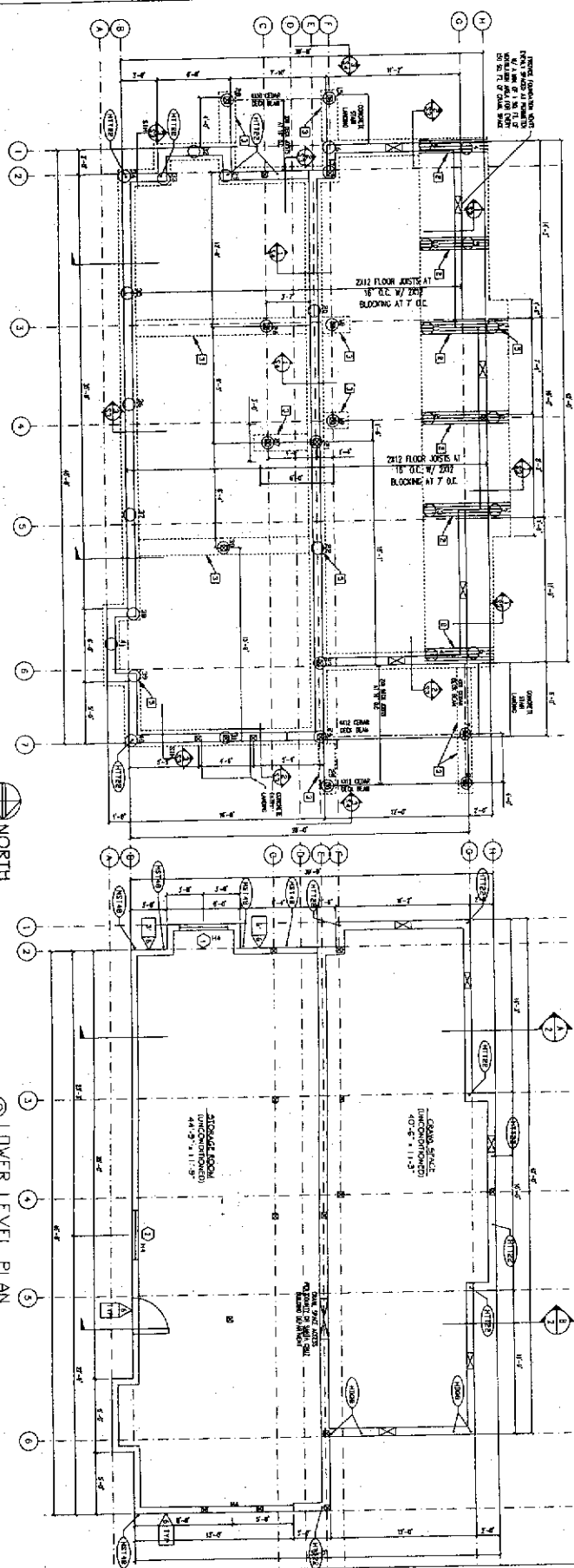
**REVISIONS**

NO.	DATE	DESCRIPTION
1	04-21-19	Initial Design
2	04-21-19	Final Design
3	04-21-19	Final Design

① FOUNDATION PLAN  
SCALE 1/4" = 1'-0"



② LOWER LEVEL PLAN  
SCALE 1/4" = 1'-0"



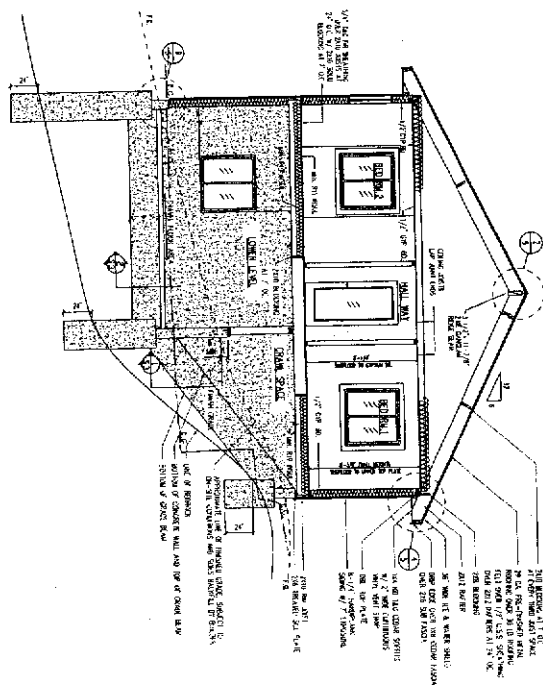
DESIGNED BY	CNC
DATE	06-05-2009
SCALE	1/4" = 1'-0"
SHEET TITLE	Foundation Plan
PROJECT NAME	Manzanita Model
SHEET NO.	1
TOTAL SHEETS	3

THE  
MANZANITA  
MODEL

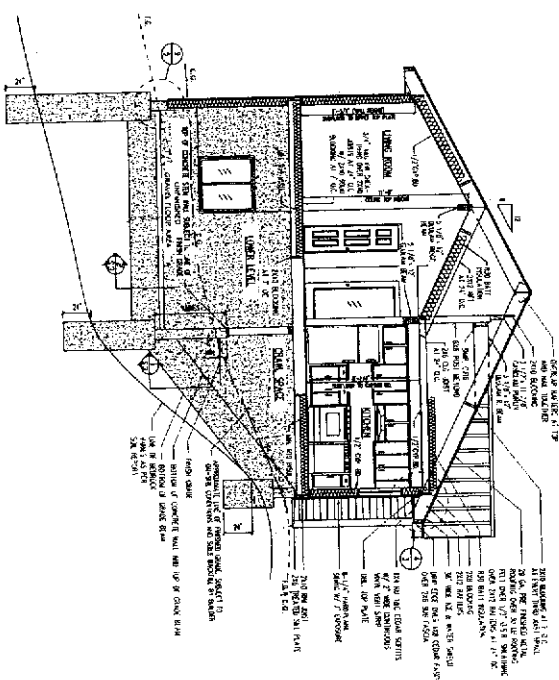
PLEASE NOTE: THIS DRAWING IS EXCEPTED  
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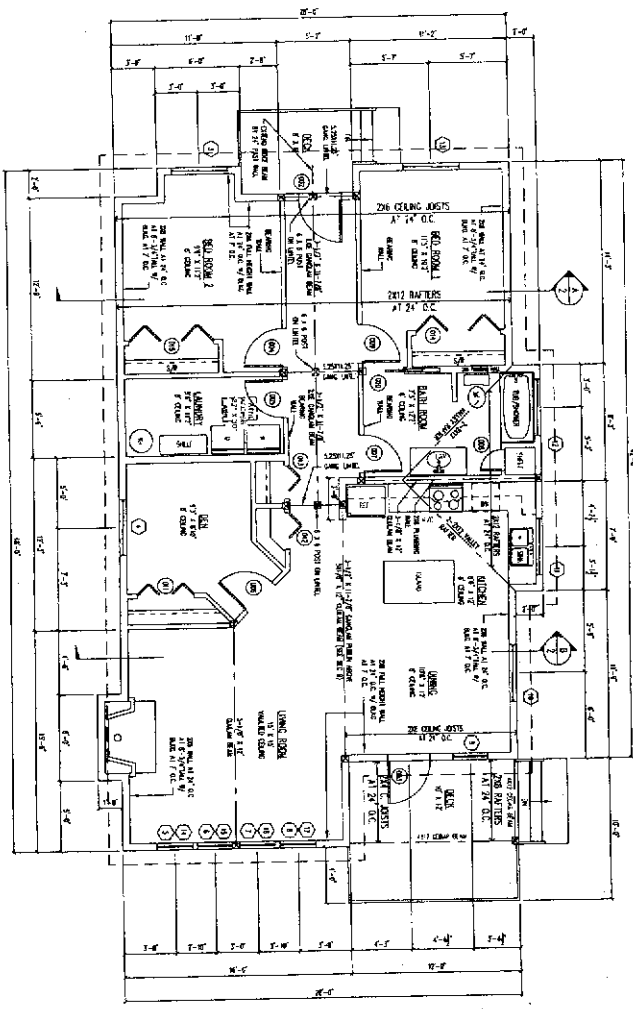
EXHIBIT A



THIS FOUNDATION IS SUBJECT TO STRUCTURAL ENGINEERING AND ON-SITE CONDITIONS  
 (A) BUILDING SECTION  
 SCALE: 1/4" = 1'-0"



THIS FOUNDATION IS SUBJECT TO STRUCTURAL ENGINEERING AND ON-SITE CONDITIONS  
 (B) BUILDING SECTION  
 SCALE: 1/4" = 1'-0"



MAIN FLOOR - 1297 SQ. FT.  
 SCALE: 1/4" = 1'-0"  
 TOTAL: 1297 SQ. FT.

REVISED: 10-5-2023	DATE: 06-25-2023	SCALE: 1/4" = 1'-0"	PROJECT: 100-211-19
DESIGN: N.E. VANDER	DATE: 06-25-2023	SCALE: 1/4" = 1'-0"	PROJECT: 100-211-19
DATE: 06-25-2023	SCALE: 1/4" = 1'-0"	PROJECT: 100-211-19	PROJECT: 100-211-19
DATE: 06-25-2023	SCALE: 1/4" = 1'-0"	PROJECT: 100-211-19	PROJECT: 100-211-19
DATE: 06-25-2023	SCALE: 1/4" = 1'-0"	PROJECT: 100-211-19	PROJECT: 100-211-19

THE  
 MANZANITA  
 MODEL

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EXHIBIT A





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

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

**This finding can be made in that significant topographical differences exist between the subject parcel and APN 104-221-33, to allow for a reduction in the required 200 foot setback to about 125 feet. Directly behind the proposed residence, the topography slopes downward about 56 feet, then levels off at the creekbed, and then rises upwards about 15 feet to the existing nursery. The area between the two uses is about 400 feet wide, is heavily wooded and has sloping topography; therefore, no additional fencing or vegetation is required along the east property line or behind the proposed residence.**

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

**This finding can be made in that a permanent riparian woodland that is protected by way of the Urban Open Space General Plan designation and the Riparian Ordinance in the County Code (Chapter 16.30) exists between the subject parcel and APN 104-221-33, to allow for a reduction in the required 200 foot setback to about 125 feet without the need for additional buffering barriers in the form of a fence or vegetation.**

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
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.

## Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from 200 feet to 125 feet from the proposed residence to APN (104-221-33). 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. 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.
    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.
  - C. Obtain a Riparian Exception from the County of Santa Cruz Planning Department.
- 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. A development setback of a minimum of 125 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 104-221-33.
    2. Plans shall show any final changes in building area resulting from the Riparian Exception.
  - 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 reduced agricultural buffer setbacks.
  - C. The owner shall complete and record a Declaration of Restriction to maintain two storage rooms on the lower floor of the residence as nonhabitable. **You may not**

**alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.

- D. Obtain approval of a Riparian Exception from County Environmental Planning Staff.
- E. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- F. 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.

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 minimum 125 foot agricultural buffer setbacks shall be met. County Building Inspectors shall verify that the setback is met by allowing a maximum distance of 52 feet between the edge of the Soquel San Jose Road right of way and the rear wall of the new residence.
- B. 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 minimum agricultural buffer setback of 125 feet shall be maintained in perpetuity.
- B. 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.

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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.**

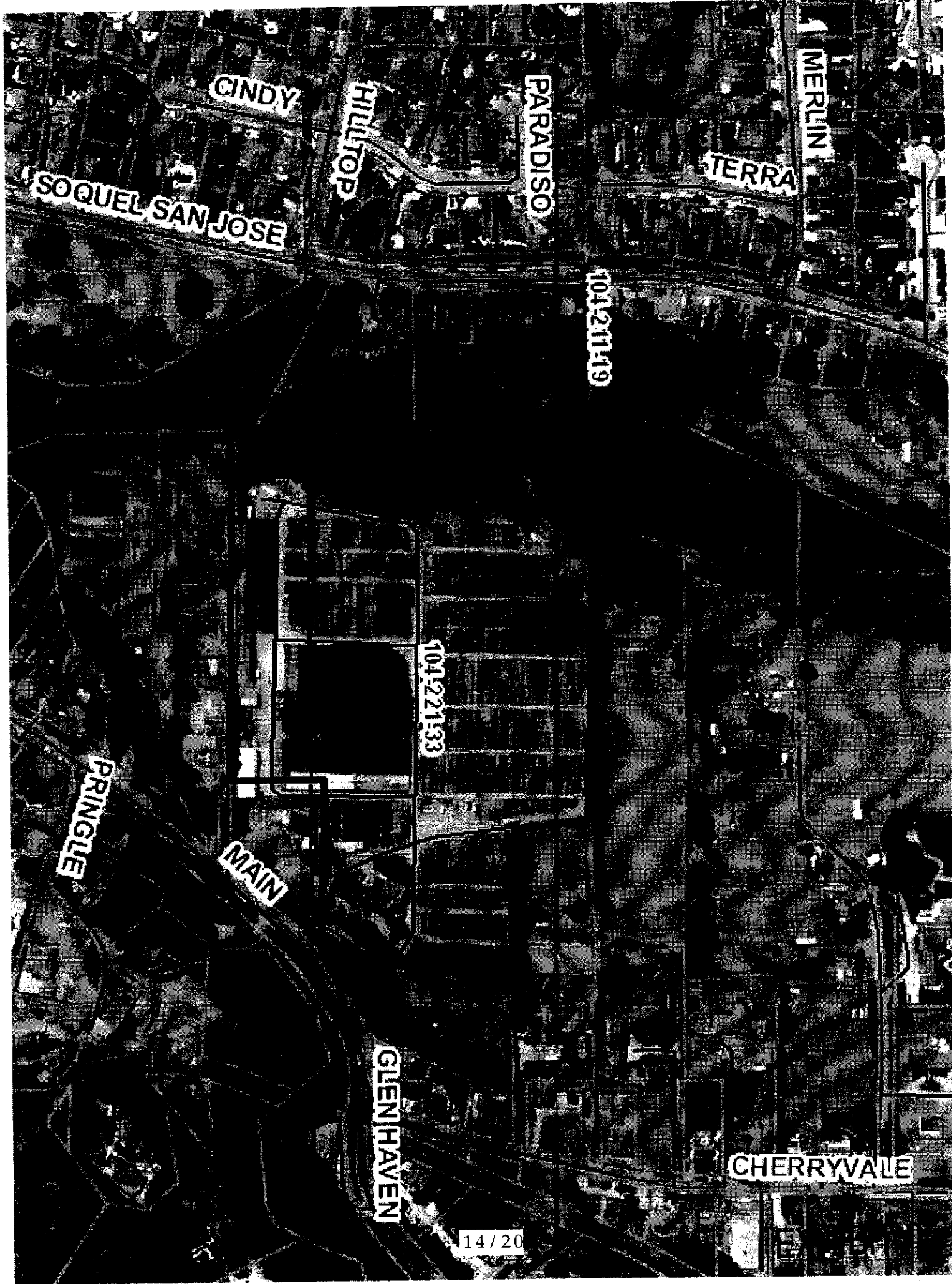
Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

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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.



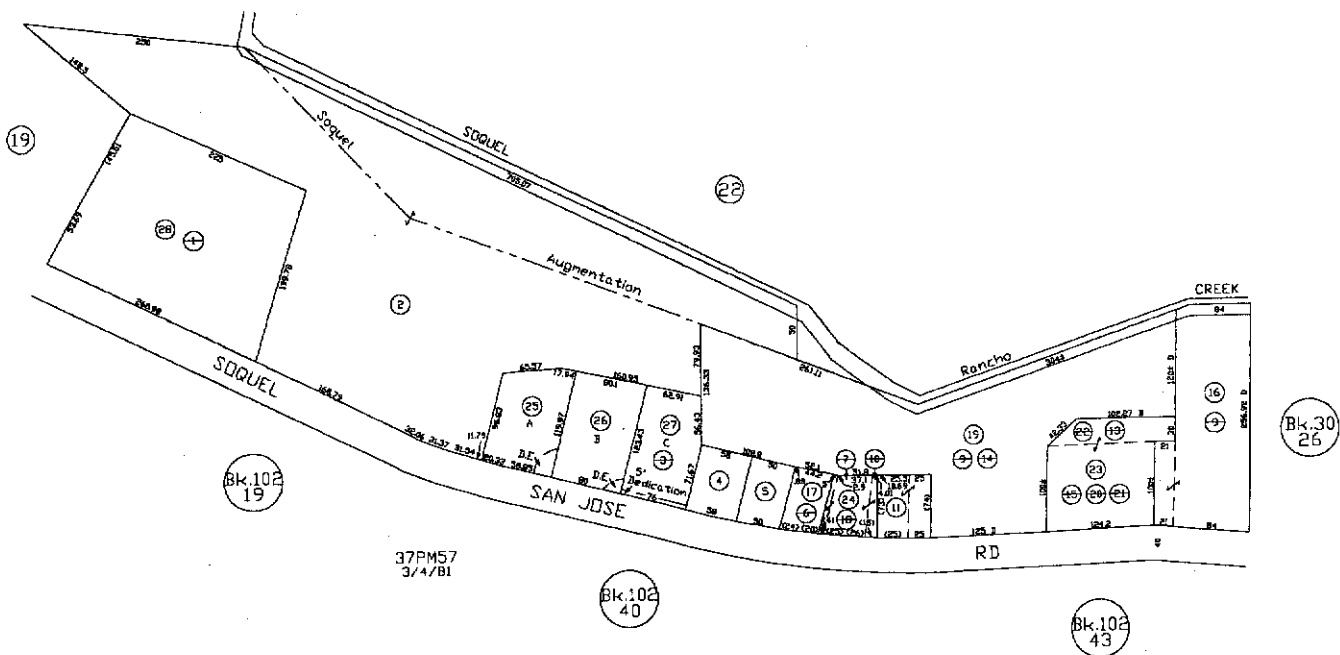
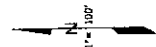
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POR. SEC. 3, T.11S., R.1W., M.D.B. & M.

Tax Area Code  
96-101

**104-21**

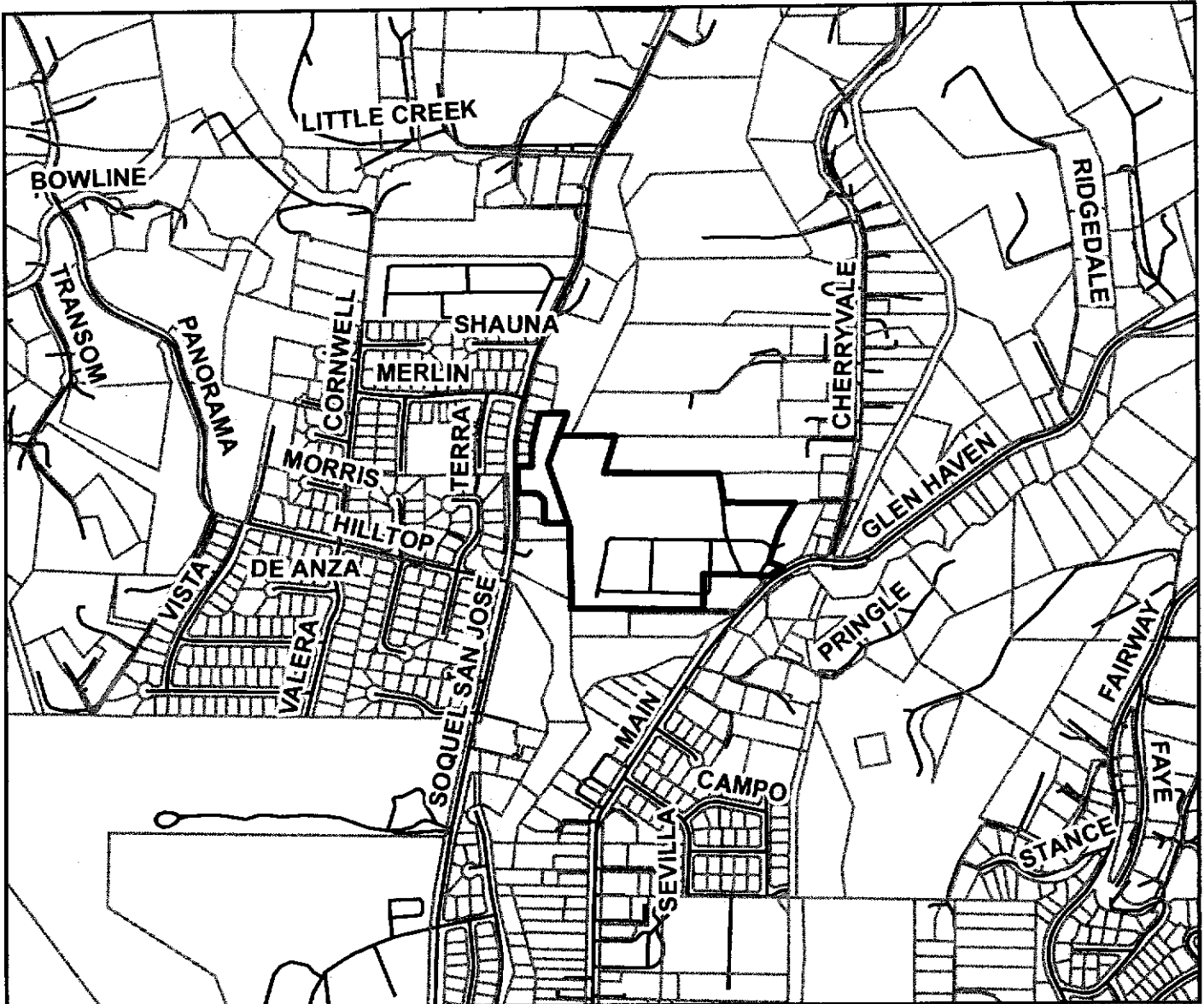


Note - Assessor's Parcel & Block  
Numbers Shown in Circles.





Assessor's Map No. 104-21  
County of Santa Cruz, Calif.  
July, 1998

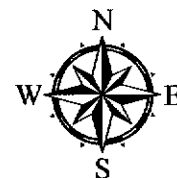


# Location Map



## LEGEND

-  APN: 104-221-33
-  APN: 104-211-19
-  Assessors Parcels
-  Streets



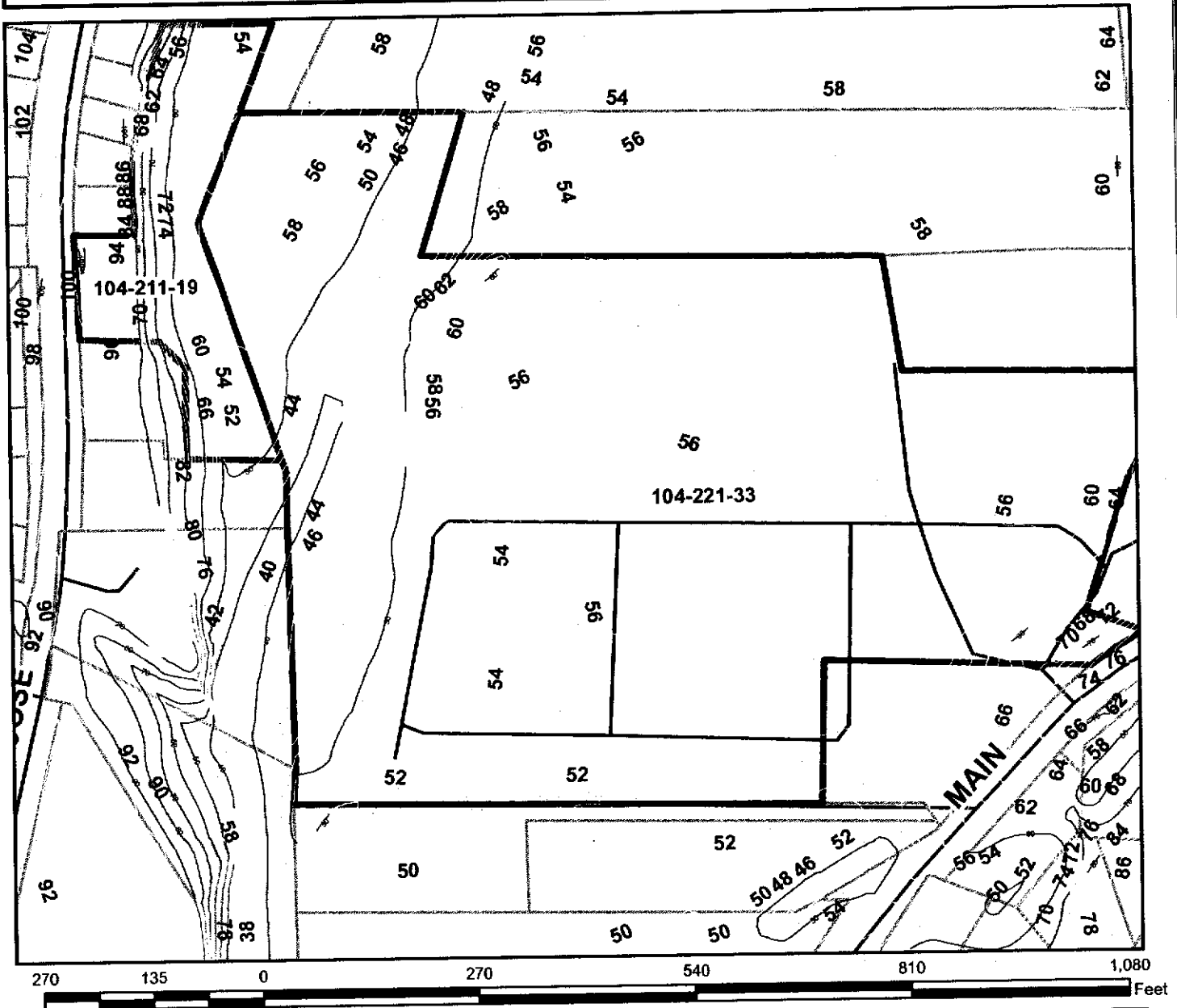
Map Created by  
County of Santa Cruz  
Planning Department  
January 2010

EXHIBIT E









# Topographic Map



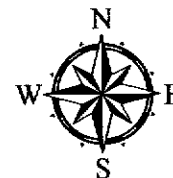
## LEGEND

-  APN: 104-221-33
-  APN: 104-211-19
-  Assessors Parcels
-  Streets

**County Wide 2' & 10' Contours**

**TYPE**

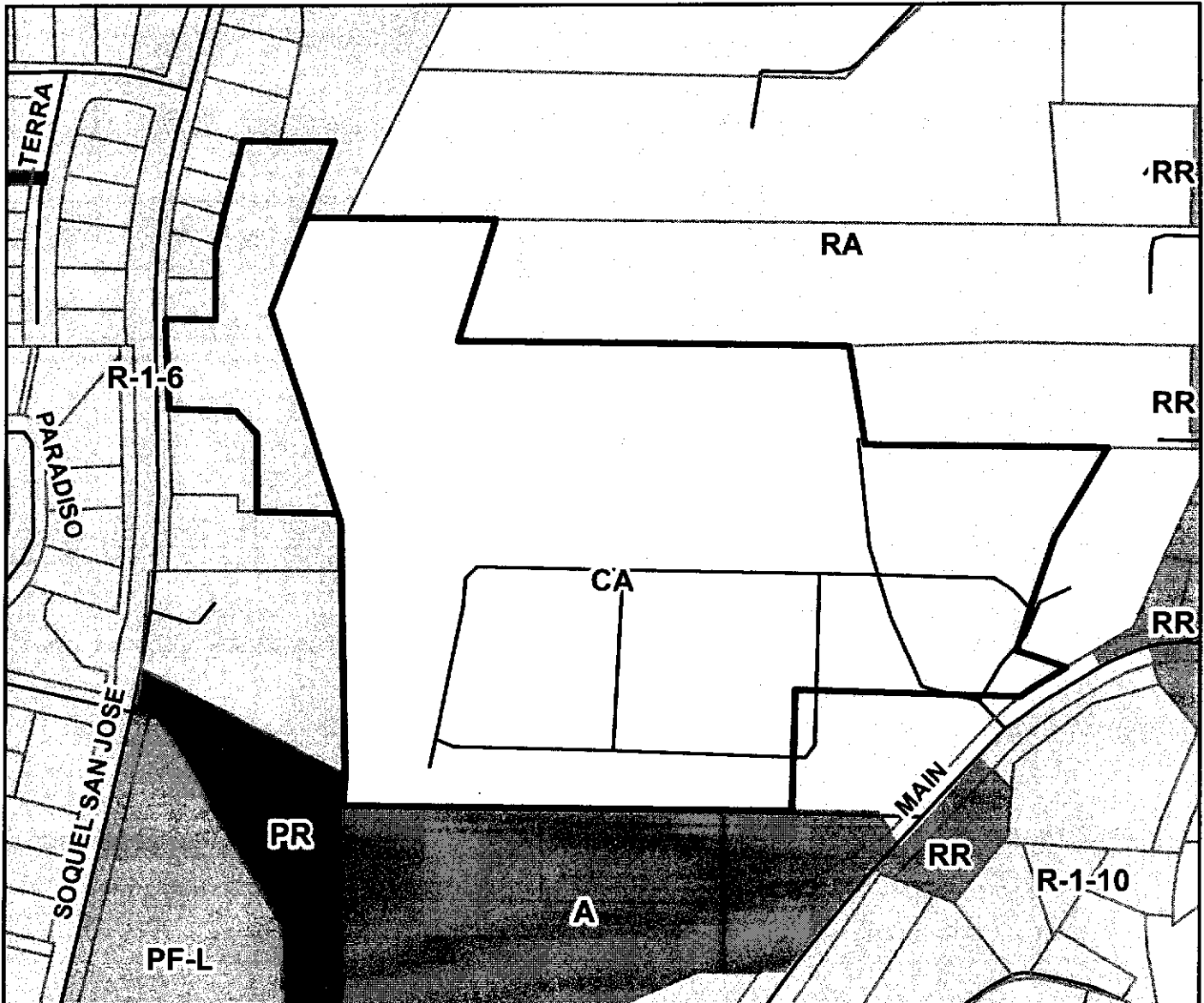
 INDEX



Map Created by  
County of Santa Cruz  
Planning Department  
January 2010

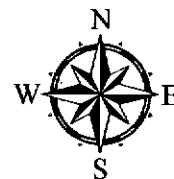


# Zoning Map



## LEGEND

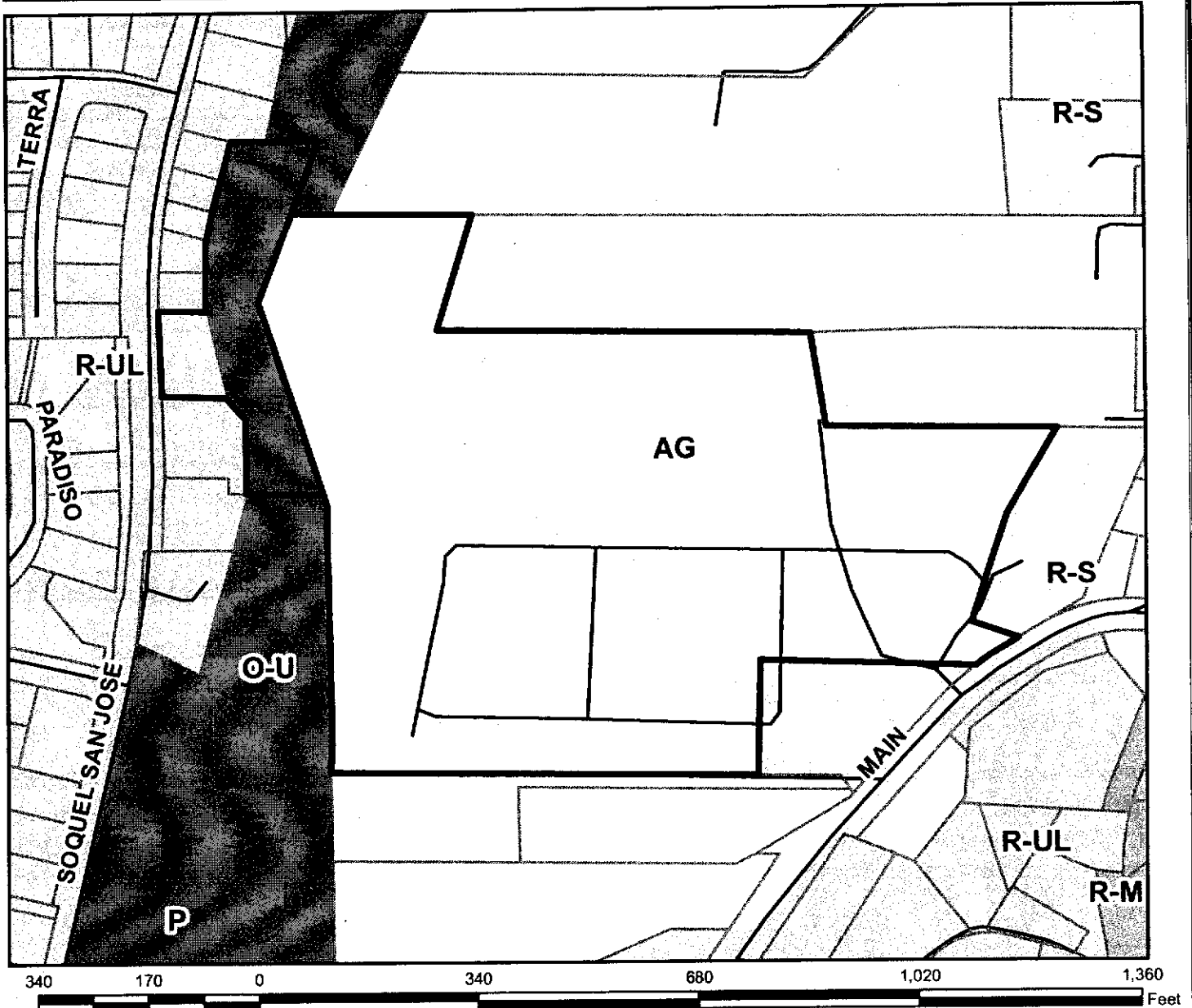
	APN: 104-221-33		RESIDENTIAL-SINGLE FAMILY
	APN: 104-211-19		AGRICULTURE
	Assessors Parcels		AGRICULTURE RESIDENTIAL
	Streets		PARK
			PUBLIC FACILITY
			RESIDENTIAL-RURAL



Map Created by  
County of Santa Cruz  
Planning Department  
January 2010

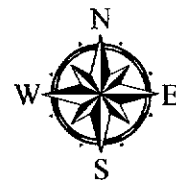


# General Plan Designation Map



## LEGEND

- |                   |                                 |
|-------------------|---------------------------------|
| APN: 104-221-33   | Public Facilities               |
| APN: 104-211-19   | Residential-Mountain            |
| Assessors Parcels | Residential-Suburban            |
| Streets           | Residential - Urban Low Density |
| Agriculture       | Urban Open Space                |



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January 2010

**C O U N T Y   O F   S A N T A   C R U Z**  
**DISCRETIONARY APPLICATION COMMENTS**

**Project Planner:** Samantha Haschert  
**Application No.:** 09-0349  
**APN:** 104-211-19

**Date:** January 26, 2010  
**Time:** 17:18:51  
**Page:** 1

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**Environmental Planning Completeness Comments**

===== REVIEW ON DECEMBER 14, 2009 BY ANTONELLA GENTILE =====

The site is being reviewed for biotic resources. An additional site visit will be made with the County Biologist. Results will be sent under separate cover. =====

UPDATED ON JANUARY 6, 2010 BY ANTONELLA GENTILE =====

Project complete per Environmental Planning.

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON DECEMBER 14, 2009 BY ANTONELLA GENTILE =====

Conditions will be determined once the biotic pre-site has been completed. =====  
UPDATED ON JANUARY 6, 2010 BY ANTONELLA GENTILE =====

A Riparian Exception shall be required prior to approval of the building application for this project. Please apply for this concurrently with your building application.

The results of the biotic presite will be sent under separate cover.

Please note that additional Conditions of Approval will be required for the Riparian Exception.