

Staff Report to the Agricultural Policy Advisory Commission

Application Number: 141045

Applicant: Weston Miles Architects **Owner:** Pacific Elementary School

APN: 058-082-01

Date: 7/17/14 **Agenda Item #:** 6 **Time:** 1:30 p.m.

Project Description: Proposal to demolish an existing portable classroom and existing building to construct a 3,442 square foot classroom building and associated improvements within 56 feet of an adjacent parcel zoned Commercial Agriculture. Requires an Agricultural buffer reduction to locate the class room building within the required 200 foot Agricultural setback.

Location: Project is located 50 Ocean Street, Davenport

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

• Approval of Application 141045, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	1.34 acres
Existing Land Use - Parcel:	Institutional - Elementary school
Existing Land Use - Surrounding:	Residential and Commercial Agriculture
Project Access:	Ocean Street
Planning Area:	North Coast
Land Use Designation:	P-F (Public/Institutional Facilities)
Zone District:	PF (Public and Community Facilities)
Supervisorial District:	3 rd District (District Supervisor: Coonerty)
Within Coastal Zone:	X Inside Outside
Appealable to Calif. Coastal	YesX_ No
Comm	

Owner: Pacific Elementary School

Services Information

Inside Urban/Rural Services Line: X Yes No

Water Supply: Davenport
Sewage Disposal: Davenport
Fire District: County Fire

Drainage District: Outside Flood Control District

Analysis and Discussion

The proposed project is to construct a one story classroom building of approximately 3,442 square feet on a 58,370 square foot (1.34 acre) parcel. The project is located at 50 Ocean Street in Davenport (Pacific Elementary School). The adjacent land zoned CA (APN 058-122-12) is mapped as containing Type 3 soils and development within 200 feet of such soils requires a 200 foot agricultural setback. The proposed building site is within 200 feet of Commercial Agricultural land to the north east. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 56 feet from APN 058-122-12.

The subject property is characterized by relatively flat topography. The parcel is located within the Rural Services Line and can be characterized as a rural residential neighborhood. The parcel is located within the Public/Institutional Facilities (P-F) General Plan designation and the implementing zone district is (PF) Public and Community Facilities and developed with an existing elementary school. Commercial Agriculture zoned land is situated within 200 feet at the north east side of the parcel at Assessor's Parcel Number 058-122-12.

A reduced agricultural buffer is recommended due to the fact that the proposed development is to replace two previously approved structures located in approximately the same location. The majority of the school campus including the outdoor play yard is located within the required 200 foot agricultural setback.

Existing vegetative and physical barriers exist between the proposed building site and adjacent lands zoned CA in the form of several mature pine trees, six-foot high chain link fence, and 40 foot wide right of way (Marine View Avenue). No changes to the fence are proposed to due to corner sight distance issues.

If the reduction is approved, the applicant will be required to record a Statement of Acknowledgement regarding the issuance of a development 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 56 feet to the proposed classroom from the adjacent CA zoned property known as APN 058-122-12, proposed under Application # 141045, 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

Owner: Pacific Elementary School

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: Nathan MacBeth

Santa Cruz County Planning Department

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Report Reviewed By: Steven Guiney, AICP

Principal Planner Development Review



PACIFIC SCHOOL - MEASURE M NEW CLASSROOM BUILDING

PTN # 69781-001

PACIFIC ELEMENTARY SCHOOL DISTRICT

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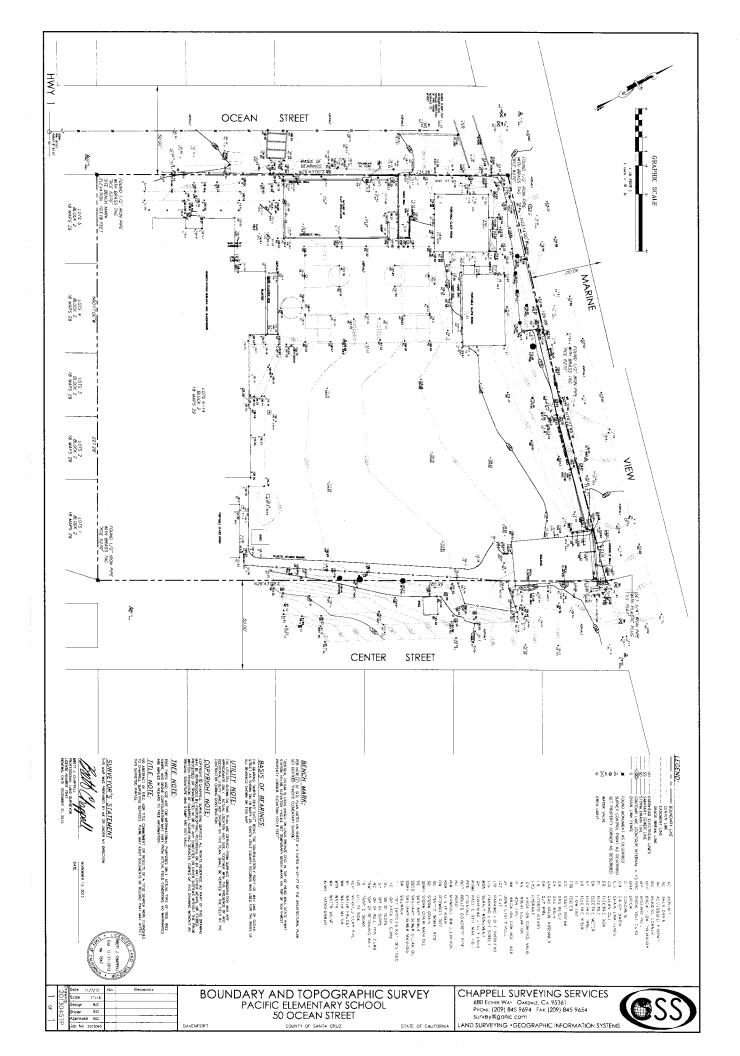




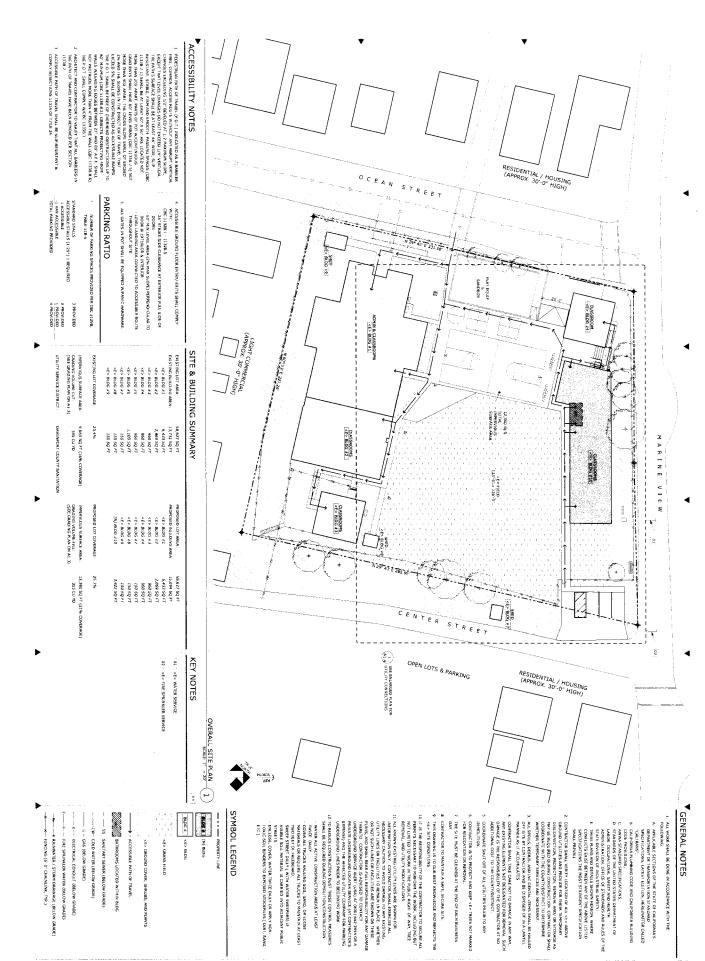




PACIFIC SCHOOL - MEASURE M NEW CLASSROOM BUILDING







OVERALL SITE PLAN

PACIFIC SCHOOL - MEASURE M NEW CLASSROOM BUILDING

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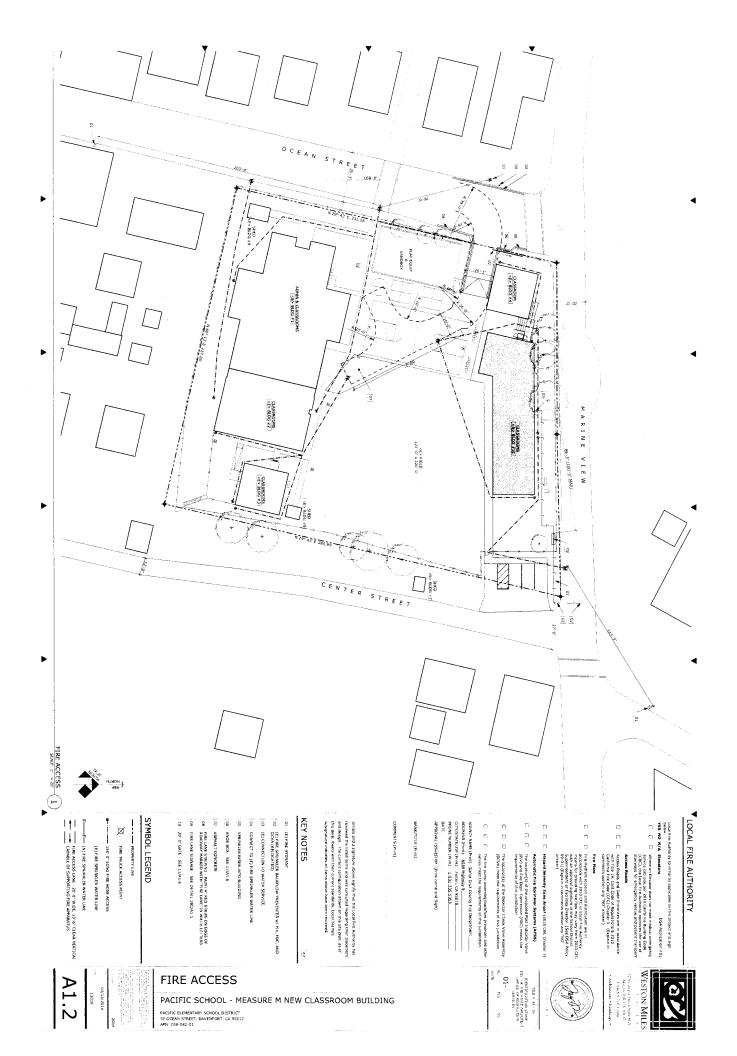
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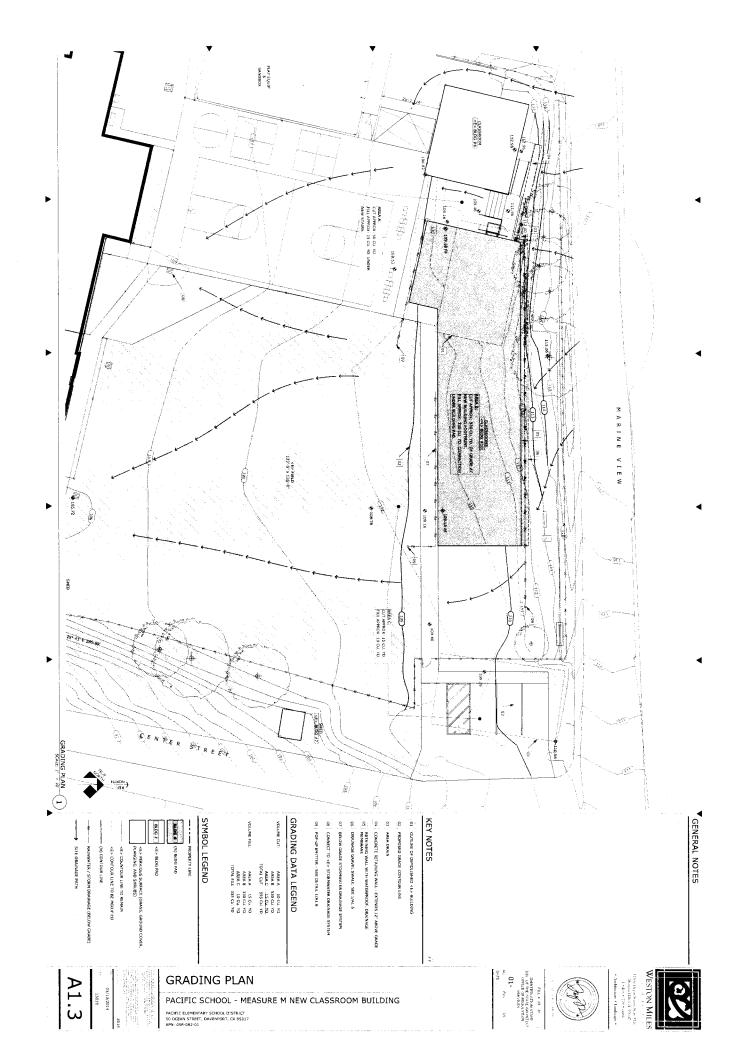
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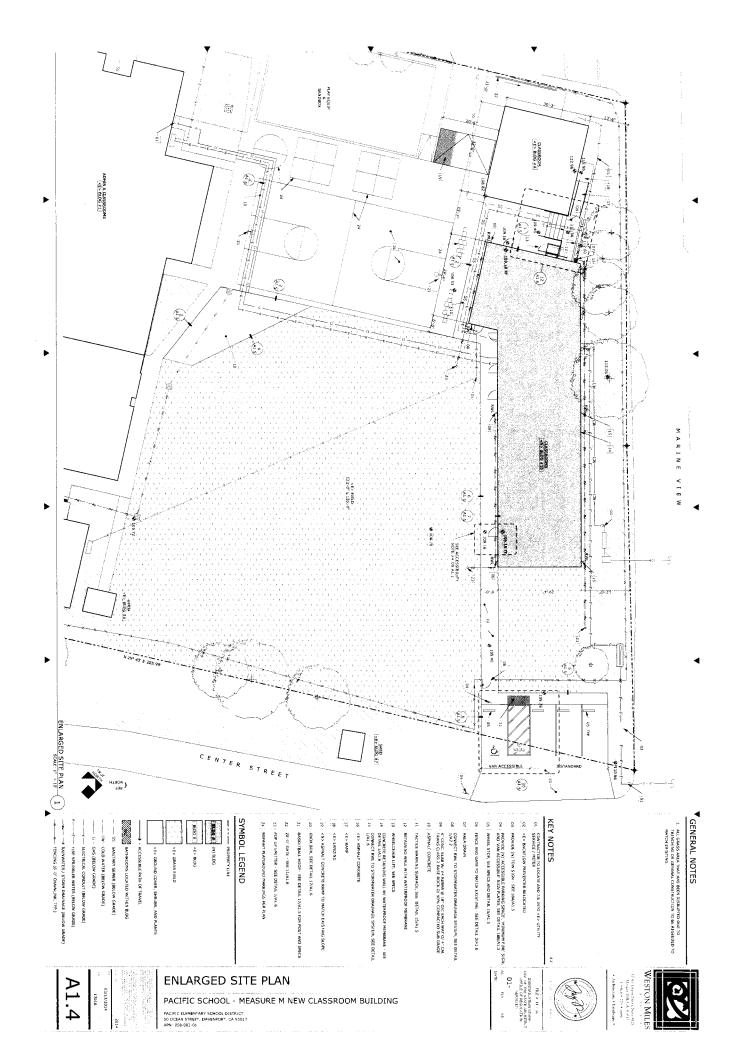


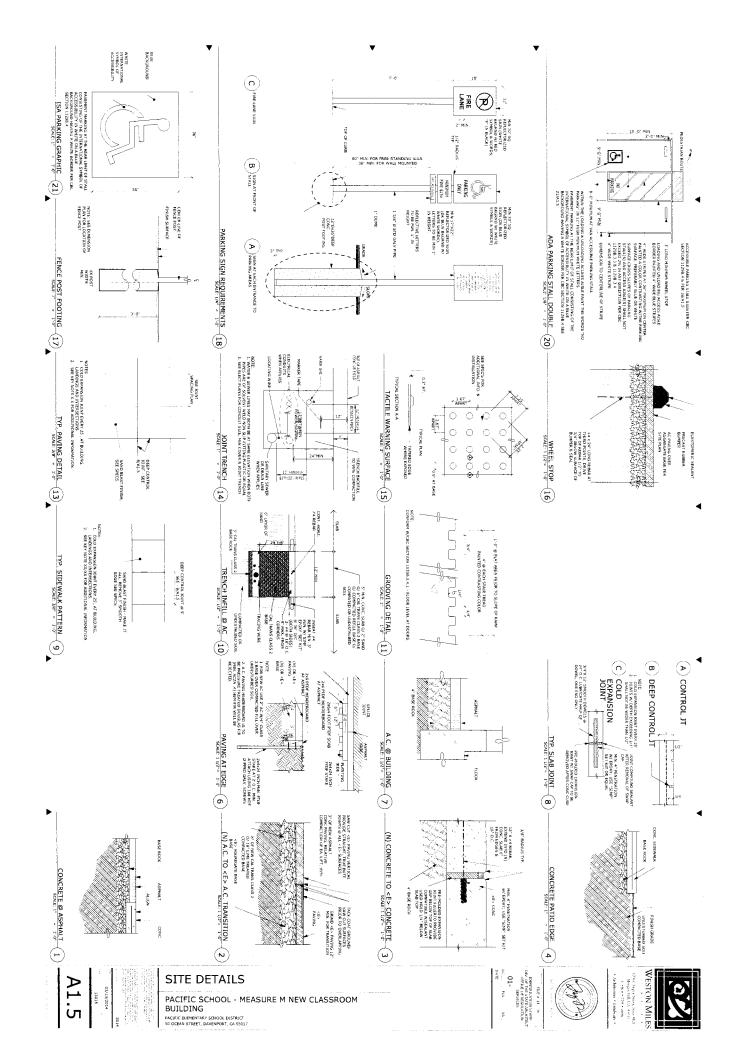


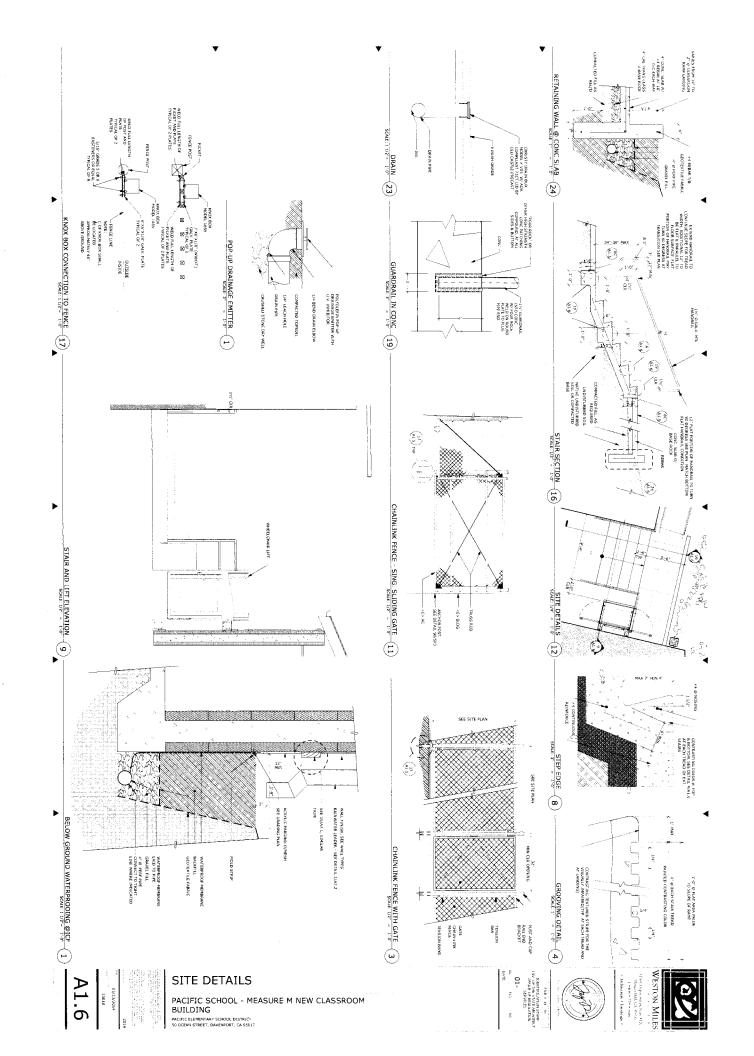


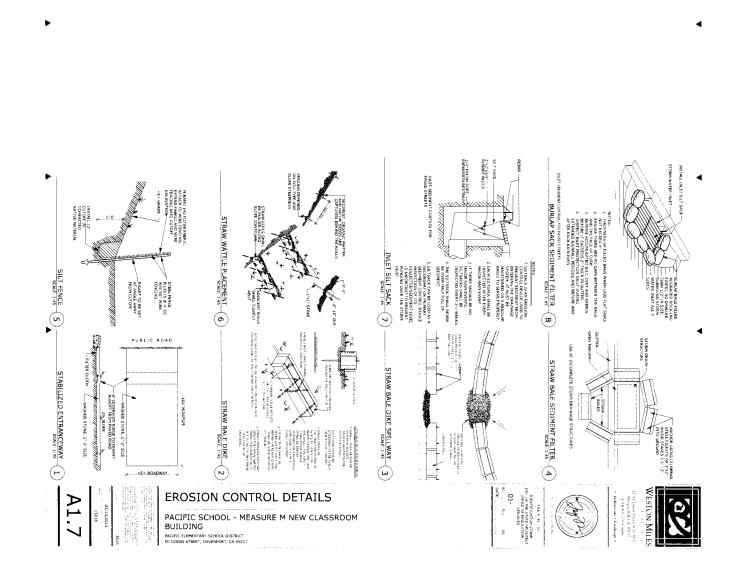


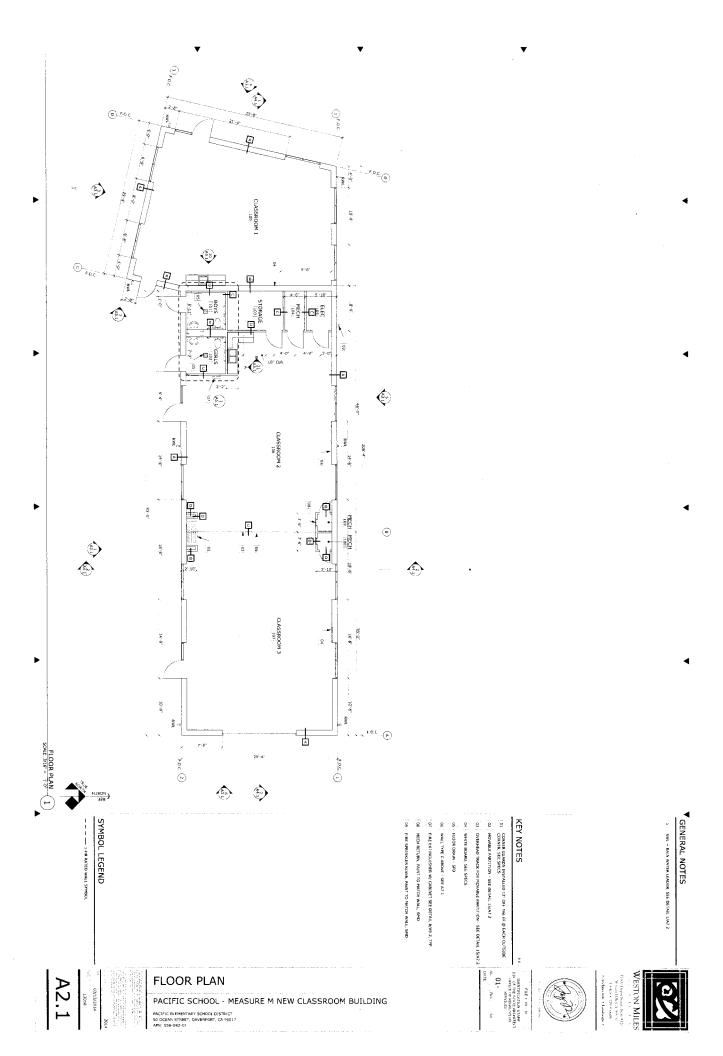


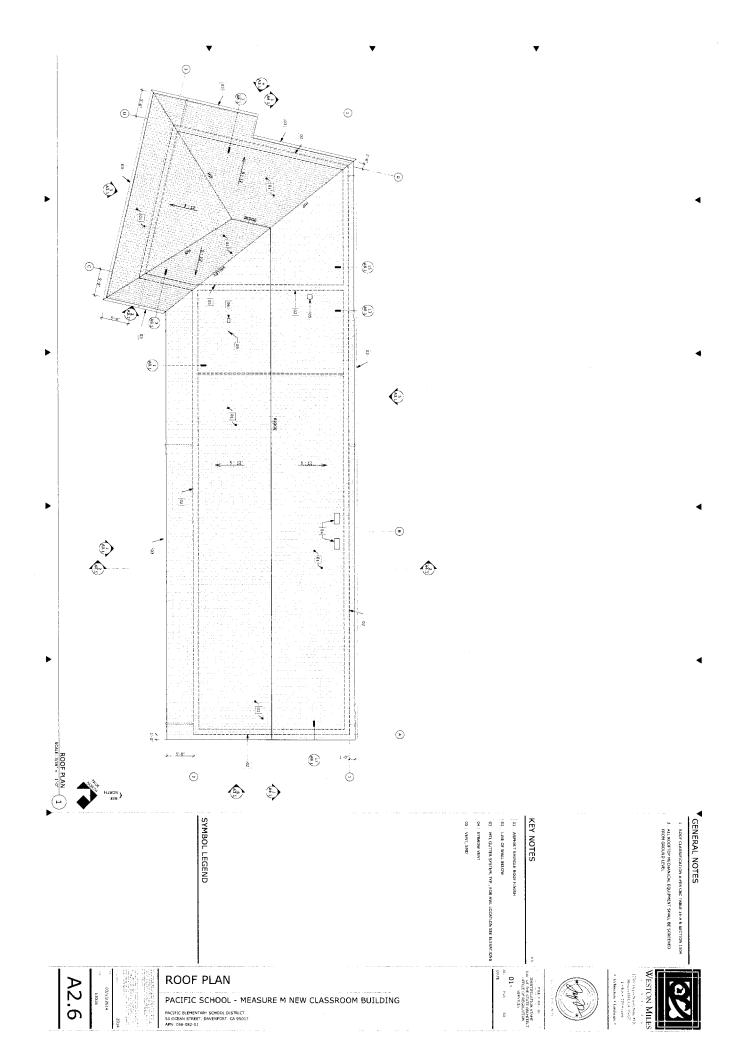


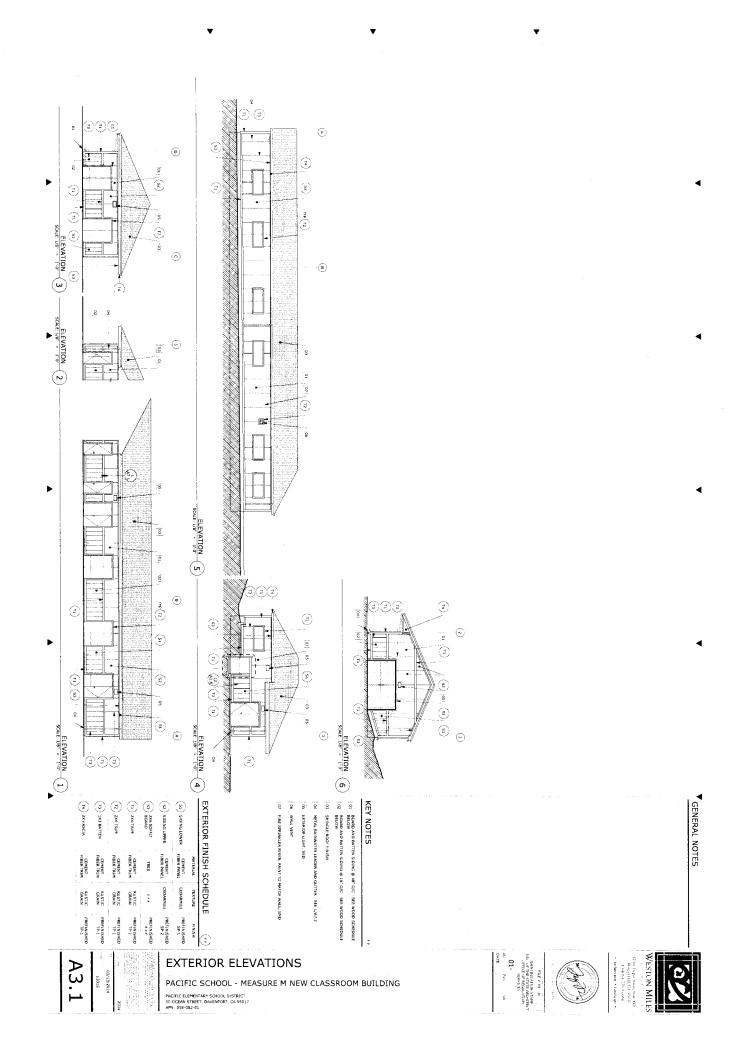


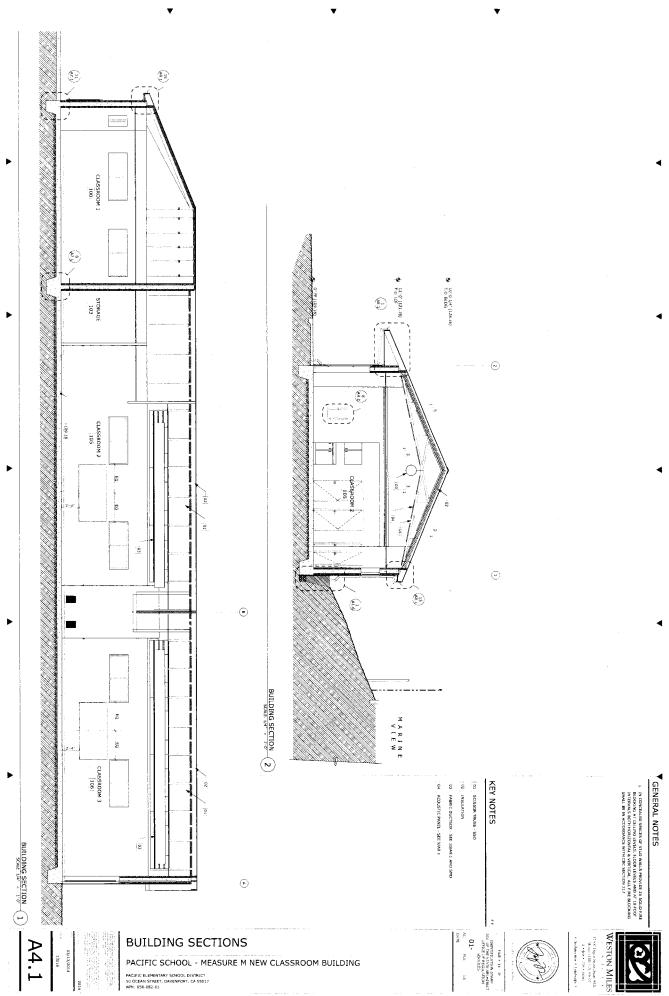






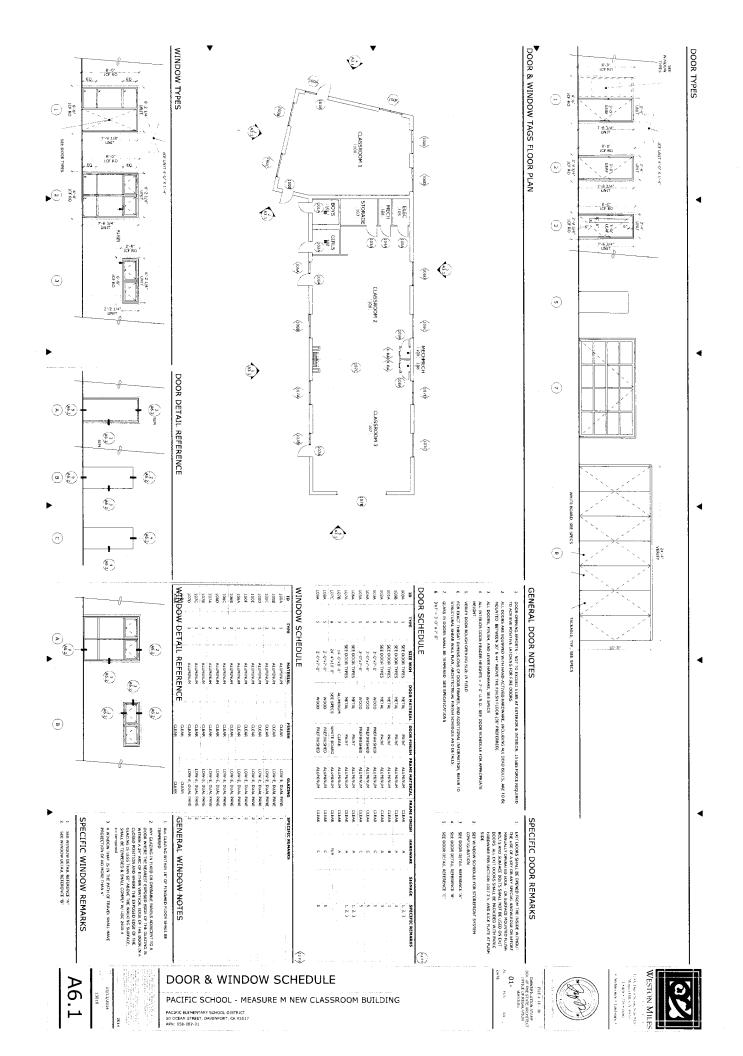


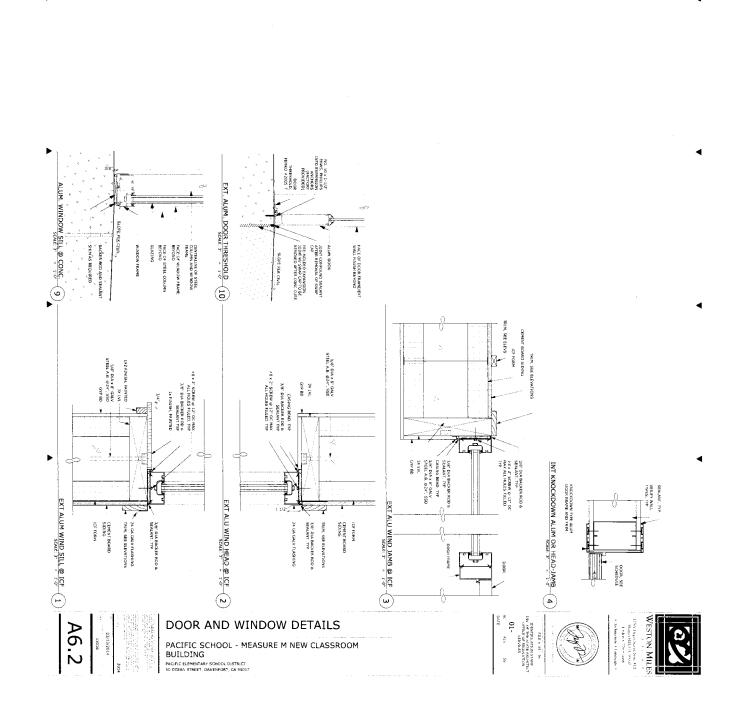


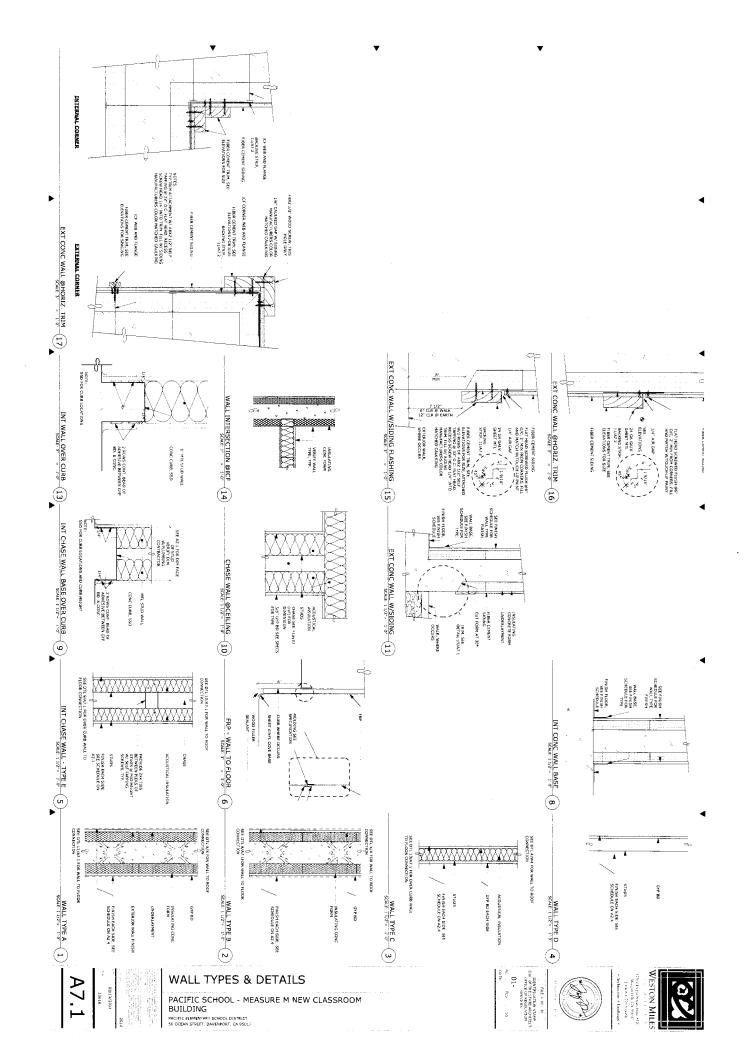


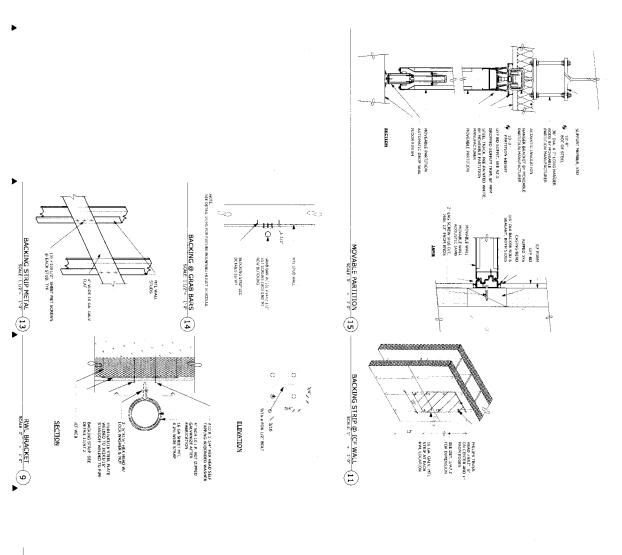


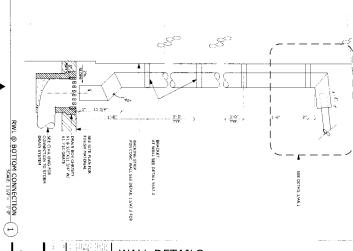












WALL DETAILS

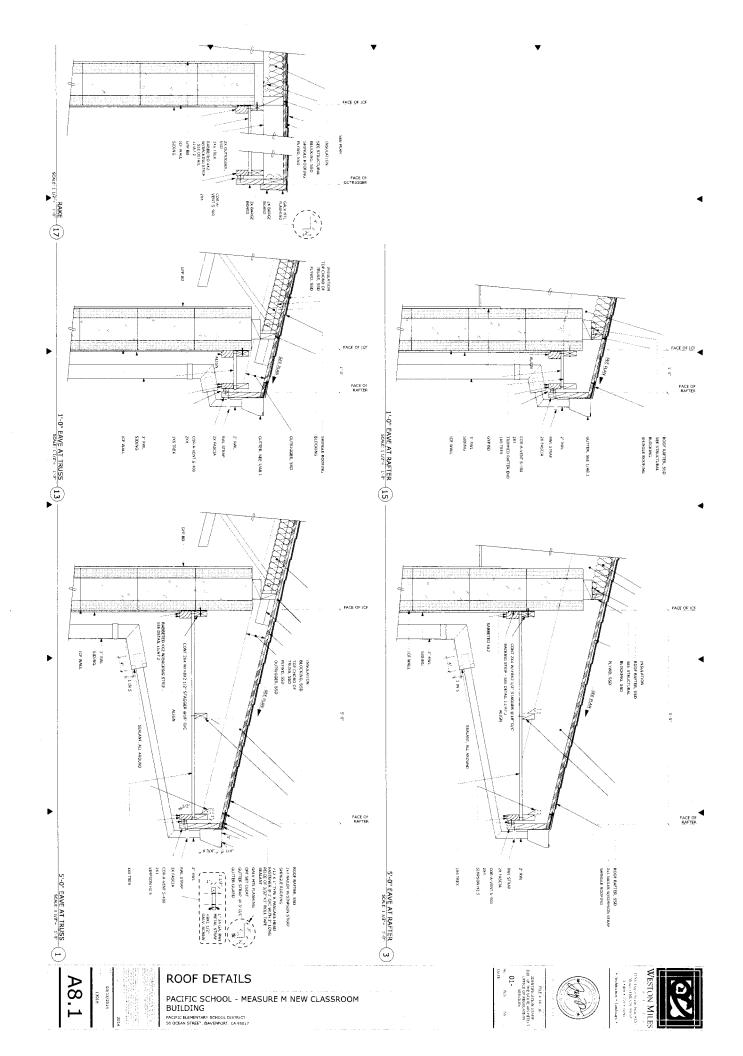
PACIFIC SCHOOL - MEASURE M NEW CLASSROOM BUILDING
MICHIC ELEMENTARY SCHOOL DISTRICT
SO OCEAN STREET, DAVENGER CA 58917











Owner: Pacific Elementary School

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

Significant topographical differences exist between the subject parcel and APN 058-122-12, to allow for a reduction in the required 200 foot setback to about 56 feet feet. APN 058-122-12 is a steep parcel and primarily used for grazing. The proposed building site is approximately 70 feet below the flat portion of the adjacent Commercial Agriculture zoned parcel. Due to topography of the first 200 linear feet of APN 058-122-12 and the limited use of the steep slope for agricultural purposes, minimal impacts as a result of noise, dust, and odors are expected to occur. Further, the proposed development is a relatively minor change to existing development on the school campus. No increase in enrolled children or staff is proposed. As a result, no increased impacts from either the school or adjacent agricultural operations are expected.

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 development is not expected to result in an increase to impacts from either the school or adjacent agricultural operations. An effective barrier consists of an existing six foot tall chain link fence enhanced with existing mature pine trees to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned land of APN 058-122-12. This barrier, as proposed, shall not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic on Ocean Street and Marine View Avenue.

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 parcel is developed with an existing elementary school. The location of the proposed development is roughly in the same location of two existing structures that are to be demolished as part of the project. The proposed structure will replace the existing structures resulting in a 1,320 square foot increase in classroom area located within the required 200 foot agricultural setback. The majority of the school grounds including outdoor play area will continue to be located within the 200 foot setback. As proposed, the existing vegetation on the north east side of the property will provide an adequate vegetative buffer from the adjacent CA lands.

Owner: Pacific Elementary School

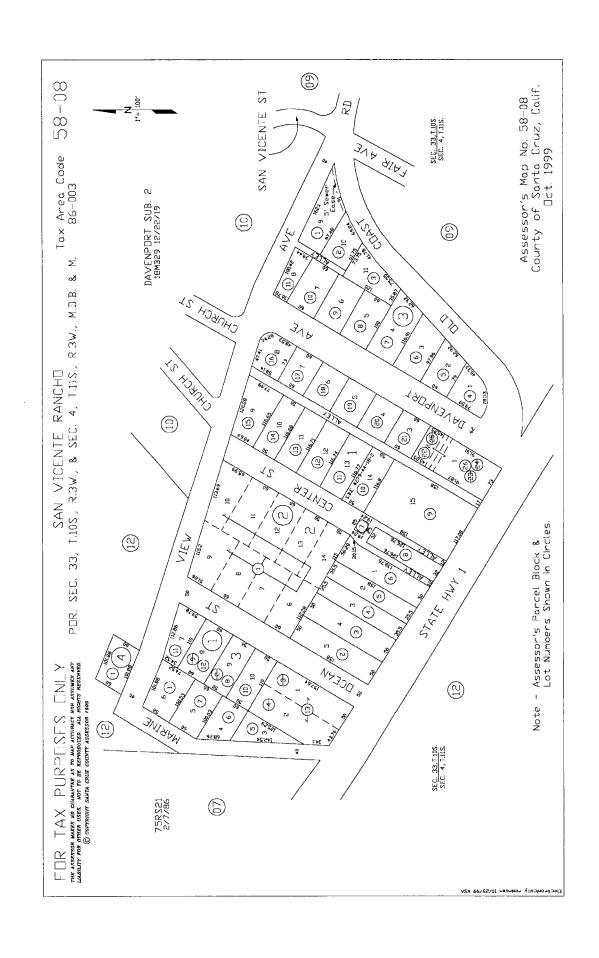
Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed habitable use to APN (058-122-12). 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 and Grading Permit from the Santa Cruz County Building Official, if necessary.
 - 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 approval of the Coastal Development Permit the applicant/owner shall:
 - A. Submit a final plan showing compliance with the agricultural buffer reduction 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 Coastal Development 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 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 56 feet from the classroom building to the adjacent Commercial Agriculture zoned parcel APN 058-122-12.
 - 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.

Owner: Pacific Elementary School

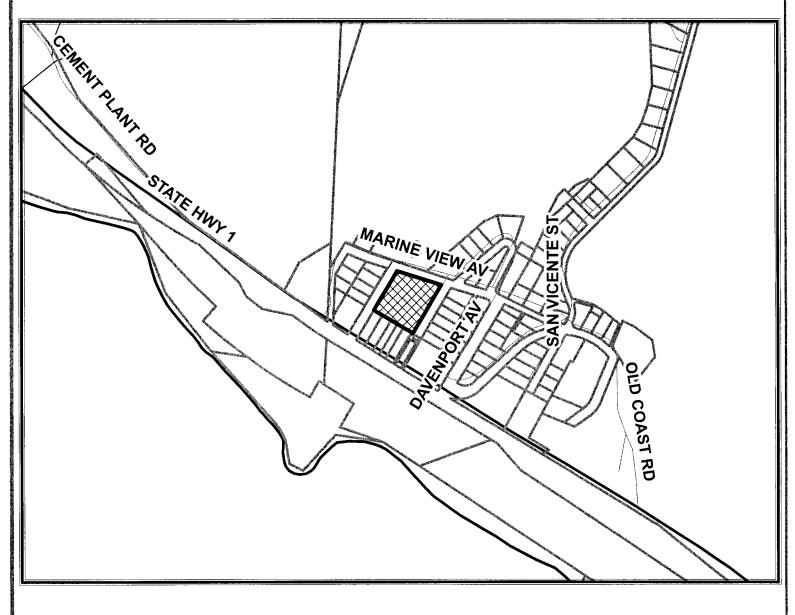
IV. Operational Conditions

- A. The vegetative and physical barrier shall be permanently maintained. The applicant/owner shall contact the Planning Department's Agricultural Planner a minimum of three working days in advance to schedule an inspection to verify that the required barrier (vegetative and/or other) has been completed.
- 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, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
 - C. <u>Settlement</u>. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
 - D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

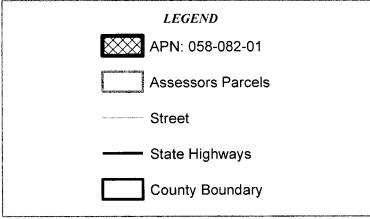




Location Map





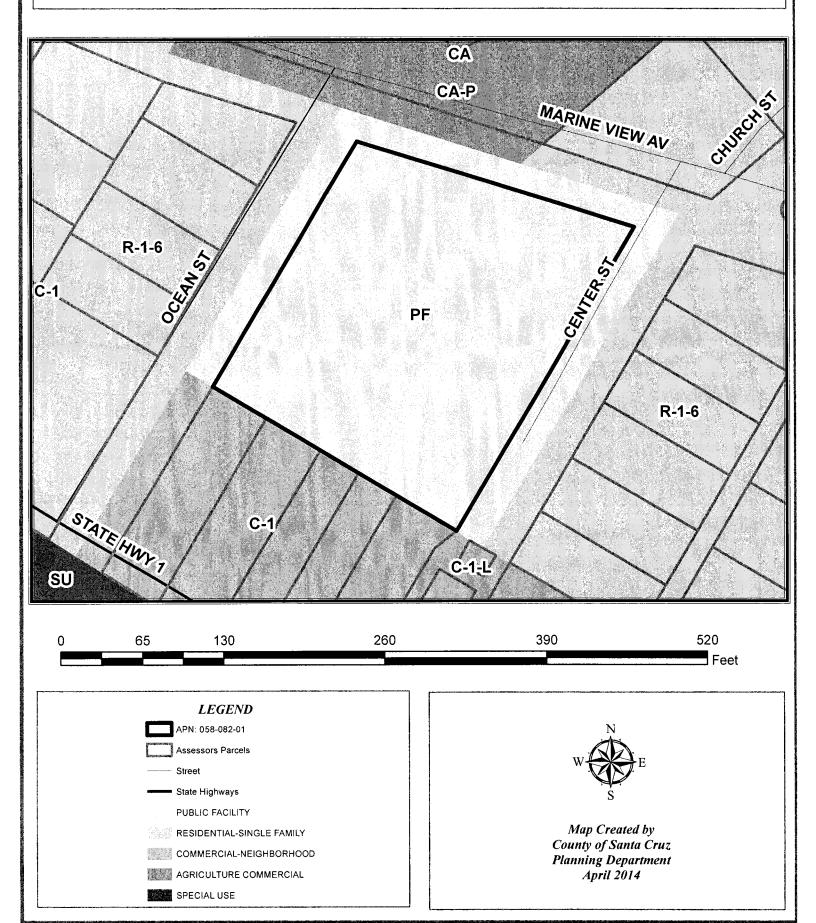




Map Created by County of Santa Cruz Planning Department April 2014

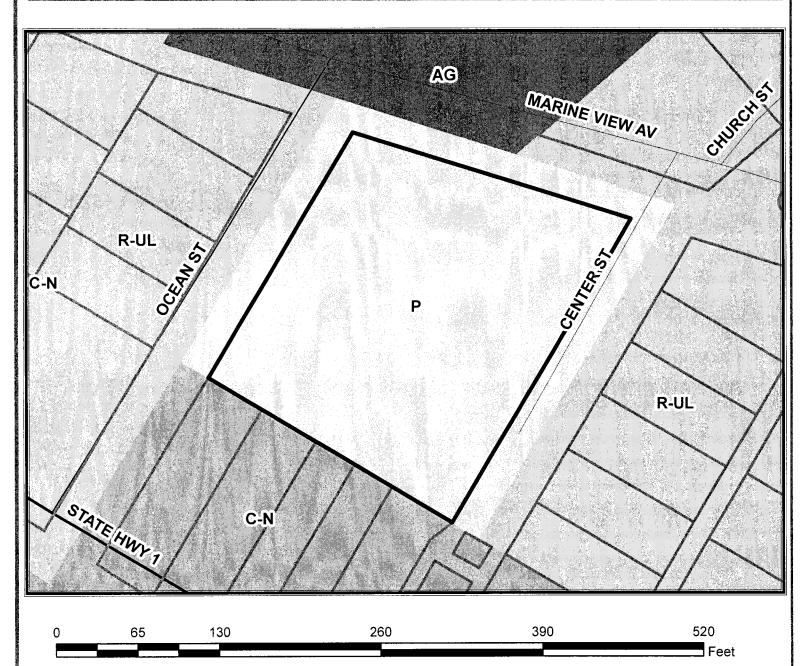


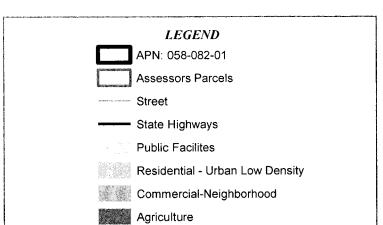
Zoning Map





General Plan Designation Map







Map Created by County of Santa Cruz Planning Department April 2014

Owner: Pacific Elementary School

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 unless the conditions of approval are complied with and the use commences before the expiration date.

Approval Date:	
Effective Date:	
Expiration Date:	·

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.