



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **06-0059**

Applicants: Miguel & Marie Podolsky
Owners: Miguel & Marie Podolsky
APN: 046-241-42

Date: April **20,2006**
Agenda Item #: **6**
Time: 1:30 p.m.

Project Description: Proposal to construct a 212-square foot addition to an existing single-family dwelling. Requires an Amendment to Agricultural Buffer Determination 97-0808 to reduce the required 200-foot agricultural buffer setback to about 182 feet.

Location: Property located on the north side of Lilly way, about 1/3 mile northwest of the intersection with Zils Road, at 86 Lilly Way in La Selva Beach.

Permits Required: Agricultural Buffer Setback Determination

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0059, based on the attached findings and conditions.

Exhibits

- | | |
|---|---------------------------------|
| A. Project plans | F. Zoning map, General Plan map |
| B. Findings | G. Comments & Correspondence |
| C. Conditions | H. Permit 97-0808 |
| D. Categorical Exemption (CEQA determination) | I. Site photograph |
| E. Assessor's parcel map, Location map | |

Parcel Information

Parcel Size:	3.3 acres
Existing Land Use - Parcel:	Single-family residential
Existing Land Use - Surrounding:	Commercial agriculture, residential, Manresa state beach
Project Access:	San Andreas Road to Zils Road to Lilly Way
Planning Area:	San Andreas
Land Use Designation:	AG (Agriculture)
Zone District:	CA (Commercial Agriculture)

Supervisory District: Sccnd (District Supervisor: Pine)
Within Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Baywood loamy sand, Elder sandy loam
Fire Hazard: Not a mapped constraint
Slopes: 2 – 9 percent slopes
Env. Sen. Habitat: Mapped biotic/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archaeology: Not mapped/no physical evidence on site

Services Information

Inside Urban/Rural Services Line: Yes No
Water Supply: San Andreas Mutual Water Company
Sewage Disposal: CSA#12, private septic system
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Non-zone

Analysis and Discussion

The proposed project is to construct a one- story addition of 212 square feet to an existing single-family dwelling of 2,124 square feet and detached garage of 768 square feet, on a 3.3-acre parcel. The project is located at 86 Lilly Way in La Selva Beach. The building site 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 182 feet from APN 046-241-43, a vacant 3.4 acre parcel.

The subject property is characterized by gently sloping topography towards the south. The parcel is not located within the Urban Services Line and may be characterized as a low density residential neighborhood with commercial agriculture to the south and west and Manresa State Beach to the north. The parcel carries an Agriculture (AG) General Plan designation and the implementing zoning is Commercial Agriculture (CA). Commercial Agriculture zoned land is situated within 200 feet at the east side of the parcel at Assessor's Parcel Number 046-241-43 (Exhibit F). Commercial agriculture zoned land is also located to the south of the parcel at APN 046-241-41, but an approved agricultural buffer reduction of 80-feet in that direction has been exercised under Coastal Development Permit 97-0808 (Exhibit H), and the proposed room addition does not encroach any closer to that parcel. The current proposal qualifies for an exemption to the requirement for a Coastal Development Permit as per County Code Section 13.20.068 as the proposed room addition is less than 250 square feet and less than 10 percent of the floor area of the existing structure.

A reduced agricultural buffer is recommended due to the fact that the small proposed 212 square foot addition is located no closer to existing agricultural operations to the south and would allow a logical configuration in relation to the floor plan of the existing single-family dwelling. No existing agricultural operations are located on AFN 046-241-43, the adjacent 3.4-acre CA zoned parcel, and a Coastal Development Permit 05-0025 has been approved for development of a single-family dwelling on that site. The applicant has planted an evergreen hedge (myoporum) to reduce the impact of the proposed residential use on the CA zoned parcel, and to therefore protect the agricultural interests on the Commercial Agriculture zoned parcel. The applicant has recorded 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 as Document 1998-0017295 on April 3, 1998.

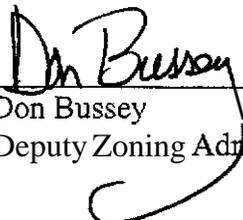
Recommendation

- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 182 feet to the single-family dwelling from the adjacent CA zoned property known as APN 046-241-43, proposed under Application # 06-0059, based on the attached findings and recommended conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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: Joan Van der Hoeven
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-5174
E-mail: pln140@co.santa-cruz.ca.us

Report Reviewed By: 
Don Bussey
Deputy Zoning Administrator

AFN 046-241-43
VACANT LAND
(being purchased for resic)

CA

AG BUFFAL
HERE

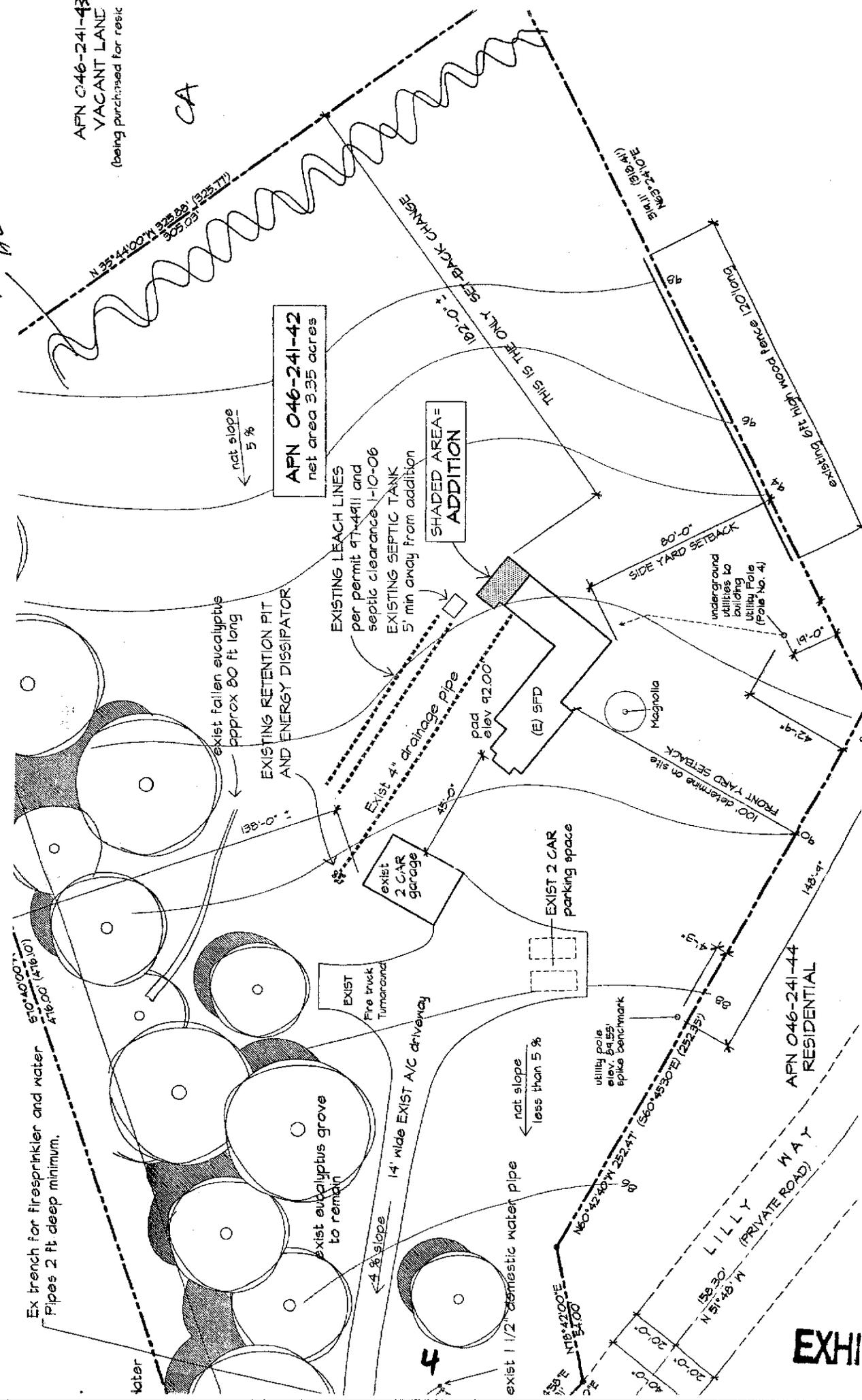


EXHIBIT A

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

1. Significant topographical differences 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 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

The proposed room addition is proposed to be set back **182** feet **from** the adjacent Commercial Agriculture zoned land. An effective barrier consisting of a hedge of evergreen shrubs is adequate to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned land of APN **046-241-43**. This barrier, as proposed, shall not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic.

3. 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.
4. Required findings for non-agricultural development on commercial agricultural land, County Code section 16.50.095(e).

Any non-agricultural development proposed to be located on 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 carries an Agriculture (AG) General Plan designation. The parcel is not designated for agricultural production because of its size (**3.3** acres) and the fact that the parcel is developed with a single-family dwelling under Coastal Development Permit #97-0808. The parcel is **within 200** feet of Commercial Agriculture zoned land, but no commercial agricultural operations are currently in place within **200** feet.

**Required Findings for Development on Land Zoned Commercial Agriculture or
Agricultural Preserve
County Code Section 13.10.314(A)**

1. 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 subject parcel is developed with an existing single-family dwelling approved under Coastal Development Permit 97-0808 and there is no commercial agricultural operation on the 3.3-acre site. The proposed 212 square foot room addition will not negatively impact existing commercial agricultural operations in the area nor reduce, restrict or adversely affect agricultural resources.

2. The use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel or no other agricultural use of the parcel is feasible for the parcel; or

Although the parcel is zoned for agricultural use, the principal use of the parcel is residential, which was approved under Coastal Development Permit #97-0808.

3. The use consists of an interim public use which does not impair long-term agricultural viability; and
4. 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 proposed room addition is attached to the existing residence and does not encroach any closer to existing agricultural operations in the area.

5. 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.

No land on the 3.3-acre parcel is currently utilized for commercial agricultural production. The modest 212 square foot proposed room addition will remove as little land as possible from potential production.

Required **Findings** for Residential Development **on** Land Zoned Commercial Agriculture or Agricultural Preserve **In** The Coastal Zone
County Code Section 13.10.314(b)

1. The parcel is less than one acre in size; or the parcel has physical constraints (such as adverse topographic, geologic, hydrologic, or vegetative conditions) other than size which preclude commercial agricultural use; or that the residential use will be ancillary to commercial agricultural use of the parcel based upon the fact that either:

- (i) The farmable portion of the parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops, other than greenhouses, suited to the soils, topography, and climate of the area; or

Due to existing development on the site, approved under Coastal Development Permit #97-0808 (Exhibit H), there would be less than one acre available for commercial agriculture on the site. The site has been developed primarily as a residential rather than an agricultural site and is not large enough to support three crops.

- (ii) The owners of the subject parcel have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel, such as an agricultural easement.

2. The residential use will meet all the requirements of section 16.50.095 pertaining to agricultural buffer setbacks.

In order to minimize potential conflicts with existing or future commercial agriculture and habitable land uses, the applicant will install and maintain an agricultural buffer consisting of an evergreen myoporum hedge on the property boundary between the subject site and APN 046-242-43. The buffer is designed to provide a physical barrier to noise, dust, odor, and other effects which may be a result of normal commercial agricultural operations such as plowing, discing, harvesting, spraying, or the application of agricultural chemicals, and animal rearing.

3. The owners of the subject parcel have executed binding hold-harmless covenants with the owners and agricultural operators of adjacent agricultural parcels. Such covenants shall run with the land and shall be recorded prior to the issuance of the permit for the proposed development.

The owners of the subject parcel have recorded an Agricultural Statement of Acknowledgement as Document 1998-0017295 on April 3, 1998,

Conditions of Approval

Exhibit A: Project Plans, 5 sheets by Miguel Podolsky, Architect, dated 2-5-06.

- I. This permit authorizes **an** Agricultural Buffer Setback reduction from the proposed residential use to APN (046-241-43). 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.
- 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 182 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 046-241-43.
 2. Final plans shall show the location of the vegetative buffering barrier 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.
- 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 barrier shall be installed. 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) has been planted.

- 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 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 on the expiration date listed below unless you obtain the required permits and commence construction.

Approval Date: 4-20-06
Effective Date: 5-4-06
Expiration Date: 5-4-08

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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 06-0059
Assessor Parcel Number: 046-241-42
Project Location: 86 Lilly Way, La Selva Beach CA 95076

Project Description: Agricultural Buffer Setback Determination

Person or Agency Proposing Project: Miguel & Marie Podolsky

Contact Phone Number: (831) 763-1550

- A. The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

- E. **Categorical Exemption**

Specify type: Class 1 - Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

Addition to an existing small structure

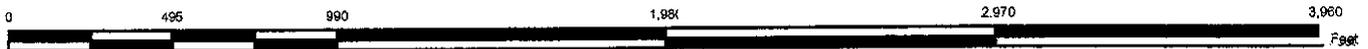
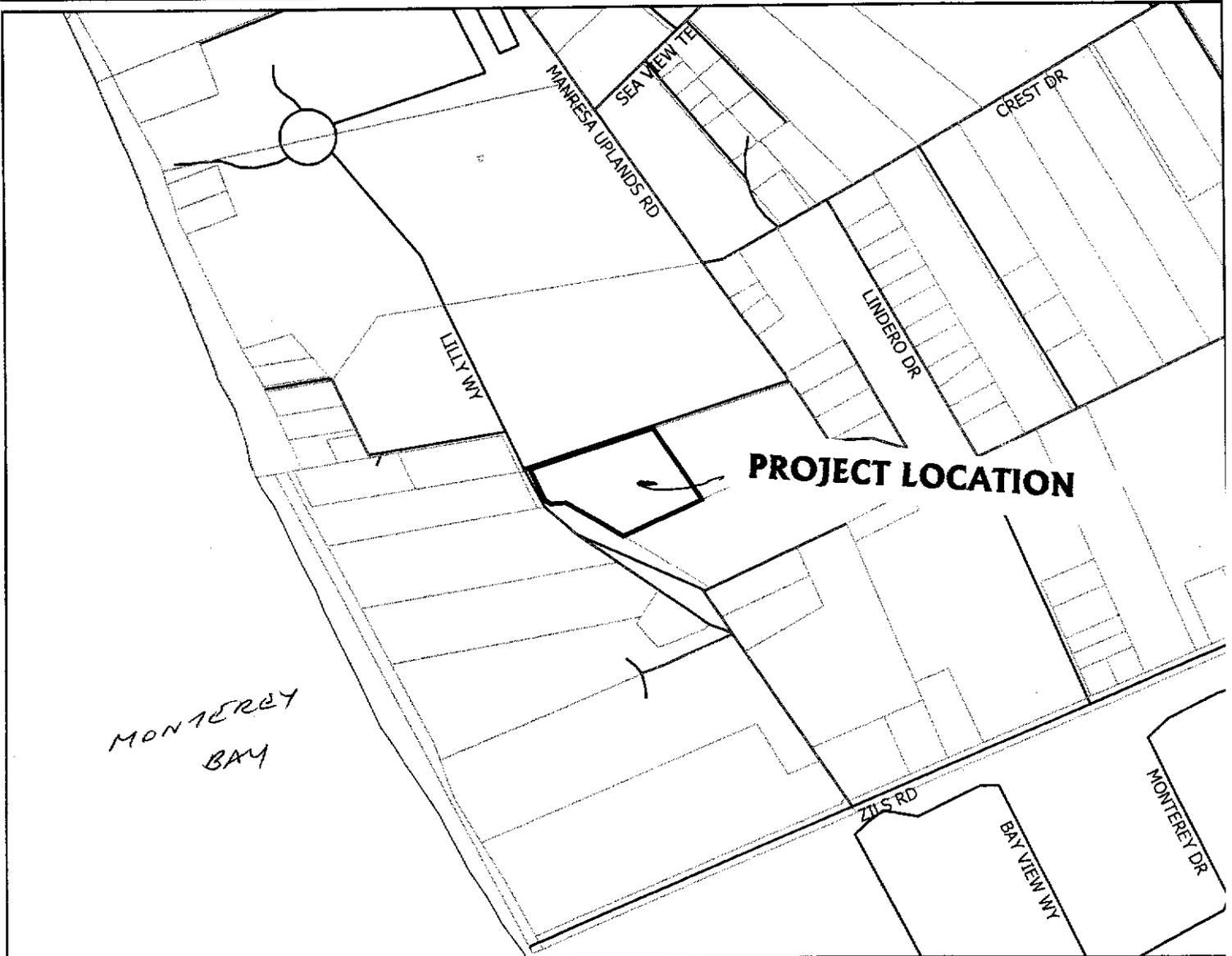
In addition, none of the conditions described in Section 15300.2 apply to this project.


Joan Van der Hoeven, Project Planner

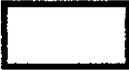
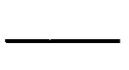
Date: April 20, 2006

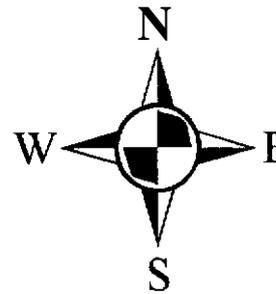


Location Map



Legend

-  APN 046-241-42
-  Assessors Parcels
-  Streets



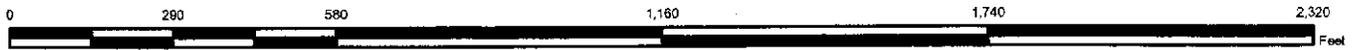
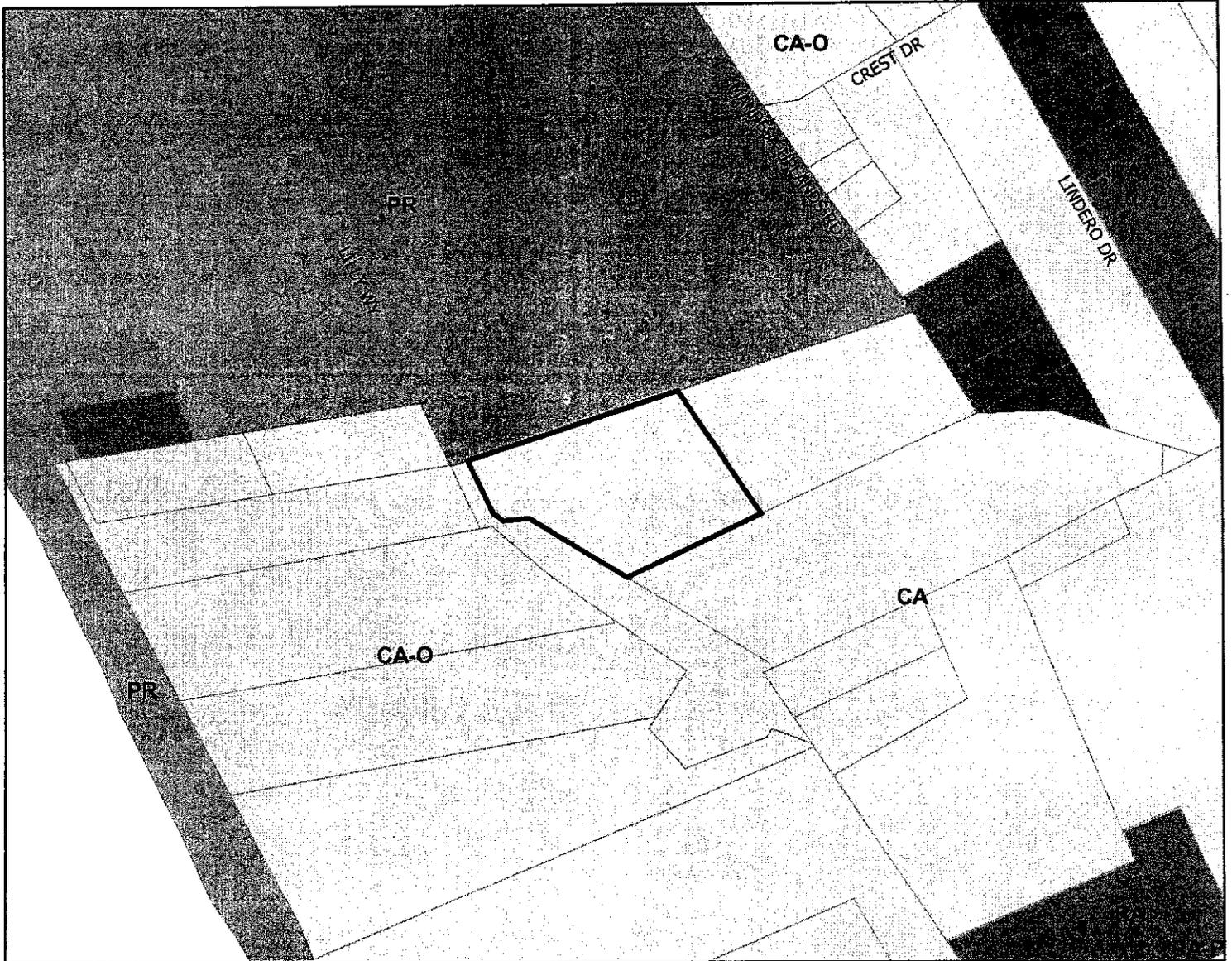
Map Created by
 County of Santa Cruz
 Planning Department
 February 2006

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EXHIBIT E

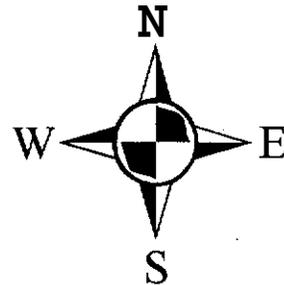


Zoning Map



Legend

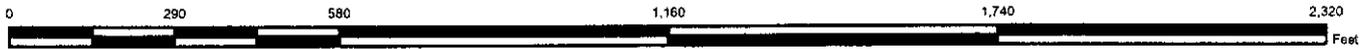
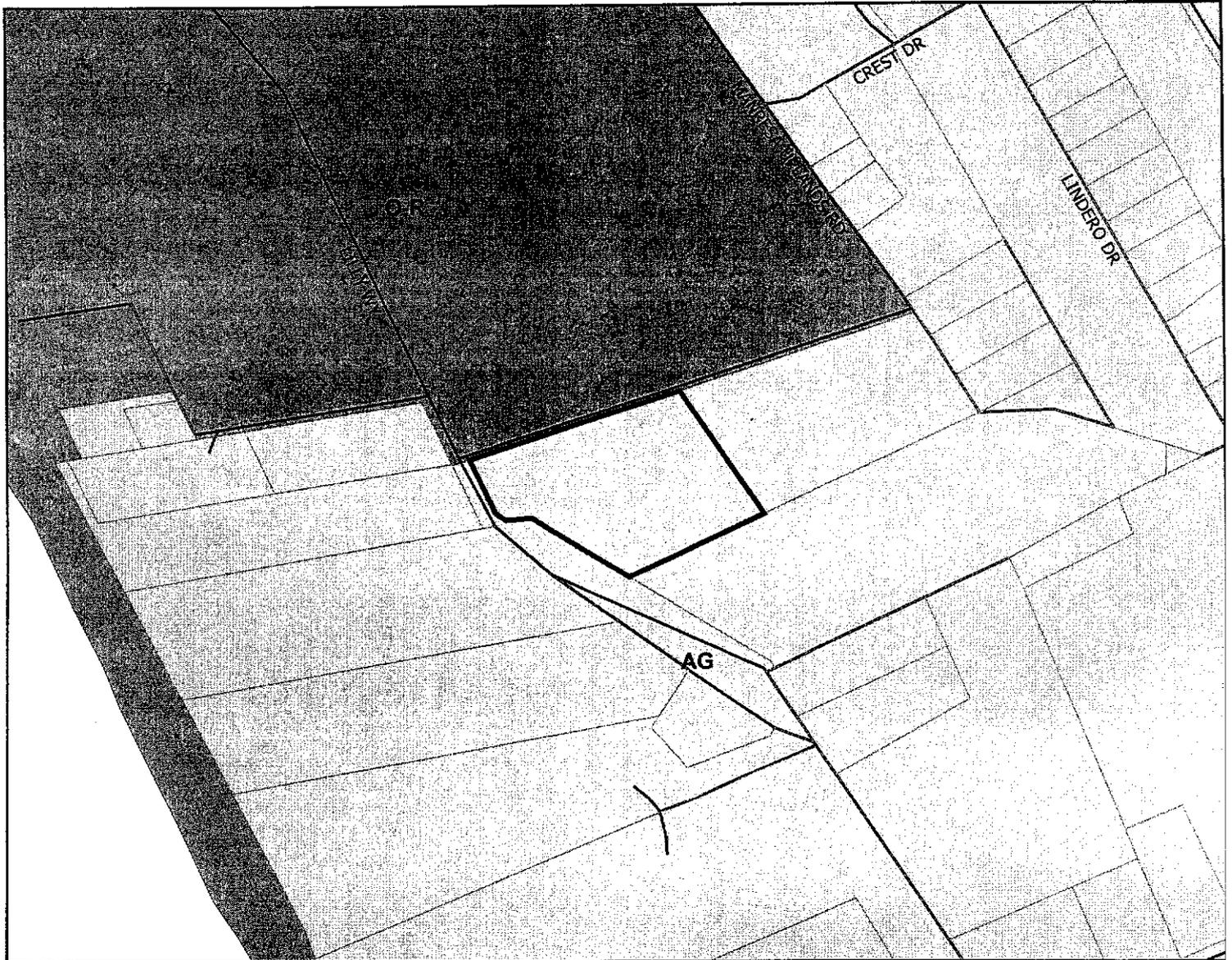
-  APN 046-241-42
-  Assessors Parcels
-  Streets
-  AGRICULTURE COMMERCIAL (CA)
-  PARK (PR)
-  AGRICULTURE RESIDENTIAL (RA)



Map Created by
 County of Santa Cruz
 Plannina Department
 February 2006

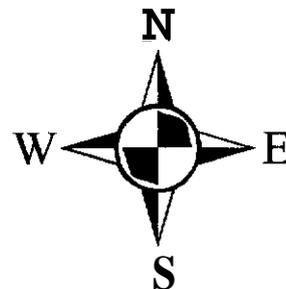


General Plan Designation Map



Legend

-  APN 046-241-42
-  Assessors Parcels
-  Streets
-  Agriculture (AG)
-  Parks and Recreation (O-R)



Map Created by
 County of Santa Cruz
 Planning Department
 February 2006

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EXHIBIT F

C O U N T Y O F S A N T A C R Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Joan Van Der Hoeven
Application No.: 06-0059
APN: 046-241-42

Date: March 8, 2006
Time: 16:10:05
Page: 1

Project Review Completeness Comments

===== REVIEW ON MARCH 8, 2006 BY JOAN VAN DER HOEVEN =====
NO COMMENT

Project Review Miscellaneous Comments

===== REVIEW ON MARCH 8, 2006 BY JOAN VAN DER HOEVEN =====
Record an Agricultural Statement of Acknowledgement if not already done

Dpw Drainage Completeness Comments

===== REVIEW ON FEBRUARY 24, 2006 BY DAVID W SIMS =====
1st Routing: Complete without requirements. See miscellaneous comments

Dpw Drainage Miscellaneous Comments

===== REVIEW ON FEBRUARY 24, 2006 BY DAVID W SIMS =====
Miscellaneous:

Small addition has roof runoff connected to existing drain lines with retention mitigation already provided from previous construction.

There are no additional requirements for runoff mitigation since all development and mitigation facilities are located centrally on a large parcel. Any overflow from the retention facility will drain towards soils mapped as very sandy and highly porous. preventing new development runoff from leaving the site.

Additional runoff from the addition could cause more frequent overflow of the retention facility. It is recommended that the homeowner inspect the ground area around the facility for any signs of current surface erosion from prior overflow. If erosion is present, the owner could enlarge the facility or better grade and vegetate the surrounding area.

Pollack & Davis, LLP

ATTORNEYS AT LAW

Harry Pollack ■ William E Davis

February 23, 2006

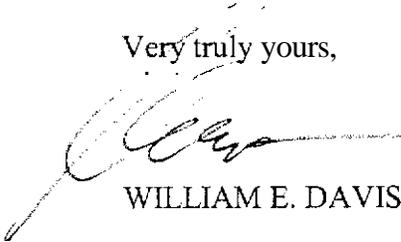
Attn: Joan Van der Hoeven, Project Planner
Santa Cruz County Planning Department
701 Ocean Street—4th Floor
Santa Cruz, CA 95060

Re: Proposed Addition to 86 Lily Way, Watsonville, CA 95076
Application #: 06-0059
APN: 046-241-42
Applicant: Podolsky, Miguel & Marie Trustees

Dear Ms. Van der Hoeven:

I am one of the owners (with Marshall Sachs) of 77 Lily Way, Watsonville. This is to advise you that we have NO OBJECTION to the addition proposed by the Podolskys.

Very truly yours,



WILLIAM E. DAVIS

WED:pan
cc: Miguel and Marie Podolsky



**COUNTY Of SANTA CRUZ
Planning Department**

COASTAL/Aq. **PERMIT**

Owner Miguel Podolsky
Address 9515 Soquel Dr. Suite 212
Aptos, CA 95003

Permit Number 97-0808
Parcel Number(s) 046-241-42

PROJECT DESCRIPTION AND LOCATION

Proposal to construct a two-story single-family dwelling. Requires a Coastal Zone Permit and an Agricultural Buffer Determination to reduce the required minimum 200 foot setback from "CA" zoned lands to about **80** feet from the southwest side property line and **90** feet from the south property line. Including the construction of a detached non-habitable accessory structure (garage/barn). Property located on the north side of Lilly Way, about 1/3 mile southwest of Zills Road and about 3/4 mile south of San Andreas Road.

SUBJECT TO ATTACHED CONDITIONS.

Approval Date: 3/6/98

Effective Date: 3/16/98

Exp. Date (if not exercised): 3/16/00

Coastal Appeal Exp. Date: Call Coastal Comm.

Denied by: _____

Denial Date: _____

_____ This project requires a coastal zone permit which is not appealable to the California Coastal Commission. It may be appealed to the Planning Commission. The appeal must be filed within 10 working days of action by the decision body.

X This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110.) The appeal must be filed with the Coastal Commission within 10 working days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable. The appeal must be filed within 10 working days of action by the decision body.

This permit cannot be exercised until after the Coastal Commission appeal period. That appeal period ends on the **above** indicated date. Permittee is to contact Coastal **staff** at the end of the **above** appeal period prior to **commencing** any work.

A Building Permit must be obtained (if required) and construction must be initiated prior to the expiration date in order to exercise this permit. **THIS PERMIT IS NOT A BUILDING PERMIT.**

By signing this permit below, the owner agrees to accept the terms and **conditions** of this permit and to accept responsibility for payment of the County's costs for inspections and all other actions related to noncompliance with the permit conditions. This permit shall be null and void in the absence of the owner's signature below.

Signature of Owner/Agent
R. Staken

Staff Planner

3-6-98
Date

3/6/98
Date

Distribution: Applicant, File, Clerical, Coastal Commission

EXHIBIT H

Application # 06-0059
APN:046-241-42
Owners Miguel & Marie Podolsky

