



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **08-0529**

Applicant: David Alcaraz
Owner: Jose and Susana Mandujano
APN: 051-521-42

Date: April 16, 2009
Agenda Item #: 7
Time: 1:30 p.m.

Project Description: Proposal to construct a 640 square foot second unit. Requires an Amendment to Agricultural Buffer Determination 06-0327 to reduce the required 200' setback to about 126' from APN 050-151-12 and about 124' from APN 050-151-13.

Location: Property located on the northeast corner of the intersection of Green Valley Road and Lita Lane (584 Green Valley Road).

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

- Approval of Application 08-0529, based on the attached findings and conditions.

Exhibits

- | | |
|---------------------------|------------------------------|
| A. Project plans | E. Location Map |
| B. Findings | F. Zoning map |
| C. Conditions | G. Comments & Correspondence |
| D. Assessor's parcel map. | |

Parcel Information

Parcel Size:	21,764 square feet (.5 acres)
Existing Land Use - Parcel:	Single Family Residence
Existing Land Use - Surrounding:	Single Family Residential and Commercial Agriculture
Project Access:	Via Lita Lane
Planning Area:	Pajaro Valley
Land Use Designation:	R-UL (Urban Low Residential)
Zone District:	R-1-6 (Single Family Residential - 6,000 square foot minimum)
Supervisory District:	Fourth (District Supervisor: Tony Campos)
Within Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

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Report Reviewed By: Paia Levine
Principal Planner
Development Review

Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to APN's 050-151-12 and 13. 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.
 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. Development setbacks for the proposed second unit at a minimum of 124' from APN 050-151-13 and 126' from APN 050-151-12 feet, as measured from the property lines of the adjacent Agricultural Resource parcels.
 2. The applicant shall revise the south street side setback to show the measurement from the edge of the right of way to the building face, rather than the eave.
 3. Include detailed grading and drainage plans for review and approval by Environmental Planning Staff. Drainage plans shall address the following:
 - a. Provide a detail describing how the driveway will conform to existing roadside facilities. Road drainage should not be blocked by the proposed driveway. Provide a typical cross section of the existing road swale and details describing how drainage will be

Lita Lane shall be completed and approved by the Department of Public Works prior to final building permit issuance.

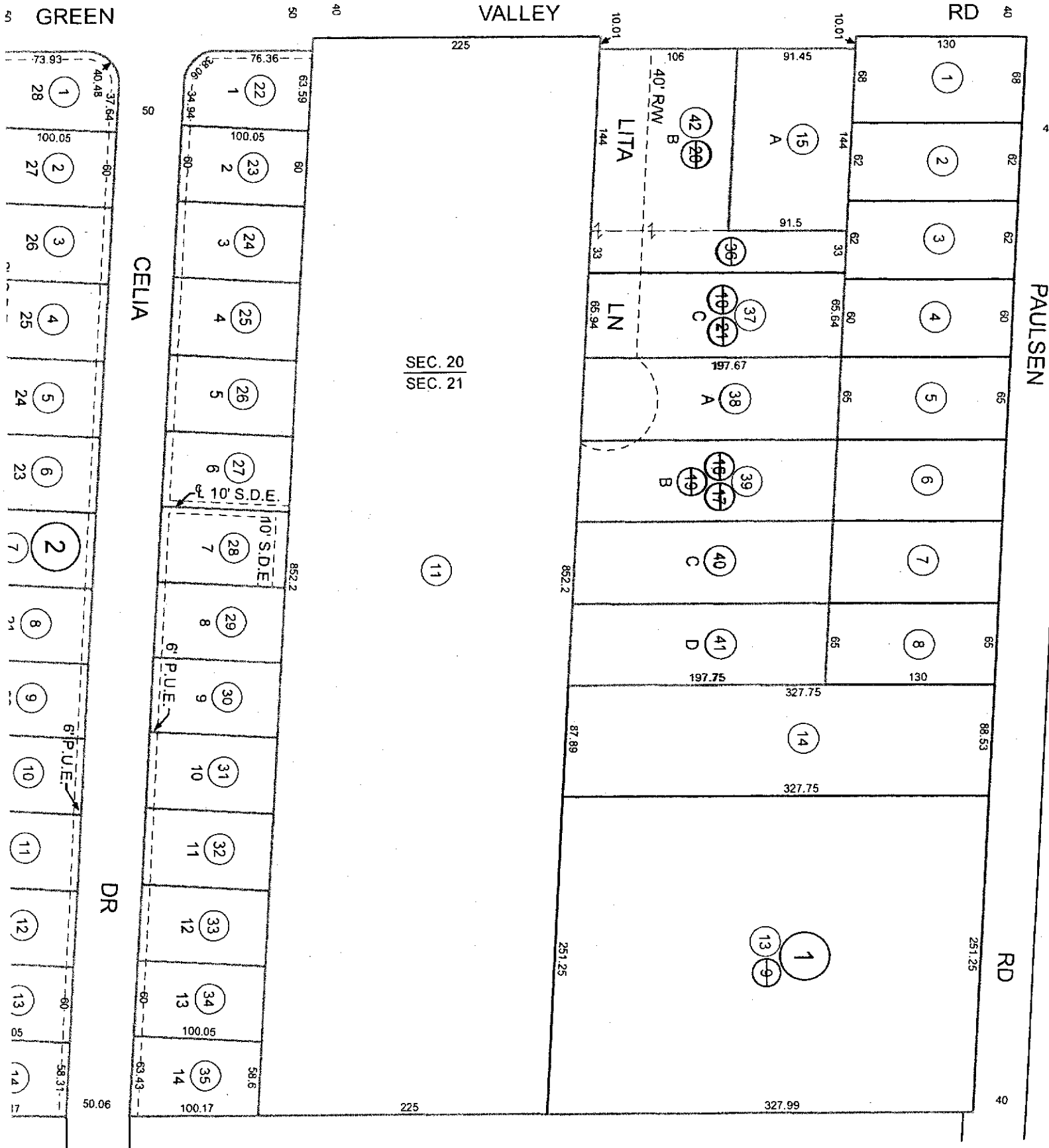
- C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official and/or the County Senior Civil Engineer.

IV. Operational Conditions

- A. All required Agricultural Buffer Setbacks shall be maintained.
- 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.

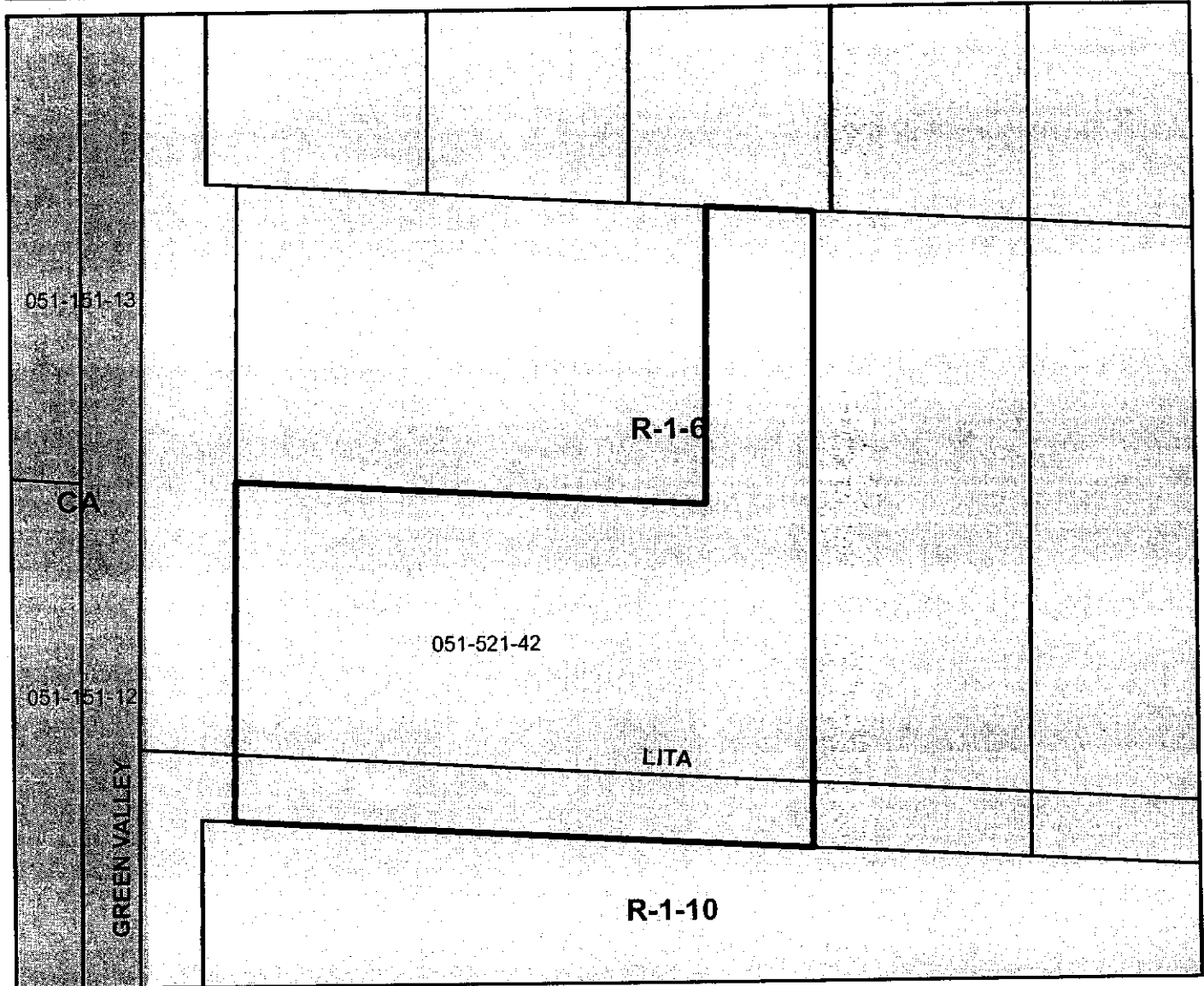
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its 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.





Zoning Map



LEGEND



APN: 051-521-42



Assessors Parcels

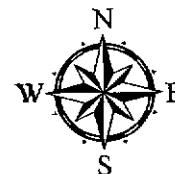


Streets

RESIDENTIAL-SINGLE FAMILY



AGRICULTURE COMMERCIAL



Map Created by
County of Santa Cruz
Planning Department
January 2009

EXHIBIT F

Discretionary Comments - Continued

Project Planner: Samantha Haschert
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The applicant is encouraged to discuss the above comments **with** the reviewer to avoid unnecessary additional routings. A \$200.00 additional review fee shall be applied to all re-submittals starting with the third routing.

Please call the Dept. of Public Works, Stormwater Management Section, from 8:00 am to 12:00 noon if you have questions.

Dpw Drainage Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS **AGENCY**

===== UPDATED ON JANUARY 14, 2009 BY GERARDO VARGAS ===== A drainage impact fee will be assessed on the net increase in impervious area. The fees are currently \$1.03 per square foot, and are assessed upon permit issuance. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON JANUARY 6, 2009 BY JOHN G LUMICAO =====
No Comment, project adjacent to a non-County maintained road.

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON JANUARY 6, 2009 BY JOHN G LUMICAO =====
No comment. Private road.

Dpw Road Engineering Completeness Comments

===== REVIEW ON JANUARY 9, 2009 BY ANWARBEG MIRZA =====
Per the plan lines on Green Valley Road, right-of-way dedication is required for the corner of Green Valley and Lita Lane. Please contact Public Works to obtain an offer of dedication form. The Building Permit application will **then** be approved with a hold on the application requiring the completion of the **dedication**.

===== UPDATED ON JANUARY 9, 2009 BY ANWARBEG MIRZA =====
Per the plan lines on Green Valley Road, right-of-way dedication is required for the corner of Green Valley and Lita Lane. Please contact Public Works to obtain an offer of dedication form. The Building Permit application will **then** be approved with a hold on the application requiring the completion of the **dedication**.

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON JANUARY 9, 2009 BY ANWARBEG MIRZA =====
Per the plan lines on Green Valley Road, right-of-way dedication is required for the corner of Green Valley and Lita Lane. Please contact Public Works to obtain an offer of dedication form. The Building Permit application will **then** be approved with a hold on the application requiring the completion of the **dedication**.

Note: ROW dedication shall be the part of conditions of approval.

Dpw Sanitation Completeness Comments

Discretionary Comments - Continued

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===== REVIEW ON JANUARY 5, 2009 BY COLLEEN L BAXTER =====