



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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KATHLEEN MOLLOY, PLANNING DIRECTOR

June 19, 2018

Agenda Date: July 11, 2018

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Item #7

Subject: A public hearing to consider an APPEAL of the Zoning Administrator's decision to approve application 161091: Proposal to operate a retail nursery and restaurant with beer service in two phases. First phase to include the demolition and reconstruction of the existing building with a kitchen facility, retail nursery, and taproom/bar (approximately 1,840 square feet on ground floor and 1,650 square foot storage on upper floor), the construction of a storage/restroom building (approximately 530 square feet), a 2,500 square foot outdoor seating area, and a 3,400 square foot outdoor gaming area, to modify an existing shed for use as a nursery storage building, and to recognize a fence in excess of 6 feet in height within the required front yard setback. Second phase to include the remodel of the two-story retail nursery/restaurant building (with taproom and restrooms on the lower floor), to convert the upper floor storage to a two-bedroom residential unit, and to convert the storage portion of the 530 square feet storage/restroom building to a kitchen facility. Requires a Commercial Development Permit.

Members of the Commission:

This application to construct a mixed-use development (restaurant/taproom, nursery, and residential unit) was considered by the Zoning Administrator on May 4, 2018 at a noticed public hearing. The hearing was well-attended by members of the public, including: owners, patrons and employees of the applicant, Beer Thirty¹, and owners and tenants of Holiday Corners, the area's main commercial property owner. After hearing extensive public testimony, the Zoning Administrator approved the application with minor changes to the conditions of approval (Exhibit I).

On May 17, 2018, the Planning Department received an appeal letter from Robert K. Johnson, an attorney representing Holiday Corners and the following Holiday Corners' tenants: Susan Hadley of The Fish Lady, Joe Briones of Sunnyside Produce, and Todd Todd of Carpos Restaurant. The appeal letter identifies three main appeal issues: (a) compatibility with the Sustainable Santa Cruz County Plan; (b) parking and traffic impacts; and (c) noise and nuisance impacts (Exhibit C). On June 14th, Eric Barbic, the new property manager of Holiday Corners, withdrew the "noise and nuisance" appeal issue, leaving the (a) compatibility with the Sustainable Santa Cruz County Plan and (b) parking and traffic impacts as the remaining appeal issues (Exhibit D).

¹ Although the applicant of the subject application is "Soquel Farmhouse LLC," for clarity, the applicant is referred to as "Beer Thirty" throughout this document.

The background of the project, a discussion of the context, and a review of the remaining appeal issues are provided below.

Project Background

The applicant operates the Beer Thirty Bottle Shop and Pour House which is located adjacent to the subject parcel on a property owned by Holiday Corners. Beer Thirty's business model, which combines an extensive menu of beers with outdoor games like ping pong and corn hole, has been very successful. One of the negative impacts of this success on neighboring businesses has been the business's parking demand. To address the impacts, the business owners purchased the adjacent three-acre parcel with the intention of moving Beer Thirty to a parcel that could better accommodate the use.

In addition to moving Beer Thirty to the subject parcel, the applicant seeks to add a restaurant use, continue the pre-existing nursery use, and add a two-bedroom residential unit. Physical improvements include the construction of a taproom building with a second-floor residential unit, a storage/kitchen building, parking lot, outdoor beer garden/restaurant area, game area, and nursery area. The applicant also proposes amplified music.

Because the subject parcel is much larger than the existing Beer Thirty site, its size has created the impression that the current application represents a significant expansion. As illustrated in the exhibit below, other than the residential unit, kitchen, and nursery use, the floor area devoted to the taproom/restaurant and game area are similar to the existing site. The taproom and game area are slightly larger, while the outdoor seating area is slightly smaller. What is significantly different is that the project includes a 69-car parking lot, instead of the nine-car lot spaces available at the existing Beer Thirty location.

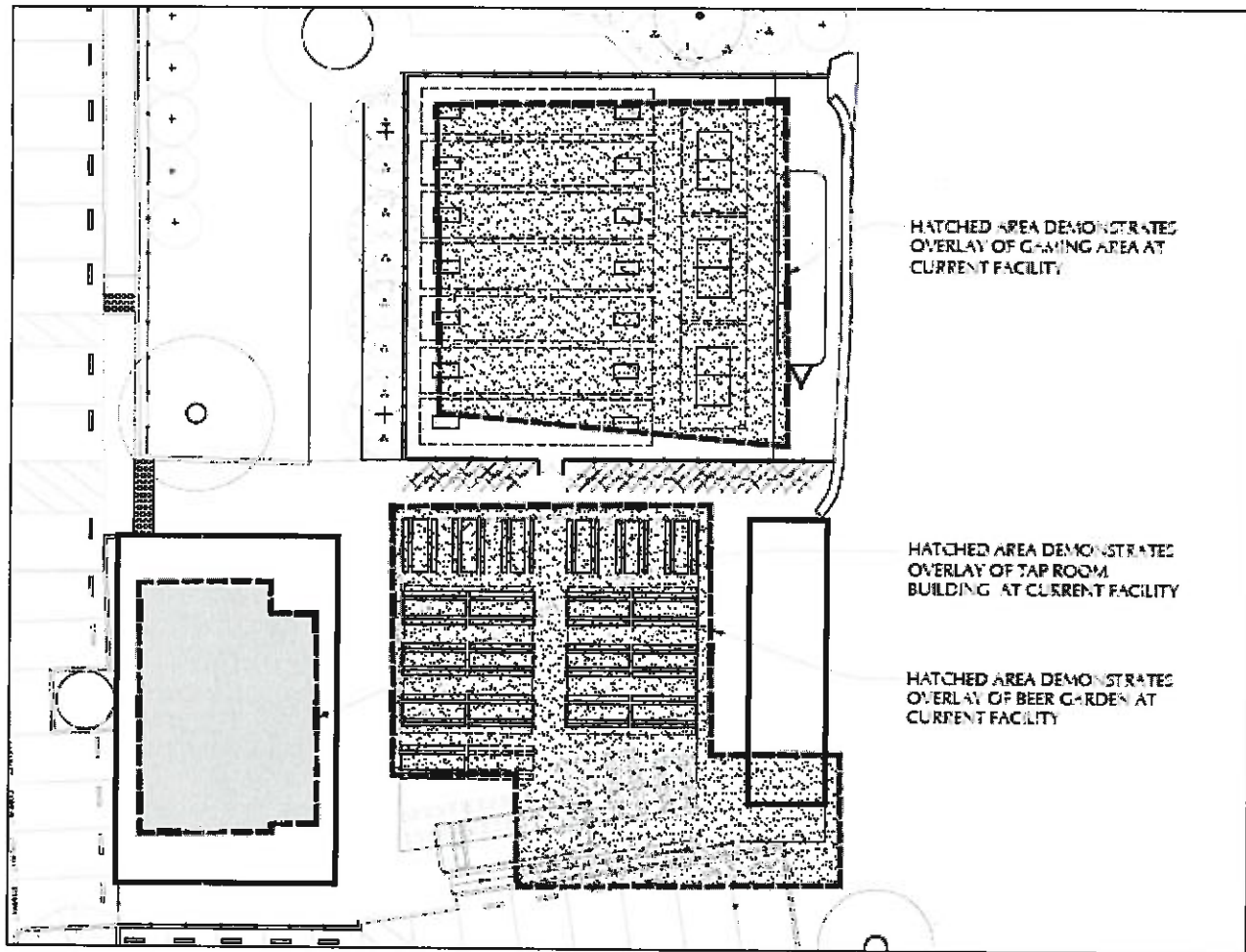


Exhibit 1: This exhibit shows the existing Beer Thirty's use area overlaid on the new location's site plan (Source: William Kempf, architect)

Context

The subject parcel is located along South Main Street in Soquel in a small commercial district that abuts Highway One. At one time, Holiday Corners owned all of the parcels in the commercial district and, currently, continues to be the main property owner in the vicinity. The aerial photo below identifies the businesses in the area as well as the parcels that are still owned by Holiday Corners (indicated by "HC").

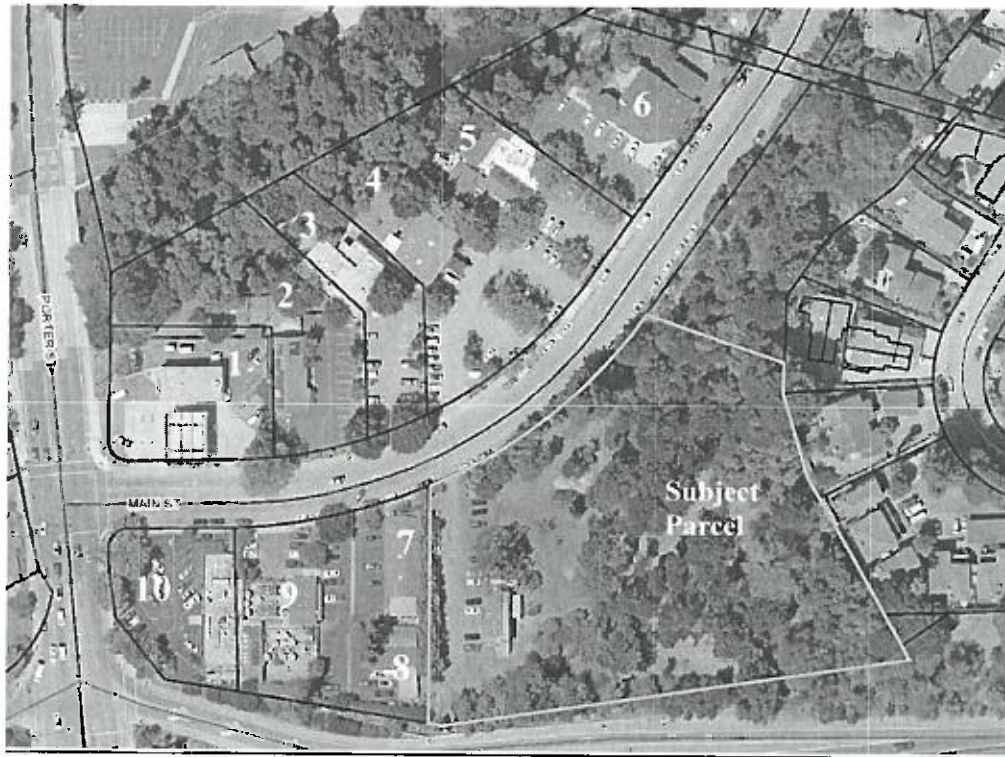


Exhibit 2: Commercial Neighborhood

Key

- | | |
|--|---------------------------|
| 1. Valero station | 6. Little Tampico |
| 2. Veterinary office | 7. Sunnyside Produce (HC) |
| 3. Santa Cruz County Assoc. of Realtors | 8. The Fish Lady (HC) |
| 4. Main Street Realtors, Enstyle Salon,
Streeter Group (HC) | 9. Beer Thirty (HC) |
| 5. Michael's on Main (HC) | 10. Carpos (HC) |

Parking has been a problem in the area for many years. As noted in the appeal letter, “That Soquel Village is a parking and traffic disaster area is no secret.” Five businesses in this small commercial district have overlapping peak evening hours: Michael’s on Main, Little Tampico, The Fish Lady, Carpos Restaurant, and Beer Thirty. Each of these businesses contributes to the overall parking demand: Michael’s on Main has become a concert venue; The Fish Lady hosts bands on Friday nights; and Carpos is “under parked” relative to current standards.

Beer Thirty is the latest entrant into the neighborhood and, because of its success and resulting parking demand that exceeds the nine spaces available in front of its current site², the business has been blamed for the area’s parking problem. While there is no question that Beer Thirty has exacerbated the parking situation in the area, the under-supply of parking in the area predates Beer Thirty’s arrival. There is on-street parking, but there is no other public parking in the immediate vicinity.

² As an interim effort to address the parking issue, Beer Thirty has opened the new site for parking.

Appeal Issues

The remaining two appeal issues--compliance with the Sustainable Santa Cruz County Plan and parking and traffic impacts--are addressed below.

A. Compliance with the Sustainable Santa Cruz County Plan and General Comments **About Compliance with County Code 8.03 (Alcoholic Beverage Retail Nuisance** **Abatement Program**

The project site is located in the Sustainable Santa Cruz County Plan (SSCCP) plan area. The SSCCP provides a vision and guiding principles for sustainable development in the County. The primary goals of the SSCCP are the reduction of greenhouse gases, improved walkability, and a strengthened economy. The SSCCP is a planning and feasibility study, not a land use determinative document such as the County General Plan, and its ideas have not been incorporated into the General Plan or County Code. The project is located in an existing commercial district and complies with the adopted General Plan and County Code.

The appellants' letter cites the following from the SSCCP which is a general statement about the town plans for Soquel, Aptos, and Seacliff villages:

These town plans describe the desired type of development as well as transportation and public improvements. **Any new development within towns must reflect the distinctive character of each community** through careful site planning, building design, and architectural style. **New development must also respect adjacent residential uses and minimize traffic, parking, and noise impacts within these neighborhoods** (page 4-20) [appellants' emphasis].

The project complies with the guiding principles of the SSCCP. The business' aesthetic combines modern building lines with rustic finish materials. It is in no way corporate franchise architecture.

The proposed uses are allowed uses in the C-2 zone district, and the commercial zone district is fully developed with commercial uses. The project will provide all of its required parking on-site. In addition, because both Michael's on Main and The Fish Lady host live bands for which the County has received no noise complaints, staff anticipates that the proposed amplified music will be similar in nature.

Although the appellants' representative has withdrawn the "noise/nuisance" portion of the letter, it is worth noting that County law enforcement does not consider Beer Thirty a nuisance business. In the last six months, there have been two calls to the area (a traffic call and a theft call), neither of which have been attributed to Beer Thirty. Sargent Leonetti, who oversees the Live Oak/Soquel Service Center, states, "I have not received any complaints of it [Beer Thirty] being a nuisance" (email communication, June 15, 2018).

B. Parking and Traffic

The appeal letter by Robert K. Johnson provides general comments about parking and traffic in the vicinity and then refers to the appellants' parking study performed by Keith Higgins. Both are addressed below.

General Comments

The general comments from the appellants' attorney are presented here as bullet points in italics, followed by staff's response.

- *"The permit application for the Project, as well as the Planning Department's Staff report falsely describe the Project as a nursery and restaurant with beer service. In fact, the Project is primarily a beer garden, whose massive number of customers will create burdens upon the community which far exceed those of a nursery or traditional restaurant."*

At the Zoning Administrator hearing, the owners of Dig Gardens and Hidden Gardens Nursery testified that they were in negotiations with the applicant to operate the nursery component of the project. Conditions of approval are included to ensure that the nursery area is not used as an extension of the taproom/restaurant.

"The new beer garden will greatly expand Beer Thirty's operation...."

As noted previously, this allegation is refuted by the project architect's exhibit demonstrating that the existing and proposed Beer Thirty use areas are very similar in size.

- *"The neighborhood surrounding the proposed beer garden consists of both single family residences and small business. The site is located near churches, schools and playgrounds. Only approximately 60 parking spaces will be made available for the hundreds of automobiles coming to the Project from all over Northern California. ... What is already an unbearable situation for local residents, small businesses and the entire Soquel Village, will be greatly exacerbated if a permit is issued for the Project."*

The worst case scenario described by the appellants' traffic engineer did not contemplate "hundreds" of vehicles. The subject parcel is located in a commercial district where there are a number of businesses offering on- and off-site alcohol sales, including Michael's on Main, Carpos, The Fish Lady, Little Tampico, and, further north along Soquel Drive, Vinacruz, and JJs Saloon and Social Club. The presence of churches, schools, and residences in relation to these uses and the proposed use should not be detrimental to health, safety, or the general welfare of persons living or working in the area or injurious to property and improvements in the area. The sale of alcohol on the subject parcel requires approval by the California Department of Alcoholic Beverage Control (ABC).

The subject parcel is located in the C-2 (Community Commercial) zone district which allows a variety of uses, including restaurant and bar uses. Accordingly, the on- or off-site

sale of alcohol is allowed as either a standalone activity (e.g., liquor store or bar) or accessory component of an otherwise allowed use (e.g., restaurant). Every effort has been made by the applicant (location of parking, landscaping, fencing, and architecture) to create a small-scale neighborhood-oriented mixed use development.

Appellants' Parking Review

Holiday Corners hired Keith Higgins, a licensed traffic engineer, to (1) provide a peer review of the project's parking study; (2) perform a parking occupancy study of Beer Thirty's current location; (3) provide comments about the project's program statement and supplemental information (Exhibit 2 of Exhibit B); and (4) comment on project traffic. Each of these sections is addressed below. In addition, Ron Marquez, the project traffic engineer, has provided a response to Higgins' work (Exhibit D).

Summary

Mr. Higgins' parking review provides a mix of information, with many points supporting Beer Thirty. For example, his report:

- agrees that parking in the area has been a problem predating Beer Thirty, even if Beer Thirty exacerbates the existing situation;
- agrees that the game area will be used incidentally to the restaurant/taproom use;
- agrees with the project traffic engineer's use of shared trips;
- observes that many patrons carpool together to Beer Thirty; and
- identifies that there were vacancies in all surrounding parking lots—even Beer Thirty's—during the peak period observed.

Higgins' strongest point in opposition of the project relates to his analysis of the patron data submitted by Beer Thirty. The patron data was collected over three months and documents 900 hours of operation. Higgins focuses on the largest event in the dataset where 234 people were present at 9 PM, noting that an event that size would require 106 spaces.

Focusing on the largest event recorded, however, obscures the fact that the average is much lower. The average maximum is 132 patrons. Further, the data shows that less than five percent of the time, patron counts exceed 150 people. Given this, it is anticipated that most of the time, adequate parking will be available to Beer Thirty patrons. Constructing a parking lot to meet the maximum parking demand, or even the demand that occurs five percent of the time, means that most of the time, the extra parking would be vacant. The project meets the requirements of the County Code which balances the need for parking with the environmental impacts of parking lots.

Detailed Response

1. Peer Review

(a & b) Higgins agrees with the project traffic engineer's use of shared parking and the determination that the game area will be used incidentally to the beer garden, but he raises a

concern that the game area may induce patrons to stay longer, resulting in higher overall parking demand. Marquez points out in his response letter that it is uncertain whether Higgins understands that the parking demand of the game area was accounted for in the overall project parking requirements.

(c) Higgins questions the method used for calculating the areas used as the basis for the parking totals because it differs from the method used in the County Code. Marquez used 85% of the building floor areas as the basis for calculating parking demand, the assumption being that 15% of the floor area would not generate a parking demand (e.g., storage). The County parking ordinance calls for calculating floor area by deducting the actual area devoted to storage from the gross floor area. Because Marquez is a licensed traffic engineer, staff accepted his analysis. However, to verify that the 85% method did not result in a substantial under-counting of parking demand, staff calculated the parking demand using the County method. This method resulted in fewer required parking spaces than the method used by Marquez (floor area of 1,840 s.f. versus 1,946 s.f.). In other words, Marquez's approach is the more conservative method.

(d) The appellants' traffic engineer questions the use of the one parking space for every 600 square feet of beer garden area. The beer garden area (as well as the taproom) was calculated at the 1 to 100 ratio which is the ratio used for both restaurants and bars. Higgins suggests the beer garden occupancy needs to be confirmed. Confirmation was provided by the applicant in the form of three months of patron data³. The data indicates that average maximum patron count was 132 patrons. Using the project engineer's vehicle occupancy rate of 2.21 people per car, the average maximum patron count would require 60 parking spaces which would be accommodated within the proposed parking lot. This data supports the use of the 1:100 parking ratio since, most of the time, it will result in adequate parking for the project.

2. Parking Occupancy Study

The second section of the appellants' traffic engineer's report is a parking occupancy study for which Mr. Higgins collected data on Friday, April 28th and Saturday, April 29th. On these days, he visited the parking lots at the existing (2504 S. Main Street) and proposed (2590 S. Main Street) Beer Thirty locations every 15 minutes between 5 PM and 7 PM. The primary intention of the study was to evaluate whether the parking demand is met by the parking supply at the existing Beer Thirty location, and then extrapolate from that analysis to determine whether the proposed project's parking demand would be adequately met with the new parking lot.

The results of the occupancy study are presented as eight points. Each is addressed below with Mr. Higgins observation noted in italics followed by staff's response.

- (1) *Main Street on-street parking was virtually 100% occupied at the beginning of the survey (i.e., before 5 PM) while high vacancy rates were observed in parking lots in the vicinity.*

On-street parking spaces were not counted towards the project's parking requirement. The

³ Staff did not rely on these counts to determine the parking requirement but used them as another way to evaluate whether the County parking requirement is likely to result in adequate parking for the project.

use of on-street parking by other commercial, school, and residential users was not evaluated in detail by the appellant and it is therefore difficult to determine that the demand for on-street parking is generated by Beer Thirty.

Given the high vacancies in nearby parking lots, the on-street parking demand is unlikely to be generated by patrons of the commercial district who would be expected to park in the parking lot associated with their destination. One explanation may be that employees of local businesses are directed to park on the street to leave the businesses' parking lot available for customers. Other explanations may be as reported by Carolyn Swift, who wrote in support of the appellants' position (Exhibit 4 of the appeal letter). She writes that commuters park along South Main due to its proximity to the highway; parents park along South Main to drop off and pick up children attending Soquel Elementary; and Soquel's reputation as a restaurant destination has increased the area's parking demand. Whatever the explanation, Higgins provides no evidence that Beer Thirty patrons or employees are the source of the high on-street parking demand.

- (2) *Spaces were available in all surrounding parking lots for individual buildings during the survey.*

This indicates that, during the study, nearby businesses' patrons would have been able to find parking regardless of the parking demand generated by Beer Thirty.

- (3) *Higgins observed that some Beer Thirty patrons park off-site, either along Main Street or in other businesses' parking areas. Based on his observations of the number of patrons crossing the street to enter Beer Thirty, he estimates that one to two vehicles parked across Main Street during each 15-minute interval, and concludes from this that, "...an additional 8 to 12 vehicles parked along the north side of Main Street or in the parking lots on the north side of Main Street" (page 3).*

Higgins' report does not distinguish between the numbers of Beer Thirty's patrons that parked in public spaces along Main Street and private parking lots located on the north side of Main Street. Beer Thirty patrons are entitled to park along the street just as is any other member of the public. Because Mr. Higgins' counted people, not vehicles, it is unclear whether Mr. Higgins' data used the project vehicle occupancy rate of 2.21 people per car. If not, his counts would more than double-count the off-site vehicles.

Since Higgins was unable to identify the specific parcels where Beer Thirty parking was thought to occur, it is unknown whether or not the patrons observed were also patrons of businesses located on the north side of Main Street. Although planning staff has also observed people crossing Main Street to reach Beer Thirty, the submitted information is not sufficiently detailed to conclude that eight to 12 Beer Thirty patrons parked off-site.

- (4) *Higgins observed pedestrians crossing Main street outside of cross walk on a curve that restricts sight distance.*

Given that the applicant proposes to provide all of the project's required parking at the new site, there is nothing inherent to the project that would induce patrons to cross mid-block. However, in a commercial district with four evening venues (Beer Thirty,

Michael's on Main, Little Tampico and the Fish Lady), some customers may patronize multiple businesses. Since the nearest crosswalks are located at the intersections of Porter and Walnut Streets, these shared trips may result in mid-block crossings.

- (5) *Higgins observed available parking spaces in the southern portion of the subject parcel's parking even as Beer Thirty patrons were parking on the street or in northside parking lots. He speculates that this may be because drivers may not be able to see the vacant spaces or because drivers prefer to park closer to Beer Thirty's existing location.*

Once the new location is developed and illuminated, this issue is likely to be resolved since the spaces will be more readily seen, and patrons would be expected to prefer parking in Beer Thirty's parking lot since it will be the closest one to the business.

- (6) *Higgins concludes that the available parking spaces (54) did not meet the peak demand during the survey (63). He notes that more patrons would be expected during better weather, identifying the weather during the survey as being cool with highs in the mid- to low-60s.*

This point is related to point three above. Higgins' data shows that at no time during the survey were the two Beer Thirty parking lots full. The peak demand of 63 is based upon the eight to 12 cars he assumes are parked off-site; without these off-site numbers, the available parking met the parking demand. As noted above, the method for determining this number did not have the rigor needed to give confidence in the method and, further, on-street parking demand was aggregated into the number despite the fact that Beer Thirty Patrons are entitled park on the street. That said, there is no question that Beer Thirty patrons do park in northside parking lots, but additional information is needed to arrive at a specific number. Data from accuweather.com indicates that the weather was somewhat better than reported, with the highs reaching 67 degrees on Friday and 73 degrees on Saturday⁴.

- (7) *The final point of this section is that the peak demand (63) calculated for the parking occupancy study exceeds the maximum beer garden demand of 40 vehicles calculated by the project traffic engineer.*

Higgins' analysis does not account for the updated parking counts provided in the Zoning Administrator staff report, nor does he account for the fact that, when the nursery closes at 6 PM, the spaces allocated for the nursery use would become available to taproom/restaurant patrons. After 6 PM, the correct total, not counting the indentured parking, residence, or shared trips, is 61 parking spaces, i.e., 97% of Mr. Higgins' calculated peak (a calculation which, as noted above, is problematic because it includes vehicles parked on the street and counts people, not cars).

⁴ Source: <https://www.accuweather.com/en/us/soquel-ca/95073/april-weather/2167587> (accessed May 31, 2018).

3. Comments on Project Statement

In this section, Mr. Higgins provides two comments on the project statement.

(a) Higgins reviews the applicant's program statement and supplemental patron data. This supplemental patron data was voluntarily provided by the applicant and documents three months of patron counts. He focuses on the maximum number of patrons, which was 234 on a Saturday at 9 PM, and applies the 2.21 vehicle occupancy rate which results in a parking demand of 106 spaces. He then notes the limited parking available in the parking lot of Carpos, the Fish Lady and Sunnyside Produce, stating that the Beer Thirty's peak parking demand overwhelms these businesses.

The applicant surveyed 900 hours of Beer Thirty's operation. The information was then averaged to establish patron counts for every hour between 1 PM and 10 PM, seven days a week. The summary data show that the peak hour is Friday at 9 PM when, on average, there are 132 patrons. Of the 900 hours reviewed, 44 exceeded 150 patrons (see Exhibit F of Exhibit G), i.e., less than five percent. This data supports the use of the County-required parking ratio which, most of the time, is anticipated to result in an adequate parking supply. About five percent of the time, the parking demand is anticipated to exceed the supply. Ron Marquez, project traffic engineer, points out that the County establishes a maximum parking requirement in an effort to balance the need for parking and the associated environmental effects of that parking (Exhibit D).

The subject application has been required to meet the County's parking requirements⁵, and additional parking was required as the result of input from a Holiday Corners owner who reviewed the parking calculations in detail, and submitted a request that additional, previously uncounted areas be included. Staff agreed with the request, and required the addition of seven additional parking spaces, bringing the total required parking to 69 spaces.

The County Code parking requirements do not distinguish between successful and less successful businesses. To this point, the existing Beer Thirty location was once occupied by Jessie's Sports Page. The permit description for the bar is strikingly similar to Beer Thirty's operation in that in addition to a bar that served beer and wine, outdoor games like bocce ball, horseshoe and ping pong were authorized. While the available parking for Jessie's Sport Page met the demand (the County has no record of complaints), the same is not true for Beer Thirty which has been a very successful business. In other words, the parking demand for similar businesses can vary substantially depending upon the businesses' success.

(1) Traffic Impacts and Proposed New Condition of Approval

Higgins comments that traffic should be considered as a part of the project review process as well, noting that the project generates about 15 trips in the evening during the peak hour.

⁵ For the proposed uses (taproom/restaurant/nursery/game area) County parking requirements are based upon the square footages of the use areas. The County does not use a square foot per person calculation as provided by Mr. Higgins.

This project is a relocation of Beer Thirty. Since the Beer Thirty trips are already on the road network and the same intersections would be affected (i.e., the business is moving next door, not across town), the traffic impacts are already occurring. Further, as Marquez points out in his response to Higgins' report, the project did not meet the County's threshold for requiring a full traffic analysis.

Related to this point is a concern identified by the appellants, but not included in the appeal letter, which warrants consideration. The premise of this application is that Beer Thirty is moving to the new location. The traffic analysis relies on this fact. If, however, Beer Thirty continued to operate its existing location, parking and traffic impacts could be substantially exacerbated. Given this, staff proposes to add a new condition that would prohibit occupancy of the new site (2590 S. Main Street) until the beer garden use ceased at its current location (2504 S. Main Street). This proposed condition is included as a condition of approval in the revised conditions of approval (Exhibit B).

Conclusion

The appellants identified two main appeal issues: compliance with the Sustainable Santa Cruz County Plan and parking/traffic issues. The SSCCP is not a regulatory document. Even so, the application is compatible with the vision and principles of the Plan.

The appellants' concerns about parking, including a parking study by Keith Higgins, were reviewed. The appellants' parking study provided a mix of information, some of it supportive to the Beer Thirty. While the area-wide traffic study requested by the appellant would be useful to understand the source and dynamics of the parking demand in the area, it would be unreasonable to burden the project with this request since the project will be providing all of the required parking on-site.

Finally, a number of operational conditions of approval were included in the Zoning Administrator's report that are intended to ensure that the business is compatible with the neighborhood. For example, a one-year review is required at which point any verified complaints will be reviewed and, if warranted, the permit would be modified with a staff-initiated amendment to revise the conditions of approval or scheduled for a revocation hearing.

Given these considerations, staff recommends that your commission uphold the Zoning Administrator's decision to approve the application.

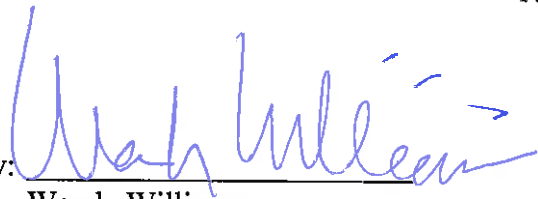
Staff Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **161091** based on the attached findings and conditions.

Sincerely,

Annette Olson
Project Planner
Development Review

Reviewed By:



Wanda Williams
Assistant Planning Director
County of Santa Cruz Planning Department

Exhibits:

- A. Project plans
- B. Revised Conditions of Approval
- C. Appeal letter, prepared by Robert K. Johnson, Attorney, dated May 17, 2018, including Parking Review by Keith Higgins, Traffic Engineer, dated May 2, 2018
- D. Withdrawal of Appeal Issue "noise/nuisance", by Erik Barbic, Holiday Corners Property Manager, June 14, 2018
- E. Project Traffic Engineer, Ron Marquez's response to Applicants' parking review
- F. Applicants' response to appeal letter
- G. Correspondence received since the Zoning Administrator hearing
- H. Late Correspondence received for May 4, 2012 Zoning Administrator hearing
- I. Staff report to the Zoning Administrator, May 4, 2018 public hearing, including changes to the Conditions of Approval proposed by staff and late correspondence received for the hearing

Exhibit B
Revised Conditions of Approval

Revised Conditions of Approval

Exhibit D: Architectural plans, 14 sheets, prepared by William C. Kempf, architect, revised to 10/19/17.
Civil engineering plans, 3 sheets, prepared by Ifland Engineers, dated 6/22/17.
Landscape plans, 3 sheets, prepared by Megan Bishop Landscape Architecture, revised to 10/19/17

- I. This permit authorizes the construction of a taproom/restaurant with outdoor seating and game area and related improvements including a seven-foot high fence within the front yard setback; a nursery; and a residence in two phases as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structures or existing uses 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 Demolition Permit from the Santa Cruz County Building Official.
 - C. 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.
 - D. Obtain a Grading Permit from the Santa Cruz County Building Official, if required.
 - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - F. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- 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 "D" on file with the Planning Department. Modest changes to the site plan are anticipated to accommodate the three additional required parking spaces. Any changes from the approved Exhibit "D" 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 copy of the text of these conditions of approval incorporated into the full-size sheets of the architectural plan set.
2. Submit an Operational Management Plan that details how the site will be operated. The plan should, at a minimum, address: the provision of an on-site disturbance coordinator, on-site and off-site litter; compliance with other local, state and federal laws; including ABC laws; loitering; security; outdoor storage; and outdoor lighting.
3. Submit a final sign plan.
4. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.
5. All portions of the parking lot must be paved in a material that meets the intent of County Code 13.10.554(D). Gravel is not an acceptable material.
6. The nursery area shall not occupy more than 4,800 square feet of area. The submitted plans must clearly demarcate the 4,800 square foot area within the larger area west and north of the game area. The area in excess of 4,800 square must either be permanently landscaped or fenced off.
7. The gate between the taproom/restaurant and nursery must be shown on the plans as having a lock.
8. Provide complete screening from public view all rooftop mechanical and electrical equipment.
9. To the extent feasible, all new electrical power, telephone, and cable television service connections shall be installed underground. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front

setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries.

10. All exterior lighting shall comply with the requirements of County Code 13.11. No pole-mounted light fixture shall exceed 15 feet in height. Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures. All lighting shall be directed onto the site and away from adjacent properties. Decorative string lighting is allowed.
11. Submit a final landscape plan detailing the plant material, size and number of plants. The landscape plan must comply with the requirements of the water district.
12. Submit grading, drainage, and erosion control plans.
13. Details showing compliance with accessibility requirements.
 - a. The Building Permit Application will be subject to the 2016 CA Codes.
 - b. Exterior route details shall be provided to include slopes, widths, surface materials, and detectable warnings.
 - c. Accessible parking details to include slopes, striping and signage shall be provided. [CBC 11B-501]
 - d. Any required ramps shall be detailed to include slopes, landings, curbs or guiderail, handrail and handrail extensions. [CBC 11B-405]
 - e. Doors, doorways and gates shall be detailed. Include maneuvering clearances, threshold detail and hardware. [CBC 11B-404]
 - f. Complete and dimensioned details for restrooms shall be provided. Include fixture mounting heights, grab bars, maneuvering clearances, and door signage. [CBC 11B-603]
 - g. The kitchen shall be detailed to comply with clearances. [CBC 11B-206.2.8]
 - h. Sales counters and service counters shall be detailed and dimensioned to be 34" maximum above finished floor for a minimum 36" width. [CBC 11B-227.1, 11B-904.4.1]
 - i. Where food or drink is consumed at counters, there shall have a maximum 34" high by minimum 60" long area with knee and toe clearance. [11B-226.3]
 - j. A minimum 5% of seating spaces and food and drink tables shall be accessible. [CBC 226.1]
 - k. One of the required four electrical vehicle charging station spaces shall be provided and shall be van accessible. [CALGreen 5.106.5.3. CBC 11B-228.3]

1. A minimum 6 parking spaces shall be designated clean air/vanpool/ev. [CALGreen 5.106.5.2]
 - m. Flood resistive construction requirements in ASCE 24-14 shall be applied, where applicable.
14. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
- B.** Meet all requirements of the Environmental Planning section of the Planning Department, including:
1. The submitted Letter of Map Amendment (LOMA) appears to remove a portion of Parcel B from the special flood hazard area. Sheet C1.0 shows 1 cubic yard of fill being placed inside the flood zone, but does not delineate the flood zone on the plans. This is sufficient to determine feasibility for the discretionary phase; please submit an exhibit with the building permit that clearly delineates the revised FEMA Flood Zone AE in this area.
 2. Please provide two copies of the geotechnical report for review at the time of the building permit application.
 3. Prior to building permit issuance, please submit an original wet-signed and stamped *Soils (Geotechnical) Engineer Plan Review Form* to Environmental Planning. *Please note that the plan review form must reference the final plan set by last revision date.* Any updates to report recommendations necessary to address conflicts between the report and plans must be provided via a separate addendum to the soils report. The author of the report shall sign and stamp the completed form. An electronic copy of this form may be found on our website: www.sccoplanning.com, under "Environmental", "Geology & Soils", "Assistance & Forms", "Soils Engineer Plan Review Form".
 4. Plans submitted for the building application shall include a stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual. The Manual may be found on our website: www.sccoplanning.com under the "Environmental" tab, "Erosion and Stormwater Pollution Control", then "Construction Site Stormwater BMP Manual". Part 2 of the manual lists Stormwater Pollution Control Plan requirements; please use this as a guide for preparing the plan.
 5. Submit an Archaeology Report for review, if required.
- C.** Meet all requirements of the Santa Cruz County Sanitation District, including discretionary comments dated May 2016. Proof of sanitary sewer service availability is required prior to application for a Building Permit.

D. Pay Zone 5 drainage fees (which will be assessed on the net increase in impervious area) and meet all requirements of DPW, Stormwater Management, including the following:

1. No change in surfacing or grading for the outside gaming and seating areas has been approved as part of this project. Any future changes in surfacing or grading will require review and approval and permits as necessary by the County.
2. Provide a final stormwater management analysis/report that demonstrates compliance with the County Design Criteria including mitigation requirements, minimization of pollutants of concern, safe overflow provisions, methods for minimizing clogging and maintenance, etc.. The analysis for project threshold for stormwater management mitigation shall include all phases of work (phase 1 and 2). This will result in a “large” project in regards to stormwater management and mitigation design and analysis shall be provided accordingly.
3. Provide final stormwater management improvement plans consistent with the analysis/reports, other project plans, and which are detailed adequately for construction. The final plans should include details on how all proposed impervious and pervious areas will be routed. If the final design includes mitigations that rely of infiltration of stormwater please include additional notes on the grading plan to avoid/minimize disturbance of infiltration areas and/or provide for decompaction/cleaning/testing of infiltration areas after grading is complete. The construction scheduling should be designed so that infiltration areas are not compacted nor clogged during construction. Provide specifications on subgrade compaction/non compaction and fabrics/mats/mesh requirements under infiltration and semi-pervious areas that are consistent with the analysis. Geotextiles shall be non-with with high minimum flow rates (125 gpm/sq ft or higher).
4. The site receives upstream runoff from adjacent properties and the project includes driveway and parking areas that are expected to have more than 6 inches of water depth during a 100 year storm – accordingly, the applicant is required to provide an easement(s) or other recorded document(s) acknowledging that the site does and will continue to receive upstream runoff, that the property owner is responsible for maintenance of the pathway, that flooding is expected to occur in the parking and driveway areas, and that the County and Flood Control District are not responsible for the upstream runoff, for maintenance of the drainage pathway, or for flooding on the project site. See Section G.3 of Part 3 of the CDC. Describe the extent of the upstream drainage area for this site (provide a watershed map showing the extents) and how the project will accommodate upstream runoff.
5. Provide final approval letter from the geotechnical engineer approving of the final drainage plans, the locations of any/all infiltrative BMPs, and supporting the use of the design infiltration rate used in the final sizing. Provide a copy of the August 2016 (or other updated) Geotechnical

Investigation.

6. Recorded maintenance agreement (SWM-25B) for stormwater management and mitigation facilities will be required consistent with section C.3.e in the CDC. Include one exhibit detailing management activities, limitations on impervious surfacing, maintenance requirements, schedule for maintenance and reporting, signs of system failure, and responsible party, exhibit with mitigation watershed maps, and other required items in the recorded maintenance agreement.
7. Previously approved plans for the site suggest that the inlet in the parking lot was designed as a grease trap to treat runoff from the parking area. Please assess the existing condition of this treatment unit and the piping to be retained, include repairs, maintenance/upgrades as needed so that runoff from the parking area is continued to be treated prior to discharge from the site. The maintenance agreement (see comment No. 4 above) should include maintenance and reporting on this facility.
8. All inlets shall be marked "No Dumping – Drains to Bay" or equivalent and shall be maintained by the property owner.
9. Public Works staff will inspect for the installation of the drainage related items. Once all other reviewing agencies have approved of the building permit plans please submit a copy of signed reproducible civil plans with the DPW signature block on the first sheet along with the engineer's estimate for the construction of the drainage items (there is a 2% inspection fee). These plans will be routed through DPW for signature (expect 1- 2 weeks for routing time).
10. Zone 5 fees will be assessed on the net increase in permitted impervious area due to the project. This project may be eligible for fee credits for existing impervious areas if documentation is presented demonstrating existing impervious areas are permitted or were built prior to 1969. County staff will utilize aerial photos from the 1970s and previous permit/fee assessment to establish credit if no additional information is furnished by the applicant.

E. Meet all requirements of DPW, Encroachment, including:

1. The existing driveway approach must be removed and replaced with an ADA compliant driveway approach as shown in Figure DW-1 of the County of Santa Cruz Design Criteria (See Part 6 Driveways and Encroachments).
Please include Figure DW-1, ST-4a, ST-4b and ST-4c on the plans to facilitate proper construction by the contractor.

F. Meet all requirements of DPW, Road Engineering.

G. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services and submit a food facility plan review application for review.

- H. Meet all requirements of the Soquel Creek Water District. Proof of water service availability is required prior to application for a Building Permit.
 - I. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - J. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
 - K. Pay the current fees for Parks and Child Care mitigation for two bedroom(s) (currently \$600 per bedroom) and Child Care mitigation for the commercial uses (\$.23 s.f.).
 - L. Pay the current Affordable Housing Impact Fee. The fees are based on the project square footage.
 - M. Provide required off-street parking for 69 cars. *66 parking spaces shall be provided in Phase One and 3 additional parking spaces, for a total of 69 parking spaces, shall be provided in Phase Two.* Standard Parking spaces must be 8.5 feet wide by 18 feet long. Up to 30% of the required parking may be compact size. Compact parking spaces must be 7.5 feet wide by 16 feet long. All project parking must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan. *(Change made at ZA hearing, May 4, 2018).*
 - N. A minimum of 18 bicycle parking spaces must be provided.
 - O. 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. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time

during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance 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, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. **One-year Review:** One year following the commencement of the taproom/restaurant business on the subject parcel, staff shall prepare a follow-up report to the Zoning Administrator to assess the business's compliance with the conditions of approval, to evaluate the effectiveness of the conditions of approval to ensure the project's compatibility with the neighborhood, and to determine if any valid, verifiable nuisance impacts to adjacent commercial and residential uses have been addressed satisfactorily or not. If the project is found to be substantially out of conformance with the conditions of approval or County Code Chapter 8.03 (Alcoholic Beverage Retail Outlet Nuisance Abatement Program); or if the conditions of approval are determined to have been ineffective; or if valid, verifiable nuisance impacts have not been addressed satisfactorily; the Zoning Administrator *shall* address the relevant issues and direct staff to initiate a Level 5 (public hearing) amendment, at the applicant's expense, to the conditions of approval as necessary to address relevant issues including, but not limited to, modification of hours of operation, provision of additional parking if the taproom/restaurant use has expanded, modification of the times and locations of the use of music, and/or modification of project lighting. Alternatively, the Zoning Administrator may refer the permit to the Planning Commission for consideration of permit revocation, consistent with County Code 18.10.136 (Permit Revocation).
- C. **Other Regulations:** The project must be in compliance with all Federal, State and local regulations, including, but not limited to, the Department of Alcoholic Beverage Control (ABC), Chapter 8.03 of the County Code (Alcoholic Beverage Retail Outlet Nuisance Abatement Program), and any requirements of the County Sheriff.
- D. **Log:** During the first year of operation, the taproom/restaurant business owner shall record the number of patrons on Fridays and Saturdays hourly between 6

PM to 9 PM and any time the parking lot is full. The business owner shall submit these counts on a quarterly basis to the County, i.e., every three months.

E. Hours of Operation. Hours of operation are as follows:

- i. Nursery 7 AM to 7 PM Sunday through Thursday, 7 AM to 6 PM Friday, Saturday
- ii. Restaurant 7 AM to 11 PM Sunday through Saturday
- iii. Taproom, 7 AM to 11 PM
- iv. Outdoor Game/Seating Areas 9 AM to 11 PM

F. ~~The sale of alcohol shall cease at 10:00 P.M. in the taproom, restaurant and outdoor use areas. Last call for alcohol shall be one hour before closing time (Change made at ZA hearing, May 4, 2018).~~

G. Operations and Management Plan: The business shall comply with the Operations and Management Plan. An on-site disturbance coordinator shall be provided on-site during all hours of operation. The contact information for the disturbance coordinator shall be posted in a prominent location. The disturbance coordinator shall maintain a complaint log detailing the content, date and time of all complaints and how the business responded to each complaint. The log shall be kept current and be available at the business for inspection by County staff.

H. Areas of Use: The areas of use shall be as reflected in Exhibit D

Outdoor Nursery Use: In order to ensure that the nursery use is limited to the 4,800 square feet shown in the project plans, permanent landscaping and/or fencing must be shown on the building plans and planted/constructed in order to create a clear perimeter.

1. The nursery must be closed entirely during peak taproom hours which are Fridays and Saturdays from 6 PM to close.
2. At any hour, the restaurant/taproom use shall not be allowed to occupy the outdoor nursery area unless the additional parking is constructed and this permit is amended. If the upper parking lot (or other) is not constructed, then a locking gate must be installed that restricts access to the nursery area.
3. No patron tables or patron seating are allowed in the nursery area.
4. 50% of the nursery area (~~1,200~~ 2,400 square feet) shall be occupied with nursery plants and related products. *(Change made at ZA hearing, May 4, 2018).*

Game Area: 50% of the game area must be occupied by game equipment, e.g. ping pong tables, corn hole courts, bocce ball courts, etc. ~~No tables and chairs for eating/drinking~~ No tables are allowed in the game area. *(Change made at ZA hearing May 4, 2018).*

Uphill Area: The commercial use of the area located east and uphill of the area of development is allowed without a permit amendment, i.e. no games or other

activities may occur in this area unless this permit is modified to allow the use.
(Change made at ZA hearing, May 4, 2018).

- I. **Restaurant Meal Service:** Any time that alcohol is available, full meals shall be made available.
- J. **Live Music:** Both acoustic and amplified music are allowed as long as the noise generated from both comply with the noise limits of the General Plan. The music shall be ancillary to the restaurant / beer garden use, i.e., the business shall not operate as a night club or concert venue. Except for three days per year, bands must be set up (including speakers) and play within the tap room. In all cases, music must end by 9 PM. If a substantial number of complaints are received, particularly from residential neighbors, the applicant may be required to provide an acoustical study for the one-year review hearing. The applicant will also be required to document the days, if any, that live music is set up and played outside of the taproom.
- K. **Pre-Recorded Music.** Pre-recorded amplified music is permitted on the premises, and such music shall not be audible outside the boundaries of the subject property. No nightclub or dance hall entertainment facilities as described by the Santa Cruz County Code shall be permitted unless approved by separate permit.
- L. **Food Truck:** If a food truck or trucks provides food service to the business, it shall park in the location designated on the project plans, i.e. it shall not occupy required parking. In no case shall the food truck park overnight on-site.
- M. **Air Stream Trailer:** The air stream trailer is allowed to be parked on-site. The only allowed use for the trailer is storage. No other use is authorized. Members of the public are not allowed inside the trailer. The airstream must be maintained in a condition that it can be readily moved, i.e. it must be mobile. If complaints are received and verified by County staff that document that the trailer is connected to utilities and/or is being used for a use other than storage, the trailer shall be removed from the property.
- N. **Entry Sign:** The proposed sign shall be: a maximum of 12 feet high, located a minimum of five feet from the right-of-way, and a maximum of 50 square feet in area. The sign may not be indirectly illuminated. The location of the sign must be such that drivers' line of sight is not affected.
- O. **Residential Use:** The second-floor residential use may not be used as a part of the business. A gate (or other barrier), sign or both shall be installed at the base of the stairs prohibiting entrance.
- P. **Employees Transportation:** Employees shall be encouraged to ride bikes, take public transportation, or carpool to and from work.

- Q. **Restrooms:** A sufficient number of restroom facilities must be provided to meet the demand of the business's patrons. Should the six restrooms shown in the project plans prove to be inadequate, additional capacity may become required.
- R. **Deliveries:** Deliveries shall be made during off-peak times.
- S. **Trash/Recycling:** All trash and recycling areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping and to prevent noxious odors, bugs or other pests and regularly picked-up.
- T. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
- U. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.
- V. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
- W. The project shall not be opened for business or occupied until the Beer Thirty use (i.e., taproom use) has stopped at 2504 Main Street. (Condition added after Zoning Administrator hearing).
- 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 three years from the effective date listed below unless a building permit is obtained for the first phase of the project consisting of one of the primary structures 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: _____

Exhibit C
Appeal Letter & Parking Review

RECEIVED 5/17/2018
(JERRY BUSCH)

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May 17, 2018

Kathleen Molloy, Planning Director
Planning Department
County of Santa Cruz
701 Ocean Street, Room 400
Santa Cruz, CA 95060

Personal Delivery and email to:
Kathy.Molloy@santacruzcounty.us

RE: Appeal to the Santa Cruz County Planning Commission of the decision of the County of Santa Cruz Zoning Administrator.
Decision Appealed: Approval of Discretionary Application No. 161091.
Location: 2590 S. Main Street, Soquel, CA 95073; APN: 030-221-46.
Applicant: Soquel Farmhouse, LLC.
Date of Approval: May 4, 2018.

Dear Ms. Molloy:

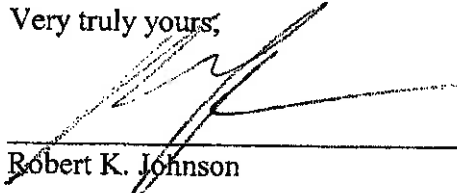
I am the attorney for Holiday Corners, LLC, one of the appellants in the above referenced matter. Attached is the Notice of Appeal and Appeal to the Santa Cruz Planning Commission of the above referenced decision of the Santa Cruz Zoning Administrator.

Would you please provide a copy of any notices or documents to the undersigned at the above address, as well as to the Appellants.

Thank you for your attention to this matter.

Please do not hesitate to contact me if you have any questions or require any additional information.

Very truly yours,



Robert K. Johnson

cc: Clients

NOTICE OF APPEAL AND APPEAL

The undersigned appeal to the Santa Cruz County Planning Commission the following decision of the County of Santa Cruz Zoning Administrator:

Decision Appealed: Approval of Discretionary Application No. 161091 ["the Project"].
Location: 2590 S. Main Street, Soquel, CA 95073; APN: 030-221-46 ["Property"].
Applicant: Soquel Farmhouse, LLC ["Applicant"].
Date of Approval: May 4, 2018.

Grounds of Appeal: The Project violates the provisions of the Santa Cruz County Code and the Sustainable Santa Cruz County Plan, the Project is contrary to the character of Soquel Village, the Project does not respect adjacent residential uses and businesses, the project not only fails to minimize adverse traffic, parking and noise impacts upon the community, but, in fact, maximizes such adverse impacts, the Project creates substantial safety issues for school children, church parishioners, pedestrians, bicyclists, and the community as a whole, and the Project is unlawful and in direct violation of the provisions of the Santa Cruz County Code ["Code"].

BASIS OF APPEAL

A. OVERVIEW.

The Sustainable Santa Cruz County Plan ["Plan"] was adopted by the Santa Cruz County Board of Supervisors on October 28, 2014, with the concurrence of the Santa Cruz County Planning Commission. The Advisory Group assisting in the creation of the Plan included the Santa Cruz County Planning Director and its principle planner, as well as representatives from Soquel Neighbors and the Soquel/Capitola Chamber of Commerce. The Plan specifically acknowledges that it reflects the contents, goals and requirements of the General Plan and the Code.

Regarding the Plan's requirements for future development in Soquel Village, it states:

"These town plans describe the desired type of development as well as transportation and public improvements. **Any new development within towns must reflect the distinctive character of each community** through careful site planning, building design, and architectural style. **New development must also respect adjacent residential uses and minimize traffic, parking, and noise impacts within these neighborhoods.**"

The Plan focuses heavily upon the public's frustration with traffic congestion and parking in Soquel Village, as well as in Seacliff Village and Aptos Village. The Plan also focuses heavily upon the public's concerns for the safety of pedestrians and bicyclists resulting from new or increased traffic. To address the public's concerns, strict requirements are placed on new

developments. The Planning Department completely ignored, or failed to consider, almost all of the traffic, parking, safety, and noise requirements of the Plan when it recommended the approval of the Project.

Chapter 8.03 of the Code, the Alcoholic Beverage Retail Nuisance Abatement Program, makes it unlawful, and a public nuisance, for any alcoholic beverage retail outlet to operate without meeting all of the specific requirements of Chapter 8.03 of the Code. As set forth below, the Project cannot meet the mandatory requirements of Chapter 8.03, and, as such, the Project will be operating illegally, and creating a public nuisance if approved.

In summary, in approving the Project, the Planning Department and Zoning Administrator ignored both the requirements of the Plan and the Code. Obviously, the Board of Supervisors would not have created the Plan, or made the Alcoholic Beverage Retail Nuisance Abatement Program part of the Code, if the Planning Department and Zoning Administrator had the discretion to summarily ignore their mandates.

B. PARKING AND INCREASED TRAFFIC.

That Soquel Village is a parking and traffic disaster area is no secret. Among other things, the Village has been the subject of numerous hearings and proposed plans and projects to mitigate the adverse consequences of excessive traffic and lack of parking.

The permit application for the Project, as well as the Planning Department's Staff Report, falsely describe the Project as a nursery and restaurant with beer service. In fact, the Project is primarily a beer garden, whose massive number of customers will create burdens upon the community which far exceed those of a nursery or traditional restaurant.

The Applicant intends to develop a beer garden similar to the beer garden it now operates under the name of Beer Thirty Bottle Shop at a neighboring location [Applicant and Beer Thirty Bottle Shop have common ownership]. The new beer garden will greatly expand Beer Thirty's operation, including the number of customers driving automobiles to the location, the number of cars parking in the vicinity of the Project, the hours of operation, and the amount of open-air seating.

The neighborhood surrounding the proposed beer garden consists of both single family residences and small businesses. The site is located near churches, schools and playgrounds. Only approximately 60 parking spaces will be made available for the hundreds of automobiles coming to the Project from all over Northern California. Even though Beer Thirty's patrons are currently parking at both Beer Thirty and the Property, the parking is grossly inadequate. The new proposed location will serve double the automobiles. What is already an unbearable situation for local residents, small businesses and the entire Soquel Village, will be greatly exacerbated if a permit is issued for the Project.

Street parking becomes nonexistent during Beer Thirty's busy hours and special events. Because there is inadequate parking on the street and at Beer Thirty and the Project, Beer

Thirty's customers illegally park at surrounding businesses. Local small businesses are sometimes required to employ parking lot attendants at great expense in order to fend off the onslaught of Beer Thirty patrons. Many local businesses, including the Board of Realtors, the Veterinarian Clinic, Michael's on Main Street, Carpo's, Main Street Realtors, Sunnyside Produce, the Fish Lady, and EnStyle Hairdressers, have complained about both the illegal parking by Beer Thirty's customers, as well as the lewd and improper conduct engaged in by Beer Thirty's inebriated customers. The illegal parking and improper conduct has had an adverse effect upon their sales, as well as the quality of life for themselves, their customers and employees. Emails outlining typical complaints from local business owners are attached hereto as Exhibit 1. The intolerable situation created by Beer Thirty will increase dramatically if the permit for the Project is issued. [Copy of Appellants' parking/traffic study is attached hereto as Exhibit 2].

At a minimum, this Commission should require an independent parking and traffic study be prepared to determine the effects of the Project upon local residents and businesses, as well as upon the community as a whole. The Commission should also require, as part of an independent study, that current illegal parking at local businesses be observed with suggested mitigation measures.

C. NOISE/NUISANCE.

Santa Cruz County Code Section 8.03.050 makes it unlawful and a nuisance for any alcoholic beverage retail outlet to operate without the local certification of responsibility required by Chapter 8.03. It also makes it unlawful, and a public nuisance, for any alcoholic beverage retail outlet to violate any of the performance standards set forth in Chapter 8.03.

The neighborhood surrounding the proposed beer garden consists of both residences and small businesses. Numerous residences abut the Project's property line [see Exhibit 3, depicting the Project's property line and the location of abutting residences]. The Project, if permitted, will install outside seating on benches. Hundreds of individuals will be permitted and encouraged to sit outside, and drink alcoholic beverages, while listening to amplified music. The beer garden will be open both during the day, and into the night, using bright lighting at night. Day and night, the customers will be drinking in an open-air facility, without noise restraint. The noise levels created by hundreds of inebriate customers, accompanied by amplified music, will be deafening, especially upon uphill residences. The mass consumption of alcohol with its accompanying loud noise levels, will be continuous and ongoing seven days a week, including Sundays.

The outdoor noise levels and other nuisances that will be created by the Project directly violate the provisions of Chapter 8.03. Some of the applicable Code sections include:

Section 8.03.010: "(B) The County has adopted the regulations described in this chapter for the following purposes: (1) To protect residential, commercial... areas and minimize the adverse impacts of public nuisances associated with alcoholic beverage retail outlets; (2) To provide mechanisms to address problems often associated with the public

consumption of alcoholic beverages such as litter, loitering... unruly behavior... and escalated noise levels, and ensure that alcoholic beverage retail outlets are not the source of public nuisances in the community; (3) To provide for properly maintained alcoholic beverage retail outlets so that the negative impacts generated by them are not harmful to the surrounding environment in any way..."

8.03.050 "...It is also unlawful, and shall constitute a public nuisance, for an alcoholic beverage retail outlet to violate any of the performance standards set forth in this chapter....The provisions of this chapter are intended to regulate public nuisances associated with alcohol sales."

8.03.070: (E) Performance Standards. The purpose of these performance standards is to control dangerous or objectionable environmental effects of alcoholic beverage retail outlet activities. The following performance standards shall apply to all outlets that hold a local certification of responsibility, and an outlet will only maintain its certification as long as it conforms to these performance standards. (1) An outlet must not engage in activity that jeopardizes, endangers, or results in adverse effects to the health, peace, or safety of persons residing or working in the surrounding area. (2) An outlet must not engage in activity that results in public nuisances within the outlet or in close proximity to the outlet, including but not limited to disturbance of the peace, ...public urination... excessive loud noises (especially in the late night or early morning hours)..."

8.03.070:(2) An outlet must not engage in activity that results in public nuisances within the outlet or in close proximity to the outlet, including but not limited to ...public urination... illegal parking... excessive loud noises (especially in the late night or early morning hours)..."

8.03.110 (C) (1) The ACO shall approve issuance of a certification of responsibility to allow a new outlet to open for business upon making the following findings: (a) A finding that the new outlet's activity will not aggravate existing problems in the neighborhood...(b) A finding that the proposed new outlet will not detrimentally affect nearby neighborhoods considering the distance of the new outlet to residential buildings, schools, parks, playgrounds or recreational areas, nonprofit youth facilities, places of worship..."

8.30.010 Offensive noise.(A) No person shall make, cause, suffer, or permit to be made any offensive noise...(C)... For purposes of this factor, a noise shall be automatically considered offensive if it occurs between the hours of 8:00 a.m. and 10:00 p.m. and it is: (i) Clearly discernible at a distance of 150 feet from the property line of the property from which it is broadcast; or (ii) In excess of 75 decibels at the edge of the property line of the property from which the sound is broadcast, as registered on a sound measuring instrument meeting the American National Standard Institute's Standard S1.4-1971...(b) Night Hours. For purposes of this factor, a noise shall be automatically considered offensive if it occurs between the hours of 10:00 p.m. and 8:00 a.m. and it is: (i) Made within 100 feet of any building or place regularly used for sleeping purposes; or (ii) Clearly discernible at a distance of 100 feet from the property line of the property from which it is broadcast; or

(iii) In excess of 60 decibels at the edge of the property line of the property from which the sound is broadcast, as registered on a sound measuring instrument meeting the American National Standard Institute's Standard S1.4-1971..."

Chapter 8.03 was enacted for the specific purpose of preventing alcohol related nuisances of the type which will occur if the Project is approved. As stated, the property line of the Project abuts numerous residences [Exhibit B]. The noise generated by the Project will far exceed the maximum noise levels permitted by Section 8.03. The noise levels are a per violation of the above cited Code sections. As such, the Project is unlawful as a matter of law, and a public nuisance under Chapter 8.03. It is an abuse of discretion to issue a permit for a development which will create a public nuisance.

At a minimum, this Commission should require the preparation of a neutral analysis of the level of noise which will be generated by the Project. If the study determines that the noise levels will exceed the statutory levels permitted by Section 8.03, then the permit must be denied.

D. SAFETY AND MISCELLANEOUS CONCERNS.

Alcohol sales and consumption have never been permitted at this site. As previously stated, the site is located near residences, churches, schools and playgrounds; hundreds of individuals driving to the site will be permitted and encouraged to sit outside, and drink alcoholic beverages before taking to the streets of Soquel Village. A myriad of problems will arise from locating a massive beer garden in a residential/school/church neighborhood, including the operation of vehicles by persons under the influence of alcohol.

By way of example, the Walnut Street footbridge connecting Soquel Elementary School with Main Street is used by young school children returning home at the end of the school day. The Project is located on Main Street, only a stones's throw from where the school children exit from the footbridge onto Main Street. The school children exit onto Main Street at about the same time as the Applicant's first wave of customers finish drinking, and drive back to work or go home. New Brighton Middle School and Soquel High School students also pass by the proposed Project at roughly the same time as the elementary school children [See Carolyn Swift's letter attached hereto as Exhibit 4]. Drunk drivers will present a clear and immediate danger to the school children, as well as to church parishioners on the weekends, and pedestrians, bicyclists, and the general public at all times; inebriated patrons will also subject the neighborhood to many other alcohol related hazards.

As the County is already aware, on numerous occasions, inebriated customers from Beer Thirty have urinated in public on adjoining properties. Public urination and other alcohol related problems will greatly increase if the discretionary permit is issued. Once again, such conduct is in direct violation of the provisions of Chapter 8.03, and will create an unlawful public nuisance.

CONCLUSION

The undersigned do not oppose a permit being issued for a proper use of the property,

such as the proposed nursery, a traditional restaurant, or other compatible use consistent with the character of the neighborhood. However, the entire neighborhood will be disrupted if the County allows the opening of a large, open-air stadium-like beer garden serving hundreds of inebriated patrons in a residential/small business/school/church/playground neighborhood. Appellants are unaware of any similar large open-air drinking establishment located in a similar neighborhood. Such use creates a public nuisance and violates the Code. The discretionary permit should be denied, and the Applicant should be required to reapply for a use permit which is consistent with the character and personality of the surrounding neighborhood and businesses.

In the alternative, before the Project is considered for approval, the Planning Commission should:

1. Require an independent traffic/parking study.
2. Require an independent noise analysis.

Assuming the independent traffic/parking study and noise analysis determine that the Project might be brought into compliance with the Code, the Commission should:

1. Require that the Project install numerous additional parking spaces;
2. Limit total maximum occupancy to a reasonable number of customers, which number simultaneously "maintains the distinctive character of Soquel Village," eliminates potential public nuisances, and addresses all safety concerns;
3. Create a mechanism to strictly enforce maximum occupancy limitations.
4. Eliminate or place strict limitations upon the playing of amplified outdoor music, and require soundproofing to mitigate excessive noise levels.

This Appeal is respectfully submitted by the following Appellants:

HOLIDAY CORNERS, LLC

by _____
Linda Burnam-Hall, Owners' Representative
2591 S. Main Street
Soquel, California 95073

CARPO'S RESTAURANT

by _____
Todd Todd, Owner
2400 Porter Street
Soquel, California 95073

THE FISH LADY OF SOQUEL

by Sharon Hadley
Sharon Hadley, Owner
2510 S. Main Street
Soquel California 95073

SUNNYSIDE PRODUCE

by _____
Joe Briones, Owner
2520 S. Main Street
Soquel California 95073

such as the proposed nursery, a traditional restaurant, or other compatible use consistent with the character of the neighborhood. However, the entire neighborhood will be disrupted if the County allows the opening of a large, open-air stadium-like beer garden serving hundreds of inebriated patrons in a residential/small business/school/church/playground neighborhood. Appellants are unaware of any similar large open-air drinking establishment located in a similar neighborhood. Such use creates a public nuisance and violates the Code. The discretionary permit should be denied, and the Applicant should be required to reapply for a use permit which is consistent with the character and personality of the surrounding neighborhood and businesses.

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3. Create a mechanism to strictly enforce maximum occupancy limitations.
4. Eliminate or place strict limitations upon the playing of amplified outdoor music, and require soundproofing to mitigate excessive noise levels.

This Appeal is respectfully submitted by the following Appellants:

HOLIDAY CORNERS, LLC

by Linda Burman-Hall

Linda Burman-Hall, Owners' Representative
2591 S. Main Street
Soquel, California 95073

THE FISH LADY OF SOQUEL

by _____

Sharon Hadley, Owner
2510 S. Main Street
Soquel California 95073

SUNNYSIDE PRODUCE

by _____

Joe Briones, Owner
2520 S. Main Street
Soquel California 95073

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3. Create a mechanism to strictly enforce maximum occupancy limitations.
4. Eliminate or place strict limitations upon the playing of amplified outdoor music, and require soundproofing to mitigate excessive noise levels.

This Appeal is respectfully submitted by the following Appellants:

HOLIDAY CORNERS, LLC

by _____
Todd Prindle, Member
2591 S. Main Street
Soquel, California 95073

THE FISH LADY OF SOQUEL

by _____
Sharon Hadley, Owner
2510 S. Main Street
Soquel California 95073

SUNNYSIDE PRODUCE

by _____
Joe Briones, Owner
2520 S. Main Street
Soquel California 95073

REQUEST FOR NOTICE:

Appellant Holiday Corners, LLC requests that any notices or other documents served in the above appeal also be served upon its attorney at the following address:

Robert K. Johnson
Johnson & James LLP
311 Bonita Drive
Aptos, CA 95003
(831) 688-8989
jjamesllp@aol.com

EXHIBIT 1



October 5, 2016

Holiday Corners, LLC
c/o Mr. Jeff Newhouse, CPA/Manager
3121 Park Avenue
Soquel, CA 95073

RE: On-going Parking Problems Due to Beer Thirty
at 2567 Main Street, Soquel, CA

Dear Jeff:

This is a follow up to several phone calls we have made to you in the past over problems we have had with parking in connection with Beer Thirty opening their doors across the street. Shortly after they opened we noticed that large numbers of their patrons were parking in our lot. Since they were new, you encouraged us to be neighborly and give them an opportunity to succeed, in spirit of businesses supporting other businesses.

Unfortunately, the reality is that their business kept expanding to the point where on numerous occasions we have come to our office to find NO parking at all, as their customers had filled our entire lot, as well as the Association of Realtors parking next door. We called them directly at one point after they acquired the old garden statue and gift shop property asking why their patrons can't park there and was told they were working on it, and we have continued to experience problems.

The truth is that we have been putting up with an untenable situation for quite a while, and after further investigation with other neighbors found out that Beer Thirty is regularly holding large events, attracting dozens if not hundreds of people, who fill our lots and line the streets to boot, often leaving behind litter & urine, all without proper permitting necessary to allow that kind of activity (which they probably couldn't get based on my understanding of zoning regulations in the County).

The bottom line is that we need parking for our own customers, employees and agents, and should not have to suffer because of the bad behavior of a neighboring business. Normally we would complain directly to the Planning Department, but because you manage their property as well as ours we are writing in hopes that you can take appropriate action to curtail their activities in conformance with whatever limitations are imposed by both their lease and current zoning. We don't have the resources to hire parking attendants like Michael's, Carpo's and other tenants have had to do, neither do we feel we should have to.

We sincerely appreciate your attention to this matter, and hope that a timely and permanent resolution can be found to restore our ability to find parking on a regular basis, both during daytime hours as well as on weekends and evenings, which sometimes are the only times our clients are available to meet.

Yours,


Datta Khalsa, Owner/Broker and Staff
Fred Antaki, Associate Broker
Andrew Myers, Associate Broker

Carol Lerno, Property Manager
Henry Kolte, Realtor
Peter Maturino, Realtor
Joel Koch, Realtor

MAIN STREET REALTORS
2567 Main Street Soquel, CA 95073

Fwd: Beer 30 impact

From: Denise Addesso <dladdesso@gmail.com>
To: jeff@newhouse.net
Subject: Fwd: Beer 30 impact
Date: Nov 12, 2016 2:09 PM

----- Forwarded message -----

From: Denise Addesso <dladdesso@gmail.com>
Date: Sat, Nov 12, 2016 at 12:00 PM
Subject: Beer 30 impact
To: jeff@jeffnewhouse.net

Dear Jeff,

I would like to share with you some of the hardships that the opening of Beer 30 has caused for my restaurant. We have been at 2591 for 15 years, as you know, and never have we had such problems as now. We have had to hire a parking attendant for the weekends since the spaces outside our restaurant (across and DOWN the street) were often taken with Beer 30 guests. They blatantly parked right in front of our restaurant and walked down the street to Beer 30. At first, we didn't expect there to be a problem since they weren't serving food and it was rather small. In no time at all, the place doubled in size (well over 100 guests with only 12 parking spaces!) and allows guests to bring in their own food so they stay for hours and hours.

Our regular customers have left because there is no parking and they can't keep their reservations with us. Private parties booked in our dining rooms have to park blocks away. The atmosphere is that of a college block party with intoxicated patrons jaywalking across the street until late in the evening. It was my understanding that they were to close early but this goes on well into the evening.

I am now selling my business, as you know and Beer 30 was one of the major negatives in negotiation. The construction that is taking place now (even closer to Michaels on Main) is a huge concern and negatively impacts every single one of the well established businesses on this block.

Sincerely,

Michael Clark

EXHIBIT 2

Keith Higgins

Traffic Engineer

May 3, 2018

Owners, Holiday Corners LLC

Re: Beer 30 Parking Review, Santa Cruz County, CA

Ladies and Gentlemen:

As you requested, this letter summarizes our analysis of parking operations associated with the Beer 30 Bottle Shop and Pour House at 2504 Main Street, near Porter Street in Soquel, Santa Cruz County, California. Beer 30 is currently proposed to be relocated from its current site to a new site – 2590 Main Street – that is two properties to the east of its current location. This site is currently being used as overflow parking for the current Beer 30.

The analysis includes the following tasks.

1. A parking study was prepared for the applicant entitled *The Nursery Parking Analysis*, Marquez Transportation Engineering, October 18, 2017, to determine the adequacy of proposed parking at the proposed site. This study was reviewed as a part of this analysis.
2. A parking occupancy study was performed at both 2504 and 2590 Main Street during regular operations of Beer 30.
3. Various attachments to the Marquez Transportation Engineering report were reviewed, including a project statement discussing anticipated operations, supplemental parking occupancy analysis, supplemental parking demand analysis, and current parking conditions.

1. The Nursery Parking Analysis Peer Review

The following is a peer review of *The Nursery Parking Analysis*, Marquez Transportation Engineering, October 18, 2017. We want to make the following points about the aforementioned report.

- a. Page 1 – The analysis uses shared parking concepts to account for the various proposed parking demands on the project site, including a beer garden, nursery, gaming area (associated with the beer garden), and a 2-bedroom apartment. The use of shared parking concepts is an acceptable approach, as the maximum parking demand for these uses would not all occur at the same time.
- b. Page 1 – The analysis anticipates that the gaming area would be used by the patrons already in the beer garden. That will likely be true, however, the use of the gaming area will likely increase the duration of the beer garden patrons on the project site, potentially increasing parking durations and increasing the overall parking demand.

2060 ROCKROSE COURT, GILROY, CA 95020
T 408.201.2752 KEITH@KEITHHIGGINSTE.COM WWW.KEITHHIGGINSTE.COM

- c. Pages 1-2 – Santa Cruz County parking space requirements were used to estimate parking demand for the proposed site uses. The building square footage used to estimate the parking demand for the non-residential space was 85% of the gross building square footage. However, the county parking space requirements are based on gross square footage of building space, not usable square footage. Combined with the shared parking analysis, this approach may underestimate the parking demand for the non-commercial uses.
- d. The beer garden is suggested to have a parking ratio of 1 space per 600 square feet. By comparison, as discussed later in this letter regarding the Project Statement, average occupancy currently is about 50 square feet per person with peak occupancy of less than 30 square feet per person. The beer garden occupancy rate needs to be confirmed.

2. Parking Occupancy Study

The Nursery Parking Analysis concludes that the maximum parking demand for the proposed project will be 59 spaces, less than the proposed 66 spaces proposed by the project applicant. To verify this, a parking occupancy study was performed at the existing Beer 30 parking areas at 2504 Main Street (restaurant) and 2590 Main Street (overflow parking area). **Exhibit 1** summarizes the total number of spaces provided for the current Beer 30 restaurant. In total, including paved, disabled and unmarked spaces, there are a total of 56 spaces between the two parking areas. However, at the time of the counts, a Beer 30 trailer was occupying two of the spaces at 2504 Main Street, reducing the total number of parking spaces to 54.

Exhibit 2 summarizes the parking occupancy study count data. The study, which counted the total number of occupied parking spaces in both the 2504 and 2590 Main Street parking areas, was conducted on Friday, April 27 and Saturday, April 28, 2018, between 5:00 – 7:00 PM. It is important to note that the weather was cool, with highs in the mid- to low-60's.

Each parking area was visited once every 15 minutes to count the number of parked vehicles. The study found that the overall vehicle occupancies in the parking areas varied from a low of 65% to a high of 98%, or 53 of the 54 spaces filled during the highest occupancy period. (For comparative purposes, occupancy rates of about 95% are considered effectively full, as the few open spaces are tough for arriving drivers to spot.)

However, the actual maximum parking demand for Beer 30 is likely higher than 53 vehicles, for two reasons:

1. Main Street on-street parking was virtually 100% occupied from Porter Street to Walnut Street from at least 5 to 7 pm on Friday and Saturday. It is uncertain what creates this parking demand. It is likely that Beer 30 contributes to on-street parking demand based on parking activities during the survey. However, this could not be verified because the vehicles were parked before the start of the survey. High Vacancy rates were observed in other parking lots in the vicinity at the beginning of the survey.
2. Spaces were available in all surrounding parking lots for individual buildings during the survey.
3. Observations during the parking study found that some Beer 30 patrons parked off site – either along Main Street or in parking areas for other businesses, primarily on the north side of Main Street. It was

not possible to determine the exact number of vehicles parked in these locations or what specific parcels were being used. However, based on the number of patrons that walked across Main Street to access Beer 30, it is conservatively estimated that 1 to 2 vehicles parked across Main Street during each 15-minute interval. Few patrons were observed crossing Main Street to depart from Beer 30, which implies the parking duration of patrons is at least 2 hours. It is therefore estimated that an additional 8 to 12 vehicles parked along the north side of Main Street or in the parking lots on the north side of Main Street. In order to be conservative, this study assumes that no Beer 30 patrons parked outside of the Beer 30 parking lots prior to the start of the survey.

4. Pedestrians crossing between Beer 30 and the north side of Main Street are crossing outside of a crosswalk. Main Street has a horizontal curve that restricts sight distance on the inside of the curve, which increases the hazard associated with the mid-block crossing.
5. There were several available parking spaces in the southern part of the satellite parking lot at 2590 Main Street, even though patrons were observed parking on Main Street or in the parking lots on the north side of Main Street. This could be due to the difficulty in ascertaining whether parking spaces are vacant in this part of the satellite parking lot. It could also be due to the shorter distance to park across Main Street where parking spaces were clearly available.
6. The current parking supply (54 spaces) did not meet the peak demand during the survey (at least 63 spaces) by at least 9 spaces. The weather during the study was cool and slightly overcast, with a slight to moderate breeze. More patrons (and hence more parked vehicles) would be expected during warmer weather.
7. The maximum counted parking demand for the beer garden during the parking study - 63 on-site and off-site parked vehicles - exceeds the anticipated maximum beer garden demand of 40 vehicles anticipated in *The Nursery Parking Analysis*. If the additional parked vehicles were added to *The Nursery Parking Analysis*, the peak demand at 6:00 PM would be 82 (23 higher than that estimated in *The Nursery Parking Analysis*. It would exceed the proposed supply of 66 parking spaces under Phase 2 of the project by at least 16 spaces.

Based on the parking occupancy survey, the parking supply at the current location is inadequate. In addition, the proposed parking supply at the project site would be inadequate to meet the parking demand.

3. Comments on Project Statement

The following are comments on the Project Statement attachment to *The Nursery Parking Analysis*, prepared by the project applicant.

1. Patron counts at the current Beer 30 rarely exceeds 150 patrons, although the patron count can reach 230 people during special events – *The Nursery Parking Analysis Update*, Marquez Transportation Engineering, March 2, 2018 indicates that social and recreational trips have vehicle occupancy rates of 2.21 persons per vehicle. Average peak occupancy was estimated to be 132 persons. This equates to a total average peak parking demand of 60 vehicles, which is very close to the peak demand of 63 vehicles. The current supply is only 54 spaces, indicating an overflow of about 9 vehicles under average

weekend conditions. Using the vehicle occupancy rate of 2.21 persons per vehicle, patronage of about 118 plus employees would generate parking demand of 55, which exceeds the current parking supply. This occurs eight hours per average week. This is a regular occurrence.

The Project Statement indicates customer counts exceeded 150 persons for 44 hours during its 3-month survey. Most of these appear to occur on Friday, Saturday and Sunday late afternoon and evenings, which comprise 36 days during the survey. The Project Statement indicates that the maximum patron count was as much as 234 on a Saturday at 9 pm. This would equate to a parking demand of about 106 vehicles plus employees, or over 110 spaces. This exceeds the parking supply by over 50 vehicles. In other words, on certain occasions Beer 30 parking demand exceeds its current 54 space parking supply by over 100%.

By comparison, Carpo's has less than 40 parking spaces, the Fish Lady and Sunnyside Produce lot also has less than 40 spaces and the Soquel Creek Animal Hospital has about 20 spaces. Excess parking demand during above average days at Beer 30 clearly overwhelms the parking supply in the project vicinity.

The project should develop a parking management plan to accommodate the additional parking demand, such as use of the future parking areas as temporary parking or agreements with adjacent businesses to use their on-site parking areas when they are closed.

2. Potential reasons why the parking demand for the site would be lower than other similar uses:
 - a. Uber and Lyft drivers reduce overall parking demand – Observations during the parking study found many families walking to and from Beer 30, including those with babies and younger kids. In addition, if Uber and Lyft drivers are routinely expected at the project site, loading zones will be needed either inside the parking area or on Main Street. The high on-street parking utilization on Main Street will make it hard for such drivers to find open spaces on the street. Double parking for loading and unloading passengers is not recommended. Reserving on-street or on-site parking spaces for Uber and Lyft will reduce parking spaces available for other parking demand. No Uber or Lyft vehicles were observed during the parking survey.
 - b. Walking and biking trips (by patrons and employees) – This would slightly reduce parking demand, but not by a large amount. To further encourage bicycle traffic, the project should meet the County's bicycle parking requirements for both commercial and residential developments, including bicycle lockers and racks. The site plan included in *The Nursery Parking Analysis* does not indicate that bicycle storage facilities are proposed. Only one bicyclist was observed accessing the site during the parking survey.
 - c. Project parking supply requirements based upon interior seating, which would not be used as much as exterior seating – In addition to seated customers, it was observed that patrons also stand in groups at much higher densities than would occur with seated customers. The entire enclosed building and outdoor beer garden encompass about 6,600 square feet. With average occupancy (132 patrons), the facility has an occupant density of 50 square feet per person. With maximum occupancy (234 persons) The standard parking ratios for uses such as restaurants do

not reflect the much more intensive occupancy loads of Beer 30. A more representative land use is assembly halls without fixed seats for areas where patrons gather while standing.

- d. Some patrons come via excursion services (Beer Cruz, Shuttle, Limo, etc.), which can bring 15 patrons in a single vehicle – If services such as these are anticipated to be regular or semi-regular visitors, dedicated bus parking spaces should be added on site. Otherwise, these vehicles will either take up multiple car parking spaces or block the parking aisle for other vehicles. No shuttles were observed during the parking survey.
 - e. People bring food from other restaurants to Beer 30, thus reducing overall parking demand – Patrons who do this and park at the other restaurants may not contribute to the total parking demand at Beer 30, but they are reducing the number of open spaces at those other restaurants and affecting the ability to provide parking for their other patrons.
 - f. Many customers carpool with three or more patrons per vehicle – Carpools and families were observed during the parking study. These are reflected in the parking occupancy data.
3. Parking has always been a challenge in the area – Parking issues in this area may predate Beer 30 and the proposed project. However, the parking issues have clearly been exacerbated by Beer 30. Considering these parking issues, a comprehensive parking (and traffic) study is strongly recommended for lower Main Street to find solutions for the parking issues.
 4. Adjacent businesses have available parking during their business hours – Observations during the parking surveys did find mostly vacant parking areas for the closed businesses in the area. However, it was not confirmed that vehicles parked in those areas were patronizing other businesses in the area.
 5. Customers of other neighboring businesses on Main Street utilize each other's parking areas – To document this a comprehensive parking supply study is necessary for lower Main Street.
 6. Possible future expansion of the proposed parking area, to be located above and to the east of the project building -
 - a. If this parking area is constructed, it is suggested that additional signs be added inside the lower onsite parking area to direct drivers to the additional parking area. Otherwise, drivers may cease trying to find a parking space in the lower parking lot and attempt to park on the street, leading to few people using the additional parking lot on busier days.
 - b. A pedestrian path from the additional parking lot to the project building is suggested. This path would likely need to be ADA accessible, which may limit the grade (or slope) of the path.
 - c. Prior to paving, the additional parking lot could be graded, in order to provide additional spaces during special events.

Holiday Corners LLC
May 3, 2018

4. Traffic Impacts

The focus of the discussion of project impacts appears to have been primarily about parking. Based on the parking accumulation data, the project generates about 15 inbound trips in the evening street peak hour during an average day and between 25 and 30 during a peak day. Traffic congestion is experienced on the nearby arterial street system and on Highway 1. Traffic impacts should be considered as a part of the project review process as well.

5. Conclusion

The parking analysis discussed above found that the existing Beer 30 regularly creates substantial parking impacts in the surrounding commercial area. This was evident by the parking conditions observed on a weekend with cool weather. Based on data provided by the applicant, the impacts can be as much as twice the actual Beer 30 parking supply. Impacts are much greater than those described in *The Nursery Parking Analysis*.

The proposed parking supply at 2590 Main Street will also be severely inadequate to accommodate parking demands on average days and especially on days that exceed the average. Substantial additional on-site parking spaces will be necessary to accommodate this demand.

Considering all the parking issues on Main Street and the nearby, well-established businesses, it is strongly recommended that Santa Cruz County require the applicant to fund an independent comprehensive parking and traffic study for lower Main Street.

Thank you for the opportunity to assist you in reviewing this issue that affects the neighboring business community.

Respectfully submitted,

Keith B. Higgins, PE, TE

Attachments

Location	Existing Parking Supply			
	Marked Spaces		Unmarked ²	Total
	Standard	ADA ¹		
2504 Main	6	1	0	7
2590 Main	38	1	8	47
Total	44	2	8	54

Notes:

1. "ADA" spaces are reserved for vehicles with disabled drivers or passengers.
2. "Unmarked" spaces are in dirt areas within or adjacent to marked (and paved) parking areas.
3. There are also two additional marked spaces at 2504 Main that are unusable by patrons as they are being used by a Beer 30 trailer.

Keith Higgins
Traffic Engineer

Exhibit 1
Existing Parking Supply
for Beer 30
(2504 and 2590 Main Street)

Parking Demand
Friday 4/27/2018

Time	2504 Main			2590 Main			Overall (Onsite)		Estimated Offsite Demand ⁴	Overall Onsite + Est. Offsite	
	Demand	Supply	% Occupied ³	Demand	Supply	% Occupied ³	Demand	Supply		Demand	% Occupied ³
5:00 PM	7	7	100%	28	47	60%	35	54	1	36	67%
5:15 PM	6	7	86%	32	47	68%	38	54	3	41	76%
5:30 PM	7	7	100%	33	47	70%	40	54	4	44	81%
5:45 PM	7	7	100%	38	47	81%	45	54	6	51	94%
6:00 PM	7	7	100%	43	47	91%	50	54	7	57	106%
6:15 PM	7	7	100%	43	47	91%	50	54	8	58	107%
6:30 PM	6	7	86%	45	47	96%	51	54	9	60	111%
6:45 PM	6	7	86%	41	47	87%	47	54	10	57	106%

Parking Demand
Saturday 4/28/2018

Time	2504 Main			2590 Main			Overall		Estimated Offsite Demand ⁴	Overall Onsite + Est. Offsite	
	Demand	Supply	% Occupied	Demand	Supply	% Occupied	Demand	Supply		Demand	% Occupied ³
5:00 PM	6	7	86%	38	47	81%	44	54	1	45	83%
5:15 PM	6	7	86%	34	47	72%	40	54	3	43	80%
5:30 PM	7	7	100%	36	47	77%	43	54	4	47	87%
5:45 PM	6	7	86%	43	47	91%	49	54	6	55	102%
6:00 PM	4	7	57%	41	47	87%	45	54	7	52	96%
6:15 PM	6	7	86%	44	47	94%	50	54	8	58	107%
6:30 PM	6	7	86%	45	47	96%	51	54	9	60	111%
6:45 PM	6	7	86%	47	47	100%	53	54	10	63	117%

Notes:

1. Parking occupancy study counts conducted Friday, 4/27/18 and Saturday, 4/28/18.
2. 2504 Main is current Beer 30 restaurant, while 2590 Main is project site (currently used as overflow parking for Beer 30).
3. "% Occupied" = Percent Occupied, the percentage of the parking supply that is occupied by a parked vehicle.
4. "Estimated Offsite Demand" is an estimate of offsite parking demand based upon observations of patrons of Beer 30 crossing Main Street and parking along Main Street during the survey. The observations were intermittent and may underestimate Beer 30 overflow parking. It assumes that no vehicles were parked offsite at the start of the survey.
5. % Occupied in bold indicate demand that would exceed onsite parking supply.

Keith Higgins
Traffic Engineer

Exhibit 2
Parking Occupancy Study
Results (Beer 30)

EXHIBIT 3

Search & Select Map Recorded Maps & Docs Select & Query Layers

Measure & Lat/Long Draw & Print Links & Help

☐ ☐ ☐ ☐ Draw Tools



Map Title

Map Only



Parcel Info | Land Use | Biotic & Water Resources | Special Districts |

Jurisdictional, Elections, & Census | Hazards & GeoPhysical |

School Districts & CSAs |

Parcel Information

Attribute	Value	Attribute	Value
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Recorded Maps & Docs

Click APN for
Assessor
Info:

03022146

Sect Town
Range

T11S-R1W,SEC10

Select and Query Results

Click Map#
for APN

03022

Tax Code
Area

96-101

EXHIBIT 4

Re: Beer Thirty Expansion: May 16, 2018

Dear Santa Cruz County Planning Commission members,

Distilled into few words, the essence of Soquel is this: It's a town that cares about community welfare and has a "pull-togetherness" in times of crisis. Its citizens are neighborly and cooperative, yet are unafraid to voice concern on issues related to traffic and developmental planning.

My interest in the Beer Thirty proposal is based on memories as a ten-year resident of Soquel's Main Street and my work experience covering planning issues for local newspapers. I've been a longtime member of the Soquel Pioneers and led their effort to complete the award-winning *Arcadia Images of America* Soquel book in 2011. I've also given school and community walking tours across busy intersections and along sections of problematic roadway.

These are my thoughts about Beer Thirty's expansion:

Regarding parking:

When I lived in the 1980s on Main Street, I walked almost daily to Capitola. I noticed an increasing number of commuters parked along South Main near the highway intersection. The old pattern changed further when the Walnut Street footbridge was built to connect with Soquel Elementary School, and parents began jockeying for positions to drop off and pick up their kids. Soquel's reputation as a prime restaurant destination took off then, too, increasing the density of cars even further. And since the Porter Street overpass project was done, traffic flow seems to get blocked more often, usually from the direction of South Main. My point is that parking patterns in this section long ago ceased to be predictable. Where does a patron go when there are not enough spaces? Now customers at other venues are more than frustrated trying to find

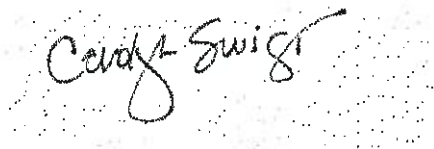
parking or to get in and out of adjacent businesses that are increasingly losing customers. I know this first hand as a long-term regular custom at Sunnyside Produce. If Beer Thirty is allowed to move to the new location with a substantial increase in number of patrons, what specific steps will be taken to ensure that the current problem is somewhat alleviated and not made worse?

Regarding the business model:

While a family-oriented, dog-friendly beer garden sounds ideal for a sociable town like Soquel, the reality is that it is also baseball-throwing distance from an elementary school that lets out just as tavern customers are getting thirsty. New Brighton Middle School and Soquel High School students pass by as well, at times crossing streets haphazardly. A large, beer-drinking venue right off the highway might be as popular as an In-N-Out Burger, but is it wise and in the best interests of the community as a whole?

I know the Planning Commission is responsibly alert to the character and needs of Soquel but I urge you to notify and involve its residents as fully as you can while deciding whether or not to give Beer Thirty the go-ahead on its plans. This is a project that needs to be given a very careful review. The historic character of Soquel deserves it.

Regards,

A handwritten signature in cursive script that reads "Carolyn Swift". The signature is written in dark ink and is positioned above the printed name.

Carolyn Swift

Exhibit D
Withdrawal of "Noise/Nuisance" Appeal Issue

Holiday Corners, LLC

1260 41st Ave, Ste O
Capitola, CA 95010

(831) 464.5039 Tel
(831) 462.1618 Fax

June 13, 2018

Annette Olson
County of Santa Cruz

Sent via Email

Dear Annette,

As per our discussion today, I wanted to confirm with you in writing that Holiday Corners, LLC is hereby rescinding Section C of the Appeal filed in regards to Application 16191. The Section pertained to the Noise/Nuisance portion of the appeal.

Thank You,

Holiday Corners LLC


A handwritten signature in black ink, appearing to read "Erik Barbic". The signature is stylized with a large, looped "B" and a trailing flourish.

Erik Barbic, Manager

Exhibit E
Project Traffic Engineer Response to Appellants' Parking Review

Memorandum

Marquez Transportation Engineering

To: Kym DeWitt, Bill Kempf
From: Ron Marquez, Traffic Engineer 
Date: May 29, 2018
Re: The Nursery Response to Comments

The purpose of this memorandum is to provide a response to comments made to the peer review provided by Keith Higgins dated May 3, 2018. The following responses are provided:

- Item 1. A This comment confirms the use of the shared parking methodology. No response is needed.
- Item 1. B The comment apparently mistakenly assumes that the parking analysis did not include a parking demand for the gaming area. This is not the case. The gaming area is included in the parking calculations though at a lower rate to reflect exactly what the commenter indicates would result in longer stays.
- Item 1. C The comments here states rightly that the County Code uses gross square footage to calculate a parking requirement. However the Code footnotes this measure "Exclude any floor area used only for storage or truck loading". The County has generally accepted this at about 15% of the gross square footage.
- item 1.D. The comment states that the beer garden element of the site parking requirements were calculated on the basis of one space per 600 square feet. This is not the case the parking requirement for this component was calculated as one space per 100 square feet. This is a rate consistent with that of a restaurant under the County code.
- Item 2. 7 This is the last and conclusive item in a discussion of the Parking Occupancy study prepared by the consultant. The occupancy study concludes that the maximum parking demand counted for the beer garden both on-street and off-street was 63 spaces. This number is below the 66 spaces proposed to be provided by the Nursery project. This belies the need for further area wide parking analysis.
- Item 4. This item refers to Traffic Impacts of the proposed Nursery Project. The estimate of new trips to the proposed Nursery project is below the threshold where the County required a full traffic study of the area. Furthermore the majority of the traffic associated with the proposed project is already in the existing traffic stream. That said the project will participate in the County Traffic Impact and Roadside Betterment Fee programs which are intended to address area wide impacts in the Soquel Planning Area.

- Item 5 This item is a discussion of the conclusions of the peer review and observations by the consultant. It begins by stating that Beer 30 regularly creates parking impacts in the area. However the maximum number of parking spaces both on-street and off-street counted in this effort as associated with Beer 30 was below the number of spaces proposed to be provided by the relocated project. There may be times during special event peaks that the parking demand will exceed the parking requirements of the County but this can happen at all projects. It is for this reason that parking generation rates are estimated at 85 percentile rates or values not likely to be exceeded more than 15% of the time. The County also establishes a maximum parking requirement in an effort to balance the need for parking and the associated environmental effects of that parking. As demonstrated in the Parking Analysis of the Nursery project the County parking requirements are met.

Exhibit F
Applicants' Response to Appeal Letter

June 15, 2018

RE: Application No 161091
APN 030-221-46
2590 South Main Street, Soquel

Dear Santa Cruz County Planning Commission:

This letter is in response to the appeal that was filed against the above referenced application for a mixed-use development consisting of a retail garden and gift shop, a restaurant and taproom, which is intended for Beer Thirty's relocation, a shared outdoor seating area, ancillary outdoor gaming area and a two-bedroom residential apartment.

The appellants in this matter are Holiday Corners, The Fish Lady of Soquel, Sunnyside Produce and Carpo's Restaurant, who have had a long-standing dispute with Beer Thirty over parking. To our knowledge, there are no residents or individuals appealing the decision by the Zoning Administrator and for the most part, this project has overwhelming support from the local residents and the Santa Cruz County community as a whole.

Although not required for our project, we have held two open community meetings to share this project with our neighbors, get feedback and have an opportunity to address any neighborhood concerns. More than 90 individuals have attended these meetings with only 3 voicing opposition and a handful voicing concerns such as jaywalking and lighting, all of whom pointed out this problem is not specific to Beer Thirty, but all of the businesses on South Main Street. None of the appellants have attended these meetings.

The grounds for the appeal claim this project violates the provisions of the Santa Cruz County Code and the Sustainable Santa Cruz County Plan. The basis for the appeal specifically list parking and increased traffic, noise and nuisance violations of Chapter 8.03 Alcoholic Beverage Retail Outlet Nuisance Abatement Program, safety and miscellaneous concerns.

The appeal makes several false and misleading statements, which we would like to address.

1. Parking and Increased Traffic

The appellants claim that Beer Thirty's new location will greatly expand Beer Thirty's operation and the amount of outdoor seating. This has created a misperception that this is an expansion of their business when Beer Thirty is actually proposing to *relocate* from its current location to this adjacent parcel. The square footage for the various proposed uses is similar to that of their existing location. The outdoor seating area is slightly smaller, and the indoor seating area is only slightly larger, with a significant amount of new square footage allocated towards storage, restrooms and expanded parking. As a result, this development will have minimal impact on parking demand and traffic conditions.

A parking analysis for this project was prepared by Ron Marquez, a licensed traffic engineer, which identified a maximum parking demand of 59 spaces, fewer than the 66 proposed. The appellant submitted a peer review of Marquez' analysis. The review supported Marquez' approach and methodology. The appellant performed their own parking occupancy study and reported a maximum parking demand of 53 spaces, less than the 59 spaces in Marquez' report. The appellant also identified availability in all of the surrounding parking lots, proving that Beer Thirty is not impacting the parking availability in any of the neighboring businesses parking lots.

This proposal exceeds the requirements outlined in Chapter 13.10.552 (B) Off-street parking for the nonresidential uses of the County Code, as well as the analysis of two licensed traffic engineers. Therefore, the appellants request for a third traffic study should be denied.

2. Noise/Nuisance

The appellant continually references that this project violates Chapter 8.03 of the County Code. None of the claims or accusations that the appellant references are documented or substantiated and fail to recognize the similar uses and activities on the adjacent commercial parcels owned and operated by the appellants and the other neighboring commercial parcels. Examples of these uses are:

- a. Amplified music at Fish Lady and Michael's on Main
- b. Intensification of use at Fish Lady and Michael's on Main
- c. Large outdoor seating areas at Carpo's and Michael's on Main
- d. Late hours of operation at Michael's on Main
- e. Use of other businesses parking lots by Carpo's Restaurant, Fish Lady, Sunnyside Produce, and Michael's on Main
- f. Sales and service of alcohol at Carpo's Restaurant, Fish Lady, Michael's on Main, Little Tampico

This is a commercial development located in a commercial zone, with peak hours on Friday and Saturday after 7pm, when Sunnyside, Fish Lady, Soquel Creek Animal Hospital, Main Street Realtors, and most other businesses on South Main have closed. The property is directly adjacent to Highway 1 and the restaurant and outdoor seating area are positioned at that end of the parcel. The ambient noise from the freeway is constant and prevents us from hearing one another when we are 10 feet apart. The location of the building and the activity on the parcel are more than 130 feet from the property line and there is no noise clearly discernible at a distance of 150 feet from the property line. Therefore, there is no legitimate noise or nuisance complaint that can be made against this project, especially as relates to Chapter 8.03 of the Code.

3. Safety and Miscellaneous Concerns

The appellants inaccurately describe this project as a “massive beer garden in a residential/school/church neighborhood”, when in-fact this is a mixed-use development with the same or similar uses as the neighboring businesses and is located in a Community Commercial district, which limits residential development to 50% of commercial square footage. The proposed building is more than 300 feet away from the closest residence, more than 600 feet from the closest school and more than 675 feet from the closest church. These distances are greater than the appellants businesses, which all service alcohol.

All claims regarding safety and responsible alcohol services are unsubstantiated and have been rebuked by the Santa Cruz County Sherriff’s call log, which revealed that Beer Thirty has one of the lowest call rates in the County for similarly licensed businesses.

Many of the claims and allegations against Beer Thirty are unfounded. They do not align with the facts or the historical uses on the other parcels in the neighborhood as well as the previous applications for development of this parcel. For reference, in July of 1990 one of the appellants in this case, Holiday Corners, actually owned this property and submitted an application to construct a 25,825 square foot commercial building for office and retail use, including the creation of 15 commercial condominium units, presumably with a substantial parking and traffic impact. That project was approved by the Planning Department yet was never developed by Holiday Corners. This gives the impression that Holiday Corners and their tenants support the massive scale development of this parcel under their ownership, but oppose a small-scale, community-based development which preserves outdoor open space when under new ownership.

The appellants are requesting that the county apply stricter parking standards and requirements to this project than they are willing to adhere to themselves. For example, additional parking was not required for Carpo’s outdoor seating area, the Fish Lady’s Friday night events or the intensification of use at Michael’s on Main to a paid concert venue, event facility, and taproom expansion.

For reference, two similar projects in Monterey were approved without requiring additional parking. The name of the planner that worked on the most recent beer garden is Todd Bennett and he can be reached at 831-646-3758.

In designing this project, we took into account all of the issues and concerns that have been raised by our neighbors. We have proposed six bathrooms instead of one, 66 parking spaces instead of 13, reduced the size of the outdoor seating area, and have eliminated seating in the gaming area. No seating will be allowed in the Nursery, insuring that these areas will not be used as an expansion of the restaurant/taproom use.

The conditions set forth in the staff report are very restrictive and the requirement of the one-year review with the possibility of revocation or modification to our permit will insure we are extremely careful in how we conduct our business operations. As a result, there are a few conditions that we would like the planning commission to reconsider.

Regarding Hours of Operation, Beer Thirty currently operates until 10PM. For this project, we have asked to remain open until Midnight. Staff proposed an 11PM close "because of concerns about the businesses compatibility with the neighborhood." Although Beer Thirty's current operating hours are until 10PM, there was a period of time, for approximately 2 years, that Beer Thirty remained open until 11PM on Friday and Saturday night. It was during this time frame that Beer Thirty requested an expansion of hours until Midnight. Also, at this time, Supervisor Leopold contacted the Sheriff's office, who verified very low call rates, if not the lowest call rates for a bar in the county and congratulated us on running a successful and responsible operation. The County approved the permit for the extension of hours, however the permit remains unsigned due to conflicts with our landlord, who has withheld his signature in an effort to force Beer Thirty to comply with other matters outside of the lease. The landlord has three years to sign the permit before it is invalid. Therefore, if the permit is signed, Beer Thirty would have hours of operation until Midnight 7 days a week.

The lost revenue from 10PM-Midnight is significant and represents a considerable amount of lost wages for our employees, as well as lost sales tax revenue for the County. Because we have already shown that we are responsible operators, and we are proposing a project that addresses the primary concerns of the neighborhood, i.e. parking and restrooms, we would appreciate the Planning Commissions reconsideration of our hours to allow us to remain open until Midnight *on Friday and Saturday night* with a last call for alcohol service at 11PM.

As relates to Music, the permit allows for three days when live amplified bands are permitted outside. Our neighbor, The Fish Lady, currently has a live band on their outdoor patio every Friday night. This band can be heard on our existing parcel and our new parcel. The noise level is not distracting, and we support this activity on their parcel. We would appreciate the ability to have live outdoor bands on the same number of occasions that they have, which is 1 day per week.

As relates to Parking, a member of Holiday Corners expressed concerns about the exterior walkways to the different proposed uses on the parcel not being included in the parking calculation. To my knowledge the code does not require parking for exterior paths of travel and they have not been included in the parking calculation for other mixed-use developments, such as their own where Beer Thirty is currently located, or in the new Aptos Village development.

It was not clear in our application that the outdoor seating area is distinctly separated from the taproom by a change in elevation, a retaining wall and landscaped area, which actually results in a small reduction to the square footage of the outdoor seating area. Pathways have been

added to the parking calculation at the 1/100 ratio, yet they are not intended for nor can the accommodate outdoor seating or congregation.

Our landscape architect has revised the landscape plan to clearly show the separation, change in elevation, and their intended uses. I have also provided pictures with rudimentary drawings to show that it is not feasible to use these areas as an extension of the taproom – especially the outdoor entrance to the building. As such we are asking the Planning Commission to reconsider including these areas in the parking calculation.

The final matter that we would like the Planning Commission to consider is an interim approval to complete the fencing to secure the property and to expand the parking lot. The fence will allow the property to be fully secured from theft and vandalism and the expanded parking lot will provide immediate relief to the current tensions related to parking in the neighborhood.

In closing, this project is emotional for all parties involved. By moving to a new location, which is more appropriately sized for this business, we hope to eliminate the day to day conflicts between the commercial tenants and allow this community to heal and come together for the benefit of all of the businesses involved. We have listened to our neighbors concerns and have taken them to heart. By moving our business, we want to resolve the conflicts between us, not create new ones. We are concerned, caring and responsive business owners and community members and hope you will approve these requested changes and deny the appeal for this project.

Thank you very much for your time and consideration.

Exhibit G
Correspondence Received Since ZA Hearing

Annette Olson

From: Kym DeWitt <kym@kymdewitt.com>
Sent: Monday, June 18, 2018 9:29 AM
To: Annette Olson
Subject: Soquel Farmhosue
Attachments: Screen Shot 2018-06-18 at 9.06.31 AM.pdf

Annette ~

I would like to ask that this discussion from NextDoor be included in the record. This post was made "anonymously" on NextDoor for one of the businesses that has appealed our project. This initial post made several false and misleading statements about our project. We have done our best to counter these claims, but nonetheless, friends of the neighboring businesses are doing their best to disseminate inaccurate information to the community to turn residents against our project.

The false claims in this post are:

- Beer Thirty has been a bad neighbor
- Their success has resulted in seriously congested traffic. Their customers now use the majority of on-street parking on Main Street
- Other Soquel businesses like Carpo's, Sunnyside, The Fish Lady, Michael's on Main are negatively affected.
- Beer Thirty wants to double the size of their building and triple the size of their outdoor beer garden.
- County authorities are not requiring them to increase parking on their own property despite knowing that the increased size will double their parking needs.
- The new hours will be 7am to midnight

With so many negative and false statements, this has surely impacted public perception and possibly resulted in increased opposition to this project.

I would like to point out that the support for the project far exceeds the opposition. This can be seen in all the "thanks" to the "pro" comments in the NextDoor discussion and the very few "thanks" to the "opposition" comments.

Annette Olson

From: Kym DeWitt <kym@kymdewitt.com>
Sent: Friday, June 15, 2018 8:37 AM
To: Annette Olson
Subject: Soquel Farmhouse

Follow Up Flag: Follow up
Flag Status: Flagged

Annette ~

I would like to include this public post on NextDoor from one of the appellants, The Fish Lady of Soquel, in the record.

Thank you.



General

Reply

choice for this location and I do not like government employees having the power to make these sorts of backroom deals. And I really don't like that our public Planning Agency facilitated excuses and lied to make this project appear to be a wonderful public benefit.



3 Thanks

S

Sharon Hadley, Soquel · Just now

Once it's in county planning good luck!!! The planning dept has done exactly the same for the new beer thirty on Main Street in soquel!! Parking is already a nightmare and they aren't requiring anymore parking than presently there. It's a great concept but overcrowding our once calm neighborhood is not ok! Parking and late hours until midnight is quite frightening. We already have issues with drinking and driving, so what do we expect with these late hours. It's all

Annette Olson

From: Stewart Peterson <stew@coastwide.net>
Sent: Tuesday, June 5, 2018 4:41 PM
To: Annette Olson
Subject: Beer 30

Hi Annette, Beer 30 is a vibrant addition to the community. I strongly support their expansion. This will be good for all the neighboring businesses and a great social hub for the county.

Kind regards, Stew Peterson

Annette Olson

From: Robin DeAlvarez <robindealvarez@yahoo.com>
Sent: Monday, June 4, 2018 7:17 PM
To: Annette Olson
Subject: Beer Thirty approval in Soquel

Hi Annette,

I'm writing in support of approving Beer Thirty in Soquel. I have watched them work diligently on this project for several years, just to be delayed in every step by what seems to be disgruntled neighbors. The approval conditions are some of the most strict and unfair I've ever witnessed in this County. How can an existing business right next door to Beer Thirty's new location have unlimited outdoor amplified music (The Fish Lady), when Beer Thirty is going to be restricted to 3 days of live amplified music a year? How can a multiple business complex across the street have a total of 58 parking spots and Beer Thirty is being required to have a total of 66 parking spots? A children's clothing store is vacated from a site and a tequila bar takes it's place. No extra parking spots were required for that change. Now Beer Thirty is trying to move to a new location with a smaller sized building footprint than they exist in today and is being required to go from 14 parking spaces to 66 and maybe in their phase 2 portion of their application, will have to add 4 more spots for a total of 70 parking spaces. How is this not discriminating against Beer Thirty? I know you've had your hands tied, but since this is an appeal, it would be fair to loosen some of the restrictions that no other local businesses have been burdened with or have had to abide by. Beer Thirty advised they will be required to count patrons every hour? Who in the County will dissect this data Beer Thirty is required to provide and what will happen to what the data unfolds? I know several business owners in the complex across Main Street and they are being pressured to complain to the County about Beer Thirty's application. The pressure is from the same landlord that has the existing building that Beer Thirty is now leasing. Some are being pressured with rent increases and non renewal of their leases if they support Beer Thirty. That should be illegal. Surely the County has run into vindictive neighbors in the past and can recognize valid improvements or complaints vs stall statics. There is even Next Door posts being posted against Beer Thirty that are misconceptions and lies. Please approve their project and stop the discrimination against these people. Please reconsider some of the restrictions that other local business don't have to follow. Thank you for your time and consideration.

Robin De Alvarez
4270 Topsail Ct
Soquel, Ca 95073

Annette Olson

From: Alison Paul <alisonpaul2002@yahoo.com>
Sent: Monday, June 4, 2018 12:59 PM
To: Annette Olson
Subject: Re: Beer 30 needs to add more parking spaces on new lot

Dear Ann,

Thank you for your response. Does the county allow for compact car parking spaces as well as larger vehicle parking spaces? I notice that Cabrillo College, also in the county, has both.

Alison Paul

> On Jun 4, 2018, at 5:37 PM, Annette Olson <Annette.Olson@santacruzcounty.us> wrote:

>

> Hi Alison.

> Thanks very much for you email. I will make sure that it is a part of the record. In terms of your interest in parking: I wish we could make the spaces skinnier to provide more parking, but the County has minimum dimensions for parking spaces and, often, skinny spots don't work for larger vehicles. I can assure you, however, that Beer Thirty is required to meet the County standard in terms of parking space numbers.

> Thanks again,

> Annette

>

>

>

> Annette Olson

> Development Review Planner

> (831) 454-3134

>

> Work Schedule:

> Mon & Th: 8:30 – 12; and

> Wed & Fri: 8-2:30

>

>

> -----Original Message-----

> From: Alison Paul <alisonpaul2002@yahoo.com>

> Sent: Saturday, June 2, 2018 3:06 PM

> To: Annette Olson <Annette.Olson@santacruzcounty.us>

> Subject: Beer 30 needs to add more parking spaces on new lot

>

> Hello, I support Beer 30, with the caveat they need to ADD more parking spaces in their new location. It is not enough. They can make spaces skinnier! They can reconfigure their lot. I live up the street & pass by daily. I can walk there, but it's really obvious there is not enough on site and street parking.

>

> Please respond with options as to how you plan to add more parking.

>

> Thank you.

> Alison Paul

>

>

>

Annette Olson

From: Jeanette <wilfloyd@pacbell.net>
Sent: Monday, June 4, 2018 11:18 AM
To: Annette Olson
Subject: Beer 30

I would like to say that I'm in favor of the Soquel Farmhouse open air beer garden.
I have enjoyed going to beer 30, it's such a nice gathering place for everyone.
I think they have run a great business and should be able to expand.
Jeanette Williams

Sent from my iPad

Annette Olson

From: Karen Cunningham Gonzalez <karencg@hotmail.com>
Sent: Friday, June 1, 2018 4:53 PM
To: Annette Olson
Cc: Karen Cunningham Gonzalez
Subject: Beer30 @ main St, soquel

Good day Annette,

My husband and I are customers of beer30, Carpo's, and Michael's.
All three have wonderful food and drinks.
I whole heartedly support the expansion of Beer30.

Beer30's move to the larger location would allow customers to feel more comfortable. Clearly the current location is too small.

Carpo's, and the fish lady directly benefit from Beer30's presence. We buy from Carpo's when we go to Beer30. I know of others that buy from the fish lady after going to Beer30.
We also go to Michaels in the evening.

I do not understand why or how another business can attempt to shut down or shut out any other another business.

If these other businesses are successful in their attempt to stop Beer30's desire to grow, we will choose to no longer visit these businesses. We will also encourage our friends to do the same.

Karen Cunningham Gonzalez

Annette Olson

From: sccounty@comcast.net
Sent: Sunday, June 3, 2018 10:20 AM
To: Annette Olson
Subject: Beer30 application

Dear Ms. Olson,

I live nearby the existing location of the Beer30 and am a commercial property owner in Capitola, just down Capitola Ave. I feel moving their business to the new location would be a great use of that property and be an improvement for businesses in the area. The current location is a bit cramped for them and parking is a real issue. The new location would be a better fit for that business, it would not be surrounded by other businesses and have more room for parking. It would also be more compatible for that type of business to be away from close proximity to other businesses. And the new location property needs to be improved.

So I hope that the commission approves their application.

Peter & Sandy Porfido

Annette Olson

From: Stephen Rudzinski <ssrudzinski@gmail.com>
Sent: Sunday, June 3, 2018 11:24 AM
To: Annette Olson
Subject: Proposed move Beer 30

Dear Annette,

I would like to make a comment in favor of the proposed move of 'Beer Thirty' about 100 feet away to the new location much better suited for the many customers that love this facility.

I have heard an argument made by 'the Fish Lady' protesting the move to the other side of her property fence. I cannot see how this could affect neighbors or school children or anyone else without a personal grudge against what I have seen as owners who are friendly and provide what, obviously, the public wants and are a successful enterprise. It could be a 'win/win' situation for the fish monger who only needs to accept change she cannot or should not try control.

Thank you

Stephen Rudzinski

Annette Olson

From: Jeannine Avila <snow2star@icloud.com>
Sent: Sunday, June 3, 2018 8:05 PM
To: Annette Olson
Subject: Beer30 Relocation

I am asking for your support for our friends at Beer30. They are applying with the County to move their business 2 doors down from where they are located today on Main St. in Soquel. Their new location will be a larger and better location for their business and their customers. Their plan request has been approved by the County Planner's, but some of their neighbors have filed an appeal which means the Beer30 owners now have to appear before the County Planning Commission for additional reviews.

Beer30 is a great business in that they support various causes through fund raisers at their current location. They are very family friendly. You can bring your pets with you when you visit. They are a very responsible business that requires their employees attend training on the effects of alcohol consumption and they take care of their clientele in both service and care.

Hopefully you have had the opportunity to visit this great establishment and if not, I recommend you do to try some great craft beers and visit with friends.

Thank you for your consideration of approval for this great family-oriented establishment, and hopefully you will recommend approval to the Santa Cruz County Planning Commission.

Jeannine Avila Pierce
1237 Robbia Drive
Sunnyvale, CA 94087
1-408-313-1922

Sent from my iPhone

Annette Olson

From: 112Walnut <Sicity.1@comcast.net>
Sent: Friday, June 1, 2018 8:14 PM
To: Annette Olson
Cc: Hal DeAlvarez
Subject: Support4Beer30

I support Beer Thirty and would like to see them allowed to move to their new location as originally approved! Beer Thirty brings much needed customers into the area which also supports other local businesses!

Thank you for your time in this matter

Mike Pouncy

Sent from my Verizon, Samsung Galaxy smartphone

Annette Olson

From: Nick Flores <nickflores@live.com>
Sent: Thursday, May 31, 2018 9:56 PM
To: Annette Olson
Subject: Re: BEER30

Good Evening Mrs. Olson,

My name is Nick Flores and I am writing to you tonight as a Soquel resident who would like to see the expansion of BEER30. My family and I have been going to all the restaurants in the village more often now that beer30 is there. We have always supported local businesses like Carpos, Michael's on Main, little Tampico's, Enstyle and even the Soquel Vet.

By allowing the expansion of beer30 it will give beer30 adequate space to allow more seating, parking, and even housing. Our job as Soquel residents is to SUPPORT small businesses and appreciate the fact that they are bringing more people to our town. When people see how beautiful Soquel is maybe they will move here and help support our community and visit fine establishments like beer30.

We are grateful that Shawd and his partners are in Soquel and our bringing life, vision, and growth to Soquel. Let's show our appreciation to them by not making an upgrade an impossible mission.

Thank you,
Nick Flores
831-588-5599

Sent from my iPhone

Annette Olson

From: Kym DeWitt <kym@kymdewitt.com>
Sent: Thursday, May 31, 2018 3:01 PM
To: Annette Olson
Subject: Application 161091

Annette ~

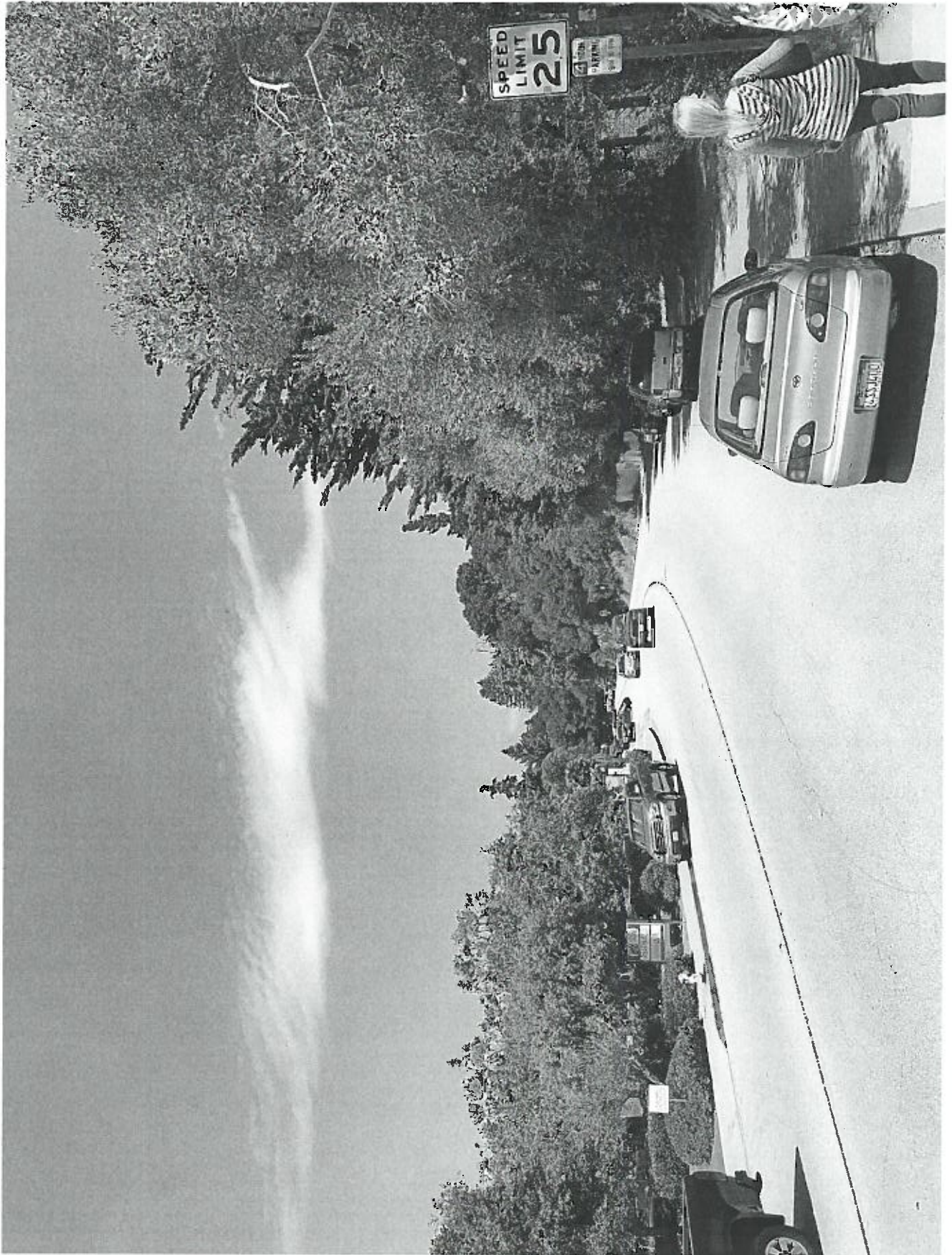
On May 21st, Michael's on Main hosted a fundraiser. During the fundraiser the street and *our* parking lot were full of their customers before we opened. After their event, the street and our parking lot opened up. We are very happy with our neighbors' altruistic efforts to host events in support of local non-profits. We don't object to these types of activities and hope they continue.

I am sharing this info with you because it shows a clear double standard that is perpetuated by our landlord and the neighbors. Our landlord and the neighboring businesses are trying to say that we are the cause of the parking problem and that our customers are parking illegally, when in reality we are functioning like a thriving neighborhood hub and sharing parking amongst neighbors as good neighbors should.

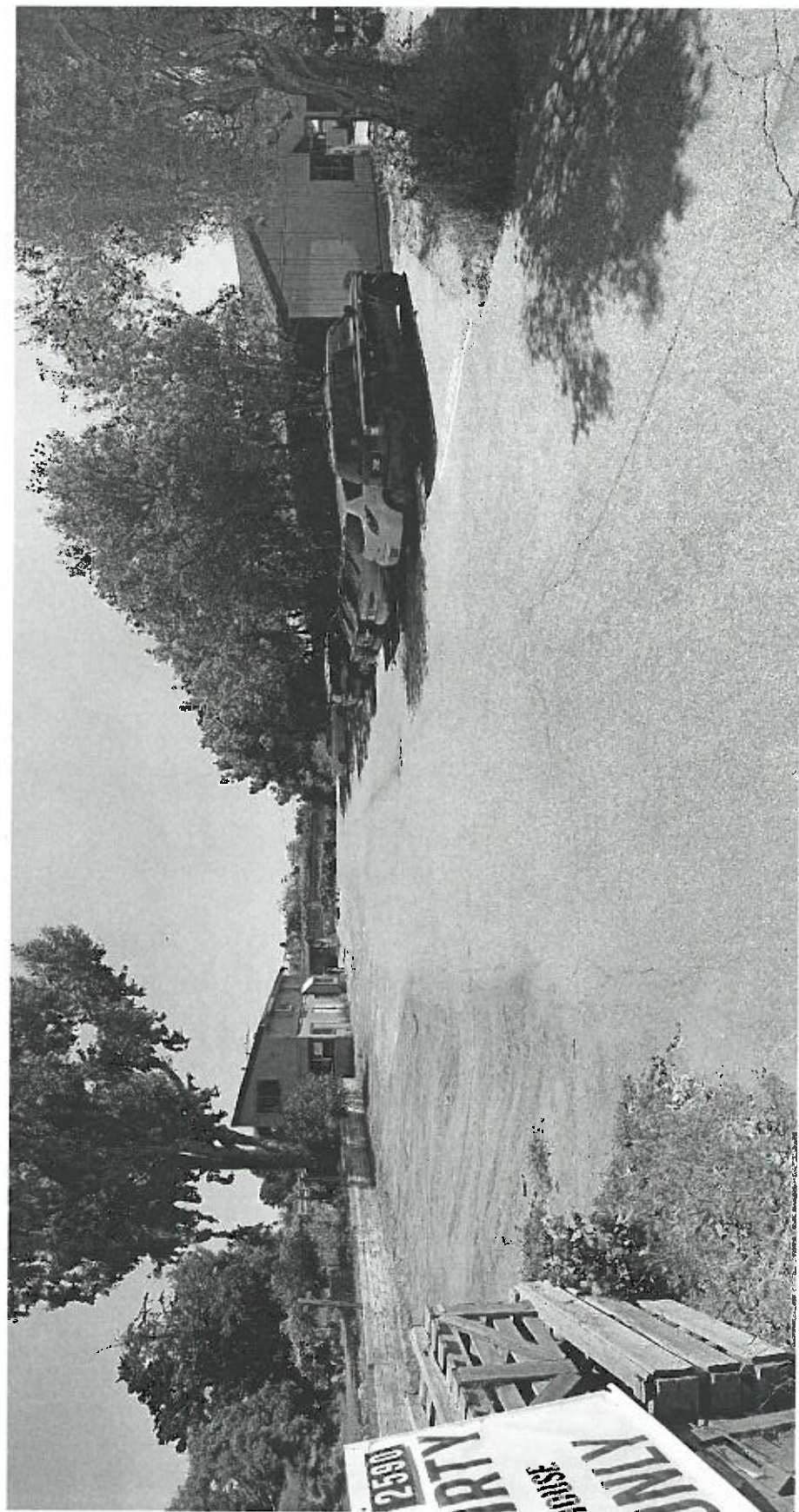
Our neighbors and landlord don't seem to mind that everyone else is using our parking lot and are trying to demand more parking than is actually required for our business.

Thank you for including this in the record for the planning commission to review.

Please let me know if you need PDF's of these images. I know that you had some difficulty printing pictures for the ZA hearing.









Annette Olson

From: Kym DeWitt <kym@kymdewitt.com>
Sent: Thursday, May 31, 2018 3:43 PM
To: Annette Olson
Subject: Application 161091

Annette ~

We've learned that the neighboring businesses are circulating a petition that contains false information about our project, petition attached.

They are also actively making false statements about our project to their customers, damaging our reputation and creating a flurry of negativity about our project within the community. Please see attached Nextdoor neighborhood discussion.

They have also contacted the two local Elementary Schools and Soquel High School to oppose our project. The Principals of both elementary schools personally informed us that they love us and will not get in the middle of this dispute.

Is there anything that we can do to insure the County has the information necessary to determine the validity of these complaints?

**PETITION TO COUNTY OF SANTA CRUZ PLANNING COMMISSION
OPPOSING SOQUEL FARMHOUSE'S PROPOSED DISCRETIONARY PERMIT**

The undersigned are residents, parents, teachers, and owners, customers and employees of businesses located in the vicinity of Soquel Farmhouse's proposed new beer garden. We strongly oppose the operation of a large, open air beer garden in Soquel Village. The beer garden will:

- **CREATE EXTREME PARKING PROBLEMS**— Soquel Farmhouse's proposed plans do not provide for adequate parking, and greatly exacerbate what is already an unbearable situation created by Beer Thirty Bottle Shop. Beer Thirty's customers regularly illegally park at adjoining businesses and on the street for several hours while consuming alcoholic beverages, thereby causing great harm and inconvenience to the adjoining businesses, their customers, local residents, and the general public.
- **DIRECTLY CONFLICT WITH THE DISTINCTIVE CHARACTER OF SOQUEL VILLAGE**— The area surrounding the proposed beer gardens is a quiet residential/business neighborhood. Soquel Farmhouse intends to permit hundreds of individuals to sit outside and drink alcoholic beverages, accompanied by the playing of amplified music, with few limitations upon its hours of operation. The County does not allow like businesses to operate in this manner; a special rule should not be made for Soquel Farmhouse. All of Soquel Village will be harmed.
- **ALCOHOL CONSUMPTION & INEBRIATED DRIVERS** — The mass outdoor consumption of alcohol in a quiet residential/business neighborhood creates a disaster waiting to happen. Drunk drivers will present a clear and immediate danger to the entire neighborhood, including children attending the nearby elementary school. Inebriated patrons will also subject Soquel Village to numerous other problems caused by excessive drinking, such as the ongoing public urination at adjoining properties.

IN SUMMARY, the undersigned do not oppose a permit being issued for a proper use of the property, such as the proposed nursery, or a traditional restaurant. However, the undersigned strongly oppose permitting a large, open-air stadium-like beer garden to open in Soquel Village. Such use creates a continuing public nuisance.

Sigh

 Jan Saunders, Aptos

Beer Thirty proposal

I had an interesting conversation while shopping at The Fish Lady today. My understanding about this development is that music will be allowed until midnight and will bring a great deal of noise to the neighborhood, which is so lovely and quiet. Residents who live in the area above this property will be bombarded with noise, parking issues, and whatever else occurs as a result of having an open deck restaurant and beer garden right below. At present there are street parking issues in the neighborhood--and it seems the Beer 30 folks encourage the street parking in their recent posting. If you are interested in signing the petition against this proposal, go to The Fish Lady to support the neighborhood. Beer is great, but would you want this in your neighborhood?

11h ago · Aptos in General

 Thank  Reply

 4  8

 Thomas Gardiner, Aptos · 9h ago

Where is the proposed development with Beer 30 alcohol locating in (I'm assuming and correct me please) commercial zoning address. Bad enough having residential zoning being poached for visitor accommodations. Really changing the zoning code (because we can) to allow 15-20 % density. And then have the Transitory Occupancy Tax (TOT) of 10+ % going where ?? Hmmmm ??



 Caren Himanen, Rolling Green Estates · 9h ago

I enjoy socializing at beer 30, they are very family and dog friendly. They have a separate parking lot close by. Micheal's on Main already has bands in the neighborhood, and beer 30 is up against the freeway so it is already noisy there. Not sure what the complaint is all about

 7 Thanks



Thomas Gardiner, Aptos · 9h ago

Caren Himanen - Zoning is the issue. When one buys in a residential zoned area with schools and community services, the specific zoning is what protects and preserves the character of the neighborhood. Recently, many rural areas are experiencing encroachment of 'commercial and guest services businesses being a residential area. My 'working years' experience has been in Real Estate Resort Development coming from Carmel Valley. Now Aptos is facing the same 'business commercial' conversions with 'use permit' zoning as an exception to the prescribed zoning laws. PLEASE NOTHING PERSONAL itzabout ZONING LAW. Certainly any beer bar & grill has loyal patronage.

My Question still is "where is Beer 30 proposed development address ??"



Jan Saunders, Aptos · 8h ago

Thomas, To answer your question about location --the proposed development is on the vacant lot area next to the Produce stand on Main Street in Soquel. Beer 30 uses it for parking now. I don't know the exact address.



1 Thank



Thomas Gardiner, Aptos · 8h ago

Jan - THANX and I understand the Micheal's location. X-owner-Chef Micheal Clark interviewed for a Chef's position at our Carmel Valley Resort. Michael moved to this side of the Bay having Chef de Cuisine for the Harbinger in the Carmel Plaza. Soquel is quite the hot spot now. My surf bro's Tsunami Band luv playing this gig...



Rachel Sanfilippo, Aptos Village · 8h ago

Poor fish lady.... If only she just liked the guys





Kym DeWitt, Soquel · 8h ago

Jan ~ This is the type of misinformation that we are hoping to allay at our neighborhood gathering. We hope to have an opportunity to meet you in person and share more accurate information with you about our project. For those reading this post, I would like to clarify that music will only be allowed until 9pm (picture of conditions attached). Meanwhile, The Fish Lady plays live amplified outdoor music every Friday until 9:30pm and Michael's on Main plays until 11pm. Street parking is available for all of the neighboring businesses to share. This is very helpful for us, as our current parking lot is often full before we open, pushing our customers on to the street. Please take the time to learn more about this project before rushing to judgement or signing a petition that is based on inaccurate information. We hope to see you at the meeting this Sunday at 10AM.

<https://www.eventbrite.com/e/south-main-street-development-the-nursery-beer-thirty-tickets-46262900581?utm-medium=discovery&utm-campaign=social&utm-content=attendeeshare&aff=escb&utm-source=cp&utm-term=listing>

Public events are requested. Review of the project shall support the city's compliance with the General Plan and are not negatively impacted by the fact that they will be held on the street until 9:30 PM. The business owner must have a permit of approval to hold the event. Music shall be available for it authorized to function as a request to the city of a low level of volume at the city's review to

4 Thanks



Kym DeWitt, Soquel · Edited 7h ago

Thomas ~ The proposed development's address is 2590 South Main Street and used to be part of a single parcel with Sunnyside, Fish Lady and Beer Thirty before the lot was split quite a long time ago and is not a residential parcel. The property is zoned C-2, which stands for Community Commercial. Based on the zoning law, the purpose of the C-2 District is to provide centers of concentrated commercial uses accommodating a broad range and mixture of commercial activities, serving the general shopping and service needs of community-wide service areas, and including visitor accommodations. This district is intended to be applied to areas designated on the General Plan as community commercial. The Community Commercial Districts are intended to have definite boundaries to promote the concentration of commercial uses. Residential development is restricted to 50% or less of the commercial use.

3 Thanks

Music. Both amplified and acoustic music are requested. Given the ambient traffic noise from Highway One and the large size of the parcel, staff supports the request for acoustic music as well as amplified music as long as it complies with the General Plan noise limits. To ensure that residential neighbors to the east are not negatively impacted, a condition is included requiring bands set up (including speakers) and play within the taproom (i.e. within the structure to attenuate the noise) and that all music stop at 9 PM. The business owner would like to have occasions where the band may be located outside. A condition of approval is included allowing up to three days where the band may be located outside. Music must be ancillary to the restaurant/taproom use. The proposed business would not be authorized to function as a nightclub or concert venue. Amplified pre-recorded music is proposed to be allowed at a low level in the outdoor areas. The use of amplified music would also be evaluated at the one-year review hearing.

Annette Olson

From: anne marie johnson <anne.maria.johnson@gmail.com>
Sent: Wednesday, May 30, 2018 8:23 PM
To: Annette Olson
Subject: Beer Thirty & Nursery

Hi Annette,

As a frequent visitor to Soquel, and a neighbor in nearby Happy Valley, I'd like to reach out to you to express my support for the expansion project at Beer Thirty & the Nursery. I hope the Planning Commission approves the project on June 11. It's a great place that deserves the community's support.

Anne-Marie Johnson
855 Rider Ridge Road
Santa Cruz, CA 95065

Exhibit H

Late Correspondence for Zoning Administrator Hearing

I have been the LLC Manager and the Property Manager for Holiday Corners, the Owner of Beer 30's Current Location. I am one of the largest providers of Affordable Housing in Santa Cruz and I have Managed Commercial and Residential Rental Properties for the Past 38 Years.

Beer 30, since they opened for business almost 5 years ago has had a Major Negative impact on the Surrounding Businesses, the Nearby Homes and the Entire Area in Soquel.

- 1) Beer 30 has monopolized all of the street parking for blocks away.
- 2) Beer 30 customers have taken over their neighboring businesses parking lots eliminating parking for other businesses' customers.
- 3) Neighboring businesses have had to employ parking lot attendants at great additional cost for themselves to prevent Beer 30 customers from taking away all of their parking.
- 4) Beer 30 refuses to use a Valet Parking Service when they have Large, Advertised Parties and Special Events. BEER 30 LEASES ONLY 9 PARKING SPACES AND THEY HAVE ONLY ONE BATHROOM YET BEER 30 HOSTS PARTIES AND SPECIAL EVENTS WITH as Many as 200-300 PEOPLE IN ATTENDANCE.
- 5) Neighboring businesses have had to tow Beer 30 customer cars from their parking lots in order to provide adequate parking for their own customers.
- 6) Beer 30's lack of sufficient parking has greatly increased risk to pedestrians crossing a busy street to get from Beer 30 to their cars parked in other business parking lots across the street.
- 7) **Beer 30 customers have publicly urinated and defecated on adjacent food service business properties**
- 8) **Beer 30 customers have littered neighborhood parking lots with broken beer bottles and Sometimes Even Used Sanitary Hygiene Products.**
- 9) Beer 30 customers have congregated on adjacent food service properties to smoke since Beer 30 owners would not allow smoking in their outdoor area.
- 10) Beer 30 Customers would at times display public intoxication.

- 11) Many Customers who have dined at Carpos and Michaels Restaurants for over 30 years refuse to dine there anymore because of the lack of parking.
- 12) **The Board of Realtors, The Veterinarian Clinic, Main Street Realtors, EnStyle Hairdresser, Michaels on Main Restaurant, Sunnyside Produce, FishLady Food Service, and Carpos Restaurant have all complained to me about how Beer 30 has reduced their sales and/or reduced the quality of life at their businesses for themselves, their employees and their customers.**

Beer 30 has violated the Santa Cruz County Conditions of Occupancy and the Building and Sanitation Code at their current location:

- 1) Hours of Operation Noon to 10:00 PM – Often Violated
- 2) No Outside Amplified Music – Often Violated by using Live Bands with Amplifiers
- 3) No Outside Storage – They Parked a Storage Trailer on site
- 4) No Development on Back 50% of Property – They Developed Entire Property
- 5) Beer 30 Permanently Installed Portable Toilets Without the Required Permit which would have been denied.
- 6) Their Permit Application was for a Retail Bottle Shop with a Tasting Bar. There was never a Public Hearing or a Permit to have a Beer Garden.
- 7) One Bathroom Limits Customer and Employees to 50 People – Beer 30 Hosts Parties and Special Events with as many as 200-300 people.
- 8) 200 to 300 people with only 9 leased parking spaces is not allowed.

Beer 30 has violated the Santa Cruz County Building Code and has filed a Misleading Development Application at the Proposed Farmhouse location:

- 1) Beer 30 Rented or Leased Tractor to Eliminate 15% Grade and Removed Large Trees Without a Permit
- 2) Beer 30 Constructed New 8 ft Fence, Without a Permit and Without obtaining a Variance from the Height Restriction.
- 3) Beer 30's Development Application is for a "Nursery, Restaurant and Taproom." Beer 30 Does Not Mention "Beer Garden."
- 4) Beer Garden states that their Highest Average Occupancy is only 132 and for only one hour per week when they know their Current Location, 1/3 the size of their proposed development, at times has 200-300 people.
- 5) Keith Higgins, Traffic Engineer, has Refuted Beer 30 Traffic Analysis and has concluded "The Proposed Parking Supply at 2590 Main Street Will Be Severely Inadequate to Accommodate Parking Demands on Average Days and Especially on Days that Exceed the Average,"
- 6) Their "Community Meeting" was for Friends only and Not Open to Public.
- 7) "Take Over Tap Events" was Not Properly Described as Advertised Event.
- 8) **Beer 30 Has Sent a lawyer Prepared Threat to Holiday Corners and to me personally, to Cease and Desist attempts to "Influence the County to Deny the Farmhouse Development Application."**

Recommendations

- 1) Obtain Independent Traffic Study
- 2) Limit Inside and Outside Occupancy to 175 People or Require 150 to 200 Parking Spaces on Site
- 3) Quarterly Log by the Owners of Beer 30 recording the number of Patrons Friday and Saturdays between 6 PM to 9 PM should not be done by the Owners and Not Restricted only to those hours. Log should be kept by independent person, Friday Night through Sunday Night and whenever there is a scheduled party or advertised or invited event.
- 4) Eliminate All Music Outdoors
- 5) Eliminate All Outdoor Consumption of Alcoholic Beverages

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JAMES D. (JASON) FARWELL
CRAIG B. RASHKIS
STEPHEN A. HORNER

February 2, 2018

Via Certified Mail and Electronic Mail to jchristers@aol.com

Law Offices of John A. Christerson
311 Bonita Drive
Aptos, CA 95003

Re: Holiday Corners, LLC, and Jeffrey A. Newhouse

DEMAND TO CEASE AND DESIST

Dear Mr. Christerson:

As you know, my office represents Beer Thirty Bottle Shop and Pour House, LLC ("Beer Thirty") and we also represent Soquel Farmhouse, LLC ("Farmhouse") who owns the real property located at 2590 S. Main Street. While the landlord/tenant relationship between Beer Thirty and your client Holiday Corners has been strained for an extended period, Farmhouse and Beer Thirty are focused on working with the County of Santa Cruz to obtain approval for the relocation of the Beer Thirty business to the adjacent parcel owned by Farmhouse. These efforts by my clients have been met with significant resistance from Holiday Corners and more specifically Mr. Newhouse.

We hereby demand that Holiday Corners, LLC ("Holiday Corners") and its managing member, Mr. Newhouse, immediately cease and desist all tortious conduct in connection with Beer Thirty's business operations and/or Farmhouse's development application for the adjacent parcel. This demand is based on the following:

Since the purchase of the adjacent parcel by Farmhouse, there has been a concerted effort by Farmhouse to obtain the required approvals from the County to move the Beer Thirty business from its current location to the new parcel. Despite encouragement from the County, there have been forces working behind the scene to impede, discourage and ultimately sabotage the Farmhouse development application. It has come to my clients' attention through various tenants that interact with Mr. Newhouse and others who know him personally that Mr. Newhouse has a personal vendetta against Beer Thirty, Farmhouse and the respective individuals who make up the membership of these entities. According to these third-parties, Mr. Newhouse will not stop and intends to inflict as much financial damage as he can on my clients.

This became even more apparent on Wednesday, January 31st when Mr. Newhouse came on the Beer Thirty property and engaged in and sparked an embarrassing public disagreement with members of my clients. This exchange was in open-view and earshot of Beer Thirty customers and was highly unprofessional as well as disruptive to Beer Thirty's business operations. Mr. Newhouse made a number of derogatory and defamatory statements about Beer Thirty, its members, employees and agents. This is unacceptable and is clearly a violation of the lease's implied covenant of quiet enjoyment. My client does not dispute the landlord's ability to come onto the property to view the premises but the landlord or its

Holiday Corners/Newhouse – Demand to Cease and Desist
February 2, 2018

Page 2

agent does not have the right to disparage and defame my clients and/or interfere with its business operation. Furthermore, Mr. Newhouse made it clear that he has been trying to get the County to “redtag” Beer Thirty for two years so that he could evict Beer Thirty.

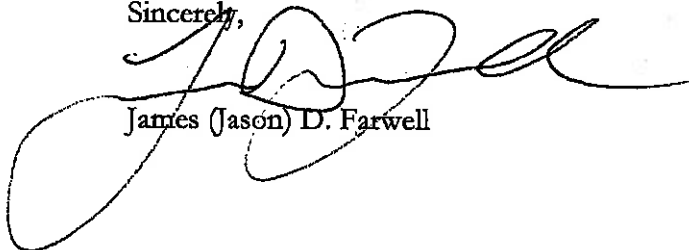
My clients are also aware that Mr. Newhouse is using whatever means available to him to interfere with and delay Farmhouse’s development application for the adjacent property. I understand that Mr. Newhouse has a meeting with the County sometime next week. On behalf of my clients, I take this opportunity to caution Holiday Corners and Mr. Newhouse in what appears to be a continuing effort to interfere with Beer Thirty’s ongoing business operations, the Farmhouse development application, and Beer Thirty’s desire to move its business to the Farmhouse property.

Mr. Newhouse has also sought contribution from Farmhouse for a sewer lateral that serves both the Farmhouse property and the Holiday Corners property. Recently, Mr. Newhouse performed repairs to the lateral and seeks an equal split of the repair costs. There is disagreement between Mr. Newhouse and Shawd DeWitt as it relates to the repair. There was no agreement between the parties for contribution, there was no opportunity for a second opinion or bid, there was no sharing of information, just a bill from Mr. Newhouse. Additionally, Farmhouse is investigating the cost of a new sewer lateral for its property as it was under the impression that it had its own lateral but has since learned otherwise. This will be a substantial cost to Farmhouse. Apparently, Mr. Newhouse has threatened to cut off Farmhouse’s access to the sewer lateral. I again caution Mr. Newhouse on taking such an extreme action without the informed consent of my client Farmhouse.

Holiday Corners and Mr. Newhouse’s continued effort to disrupt, interfere with, and restrict Beer Thirty’s business operations and Farmhouse’s development application is a serious matter. The damage Beer Thirty has suffered due to these activities is immense and continues to mount. Specifically, the landlord’s unwillingness to allow for an extension of hours has been financially devastating despite Mr. Newhouse’s assurance that he would. Farmhouse has significant carrying costs and any attempts to unreasonably interfere or wrongfully influence the County to deny the development application will not be ignored.

Beer Thirty and Farmhouse reserves all of their respective rights pursuant to California law and waive nothing pursuant to the statements made in this letter.

Sincerely,



James (Jason) D. Farwell

Cc: Clients

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JAMES D. (JASON) FARWELL
CRAIG B. RASHKIS
STEPHEN A. HORNER

May 2, 2018

Kathleen Molloy, Planning Director (Kathy.Molloy@santacruzcounty.com)
Annette Olson, Planner (Annette.Olson@santacruzcounty.com)
Planning Department
County of Santa Cruz
701 Ocean Street, Room 400
Santa Cruz, CA 95060

Re: Soquel Farmhouse, LLC – Discretionary Permit Application No. 161091
Assessor Parcel Number: 030-221-46

Dear Mss. Molloy and Olson,

Our office represents Soquel Farmhouse, LLC (“Soquel Farmhouse”) and Beer Thirty Bottle Shop & Pour House, LLC (“Beer Thirty”) and on behalf of our clients we take this opportunity to formally respond to Mr. Johnson’s letter dated April 18, 2018 as well as address a few issues relating to the Staff Report to the Zoning Administrator for Application Number 161091 (“Report”).

As to Mr. Johnson’s letter, we take issue with the general tone of his letter as well as his attempt to cite various Santa Cruz County Code Sections that he claims Soquel Farmhouse will violate as a result of Beer Thirty’s relocation. There is absolutely no supporting evidence offered, only generalizations and speculation that the “issuance of the proposed permit will violate numerous Santa Cruz County Code section....” The relationship between Holiday Corners and Beer Thirty has been a strained and contentious one. For the last several years, Beer Thirty has expended significant resources defending itself against a hostile property manager who has threatened eviction numerous times.

To Beer Thirty’s credit, it has continued to operate a successful small business in an otherwise difficult business environment. Beer Thirty is a responsible business operator and has demonstrated during its years of business that it is committed to maintaining the highest standards. We generally deny the allegations set forth in Mr. Johnson’s letter and would urge the Planning Department to consider the context in which this letter was prepared (i.e. a further attempt to harm Beer Thirty and its attempt to continue with its successful business).

As for the Staff Report to the Zoning Administrator, we would like to address a couple of items raised by the Report. The first issue relates to the purported “Parking Indenture Agreement” that Holiday Corners claims is still valid and therefore entitles it to parking spaces on the Soquel Farmhouse property. Soquel Farmhouse disputes the validity of the parking indenture and intends to assert its rights to the parking spaces at issue under the parking indenture. Soquel Farmhouse understands that the County still recognizes the parking indenture agreement despite the disagreement between Soquel Farmhouse and Holiday Corners. It is not our intention to provide herein the legal position and support for Soquel Farmhouse’s position as it relates to the parking indenture agreement, we only offer this to keep the County apprised of the possibility that Soquel Farmhouse may acquire the legal right to additional parking on the site in the future.

Planning Department – County of Santa Cruz
Soquel Farmhouse, LLC – Discretionary Permit Application No. 161091
May 2, 2018

Page 2

We would also like to address the number of required parking spaces (69 spaces) for the approval of the project. The current design contains 66 parking spaces as delineated in the submitted site plan. Pursuant to the Report, there is approximately 720 square feet of walkway space (eastern and western walkways) that have been included in the parking requirement calculations. It is stated in the report that this inclusion was to address the concerns of a member of the public who expressed concerns about the use of this space by customers. The inclusion of this "walkway space" in the parking calculation results in requiring an additional seven (7) parking spaces for the project. Soquel Farmhouse respectfully requests your reconsideration of the inclusion of this walkway space in the parking requirements as this space should not be treated similarly to the outdoor seating area (1/100 parking calculation). As part of this mixed-use development, these walkways are intended as a path of travel and will not be used for seating.

In addition, the first phase of Soquel Farmhouse's project does not include a residential use and that area will initially be used for storage. Soquel Farmhouse hereby requests that the three (3) parking spaces required for the residential use, be postponed until the residential unit is constructed and put into use. To the extent additional parking spaces are needed to accommodate the residential use, Soquel Farmhouse would address that need as a condition to the residential use at that time.

Finally, the addition of three (3) parking spaces from sixty-six (66) to sixty-nine (69) parking spaces creates a significant hardship for Soquel Farmhouse. The three additional spaces would require the removal of the storage shed (which will house the tractor for the nursery) and the water tank which will help meet Soquel Creek Water District WDO offset requirements for the project. Both structures are important to the project and Soquel Farmhouse is requesting, based on the issues raised in the letter, relief from the three-parking space increase for approval of the project. Soquel Farmhouse believes that the initially required sixty-six parking spaces satisfies County Code requirements, adequately serves the property, and addresses the parking concerns raised by the surrounding businesses.

On behalf of Soquel Farmhouse and Beer Thirty, we thank you for your attention and consideration.

Respectfully submitted,

FARWELL RASHKIS, LLP



James D. Farwell

Cc: County Counsel

Annette Olson

From: Kym DeWitt <kym@kymdewitt.com>
Sent: Thursday, May 03, 2018 8:19 AM
To: Annette Olson
Cc: Bill Kempf
Subject: Pictures for Presentation
Attachments: L1.pdf, L2.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Annette ~

Here is an updated landscape plan, which more clearly depicts the entrance into the taproom, the separation from the seating area with a short retaining wall and a landscaped area. The picture clearly show that the entrance to the building cannot be used for seating. As such, including the entrance to the building in the 1/100 parking calculation does not seem reasonable.

Similarly, the walkway in front of the storage/second phase kitchen building in a mixed use development such as this is inconsistent with other mixed use developments. It is my understanding that the paths of travel in the Aptos Village development are not included in the parking calculations.

If you could please put together a presentation of these pictures for the ZA to review before the hearing, I would really appreciate it.

Thank you!
Kym



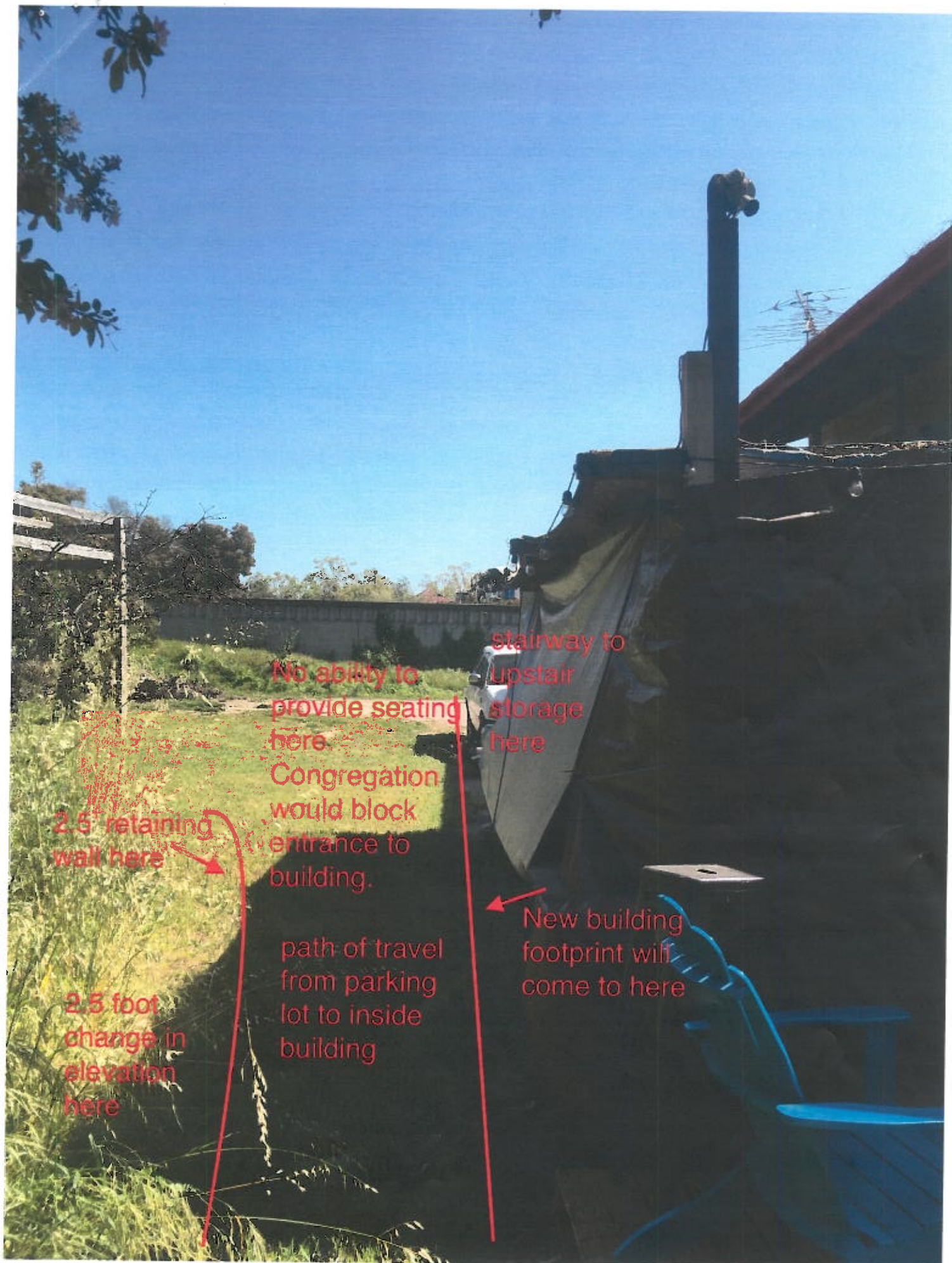
Low fence around gaming area

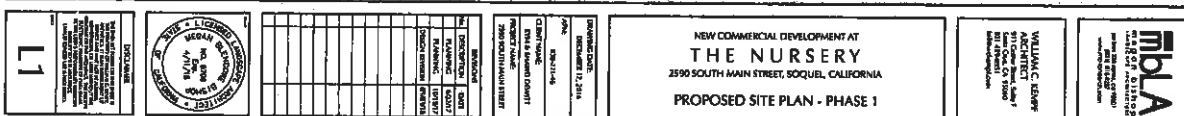
landscape area

To bike parking & to nursery

New 2.5' tall retaining wall To building entrance

New Building footprint





Annette Olson

From: Kym DeWitt <kym@kymdewitt.com>
Sent: Thursday, May 03, 2018 11:44 AM
To: Annette Olson
Subject: Beer Thirty Project

Annette ~

I posted this on Nextdoor and would like to insure this is included in the record. It speaks to everything we have done to resolve the conflicts with our neighbors.

Thank you,
Kym DeWitt

Neighbors ~ Thank you to all of the people that have contributed to this spirited online discussion about our project. We had hoped that our earlier post would provide quick access to accurate information and we also wanted to have an opportunity to engage with the community openly and honestly before the public hearing, much like the neighborhood meet and greet we hosted a couple of months back. We hope that someday we will be allowed to build our homes up on the hillside of this property, so we don't just view ourselves as a neighborhood business, but as your neighbors. As such, the opinions you form and the views you express affect us deeply. In this case, the original post and some of the responses include information that is simply not accurate. It's hurtful and just doesn't feel right to leave this misinformation out there without a response. To those people who have seen past these inaccuracies, thank you for digging a bit deeper. You've recognized us as thoughtful people that run a responsible business and we are so grateful for that. To those of you that are using this forum to voice one side of a story, we hope you will be open to hearing another side. Most concerning to us are claims that we haven't been good neighbors. We know this couldn't be further from the truth. We have explored or implemented every reasonable suggestion that our neighbors have made. We've shared in the cost of parking lot attendants (\$500/month), paid rent for use of our neighbors parking lots after hours (\$1,500/month), paid to resurface our neighbors parking lots (\$3,800), paid for restrictive parking signage, required our employees to sweep neighboring tenants lots, rented 50 new parking spaces (\$5,000/month), rented portable toilets (\$1,000/month), offered to build a \$40,000 storage and restroom building, supported the expansion of their businesses by encouraging them to sell food to our customers, made efforts to cross promote and collaborate on events, adjusted our hours of operation and restricted the number of reservations and our occupancy. None of these actions have resolved the perceived conflict and we believe the only solutions our neighbors will accept are ones that will put us out of business. That is simply not acceptable to us. The initial post asked Have You Noticed the Parking Problems On Main Street? Somehow Beer Thirty is being singled out as the sole cause. However, the four of us have been frequenting the businesses on Main Street for 30+ years and as far back as we can remember, parking, traffic and congestion have been issues for this area. Let's roll back to 2013, before Beer Thirty. At that time, Carpo's was renting the Beer Thirty property and the 9 spaces in front of that building along with a few on the Sunnyside Produce/Fish Lady side. Still, we rarely found parking for Carpo's and would typically park at the Vets or the Realtors office after hours and then run across the street hoping not to get hit. Does this sound familiar to anyone? It goes to reason that when Carpo's gave up their lease on the Beer Thirty property and was replaced by a new and unexpectedly successful business, this would make an already difficult situation worse. Compound this with the Fish Lady's Friday night events and now the wonderfully busy music scene under the new ownership at Michael's on Main and we've got a true neighborhood hub with all the traffic, congestion and parking concerns that go with that. To my knowledge, Beer Thirty is the only business that is providing additional parking for the intensified uses. Many people may not know that Sunnyside, Fish Lady and Beer Thirty are on a single parcel and by County Code share parking. Beer Thirty's "share" is 13 spaces. There was a parking reduction applied because of the varying peak hours. i.e. a bar is open later than a produce and fish market and will be able use that parking "share" when the other businesses are closed. Unfortunately the "sharing" aspect

has been lost on our neighbors, yet Beer Thirty openly shares their limited parking with no policing or restrictions. We often find our parking lot completely full with Carpo's customers when we open at Noon. This pushes our customers to the street or to our overflow parking lot. When we first moved in there were restrictive parking signs designating spaces for each of the different uses, however our landlord and the owners of the property (Newhouse, Rittenhouse, Prindle, and Bliss), required these signs be removed. We were also explicitly told that our customers could park across the street at the Realtors office and Michael's on Main. This resulted in our customers believing they could park in the neighboring lots. We strongly feel this is the primary cause of the parking disagreements. As for claims that we want to double in size, and triple our outdoor area without increasing parking, these are completely false and misleading statements. The new outdoor seating area is a little bit smaller. The new gaming area is a little bit bigger and the tap room will have four more tables than our current space. Meanwhile our parking will increase from 13 spaces to 66 spaces. This is more parking than any other restaurant in the County and more than is required by County Code. The main reason we are pursuing this project is to provide additional parking! We have spent two years working with the County on a plan that is compatible with the neighborhood. We hope you will spend some time to carefully review our plans, ask questions and join us in the belief that this new location is more appropriately sized for our business and support us in this move! Our goal is to create a safe and happy place for you all to gather and enjoy!

Annette Olson

From: michael termini <michael@triadelectric.com>
Sent: Friday, May 04, 2018 8:33 AM
To: Annette Olson
Subject: beer 30

Ms. Olson,

Having observed this operation for several years and having a similar operation within the city limits of Capitola I urge you to recommend approval of this project. Seldom do we see a successful business taking steps to mitigate their impact on the neighborhood. This operation could easily carry on as they are with inadequate parking and facilities but instead they are prepared to go to considerable expense to become better neighbors and try to mitigate their impact. As always, thank you for your service in protecting the public trust through rational planning.

Sincerely

Mike Termini
Mayor
City of Capitola

Michael Termini, CEO
Main 831-462-1085
Cell 831-476-6206



Randall Adams

From: D GUNTER <dgunter1939@sbcglobal.net>
Sent: Thursday, December 07, 2017 2:48 PM
To: Randall Adams
Subject: Beer Thirty Project

I see Beer Thirty has proposed development for their business on a currently unused lot just past their establishment. I have been to this business many times since they opened and have a very favorable opinion of the establishment they have created. Families and their pets are encouraged to enjoy the positively social environment they are in. Fun, community games are provided their own space for the enjoyment of all. As a long time Soquel community member I welcome the proposed changes.

Drive Soquel, California

Thank you. Diane Gunter 3555 Sevilla

Annette Olson

From: MAUREEN <david.lee100@comcast.net>
Sent: Thursday, May 03, 2018 10:21 PM
To: Annette Olson
Subject: Beer Thirty Application

I apologize for the lateness of this email, but I only learned this afternoon that the Beer Thirty application was set for a hearing tomorrow, May 4th, 2018.

So I will be brief. I have lived in Soquel for nearly 40 years, and Beer Thirty is a wonderful asset to our community. It is a gathering place for friends and family. It is an extremely well run business. It is a fun and happy place, and it attracts people of all ages.

As a long time resident of Soquel, I frequent all of the businesses on Main Street. I love Carpos; I shop at Sunnyside; I have been to the Fish Ladys Friday night wine and music events; I have been to Michaels dozens of times and have played in bands there many, many times; and have eaten at Tampico restaurant countless times over the years. And from time to time, their parking lots are full and their patrons must park on Main Street. My point is this- the amount of parking that is required for Beer Thirty's new site seems more than adequate and reasonable for the proposed uses on the property.

This property has been begging for the right use for years. It has mostly been a rundown, overgrown, underutilized property. In my opinion, this is a perfect place for Beer Thirty's business, and the owners will make this a very special place.

Thank you for preparing a thorough staff report. I wholeheartedly support this project, and can assure you that it is very popular with the community.

David Lee
Soquel resident since 1980

Sent from XFINITY Connect Mobile App

Annette Olson

From: Christine Allen <christine.lin1@gmail.com>
Sent: Wednesday, May 02, 2018 11:06 AM
To: Annette Olson
Subject: Beer 30 expansion project

Hi Ms. Olson,

I am writing to express my support for the expansion of Beer 30. I live just outside the Soquel boundary in Aptos, but have enjoyed my experiences at Beer 30. The staff is always friendly and polite. It is a great gathering place where families and dogs are welcome, which is a rarity in this county. Their proposal of increasing parking spaces on their property is also a thoughtful idea. I believe that Beer 30 has brought more patrons (including myself) to the neighboring business, which only serves to increase revenue for everyone. The first time I'd ever eaten at Tampico's, Michael's, or Carpo's was when I was already in the area at Beer 30. At any rate, I'm sure you've heard this all before, so I'll just reiterate that while I can't make it to the public hearing on the 4th, I did want to voice my opinion.

Thanks for your consideration,
Christine

Annette Olson

From: Jensen Maass <vjm@pacbell.net>
Sent: Wednesday, May 02, 2018 10:56 AM
To: Annette Olson
Subject: Beer 30

Hi Annette,

I can't make the meeting on Friday. However, I wanted to give you my input. I would like to see the parking and traffic congestion addressed. Since they will be open at 7 a.m. when they are in their new place, I think that will have an impact on traffic, especially for commuters and schools.

Thank You,

Valerie

Annette Olson

From: Leslie Strich <leslie.n.strich@gmail.com>
Sent: Wednesday, May 02, 2018 10:31 AM
To: Annette Olson
Subject: Beer30 Expansion Input from a Neighbor

Good morning,

I am writing in reference to the proposed Beer30 expansion on Main St. in Soquel.
As a resident of Soquel and of that very street (I live at 2820 S Main) I think it is a **great idea!**

I understand the project is receiving some push back from locals concerned about the impact on surrounding businesses. I can personally say that the only reason I have spent money at Michaels on Main, Little Tampico, Sunnyside Produce, and Fish Lady is because I was initially drawn to the area by Beer30. I frequently walk or drive to these businesses and have never had an issue with parking or congestion, other than what would be expected for a collection of businesses near a freeway entrance. Additionally, I don't feel this expansion would negatively impact resident parking, as all residents in the area have their own driveways with private parking, myself included.

I am proud to live in a community that supports thriving local businesses and I hope this plan is not squashed due to a few prudes whining about alcohol in our community. My husband has run/operated bars all over the country for the past 15 years and a bar only leads to heathens if you allow that kind of nonsense at your bar. Beer30 is a responsible, respectful neighborhood beer garden that promotes socialization within a community in an era where we are becoming increasingly isolated. As an introvert myself, I love the opportunity to walk over and scratch some dog ears on their patio and be friendly with neighbors.

With their expanded hours I have heard so many great opportunities... coffee and donuts, yoga, ice cream pop ups, a garden and gift shop. I wonder if some of the people opposed would change their tune if they knew it wasn't *just beer* 7am-midnight? I know people like my sister, a city firefighter, would love an alternative to Starbucks when she's heading home from shift.

I think it's so incredible they allow and encourage bringing in food from surrounding businesses. It is clear to me through this, and other examples, that Beer30 cares deeply about supporting the community it is in and I think they are the perfect choice for expansion.

Please feel free to reach out to me with any questions or for additional comment.

Best,
Leslie Strich

--
Leslie N. Strich
6th Grade STEM Teacher
Martin Murphy Middle School

Annette Olson

From: Michael Barrett <taylorcruz1@gmail.com>
Sent: Monday, April 30, 2018 1:26 PM
To: Annette Olson
Subject: Beer Thirty Project

Ms. Olson,

I am writing in support of the new Beer Thirty beer garden. I and my friends have been going to Beer Thirty weekly since they opened. From the start it's been a first class place to hang out with friends. Santa Cruz has needed a place like Beer Thirty for a long time.

The owners have been very good at supporting good causes by holding fundraisers. The staff is very positive and makes the experience very nice and easy. I have never seen a bad or dangerous situation in all the times that I've been there.

They are very supportive of the local breweries. They hold a yearly locals only tap takeover event. The craft beer community is very tight.

I think it's great that they want to turn a vacant property and turn it into a permanent beer garden. I believe it will be a great addition to the neighborhood. I am looking forward to visiting the new venue.

Please do what you can to ensure that this project goes through and becomes a reality. It's going to be a really good place to hang out.

Thank you, Michael Barrett.

Annette Olson

From: Carla Kollar <carlarpearce@gmail.com>
Sent: Monday, April 30, 2018 6:39 PM
To: Annette Olson
Subject: Beer 30 Expansion

Dear Annette,

Being a Capitola resident, I'm writing to tell you how impressed I am with Beer 30's proposed expansion plan. I think it will be a great addition and clean up the dilapidated property where they plan to build. They support local breweries, other businesses when doing fun pop ups as well as employing locals. Because of Beer 30, I have shopped at businesses next to it. I'm all for the expansion and if you need to contact me, please feel free to email or give me a call. Thanks!

Carla Kollar
530.318.4957

Annette Olson

From: Vicki Miller <b40vicki@yahoo.com>
Sent: Tuesday, May 01, 2018 6:34 AM
To: Annette Olson
Subject: Beer 30 expansion

Ms. Olson,

I would like to express my desire to see the Beer 30 expansion approved. The enterprising group that owns the current establishment have done a great job offering a fun location for single customers to groups, with and without children and their pets. I attended a community meeting where Kim explained their plans for the new location. They asked the attendees for comments and suggestions and I believe they truly listened to neighbors that had issues. They appear to be trying hard to address concerns. The location has been under utilized for a long time and their plan takes into consideration additional parking, environment, highway noise, and neighborhood noise. Please approve this plan.

Thank you.

Vicki Miller
831.212.9074

Annette Olson

From: Sherida Robertson <sherida03@gmail.com>
Sent: Tuesday, May 01, 2018 10:54 AM
To: Annette Olson; tapped@bthirty.com
Subject: Beer Thirty Expansion

Dear Ms. Olson,

I am writing today to contribute my thoughts about the proposed expansion to Beer Thirty in Soquel, as I am unable to attend the public hearing this coming Friday.

I am in full support of this expansion, and encourage the city to celebrate the success of this small business! I do not know the owners personally, but I am always extraordinarily impressed with the professional manner in which they conduct their business. Our family and friends have chosen Beer Thirty as the venue to celebrate countless events because its family-friendly atmosphere. It is the place we bring out of town guests, because we feel it perfectly embodies the spirit of our special community. It is not a place where people go to get fall-down-drunk; it's a place where people go to enjoy a couple of craft beers, many of which are made at local Santa Cruz County breweries! They give back to their community by supporting other small business owners. This is a business that is well-run, and that has taken their neighbors into consideration since its inception.

I understand that people are concerned about increased parking issues, as well as street safety. In regard to parking, I'll say that I am a frequent patron of Sunnyside Produce, Soquel Vet, Carpos, Michael's and Tampico. The only time I have ever had trouble parking at one of those establishments is when I go to Carpos- a problem since LONG before Beer Thirty existed. I also understand they will be adding a considerable number of parking spaces with the expansion.

In regard to street safety, it's true that people Jay walk on that street; but how an expansion of this particular business is to blame escapes me. I've had to run across that street dozens of times to get to my car after dining at Michael's and Tampico, and I will agree that it's unsafe. Perhaps it's time for a new crosswalk with lighted indicators, similar to the one in the Soquel Village by The Bagelry. Expansion of Beer Thirty or not, this is certainly something that needs to be considered.

In closing, Beer Thirty has been such a gift to our little community. It is a bright, clean, fun place for people to gather. It is run honestly, responsibly, and with care. Any addition they make to their business will absolutely be supported by my family and my friends.

Thank you for your time,

Sherida Robertson

Annette Olson

From: Chris Amsden <chris@gslhomeloans.com>
Sent: Tuesday, May 01, 2018 11:42 AM
To: Annette Olson
Subject: Beer 30 Proposed Development

Hello Ms. Olson,

I'm writing to you in support of the proposed development of the Beer 30 project in Soquel. Since it's inception, Beer 30 has been a tremendously positive contribution to the Soquel business community, hosting fundraising and charity events, and providing a vibrant place for families (and pets) to gather.

Our community has far too few businesses that offer a comfortable environment where parents can stop for a cold beverage, and kids can eat and play outside. When Capitola Village becomes overrun with tourists and limited parking, Beer 30 has provided a wonderful alternative for locals to go to escape some of the Capitola crowds.

I am encouraging you to please support Beer 30's proposed expansion so that this unique and generous business can continue to provide a safe, warm and fun environment for Soquel families to enjoy themselves.

Thank you in advance for your consideration.

Sincerely,

Chris Amsden
office: (408) 386-7484
fax: (408) 384-5204
chris@gslhomeloans.com

May 1, 2018

To Whom it May Concern,

Re: Beer Thirty

We would like to lend our support to what we consider to be the type of business our family would like to see more of in our town of Soquel.

As a long time Soquel residence, frequently visiting most of the businesses in town and around town including Carpos, Michael's on Main, Sunnyside, Fish Lady, along with Sun Rise Café, Bagelery, Union 76, Ugly Mug, Aldo's, Soquel Market, Home, etc...**we have a wealth of informed local information about the area!**

Bottom line is this county needs more businesses like Beer Thirty, not necessarily from only an alcohol serving perspective but from a completely well run and managed business, giving locals what they want.

Beer Thirty is a family oriented business establishment. They took the risk of opening a business in a fashion that we have not had in this community before. With the focus on outdoor activities, food permitted from outside businesses (which helps those businesses prosper and thrive), pets allowed, fun and games at no charge. Want to bring in your own Birthday cake for a friend, you tell me what businesses in this town would allow that? What more could a community ask for?

As far as parking, it's a challenge all over this county. We are season ticket holders for the Santa Cruz Warriors and it's a challenge to park downtown. Personally I've not had a problem when parking on Main, which we do nearly daily! Sometimes you have to walk a bit but it's way better than downtown parking. Further more, it's easier to find parking in that Main St. corridor than it is when we stop on Soquel Dr. for those business establishments. Just try and find parking now for the Bagelery, Ugly Mug, or the Post Office sincet the Tara Redwood School went in!

The Beer Thirty site is also isolated next to a noisy busy freeway, where there is 24/7 noise coming from the traffic! Anyone living close by knows that noise is terrible and just wait until they expand the freeway to more lanes!

In summary, we support Beer Thirty as do 100% of our friends and neighbors we know. This seems like a slam dunk to us. Recruit more sensibly owned businesses and as a community, we should roll out the "welcome matt" for them.

Rich and Laura Everett

831-566-0472

Annette Olson

From: Courtney Barrett <courtneyb131@gmail.com>
Sent: Tuesday, May 01, 2018 5:27 PM
To: Annette Olson
Subject: Beer 30 new location

Dear Annette,

I'm writing you to say that I wholeheartedly support Beerthirty and their new location in Soquel. I cannot attend the meeting due to a previous appointment or I would be there to show my support for these wonderful business owners and their new plan.

My husband and I go to the current location and bring friends at least twice a month. It is a wonderful place to relax with friends and family. They support the community and provide a wonderful space for groups to meet such as study groups and fundraisers.

Please approve their plans for the new space for all to enjoy.

Thank you

Courtney Barrett

Santa Cruz resident.

📶*☺️ Sent from my iPhone

Annette Olson

From: MOLLY/JASON <turner1035@comcast.net>
Sent: Saturday, April 28, 2018 8:25 AM
To: Annette Olson
Subject: Beer 30

Hi there

I am headed out the door, but had this email on my to-do list.

My family, and actually entire social group family, fully embrace the planned expansion of Beer 30. This is about most favorite neighborhood hang out place for quick catching up, birthday gatherings, School auctions, and lucky for me, I have been one of the local artist one that used the grounds for a pop-up show!

I (we as I can truly speak for my circle), are so looking forward to the expansion and ongoing celebrations ahead. Soquel is fortunate .

Thank you
Molly Turner

Sent from XFINITY Connect Mobile App

Annette Olson

From: Bates Marshall <bates.marshall@gmail.com>
Sent: Saturday, April 28, 2018 8:38 AM
To: Annette Olson
Subject: Beer Thirty

Hi there,

I just wanted to send a quick word of support for Beer Thirty's expansion plans. I as well as my family are big fans of their business. They have brought a family friendly pro-community vibe to an underserved part of the county. The owners and staff are warm and inviting — model business owners who have created something wonderful. I hope that the county can support this project.

Cheers,

Bates Marshall
411 S. Branciforte Ave
Santa Cruz, CA 95062

Annette Olson

From: Dylan Bothman <dylanbothman@gmail.com>
Sent: Saturday, April 28, 2018 9:19 AM
To: Annette Olson
Subject: Support Beer Thirty

Annette Olson,

I grew up in Scotts Valley, CA and spent 22 years living there. I currently live in Davis, CA as I am attending UC Davis. I am writing to you to show my support for the expansion of the Beer Thirty bottle shop and pour house. I am currently working as a brewer and have worked in the beer industry since I turned 21.

Beer Thirty is a world class purveyor of fermented beverages. I was recently in Chicago touring a brewery and saw a "Beer Thirty Santa Cruz, CA" sticker on the wall behind the bar. Clearly Beer Thirty is doing something right if a small taproom can have recognition that expands across the country. Beer Thirty's dedication to high quality service and their dedication to offering some of the most unique and sought after beers makes them the most unique taproom in Northern California, in my opinion.

Every time I am in the area I make it a point to stop there and invite friends and family to experience the atmosphere. I believe that the owners and operators of the business will bring positive economic and social benefits to the community in any business venture.

Thank you for your time and please feel free to respond and follow up with me if you wish!

Dylan Bothman
831.234.4621
dylanbothman@gmail.com

Annette Olson

From: Micah Hammond <micah.siobhan@gmail.com>
Sent: Saturday, April 28, 2018 10:11 AM
To: Annette Olson
Subject: Beer Thirty/public hearing

Hello Annette,

Unfortunately I am not able to attend the public hearing on May 2nd in regards to Beer Thirty's proposed project. I am in favor of the proposed project for many reasons, primarily because they are a local business that focuses on supporting other local/small businesses. I was deeply moved by their recent event to raise money for businesses impacted by the California wildfires. At a time when many businesses are focused solely on their own profits, Beer Thirty continues to demonstrate that supporting the larger community is a valued priority and ultimately supports us all. They also bring the community together with thought and intention. Providing space for children, dogs, and personal food makes this business accessible to a wider variety of families. It was the place my husband and I chose to host our wedding rehearsal because of the relaxed and welcoming atmosphere. Our families from out of town were completely impressed and we were so grateful to the communicative and engaged staff.

I would love to see a larger site that will be able to bring more community members together. Adding a space for local musical talent and a gift shop to sell locally made goods are two valuable additions that will further benefit the community. The larger parking space will certainly reduce the street parking and cut down on pedestrians crossing the road. As I said, I am in favor of this proposed project and believe it is designed with the same thoughtful intention as the first site.

Thank you for your time and consideration.

Sincerely,

Micah Hammond

Felton, Ca

Sent from my iPhone

Annette Olson

From: Morgan <mmatias@yahoo.com>
Sent: Saturday, April 28, 2018 10:30 AM
To: Annette Olson
Subject: Beer Thirty New Project

Annette,

Beer thirty has become such a great place to meet family and friends. I love the set up of having a family section and a 21+ section. I think it brings the community together. I think this new project will be so great for Santa Cruz, and the fact they are planning to hire bands and food trucks. This will be awesome. The old lot needs a new purpose and this will be the perfect one.

Best,
Morgan

Annette Olson

From: Jan Kampa <happykampas@cruzio.com>
Sent: Saturday, February 17, 2018 7:20 AM
To: Annette Olson
Subject: Beer-Thirty Project

Hi Annette,

My wife April and I had a great time at the Soquel Neighborhood Meet & Greet last Sunday. The owner's new development is wonderful news, and Kym, Shawd, Olive, and Craig couldn't be better and nicer folks.

Can you add me to your mailing list for updates and any support you'd appreciate getting from the community on this project? Thanks so much!

Best,
Jan & April Kampa
3120 Hardin Way
Soquel, CA 95073
831-535-2739

Exhibit I

Staff Report to the Zoning Administrator



Staff Report to the Zoning Administrator

Application Number: **161091**

Applicant: Soquel Farmhouse LLC
Owner: Soquel Farmhouse LLC
APN: 030-221-46

Agenda Date: May 4, 2018
Agenda Item #: 1
Time: After 9:00 a.m.

Project Description: Proposal to operate a retail nursery and restaurant with beer and wine service in two phases. **Phase 1** to include the demolition and reconstruction of the existing building with a kitchen facility, retail nursery, and taproom (approximately 1,840 square feet on the ground floor and 1,650 square foot storage on upper floor), the construction of a storage/restroom building (approximately 530 square feet), a 2,500 square foot outdoor seating area, and a 3,400 square foot outdoor gaming area, to modify an existing shed for use as a nursery storage building, to allow an airstream trailer to be located on site and used for storage, and to recognize a fence in excess of six feet in height within the required front yard setback. **Phase 2** to include the remodel of the two-story retail/nursery/restaurant building (with taproom and restrooms on the lower floor) and to convert the second-floor storage area to a two-bedroom residential unit, and to convert the storage portion of the proposed storage/restroom building to a kitchen facility.

Location: Property located on the south side of Main Street, Soquel (2590 Main St.)

Supervisory District: First District (District Supervisor: John Leopold)

Permits Required: Commercial Development Permit

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act per categorical exemption 15303 - Class 3.
- Approval of Application 161091, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|---|----|---|
| A. | Categorical Exemption
(CEQA determination) | | Occupancy Information, and
Supplemental Parking Information |
| B. | Findings | G. | Parking and Traffic Analysis |
| C. | Conditions | H. | Existing vs. Proposed Relative Size
Comparison, Nursery Area |
| D. | Project plans | I. | Indentured Parking Information |
| E. | Assessor's, Location, Zoning and
General Plan Maps | J. | Comments & Correspondence |
| F. | Program Statement, Supplemental | | |

Parcel Information

Parcel Size: 2.8 acres
Existing Land Use - Parcel: Commercial
Existing Land Use - Surrounding: Commercial to north and west, residential to east
Project Access: Main St.
Planning Area: Soquel
Land Use Designation: C-C (Community Commercial)
Zone District: C-2-GH (Community Commercial, Geologic Hazard
Combining District)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Soquel Creek Floodplain
Soils: Sandy loam in area of development
Fire Hazard: Not a mapped constraint
Slopes: Level in area of development, about 20-30 percent slope on eastern
portion of parcel
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Less than 100 cubic yards
Tree Removal: No trees proposed to be removed
Scenic: Within view of Highway 1
Drainage: Preliminary drainage plan accepted
Archeology: Mapped as having the potential to have cultural resources

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: County of Santa Cruz
Fire District: Central Fire Protection District
Drainage District: Zone 5

Project Setting

The subject parcel is located in Soquel on the south side of Main Street, a roadway connecting the Highway One corridor with Soquel Village and neighborhoods to the north. Main Street is commercially-zoned in the vicinity of the proposed development. On the south side, businesses include Carpos Restaurant located at the corner of Porter and Main, Beer Thirty (which is owned by the applicant), Sunnyside Produce and The Fish Lady. Highway One is located directly to the south of these businesses. On the north side of Main Street, businesses include a gas station, veterinarian, offices, and restaurants, including Michael's on Main and Little Tampico. Northeast of the commercial area, a small County park provides a transition to the residential neighborhoods located further north along Main St.

The subject parcel is almost three acres in size. In the roughly one-acre area where this application proposes the new structures and parking, the parcel is relatively flat. The Soquel Creek floodplain occupies approximately the northern third of this flat area. From the flat area, the parcel slopes up to the east. This sloped area provides an approximately 250-foot wide buffer between the development area and the residential neighborhood located above. Because Highway One is directly adjacent, the ambient traffic noise is significant.

Parking in the area can be constrained at peak usage times. On-street parking is available along both sides of Main Street. Several of the businesses in the vicinity are successful and have overlapping peak hours. For example, on Fridays, Michael's on Main—a restaurant that hosts live music events, weddings, and paint nights—is open from 11 AM to 11 PM; Carpos and Little Tampico are open from 11 AM to 9 PM; the Fish Lady hosts live music and barbeque on Fridays from 6:30 PM to 9:30 PM. Beer Thirty is currently open from noon to 10 PM and has proposed to relocate to the subject parcel and be open until 12 midnight. Given the peak demand of these businesses, parking is an important consideration of this application.

History

The subject parcel was purchased in 2016 by the current property owners who also operate Beer Thirty Bottle Shop and Pour House, a business located on the adjacent parcel to the west. Beer Thirty's business model, which combines a large menu of beers with outdoor games like ping pong and corn hole, has been very successful. According to neighboring businesses, Beer Thirty's success has resulted in several negative impacts to surrounding businesses. In particular, neighbors are concerned that the parking demand of the business far exceeds the nine parking spaces located in front of the existing business location, which results in Beer Thirty patrons parking in other businesses' parking lots. The other significant impact is inadequate bathroom facilities at the current location of Beer Thirty.

In part to address these impacts, the applicant purchased the subject parcel with the intent of moving the business to a parcel sufficiently large enough to accommodate the use. The property was the site of a skate park and retail use in the 1970s and, later, was a nursery site.

Zoning & General Plan Consistency

Commercial developments which are between 5,000 and 20,000 square feet in size require a commercial development permit considered at a public hearing before the Zoning Administrator. The subject property is a parcel of approximately three acres, located in the C-2-GH (Community Commercial, Geologic Hazard Combining District) zone district, a designation which allows commercial uses. The nursery use is a pre-existing use and the proposed taproom and restaurant are an allowed use in the C-2 zone district. Residential uses are allowed in the C-2 zone district as long as they do not occupy more than 50% of the floor area of the development. In this case, the residential use is proposed on the second floor of the tap room structure under phase two and will occupy less than 50% of the development's floor area.

The Geologic Hazard Combining District reflects the flood hazard posed by Soquel Creek. The applicant provided a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA) that amends the flood mapping reflected in the County's geographic information system (GIS) (Exhibit J). Based upon the LOMA, the proposed structures would all be located outside of the flood plain.

Proposed Improvements

Improvements are proposed to be constructed in two phases. In the first phase, the existing building would be demolished, and two buildings would be constructed: a two-story taproom/restaurant building and a small storage building with two bathrooms. An outdoor seating area would be located between the two buildings. A fenced game area, containing large outdoor games such as ping pong and corn hole, would be located next to the outdoor seating. An Airstream trailer, to be used only for storage, would be located along the eastern edge of the gaming area. Adjacent to the game area to the north and west would be an outdoor nursery use separated from the other uses by a fence with a locking gate. In phase two, the second floor of the taproom would be converted from storage to an apartment, and the small storage building would be converted into a kitchen.

A pedestrian path from Main Street will lead through the front gate and outdoor nursery, ending at the taproom. Six bathrooms are proposed to be constructed. This is five more than are currently available at Beer Thirty and is the number required by the building code. A 66-car parking lot is proposed to be constructed as well as improvements such as a sign and landscaping.

Except for the addition of the nursery business and kitchen, the proposed use areas are roughly equivalent to the areas currently in use at Beer Thirty. The project architect provided an exhibit demonstrating the relative sizes of the existing Beer Thirty site and the proposed project for comparison (see Exhibit H).

Program Statement

The applicant has provided a program statement that details the proposed business, including the uses, days and hours of operation, and anticipated number of patrons (Exhibit F). Below is a description of the proposed program followed by staff's analysis. A condition of approval is included requiring a one-year review of the business's compliance with the conditions of approval. The intention of this review is to ensure that the business is operating in substantial conformance with the

conditions and also that the conditions are effective in insuring the project's compatibility with the surrounding neighborhood.

Days/hours of Operation. The applicant requests to operate the business seven days a week. For the nursery, the applicant requests hours of operations of 7 AM to 7 PM, with the restaurant/taproom proposed to operate from 7 AM to 12 midnight, except on New Year's Eve when the restaurant/taproom proposes to stay open until 1 AM. Last call for alcohol is proposed to occur an hour before closing. Beer Thirty currently operates until 10 PM.

Later hours appear to be reasonable given the context where the business is located in a commercially-zoned area adjacent to Highway One which generates traffic noise. However, because of concerns about the business's compatibility with the neighborhood, staff proposes to allow a close time of 11 PM, not the requested 12 midnight. This close time is consistent with Michael's on Main which is a similar late-night type of business. A midnight close time could potentially be considered at the one-year review hearing if the project is found to be in substantial conformance with the conditions of approval and proposes to amend the operating hours.

Music. Both amplified and acoustic music are requested. Given the ambient traffic noise from Highway One and the large size of the parcel, staff supports the request for acoustic music as well as amplified music as long as it complies with the General Plan noise limits. To ensure that the residential neighbors to the east are not negatively impacted, a condition is included requiring that bands set up (including speakers) and play within the taproom (i.e. within the structure to attenuate the noise) and that all music stop at 9 PM. The business owner would like to have occasions when the band may be located outside. A condition of approval is included allowing up to three days when the band may be located outside. Music must be ancillary to the restaurant/taproom use. The proposed business would not be authorized to function as a nightclub or concert venue. Amplified pre-recorded music is proposed to be allowed at a low level in the outdoor areas. The use of amplified music would also be evaluated at the one-year review hearing.

Tap Takeovers. Beer Thirty hosts "Tap Takeovers" and this aspect of the business is proposed to continue. They occur about once a month and are an evening where a new themed beer menu is introduced. Examples of the themes of these events are: "30 Beers from Northern California" or "30 Beers from Local Breweries." According to the applicant, tap takeovers are standard taproom/pour house events. The submitted patron data for Beer Thirty shows that the peak patron counts do not occur on Wednesdays, the day designated for Tap Takeovers (see discussion below). Given this, these events are not anticipated to routinely generate a parking demand in excess of the available parking.

Parking and Traffic

As noted above, Beer Thirty's success has created a parking demand that exceeds the business's currently available on-site parking and has generated conflicts with neighboring businesses. Because of this impact, an important component of processing the current application is the parking analysis, the intent being to avoid parking conflicts resulting from the current proposal.

The applicant submitted a parking study prepared by a registered parking engineer. That study relies upon the square footages of the proposed uses, i.e. taproom, restaurant, gaming area, nursery, and—

in phase two—the proposed residential use. After accounting for areas that do not generate a parking demand such as storage, the traffic engineer then applied the County's parking requirements to each proposed commercial use, and added the resulting numbers for a total number of required parking spaces (in addition to the residential spaces, required employee parking, and the five indentured spaces that benefit a nearby business—see "Indentured Parking" section below). The parking demand totals 66 spaces. The traffic engineer then calculated the parking reduction resulting from the shared uses (taproom/restaurant and nursery), which is four spaces. Based upon the traffic engineer's methodology, the total required parking is 62 spaces¹ (including the five indentured parking spaces—see below).

After reviewing the project plans, a member of the public expressed concern about areas that were not included in the taproom area and were not, therefore, counted towards the parking requirement. These areas are the walkways around the outdoor beer garden area. The northern walkway area would be occupied by bicycle parking. The southern walkway is designated as the food truck area and is sufficiently narrow that it is unlikely to invite congregation. The eastern and western walkways, however, do appear likely to be used by patrons. Together, these areas total about 720 square feet which would require seven additional parking spaces. This brings the total parking requirement to 69 spaces. Since the parking lot currently shows 66 spaces, three additional spaces would be required. A condition of approval is included requiring that a total of 69 parking spaces be provided.

The traffic engineer's methodology relies on the uses remaining physically distinct. For this methodology to work, the taproom/restaurant use cannot be allowed expand to the nursery area since the nursery use is calculated at a lower rate (1:600²) than the taproom/restaurant use (1:100). The options for addressing this potential issue is to either require gated access restricting the use of the nursery area by taproom/restaurant patrons or to calculate the nursery area at the restaurant rate and require the additional increment of parking be provided (i.e., 48 parking spaces).

Staff proposes to initially allow the applicant to address this issue by closing the nursery during peak taproom hours. The peak hours, based upon the data collected by the business owner, are Fridays between 6 PM and 10 PM and Saturdays between 6 PM and 10 PM. If, at the one-year review, the business is found to be using the nursery area as an extension of the taproom, then the property owner would be required to construct additional parking. No tables or seating would be allowed in the nursery area.

A second area of consideration is the game area. Outdoor games are an important part of the Beer Thirty business model and are proposed for the subject development. This area is calculated at 1 parking space for every 600 square feet of game area. The use of the 1:600 parking ratio (Open Uses, commercial uses conducted outside of buildings) is primarily based upon the fact that the use is outside and over half of the area would be occupied by game equipment, e.g., ping pong tables and corn hole. Many more people could occupy the space if the game equipment were removed or

¹ The traffic engineer's square footage numbers were not consistent with the final plan set (Exhibit D). To clarify the square footages, a summary table using the same methodology as the traffic engineer along with the corrected square footages, has been provided in Exhibit G. The traffic engineer reviewed the table and verified that the correct methodology was used.

² This is a ratio that requires one space be provided for every 600 square feet of nursery use. In the case of the taproom/restaurant use, one space must be provided for every 100 square feet of restaurant use.

reduced in area. Given this, staff proposes a condition of approval that requires a minimum of 50% of the area, i.e., 1,700 square feet, be occupied by game equipment. A condition of approval is also included prohibiting tables used for eating/drinking in the game area.

Concerns about parking prompted the applicant to investigate the feasibility of constructing additional parking uphill of the taproom and game area. The project engineer's preliminary analysis is that it would be feasible to construct additional parking. If, at the one-year review, patron data collected for peak times indicates that the available parking is inadequate for the use and/or if substantiated complaints about the proposed business's parking are received, the applicant may propose to amend the permit and/or the Zoning Administrator may elect to require the construction of additional parking through a permit amendment process.

Number of Patrons. The County zoning ordinance does not place limits on patrons or otherwise control attendance. However, because of concerns about parking, the applicant provided patron count data for Beer Thirty. Except for the proposed addition of the nursery use and kitchen at the new site, the current Beer Thirty operations and the proposed project operations are roughly equivalent in uses and area. Given this, it is possible to use data collected from Beer Thirty to evaluate whether or not the County parking ratios appear likely to result in adequate parking for the business.

The applicant surveyed 900 hours of Beer Thirty's operation. That information was then averaged to establish patron counts for every hour between 1 PM and 10 PM, seven days a week. The summary data show that the peak hour is Friday at 9 PM when, on average, there are 132 patrons. Of the 900 hours reviewed, 44 exceeded 150 patrons (see table, Exhibit F), i.e., less than five percent. The highest number of patrons was experienced at 9 PM on a Saturday when 234 patrons were present.

In order to align patron counts with anticipated parking demand, traffic engineers use a vehicle occupancy ratio. For this use, the project traffic engineer recommends a vehicle occupancy ratio of 2.21 people per vehicle. Using the average peak of 132 patrons on Friday nights, this would require 60 parking spaces.

This data indicates that the County-required parking ratio is anticipated to result in adequate parking for the project the majority of the time, including the average Friday night peak. Based on the data provided, it is anticipated that roughly five percent of the time, parking demand could exceed the available parking. Although the County Code does not address ride-hailing services such as Uber and Lyft, some of the excess demand would be accommodated by these services and bus services such as "Beer Cruz." A condition of approval is included which requires the applicant to document hourly patron counts for peak periods during the first year of operation and submit those counts to the County at the one year review, i.e., Fridays and Saturdays between 6 PM and 9 PM and any time the parking lot is full.

Indentured Parking

The indenture parking requirement has been an aspect of the parking requirement which has been a point of confusion and warrants clarification here. In 1983 a parking indenture (Exhibit I) was recorded benefitting the parcel across the street from the subject parcel which is developed with Michael's on Main and an office building (APN 030-223-08). The parking indenture was for seven parking spaces to be provided on a large parcel located across Main Street. In 1987, the large parcel

was divided into two parcels (85-1145-MLD): the subject parcel and the parcel where the existing Beer Thirty, The Fish Lady and Sunnyside Produce are now located. To ensure the continued provision of the indentured parking spaces, the parking spaces were allocated to each of the new parcels based upon their parcel size. The subject parcel became responsible for five parking spaces with the remaining two spaces provided on the adjacent parcel. These five indentured spaces are included in the overall parking requirement of 69 spaces for the current project.

Design Review

County Code 13.11 (Site, Architectural and Landscape Design Review) requires design review for all commercial projects. Beer Thirty is known for its modern rustic aesthetic which is achieved by using elemental materials such as wood and metal on structures with clean lines. The subject development will have a similar aesthetic.

The two-story tap room building is a simple, pitched roof design. It is proposed to be finished in unpainted, reclaimed wood siding with rural architectural elements such as a large water tank and barn doors. The structure is proposed to be about 30 feet tall, i.e. five feet below the zone district maximum height limit. The narrow ends of the taproom building will face Main St. and Highway 1. The storage building that will be converted into a kitchen and bathrooms in phase two is similarly designed, but is only one story. The rest of the improvements are primarily fencing, a business sign, flatwork, and non-structural elements such as tables, large umbrellas, game equipment and landscaping. In addition, an Airstream trailer is proposed to be located within the game area. The Airstream trailer is consistent with the design of the buildings and other improvements. Together, these various elements will create a harmonious overall design aesthetic consistent with the requirements of the County's design review ordinance (see Findings, Exhibit B).

A landscape plan prepared by a landscape architect was submitted. The intent of landscaping is to soften the impact of the development. Since the proposed structures are relatively modest in size relative to the parcel's three-acre size, the primary intent of the landscaping is to screen the project from Highway 1—a designated scenic road—and to soften the impact of the parking lot. A substantial amount of landscaping is already present on-site. In addition to the wooded hillside, the project area has existing landscaping, including a row of pittosporum along the shared western property line and mature oak and olive trees, which have been incorporated into the site plan. In addition, the project includes the addition of fruit trees, pittosporum to screen the project from the highway, a succulent garden, ornamental perennials and grass, and vines. Together, this landscaping will soften the overall impact of the project.

Over-height Fence

This application proposes to recognize and extend the over-height fence located along the property's frontage. That fence is approximately seven feet tall. For fences over six feet in height within the front yard setback, County Code 13.10.525 requires that the fence be evaluated as a part of a discretionary permit. The fence is constructed of redwood posts and rails framing four-inch square welded wire. The purpose of the fence is to secure the nursery area. The design of the fence is consistent with the design of the rest of the proposed development and does not conflict with the required 10-foot site clearance triangle that is intended to preserve drivers' line of sight. Given this, staff supports the fence as shown in the project plans.

Sign

Signs in the C-2 zone district must be set back five feet from the right-of-way, are limited to 12 feet in height when parked cars are present (as in this case), and may have a maximum of 50 square feet of sign area. The proposed sign is set back the required five feet from the right-of-way, is eight feet in height, and proposes 50 square feet of sign area divided between the two sides of the sign. The sign's design is consistent with the architectural character of the building and has been designed as an integral part of the landscape area.

CEQA

This project is categorically exempt (15303 - Class 3 New Construction or Conversion of Small Structures) from additional review under the California Environmental Quality Act (CEQA) because the proposed structures are less than 10,000 square feet in area and are located in an area where urban services are available. Additionally, the project is essentially a relocation project where an existing use (Beer Thirty) is proposed to be shifted to the adjacent parcel.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 161091, based on the attached findings and 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

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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: 161091

Assessor Parcel Number: 030-221-46

Project Location: 2590 S. Main St., Soquel

Project Description: Proposal to establish a restaurant / beer garden and nursery business

Person or Agency Proposing Project: Soquel Farmhouse LLC

Contact Phone Number: 831-419-5712

- 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).
E. X Categorical Exemption

Specify type: 15303 (Class 3) New Construction or Conversion of Small Structures

F. Reasons why the project is exempt:

The project proposes less than 10,000 square feet of commercial structures in an area zoned for such uses; the use does not involve a significant amount of hazardous substances; and all necessary public services and facilities are available and the surround area is a commercial area.

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

Annette Olson, Project Planner

Date: _____

EXHIBIT A

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for commercial uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure the optimum in safety and the conservation of energy and resources. The applicant submitted a Letter of Map Amendment (LOMA) from FEMA establishing that the proposed structures will be located outside of the Soquel Creek flood plain. Neighbors have complained about public urination by patrons of Beer Thirty due to the inadequacy of the existing number of bathrooms at its existing location. The current proposal for new location includes six bathrooms which meets the building code requirement and is anticipated to be adequate to serve the business's patrons. Parking in conformance with the County Code would be provided on-site. Given these considerations, the project will not be detrimental to health, safety or welfare of persons in the vicinity.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the business and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the C-2-GH (Community Commercial, Geologic Hazard Combining District) zone district. The purpose of the C-2 zone district is to provide concentrated commercial uses accommodating a broad range and mixture of commercial activities, serving the general shopping and service of community-wide service areas. The proposed project is within an established commercial area that serves the broader community. Further, the proposed uses—a restaurant/taproom and retail nursery—meets the purpose of serving general shopping and service needs.

The primary use of the property will be a restaurant/taproom use that meets all current site standards for the zone district. The retail nursery use would continue but is anticipated to be ancillary in terms of impacts (e.g. parking) to the restaurant/taproom use. A two-bedroom residential unit is proposed for the second floor of the taproom buildings. The project is compatible with the surrounding uses in that the commercial district along Main Street supports several restaurants and two other establishments that provide evening entertainment (Michael's on Main and The Fish Lady). The residential neighborhoods located to the east and north of the commercial district are adequately buffered from the commercial uses by both distance and topography. The nearest residential neighborhood to the subject parcel is located upslope of the development area and about 250 feet to the east. The traffic noise from Highway One provides a relatively high ambient noise environment that provides an auditory buffer for the commercial businesses. Given these considerations, the project is anticipated to be compatible with the surrounding uses.

EXHIBIT B

Parking is a significant consideration for this project because the applicant currently operates the nearby and very successful Beer Thirty. Beer Thirty's success has resulted in a parking demand that exceeds the business's currently available parking and, as a result, has generated conflict among nearby business owners who object to Beer Thirty patrons parking in their parking lots.

The project, as conditioned, meets the requirements of the County's parking ordinance. The applicant provided a parking study by a licensed traffic engineer (Exhibit G). That study's methodology first deducts 15% of the structures' floor area to account for areas that do not generate a parking demand (e.g. storage). Then, the traffic engineer uses the County's parking ordinance (13.10.510 *et seq*) to determine the required number of parking spaces for each use (in addition to accounting for employee parking and five indentured parking spaces), and then calculates the parking reduction resulting from the shared uses (i.e. restaurant/taproom and nursery uses). The parking savings from the shared uses is four parking spaces. Given this, and the need to preserve five indentured parking spaces that benefit another business and are not available for the proposed use, the overall parking requirement for the business is 69 spaces. This number includes the parking requirement for the eastern and western walkways adjacent to the outdoor beer garden use that were not previously included in the beer garden area shown on the project plans. The parking lot is currently shown as having 66 cars. A condition of approval is included requiring the provision of three additional parking spaces to meet the parking requirement of 69 spaces.

Because this methodology relies on the different uses as being physically separated, there is a concern that the nursery area could be used for the restaurant/taproom use. If so, this would result in a significant parking deficit since the nursery use requires one parking space for every 600 square feet of nursery use while the restaurant use requires one space for every 100 square feet of restaurant/taproom use. To address this concern, staff has included a condition of approval requiring the nursery area to be closed and inaccessible to taproom patrons during peak use times which are Fridays and Saturdays from 6 PM to 9 PM. As a condition of approval, no tables or seating are allowed in the nursery area. Together, these conditions are anticipated to address the concern that the nursery area would effectively become an extension of the taproom. This issue would be reviewed at the one-year review.

The second area to consider is the outdoor game area which was calculated at one parking space for each 600 square feet of game area. This assumes that the area will be used for games and not for the restaurant/taproom use. Given this, staff included a condition of approval requiring that a minimum of 50% of the game area be occupied by game equipment, e.g. ping pong tables, bocce ball courts, corn hole, etc. This is approximately the area shown occupied by large games in the project plans. In addition, no tables are allowed in this area.

Finally, the C-2 zone district allows a mix of commercial and residential uses as long as the residential use does not occupy more than 50 percent of the project's floor area. One residential unit is proposed on the second floor of the taproom. It is proposed to be 1,650 square feet which is 41% of the total floor area.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed commercial use is consistent with the use and density requirements specified for the C-C (Community Commercial) land use designation in the County General Plan. Community Commercial uses are intended to provide well-designed centers of concentrated commercial use accommodating a mix of activities serving the general shopping, service and office needs of community-wide market areas. The subject development would support this goal in that it proposes a mix of commercial uses (taproom, restaurant, and nursery) within a well-designed project that will complement the existing development in the zone district. In addition, the project complies with Policy 2.14.2 (Allowed Uses in the Community Commercial Designation) in that the project proposes retail and restaurant uses while continuing the existing nursery use. Finally, it complies with Policy 2.14.6 (Quality of Commercial Design) which calls for quality commercial development to ensure compliance with requirements for signage, landscaping, circulation, parking, drainage, and site and building design. This project will continue the well-executed design of Beer Thirty which combines rustic materials with modern design. The project, as conditioned, will comply with the sign, parking and drainage requirements that are required as a part of the Commercial Development Permit process.

Acoustic and amplified live and recorded music are requested. To ensure that the music is compatible with the commercial and residential neighborhood, it is required to comply with the County's noise limits as established in the General Plan's Objective 6.9b (Noise Element). For an outdoor use such as this one, the maximum noise allowed before 10 PM is 70 db with an average maximum of 50 db allowed. Conditions of approval are included requiring that amplified live music will be located indoors (except for three times per year) in order to attenuate the noise and cease at 9 PM. In cases where the ambient noise exceeds this limit—as may be the case here, given the adjacency of Highway 1—the maximum is raised to the ambient noise level. If complaints are received about music, the applicant will be required to provide an acoustical study for the one-year review hearing.

The project, as conditioned, will be compatible with adjacent uses as required by General Plan Policy 8.5.2 (Commercial Compatibility With Other Uses) in that there are a number of similar businesses in the vicinity (Carpos, The Fish Lady, Little Tampico, and Michael's on Main). Several of these businesses have overlapping peak operating times, creating a parking demand that can, at times, exceed the area's parking supply. As described in finding two above, the project will provide all of its required parking on-site. Conditions are included that are intended to ensure that the use will be operated in a manner consistent with the parking calculations, i.e. that lower parking requirement areas (nursery) are not used for higher parking requirement uses (restaurant/taproom). Conditions are also included to limit noise from music. Together, the conditions of approval are intended to ensure that the project is compatible with the neighborhood.

A specific plan has been adopted for this portion of the County. The subject parcel is within the Soquel Village Plan area, but the plan contains no policies that are relevant to the proposed development.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed business is to be constructed on an existing developed lot that has supported a skate park/shop and nursery. The applicant provided a trip generation study by a registered traffic engineer. This study found that no adverse impacts would occur as a result of the project (Exhibit G). The nursery use offsets the trips generated by the proposed business. The proposal essentially consists of relocating an existing business to an adjacent parcel. Many of the trips assigned to the new business are already occurring to/from Beer Thirty, a business owned by the applicant which is located on the adjacent parcel. Since the applicant intends to move Beer Thirty to the subject parcel where it will be operated along with the pre-existing nursery business, the Beer Thirty trips will now be made to/from the subject parcel. In other words, the trips to the subject parcel are already occurring. Due to the proximity of the two locations, the same road network and intersections are affected.

In terms of utilities, the energy demand of the development is anticipated to be relatively modest for a three-acre commercially-zoned parcel in that the proposed buildings are modestly sized. Most of the use is proposed to occur outdoors. The building code does not require outdoor areas to be heated or cooled so the overall utility demand relative to the size of the use will be low. Soquel Creek Water District provides water to the property and a will-serve letter is required for the project to proceed to the building permit stage.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a commercial area containing a variety of architectural styles, and the design of the proposed business fits within this range (see finding six below for additional analysis on the architectural design).

The project is consistent with the land use intensity and the allowed density of the C-2 zone district. In this case, the most important measure of commercial intensity of use is the parking demand generated by the project. As described above, a traffic engineer calculated the parking demand. Taking his calculations and then adding in areas that were not previously included, the overall project parking requirement is 69 spaces. The project plans currently show 66 parking spaces and, with the addition of the three parking spaces required by condition of approval, the project will provide all of its required parking on-site.

The traffic engineer's analysis is supported by patron counts done at Beer Thirty (Exhibit F). The applicant intends to move Beer Thirty to the subject parcel. As a result, patron counts are useful in analyzing the adequacy of the proposed parking lot size. According to the applicant's data, the peak patron attendance at Beer Thirty occurs on Fridays at 9 PM when, on average, 132 patrons are present. Using a vehicle occupancy of 2.21 people per car (as recommended by the project traffic engineer), this would result in a parking space demand of 60 spaces. Adding the five indentured parking spaces, employee parking, and the residential parking spaces and deducting the four spaces for shared trips ($60+5+2+3-4=66$), results in a total demand of 66 spaces which would be accommodated within the required 69 parking spaces. Neither of these methods—the traffic

EXHIBIT B

engineer's or the patron count approach—account for ride sharing services or the use of chartered buses which would reduce the parking demand.

The project is also consistent with the densities allowed in the zone district. In the C-2 zone district, residential units may occupy up to 50% of the floor area of the entire development. One residential unit is proposed to be located above the taproom and would be approximately 41% of the floor area of the proposed structures (taproom and kitchen buildings) which complies with the 50% limit.

The subject parcel is located in a commercial neighborhood along Main St., which is designated in the General Plan as a collector roadway. Staff supports an initial operation schedule of 7 AM to 11 PM, seven days a week based on establishing similar hours of operation to Michael's on Main located across the street which is a restaurant that hosts live music events, weddings, and paint nights and, on Fridays, is open from 11 AM to 11 PM. Nearby Carpos and Little Tampico are open from 11 AM to 9 PM on Fridays and The Fish Lady hosts live music and barbeque on Fridays from 6:30 PM to 9:30 PM. In addition, residential neighbors are buffered by both distance and topography from the commercial district. Given this context, the proposed hours of operation are expected to be compatible with the neighborhood.

To assess whether or not the proposed project is in substantial conformance with the conditions of approval which are written to ensure that the business is compatible with the neighborhood, the use will be reviewed by the Zoning Administrator one year after opening for business. The applicant had proposed to close the business at 12 AM, i.e., one hour later than the staff recommendation and condition of approval. If the business is operated in substantial conformance with the use permit's conditions of approval, the applicant could propose and the County may in the future extend the hours of operation to 12 AM through the permit amendment process. At the one-year review, the use of amplified music will be reviewed as well. To ensure compatibility with the residential neighborhoods to the east and north, all outdoor music must stop at 9 PM and amplified live music must be conducted within the taproom structure with the exception of three times per year when the music may be held outside.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed development will be of an appropriate scale and type of design that will enhance the aesthetic of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The site plan for the subject parcel is constrained by the presence of a slopes and mapped flooding from Soquel Creek. Development is therefore concentrated on the flat area outside of the flood plain. The site plan maintains the existing access from Main Street and the new taproom building will be essentially in the same location as the existing structure.

Highway 1 is designated as a scenic road in the County's General Plan (Policy 5.10.10) and the project complies with General Plan Policy 5.10.12 (Development Visible from Urban Scenic Roads) which requires that new discretionary development improve the visual quality through siting, architectural design, landscaping and appropriate signage. The narrow ends of the two new buildings will face Main Street and Highway 1, reducing the apparent mass and bulk of the structures. The

EXHIBIT B

Application #: 161091
APN: 030-221-46
Owner: Soquel Farmhouse LLC

proposed taproom structure is similar in size, shape and location of the existing structure which is proposed to be demolished. The new taproom will have the most significant impact on the view from Highway 1 since it is a two-story structure. Because the new taproom is similar to the existing building, no significant new visual impact to Highway 1 is anticipated to result from this project. Landscaping is proposed that, once mature, would adequately screen the development. This stretch of Highway 1, from Morrissey to 41st Avenue is an urbanized stretch of the highway where many of the businesses that line the highway are partially or entirely visible. Given this context, no significant visual impact will result from the proposed project.

In terms of architectural design, the buildings will be a modern rustic design, finished in reclaimed wood and accented with agricultural architectural features such as barn doors and a large water tank. The other site improvements include a gaming area, outdoor seating and nursery area. The fencing and landscaping for these areas creates an overall harmonious development. The streetscape will be enhanced with an attractive redwood and wire fence and landscaping. Although the seven-foot tall fence exceeds the County Code's height limit for fences, its style is consistent with the site's aesthetic and will not pose a line of sight issue for drivers exiting the property. As a result, staff supports recognizing the existing fence and its proposed extension.

Conditions of Approval

- Exhibit D:** Architectural plans, 14 sheets, prepared by William C. Kempf, architect, revised to 10/19/17.
Civil engineering plans, 3 sheets, prepared by Ifland Engineers, dated 6/22/17.
Landscape plans, 3 sheets, prepared by Megan Bishop Landscape Architecture, revised to 10/19/17
- I.** This permit authorizes the construction of a taproom/restaurant with outdoor seating and game area and related improvements including a seven-foot high fence within the front yard setback; a nursery; and a residence in two phases as indicated on the approved Exhibit "D" for this permit. 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 Demolition Permit from the Santa Cruz County Building Official.
 - C.** 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.
 - D.** Obtain a Grading Permit from the Santa Cruz County Building Official, if required.
 - E.** Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - F.** Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- 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 "D" on file with the Planning Department. Modest changes to the site plan are anticipated to accommodate the three additional required parking spaces. Any changes from the approved Exhibit "D" 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

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development. The final plans shall include the following additional information:

1. A copy of the text of these conditions of approval incorporated into the full-size sheets of the architectural plan set.
2. Submit an Operational Management Plan that details how the site will be operated. The plan should, at a minimum, address: the provision of an on-site disturbance coordinator, on-site and off-site litter; compliance with other local, state and federal laws; including ABC laws; loitering; security; outdoor storage; and outdoor lighting.
3. Submit a final sign plan.
4. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.
5. All portions of the parking lot must be paved in a material that meets the intent of County Code 13.10.554(D). Gravel is not an acceptable material.
6. The nursery area shall not occupy more than 4,800 square feet of area. The submitted plans must clearly demarcate the 4,800 square foot area within the larger area west and north of the game area. The area in excess of 4,800 square must either be permanently landscaped or fenced off.
7. The gate between the taproom/restaurant and nursery must be shown on the plans as having a lock.
8. Provide complete screening from public view all rooftop mechanical and electrical equipment.
9. To the extent feasible, all new electrical power, telephone, and cable television service connections shall be installed underground. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries.
10. All exterior lighting shall comply with the requirements of County Code 13.11. No pole-mounted light fixture shall exceed 15 feet in height. Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures. All lighting shall be directed onto the site and away from adjacent properties. Decorative string lighting is allowed.

EXHIBIT C

11. Submit a final landscape plan detailing the plant material, size and number of plants. The landscape plan must comply with the requirements of the water district.
12. Submit grading, drainage, and erosion control plans.
13. Details showing compliance with accessibility requirements.
 - a. The Building Permit Application will be subject to the 2016 CA Codes.
 - b. Exterior route details shall be provided to include slopes, widths, surface materials, and detectable warnings.
 - c. Accessible parking details to include slopes, striping and signage shall be provided. [CBC 11B-501].
 - d. Any required ramps shall be detailed to include slopes, landings, curbs or guiderail, handrail and handrail extensions. [CBC 11B-405]
 - e. Doors, doorways and gates shall be detailed. Include maneuvering clearances, threshold detail and hardware. [CBC 11B-404]
 - f. Complete and dimensioned details for restrooms shall be provided. Include fixture mounting heights, grab bars, maneuvering clearances, and door signage. [CBC 11B-603]
 - g. The kitchen shall be detailed to comply with clearances. [CBC 11B-206.2.8]
 - h. Sales counters and service counters shall be detailed and dimensioned to be 34" maximum above finished floor for a minimum 36" width. [CBC 11B-227.1, 11B-904.4.1]
 - i. Where food or drink is consumed at counters, there shall have a maximum 34" high by minimum 60" long area with knee and toe clearance. [11B-226.3]
 - j. A minimum 5% of seating spaces and food and drink tables shall be accessible. [CBC 226.1]
 - k. One of the required four electrical vehicle charging station spaces shall be provided and shall be van accessible. [CALGreen 5.106.5.3. CBC 11B-228.3]
 - l. A minimum 6 parking spaces shall be designated clean air/vanpool/ev. [CALGreen 5.106.5.2]

- m. Flood resistive construction requirements in ASCE 24-14 shall be applied, where applicable.
 - 14. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
- B.** Meet all requirements of the Environmental Planning section of the Planning Department, including:
- 1. The submitted Letter of Map Amendment (LOMA) appears to remove a portion of Parcel B from the special flood hazard area. Sheet C1.0 shows 1 cubic yard of fill being placed inside the flood zone, but does not delineate the flood zone on the plans. This is sufficient to determine feasibility for the discretionary phase; please submit an exhibit with the building permit that clearly delineates the revised FEMA Flood Zone AE in this area.
 - 2. Please provide two copies of the geotechnical report for review at the time of the building permit application.
 - 3. Prior to building permit issuance, please submit an original wet-signed and stamped *Soils (Geotechnical) Engineer Plan Review Form* to Environmental Planning. *Please note that the plan review form must reference the final plan set by last revision date. Any updates to report recommendations necessary to address conflicts between the report and plans must be provided via a separate addendum to the soils report. The author of the report shall sign and stamp the completed form. An electronic copy of this form may be found on our website: www.sccoplanning.com, under "Environmental", "Geology & Soils", "Assistance & Forms", "Soils Engineer Plan Review Form".*
 - 4. Plans submitted for the building application shall include a stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual. The Manual may be found on our website: www.sccoplanning.com under the "Environmental" tab, "Erosion and Stormwater Pollution Control", then "Construction Site Stormwater BMP Manual". Part 2 of the manual lists Stormwater Pollution Control Plan requirements; please use this as a guide for preparing the plan.
 - 5. Submit an Archaeology Report for review, if required.
- C.** Meet all requirements of the Santa Cruz County Sanitation District, including discretionary comments dated May 2016. Proof of sanitary sewer service availability is required prior to application for a Building Permit.
- D.** Pay Zone 5 drainage fees (which will be assessed on the net increase in impervious area) and meet all requirements of DPW, Stormwater Management, including the following:

1. No change in surfacing or grading for the outside gaming and seating areas has been approved as part of this project. Any future changes in surfacing or grading will require review and approval and permits as necessary by the County.
2. Provide a final stormwater management analysis/report that demonstrates compliance with the County Design Criteria including mitigation requirements, minimization of pollutants of concern, safe overflow provisions, methods for minimizing clogging and maintenance, etc.. The analysis for project threshold for stormwater management mitigation shall include all phases of work (phase 1 and 2). This will result in a "large" project in regards to stormwater management and mitigation design and analysis shall be provided accordingly.
3. Provide final stormwater management improvement plans consistent with the analysis/reports, other project plans, and which are detailed adequately for construction. The final plans should include details on how all proposed impervious and pervious areas will be routed. If the final design includes mitigations that rely of infiltration of stormwater please include additional notes on the grading plan to avoid/minimize disturbance of infiltration areas and/or provide for decompaction/cleaning/testing of infiltration areas after grading is complete. The construction scheduling should be designed so that infiltration areas are not compacted nor clogged during construction. Provide specifications on subgrade compaction/non compaction and fabrics/mats/mesh requirements under infiltration and semi-pervious areas that are consistent with the analysis. Geotextiles shall be non-with with high minimum flow rates (125 gpm/sq ft or higher).
4. The site receives upstream runoff from adjacent properties and the project includes driveway and parking areas that are expected to have more than 6 inches of water depth during a 100 year storm – accordingly, the applicant is required to provide an easement(s) or other recorded document(s) acknowledging that the site does and will continue to receive upstream runoff, that the property owner is responsible for maintenance of the pathway, that flooding is expected to occur in the parking and driveway areas; and that the County and Flood Control District are not responsible for the upstream runoff, for maintenance of the drainage pathway, or for flooding on the project site. See Section G.3 of Part 3 of the CDC. Describe the extent of the upstream drainage area for this site (provide a watershed map showing the extents) and how the project will accommodate upstream runoff.
5. Provide final approval letter from the geotechnical engineer approving of the final drainage plans, the locations of any/all infiltrative BMPs, and supporting the use of the design infiltration rate used in the final sizing. Provide a copy of the August 2016 (or other updated) Geotechnical Investigation.
6. Recorded maintenance agreement (SWM-25B) for stormwater management and mitigation facilities will be required consistent with section C.3.e in the CDC. Include one exhibit detailing management activities, limitations on impervious surfacing, maintenance requirements, schedule for maintenance and reporting, signs of system failure, and responsible party, exhibit with

- mitigation watershed maps, and other required items in the recorded maintenance agreement.
7. Previously approved plans for the site suggest that the inlet in the parking lot was designed as a grease trap to treat runoff from the parking area. Please assess the existing condition of this treatment unit and the piping to be retained, include repairs, maintenance/upgrades as needed so that runoff from the parking area is continued to be treated prior to discharge from the site. The maintenance agreement (see comment No. 4 above) should include maintenance and reporting on this facility.
 8. All inlets shall be marked "No Dumping – Drains to Bay" or equivalent and shall be maintained by the property owner.
 9. Public Works staff will inspect for the installation of the drainage related items. Once all other reviewing agencies have approved of the building permit plans please submit a copy of signed reproducible civil plans with the DPW signature block on the first sheet along with the engineer's estimate for the construction of the drainage items (there is a 2% inspection fee). These plans will be routed through DPW for signature (expect 1- 2 weeks for routing time).
 10. Zone 5 fees will be assessed on the net increase in permitted impervious area due to the project. This project may be eligible for fee credits for existing impervious areas if documentation is presented demonstrating existing impervious areas are permitted or were built prior to 1969. County staff will utilize aerial photos from the 1970s and previous permit/fee assessment to establish credit if no additional information is furnished by the applicant.
- E. Meet all requirements of DPW, Encroachment, including:
1. The existing driveway approach must be removed and replaced with an ADA compliant driveway approach as shown in Figure DW-1 of the County of Santa Cruz Design Criteria (See Part 6 Driveways and Encroachments). Please include Figure DW-1, ST-4a, ST-4b and ST-4c on the plans to facilitate proper construction by the contractor.
- F. Meet all requirements of DPW, Road Engineering.
- G. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services and submit a food facility plan review application for review.
- H. Meet all requirements of the Soquel Creek Water District. Proof of water service availability is required prior to application for a Building Permit.
- I. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- J. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.

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- K. Pay the current fees for Parks and Child Care mitigation for two bedroom(s) (currently \$600 per bedroom) and Child Care mitigation for the commercial uses (\$.23 s.f.).
 - L. Pay the current Affordable Housing Impact Fee. The fees are based on the project square footage.
 - M. Provide required off-street parking for 69 cars. Standard Parking spaces must be 8.5 feet wide by 18 feet long. Up to 30% of the required parking may be compact size. Compact parking spaces must be 7.5 feet wide by 16 feet long. All project parking must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
 - N. A minimum of 18 bicycle parking spaces must be provided.
 - O. 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. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance 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, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- B. One-year Review:** One year following the commencement of the taproom/restaurant business on the subject parcel, staff shall prepare a follow-up report to the Zoning Administrator to assess the business's compliance with the conditions of approval, to evaluate the effectiveness of the conditions of approval to ensure the project's compatibility with the neighborhood, and to determine if any valid, verifiable nuisance impacts to adjacent commercial and residential uses have been addressed satisfactorily or not. If the project is found to be substantially out of conformance with the conditions of approval or County Code Chapter 8.03 (Alcoholic Beverage Retail Outlet Nuisance Abatement Program); or if the conditions of approval are determined to have been ineffective; or if valid, verifiable nuisance impacts have not been addressed satisfactorily; the Zoning Administrator address the relevant issues and direct staff to initiate a Level 5 (public hearing) amendment, at the applicant's expense, to the conditions of approval as necessary to address relevant issues including, but not limited to, modification of hours of operation, provision of additional parking if the taproom/restaurant use has expanded, modification of the times and locations of the use of music, and/or modification of project lighting. Alternatively, the Zoning Administrator may refer the permit to the Planning Commission for consideration of permit revocation, consistent with County Code 18.10.136 (Permit Revocation).
- C. Other Regulations:** The project must be in compliance with all Federal, State and local regulations, including, but not limited to, the Department of Alcoholic Beverage Control (ABC), Chapter 8.03 of the County Code (Alcoholic Beverage Retail Outlet Nuisance Abatement Program), and any requirements of the County Sheriff.
- D. Log:** During the first year of operation, the taproom/restaurant business owner shall record the number of patrons on Fridays and Saturdays hourly between 6 PM to 9 PM and any time the parking lot is full. The business owner shall submit these counts on a quarterly basis to the County, i.e., every three months.
- E. Hours of Operation.** Hours of operation are as follows:
- i. Nursery 7 AM to 7 PM Sunday through Thursday, 7 AM to 6 PM Friday, Saturday
 - ii. Restaurant 7 AM to 11 PM Sunday through Saturday
 - iii. Taproom, 7 AM to 11 PM " " "
 - iv. Outdoor Game/Seating Areas 9 AM to 11 PM
- The sale of alcohol shall cease at 10:00 P.M in the taproom, restaurant and outdoor use areas.
- F. Operations and Management Plan:** The business shall comply with the Operations and Management Plan. An on-site disturbance coordinator shall be provided on-site during all hours of operation. The contact information for the disturbance coordinator

shall be posted in a prominent location. The disturbance coordinator shall maintain a complaint log detailing the content, date and time of all complaints and how the business responded to each complaint. The log shall be kept current and be available at the business for inspection by County staff.

G. Areas of Use: The areas of use shall be as reflected in Exhibit D

Outdoor Nursery Use: In order to ensure that the nursery use is limited to the 4,800 square feet shown in the project plans, permanent landscaping and/or fencing must be shown on the building plans and planted/constructed in order to create a clear perimeter.

1. The nursery must be closed entirely during peak taproom hours which are Fridays and Saturdays from 6 PM to close.
2. At any hour, the restaurant/taproom use shall not be allowed to occupy the outdoor nursery area unless the additional parking is constructed and this permit is amended. If the upper parking lot (or other) is not constructed, then a locking gate must be installed that restricts access to the nursery area.
3. No patron tables or patron seating are allowed in the nursery area.
4. 50% of the nursery area (1,200 square feet) shall be occupied with nursery plants and related products.

Game Area: 50% of the game area must be occupied by game equipment, e.g. ping pong tables, corn hole, bocce ball courts, etc. No tables and chairs for eating/drinking are allowed in the game area.

Uphill Area: The use of the area located east and uphill of the area of development is allowed without a permit amendment, i.e. no games or other activities may occur in this area unless this permit is modified to allow the use.

H. Restaurant Meal Service: Any time that alcohol is available, full meals shall be made available.

I. Live Music: Both acoustic and amplified music are allowed as long as the noise generated from both comply with the noise limits of the General Plan. The music shall be ancillary to the restaurant / beer garden use, i.e. the business shall not operate as a night club or concert venue. Except for three days per year, bands (including speakers) must be set up (including speakers) and play within the tap room. In all cases, music must end by 9 PM. If a substantial number of complaints are received, particularly from residential neighbors, the applicant may be required to provide an acoustical study for the one-year review hearing. The applicant will also be required to document the days, if any, that live music is set up and played outside of the taproom.

J. Pre-Recorded Music. Pre-recorded amplified music is permitted on the premises, and such music shall not be audible outside the boundaries of the subject property. No nightclub or dance hall entertainment facilities as described by the Santa Cruz County Code shall be permitted unless approved by separate permit.

EXHIBIT C

- K. Food Truck:** If a food truck or trucks provides food service to the business, it shall park in the location designated on the project plans, i.e. it shall not occupy required parking. In no case shall the food truck park overnight on-site.
- L. Air Stream Trailer:** The air stream trailer is allowed to be parked on-site. The only allowed use for the trailer is storage. No other use is authorized. Members of the public are not allowed inside the trailer. The airstream must be maintained in a condition that it can be readily moved, i.e. it must be mobile. If complaints are received and verified by County staff that document that the trailer is connected to utilities and/or is being used for a use other than storage, the trailer shall be removed from the property.
- M. Entry Sign:** The proposed sign shall be: a maximum of 12 feet high, located a minimum of five feet from the right-of-way, and a maximum of 50 square feet in area. The sign may not be indirectly illuminated. The location of the sign must be such that drivers' line of sight is not affected.
- N. Residential Use:** The second-floor residential use may not be used as a part of the business. A gate (or other barrier), sign or both shall be installed at the base of the stairs prohibiting entrance.
- O. Employees Transportation:** Employees shall be encouraged to ride bikes, take public transportation, or carpool to and from work.
- P. Restrooms:** A sufficient number of restroom facilities must be provided to meet the demand of the business's patrons. Should the six restrooms shown in the project plans prove to be inadequate, additional capacity may become required.
- Q. Deliveries:** Deliveries shall be made during off-peak times.
- R. Trash/Recycling:** All trash and recycling areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping and to prevent noxious odors, bugs or other pests and regularly picked-up.
- S. Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
- T. Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.
- U. Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of

litter, trash, cigarette butts and garbage.

- 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 three years from the effective date listed below unless a building permit is obtained for the first phase of the project consisting of one of the primary structures 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

EXHIBIT C

EXHIBIT I

Application #: 161091
APN: 030-221-46
Owner: Soquel Farmhouse LLC

permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

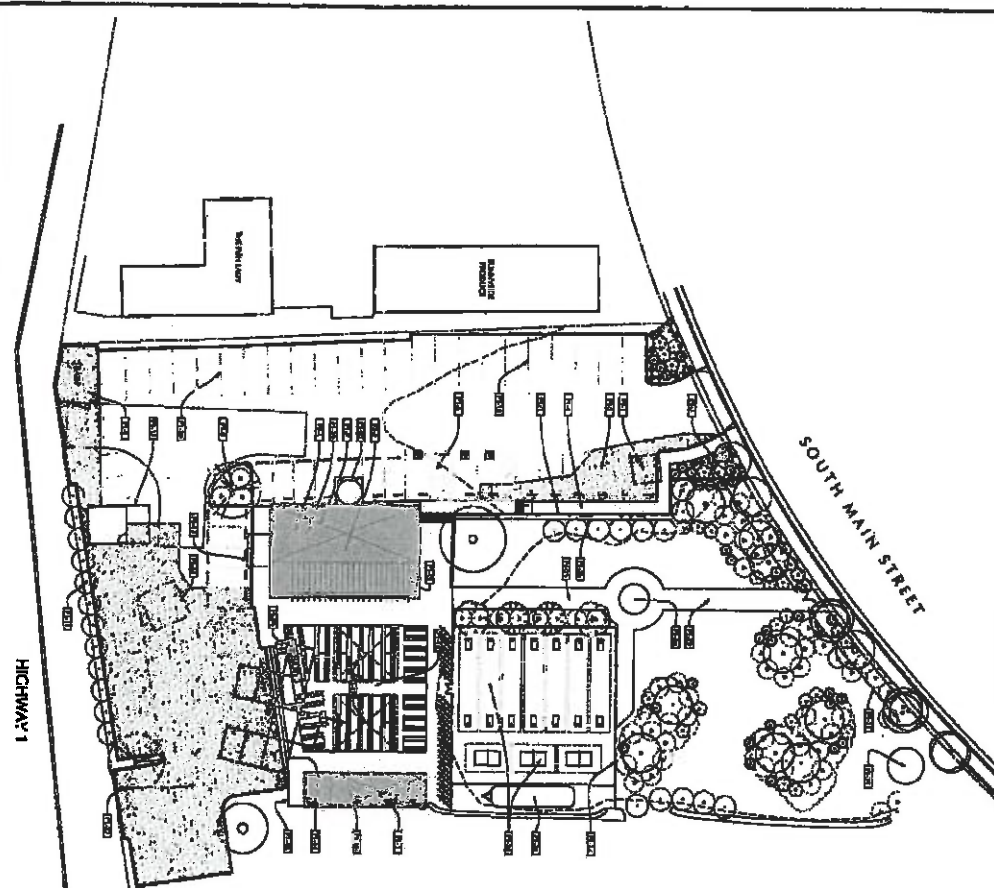
Effective Date: _____

Expiration Date: _____

Deputy Zoning Administrator

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

PROJECT OVERVIEW - PHASES 1 & 2



- [illegible]

A map showing the location of the Project Site. The site is marked with a star and labeled "PROJECT SITE". It is situated near several roads: "Rte 60", "Rte 101", "Rte 102", and "Rte 103". A compass rose indicates North is towards the top left. Other labels include "Wetland Buffer", "Sage Creek", "Mud Creek", and "Cedar Creek".

PROPERTY OWNERS:

PROPERTY OWNERS:	SOCIETY FASHIONING, LLC 131 CARMILLO STREET CARROLL, CA 90706 PHONE: (818) 499-8732
PROJECT SITE:	21501 AVALON STREET SERRA, CALIFORNIA
ASSIGNORS PARCEL NUMBER:	029-321-146

Free Shipping!

PROJECT DESCRIPTION:

PHASE 1: IDENTIFY EXISTING UNUSUED PROPERTY BY UNLOCATING & DEMOLISHING EXISTING BUILDING. PHASE 2: CONSTRUCT NEW 100,000 SQ. FT. BUILDING, INCLUDING, AND ADJOINING EXISTING CHURCH. PHASE 3: CONSTRUCT 100,000 SQ. FT. BUILDING WITH NEW VENTILATION BUILDING.

PHASE 4: RELOCATE EXISTING FROM EXISTING BUILDING, CONSTRUCT A 100,000 SQ. FT. BUILDING WITH NEW VENTILATION BUILDING. PHASE 5: CONSTRUCT A 100,000 SQ. FT. BUILDING WITH NEW VENTILATION BUILDING. PHASE 6: CONSTRUCT A 100,000 SQ. FT. BUILDING WITH NEW VENTILATION BUILDING.

ARCHITECT

ARCHITECTS:
WILLIAMS & BERRY ARCHITECT
3111 CENTER STREET, SUITE F
BELL HAVEN, UT 84301

CIVIL ENGINEER & SURVEYOR:
DUNN-BROWNE, INC.
1000 WEST 1000 NORTH, SUITE 101
SANTA CLARA, CA 95052
DAVID BARNETT, P.E., REG. 116-013
P.O. BOX 148
SANTA CLARA, CA 95052

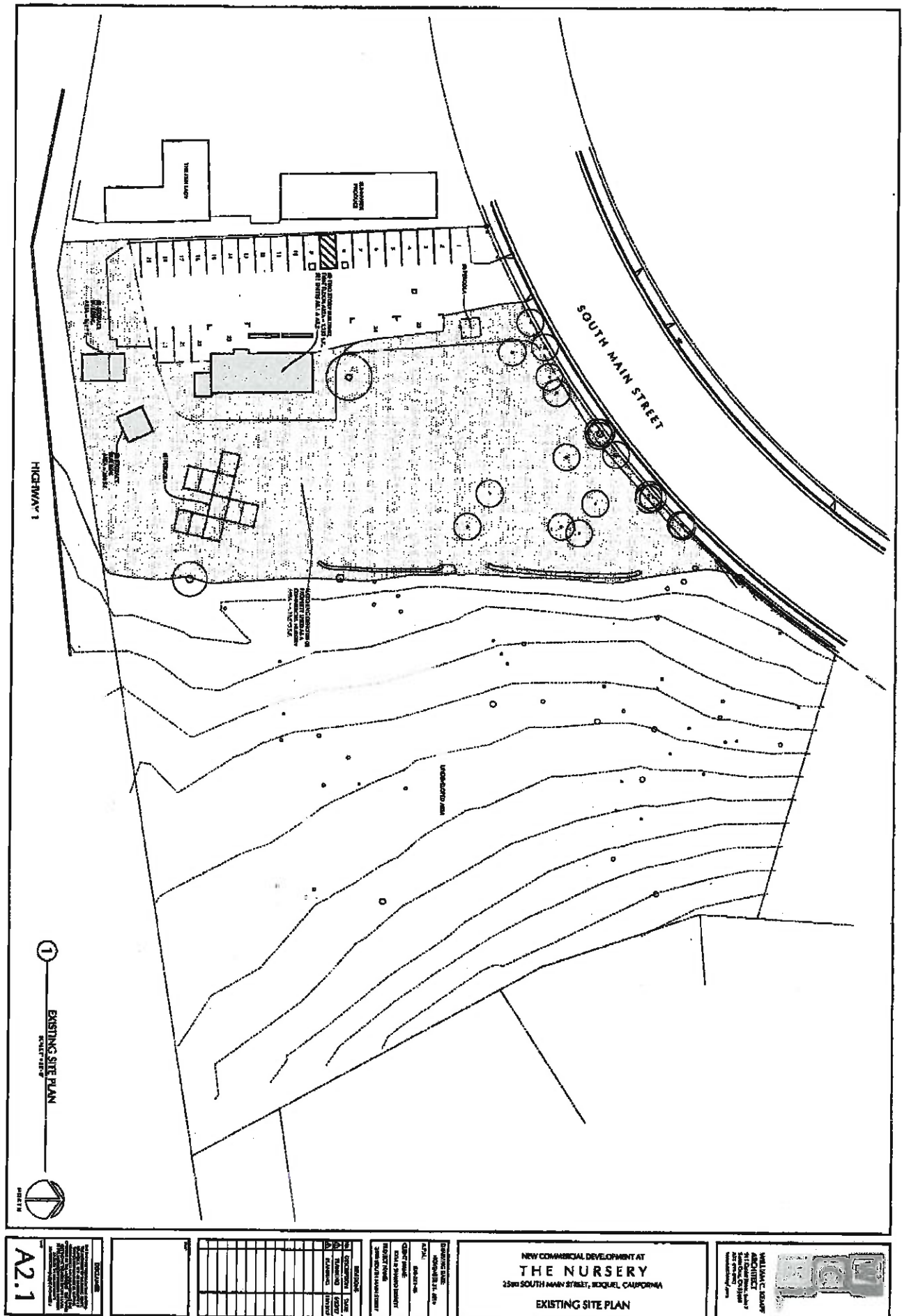
GEOTECHNICAL ENGINEER:
OMAC ENGINEERING, INC.
P.O. BOX 148
SANTA CLARA, CA 95052
ANTHONY DORRIS, P.E., REG. 116-111

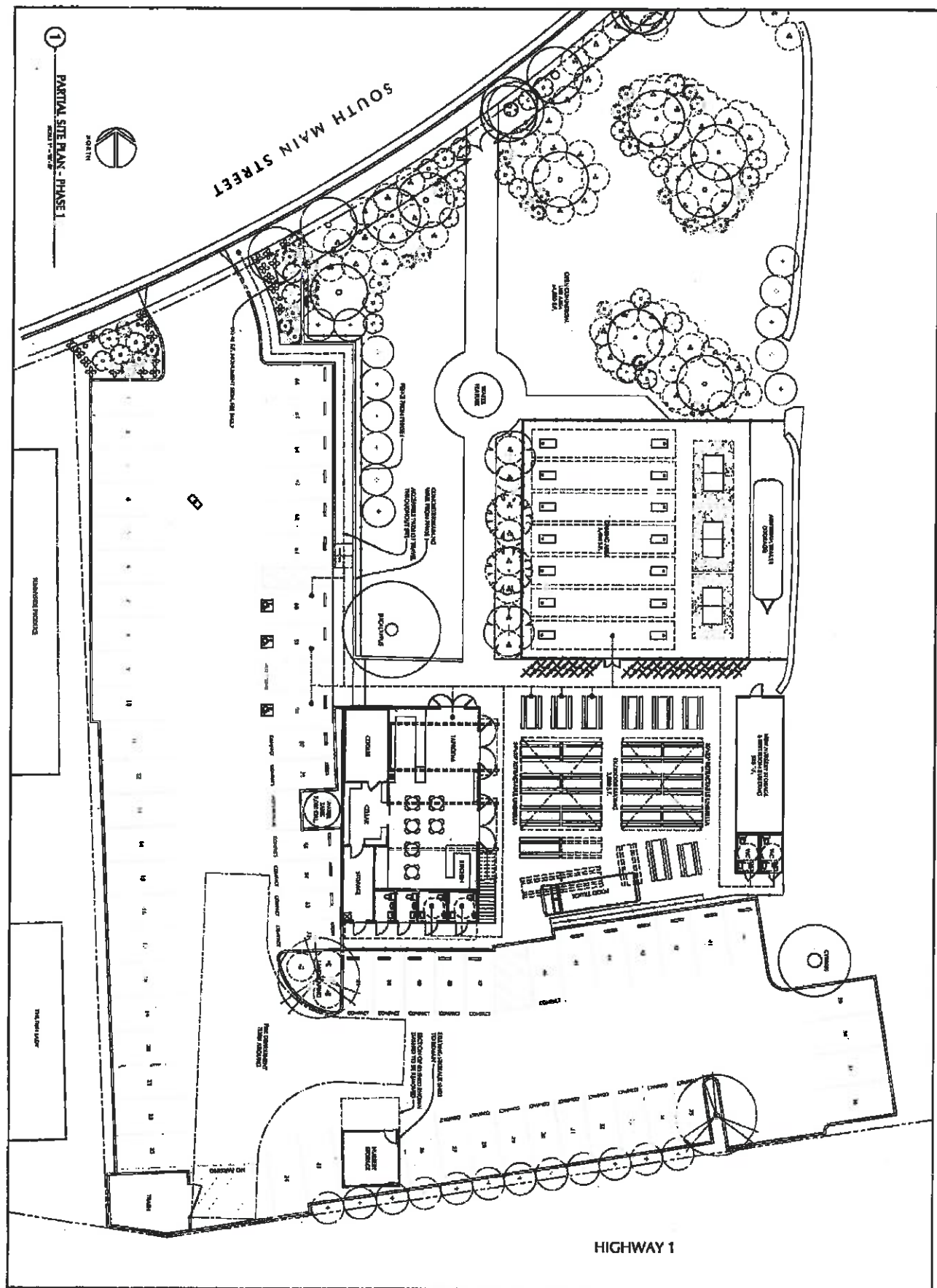
LANDSCAPE ARCHITECT:
PAUL LANDSCAPE ARCHITECTS, INC.
1000 WEST 1000 NORTH, SUITE 101
SANTA CLARA, CA 95052
MICHAEL BROWN, REG. 116-0227

FORM 1042-E		
NO.	DATE	REMARKS
1	10/25/91	10/25/91
2	10/25/91	10/25/91
3	10/25/91	10/25/91
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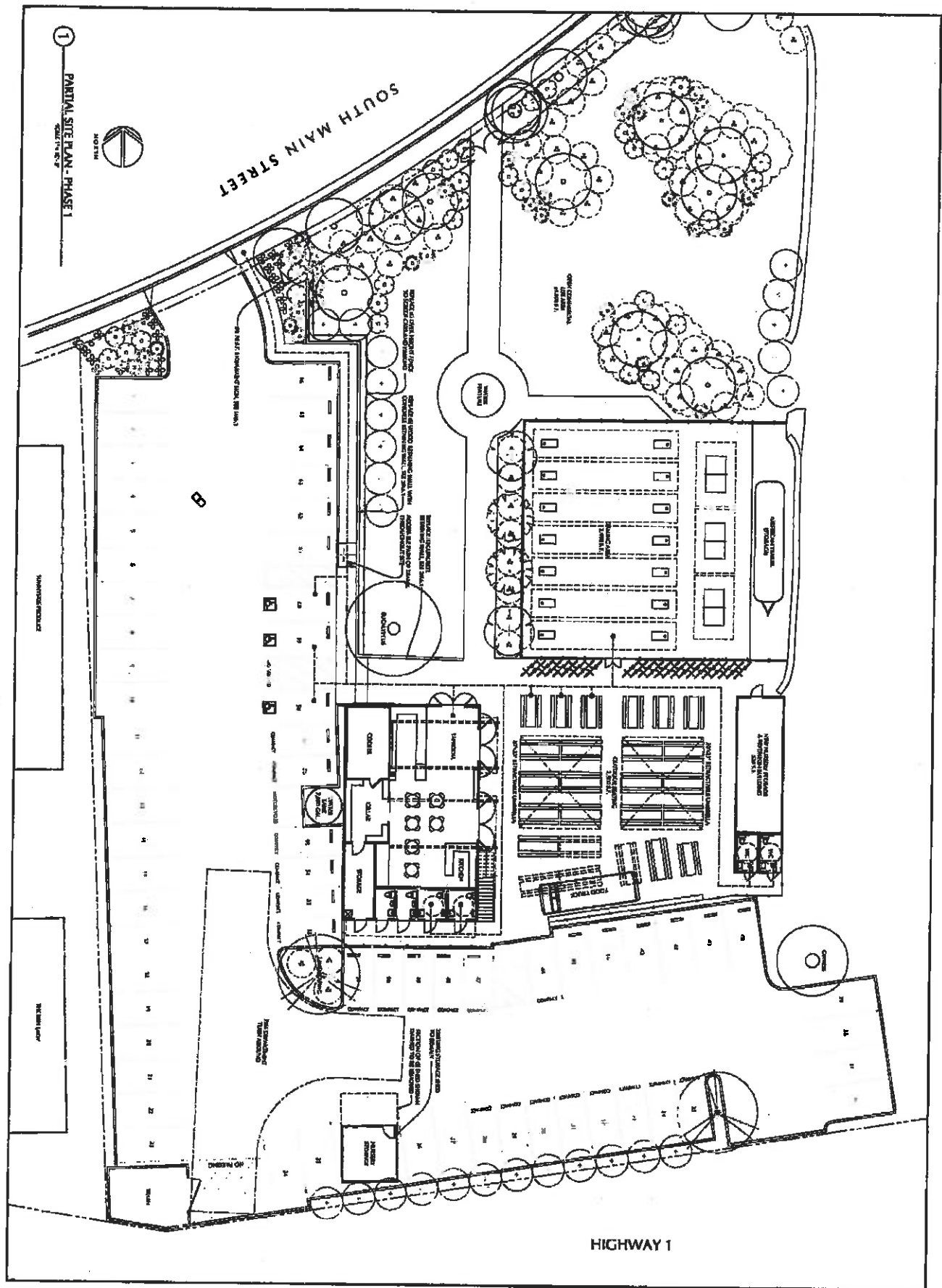
NEW COMMERCIAL DEVELOPMENT AT
THE NURSERY
2590 SOUTH MAIN STREET, SOQUEL, CALIFORNIA
PROJECT DATA, VICINITY MAP, DEMO PLAN

WILLIAM C. KIRBY
ALCOHOLIC
 411 Center Street, Suite 1
 Santa Clara, CA 95050
 415 436-6411
william.kirby@comcast.net





THE PLANS, SPECIFICATIONS AND CONDITIONS SHALL BE READ IN CONNECTION WITH THE GENERAL NOTES AND THE STANDARD SPECIFICATIONS FOR THE CONSTRUCTION OF HIGHWAYS, SEVENTH EDITION, AS AMENDED, PUBLISHED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, AND THE STANDARD SPECIFICATIONS FOR THE CONSTRUCTION OF AIRPORTS, SEVENTH EDITION, AS AMENDED, PUBLISHED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION.	
A2.2	

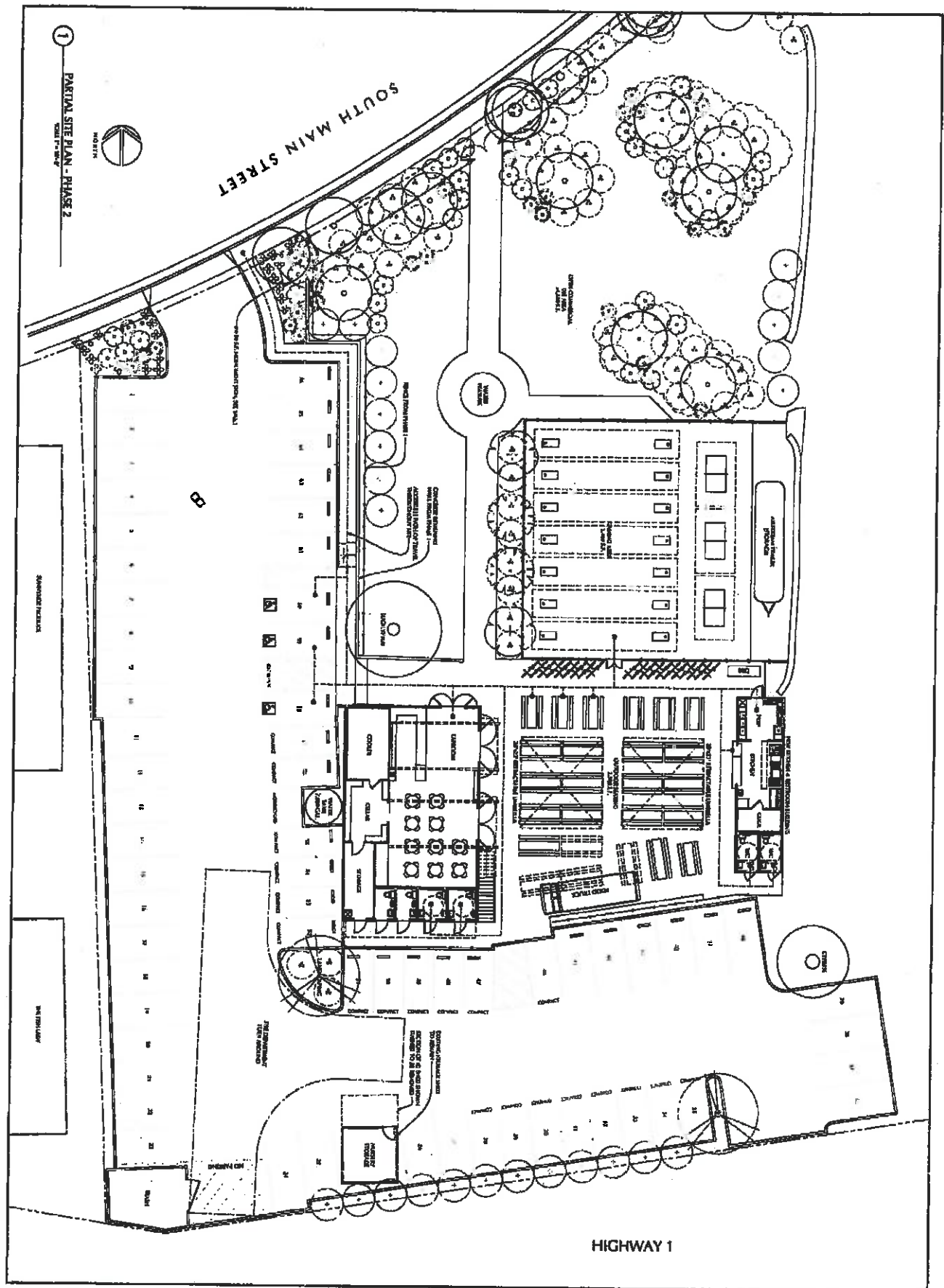


A2.4

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**NEW COMMERCIAL DEVELOPMENT AT
THE NURSERY
2500 SOUTH MAIN STREET, AGOURA, CALIFORNIA
PARTIAL SITE PLAN - PHASE 1**

EXHIBIT I



A2.5

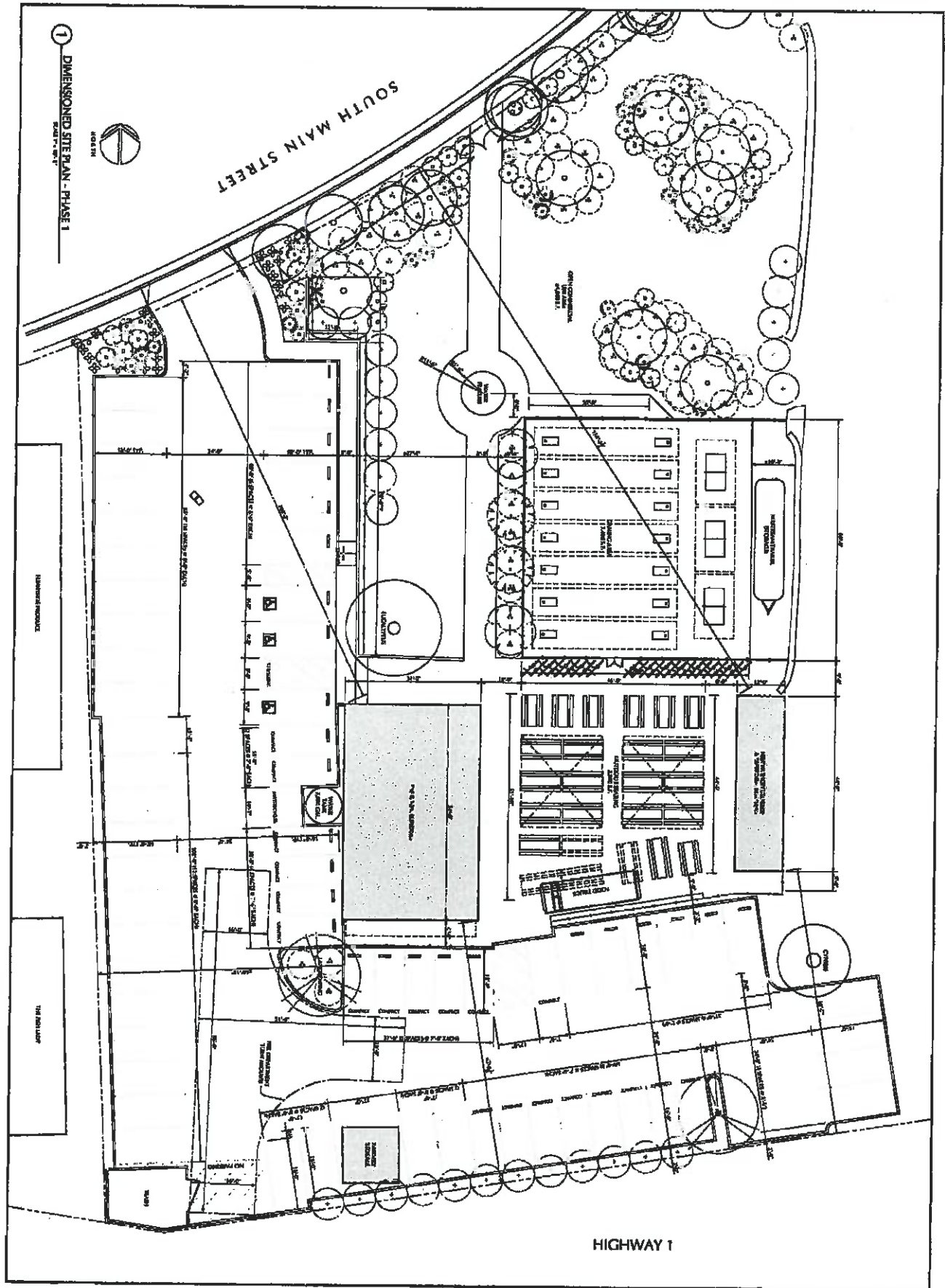
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50	REVISION	10/1/82

NEW COMMERCIAL DEVELOPMENT AT
THE NURSERY
2490 SOUTH MAIN STREET, SOQUEL, CALIFORNIA
PARTIAL SITE PLAN - PHASE 2

WILLIAM C. JOHNSON
3011 South Main Street
Soquel, CA 95063
(408) 688-1111

EXHIBIT I

EXHIBIT D



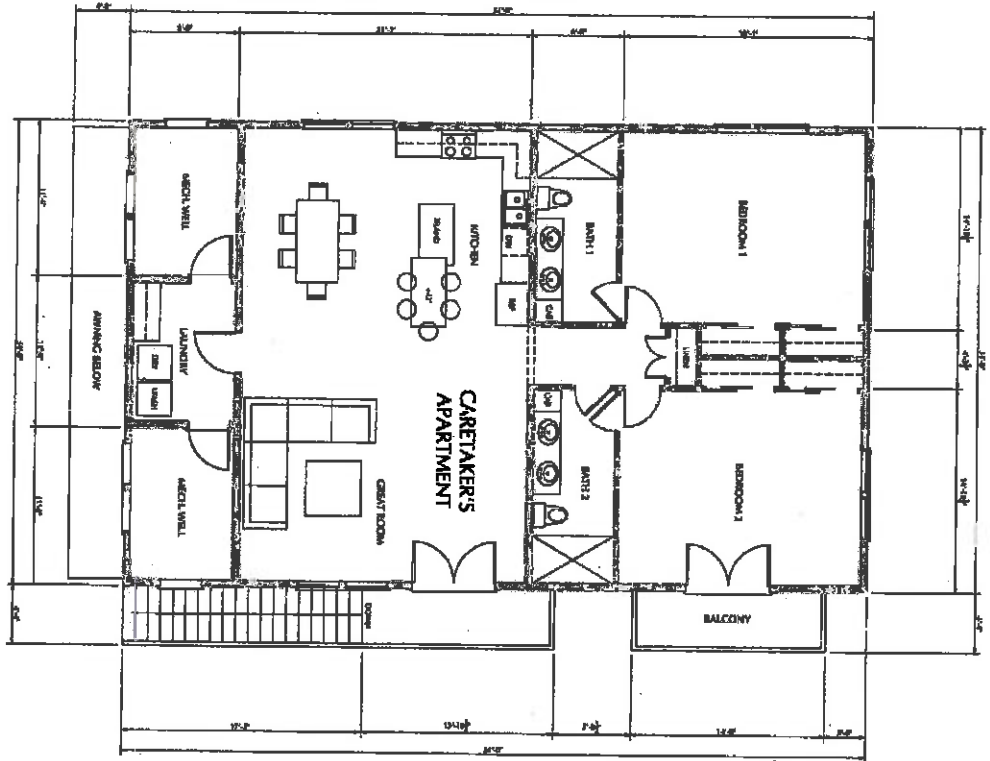
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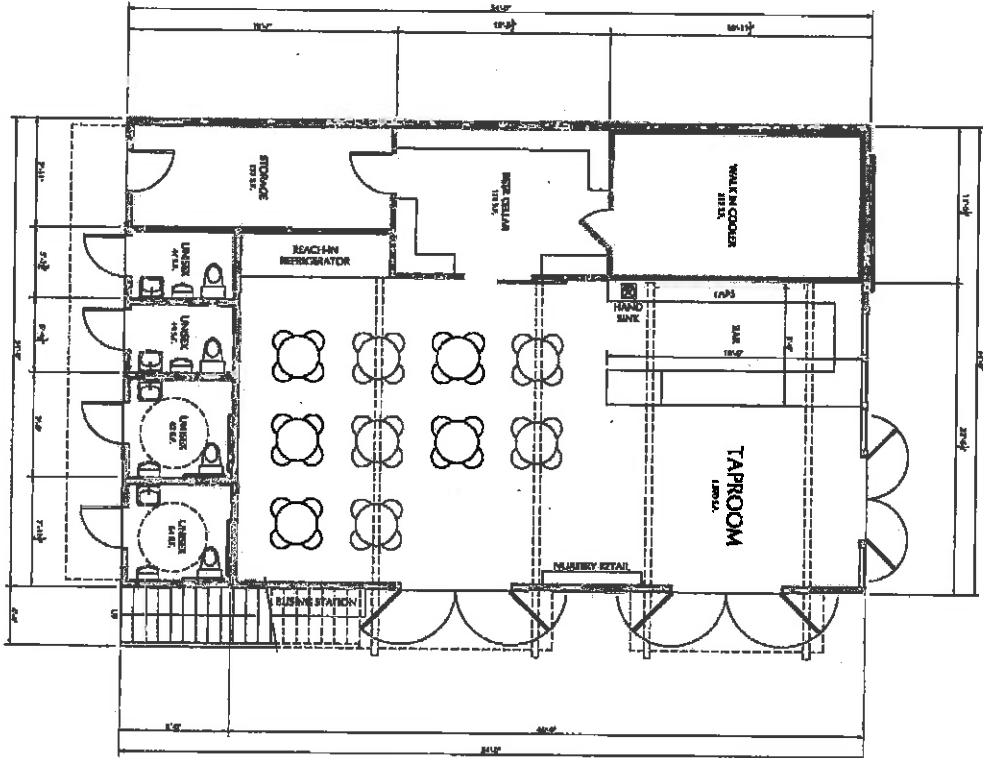
**NEW COMMERCIAL DEVELOPMENT AT
THE NURSERY**
2500 SOUTH MAIN STREET, SOQUEL, CALIFORNIA
DIMENSIONED SITE PLAN - PHASE 1

WILLIAMS & ASSOCIATES
ARCHITECTS
11111 N. 11TH AVENUE, SUITE 100
DENVER, CO 80231
(303) 751-1111
www.williamsandassociates.com

EXHIBIT I
EXHIBIT D



2 PROPOSED SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



1 PROPOSED FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



MAIN BUILDING PARKING CALCULATION			
TYPE OF VEHICLE	NO. OF SPACES	TYPE OF VEHICLE	NO. OF SPACES
SEDAN	1	SEDAN	1
SUV	1	SUV	1
TOTAL	2	TOTAL	2

PLUMBING CALCULATION			
TYPE OF VEHICLE	NO. OF SPACES	TYPE OF VEHICLE	NO. OF SPACES
SEDAN	1	SEDAN	1
SUV	1	SUV	1
TOTAL	2	TOTAL	2

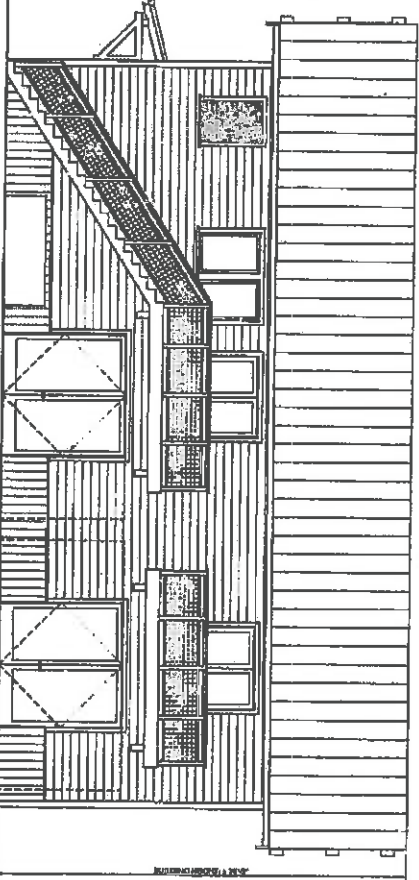
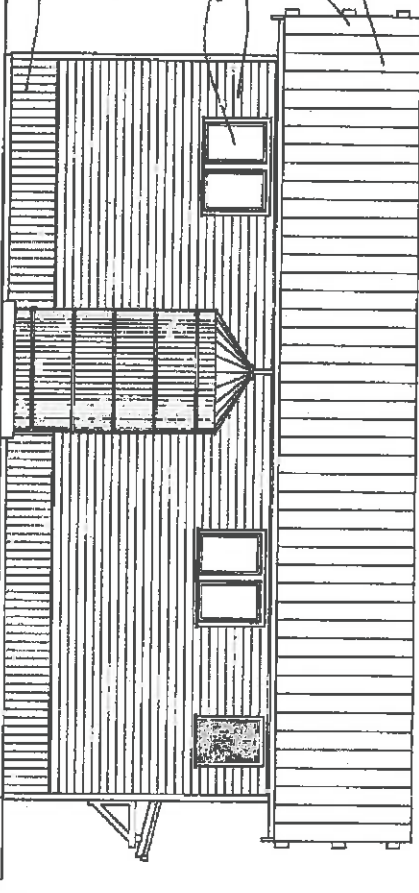
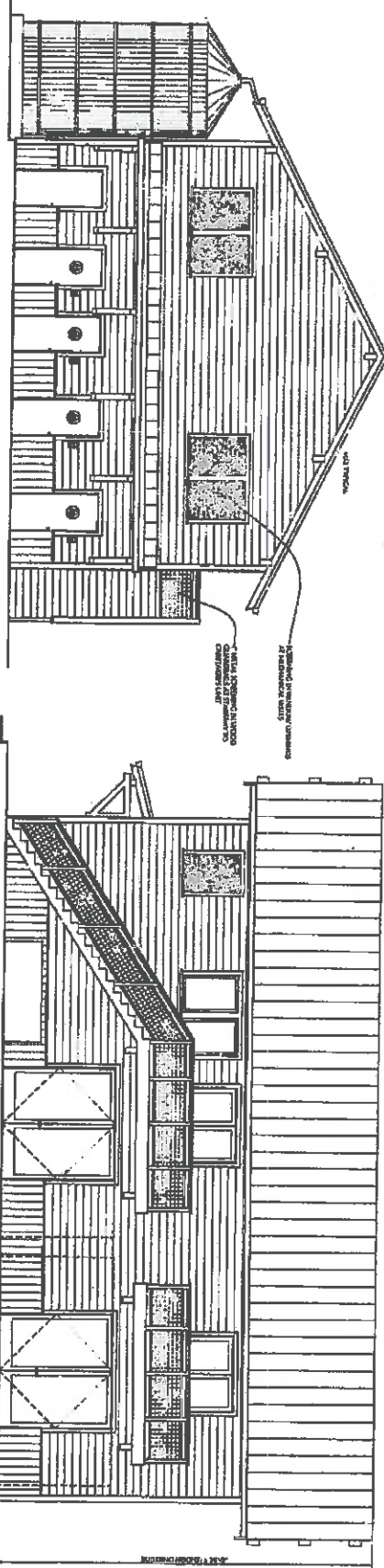
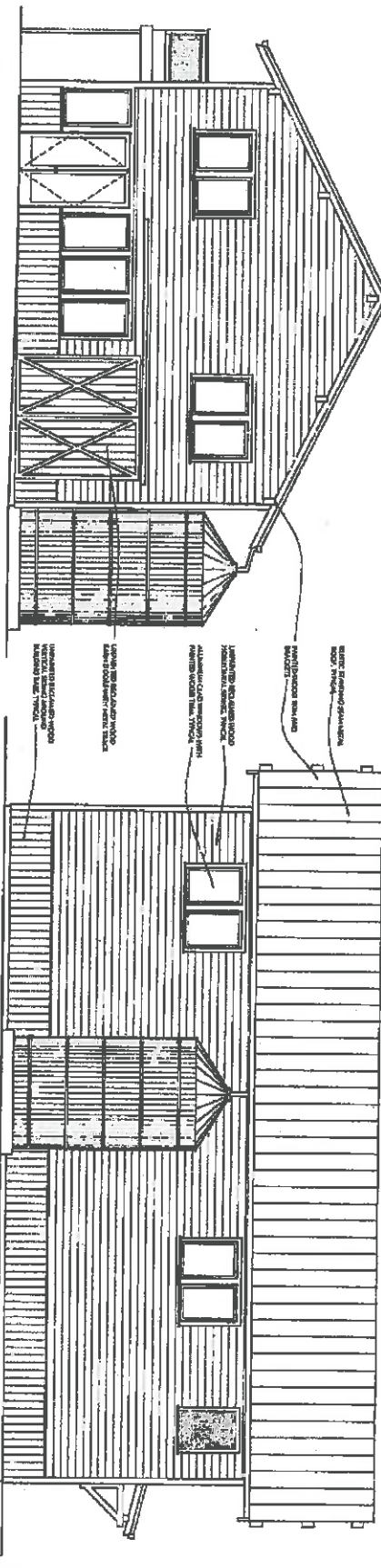
A3.2

NEW COMMERCIAL DEVELOPMENT AT
THE NURSERY
2300 SOUTH MAIN STREET, SOQUEL, CALIFORNIA
PHASE 2 - TAPROOM FLOOR PLANS



EXHIBIT 1

EXHIBIT D



ENCL. 10/10/14

A3.3



EXPENSE		DATE	AMOUNT
Gas	10/10/10	10.00	
Oil	10/10/10	10.00	
Food	10/10/10	10.00	
Transportation	10/10/10	10.00	
Utilities	10/10/10	10.00	
Insurance	10/10/10	10.00	
Medical	10/10/10	10.00	
Education	10/10/10	10.00	
Entertainment	10/10/10	10.00	
Gifts	10/10/10	10.00	
Charitable	10/10/10	10.00	
Other	10/10/10	10.00	
TOTAL		100.00	

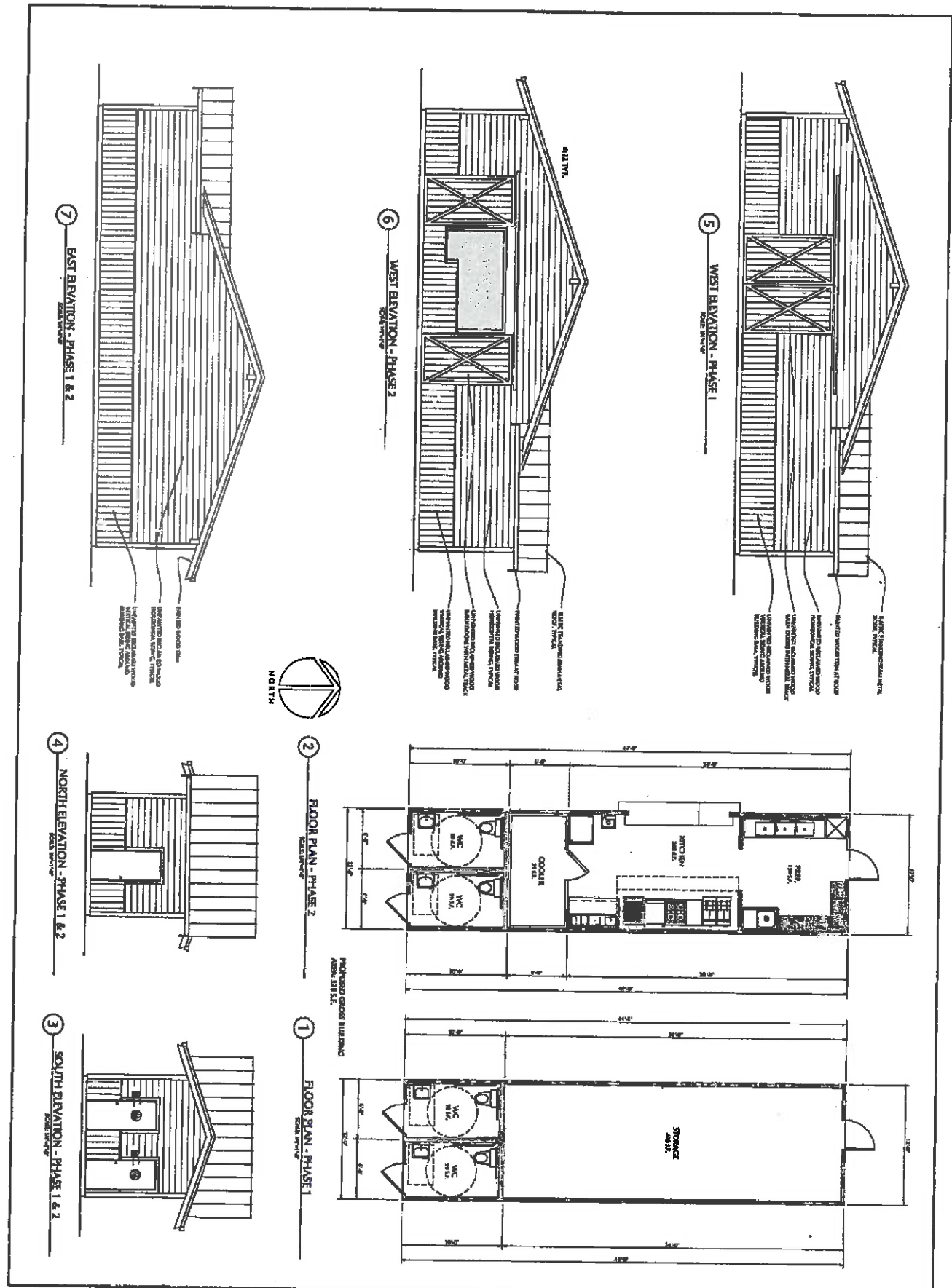
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THE NURSERY
1700 N. W. 10th St. Miami, Fla.

WILLIAM C. KERN
ARCHITECT
911 Ocean Avenue, Suite 1
Santa Monica, CA 90405
310/391-9111
WCKern@aol.com

EXHIBIT I

EXHIBIT D



PROJECTIONS

DATE: 10/1/87

BY: [Signature]

APP'D: [Signature]

SCALE: 1/8" = 1'-0"

REVISIONS

NO.	DESCRIPTION	DATE
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2	REVISED FOR PHASE 2	10/1/87

CLIENT NAME

THE NURSERY

PROJECT NAME

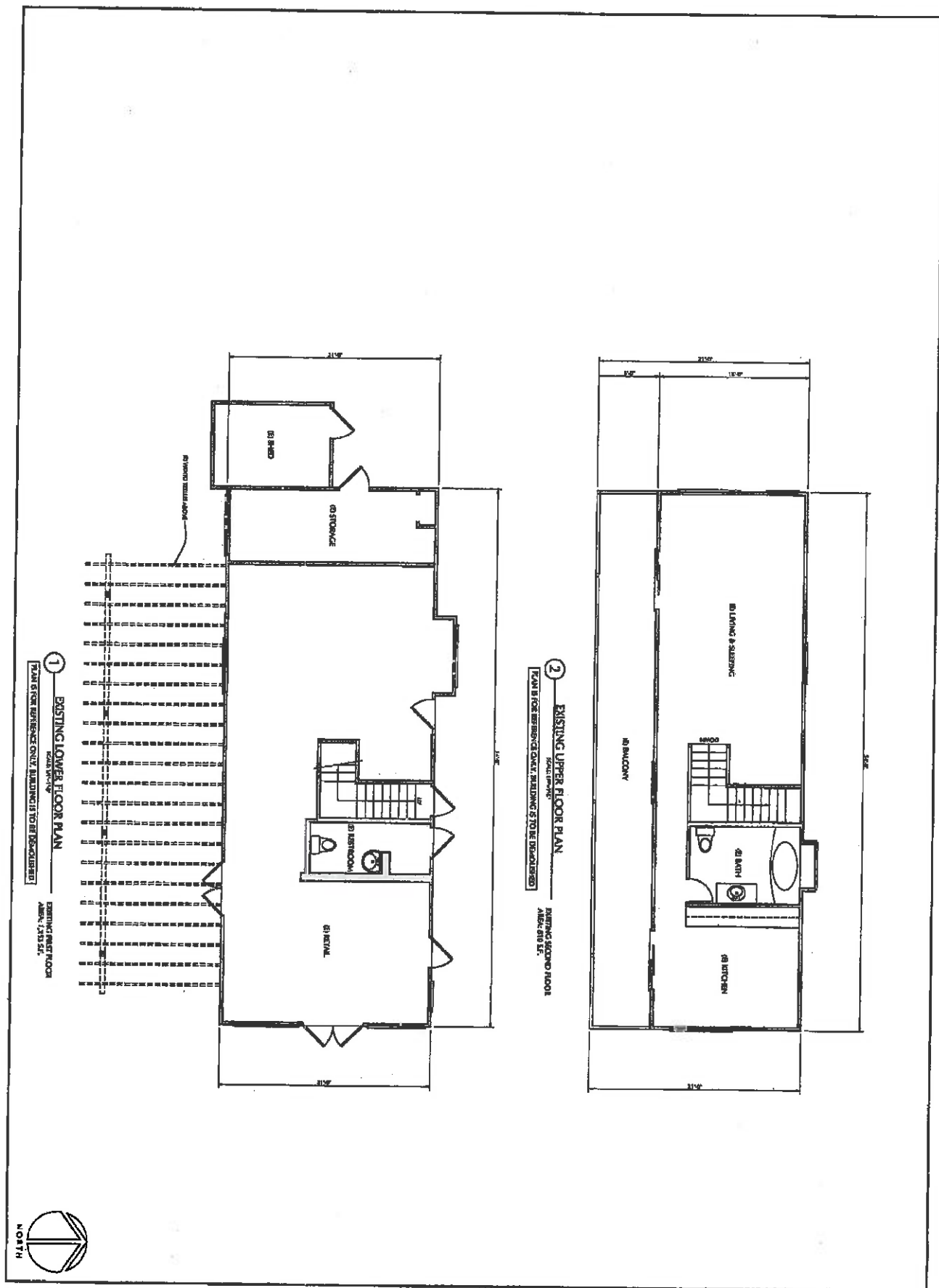
PHASE 1 - NEW NURSERY STORAGE BUILDING

PROJECT ADDRESS

1000 SOUTH MAIN STREET, BOQUE, CALIFORNIA

EXHIBIT I

EXHIBIT D



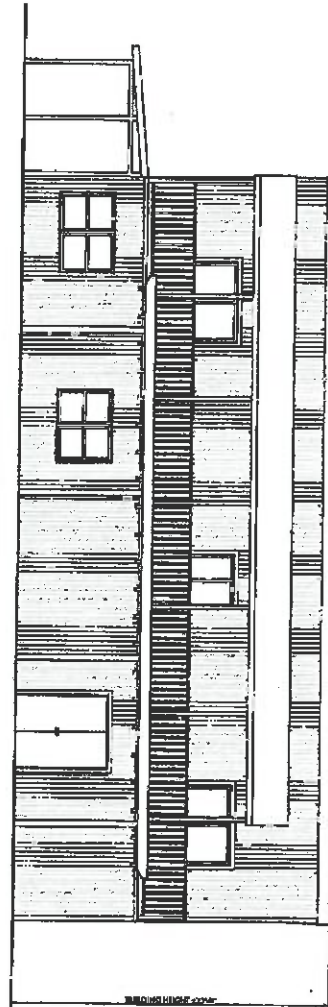
REVISIONS

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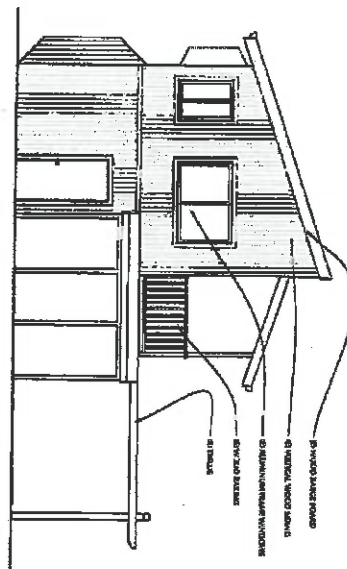
NEW COMMERCIAL DEVELOPMENT AT
THE NURSERY
 2590 SOUTH MAIN STREET, SOQUEL, CALIFORNIA
EXISTING BUILDING PLANS

NOTES

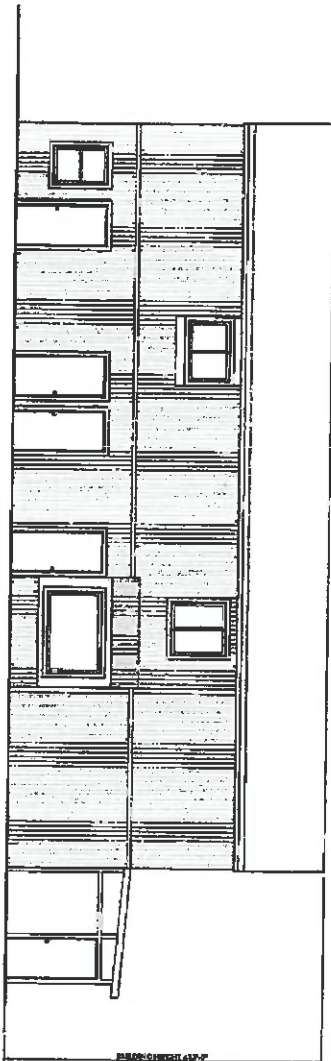
- ALL DIMENSIONS ARE IN FEET AND INCHES.
- ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.
- ALL FLOORS ARE 4" THICK CONCRETE UNLESS NOTED OTHERWISE.
- ALL ROOFS ARE 6" THICK CONCRETE UNLESS NOTED OTHERWISE.
- ALL CEILING ARE 8" THICK CONCRETE UNLESS NOTED OTHERWISE.
- ALL DOORS ARE 2' X 6' UNLESS NOTED OTHERWISE.
- ALL WINDOWS ARE 2' X 4' UNLESS NOTED OTHERWISE.
- ALL STAIRS ARE 10" WIDE UNLESS NOTED OTHERWISE.
- ALL ELEVATIONS ARE IN FEET AND INCHES.
- ALL FINISHES ARE AS NOTED.
- ALL MATERIALS ARE AS NOTED.
- ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE 2008 CALIFORNIA BUILDING CODE.



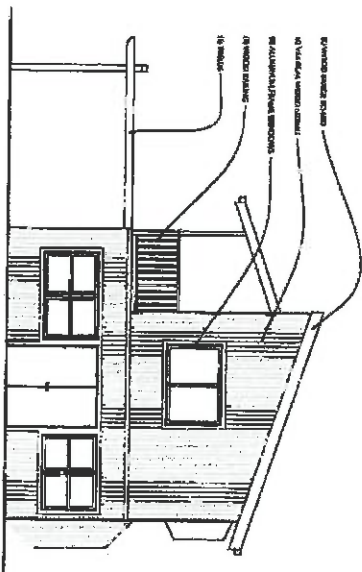
2 EXISTING EAST ELEVATION
SCALE 1/8"



1 EXISTING SOUTH ELEVATION
SCALE 1/8"



4 EXISTING WEST ELEVATION
SCALE 1/8"



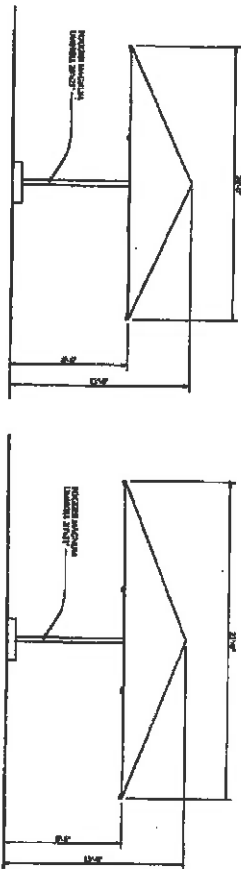
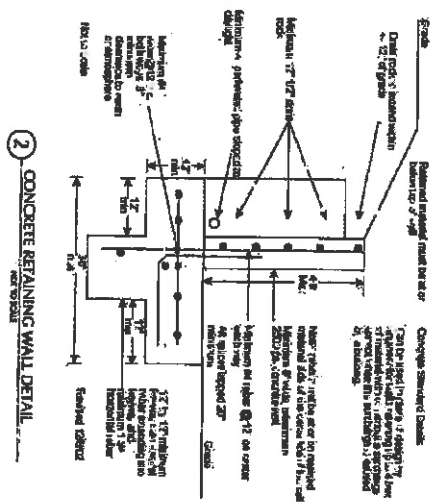
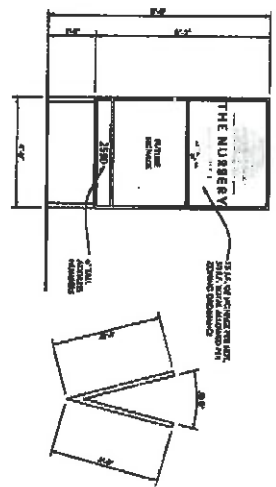
3 EXISTING NORTH ELEVATION
SCALE 1/8"

NEW COMMERCIAL DEVELOPMENT AT
THE NURSERY
2390 SOUTH MAIN STREET, SQUIGLE, CALIFORNIA
EXISTING BUILDING ELEVATIONS

PROJECT NAME	THE NURSERY
CLIENT NAME	THE NURSERY
ARCHITECT NAME	THE NURSERY
DATE	10/10/17

REVISION	DATE	BY	REASON
1	10/10/17	THE NURSERY	EXISTING BUILDING ELEVATIONS

A5.2

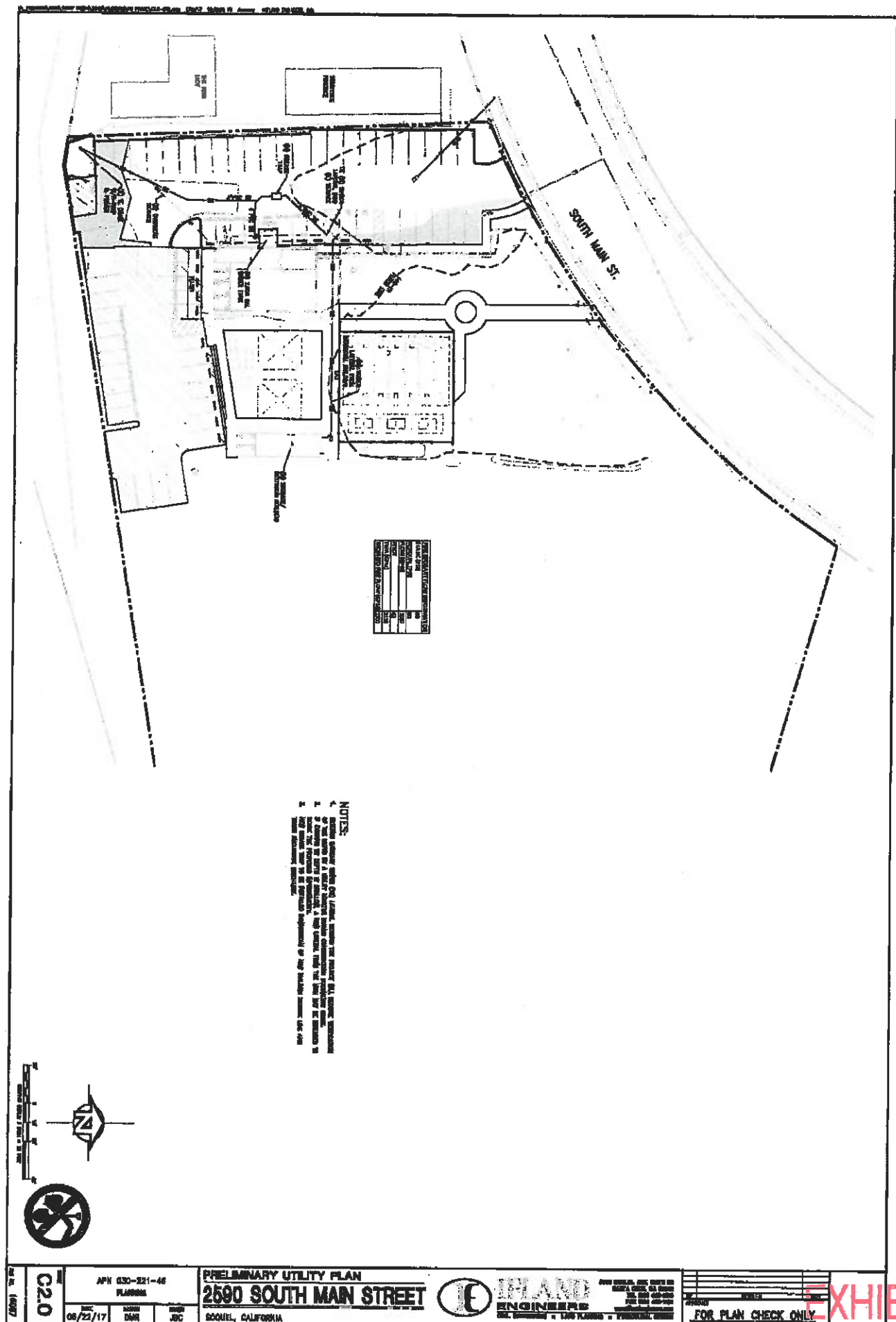


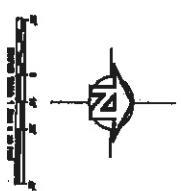
NEW COMMERCIAL DEVELOPMENT AT
THE NURSERY
2500 SOUTH MAIN STREET, SOQUEL, CALIFORNIA
MISC. ARCHITECTURAL SITE DETAILS

DATE: 11/11/11
DRAWN BY: J. L. LEE
CHECKED BY: J. L. LEE
APPROVED BY: J. L. LEE

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	11/11/11
2	ISSUED FOR PERMIT	11/11/11
3	ISSUED FOR PERMIT	11/11/11
4	ISSUED FOR PERMIT	11/11/11
5	ISSUED FOR PERMIT	11/11/11
6	ISSUED FOR PERMIT	11/11/11
7	ISSUED FOR PERMIT	11/11/11
8	ISSUED FOR PERMIT	11/11/11
9	ISSUED FOR PERMIT	11/11/11
10	ISSUED FOR PERMIT	11/11/11

A6.1



[illegible]

C3.0	APN 030-221-46 PLAINFIELD	PRELIMINARY STORMWATER CONTROL PLAN 2690 SOUTH MAIN STREET		 IPLAND ENGINEERS CIVIL ENGINEERS • LAND PLANNING • SURVEYING ENGINEERS	6500 SOUTHERN AVE. SUITE 100 BOSTON, MASS. 02124 TEL. 617-452-0000 FAX 617-452-0001 WWW.IPLAND-ENG.COM	SHEET NO. _____ OF _____ DATE _____ BY _____ CHECKED _____ APPROVED _____	EXH
	DATE: 06/22/17 DESIGNED: SAM CHECKED: JBC	ROSELIE, CALIFORNIA			FOR PLAN CHECK ONLY		

EXHIBIT I

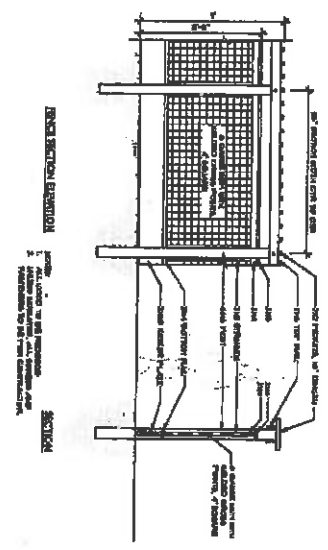
EXHIBIT D

**PROPOSED SITE PLAN - PHASE 1**

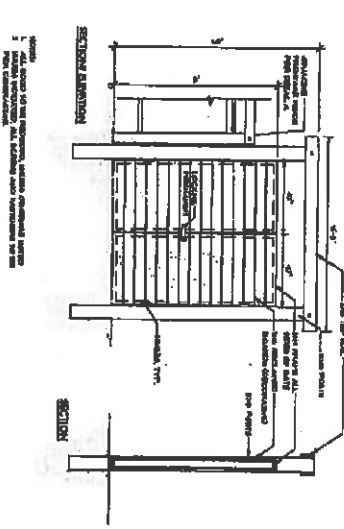
EXHIBIT I

EXHIBIT D

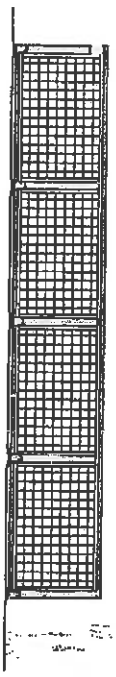
A FRONTAGE FENCE
SCALE 3/8" = 1'-0"



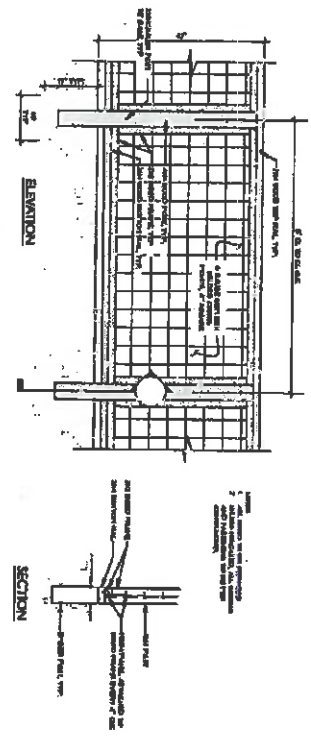
B FRONTAGE FENCE
SCALE 3/8" = 1'-0"



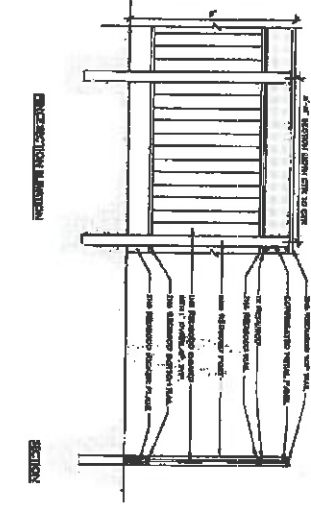
OVERALL FRONT ELEVATION 42' HEIGHT
SCALE 1/8" = 1'-0"



C FENCE AT GAMING AREA
SCALE 1/8" = 1'-0"



D WOOD PANEL FENCE
SCALE 3/8" = 1'-0"



PROPOSED SITE PLAN - PHASE 1

2550 SOUTH MAIN STREET, SOQUEL, CALIFORNIA

NEW COMMERCIAL DEVELOPMENT AT
THE NURSERY

REVISIONS

NO.	DESCRIPTION	DATE
1	PRELIMINARY	08/01/04
2	REVISED	08/01/04
3	REVISED	08/01/04

NOTES

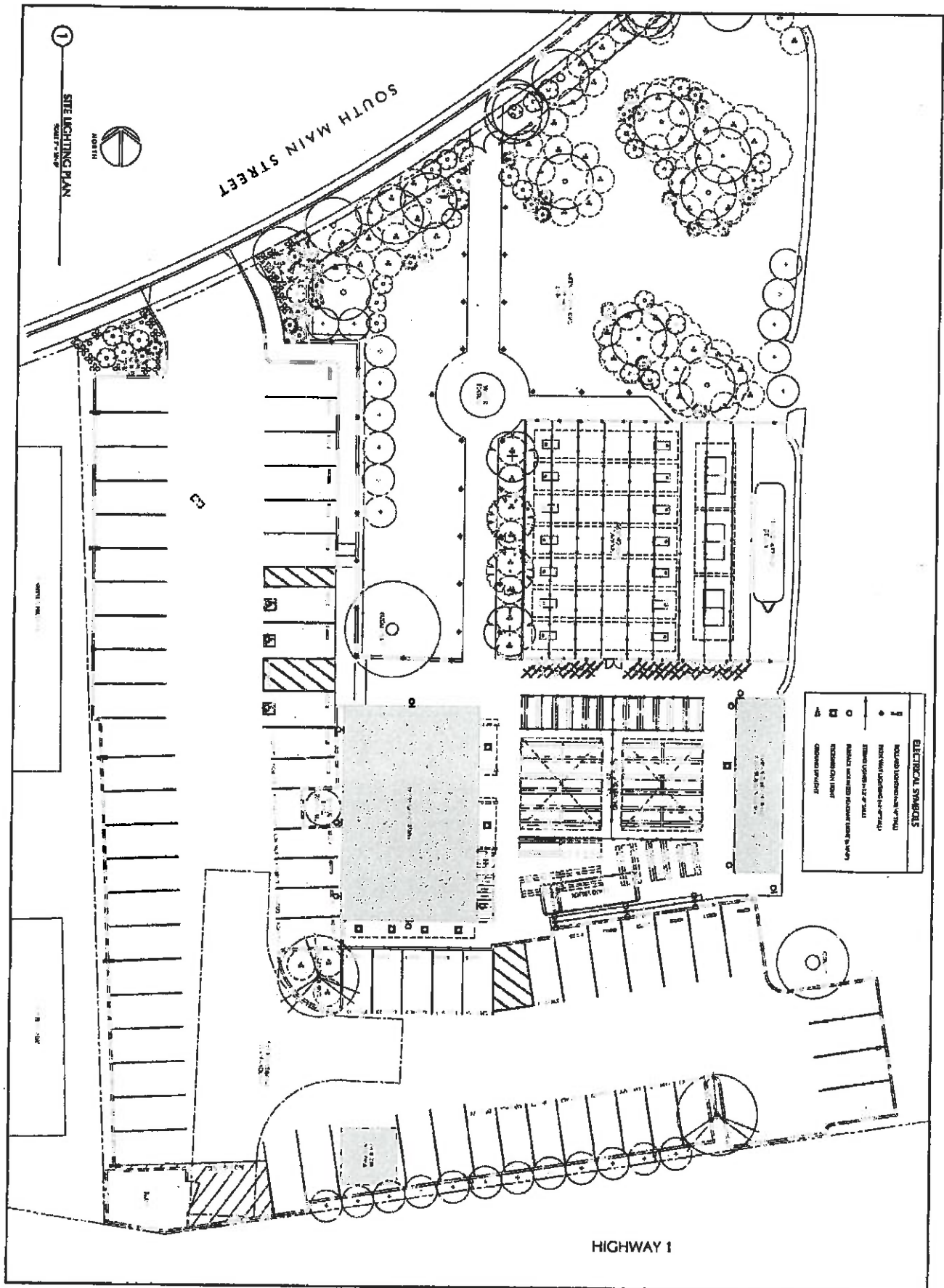
1. ALL DIMENSIONS ARE IN FEET AND INCHES.

2. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE.

3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES.

EXHIBIT I

EXHIBIT D



E1.1

NO.	DESCRIPTION	DATE
1	PRELIMINARY	10/1/87
2	REVISION	10/1/87

THE NURSERY
2990 SOUTH MAIN STREET, SOQUEL, CALIFORNIA

SITE LIGHTING PLAN

WILLIAM C. BOYNT
1111 South Main Street
Soquel, California 95063
(408) 438-1111

EXHIBIT I
EXHIBIT D

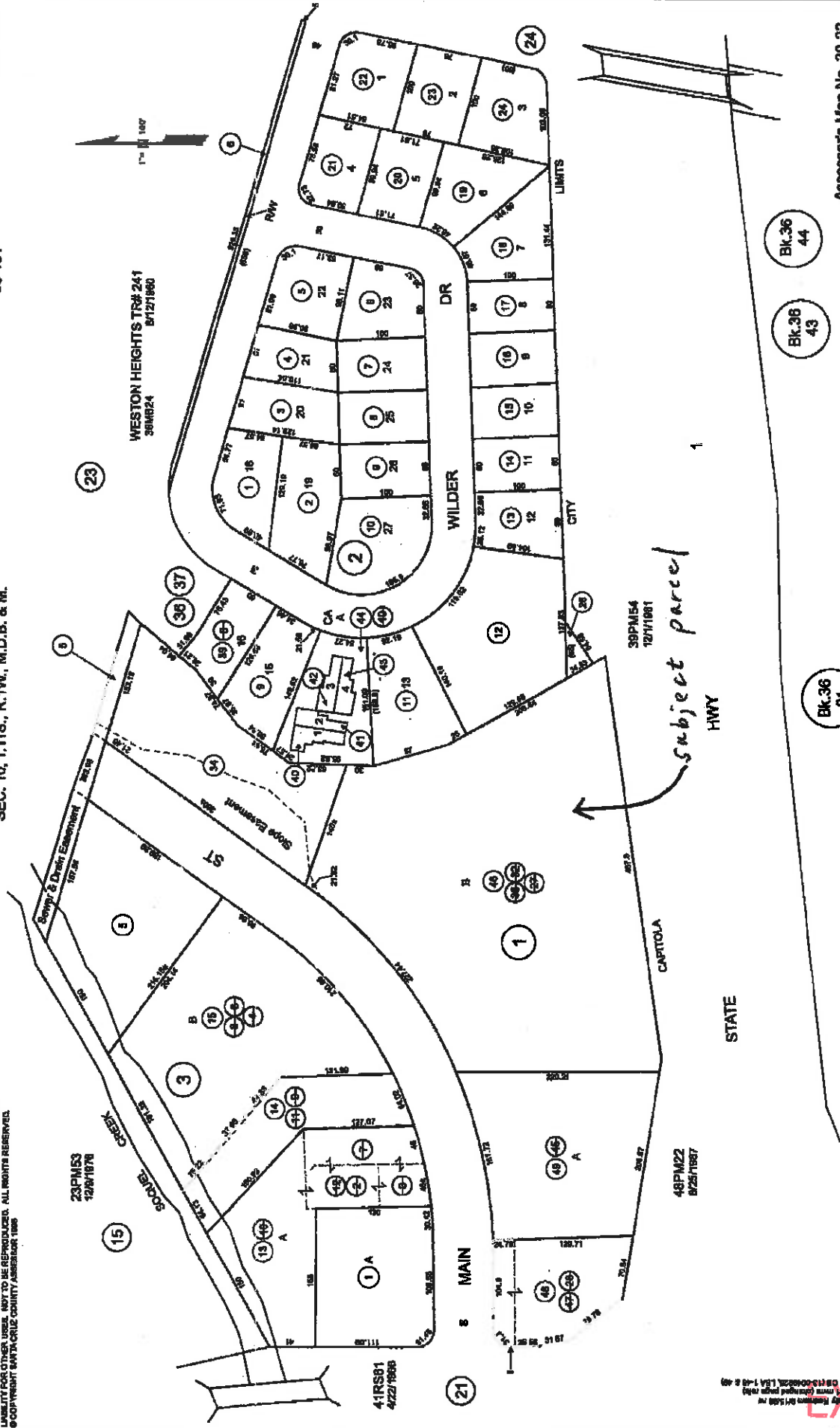
FOR TAX PURPOSES ONLY

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 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR. SOQUEL RANCHO
 SEC. 10, T. 11S., R. 1W., M.D.B. & M.

Tax Area Code
 96-101

30-22



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

Assessor's Map No. 30-22
 County of Santa Cruz, Calif.
 Sept. 1998

Bk. 36
 01

Bk. 36
 43

Bk. 36
 44

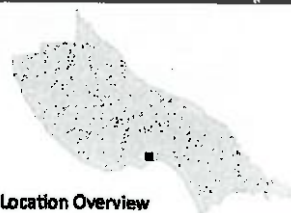
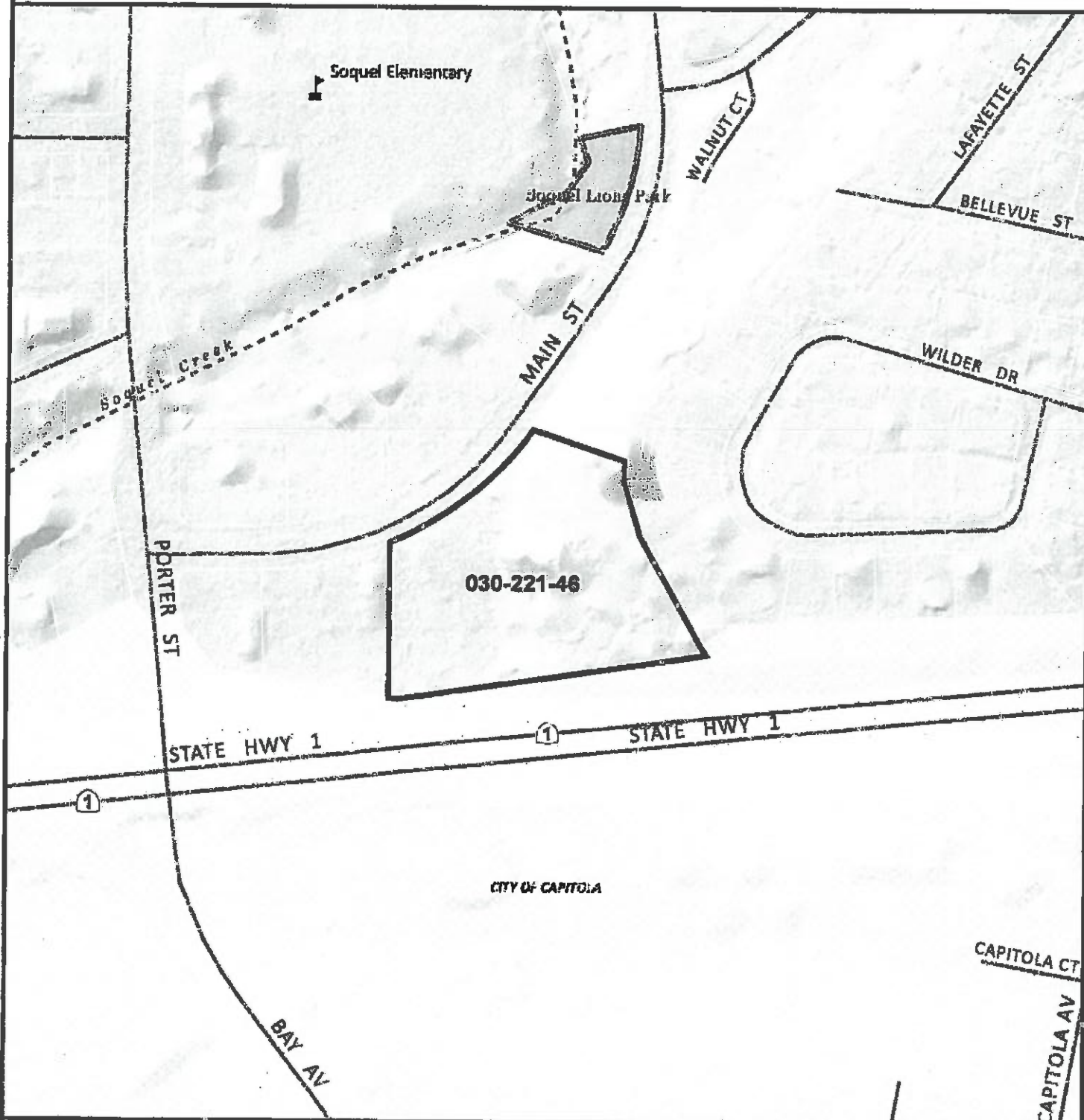
EXHIBIT I
EXHIBIT E



Parcel Location Map

Santa Cruz County Planning Department

Parcel Number
030-221-46
Apr. 27, 2018



Location Overview

Symbol Key

- | | |
|------------------|-------------------|
| School | Park |
| Street | City Jurisdiction |
| Perennial Stream | |



0 80 160
Feet

EXHIBIT

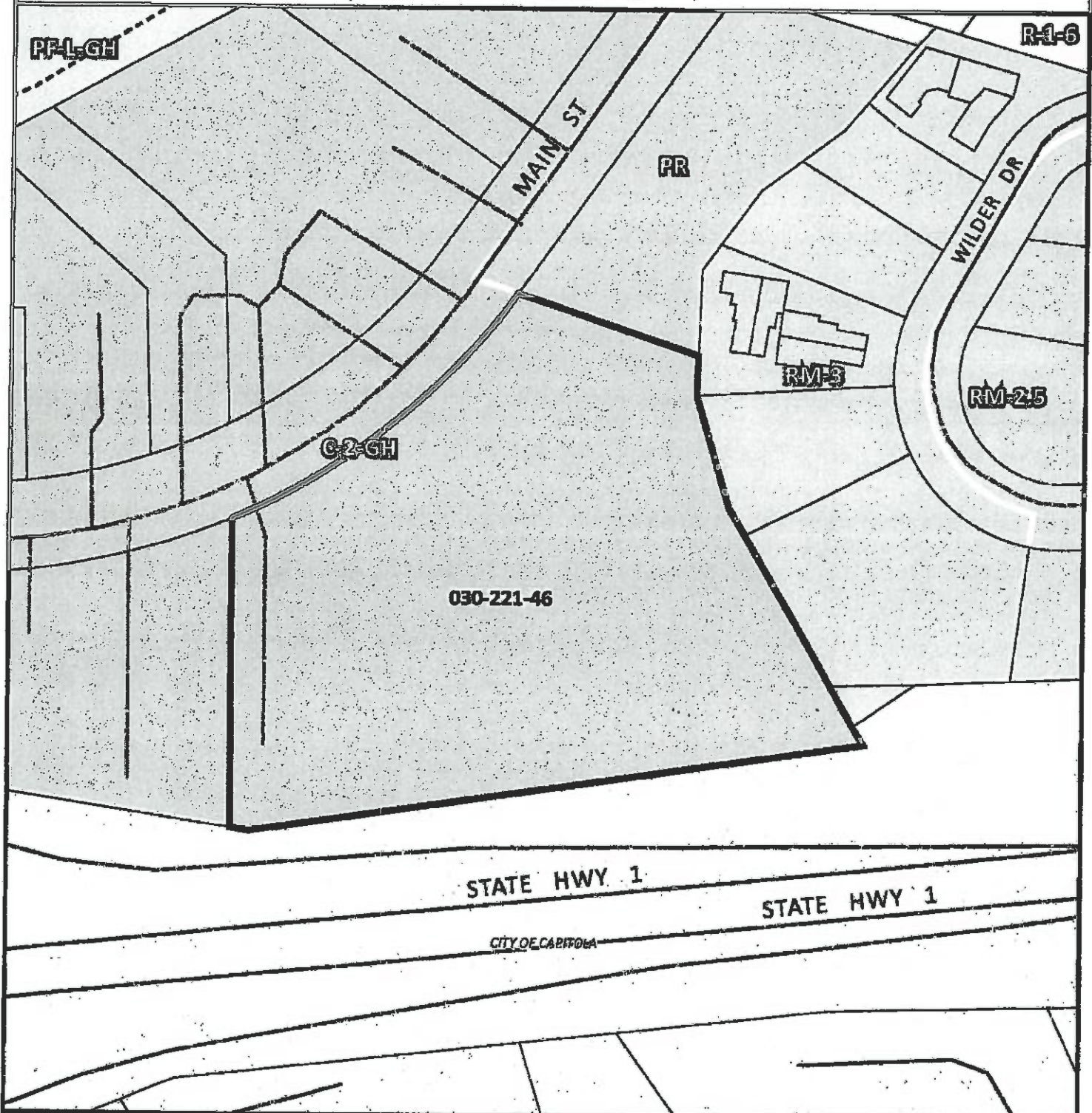
EXHIBIT E



Parcel Zoning Map

Santa Cruz County Planning Department

Parcel Number
030-221-46
Apr. 27, 2018



Zoning

- | | |
|--|-------------------------------|
| (C-2) Commercial Community | (RM) Residential Multi-Family |
| (PF) Public & Community Facilities | |
| (PR) Parks, Recreation, and Open Space | |
| (R-1) Single-Family Residential | |



0 40 80
Feet



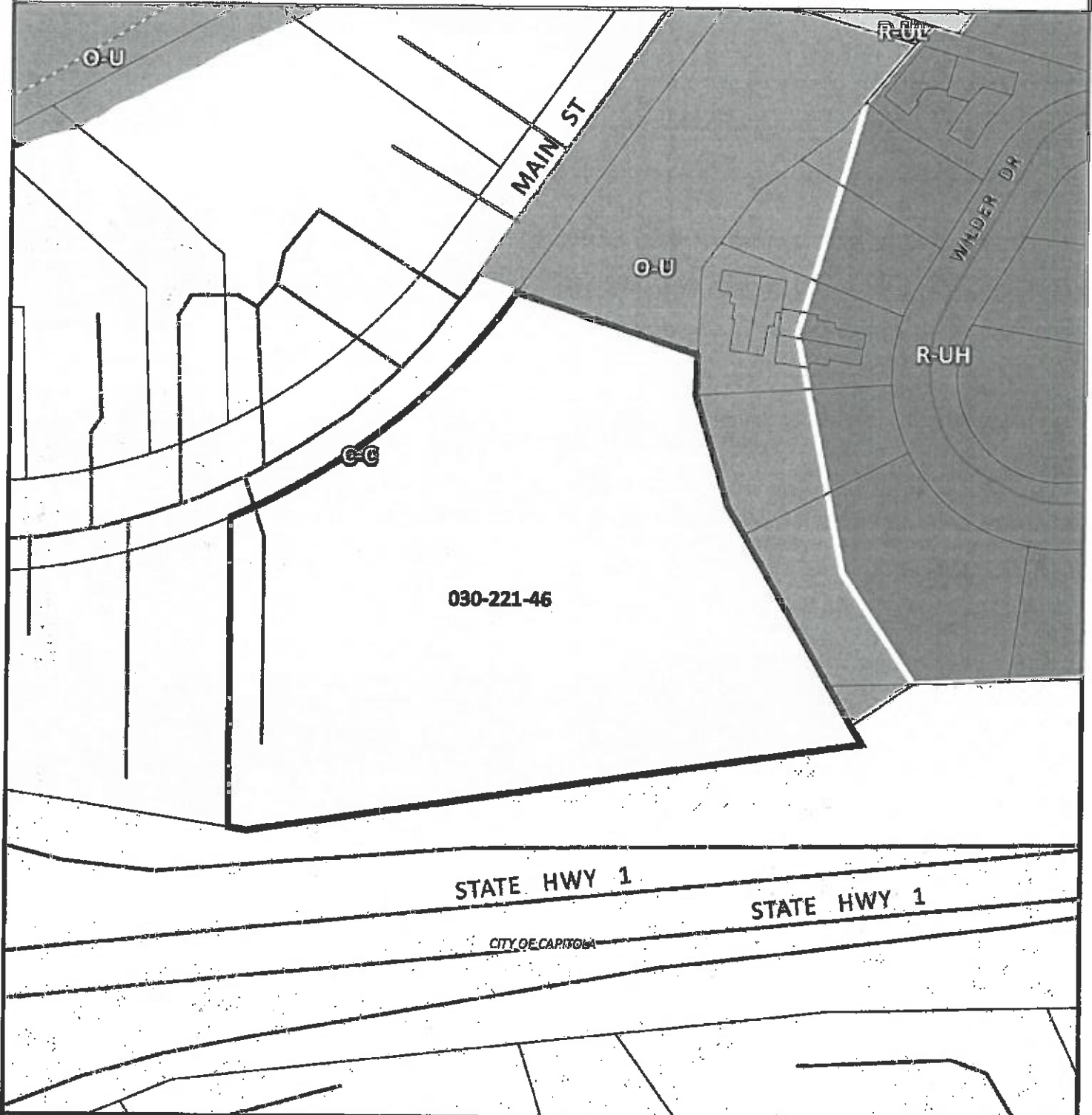
Parcel General Plan Map

Santa Cruz County Planning Department

Parcel Number

030-221-46

Apr. 27, 2018



General Plan

- C-C - Commercial-Community
- R-UL - Residential - Urban Low Density
- R-UH - Residential - Urban High Density
- O-U - Urban Open Space



0 40 80
Feet

EXHIBIT I

EXHIBIT E

Project Statement

Commercial Development Permit Application

Applicant: Soquel Farmhouse LLC
Application: 161091
APN: 030-221-46
Address: 2590 S Main Street, Soquel
Acreage: 2.9 acres

Background

In 2013 Holiday Corners LLC, which owns many of the properties that surround this parcel, leased property to Beer Thirty Bottle Shop & Pour House LLC, which opened in March 2014 to immediate and resounding success. Parking conflicts arose between the neighboring businesses, and as a result, Holiday Corners has subjected Beer Thirty to a hostile landlord/tenant relationship and has continually threatened Beer Thirty with eviction.

In 2016, Holiday Corners suggested that Beer Thirty rent the Soquel Farmhouse property to resolve the parking conflict. Beer Thirty complied, however this did not satisfy the landlord or the neighboring businesses and Beer Thirty continues to be subjected to a hostile tenancy.

Holiday Corners has made it clear that it intends to continue attempts to evict Beer Thirty and does not have plans to renew its lease at the end of its term. As a result, Soquel Farmhouse is attempting to develop this parcel so that Beer Thirty can move from its existing location to this new location.

This parcel has been in use as a retail nursery, home, garden and gift shop with a residential unit on the second floor of the existing structure for more than 20 years. This application seeks to continue those uses and add the taproom, restaurant, outdoor cooking, seating and entertainment uses to allow for Beer Thirty's relocation in a two phased approach.

Project Description

Phase 1: Proposal to demolish an existing two-story commercial building and construct a new two-story mixed use building with a taproom, walk-up counter service restaurant with low risk alcohol service, ABC license type 41¹, retail bottle shop and retail merchandise, with storage on the second floor, outdoor seating and entertainment areas², and a separate single story nursery storage and restroom building, establish a master occupancy permit for a mixed use development consisting of

¹ ON SALE BEER & WINE – EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

² This business model can be closely compared to Beer Thirty Bottle Shop & Pour House, adding a restaurant use, per the request of Supervisor Leopold.

continued from page 1...

the existing retail nursery, home, garden and gift shop³ and the new restaurant, outdoor seating and entertainment use.

Phase 2: Proposal to remove the kitchen from the taproom, convert the separate storage building to a kitchen and convert the second-floor storage to a two-bedroom apartment.

Proposed Uses

Phase 1:

- Retail Sales Neighborhood / Retail Sales Community: Nursery, Home, Garden & Gift Shop
- Restaurants; Bars, food service: Walk-up counter service restaurant with low risk alcohol service (Beer & Wine ABC License type 41)

Phase 2:

- Continued uses from Phase 1
- Residential

Hours of Operation (both phases)

The types of uses proposed on this parcel are community, service related businesses and will typically operate seven days per week, including most holidays.

Retail Nursery	7am – 7pm	Daily
Restaurant	7am – 12am*	Daily
	7am – 1am*	New Year's Eve
	* last call for alcohol service shall be 1 hour before closing	

Music (both phases)

We would like to provide acoustic and amplified background music both indoors and out in accordance with all sound restrictions of the county code. We would like planning staff to include these requirements as conditions of approval.

Number of Employees (both phases)

Retail Nursery	2
Taproom	4
Restaurant	2

Anticipated Number of Patrons (both phases)

We have been asked by planning staff to estimate the number of patrons for the proposed uses.

As we have never owned or operated a retail nursery, home, garden and gift shop, and we are only able to provide a "best guess" based on our observation of other local businesses with similar models. Aptos Hidden Gardens and Wisteria Antiques are the closest and most similar businesses. We frequent these stores regularly and we have never seen more than 8 patrons on the premises during our visits. Therefore, we estimate the normal retail nursery and gift uses on the property will service 1-8 patrons at a time.

The restaurant use is being established for an existing business, Beer Thirty. Therefore, we anticipate the number of patrons for this use will mirror Beer Thirty. In order to provide an accurate estimate for planning staff, we compiled *three months* of patron count data and have

³ This business model can be closely compared to DIG Gardens, Aptos Hidden Gardens and Wisteria Antiques.

continued from page 2...

prepared a detailed analysis in a separate report. Based on that analysis, we have identified peak days and hours of occupancy as well as average patron counts. Based on the data collected, we anticipate peak occupancy will range between 44-132 patrons with average peak occupancy expected to be 132 patrons on Friday at 9pm.

Beer Thirty Peak Occupancy Hours

<u>Day</u>	<u>Count</u>	<u>Hour</u>
Sunday	102	4pm
Monday	44	5pm
Tuesday	60	8pm
Wednesday	79	8pm
Thursday	81	8pm
Friday	132	9pm
Saturday	120	5pm

Beer Thirty Average Patron Count

<u>Day</u>	<u>Average Patron Count</u>									
	<u>1 PM</u>	<u>2 PM</u>	<u>3 PM</u>	<u>4 PM</u>	<u>5 PM</u>	<u>6 PM</u>	<u>7 PM</u>	<u>8 PM</u>	<u>9 PM</u>	<u>10 PM</u>
Sunday	32	57	88	102	98	78	65	41	23	
Monday	8	24	27	32	44	39	42	37	25	2
Tuesday	12	13	18	24	29	43	59	60	50	15
Wednesday	9	11	16	28	45	49	74	79	59	18
Thursday	8	11	21	27	44	57	69	81	74	47
Friday	14	26	35	49	74	103	131	118	132	117
Saturday	44	75	93	108	120	119	118	118	118	71

Traffic & Parking

The primary goal of this project is to relocate an existing business (Beer Thirty) from the adjacent parcel to this parcel. As this business is already in operation, we do not expect this development will increase traffic or parking demand.

It is understood that all new developments must provide adequate on-site parking for the proposed uses. The proposed parking plan is for 66 vehicle spaces and 36 bicycle parking spaces. This exceeds the number of spaces required by county code for both phases of the project.

We have prepared a supplemental report detailing current parking conditions in the immediate vicinity of the proposed development. Beer Thirty currently has access to 54 *shared* parking spaces. These parking spaces are shared with *all* of the surrounding businesses. These 54 shared spaces adequately service the existing business. The proposed development increases the number of parking spaces from 54 shared to 61 dedicated. Therefore, this development can reasonably be expected to reduce the parking impact on the neighborhood.

We have also included a parking analysis, prepared by a licensed traffic engineer, outlining that the number of parking spaces exceeds the maximum hourly parking demand for the proposed uses on the site.

As a final step, our civil engineer has identified another area on the property that is suitable for a *future* parking lot expansion, should the need arise, for a total of 117 spaces. Layout attached.

EXHIBIT I

EXHIBIT F

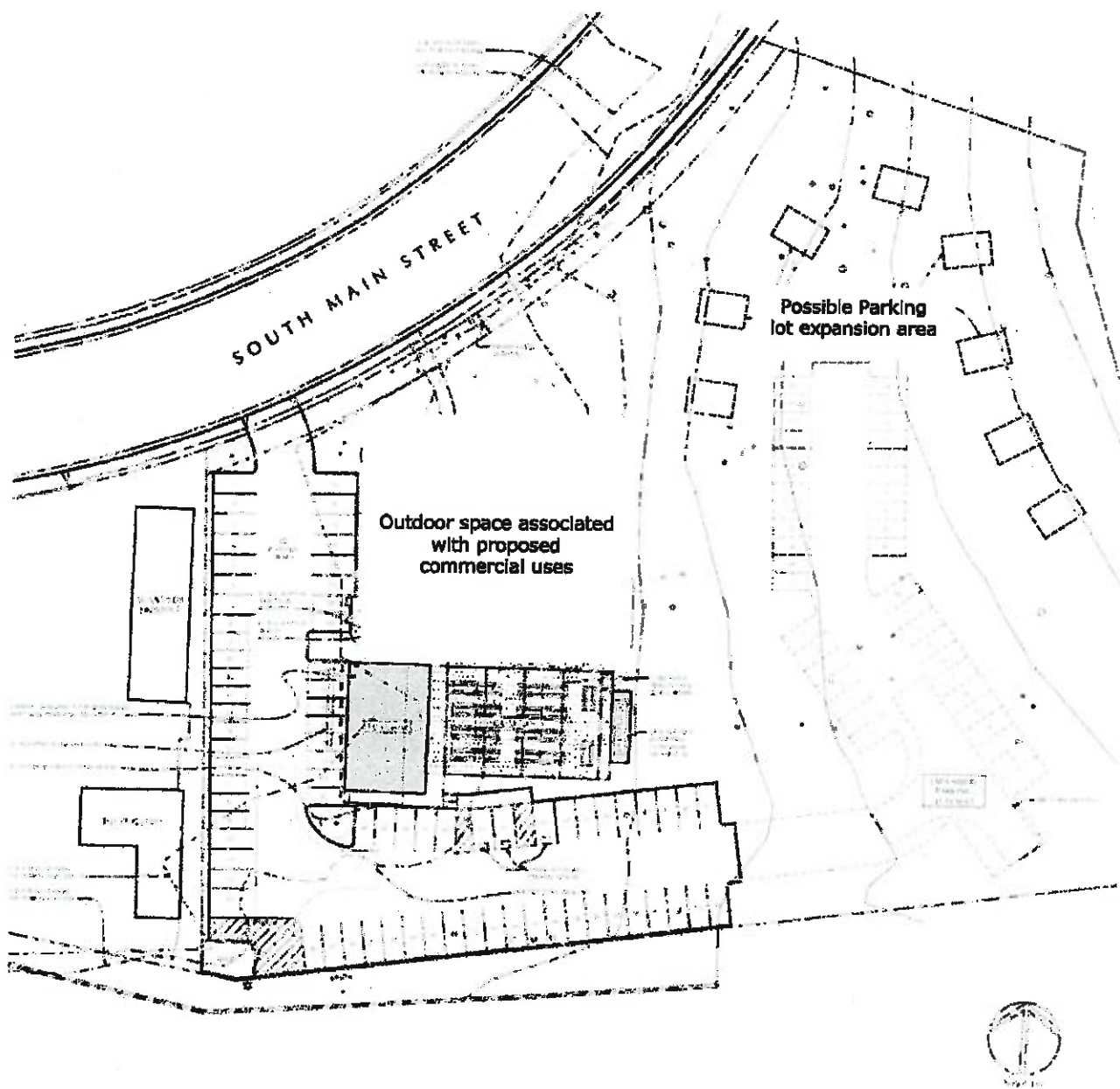


EXHIBIT I
EXHIBIT F

Supplemental Occupancy Analysis

We are seeking approval for a mixed use development and planning staff has requested that we include occupancy estimates for the different proposed uses on the parcel.

The initial estimate that we provided was a "best guess". For the retail nursery, home, garden and gift shop, our estimate was based on our observation of similar local small businesses. We have never owned or operated this type of business, therefore our estimate remains a "best guess". For the restaurant/taproom use, the estimate that we provided was based on historical sales information from Beer Thirty's point of sale system, rather than actual customer counts taken at their existing site.

In order to provide a more accurate estimate for planning staff, we have compiled *three months* of patron count data at Beer Thirty's existing location. The data collected included the month of September, which contained the Labor Day holiday, two midweek fundraisers, and exceptionally beautiful weather. This skewed results out of their favor. Counts were recorded hourly and broken down by inside seating, outside seating and gaming area uses.

The analysis revealed that Beer Thirty's peak occupancy hours fall later in the evening than originally estimated and after many of the neighboring businesses have closed. We found that the *average* customer count never exceeded 150 patrons and the peak average occupancy is 132 patrons occurring on Fridays at 9pm.

Beer Thirty Peak Hours (based on peak average patron counts)

Day	Count	Hour
Sunday	102	4pm
Monday	44	5pm
Tuesday	60	8pm
Wednesday	79	8pm
Thursday	81	8pm
Friday	132	9pm
Saturday	120	5pm

Beer Thirty Average Patron Count

	Average Patron Counts									
	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM
Sunday	32	57	88	102	98	78	65	41	23	
Monday	8	24	27	32	44	39	42	37	25	2
Tuesday	12	13	18	24	29	43	59	60	50	15
Wednesday	9	11	16	28	45	49	74	79	59	18
Thursday	8	11	21	27	44	57	69	81	74	47
Friday	14	26	35	49	74	109	131	118	132	117
Saturday	44	76	93	108	120	119	118	116	118	71

There are instances where patron counts exceed 150, however this is uncommon. Out of 900 hours surveyed, there were only 44 hours, which is less than 5%, where customer counts exceeded 150 patrons. These higher counts typically occurred on Friday and Saturday when other neighboring businesses are closed. There were only 16 hours where customer counts exceeded 150 patrons during the neighboring businesses peak hours (6pm & 7pm).

EXHIBIT I
EXHIBIT F

Beer Thirty Customer Counts > 150 patrons

<u>Day</u>	<u>Count</u>	<u>Hour</u>	<u>Comment</u>
Sunday	184/175	3pm/4pm	Labor Day Weekend
Monday	Never		
Tuesday	205/188	8pm/9pm	American Rivers Fundraiser
Wednesday	218/230	7pm/8pm	Alzheimer's Fundraiser
Thursday	154	9pm	Unknown cause
Friday	>150	6pm/7pm	9 occurrences (152-184 patrons)
	>150	8pm/9pm	8 occurrences (151-209 patrons)
Saturday	>150	3pm-7pm	11 occurrences (155-220 patrons)
	>150	8pm-9pm	9 occurrences (152-234 patrons)

Beer Thirty Max Patron Count*

	Max Patron Counts									
	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM
Sunday	82	101	184	171	146	147	144	111	48	
Monday	18	146	150	137	125	98	95	76	34	2
Tuesday	18	19	35	42	43	54	115	205	188	31
Wednesday	20	21	27	65	115	93	218	230	108	31
Thursday	13	27	43	49	73	89	96	117	154	91
Friday	35	87	119	80	129	167	203	189	209	117
Saturday	82	113	150	164	206	205	220	191	234	134

* Red cells denote >150 patrons

Overall, we feel we have been able to provide an extensive amount of data and analysis that gives a more accurate picture of peak occupancy for the proposed development. These peak hours are in contrast to the peak hours of several of the neighboring businesses and therefore will not have a detrimental impact on those businesses operations.

We hope this information enables planning staff to support Beer Thirty's relocation to the new site and recommend approval of this project.

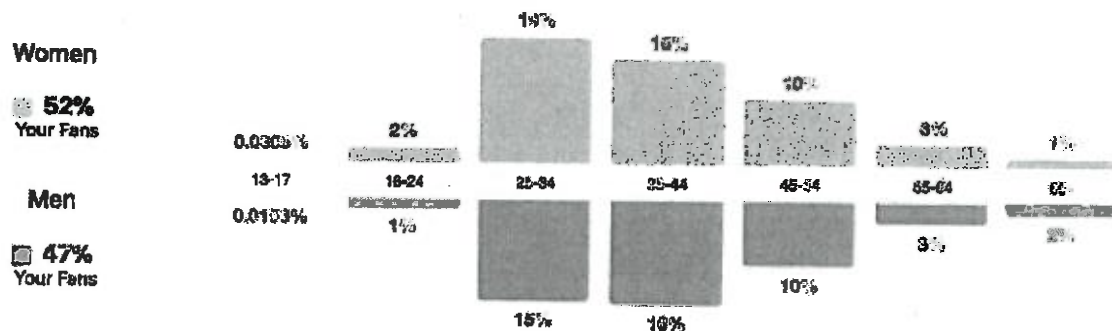
EXHIBIT I
EXHIBIT F

Supplemental Parking Demand Information

While occupancy correlates to parking demand, the type of business, customer demographics and the rapidly growing utilization of ride sharing technology such as Uber and Lyft have been shown to have a dramatic impact on parking demand. The following is a link to a ride-hailing impact analysis performed by respected and reputable parking consultants, Walker Consultants: <http://walkerconsultants.com/wp-content/uploads/2017/12/TNC-Impacts.pdf>.

Recent studies show that restaurant customers, where alcohol is consumed, prefer to utilize these types of services and are decreasing parking demand. In fact, counties that rely on parking revenue are seeing revenue reductions and budget shortfalls as a result in the increased use of these services. Millennials are also shown to be utilizing these services at an exponentially higher rate.

For reference, Beer Thirty's demographic is as follows:



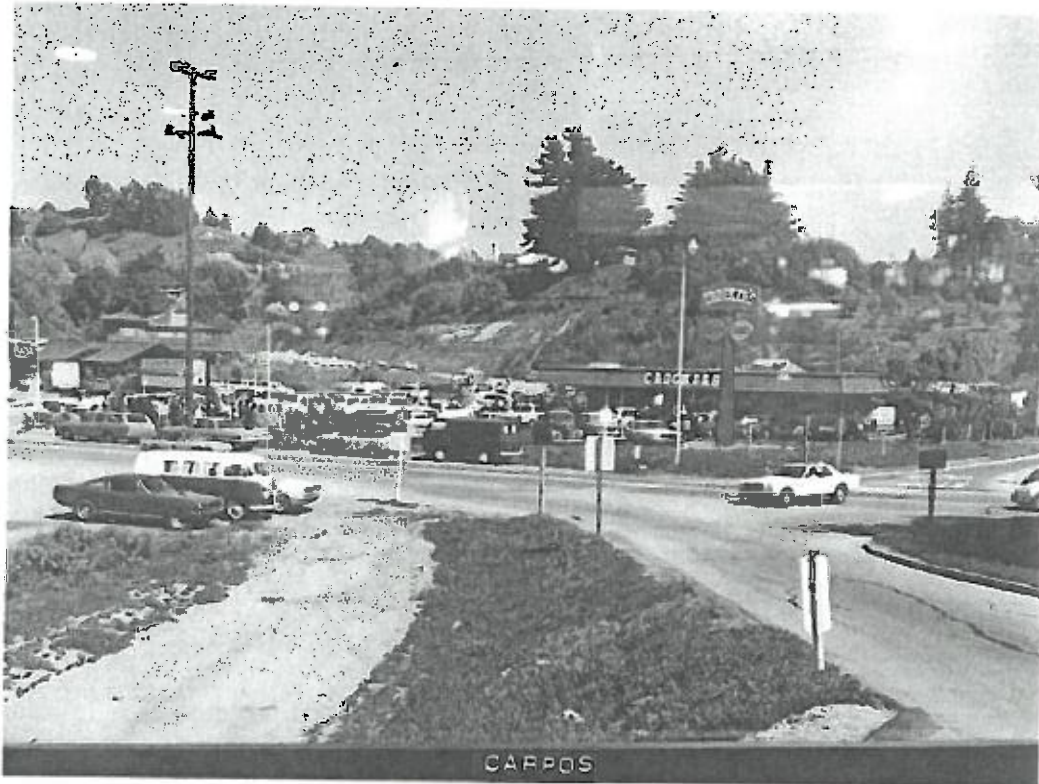
Other factors that reduce parking demand for Beer Thirty's business model:

- The proposed business is located in a concentrated area of commercial services where it can be expected that a single stop will be made for multiple land uses.
- The outdoor nature of the proposed development and our community encourages walking and bike riding.
- A considerable number of spaces are included in the parking requirements for the interior of the building, however due to the outdoor nature of the proposed development, the interior seating is often empty and is intended to serve the business on rainy days.
- Businesses like Brew Cruz, Shuttle, Limo and Santa Cruz excursion tour services bring 15 patrons in a single vehicle
- Beer Thirty encourages its customers to bring food from neighboring businesses, Carpo's, Tampico, Michael's on Main, Sunnyside Produce and the Fish Lady, resulting in a single stop for several uses.
- Many of our employees bike to work because traffic on highway 1
- Many of our customers carpool 3+ per vehicle and have a designated driver

EXHIBIT I
EXHIBIT F

Current Parking Conditions

We have been customers of the businesses on South Main Street for 30 years. For as long as we can remember, it has been difficult to find parking in this area. Even early pictures posted in Carpo's Restaurant from the 70's show that parking has always been a challenge.



Beer Thirty currently has access to 54 *shared* parking spaces; 9 parking spaces in front of their building and 45 (50 minus 5 indentured) parking spaces on the adjacent parcel. These parking spaces are currently shared by *all* of the surrounding businesses and are adequately meeting the needs of Beer Thirty's existing business. The proposed development includes a parking lot expansion which will increase the number of parking spaces for Beer Thirty from 45 shared to 61 (66 minus 5 indentured) dedicated spaces. Therefore, this development can reasonably be expected to meet the parking needs of Beer Thirty's existing business.

We regularly observe the parking patterns in the 5 neighboring parking lots during our neighbor's peak business hours. We have found that Fish Lady, Sunnyside Produce, the Veterinarian's office, and the Realtor's offices always have parking spaces available for their patrons during their regular business hours. Several businesses have installed restrictive parking signage, which has deterred non-customers from using their parking lots and it is common to see these parking lots completely vacant after hours.

EXHIBIT I
EXHIBIT F

We have conducted two parking lot counts of the 5 neighboring parking lots, on Saturday between Noon and 6pm when the veterinarian's office and the two real estate offices are closed. These studies occurred on Beer Thirty's 2nd and 3rd busiest days in their history of being open. The results showed that customers of all of all the neighboring businesses are utilizing each others' parking lots. Sunnyside Produce, Fish Lady and Michael's on Main had parking available for their patrons at all times.

Thank you,

Kym DeWitt
Soquel Farmhouse, LLC

EXHIBIT I
EXHIBIT F

Response to request for more information on Tap Takeovers

A Tap Takeover is merely putting a specific beer menu on for a day and telling people which beers you have on your menu. For example: 30 Beers from Northern California Breweries or 30 Beers from Sierra Nevada Brewery, or our favorite... 30 Beers from all the local breweries! These are standard and necessary business practices of every craft beer bar and restaurant. All of the local bars and restaurants have these on a regular basis, some weekly, and it is imperative that we be able to continue to do so just to compete. If we do not, we will not be relevant or be taken seriously in the craft beer community. If we are not able to promote and feature specific craft breweries and cultivate those relationships our business will fail.

If you go to any of the local craft beer centric businesses and look at their facebook, you will see that they are all doing these. Some of those businesses are:

Pour Taproom

99 Bottles of Beer on the Wall

Lupulo Craft Beer House

Sante Adairius Santa Cruz Portal

Burger Santa Cruz

Burger Aptos

Mission Street BBQ

Aptos Street BBQ

We typically have one 30 Tap Takeover a month, sometimes we skip it, if we can't get something worthwhile together. Out of respect for our neighbors, we've limited these to only one per month and we do them on Wednesday's, which are typically a bit slower day in the neighborhood. It would be better for our business if we could host as many as we want, but we've really done everything we can to be good neighbors. Most people stop by on their way home from work and get out of the traffic on highway 1. They typically generate a \$1500 - \$3000 bump in sales for the day. Typical attendance probably ranges from 80-150 people, coming and going through out the day.

We also have Tap Invasions, where we feature 3-10 beers vs. a whole tap takeover. We have these whenever we are approached by a new brewery or to promote an existing brewery that we work with.

EXHIBIT I
EXHIBIT F

Annette Olson

From: Kym DeWitt <kym@kymdewitt.com>
Sent: Friday, March 30, 2018 3:20 PM
To: Annette Olson
Cc: Bill Kempf
Subject: Re: Beer Thirty Project Update

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Annette ~

I am just now getting to yesterday's emails. I'm so sorry I missed this one.

2 Labor Day (3pm/4pm)
2 Fundraiser (8pm/9pm)
2 Fundraiser (7pm/8pm)
1 Unknown (Thursday @ 9pm 154 people — just barely over the 150)
9 Fridays 6pm/7pm
8 Fridays 8pm/9pm
11 Saturdays 3pm-7pm
9 Saturdays 8pm-9pm

—
44 occurrences

Hope this makes it to you in time.

Best,
Kym

On Mar 29, 2018, at 11:40 AM, Annette Olson <Annette.Olson@santacruzcounty.us> wrote:

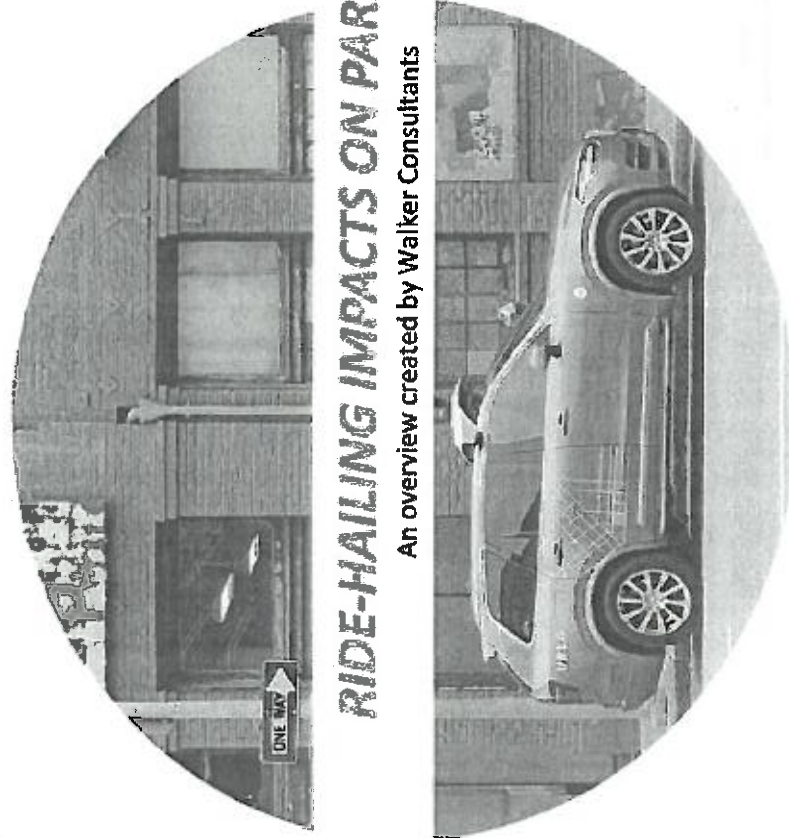
Hi Kym.

I'm hustling to get my report done with your additional information. Could you clarify one thing, you cite that there were 44 hours where the patron count exceeded 150. When I look at the table that you provided, I count 41. Here's my abbreviated summary of your table in case I'm not understanding it correctly.

1 Labor day
1 Fundraiser
1 Fundraiser
1 Unknown
9
8
11
9

Thanks,
Annette

From: Kym DeWitt [<mailto:kym@kymdewitt.com>]
Sent: Friday, March 16, 2018 12:24 PM



RIDE-HAILING IMPACTS ON PARKING

An overview created by Walker Consultants

INTRODUCTION

Transportation network companies (TNCs), ride-hailing companies like Uber and Lyft, are changing transportation habits and having a material impact on parking demand across communities throughout the country.

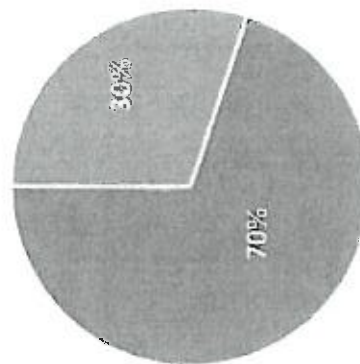
The largest impacts of TNCs to parking are occurring at hotels, restaurants, events centers, and airports where demand for TNCs is greatest. Although it is the policy of TNCs to withhold information, data has been extrapolated through survey, direct observation, and other secondary research reports.

EXHIBIT I
EXHIBIT F

MARKET PENETRATION AND USER GROUP

U.C. Davis studied 4,000 users in various cities and suburban areas between 2014 – 2016. The authors found that, “In major metropolitan areas, we find that 21 percent of adults have personally used ride-hailing services (i.e. they have installed and used ride-hailing apps), and an additional 9 percent of adults have used ride-hailing with friends.”¹ That is, approximately 30 percent of American adults in these areas have used a ride-hailing service.

Ride-Hailing Usage Among American Adults



■ Ride-Hailing Users ■ Non-Users

PROBABLE IMPACTS ON PARKING

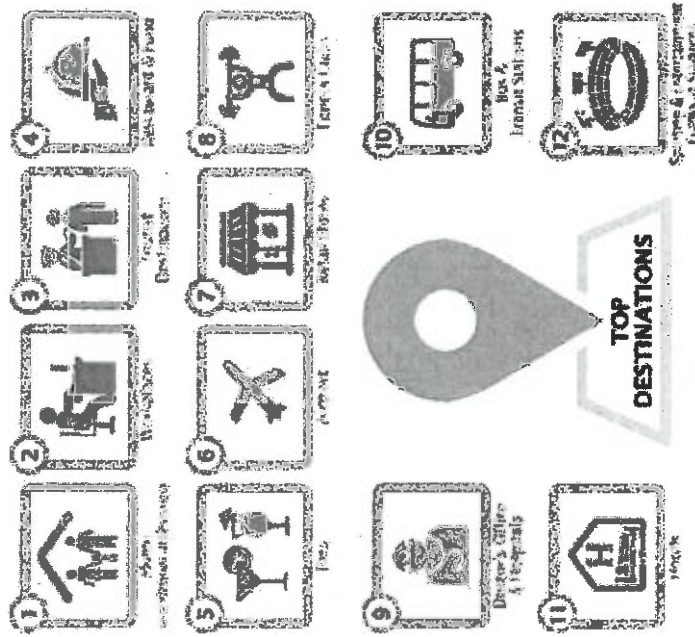
Ride-hailing services have been able to take advantage of the pent-up demand consumers have placed on access to urban centers. A strong correlation exists between high parking rates in urban metros and TNC market penetration.² Strong markets for ride-hailing services are found in dense urban centers with a bigger pool of potential customers (app-users) and in places where parking costs become prohibitive. Parking costs remain a driver in consumer choice behavior regarding transportation. However, impacts to parking will potential vary based upon geographic size and location, density or lack thereof, transit ridership, car ownership rates and costs, ride-share access and costs, demographics and other variables.

CURRENT IMPACTS BY LAND USE TYPE

TNC impacts are occurring at hotels, event facilities, restaurants, entertainment districts and corridors, airports and other in-demand destination places. While profound disruptions to daily commuting behaviors i.e. work commuting, have not yet been observed outside of a few select cities such as Los Angeles, New York, and San Francisco, a 'ride-hailing effect' has been observed across entertainment, leisure, and travel categories. For business travelers, TNCs are becoming a preferred ground transportation option to taxis and rental cars. Furthermore, car rental companies such as Hertz and Avis have seen a decline in their revenues over the last two years.³

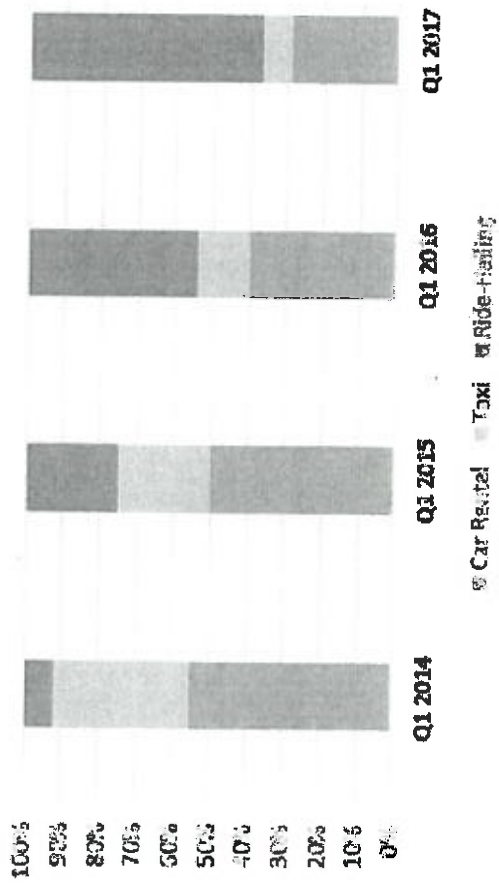
ENTERTAINMENT VENUES AND FACILITIES

Sports stadiums and event venues have recently begun planning their ground operations for TNC access and control. Live Nation, the largest live entertainment company in the country, has partnered with Uber to provide transportation for events. At all Live Nation amphitheaters across the country, Uber drop-off and pick-up locations have been created. Furthermore, Live Nation has developed an app integration feature between the Live Nation and Uber apps making it easier for concert-goers to hail rides.



In addition to the concert industry, Uber and Lyft have formed exclusive agreements with professional sports franchises. At Levi's Stadium, home of the San Francisco 49ers, an exclusive Uber Zone was created to enhance the fan experience for the 2016 season. Other agreements include official partnerships with MetLife Stadium (Meadowlands, NJ), Gillette Stadium (Foxborough, MA), Hard Rock Stadium (Miami, FL) as well as many other professional sports and entertainment partnerships across the country. In 2014, Lyft became the "official ride of Major League Baseball."

Car Rental vs. Taxi vs. Ride-Hailing



HOTELS

Hotel parking demand seems to have decreased in many places due to TNC use by travelers; travelers are choosing to use TNCs instead of rental cars, to get to and from the hotel.

Travel and expense management service provider Certify found that 59% of individuals using transit for work-related purposes opted to use TNC services instead of taxi or car rentals as the majority share of ground transportation in first quarter of 2017, up 3 percent from the end of 2016.⁴

Hotels are taking advantage of market trends and are accommodating ride-hailing services both in terms of their operations and guests' services. For example, the Bellagio Hotel in Las Vegas has a designated area for TNC pick-ups and drop-offs.

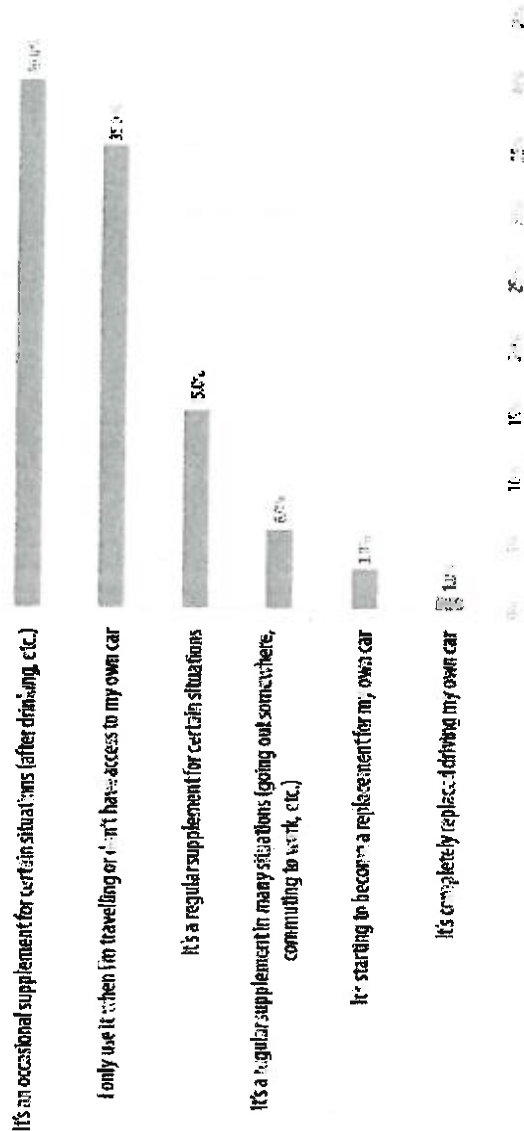
RESTAURANT DISTRICTS AND CORRIDORS
Ride-hailing apps are most popular with younger, urban dwellers. According to a Pew Research Center finding, the median age of adult ride-hailing users in the US is 33.¹ Additionally, in multiple surveys, DUI avoidance (drinking and going out) comes up as a reason for users' local trips.⁵ The food and beverage industry, albeit in certain environments more than others, is benefiting from having ride-hailing access.

AIRPORTS

There is some evidence that TNC rides to and from airports are affecting parking demand at airports. However, the potential effects of TNCs on airport parking might be more complicated than simply a uniform decrease in parking demand across the airport parking system.

To offset parking revenue losses due to ride-hailing services, most airports have started to charge ride-hailing fees to the TNC company and passengers within the last two years. Given the degree of growth TNC rides have continued to experience to and from airports, these fees may continue to increase.

technaLYSIS RESEARCH **Ride Sharing Applications**



CONCLUSION

One industry forecaster predicts that Uber and Lyft could continue to see double-digit growth upwards of 10 percent in 2018, before settling down into single-digit growth for 2019, with potential threats coming from costly regulation and government bans.⁶ TNCs could continue to be a significant part of the mobility landscape and will continue to influence consumer behavior impacting transportation planning, real estate development, and existing commercial operations.

The effects of TNCs will likely vary by multiple factors not least of which includes geographic area, size, location, density, land use intensification, car ownership, transit ridership, income, rideshare access, transportation costs, demographics, and a number of other factors. At this point in time, it is most prudent to treat any given parking scenario on a case-by-case basis, examining local dynamics in order to arrive at solutions that are informed and reasonably placed.

REFERENCES

1. L. Biles, "The Ride/Hailing Effect: More Cabs, More Trips, More Writas," CityLab, 12 October 2017. [Online]. Available: <https://www.citylab.com/transportation/2017/10/the-ride-hailing-effect-more-cabs-more-trips-more-writas/5412592/>
2. J. Condit, "Cites and the Price of Parking," City Commentary, 19 October 2016. [Online]. Available: http://cityobservatory.org/cities_and_the_price_of_parking/. [Accessed 2017]
3. P. LeBeau, "Uber and Lyft Grab More Business From Taxis and Rental Cars," CNBC, 27 July 2017. [Online]. Available: <https://www.cnbc.com/2017/07/26/uber-and-lyft-grab-more-business-from-taxis-and-rental-cars.html>.
4. "Business Travel Ground Transportation Report for Q1 2017," Certify, 2017. [Online]. Available: http://htkios/fksh.com/wp-content/uploads/2017/04/SideStoryReport_Q1_2017.pdf. [Accessed 2017]
5. P. Genert, "Uber and Lyft Won't Grimp U.S. Car Sales in Near-Term Survey," Reuters, 10 March 2016. [Online]. Available: <http://www.reuters.com/article/us-autos-sharing-future/dUSKGN0W011W>. [Accessed 2017]
6. "Strength in Global Economy Means Higher Travel Pacing in 2018," Hospitality Trends, 18 July 2017. [Online]. Available: <http://www.htrands.com/trends/detail?id=95468.html>. [Accessed 2017]

ABOUT THE AUTHOR

Walker Consultants is the global leader in providing parking consulting and parking design services. Founded in 1965, we pioneered the field of parking consulting. Today the firm has over 300 employees delivering a wide range of parking planning, design, engineering, and restoration services.

The firm is based in the U.S. with 17 domestic offices and 1 in the United Arab Emirates, is ranked #240 in Engineering News Record's Top 500 Design Firms and #13 in Building Design + Construction's Giants 300 Engineering/Architecture Firms.

We serve a broad spectrum of markets including healthcare, education, government, aviation, residential, retail and commercial development, entertainment, hospitality and athletic venues. This diversity allows our staff the luxury of collaborating with a large cross section of client types and developing best practices for their specific development needs, helping them unlock the potential of their projects.

Staff's Parking Analysis.

Use	Notes	Square footage	.85 multiplier	County Req'd	Required
Taproom	1836 s.f. -339 s.f. (retail)	1497	1272.45	1 per 100 s.f.	12.73
Retail	Nursery (in taproom)	150	127.5	1 per 300 s.f.	0.425
Retail	Beer (in taproom)	179	152.12	1 per 300 s.f.	0.507
Kitchen	Phase 2	453	384.2	1 per 100 s.f.	3.842
Beer Garden		2500	n/a	1 per 100 s.f.	25
Game Area		3400	n/a	1 per 600 s.f.	5.66
Residence	three bedroom	n/a	n/a		3
Nursery	See landscape plan for area	4800	n/a	1 per 600 s.f.	8
Employee				.3 x 6	1.8
Indenture		n/a	n/a	n/a	5
Subtotal					65.964
Shared uses					-4
Total					61.964

Previously Uncounted Areas

Walkways	West & east of beer garden	720	n/a	1 per 100	7.2
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Grand Total	Total above + walkway area				69.164
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EXHIBIT I
EXHIBIT G

Annette Olson

From: RON MARQUEZ <rm.mrqz@yahoo.com>
Sent: Monday, April 16, 2018 11:37 AM
To: Annette Olson
Cc: Kym DeWitt; Bill Kempf
Subject: Re: Beer 30

Hi Annette, I have reviewed the e-mail you sent me with the latest square footages for the Beer 30 Application. The table you provided does reflect the same methodology that I used in calculating the shared parking reduction for the project.

Let me know if you other questions.

On Friday, April 13, 2018, 1:29:26 PM PDT, Annette Olson <Annette.Olson@santacruzcounty.us> wrote:

Hi Ron.

I tried your telephone number, but it doesn't seem to work anymore (unless I wrote down the wrong number....). I hope you don't mind that I'm contacting you by email. In finalizing my staff report, I took a closer look at your numbers. I have a feeling that your numbers were done for an earlier iteration of the project as they don't reflect the current numbers.

I was wondering if you would take a look at my work-up with the current areas, and let me know if you agree with the analysis? I used your methodology (with the architect's most recent areas) which, besides the shared parking analysis, seems to differ from the method in the Code by using the .85 multiplier to account for areas that don't generate a parking demand (e.g. storage) rather than just deducting storage as allowed by code. If you are available to review this, here are my numbers:


Use	Notes	Square footage	.85 multiplier	County Req'd	Required
Taproom	1836 s.f. - 339 s.f. (retail)	1497	1272.45	1 per 100 s.f.	12.73
Retail	Nursery (in taproom)	150	127.5	1 per 300 s.f.	0.425
Retail	Beer (in taproom)	179	152.12	1 per 300 s.f.	0.507
Kitchen	Phase 2	453	384.2	1 per 100 s.f.	3.842
Beer Garden		2500	n/a	1 per 100 s.f.	25
Game Area		3400	n/a	1 per 600 s.f.	5.66
Residence	three bedroom	n/a	n/a		3
Nursery	See landscape plan for area	4800	n/a	1 per 600 s.f.	8
Indenture		n/a	n/a	n/a	5
Subtotal					64.164
Shared uses					-4
Grand Total					60.164

Thanks very much,

Annette

Memorandum

Marquez Transportation Engineering

To: Kym DeWitt, Bill Kempf
From: Ron Marquez, Traffic Engineer 
Date: March 2, 2018
Re: The Nursery Parking Analysis Update

The purpose of this memorandum is to provide further information on my earlier memorandum to you of October 1017. The following points serve as clarification and respond to comments received regarding the earlier document.

- It should be noted that the figures provided in the October document estimating the parking demand always used 85th percentile values as opposed to average values which are lower. The 85th percentile value is exceeded only 15% of the time.
- I was asked about typical vehicle occupancies for uses such as the Beer garden. A National highway Transportation Study in 2009 identified social and recreational trips to exhibit some of the highest vehicle occupancy ratios at 2.21 persons per vehicle.
- There is evidence that parking demand rates are reducing as ride hailing services such as Uber continue to increase in usage. A University of California at Davis Study indicated that one of the major reasons that people use these services is to avoid driving after drinking. Fully 33% of those users expressed that opinion.
- My understanding is that a number of companies are now providing tour services to uses such as is proposed. This also will increase the overall vehicle occupancy to the site and reduce the parking demand.
- The shared parking analysis prepared for you last year was limited to the proposed site. Were the study expanded to a broader area it is evident that the peak parking demand estimate reduces in a macro scale analysis. Simply said a number of the businesses in the area close during the peak parking demand of the proposed project.
- Title 13.10.553 Section B paragraph 5 of the County Code addresses alternate parking requirements and suggests they may be considered when: *"Valid statistical parking data from the site, neighborhood or applicable larger area indicate an appropriate level for shared parking."* Although the project does not require an alternate parking requirement this section of the code provides a threshold for shared parking beyond the boundaries of the subject property.

Each of the above notes suggest the peak parking demand estimates provided to you in October 2017 are conservatively high.

Memorandum

Marquez Transportation Engineering

To: Kym DeWitt, Bill Kempf
From: Ron Marquez, Traffic Engineer *RJM*
Date: October 18, 2017
Re: The Nursery Parking Analysis

The purpose of this memorandum is to document the findings of a shared parking analysis for two phase of a proposed Nursery and Beer Garden at 2590 South main Street in the unincorporated area of the County of Santa Cruz. The objective of this analysis is to provide a realistic estimate of the peak parking demand associated with the mix of uses. Because the uses result in parking demand peaks at different times it behooves the developer and the responsible agency to calculate the opportunities for shared parking so as to minimize the amount of pavement necessary for parking.

Methodology

This parking analysis uses three major references for its work, "Shared Parking" prepared by Urban Land Institute in 1983, "Shared Parking" Second Edition prepared by the Urban Land Institute in 2005, and "Parking Generation Third Edition" prepared by the Institute of Transportation Engineers in 2004. The Urban Land Institute has done considerable research on the effect shared parking has on parking demand over the last 30 years. The Urban Land Institute Documents quantify the premise that mixed land uses when combined require less parking than the same land uses when separately developed. These documents describe a methodology to estimate the parking demand for a variety of mixed uses. The County parking requirements were used to estimate the demand. The proposed use does not fall into typical use categories but can best described similar to a restaurant use as it relates to parking demand. For this study all components related to the beer garden building, temporary storage unit and seating area are included in the parking demand calculation as restaurant. I understand that the County has accepted that the area set aside for gaming would be required parking on the basis of 1 space per 600 square feet. This reflects the incidental use by customers already seated in the beer garden area.

This memorandum documents the assessment of two phases both of which include the beer garden, the nursery and the gaming area. Phase two includes a remodeled main building as well as a two bedroom apartment. A parking indenture of five spaces has been recorded on the site. To account for this, five spaces are added to the analysis all day long. The proposed project includes the development of 66 parking spaces for both phases.

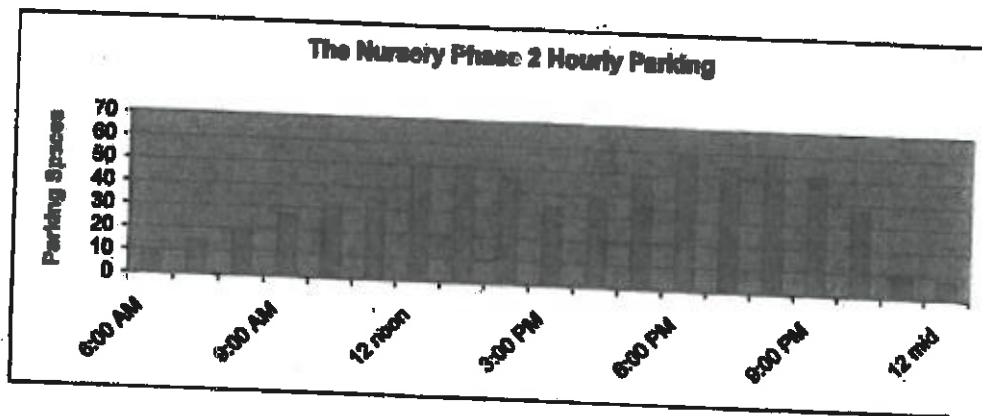
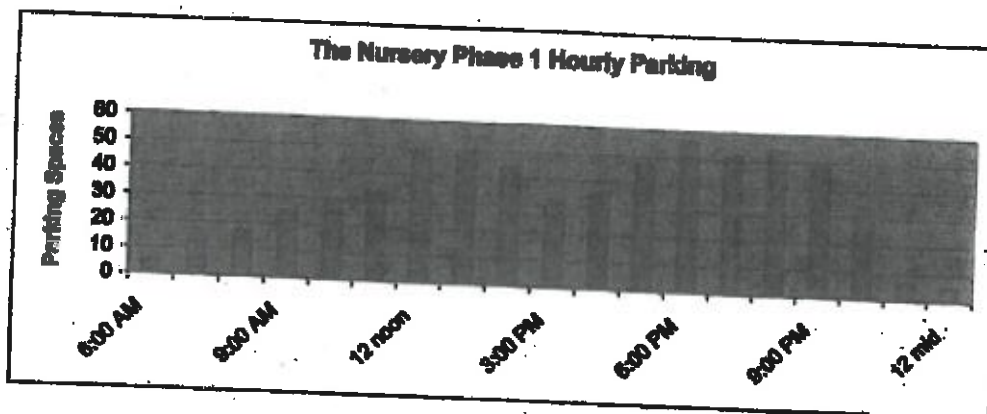
The following tables describe the uses analyzed and the maximum hourly parking demand for each phase. The gross square footage for the non-residential uses is adjusted by a factor of 85% to account for non usable square footage typical in commercial buildings. This adjustment factor is intended to account for stairways, elevators, storage and loading

October 18, 2017

areas which may or not be leasable or are not considered a portion of the building attracting a parking demand.

For both phases the maximum parking requirement is estimated to happen at 6:00 pm. This is because the peak parking demand associated with beer garden use is high and the nursery is still in operation.

In summary, the 66 spaces proposed to be made available for both phases will accommodate the peak parking requirements as adjusted by hour. The phase 1 maximum requirement identified is 56 spaces and the phase 2 requirement is 59 spaces.



These following sheets are the worksheets that present the hourly peak parking demand calculations for the two phases proposed for The Nursery.

Top Nursery Proposed Project			
Summary			
1 Bear Garden*	4,024	Sq Ft	4,024
2 Nursery	4,000	Sq Ft	4,000
3 Gearing Area	3,000	Sq Ft	3,000
4 Employees	0	Number	0.3
5 Industrial Parking			
6 Apartment	2	Bedrooms	2
Total			63

*Bear Garden calculation includes all buildings devoted to use multiplied by 85% to exclude storage and unusable space.

Hourly Distribution by Use						
	1	2	3	4	5	6 Total
Hour of the Day	Bear Garden	Nursery	Gearing Area	Bear Garden Employees	Industrial	Apartment
8:00 AM	0	0	0	0	0	0
9:00 AM	4	1	1	2	0	1
10:00 AM	8	1	1	2	0	2
11:00 AM	12	4	2	2	0	2
12 noon	12	4	2	2	0	2
1:00 PM	12	4	2	2	0	2
2:00 PM	12	4	2	2	0	2
3:00 PM	12	4	2	2	0	2
4:00 PM	12	4	2	2	0	2
5:00 PM	12	4	2	2	0	2
6:00 PM	12	4	2	2	0	2
7:00 PM	12	4	2	2	0	2
8:00 PM	12	4	2	2	0	2
9:00 PM	12	4	2	2	0	2
10:00 PM	12	4	2	2	0	2
11:00 PM	12	4	2	2	0	2
12 mid	0	0	0	0	0	0

8:00 AM	0
9:00 AM	18
10:00 AM	22
11:00 AM	27
12 noon	27
1:00 PM	27
2:00 PM	27
3:00 PM	27
4:00 PM	27
5:00 PM	27
6:00 PM	27
7:00 PM	27
8:00 PM	27
9:00 PM	27
10:00 PM	27
11:00 PM	27
12 mid	0

Adjusted Peak Parking Demand Ratios.

Hour of the Day	Bear Garden Weekday	Nursery Retail	Residential	Bear Garden Employees
8:00 AM	0%	0%	100%	80%
9:00 AM	10%	0%	87%	80%
10:00 AM	30%	18%	78%	80%
11:00 AM	30%	80%	73%	80%
12 noon	35%	80%	68%	80%
1:00 PM	48%	80%	68%	80%
2:00 PM	75%	100%	60%	80%
3:00 PM	75%	87%	59%	80%
4:00 PM	65%	88%	60%	80%
5:00 PM	40%	81%	61%	80%
6:00 PM	80%	88%	68%	100%
7:00 PM	75%	78%	77%	100%
8:00 PM	88%	78%	88%	100%
9:00 PM	88%	20%	94%	100%
10:00 PM	100%	20%	94%	100%
11:00 PM	80%	10%	88%	100%
12 mid	0%	0%	100%	33%
1:00 AM	0%	0%	100%	0%

Memorandum

Marquez Transportation Engineering

To: Kym DeWitt, Bill Kempf
From: Ron Marquez, Traffic Engineer *RJM*
Date: October 16, 2017
Re: The Nursery Trip Generation Analysis

The purpose of this memorandum is to document the findings of a trip generation analysis for two phases of a proposed Nursery and Beer Garden at 2590 South main Street in the unincorporated area of the County of Santa Cruz. The objective of this analysis is to provide an estimate of the new trip generation associated with the mix of uses.

Methodology

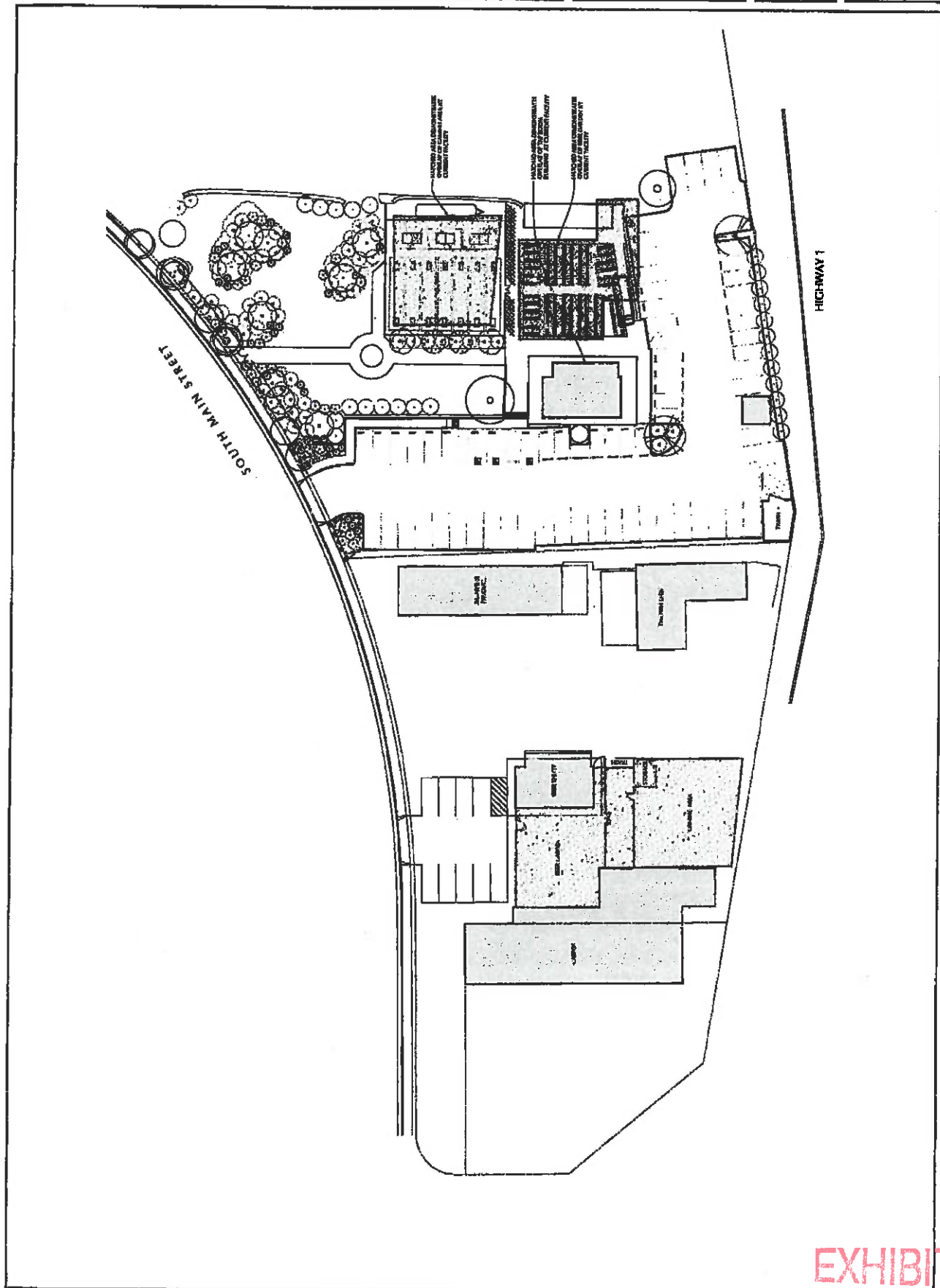
This trip generation analysis uses the Institute of Transportation Engineers (ITE) "Trip Generation 9th Edition" as its major reference.

This memorandum documents the assessment of two phases both of which include the beer garden, the nursery and the gaming area. Phase two includes a remodeled main building as well as a two bedroom apartment. The trip generation for the existing nursery is based on the figures you provided me. The existing nursery square footage is based on one fourth of the open area (35,400 sq ft) and the retail sales building (1,253 sq ft). This estimate provides a conservative estimate of trip generation for the nursery. The trip generation for the beer garden element most closely fits the pattern for a high turnover sit down restaurant (Land Use 932). Phase 1 square footage includes all first floor square footage and the outdoor beer garden area minus the restroom square footage. Phase 2 adds the apartment on the second floor. Pass-by trips are expected to be drawn to the beer garden. Pass-by rates for this type of use range from 26% to 62%. A pass-by rate of 20% is assumed to be a conservative value.

The following tables present the trip generation identified for the existing operation, phase 1, and phase 2.

Although the tables present new trips at the proposed site, it should be noted that the proposed use already is in operation a couple of parcels away. The proposal may be slightly larger than the neighboring site use however the majority of the trips estimated for the Nursery are already in the traffic stream.

[illegible][illegible]



Annette Olson

From: Bill Kempf <bill@wckempf.com>
Sent: Friday, March 23, 2018 4:26 PM
To: Annette Olson
Subject: RE: Beer 30 Old tap room size
Attachments: 2 - Civil revised.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Annette.

I do have everything drawn to scale and am using actual surveys for accuracy. The proposed taproom is quite a bit bigger while the existing building is actually only 1,025 s.f. I don't know if that helps or not.

I'm also including the revised Civil plans with the trees changed as you requested for Dettle. See you on Wednesday.

Bill Kempf, Principal
WILLIAM C. KEMPF, ARCHITECT
911 Center Street, Suite F, Santa Cruz, CA 95060
T: 831 459-0951 C: 831 239-5804
www.wckempf.com

From: Annette Olson <Annette.Olson@santacruzcounty.us>
Sent: Friday, March 23, 2018 2:08 PM
To: Bill Kempf <bill@wckempf.com>
Subject: Beer 30 Old tap room size

Hi Bill.

You made a nice exhibit showing the old Beer 30 buildings/areas superimposed over the proposed.

A neighboring property owner came in yesterday. He wondered if the old tap room's relative size was correct. If I do a polygon of the old taproom's roof on the county's GIS, I get ~1345 (which doesn't account for eaves). Is that about your estimate? Do you think your exhibit accurately reflects the size? The new tap room is about 1800 s.f.,

Could you double check that the exhibit reflects the old tap room's size accurately. I assume you traced it from an aerial, so the only place an error could occur would be if there's an issue with the new site plan's scale. Right?

Let me know your thoughts.
-Annette

Annette Olson
Development Review Planner
County of Santa Cruz
(831) 454-3134
Work Schedule: 8:30 - 12:00 M & Th; 8-2:30 W & F



Virus-free. www.avast.com

[illegible]

PROJECT NAME:	2015-2016 BUDGETING
ROLE & RESPONSIBILITY:	ROLE & RESPONSIBILITY
CLIENT NAME:	CLIENT NAME
CONTACT #:	CONTACT #
ADDRESS:	ADDRESS

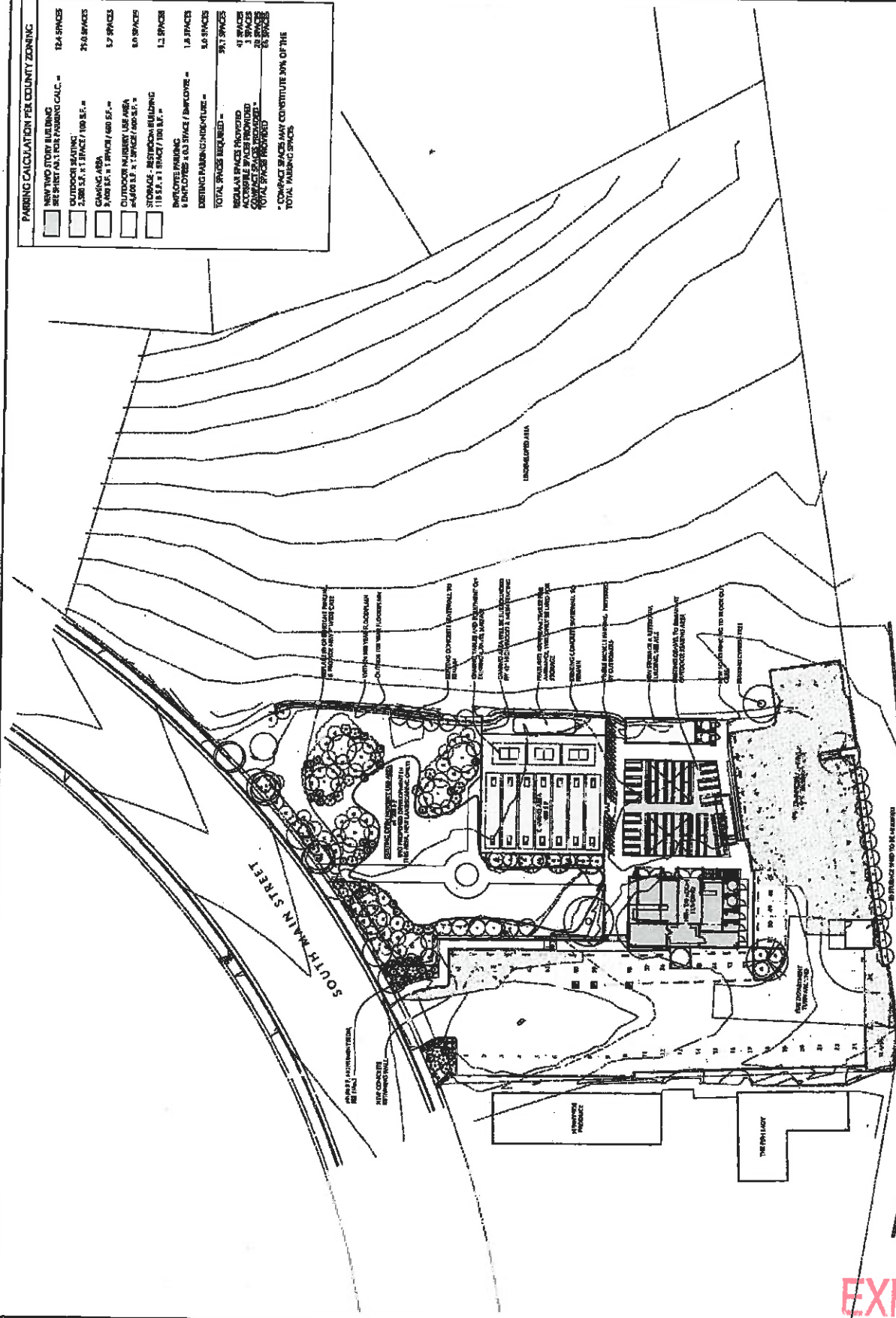
THE NURSERY
2550 SOUTH MAIN STREET, SUITE 1, CALIFORNIA
PROPOSED SITE PLAN - PHASE 1



WILLIAM C. KEMPf
ARCHITECT
311 Carr Street, Suite F
San Jose, CA 95128
Tel: 415/938-1100
Fax: 415/938-1101
www.wckemp.com

PARKING CALCULATION PER COUNTY ZONING

- | | |
|--|-------------|
| NEW TWO STORY BUILDING
SEE SHEET 0.1 FOR PARKING CALC. = | 12.4 SPACES |
| UNDERGROUND PARKING:
2,000 S.F. x 1 SPACE / 100 S.F. = | 20.0 SPACES |
| GRADING AREA
AND S.F. = 1 SPACE / 480 S.F. = | 1.7 SPACES |
| STORAGE - MATERIALS
4,500 S.F. x 1 SPACE / 400 S.F. = | 9.0 SPACES |
| STORAGE - RESTROOM BUILDING
119 S.F. x 1 SPACE / 100 S.F. = | 1.2 SPACES |
| EMPLOYEE PARKING
6 EMPLOYEES x 1 SPACE / EMPLOYEE = | 6.0 SPACES |
| EXISTING PARKING IN LOTURE = | 5.0 SPACES |
| TOTAL SPACES REQUIRED = | 59.7 SPACES |
| MECHANICAL SPACES PROVIDED | 47 SPACES |
| COMPLETE SPACES PROVIDED | 1 SPACES |
| TOTAL SPACES PROVIDED | 48 SPACES |
| * COMPLETE SPACES MAY CONSTITUTE 90% OF THE TOTAL PARKING SPACES | |



Save as per.

BOOK 3531 PAGE 198

Charles Hall
FEB 3 1983
2:06pm
NOTARY PUBLIC, Santa Cruz
Santa Cruz County, California

PARKING INDENTURE AGREEMENT

As an inducement to the County of Santa Cruz to give a building permit for a 4,000 sq. ft. commercial building to be located on APN 30-223-08, the owners of APN 30-223-08 and 30-221-32 do hereby agree to the following parking conditions:

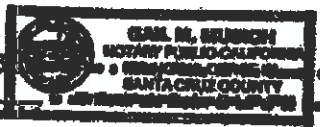
1. As APN 30-223-08 already contains the building known as the "Courtyard Restaurant" with forty two (42) County required parking spaces and;
2. Whereas the new 4,000 sq. ft. building on APN 30-223-08 is required to have nineteen (19) parking spaces;
3. Whereas only fifty four (54) parking spaces are available on APN 30-223-08 and sixty one (61) are required for these two buildings;

The owners agree that they will reserve and hold for the sole use of these two buildings, seven (7) parking spaces on that parcel of land across the street (owned by the same owners) described as APN 30-221-32.

5081
RE MI SM OP

Robert R. Fitts
Charles F. Hall
Charles F. Hall

State of California
County of Santa Cruz
On this 31st day of January 1983
personally appeared Robert R. Fitts
the above instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.
I (REAL)
Santa Cruz
Notary Public
Signature of Notary Public



STATE OF CALIFORNIA
County of Santa Cruz
On this 31st day of January 1983
any document other than that of eighty-three
Robert R. Fitts
State of California, duly acknowledged and sworn, personally appeared
Lebron Biles, Edward P. Fitts, Charles F. Hall

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.
Notary Public, State of California, my Commission Expires April 1984

County's Form No. 304 - (Acknowledgment - Grantor)
St. C. Sec. 5000 (Rev. 82)

RECORDED'S MEMO: Legibility of writing, typing, or printing UNSATISFACTORY in this document when received.

40. (E) PING PONG TABLE
41. (E) 6 FT REDWOOD FENCE

REGULATORY DATA

ASSESSORS PARCEL NUMBER:

30-221-45

ZONE DISTRICT:

C-2

USE:

EXISTING
PROPOSED

PRODUCE MARKET/BAR
SEAFOOD MARKET/MASTER OCCUPANCY PROGRAM

PROJECT DATA:

LOT AREA	36,711 SF
BUILDING COVERAGE (EXISTING)	4,577 SF/12.4%
BUILDING COVERAGE (NEW)	4,717 SF/12.8%
TOTAL FLOOR AREA (EXISTING)	4,577 SF
TOTAL FLOOR AREA (FUTURE)	4,717 SF

REQUIRED PARKING:

	AUTO	BICYCLE
PRODUCE MKT (RETAIL) 1,475/200	7.38	1.47
BAR (RESTAURANT) 1,300*/100	13.00	3.25
FISH MKT (RETAIL) 1,170/200	5.85	1.17
FISH MKT (RESTAURANT) 416/100	4.16	1.04
SUB TOTAL	30.39	5.93
SHARED PARKING REDUCTION 10%	-3.04	0
PARKING INDENTURE** 7 X .23	1.61	0
(APN 30-223-08)		
TOTAL	29	7

*600 SF OF OPEN TRELLIS STRUCTURE DESIGNATED AS OUTDOOR DINING/ DRINKING AREA.

(Included in total 13 spaces)

**ORIGINAL APN 30-221-32 HAS A 7 (SEVEN) SPACE PARKING INDENTURE FROM APN 30-223-08. PARCEL SUBSEQUENTLY DIVIDED INTO 30-221-45 (23% OF LAND AREA) AND 30-221-46 (77%). 23% PRO RATA SHARE USED FOR CALCULATION.

PARKING PROVIDED:

	AUTO	BICYCLE
STANDARD SPACES	37	7
HANDICAPPED	1	
VAN	1	
STANDARD	1	
OFFSTREET LOADING	1	
TOTAL	40	7

All shared

HOLIDAY CORNERS
Tenant Improvement

EXHIBIT I

EXHIBIT I

Bar required 13 spaces less 1 for shared

Annette Olson

From: Jan Kampa <happykampa@cruzio.com>
Sent: Saturday, February 17, 2018 7:20 AM
To: Annette Olson
Subject: Beer-Thirty Project

Hi Annette,

My wife April and I had a great time at the Soquel Neighborhood Meet & Greet last Sunday. The owner's new development is wonderful news, and Kym, Shawd, Olive, and Craig couldn't be better and nicer folks.

Can you add me to your mailing list for updates and any support you'd appreciate getting from the community on this project? Thanks so much!

Best,
Jan & April Kampa
3120 Hardin Way
Soquel, CA 95073
831-535-2739

Annette Olson

From: MrToddodd <mrcarpo@gmail.com>
Sent: Friday, April 13, 2018 3:47 PM
To: Annette Olson
Subject: Re: Beer Thirty

Hi Annette, Yes, my concern is all the mixed use areas outside, nursery and gaming will be used for the tap room customers. They are trying to do the same thing they did in their present location by calling it a retail bottle shop, when in fact it has always been a beer garden. If all the area outside was classified as restaurant/beer garden, they would have to provide upwards of 125-150 spaces, which is exactly what they need for a project of that size. Right now, on any given night they are filling both lots plus encroaching on adjacent lots. This has caused many parking issues for the entire business community on the street, and can only get much worse if they are allowed to proceed with only 66 parking spaces on their new project. All you have to do is look at all the no parking signs that have surfaced in the last couple of years, a direct result in Beer 30's total lack of parking. Thanks Todd

On Fri, Apr 13, 2018 at 12:45 PM, Annette Olson <Annette.Olson@santacruzcounty.us> wrote:

Hi Todd Todd.

I understand from Wanda Williams that you have some concerns about the Beer Thirty application. When we met, I recall that your main concern is parking and, in particular, your concern that the nursery area will be used as an extension of the taproom. If you have any other concerns, please let me know and I will do what I can to address them.

Thanks,
Annette

Annette Olson
Development Review Planner
County of Santa Cruz
(831) 454-5124
Work Schedule: 8:00 - 12:00 M-F; 8:00-5:00 W-F

Annette Olson

From: Wanda Williams
Sent: Tuesday, March 27, 2018 9:58 AM
To: Annette Olson
Subject: FW: beer 30

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

From: Wanda Williams
Sent: Tuesday, March 27, 2018 9:58 AM
To: 'todd todd' <mrcarpo@gmail.com>
Subject: RE: beer 30

Todd, in my capacity as a Deputy Zoning Administrator I am unable to advise you regarding this application. However, I am going to pass your concerns along to the project planner in hopes that her staff report on this matter addresses the mix of uses. Thanks.

From: todd todd [<mailto:mrcarpo@gmail.com>]
Sent: Tuesday, March 27, 2018 8:01 AM
To: Wanda Williams <Wanda.Williams@santacruzcounty.us>
Subject: beer 30

Hi Wanda, What would be the most effective way tho voice my opposition to the Beer 30 plan proposal? By classifying 75% of the project as retail/gaming instead of a Beer Garden/Restaurant, they have circumvented parking requirements they need. This is exactly what they did in the present location. They really need 150 spaces and anything less will negatively impact the street even more than the present situation. All you have to do is look at every business on the street with their no parking signs on every spot to realize the problems we constantly face. Please let me know Thanks Todd Todd 831-818-6515

Annette Olson

From: Todd and Jill Prindle <prindletroon@yahoo.com>
Sent: Thursday, March 29, 2018 8:02 AM
To: Annette Olson
Subject: please talk with Randall Adams & Lezanne Jeffs

Annette, I met with Randall Adams once. He seemed to have a real handle on the situation. Would you talk to him about figuring the parking/bathrooms within the County guidelines & Lezanne.
You had mentioned using common sense on this project. The Taproom, Patio & future Kitchen Shed should all be looked at as usable area. At one time, the County Planning considered outside area being used as Retail to meet the code. It was for Homescapes outdoor fountains. Supervisor Jan Beautz was nice enough to look at this in a different light, as there use was low impact. Is this rule still in effect?
The 9 outside parking spaces were way more than Homescapes needed. Beer 30 needed the 9 plus the 50 at 2590 Main St., plus the street & neighboring tenants properties.
Beer 30 didn't like Lezanne's Preliminary Parking Analysis. They have come back later with a new version, with all customer walkways/storage being literally on the "outside" of their parking requirements.
It is impossible for the Taproom to be at 12 package spaces @ 1,840 sq. ft. Any Beer sales are consumed on property, this is not a retail store, again it is a very large Bar.

From: Todd and Jill Prindle [mailto:prindletroon@yahoo.com]
Sent: Tuesday, March 27, 2018 9:36 AM
To: Annette Olson <Annette.Olson@santacruzcounty.us>
Subject: Fw: 2590 Main St., Beer 30

Annette, I have been looking at the "Incomplete Application" letter from your Dept. on May 13, 2016. It really looks like they have just shrunk the old plan down to save money or reintroduced the same plan with out the same square footage shown. Gaming Area went from 9,900 sq. ft to, I think, 3,600. The missing 6,000 is now the Nursery area ? It would be good to see it. They had 62 parking spaces then and 66 now. The County was at 85 then. Can you dig up the site plan from this ? Lezanne Jeffs wrote it...Tp

On Monday, March 26, 2018 12:46 PM, Todd and Jill Prindle <prindletroon@yahoo.com> wrote:

Great ! C U then...sent by my i.todd

On Monday, March 26, 2018 12:10 PM, Annette Olson <Annette.Olson@santacruzcounty.us> wrote:

How about Wednesday at 1:30?

From: Todd and Jill Prindle [mailto:prindletroon@yahoo.com]
Sent: Monday, March 26, 2018 10:14 AM
To: Annette Olson <Annette.Olson@santacruzcounty.us>
Subject: Re: 2590 Main St., Beer 30

Sorry just saw this. I have, Tuesday before 10 am, Wednesday before 9 am or after 1 pm. Friday all day ok...let me know & thanks Tp

On Monday, March 26, 2018 9:59 AM, Annette Olson <Annette.Olson@santacruzcounty.us> wrote:

Hi Todd.

I have to cover for someone on the counter at 10 AM. If you still want to come, I can make the plans available to you in the records room, but may not be available to discuss them with you. I'm very interested in whatever ideas you may have. Thanks,
Annette

From: Todd and Jill Prindle [mailto:prindletroon@yahoo.com]
Sent: Sunday, March 25, 2018 1:47 PM
To: Annette Olson <Annette.Olson@santacruzcounty.us>
Subject: 2590 Main St., Beer 30

Annette, really great talking to you the other day. I had a fun time ! The only problem was, I really didn't look at the plans. I looked at the plot of the site plan & that might have been enough, but I like to look at all the sheets. I do need to look at the site plan, again. Sorry about that.

I did find a map showing the Beer 30 existing site at 928+/- square feet and Jeff Newhouse found a newer one at 1,030+/- . So I was way off on 600 to 700 square feet, so let's call it approx. 1,000 sq. ft. It still looks a lot smaller. Now the diagram you showed me of this, seemed to cover the 1,836+/- sq. ft. of the new site, so it is still only 54%. Almost twice as much, so that diagram isn't right. The recreation area and the picnic area may be much, much closer. I believe we are 2,000 on the current picnic and 3,600 on the recreation, but with just looking at my map it is tough to be accurate. The current area includes all walkways, dog area, etc. Currently, but I haven't seen it, they have a port potties out front in the parking, besides the one on site. It would be good to know if this is enough during events.

I have some times this week & you could just leave the plans in the map area. I could look at them in front of the guy that was there when we met. Unless you have time again.

I just want there to be enough parking & restrooms to take care of their needs. I would hope with proper planning we can get to the correct numbers. It may take a review of site in the future, as you mention. As mentioned on a cold Saturday at 3:30 all 9 spaces and the 50+/- were all taken. What happens on promotion nights. The events they run have only been limited by Mr Newhouse. He pointed out that Monterey and San Jose use linear feet to measure sitting areas and standing. It is all our belief, that under the new plan they will max out the entire area. this would include the Nursery area and Code Compliance is really tricky. The site also includes 1.5 acres on the hill, that I can not see them leaving alone.

I have some ideas for you to work by the book and am happy to tell you them, after looking at the plans.
thank you...Tp

Annette Olson

From: Todd and Jill Prindle <prindletroon@yahoo.com>
Sent: Wednesday, March 28, 2018 6:46 PM
To: Annette Olson
Subject: Re: 2590 Main St., Beer 30

Annette, thank you for today & the "conditions" for 800 Soquel Ave., just great.

Before I forget please send me the "traffic Report and the "Patron Study". Thank You !

As it was diving into those sheets close to 3:30, I finally discovered that the Arch. William Kempf put dimensions on one of the last pages. It would have saved me time, as I believe they may be quite accurate. There are 58,000 square feet in the lower section(not on the slope), so it is quite large. I know this from having made quite a few plans of the area. With my rough dimensions, I came up with 10,500+/- sq. ft. for the Nursery Area. This includes interior walkways and trees, everything inside the fences. This would make it 17.5 parking spaces, not 8. The Taproom Restaurant is 1,840+/- sq. ft. at 1/100 it should be 18.4, plus 2 for upstairs = 20.4, not 12.4. It does show as 15.4 during phase 2, but the new Kitchen/Restroom(former storage) comes up at 4.6 and should be 513 sq. ft. for 5.3 parking spaces. The gaming area need to be under "service enterprise" for 1/300 sq. ft. It is quite silly to think there will only be 14.25 people playing games here(2.5 x 5.7) This area need to be at 12 not 5.7. I did come up with 4,200, but this is without using that one page and without the Air Stream(which is a strange one for storage use).

The truth is this is a huge bar, just like you see in any college town. While 2.5/car seems real, if you look on any highway, you see 1 person in 70% of the cars. This is why the 2 person lanes aren't used much. There will be great deal of cars here.

It is also apparent that the walkways are not being calculated in the square footage. They are being calculated for their current space to describe the similarities between the two sites, but not on this plan.

There are two ways to look at it. One is to look at the picnic tables and how many they hold(25 tables max and 21 with food truck @ 8 to 6 people per). #2, take the entire area and apply 1/100 to it. I am just saying the storage area will be change to a Kitchen, the walkways are part of the restaurant area(just like any one in town) and the picnic area can be added to this. the area is 7,150+/- (w/o page) sq. ft. = 71.5 parking spaces. If you had someone come to the county and wanted to put in a large Bar the #'s you would use 1/100 per code.

#2

17.5 Nursery Area per Code 1/600 Open Uses
12 Gaming Area per Code 1/300 Service Enterprise
71.5 Restaurant/Bar Area per Code 1/100
2 Upstairs apt.
7 existing parking Indenture
110 required spaces

I remember the 7 spaces are deeded on the Beer 30 property, not on the other. This was something we did, because the other properties as you know didn't have enough parking(Carpo's Sunnyside, Jessie's & Fish lady). Three time this property with the indenture have been sold with the new buyer accepting this indenture. I am not sure, but I think this would hold up in court.

Please consider the use and reality this 71.5 parking spaces makes sense & is "code".

Thank you again for listening to me and helping me to help all parties concerned with this matter.

Tp

On Wednesday, March 28, 2018 8:59 AM, Annette Olson <Annette.Olson@santacruzcounty.us> wrote:

Hi Todd.

I don't think the original plan set was in the file I received, but I'm happy to ask Lezanne and Randall about it. Let's talk about it when you get here at 1:30.

-Annette

Annette Olson

From: Todd and Jill Prindle <prindletroon@yahoo.com>
Sent: Sunday, March 25, 2018 1:47 PM
To: Annette Olson
Subject: 2590 Main St., Beer 30

Annette, really great talking to you the other day. I had a fun time! The only problem was, I really didn't look at the plans. I looked at the plot of the site plan & that might have been enough, but I like to look at all the sheets. I do need to look at the site plan, again. Sorry about that.

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Almost twice as much, so that diagram isn't right. The recreation area and the picnic area may be much, much closer. I believe we are 2,000 on the current picnic and 3,600 on the recreation, but with just looking at my map it is tough to be accurate. The current area includes all walkways, dog area, etc. Currently, but I haven't seen it, they have a port potties out front in the parking, besides the one on site. It would be good to know if this is enough during events.

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The only real problem with Beer 30 is parking.

Their operation, design elements and management style make for a wonderful experience. The new plan for 2590 is wonderful and will be great success. They are also really great at marketing their business. The problem is in their efforts to increase sales, they have continually increased auto traffic.

Over the last 4 to 5 years, since they moved in, Main Street has gotten increasing hostile. We now have the Board of Realtors building putting up tow away signs on each parking place. Tenants have been putting up fences, chains and security to protect their own parking lots.

The County Planing Dept. allowed Beer 30 to go into a 1,000+/- square foot building with 9 spaces, as a beer tasting room and retail store. The outside slowly added more picnic tables & Beer 30 became a Beer Garden. It reminds me of a College Beer Bar that gets packed outside ever big game or any party night. There is nothing wrong with this, except the impact this has on the surrounding Main street tenants.

They now use up all 9 spaces in front plus the 50 on 2590 Main (with a large sign saying "Beer 30 parking"), plus the street and at times any lot around with open spaces. I was out there once on a 50 degree Saturday in Feb. at 3:30 and every one of the 59 was being used. Beer 30 was busy and there was parking in other's lots. It is a war by every tenant on Main to protect their parking. This idea that this are all shared now seems farce.

The site plan for the new Beer 30 at 2590 Main has 66 spaces. 7 of these are indentured, so really 59. The same that they have now, except they had to put portable toilets on some.

The hours of operation is adding 7 more hours (7 am to midnight). The new building's square footage & the land size are 3 times bigger. Ron Marquez's takes an 85% reduction of parking for the "non usable square footage". There are no office(s), break room, nursery retail store shown on the site plan. While a Air Stream & care taker's unit are used for storage (0 parking).

In a normal restaurant use walkways to restroom, tables, bar, game area are included in the usable square footage. For some reason as a Beer Garden, they are not.

The game area of 3,400 square at $1/600 \times 2.5/\text{car} = 14$ people playing darts, ping pong corn hole etc. Common sense would say $1/300 \times 2.5/\text{car} = 28$ people. People can come to play and not eat or drink or go to the nursery. Everybody is welcome. Which is really wonderful, but the game area will not all be "pass-by trips" in Marquez's memorandum.

Beer 30 gets people to Uber, bike, etc and the parking still over flows. There will be robot cars whom can be sent down the street to park, but we are years away and we must still work with these parking problems.

In the Project Statement on page 4 there is a plan showing plenty of much needed extra parking. As an example of common sense, if the 25 picnic tables have an average of 6 per table, that's 150 people or 60 autos. This is just the dining area, people will be drinking even in the Nursery. The Taproom/dining/restrooms/walkways are all the restaurant area. Which would make sense at 1/100, not just the picnic tables. The Nursery Area and it's retail sales much like DIG Gardens, Aptos Hidden Gardens is retail at 1/300. The gaming area at 1/300 "service enterprise" or retail.

Annette Olson's (Staff Planner) came up with a great idea on a Conditional Review after one year. This would help, but having close to the right amount of parking & restrooms from the start is most important. There has been 100 to 175 spaces proposed by neighboring tenants and they do know what goes on, I do not. However, using the County parking codes as mentioned above would make common sense, provide the parking really needed by Beer 30 and possibly bring harmony to Main Street, once again.

Thank you for your attention in this matter.

Toedl Furdle

EXHIBIT I
EXHIBIT J

Annette Olson

From: Wanda Williams
Sent: Wednesday, April 18, 2018 9:36 AM
To: Annette Olson
Subject: FW: 2590 Main St. Soquel & Beer 30

FYI

From: Todd and Jill Prindle [mailto:prindletroon@yahoo.com]
Sent: Wednesday, April 18, 2018 9:18 AM
To: Wanda Williams <Wanda.Williams@santacruzcounty.us>
Subject: 2590 Main St. Soquel & Beer 30

Wanda, I got your name from a friend Todd owner of Carpo's. He tells me you live in the area and sometimes buy food there. I have been reviewing Beer 30's plans for the move from their current location. I am one of the owners of the current location and as I seem to have a different opinion from my partners, I was hoping you might read my solution to the problem.

It has always been a parking problem. Beer 30 is like an Amusement area. They have great games, entertainment & offer people a good time. I think they are like really like a college bar. While not always over crowded on game days and party nights they pack the outside grounds drinking, screaming and enjoying themselves. This is great on campus, where they can stumble home and find a place to urinate, but not so good in Soquel.

This is still the age of the driving yourself in a car and their current parking area of 59 spaces gets used up pretty quick. I am dropping off a one page letter today of how the County could use the current code to improve the situation our other tenants. They have plenty of excess land on site, as it is 2.5 acres +/-.

If you would drop a copy to the Zoning Administrator who will be hearing this important matter on May 4th, we would be most appreciative.

Thank you

Todd Prindle
(831)334-3309
prindletroon@yahoo.com

JOHNSON & JAMES, LLP

Robert K. Johnson
Omar F. James

Attorneys at Law
311 Bonita Drive
P.O. Box 245
Aptos, CA 95001-0245

Telephone (831) 688-8989
Facsimile (831) 688-6232

April 18, 2018

Kathleen Molloy, Planning Director
Annette Olson, Planner
Planning Department
County of Santa Cruz
701 Ocean Street, Room 400
Santa Cruz, CA 95060

Kathy.Molloy@santacruzcounty.us
Annette.Olson@santacruzcounty.us

RE: Soquel Farmhouse, LLC's Discretionary Permit Application No. 161091
APN: 030-221-46

Dear Ms. Molloy:

This letter is written regarding the above referenced application for a discretionary permit. I am the attorney for Holiday Corners, which owns property adjacent to the property upon which Soquel Farmhouse proposes to construct its new beer garden.

Soquel Farmhouse intends to develop a beer garden similar to the beer garden operated by Beer Thirty Bottle Shop at a neighboring location. It is my understanding that Soquel Farmhouse and Beer Thirty Bottle Shop have common ownership. The new beer garden will expand Beer Thirty's operation, including the number of customers, hours of operation, and the amount of open-air seating.

The neighborhood surrounding the proposed beer garden is both residential and small business. The site is also located near churches, schools and playgrounds. Soquel Farmhouse's new facility, if permitted, will install outside seating on benches. Hundreds of individuals will be permitted and encouraged to sit outside, and drink alcoholic beverages. The beer garden will be open both during the day, and into the night, using bright flood lights at night. Day and night, the customers will be drinking in an open-air facility, without noise restraint. The noise levels created by hundreds of inebriate customers will be amplified by the playing of loud music. The mass consumption of alcohol and accompanying noise levels, will be continuous and ongoing seven days a week, including Sundays, from 7:00 a.m. until midnight.

As I am sure the County is already aware, the noise generated by hundreds of inebriated, outdoor customers, accompanied by loud music will be deafening, and greatly disturb all of the residents, schools, churches, and small businesses located within the vicinity of the proposed beer garden. In addition to excessive noise, a myriad of other problems will occur from the mass consumption of alcohol, including the operation of vehicles by persons under the influence of alcohol in the vicinity of schools and churches.

EXHIBIT I
EXHIBIT J

As the County is already aware, inebriated customers from Beer Thirty have urinated in public on adjoining properties. Public urination and other alcohol related problems will only increase if the discretionary permit is issued.

Additionally, there is grossly inadequate parking to support an operation of this size. Beer Thirty attracts hundreds of customers for its special events and parties. Beer Thirty's customers illegally park at surrounding businesses and in residential neighborhoods. Soquel Farmhouse's substantially increased number of customers will only exacerbate the illegal parking, and escalate what is already an unbearable situation.

The issuance of the proposed permit will violate numerous Santa Cruz County Code sections, including the following provisions of the Code:

"13.10.321 Purposes of residential districts.

(A) General Purposes. In addition to the general objectives of this chapter (SCCC 13.10.120) the residential districts are included in the zoning ordinance in order to achieve the following purposes:....(7) To provide adequate space for off-street parking of automobiles. (8) To provide areas of residential use consistent with the capacity of public services, the urban services line and rural services line and the reserve capacity policy of the Local Coastal Program Land Use Plan for tourist services. To minimize traffic congestion and avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them. (9) **To protect residential properties from nuisances, such as noise, vibration, illumination, glare, heat, unsightliness, odors, dust, dirt, smoke, traffic congestion, and hazards such as fire, explosion, or noxious fumes."**

8.03.010 Purposes.

(A) This chapter shall be known as the alcoholic beverage retail outlet nuisance abatement program. This chapter (1) creates the alcoholic beverage retail outlet nuisance abatement program; (2) requires local certification for all alcoholic beverage retail outlets based on adherence to performance standards set forth in this chapter; (3) establishes performance standards and an enforcement process to review violations of those standards in order to protect the general health, safety, and welfare of the residents of the County and to prevent public nuisances associated with alcoholic beverage retail outlets...

(B) The County has adopted the regulations described in this chapter for the following purposes: (1) **To protect residential, commercial, industrial, civic and institutional areas and minimize the adverse impacts of public nuisances associated with alcoholic beverage retail outlets;** (2) **To provide mechanisms to address problems often associated with the public consumption of alcoholic beverages such as litter, loitering, graffiti, unruly behavior, violence and escalated noise levels, and ensure that alcoholic beverage retail outlets are not the source of public nuisances in the community;** (3) To provide for

EXHIBIT I
EXHIBIT J

properly maintained alcoholic beverage retail outlets so that the negative impacts generated by them are not harmful to the surrounding environment in any way...

8.03.050 Prohibited activities.

It is unlawful, and shall constitute a public nuisance, for an alcoholic beverage retail outlet to operate without the local certification of responsibility required by this chapter. It is also unlawful, and shall constitute a public nuisance, for an alcoholic beverage retail outlet to violate any of the performance standards set forth in this chapter....

The provisions of this chapter are intended to regulate public nuisances associated with alcohol sales. This chapter is not intended to replace or usurp any powers vested in the California Department of Alcoholic Beverage Control or the State of California, or regulate in any area where the County is preempted from doing so. [Ord. 5261 § 1, 2017]. ..

8.03.070 Creation of program—Operation and inspection.

(E) Performance Standards. The purpose of these performance standards is to control dangerous or objectionable environmental effects of alcoholic beverage retail outlet activities. The following performance standards shall apply to all outlets that hold a local certification of responsibility, and an outlet will only maintain its certification as long as it conforms to these performance standards.

(1) An outlet must not engage in activity that jeopardizes, endangers, or results in adverse effects to the health, peace, or safety of persons residing or working in the surrounding area.

(2) An outlet must not engage in activity that results in public nuisances within the outlet or in close proximity to the outlet, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, sale of alcohol to minors, drinking in public, open containers of alcohol on or close to the outlet premises stemming from off-sale activity, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

8.03.070 Creation of program—Operation and inspection.

(E) Performance Standards. The purpose of these performance standards is to control dangerous or objectionable environmental effects of alcoholic beverage retail outlet activities. The following performance standards shall apply to all outlets that hold a local certification of responsibility, and an outlet will only maintain its certification as long as it conforms to these performance standards.

EXHIBIT I
EXHIBIT J

(1) An outlet must not engage in activity that jeopardizes, endangers, or results in adverse effects to the health, peace, or safety of persons residing or working in the surrounding area.

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8.03.110 Local certification of responsibility for new outlets.

(C) Action on Certification Application.

(1) The ACO shall approve issuance of a certification of responsibility to allow a new outlet to open for business upon making the following findings: (a) A finding that the new outlet's activity will not aggravate existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, alcoholic beverage sales to minors, noise and littering;

(b) A finding that the proposed new outlet will not detrimentally affect nearby neighborhoods considering the distance of the new outlet to residential buildings, schools, parks, playgrounds or recreational areas, nonprofit youth facilities, places of worship, hospitals, alcohol or other drug abuse recovery or treatment facilities, county social service offices, or other outlets;

8.30.010 Offensive noise.

(A) No person shall make, cause, suffer, or permit to be made any offensive noise.

(B) "Offensive noise" means any noise which is loud, boisterous, irritating, penetrating, or unusual, or that is unreasonably distracting in any other manner such that it is likely to disturb people of ordinary sensitivities in the vicinity of such noise, and includes, but is not limited to, noise made by an individual alone or by a group of people engaged in any business, activity, meeting, gathering, game, dance, or amusement, or by any appliance, contrivance, device, tool, structure, construction, vehicle, ride, machine, implement, or instrument.

(C) The following factors shall be considered when determining whether a violation of the provisions of this section exists: (1) Loudness (Intensity) of the Sound. (a) Day and Evening Hours. For purposes of this factor, a noise shall be automatically considered offensive if it occurs between the hours of 8:00 a.m. and 10:00 p.m. and it is: (I) Clearly discernible at a distance of 150 feet from the property line of the property from

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which it is broadcast; or (ii) In excess of 75 decibels at the edge of the property line of the property from which the sound is broadcast, as registered on a sound measuring instrument meeting the American National Standard Institute's Standard S1.4-1971 (or more recent revision thereof) for Type 1 or Type 2 sound level meters, or an instrument which provides equivalent data.

A noise not reaching this intensity of volume may still be found to be offensive depending on consideration of the other factors outlined below.

(b) Night Hours. For purposes of this factor, a noise shall be automatically considered offensive if it occurs between the hours of 10:00 p.m. and 8:00 a.m. and it is: (i) Made within 100 feet of any building or place regularly used for sleeping purposes; or (ii) Clearly discernible at a distance of 100 feet from the property line of the property from which it is broadcast; or (iii) In excess of 60 decibels at the edge of the property line of the property from which the sound is broadcast, as registered on a sound measuring instrument meeting the American National Standard Institute's Standard S1.4-1971 (or more recent revision thereof) for Type 1 or Type 2 sound level meters, or an instrument which provides equivalent data.

A noise not reaching this intensity of volume may still be found to be offensive depending on consideration of the other factors outlined below. (2) Pitch (frequency) of the sound, e.g., very low bass or high screech; (3) Duration of the sound; (4) Time of day or night; (5) Necessity of the noise, e.g., garbage collecting, street repair, permitted construction activities; (6) The level of customary background noise, e.g., residential neighborhood, commercial zoning district, etc.; and (7) The proximity to any building regularly used for sleeping purposes."

For unknown reasons, Soquel Farmhouse's application appears to have been expedited through the permit process without consideration of the above referenced code sections, or addressing the concerns of surrounding neighbors and businesses. The undersigned is unaware of the County permitting the operation of any comparably-sized open-air drinking establishment located near residences, churches, schools, and small businesses. The County is apparently unconcerned with the noise levels to be generated by Soquel Farmhouse, or the overall effect the Soquel Farmhouse operation will have on surrounding homes and businesses.

Soquel Farmhouse's application is to operate a nursery and restaurant, rather than a beer garden. Even though the County knows the intended use is actually that of a beer garden rather than a restaurant, the County is applying the noise, safety, parking and related requirements for a restaurant rather than an open-air beer garden. In doing so, the County ignores the true nature of the proposed use, and fails to acknowledge that the issuance of the discretionary permit will (1) create numerous neighborhood nuisances, (2) sanction elevated noise levels in a residential neighborhood, (3) permit public urination, (4) exacerbate the already rampant illegal parking in the neighborhood, (5) put many people, including school children, at risk from

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Kathleen Molloy, Planning Director
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drunk drivers, and (6) detrimentally affect not only nearby neighborhoods, but schools, playgrounds, places of worship, and small businesses, all in direct violation of the Santa Cruz County Code.

My client has no objection to a permit being issued for a nursery and traditional restaurant. It is only the beer garden to which we object. A large, open-air, stadium-like beer garden serving alcohol to hundreds of patrons, many or most of whom will become intoxicated, adjacent to residences, schools, churches, and small businesses, without adequate parking, violates not only the County Code, but destroys the entire character of the neighborhood. It is also simply a poor planning decision. We urge that the discretionary permit be denied.

Thank you for your consideration of this matter.

Very truly yours,

[Signature on original]

Robert K. Johnson

cc: Client
County Counsel

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Annette Olson

From: Karen Streeter <karen@streetergroup.com>
Sent: Tuesday, April 24, 2018 10:08 AM
To: Annette Olson
Subject: RE: Soquel Farmhouse LLC

Annette,

Thank you, I may not be able to attend this meeting, but for the record, I have been a tenant across the street from this project at 2571 Main St ste C, Soquel for 10 years, and I am in *support of approval* for the project. I think it would be an appropriate use for the site, and neighborhood.

Karen Streeter

From: Annette Olson [mailto:Annette.Olson@santacruzcounty.us]
Sent: Tuesday, April 24, 2018 8:19 AM
To: Karen Streeter <karen@streetergroup.com>
Subject: RE: Soquel Farmhouse LLC

Hi Karen.

The staff report (with a plan set) will be available on Friday online here: <http://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?MeetingDate=5/4/2018&MeetingType=2>

Let me know if you have questions.

-Annette

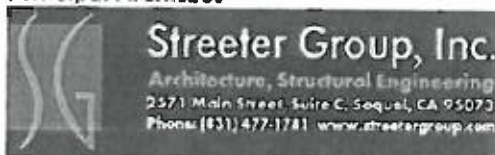
Annette Olson
Development Review Planner
County of Santa Cruz
(831) 454-3134
Work Schedule: 8:30 - 12:00 M & Th; 8-2:30 W & F

From: Karen Streeter <karen@streetergroup.com>
Sent: Monday, April 23, 2018 10:04 AM
To: Annette Olson <Annette.Olson@santacruzcounty.us>
Subject: Soquel Farmhouse LLC

I would like to review the application for this project, and confirm the date for the next upcoming commission review. Can you please assist with an online access.

Thanks so much,

Karen Streeter
Principal Architect



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