



Staff Report to the Zoning Administrator

Application Number: **04-0158**

Applicant: Patrick N. McKee
Owner: Albert & Marlene Fehn
APN: 042-031-04

Agenda Date: 10/15/04
Agenda Item #: 1
Time: After 11:00 a.m.

Project Description: Proposal to recognize live music performances at the Mediterranean Bar to include 9:00 pm - 2:00 am on weekdays and noon to 2:00 ~~am~~ on weekends.

Requires a Commercial Development Permit to amend Use Permit No. 2890-U and a Coastal Development Permit.

Location: Property located on the south side of Center Avenue (265 Center Avenue), about 20 feet west of the intersection of Center Avenue and Broadway.

Supervisory District: Second District (District Supervisor: Ellen Pine)

Permits Required: Coastal Development Permit, Commercial Development Permit

Staff Recommendation:

- Denial of Application 04-0158, based on the attached findings.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

- | | |
|---|-------------------------------|
| A. Project plans | E. Zoning & General Plan maps |
| B. Findings | F. Seacliff Village Plan Map |
| C. Statutory Exemption (CEQA determination) | G. Proposed Program Statement |
| D. Assessor's parcel map | H. Comments & Correspondence |

Parcel Information

| | |
|----------------------------------|---|
| Parcel Size: | 1,800 square feet |
| Existing Land Use - Parcel: | Commercial business with apartments above |
| Existing Land Use - Surrounding: | Commercial & Mixed Use Residential (Seacliff Village) |
| Project Access: | Center Street (off State Park Drive) |

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Planning Area: Aptos
Land Use Designation: C-N (Neighborhood Commercial)
Zone District: C-1 (Neighborhood Commercial)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: No report required
Fire Hazard: Not a mapped constraint
Slopes: 0-2%
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: No changes to building exterior proposed
Drainage: Existing drainage adequate
Roads: Existing roads adequate
Parks: Existing park facilities adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Aptos/La Selva Fire District
Drainage District: Zone 6 Flood Control District

History

The original use permit (2890-U, issued 5/29/67), for the existing use on the subject property, allowed a pizza restaurant and the serving of alcoholic beverages within 200 feet of a residential zone district. At some point in time many years ago, the restaurant portion of the existing business was discontinued and the existing business changed to a neighborhood tavern serving alcoholic beverages. There has been live music at this tavern for many years, on occasion, but the frequency of and emphasis on the live entertainment has increased dramatically in the past couple of years. This increase has led to numerous complaints about noise, parking, litter, loitering, vandalism and other adverse impacts primarily associated with the live music. A notice of violation was issued on 11/7/03, as the Mediterranean Club does not have an approval to operate as a nightclub. The owners have signed a stipulation agreeing to obtain the necessary permits to legalize the nightclub use or to cease the nightclub use within a one year period of time. In response, the owners filed an application on 4/13/04 to authorize a nightclub. This report has been prepared in response to their application.

Project Setting

The subject property is located within the Seacliff Village with a frontage on Center Street and alley access to the rear. The existing building is built out to the side property lines, as are the buildings to either side, creating a seamless commercial frontage on Center Street. Many of the businesses in the Seacliff Village have apartments above, including the business under review in this application. This results in a commercial and residential mixed use within the small core area of Seacliff Village with other residential (single and multi-family) properties on the periphery of the village core.

Zoning & General Plan Consistency

The subject property is an 1,800 square foot lot, located in the C-1 (Neighborhood Commercial) zone district, a designation which allows commercial uses. The proposed modification to the existing commercial business is not an allowed use within the zone district and the project is not consistent with the site's (C-N) Neighborhood Commercial General Plan designation.

The project proposal includes adding music to an existing tavern that serves alcoholic beverages. The addition of live music to an existing commercial business that serves alcohol as a method of generating additional revenue is considered as a nightclub, and is not allowed within the C-1 zone district.

Local Coastal Program Consistency

The proposed commercial business is in not conformance with the County's certified Local Coastal Program, in that the proposed use is not an allowed use within the zone district. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Conclusion

The proposed modification to an existing commercial business is not 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

- **DENIAL** of Application Number **04-0158**, based on the attached findings.
- Certification that the proposal is exempt from further Environmental Review **under** the California Environmental Quality Act.

Supplementary reports and information referred to in this report are on **file** and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Randall Adams
Santa Cruz County **Planning** Department
701 Ocean Street, 4th Floor
Santa **Cruz** CA 95060
Phone Number: (831) 454-3218
E-mail: randall.adams@co.santa-cruz.ca.us

Denial Date: _____

Effective Date: _____

Don Bussey
Deputy Zoning Administrator

Randall Adams
Project Planner

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.

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can not be made, in that the proposed modification to an existing commercial business is not an allowed use within the C-1 (Neighborhood Commercial) zone district, and is therefore not consistent with the site's (C-N) Neighborhood Commercial General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that no modifications to the exterior of the existing structure are proposed in this application.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road and adequate parking exists at Seacliff State Beach. Consequently, the commercial business will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development **is** in conformity with the certified local coastal program.

This finding can not be made, in that the proposed modification to an existing commercial business is not an allowed use within the C-1 (Neighborhood Commercial) zone district of the area, which implements the General Plan and Local Coastal Program land use designation.

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 not be made, in that the project is not an allowed use within the C-1 (Neighborhood Commercial) zone district. Allowing more intense uses within areas that are zoned for uses of lesser intensity may have the potential to adversely impact the public health, safety, and/or welfare. There is no off-street parking provided for the existing business and the proposed intensification of use may generate additional impacts such as increased noise, late night activity, and parking demand that are not appropriate or easily accommodated within the surrounding neighborhood.

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 not be made, in that the proposed modification to an existing commercial business is not an allowed use within the C-1 (Neighborhood Commercial) zone district. This proposal seeks to intensify an existing use to include live music (as a nightclub or dance hall) which is not allowed within the C-1 zone district.

The intensification of the existing use will trigger current parking requirements per the Seacliff Village plan. The existing business does not provide any off-street parking spaces and a minimum of one space per 200 square feet would be required for a restaurant use, which is similar to the existing commercial use, and 5 additional spaces would be required for the two residential units above the existing business (one of which is currently used as an office). The proposed nightclub use would potentially generate additional parking demand which could not be accommodated on the project site.

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* not be made, in that the proposed commercial use is consistent with the use and density requirements specified for the Neighborhood Commercial (C-N) land use designation in the County General Plan.

The Seacliff Village specific plan been adopted for this portion of the County. The subject property is located within the Land Use Area 3 of the Seacliff Village specific plan. The specific plan states that land uses in this area shall be neighborhood and/or visitor serving. The proposed use is not neighborhood or visitor serving, serving the community at large instead.

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* not be made, in that the number of total patrons for any single event has not been included in the program statement that was submitted. A request for additional information was made to clarify this point, but this additional information was not provided.

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 not made, in that the proposed use will generate additional noise, late night activity, and parking demand that will not compatible with surrounding residential land uses.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.1 1.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding *can* be made, in that no modifications to the exterior of the existing building are proposed.

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: 04-0158
Assessor Parcel Number: 042-031-04
Project Location: 265 Center Avenue

Project Description: Proposal to add live music to an existing commercial use.

Person or Agency Proposing Project: Patrick N. McKee

Contact Phone Number: (831) 476-4580

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

Specify type: 15270 – Projects which **are** disapproved

- E. **Categorical Exemption**

Specify type:

- F. **Reasons why the project is exempt:**

This project is not recommended for approval, **further** environmental review may be required if the project is approved by the decision-making body.

Randall Adams, Project Planner

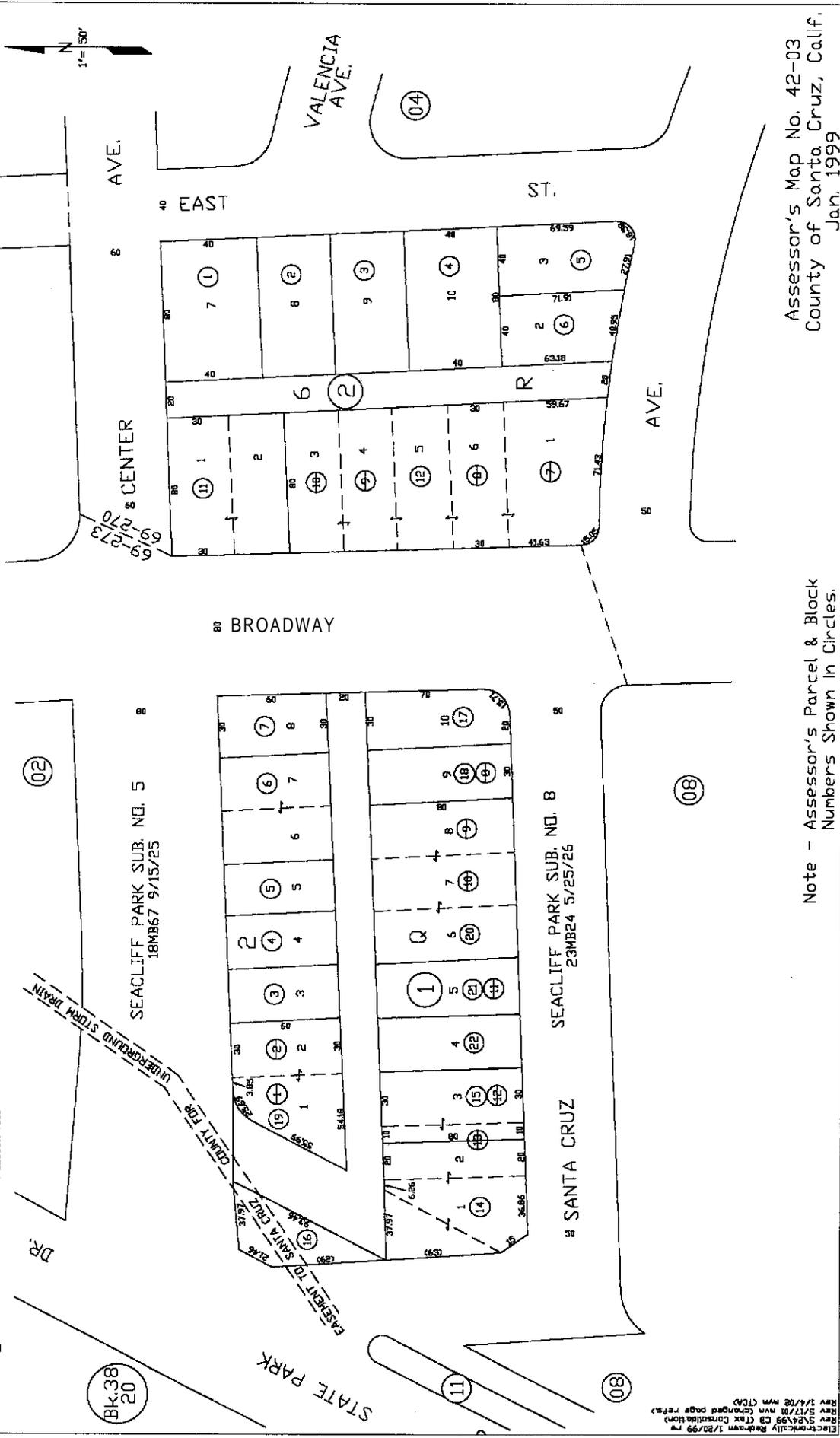
Date: _____

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POR. APTOS RANCHO
 N.E. 1/4 SEC. 13, T.11S., R.1W., M.D.B. & M.

Tax Area Code
 69-270 69-273

42-03



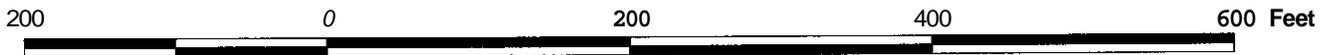
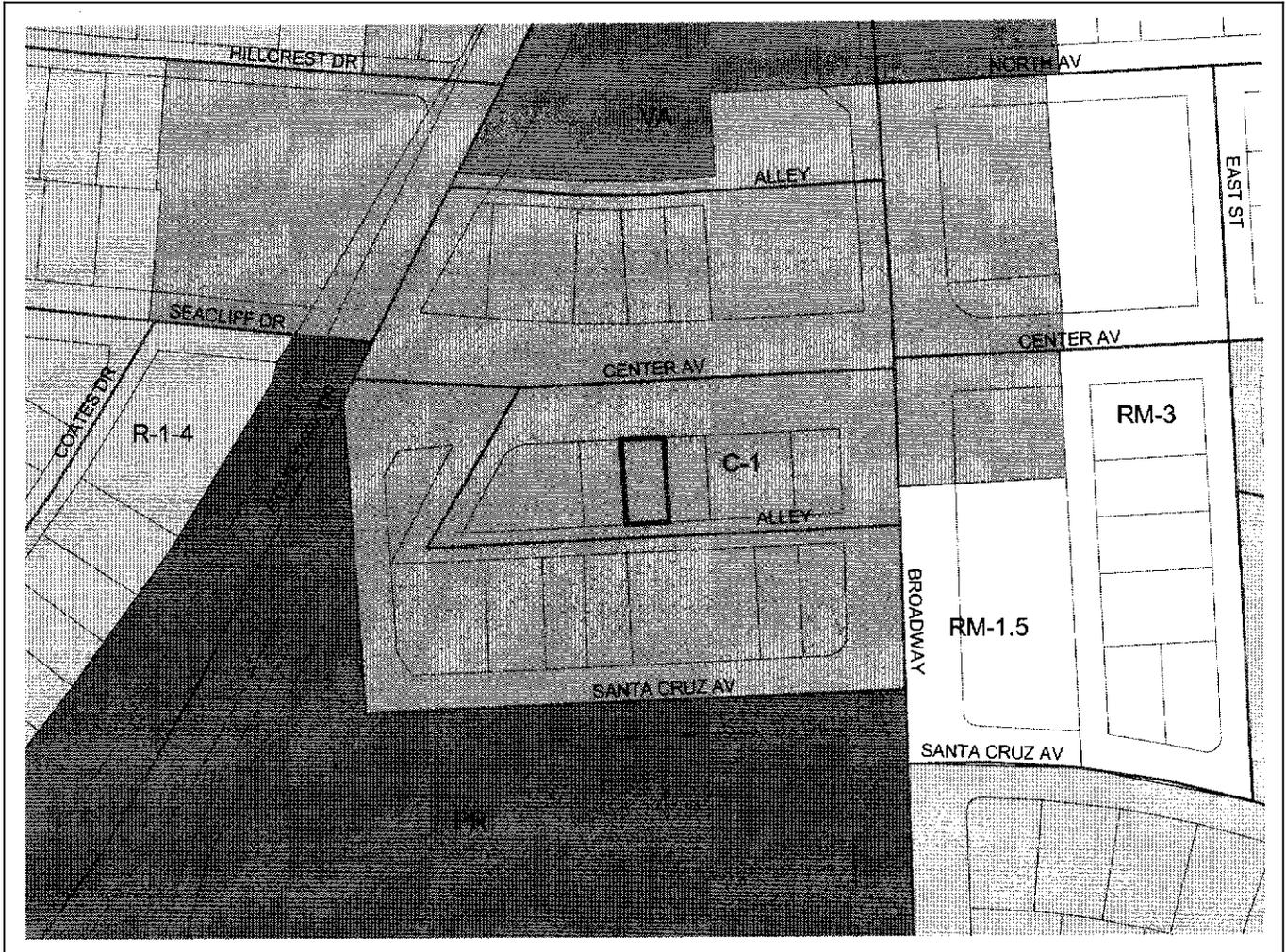
Assessor's Map No. 42-03
 County of Santa Cruz, Calif.
 Jan. 1999

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

Electronically Redrawn 1/20/99 by
 Rev 5/17/98 CB Tax Consolidation
 Rev 5/17/98 RNS (changed page refs.)
 Rev 1/4/92 NMM (TDA)

EXHIBIT D

Zoning Map



Legend

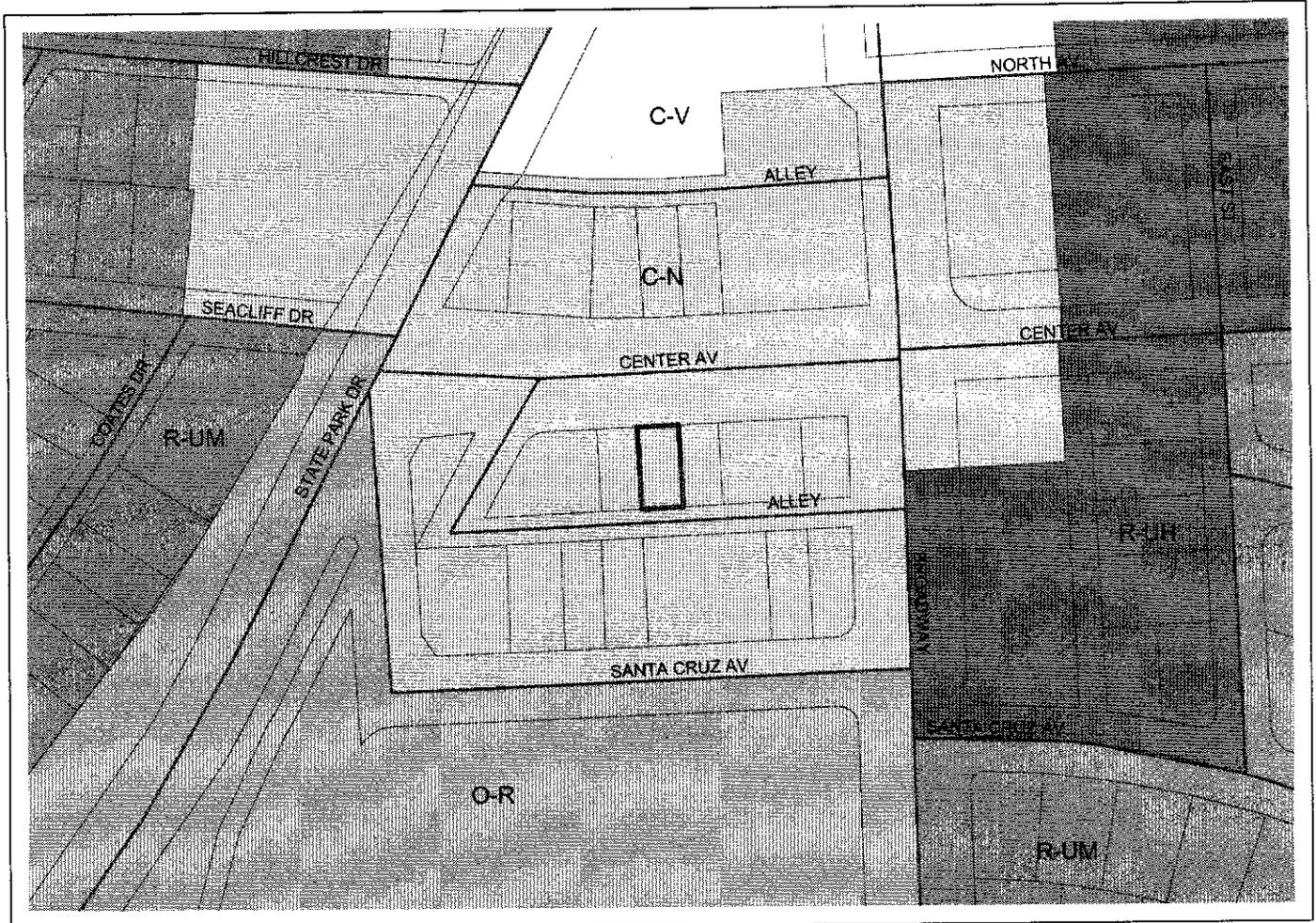
| | |
|--|----------------|
| | APN 042-031-04 |
| | Streets |
| | RM |
| | R-1-4 |
| | C-1 |
| | VA |
| | PR |



Map created by Santa Cruz County
 Planning Department:
 April 2004

EXHIBIT E

General Plan Map



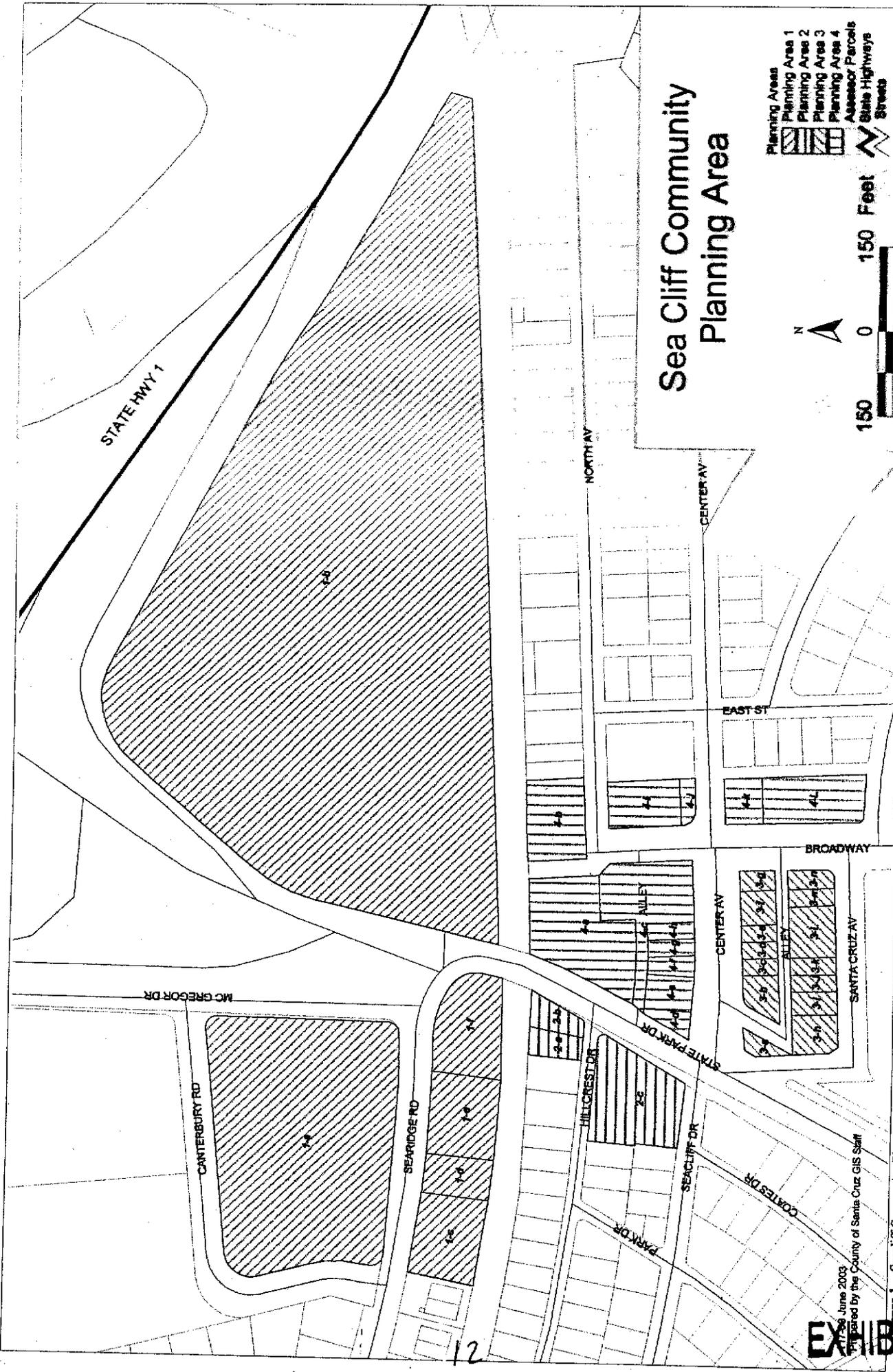
Legend

| | |
|---|------------------------------------|
|  | APN 042-031-04 |
|  | Streets |
|  | Visitor Accommodations |
|  | Neighborhood Commercial |
|  | Parks and Recreation |
|  | Residential - Urban Medium Density |
|  | Residential - Urban High Density |



Map created by Santa Cruz County
 Planning Department:
 April 2004

EXHIBIT E



Sea Cliff Community Planning Area

- Planning Area 1
- Planning Area 2
- Planning Area 3
- Planning Area 4
- Assessor Parcels
- State Highways
- Streets



June 2003
 Prepared by the County of Santa Cruz GIS Staff

EXHIBIT

12

3/29/04 The Mediterranean 265 Center Aptos, CA 95003

Number of employees: 3

Hours of operation: 6:00am to 2:00am

Delivery hours: Mon. & Tues. 9:00am; Thurs.: 1:00pm & 4:00pm

Use/storage of hazardous materials: CO2 cylinders for beverages stored and secured as required; cleaning supplies stored appropriately.

For the past 30 years, under prior owner(s)/tenant(s), this property has been described as an "Italian Restaurant" when, in fact, it has been a bar/club by usage.

In response to a request from Santa Cruz County, we are submitting the data requested in order to clarify the recent and current use of the property located at 265 Center St., Aptos, CA.

The property has (3) units; (2) are located on the 2nd floor and (1) on the ground floor. The ground floor unit is the Mediterranean Club. Of the (2) 2nd floor units, one is a residential apartment and the other is used for storage for a restaurant located on the adjacent property, Manuels.

Under the current ownership, changes have been made to the Mediterranean Club

1. A partition has been removed to eliminate a game room, previously difficult to supervise, and create performance space.
2. The business owner has been working, in tandem, with the Santa Cruz County Sheriffs Dept. to prevent under age drinking and promote responsibility regarding drinking and driving.
3. The business owner has responded to the concerns of neighbors and installed sound barriers/dampening devices where possible.

Overall, the current owner is working with all State and County agencies to be a positive part of the community.



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX. (831) 4562131 TDD: (831) 454-2123

TOM BURNS. DIRECTOR

May 12, 2004

Patrick N. McKee
409 Seacliff Drive
Aptos, Ca 95003

Subject: Application # **04-0158**; Assessor's Parcel #: **042-031-04**
Owner: **Albert & Marlene Fehn**

Dear Patrick N. McKee:

This letter is to inform you of the status of your application. On 4/13/04, the above referenced application was submitted for a Commercial Development Permit with the Santa Cruz County Planning Department. The initial phase in the processing of your application is an evaluation of whether enough information has been submitted to continue processing the application (the "completeness" determination). This is done by reviewing the submitted materials, other existing files and records, gathering input from other agencies, conducting a site visit and carrying out a preliminary review to determine if there is enough information to evaluate whether or not the proposal complies with current codes and policies.

These preliminary steps have been completed and it has been determined that additional information and/or material is necessary. At this stage, your application is considered **incomplete**. For your proposal to proceed, the following items should be submitted

1. Please submit **4** full and complete sets of revised plans that contain the following additional information:
 - a. Please show the proposed location of the live music performers and their associated equipment on the floor plan. Please show the total square footage of this area on the floor plan.
 - b. Please show the proposed location of the audience and or dance floor. Please show the total square footage of this area on the floor plan.
2. Please revise the proposed program statement include the following information:
 - a. Please include the proposed hours of live music performances, with clearly defined start and end times.
 - b. Please specify if dancing is allowed, or if the audience is to remain seated during

EXHIBIT H

performances.

- c. Please clearly state the maximum number of patrons allowed during live music performances.
3. Please submit a noise study prepared by a qualified acoustical engineer that accurately determines the following noise levels while live music performances are occurring:
- a. Please determine the interior noise levels within the apartment above the existing nightclub.
 - b. Please determine the exterior noise levels in the alley behind the subject property.
 - c. Please determine the exterior noise levels in the street in front of the subject property.
 - d. Please determine the interior noise levels in the apartments above the existing shops and businesses surrounding the subject property.
4. Please review the attached Discretionary Application Comments from all agencies. Comments listed under the heading "Completeness Comments" for each agency must be addressed and resolved prior to your application being considered complete and able to move forward with review. Questions related to these comments can be addressed to each separate agency.
- Code Compliance (Kevin Fitzpatrick – 454-3197): No further information is necessary to satisfy the requirements of this reviewing agency at this stage in the review process.
 - Aptos/La Selva Fire Protection District (Erin Stow – 685-6690): This reviewing agency has not yet responded to your application submittal. All fire department requirements will need to be met in the review of this application, including maximum occupancy load during performances.

You should submit the required materials to the Planning Department at one time. Revisions to plans should be included in complete, updated sets of plans. The number of sets required shall be the same number as originally submitted, to allow for routing to all agencies, unless otherwise specified in this letter. (Please submit all plans folded into 8.5" x 11" format). You have until 7/12/04, to submit the information indicated. Pursuant to Section 18.10.430 of the Santa Cruz County Code, failure to submit the required information may lead to abandonment of your application and forfeiture of fees.

Alternatively, you may withdraw the application and any unused fees will be refunded to you. If you wish to withdraw the application, please notify me in writing.

You have the right to appeal this determination that the application is incomplete pursuant to Section 18.10.320 of the County Code and Section 65943 of the Government Code. To appeal, submit the required fee for administrative appeals and a letter addressed to the Planning Director

stating the determination appealed from, and the reasons you feel the determination is unjustified or inappropriate. The appeal letter and fee must be received by the Planning Department no later than 5:00 p.m., 4/23/04.

Additional Issues

In addition to evaluating the completeness of your application, the initial review has identified other issues which will affect the processing of your project. Although it is not necessary for you to address these items for your application to be declared complete, they will **need to be** dealt with in ~~later~~ stages of your application process. At this point, they are included solely to make you aware of them.

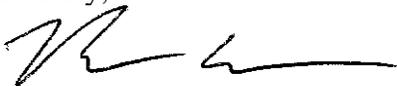
A. It is recommended that the design of the proposed development be altered to comply with all pertinent County ordinances and General Plan Policies:

- County Code Section 13.10.332(b)(1) (Allowed Commercial Uses): The existing use of the subject property as a bar is not an allowed use within the C-1 (Neighborhood Commercial) zone district, unless it is approved ancillary to an approved restaurant use. The original use permit for **this** property (2890-U) authorized a pizza restaurant that served alcoholic beverages. The current use of the property appears to be in violation of the previous development approval, in that the restaurant component of the use appears to have been discontinued. It is strongly recommended that this proposal be withdrawn and the use of the property conform to the original use approval.
- County Code Section 13.10.332(b)(1) (Allowed Commercial Uses): The proposed use of the subject property as a nightclub and/or dance hall (bar with live music) is not an allowed use within the C-1 (Neighborhood Commercial) zone district. It is not possible to consider a nightclub or dance hall use within the C-1 (Neighborhood Commercial) zone district. It is strongly recommended that this proposal be withdrawn and the use of the property conform to the original use approval.
- County Code Section 13.10.552 & Seacliff Village Specific Plan (Parking): The proposed use of the subject property as a nightclub and/or dance hall is an intensification of use above what was approved under the previous permit (2890-U) and will trigger all current parking requirements. The requirements for off-street parking are delineated in the Seacliff Village Specific Plan, and are 1 parking space per 200 square feet of restaurant use (no standards for a nightclub or dance hall have been established), and parking for the residential units on the second floor of the structure. Currently no off-street parking is provided and it will not be possible to intensify the existing use without a parking variance application.
- General Plan Policy 6.9.4 (Noise – Commercial & Industrial Development): This proposal may result in noise levels that exceed the maximum noise exposure allowed in the General Plan. Proposals that exceed the maximum noise generation (and resulting exposure) levels can not be supported by Planning Department staff.

- B. It does not appear that sufficient square footage exists within the building for the type of proposed use. Given that the structure is approximately 900 square feet in area on the lower floor, with approximately 50% of that area taken up by the bar, restrooms, storage and entry areas, that only leaves approximately 450 square feet of area for the live music performers and the audience.
- C. **This** proposal may result in situations that exceed the maximum occupancy load of the structure during live music performances, creating a potential health and safety hazard for patrons and employees.

Should you have ~~further~~ questions concerning this application, please contact me at:
(831) 454-3218, or e-mail: **randall.adams@co.santa-cruz.ca.us**

Sincerely,



Randall Adams
Project Planner
Development Review

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

Project Planner: Randall Adams
Application No.: 04-0158
APN: 042-031-04

Date: May 11, 2004
Time: 16:58:57
Page: 1

Code Compliance Completeness Comments

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

----- REVIEW ON APRIL 19, 2004 BY KEVIN M FITZPATRICK =====

This application fully addresses all the concerns of code compliance. (KMF)

Code Compliance Miscellaneous Comments

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

===== REVIEW ON APRIL 19, 2004 BY KEVIN M FITZPATRICK =====

USE PERMIT

NUMBER _____

ISSUED TO JUDITH BROWN & TOM TOWNELL

MAILING ADDRESS 1000 N. SANTA RITA AVENUE

PLEASE RETURN CARBON COPIES OF THIS PERMIT TO THE COUNTY CLERK'S OFFICE, 1000 N. SANTA RITA AVENUE, SANTA CRUZ, CALIF. 95061

LOCATION OF USE 1000 N. SANTA RITA AVENUE, SANTA CRUZ, CALIF. 95061

PARCEL NO. _____

PERMITTED USE TO CONDUCT BUSINESS OPERATIONS AND TO STORE MERCHANDISE OUTDOORS

ADDITIONAL CONDITIONS IMPOSED AND MADE A PART HEREOF MAY BE LISTED ON THE REVERSE SIDE. USE MUST COMMENCE WITHIN ONE YEAR TO BE VALID. SEE ORDINANCE CODE SECTION 13.07.320.

NOTE: THIS IS NOT A BUILDING PERMIT.

SANTA CRUZ COUNTY BOARD OF ZONING ADJUSTMENT
LARRY B. MORLEY, Secretary

POST IN A CONSPICUOUS PLACE

By _____ DATE _____

Title 13 PLANNING AND ZONING REGULATIONS

Chapter 13.10 ZONING REGULATIONS

13.10.332 Commercial uses.

(a) Principal Permitted **Uses**.

(1) In the Coastal Zone, the principal permitted uses in the Commercial Districts shall be as follows:

" P A Professional and administrative offices;

" V A Visitor accommodations;

" CT" Visitor serving uses and facilities;

" C-1" Neighborhood-serving, small-scale commercial services and retail uses;

" C-2" Community-serving, large-scale retail **uses** and small-scale commercial services;

" C-4" Commercial services of all types and **uses** needing large sites or outdoor use areas; including appurtenant **uses** and structures.

(2) Principal permitted **uses** are all denoted as **uses** requiring a Level IV or lower Approval unless otherwise denoted with the letter " P in the Commercial Uses Chart in subsection (b) of this section. In the Coastal Zone, actions to approve uses other than principal permitted **uses** are appealable to the Coastal Commission in accordance with the provisions of Chapter 13.20 of the County Code relating to Coastal Zone Permits, and in some cases, as provided in Chapter 13.20, any development is appealable.

(b) Allowed Uses.

(1) The **uses** allowed in the commercial districts shall be as provided in the following Commercial **Uses** Chart below. A discretionary approval for an allowed **use** is known as a "Use Approval" and is given as part of a "Development Permit" for a particular **use**. The type of permit processing review, or "Approval Level," required for each **use** in each of the commercial zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 Permit and Approval Procedures. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.

(2) Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Commercial zone districts.

COMMERCIAL USES CHART (Excerpt)

KEY:

A = Use must be ancillary and incidental to a principal permitted use on the site
 P = Principal permitted use (see Section 13.10.332(a)); no use approval necessary if "P" appears alone

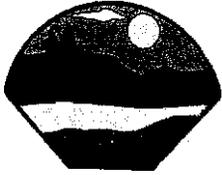
- 1 = Approval Level I (administrative, no plans required)
- 2 = Approval Level II (administrative, plans required)
- 3 = Approval Level III (administrative, field visit required)
- 4 = Approval Level IV (administrative, public notice required)
- 5 = Approval Level V (public hearing by Zoning Administrator required)
- 6 = Approval Level VI (public hearing by Planning Commission required)
- 7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)

-- = Use not allowed in this zone district

* = Level IV for projects of less than 2,000 square feet
 Level V for projects of 2,000 to 20,000 square feet
 Level VI for projects of 20,000 square feet and larger

| USE | PA | VA | CT | C-1 | c-2 | c-4 |
|--|----|---------|---------|------------|--------|-------|
| Commercial Recreation and Entertainment, indoor, subject to Section 13.10.654, such as: Auditoriums, indoor Bowling alleys Card rooms Dancing establishments; dance halls; discos Game establishments; pin-ball and video game rooms (see Section 13.10.700-G, -V definitions) Nightclubs Pool halls Theaters, indoor | -- | 4/5/6*A | 4/5/6*A | -- | 4/5/6* | 4/5/6 |

| USE | PA | VA | CT | <u>C-1</u> | c-2 | C-4 |
|--|---------|---------|--------|------------|--------|-----|
| Restaurants; bars, food service subject to 13.10.651 in the "PA" Zone district: such as: | | | | | | |
| Bar, micro-breweries, brew pubs, subject to Section 13.10.654 (ancillary to restaurants in C-1) | | | | | | |
| Bakeries: baked foods stores | | | | | | |
| Candy stores | | | | | | |
| Cheese stores | | | | | | |
| Delicatessens | | | | | | |
| Donut shops | | | | | | |
| Ice cream shops | | | | | | |
| Restaurants | | | | | | |
| Sandwich shops | | | | | | |
| Other food specialty outlets | | | | | | |
| In buildings of 500 square feet or less | 4A | 4A | 4 | 4 | 4 | 4 |
| In buildings of larger than 500 square feet | 4/5/6*A | 4/5/6*A | 4/5/6* | 4/5/6* | 4/5/6* | - |



Aptos/La Selva Fire Protection District

6934 Soquel Drive ■ Aptos, CA 95003
Phone # 831-685-6690. Fax # 831-685-6699

May 14, 2004

Planning Department
County of Santa Cruz
Attention: Randall Adams
701 Ocean Street
Santa Cruz, CA 95060

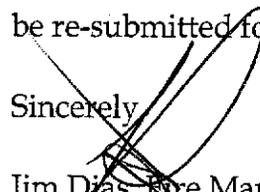
Subject: APN: 42-031-04 / Appl #04-0158
265 Center Avenue

Dear **Mr.** Adams:

Aptos/La Selva Fire Department has reviewed the plans for the above cited project and has no objections as presented; however, the following are CONDITIONS OF APPROVAL

- Provide exiting plan
- Fire alarm system surveyed by licensed alarm contractor for compliance with NFPA 72.
- 2nd floor apartment to be included as part of the system
- Any other requirements will be addressed in the Building Permit phase.
- Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

Sincerely,


Jim Dias, Fire Marshal
Fire Prevention Division
Aptos/La Selva Fire Protection District

cc: Albert & Marlene Fehn
5042 Winkle Avenue
Santa Cruz, CA 95065

cc: Patrick McKee
409 Seacliff Drive
Aptos, CA 95003

April 19, 2004

Supervisor Ellen Pirie
701 Ocean Street – 5th floor
Santa Cruz, CA 95060

Dear Ellen,

I am writing in regard to a recurring problem in the commercial Seacliff area on Center Avenue in Aptos. We own the property at 251-255 Center Avenue and have had problems retaining tenants since the change of ownership at The Mediterranean. The increase in music to 5-7 nights per week has increased the late night noise in the front and behind the building and has affected our tenant's tolerance to living in the area.

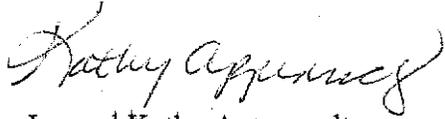
We have made attempts in the past to take care of the problem by contacting the owner of the Mediterranean and the Aptos Sheriff's department. The sheriff's department recommended we have *the* tenant's call the non-emergency dispatch number, however, the property owners in the area have found that the tenants are hesitant to call. We have asked the owner of the Mediterranean to keep the back door closed and has made attempts to comply with our request but he **has** not been able to control this consistently. The patrons who come out during breaks and use the back alley for smoking are frequently yelling in the back not realizing that people live in the area. Band members load up their equipment in the late hours in the back alley. Men urinate on our garbage cans. **Our** commercial tenants continuously have to pick up liquor bottles in the morning in front of the property. I have been at the property early on Sunday mornings before 8:00 a.m. and listen to them emptying bottles into the garbage cans in the back alley. We have heard complaints from other property owners and our tenants of women performing sex acts with men behind our neighbor's property. There have been fights in the early morning hours. Recently, I received complaints from our tenants who were very disturbed at the sight of a young man with a bloodied face at 1:00 a.m. at the bottom of the stairwell. The police and ambulance were called. A cleaning service was required to remove the blood off the walls of our property. The owner has made an attempt to control this behavior but crowds are difficult to control and he is not always there to control it.

I do have a concern for the future of the Seacliff community with the increase in activity every night at the Mediterranean. Since the new owner **has** changed the intensity of use, there have been problems for the residential community. There is also a concern for the safety of the patrons and people in this area as the popularity of this business increases. Large crowds, loud music and alcohol in a small venue are never a safe combination. The only person who benefits is the business owner. The Seacliff community is the one paying the price. Our recommendation is to minimize the number of nights that music is allowed at the Mediterranean. Music on Fridays and Saturdays would be acceptable if the music stops at 12:00 a.m. and the front and back of the businesses are monitored for

noise control and safety. Residents in the area do deserve quiet between the hours of 10:00 p.m. and 8:00 a.m. during the weekdays.

I do appreciate your attention to this **matter**. I will be contacting you to discuss your recommendations.

Best Regards,



Joe and Kathy Appenrod
119 Victoria Lane
Aptos, CA 95003
831-465-9191

D. G. GONSALVES

Mailing Address:
P.O. Box 67042
Scotts Valley, CA
95067

May 3, 2004

To whom it *may* concern,

I **am** a resident of the apartment building located at **255** Center Ave. I **am** concerned *about* the recent activity in the Mediterranean Club **area**. Although I wish to support our local business and encourage the prosperity of small business **owners**, I believe the Mediterranean Club **staff** has failed to conduct business with respect to the residential **community** in which they operate. On the nights that the Mediterranean Club provides live music for their patrons there is a consistent noise problem in the **alley** behind the club. The Club **staff** **allows** patrons *to* exit through the back door and gather in *the* **alley** *behind* the club; **This** creates constant noise disturbance for those of **us** **trying** to sleep in our homes. I **realize** the need for band members who are performing **at** the club to load and unload their equipment through the alley but inevitably the band members hang out **in** the **alley** *to* drink and smoke before and after their performance. **This** **once** again adds *to* the noise disturbance for the residential community. The bar **fight**, which **left** blood **on** the neighborhood sidewalks, **was** neither pleasant for **residents** nor **beneficial** to the other local business owners in our community. I would like to encourage the decision makers to assist the owner of the Mediterranean Club in taking responsibility for the impact their establishment **has** on the surrounding community in which it conducts business. By posting large noise ordinance **signs** in the outdoor **areas** and **enforcing** strict regulations with patrons concerning outdoor **noise**, the Mediterranean club may be able to respectfully coexist with its **surrounding** residential **community**.

Sincerely,

