



Staff Report to the Zoning Administrator

Application Number: **111225**

Applicant: Chris Baer
Owner: Mobo Sushi, Inc.
APN: 028-162-01,02, 03,04,05

Agenda Date: 3/2/2012
Agenda Item #: 3
Time: After 10:00 a.m.

Project Description: Proposal to reopen a restaurant use (Mobo Sushi) within an existing vacant commercial building, establish a master occupancy program for future commercial uses, authorize on-sale liquor as part of a restaurant use within 200 feet of a residential zone district, remove five significant trees, reduce the required 10 foot front yard setback adjacent to Johan Beach Road to seven feet, and increase the number of signs from one to two. Requires a Commercial Development Permit, Coastal Development Permit and two Variances.

Location: The property is located on the southwest corner of East Cliff Drive and 17th Avenue and Portola Drive and Johan Beach Drive (21620 East Cliff Drive)

Supervisory District: 1st District (District Supervisor: John Leopold)

Permits Required: Commercial Development Permit, Coastal Development Permit
Technical Reviews: Soils Report (prior to building permit approval)

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 111225, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|---|----|----------------------------------|
| A. | Project plans | E. | Assessor's, Location, Zoning and |
| B. | Findings | | General Plan Maps |
| C. | Conditions | F. | Comments & Correspondence |
| D. | Categorical Exemption (CEQA
determination) | | |

Parcel Information

Parcel Size: 22, 965 square feet for all parcels together (estimated square footage)

Existing Land Use - Parcel: Vacant Commercial Building

Existing Land Use - Surrounding: **North** - Commercial and multi-family residential across street to north
South - Residential
East - Multi-Family Residential
West - Visitor Accommodation (Motels)

Project Access: **East Cliff Drive on north** - 80 foot right-of-way - fully improved with two travel lanes, left turn lane, sidewalk, bike lanes
East Cliff Drive on east - 80 foot right-of-way improved with two travel lanes, left turn lane, partial sidewalks, bike lanes, see discussion under Traffic Considerations in project analysis regarding future roadway improvements
Johan Beach Road to west - 50 foot right-of-way improved with two travel lanes and unimproved shoulder

Planning Area: Live Oak

Land Use Designation: Community Commercial (Community Commercial)

Zone District: C-2 (Community Commercial)

Coastal Zone: ☒ Inside ☐ Outside

Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site

Soils: Soils report required to be completed prior to building permit issuance

Fire Hazard: Not a mapped constraint

Slopes: Site is flat along East Cliff Drive and slopes 15 to 30 percent west toward Johan Beach Road

Env. Sen. Habitat: Not mapped/no physical evidence on site, site contains mature eucalyptus trees

Grading: Less than 50 cubic yards grading required for proposed 4 foot tall parking lot retaining wall

Tree Removal: A 24" and a 36" eucalyptus tree, and recognition of previous removal of a 10-inch redwood, 12-inch cypress, and 18-inch cypress tree

Scenic: Not a mapped resource

Drainage: Project conditioned to meet required Public Works drainage requirements prior to building permit issuance

Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: x Inside Outside
Water Supply: Santa Cruz Water Department
Sewage Disposal: County Sanitation
Fire District: Central Fire
Drainage District: Zone 5

History

Use Permit History

The site contains an existing vacant commercial building previously permitted as the “Cheese Factory” restaurant until the early 1990’s. Permit records note that this property was issued a building permit in 1964 for construction of the commercial building and a residence. Through a sequence of use permit approvals between 1969 and the 1980’s, the Cheese Factory building was permitted entirely as a restaurant with outdoor dining, live music, dancing, and the on-site sale of beer and wine.

Though the structure was built legally, a very small portion of the northwest corner (approximately six feet in length, along Johan’s Beach Road, and 2 feet in depth) of the building, located at the corner of East Cliff Drive and Johan Beach Road, does not meet the required ten foot double front yard setback. A double front yard setback applies to this property because both the front and rear property lines adjoin a street. Thus, this small portion of the structure is considered legal non-conforming because setback standards have changed since original approval in 1964. Pursuant to the General Plan and Non-Conforming Use Ordinance all approved use permits have lapsed due to cessation of use in the early 1990’s. This ordinance regulates the type of modifications that are allowed to existing structures without use permits and generally only allows ordinary maintenance and repair of the structure.

Previous Permit Applications by the Current Owner

The new property owner, Mobo Sushi, Inc. purchased the property in 2008 and submitted application 08-0530 to open a sushi restaurant at this location. The application included expansion of the restaurant and could not meet the parking requirements without significant grading. The application was later abandoned in 2009.

Code Compliance Action

In October of 2010, the property was red-tagged for the repair; renovation and remodeling of the existing commercial structure without a valid building permit. In December of 2011, a stop work order was also issued on the property for removal and replacement of exterior siding without a

building permit.

The applicant subsequently submitted a building permit application to address exterior building violations. The building permit authorized replacement of the roof with corrugated metal along the mansard sections and exterior framing to extend the Mansard roof along a small portion of the west elevation. Pursuant to the non-conforming ordinance, only maintenance and repair activities were permitted to this existing commercial building, which allow 10 percent of the exterior walls, roof, or foundation to be improved. In addition, County Code Section 13.10.265 allows roof replacement to non-conforming portions of the building provided that the pitch of the roof slopes away from the nonconforming side of the building, additional habitable space is not created as a result of the replacement, and top plate height is not altered except as required to comply with the building code. These criteria were met and the work is under construction under Building Permits B-113297 and B-113771. An additional building permit is required to rectify the unresolved interior building modifications prior to occupancy of the restaurant use. A variance has been included to ensure that all required building modifications can be accomplished. Additional discussion regarding the variance is provided below.

Project Setting

The property is located at the corner of East Cliff Drive and 17th Avenue and Johan Beach Road. East Cliff Drive is identified as an arterial street and Johan Beach Road a local street. The property is comprised of five assessor's parcel numbers. The corner property contains a two story vacant commercial building with a 1,460 square foot first floor area along Johan Beach Road and a 2,429 square foot second floor area fronting East Cliff Drive. The site is flat along East Cliff Drive and generally slopes between 15 to 30 percent slope toward Johan Beach Road at the rear of the building. The rear portion of the property contains a mature grove of approximately a dozen eucalyptus trees.

The remaining four parcels contain parking and circulation for the existing vacant building. A portion of the existing parking and landscaping are located within the un-developed portion of the East Cliff Drive public right-of-way. Existing perpendicular parking is also located within the un-developed portion of Johan Beach right-of-way.

The zoning of properties in the vicinity includes Visitor Accommodation to the west, visitor accommodation and residential zoning to the east and north and single family residential to the south.

Project Description

The applicant is proposing to establish a sushi restaurant within the existing building. The entire first floor, approximately 1,460 square feet, with access via Johan Beach Road, is proposed for storage and utilities. Parking adjacent to this area is provided for employees. Existing interior access is provided between the first and second floor. The existing second floor, approximately 2,429 square feet, is proposed as restaurant and kitchen preparation area and includes existing outdoor deck seating along the southern portion of the building. Tenant improvements include restroom and other accessibility improvements to meet ADA requirements.

Site signage consists of two signs. One 20 square foot sign is located within the landscape area adjacent to the front entry located at the northeastern portion of the site, and one 18.75 square foot sign is located on the west building elevation. Sign materials include painted plywood background with rusted water cut steel lettering and exterior overhead lighting for wall signage and ground lighting for site signage.

The restaurant use includes a proposal for the sale of alcohol within 200 feet of a residential zone district (R-1-4 zoning).

Proposed parking and circulation improvements include a two way driveway entrance with a one and two way circulation driveway. The 12 foot one-way circulation route is provided at the rear of the parking lot at the top of slope. Staff noted the direction of the one way circulation on the site plans. A retaining wall is required at the back of the one way circulation aisle due to topographic changes at the rear of the site. ADA accessible parking spaces and building ingress/egress are also shown. The existing entry closest to the East Cliff and 17th Avenue intersection is proposed to be closed to address traffic safety considerations previously identified by Public Works Department during the review of permit application (08-0530). Only accessibility improvements are proposed within the existing the right-of-way. There are no planned improvements for East Cliff Drive by Public Works at this time and thus removal of existing improvements is not proposed or necessary.

A few existing parking spaces located along Johan Beach Road are proposed to be removed within the right-of-way close to the intersection of East Cliff Drive and Johan Beach Road to minimize traffic hazards. Three existing perpendicular spaces are proposed to be retained within the property for employee parking only.

A Master Occupancy Program

The Master Occupancy Program uses are included in the use permit to allow future uses without additional use permit review, provided they are allowed uses within the C-1 zone district and they do not exceed the parking available on site. In order to ensure use compatibility with adjacent residentially zoned property, the Master Occupancy Program does not allow for use of this property as a stand alone bar. Such a use would require approval of an amendment to this permit by the Zoning Administrator.

Zoning & General Plan Consistency

The subject property is comprised of five assessor's parcels. In total the property is approximately 22, 965 square feet. The property is located in the C-1 (Neighborhood Commercial) zone district, a designation which allows Commercial uses such as the proposed restaurant use, and is consistent with the Neighborhood Commercial General Plan designation. No expansion is proposed by this application. Tenant improvements to the building are conditioned to meet accessibility standards and other health and safety criteria to ensure compliance with the California Building Code.

Setbacks/Variance

The setback table below provides existing and required setbacks for the structure. The front yard for this property is located along the eastern property line along East Cliff Drive, as established during original development of this site. The street side yard is located along East Cliff Drive to the north of the building. The western property line is located along Johan Beach Road and is also considered a double front yard by Ordinance definition in 13.10.700 and required to meet the 10 foot front yard setback. See noted setbacks below.

Setback Table			
	Front (east property line)	Street Side (north property line)	Street Rear- double front (west property line)
Existing	13 feet	5 feet	7 feet
Required	10 feet	0 feet	10 feet

Though the structure was legally constructed with a building permit, setback standards have changed since original construction. Thus, a portion of the structure is considered non-conforming with respect to current setbacks. A variance is included to recognize a reduction in the setback (along the western property line) from 10 feet to approximately 7 feet to allow all required tenant improvements including potential foundation improvements and stud reinforcements for structural safety, exterior building modifications, and window replacements.

Findings for a variance are included (Exhibit B). The reverse corner lot location adjacent to three right-of-ways severely constrains the site limiting available building area, and the trapezoidal shape squeezes the building envelope further. Issuance of a variance to recognize a minor non-conforming setback along Johan Beach Road, a dead end right-of-way providing access to only a few properties, will not result in the expansion of the structure or result in any significant change to the character of the building or be deleterious to surrounding properties. Adequate setbacks exist between this portion of the structure and all surrounding structures.

On-Site Liquor Sales

The subject property is located adjacent to residentially zoned property to the south and across East Cliff Drive to the east. Pursuant to County Code Section 13.10.654, a Zoning Administrator approval is required when liquor is served within 200 feet of residential zoning. It is not uncommon for restaurants to provide sale of liquor for on-site consumption as proposed here. The sale of alcohol in conjunction with a restaurant is incidental to the restaurant use proposed for this site and will not be deleterious to surrounding residential uses. The Department of Alcohol Beverage Control regulates the issuance of liquor licenses. The project is conditioned to obtain a liquor license prior to operation. As discussed above, the Master Occupancy Program has been conditioned to exclude stand alone bars at this location unless a project amendment

with approval by the Zoning Administrator is sought.

East Cliff Drive Right-of-Way Improvements

Some existing parking, circulation and landscaping improvements are located within the undeveloped portion of the 80 foot East Cliff Drive right-of-way along the eastern property line. It is generally agreed by the Public Works Department that the 80 feet right-of-way is more than enough to accommodate any potential future roadway and roadside improvements envisioned for the roadway and will also allow for additional private landscaping and parking within the right-of-way along the property frontage in the future.

Modifications to existing improvements include a concrete driveway entry conform, accessible meandering asphalt sidewalk and sidewalk conforms, closure of the driveway closest to the 17th Avenue and East Cliff Drive intersection for traffic safety, new groundcover, and removal of three parking spaces (from five to two spaces) within the right-of-way. The improvements, including retention of two parking spaces, are consistent with potential widening and acceptable to the Public Works Department. They may be easily removed if necessary for future widening. However, future widening would require adoption of a plan line by the Board of Supervisors prior to completion of any improvements. With the elimination of the Redevelopment Agency there is no publicly funded plan for future improvements and the likelihood of adoption of a plan line or future roadway improvements is more tenuous.

An encroachment permit will be required by the Public Works Department and may be rescinded in the future if additional right-of-way is needed. The permit will be conditioned to address the future loss of two parking spaces, should this ever come to pass. There is no intent to complete roadway widening at this time, and there is no harm in allowing the current configuration of these improvements to remain because they help define the roadway and allow for continued pedestrian access along the frontage and will improve the quality of the experience of those walking and driving by the site.

Site signage

County Code Section 13.10.581 allows commercial uses one business or identification sign and one small pedestrian sign not to exceed 50 square feet in size or ½ square foot of sign area per foot of building width. The proposed building is 84 feet in width based on a calculation of the width of the building along the front and street sides of the building. This allows a maximum of 42 square feet. The proposed signage includes an approximately 20 square foot sign located along the northeastern corner of the site with five ground lights and a 18.75 square foot sign affixed to the western building elevation with three overhead lights. The allowed signage area has been split between two locations, given that the property is situated on a corner adjacent to three streets and would have limited visibility without more than one sign. This meets the intent of the regulations to provide adequate visibility for a business located on a corner lot without exceeding the size standards established by code. A variance is included in the findings to allow for the use of two signs for the proposed use at this site.

Tree removal

The application includes recognition of removal of two large diameter eucalyptus trees and a proposal to remove three other trees necessary for construction of the circulation aisle. All of these trees are considered significant by the significant tree protection ordinance as they are part of a grove of more than five trees greater than twelve inches in diameter. These trees are required to be replaced at a three to one ratio, as noted by Environmental Planning staff comments. The project is conditioned to meet this requirement.

Local Coastal Program Consistency

The proposed commercial use, associated site improvements, and master occupancy program are in conformance with the County's certified Local Coastal Program, in that the proposed and future uses will occupy the existing building and site. Exterior improvements will improve the visual aesthetics of the structure and result in greater compatibility with the character of the surrounding neighborhood. Revisions to the parking lot and removal of one of the vehicle site entry locations will improve pedestrian and vehicular traffic safety for the surrounding neighborhood. Although the project site is located between the shoreline and the first public road, the property does not include any public access easements to the shoreline 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.

Design Review

The proposed commercial use complies with the requirements of the County Design Review Ordinance, in that the proposed structure will be improved in exterior appearance by façade renovations including additional board and batt siding along the lower portion of the building, which is consistent with the existing character of the building. Corrugated metal roofing, a new exterior paint scheme, and improved vehicle and pedestrian access, and replanting existing landscaping are also proposed to renovate the site and building.

Environmental Review

A preliminary determination has been made that the project is exempt from the California Environmental Quality Act (Existing Facilities) and a notice of exemption has been attached as Exhibit D.

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

- **CERTIFICATION** that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 111225, 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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Santa Cruz CA 95060
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PROJECT DATA:

A.N. 028-0231-2-1-03
 31620 East Cliff Drive
 Santa Cruz, California
 Existing Restaurant
 Construction Type: Type III
 Existing conditioned space: 2428 sq ft
 Lot area: 22,923 sq ft
 Existing lot coverage: 8.4%

OWNER: Mabo Siani
 111 Liberty Street
 Santa Cruz, Ca. 95060
 TELEPHONE: 831-423-0414
 TELEPHONE: 831-423-0414
 FAX: 831-423-0414
ARCHITECTURAL ENGINEER: Robert Schmitz
 P.E. 007496
 1774 Avenue 17
 San Jose, CA 95128
 TELEPHONE: 408-933-1833
 TELEPHONE: 408-933-1833
 FAX: 408-933-1833
Civil Engineer: JOAQUIN RAMOS
 TELEPHONE: 310-422-9130
 FAX: 310-422-9130

INDEX

- A1 Site Plan as proposed
- A2 Site Plan as existing
- A3 Floor Plan - main
- A4 Floor Plan - existing
- A5 Elevations as proposed
- A6 Elevations as existing
- A7 Existing drainage
- A8 Drainage as proposed
- A9 Accessibility - notes / specs
- A10 Kitchen details
- A11 Equipment and surfaces
- A12 Sign Details
- A13 Notes
- C1 Landscaping
- C2 Grading Sections

PROJECT SCOPE

This building has been used as a restaurant for more than thirty years. But the previous owners, who owned the building and the land, decided to sell the property and build a new restaurant. The new owners have not a substantial renovation of the building, but a complete renovation of the site, but want first required to obtain a Commercial Development permit to include the restaurant use.

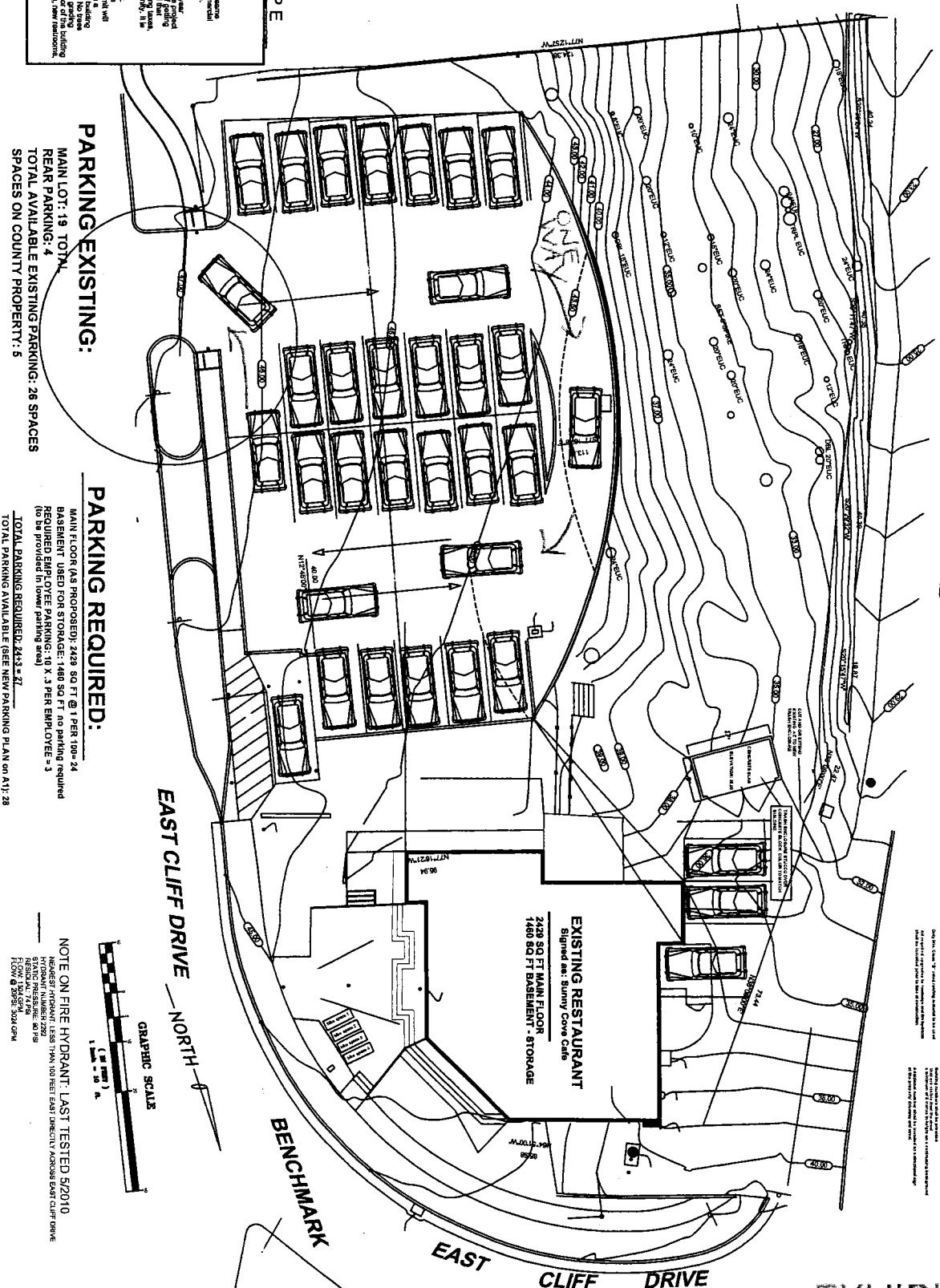
In 2004, they spent a large sum of money, and more than a year, to build a new restaurant. The building was built on a lot that was previously used for a parking lot. The building was built on a lot that was previously used for a parking lot. The building was built on a lot that was previously used for a parking lot.

The present goal is to renovate the building as a restaurant. The building was built on a lot that was previously used for a parking lot. The building was built on a lot that was previously used for a parking lot. The building was built on a lot that was previously used for a parking lot.

JOHAN'S BEACH ROAD

NOTES:

CENTRAL FIRE PROTECTION DISTRICT
 The City of Santa Cruz Fire Department has reviewed this plan and found it to be in compliance with the Fire Department's requirements for fire protection. The City of Santa Cruz Fire Department has reviewed this plan and found it to be in compliance with the Fire Department's requirements for fire protection.



PARKING EXISTING:

MAIN LOT: 19 TOTAL
 REAR PARKING: 4
 TOTAL AVAILABLE EXISTING PARKING: 26 SPACES
 SPACES ON COUNTY PROPERTY: 6

PARKING REQUIRED:

MAIN FLOOR (AS PROPOSED) 2428 SQ FT @ 1 PER 100 = 24
 BASEMENT USED FOR STORAGE: 1480 SQ FT no parking required
 (to be provided in lower parking area) 1 X 3 PER EMPLOYEE = 3
 TOTAL PARKING REQUIRED: 24+3 = 27
 TOTAL PARKING AVAILABLE (SEE NEW PARKING PLAN ON A11): 26

EXISTING RESTAURANT

Signed as: Sunny Cove Cafe

2428 SQ FT MAIN FLOOR
 1480 SQ FT BASEMENT - STORAGE



NOTE ON FIRE HYDRANT: LAST TESTED 5/2010
 HYDRANT NUMBER: 228
 REAR CLIFF DRIVE
 10' X 6" 300' 300' GPM

Consultant and engineering drawings are prepared by the following:

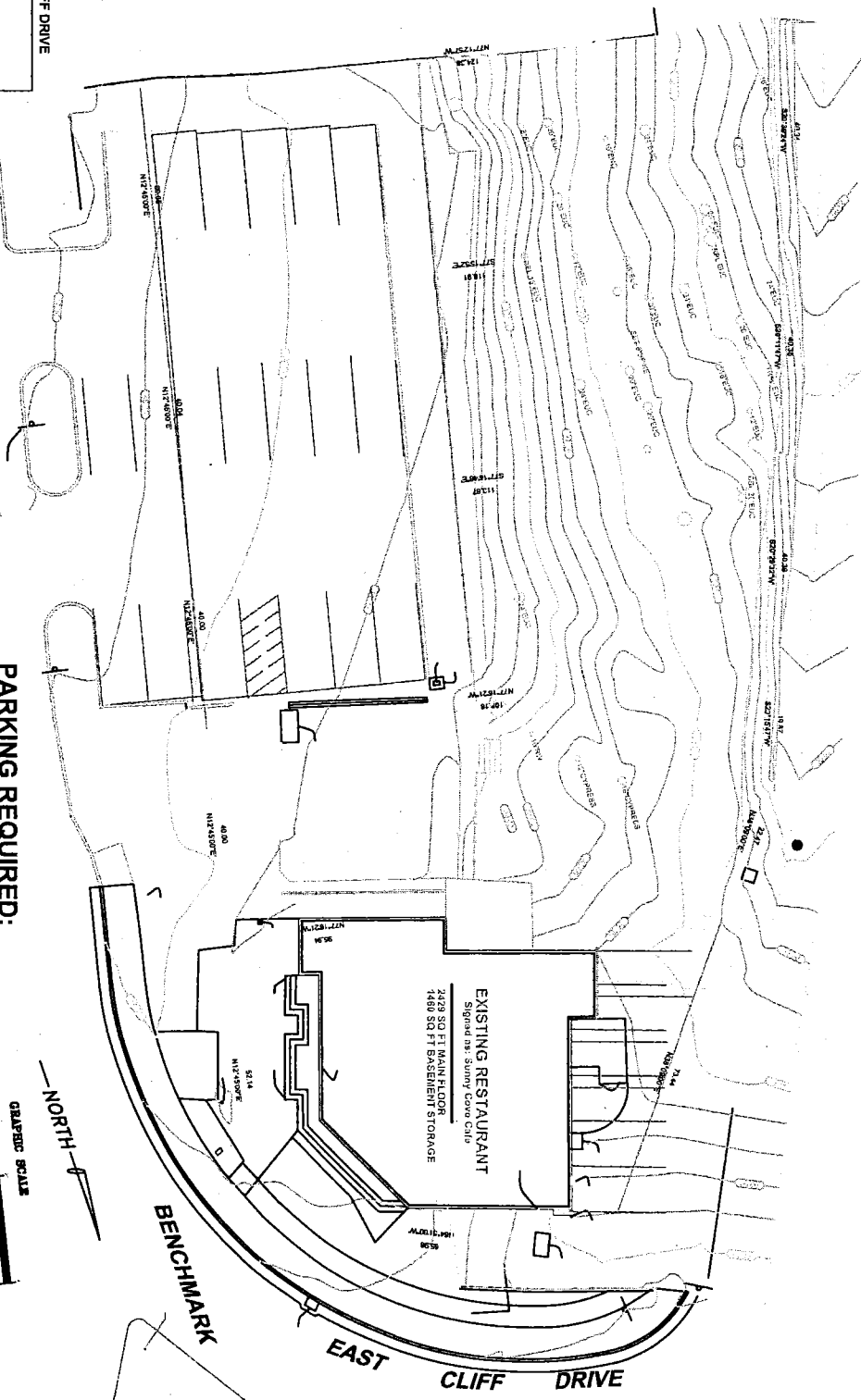
VICINITY MAP
ADDRESS: 21620 EAST CLIFF DRIVE

PARKING EXISTING: EAST CLIFF DRIVE

MAIN LOT: 19 TOTAL
REAR PARKING: 4
TOTAL AVAILABLE EXISTING PARKING: 28 SPACES
SPACES ON COUNTY PROPERTY: 5
TOTAL LEGAL PARKING SPACES: 21

PARKING REQUIRED:

MAIN FLOOR (AS PROPOSED): 2421 SQ FT @ 1 PER 100-24
BASEMENT USED FOR STORAGE ONLY: 0
ACCESSIBLE PARKING: 1 REQUIRED PER 25 = 1 VAN ACCESSIBLE
REQUIRED EMPLOYEE PARKING: 10 X 3 PER EMPLOYEE = 3
(TO BE PROVIDED IN COMMON PARKING AREA)
TOTAL PARKING REQUIRED: 4403 = 21
TOTAL PARKING AVAILABLE (SEE NEW PARKING PLAN ON ATT 28)



JOHAN'S BEACH ROAD

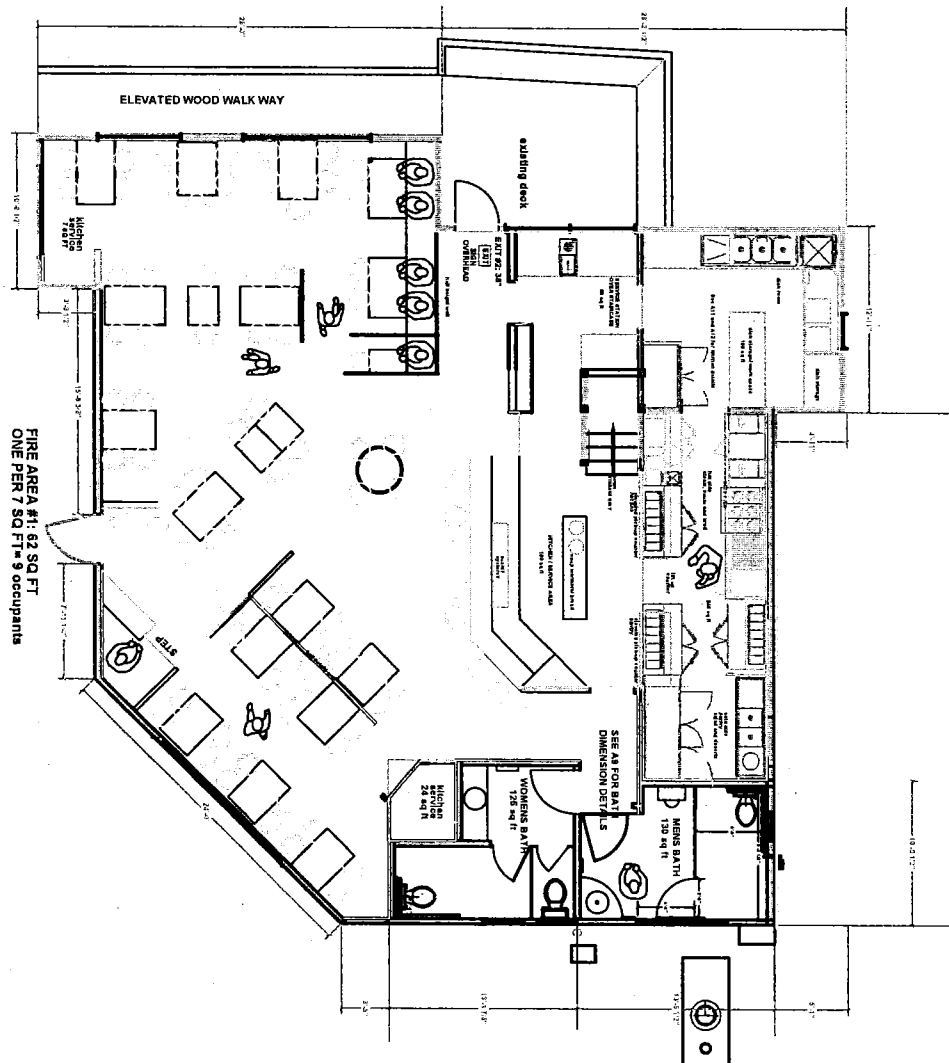
MOBO
21620 EAST CLIFF
Santa Cruz, CA

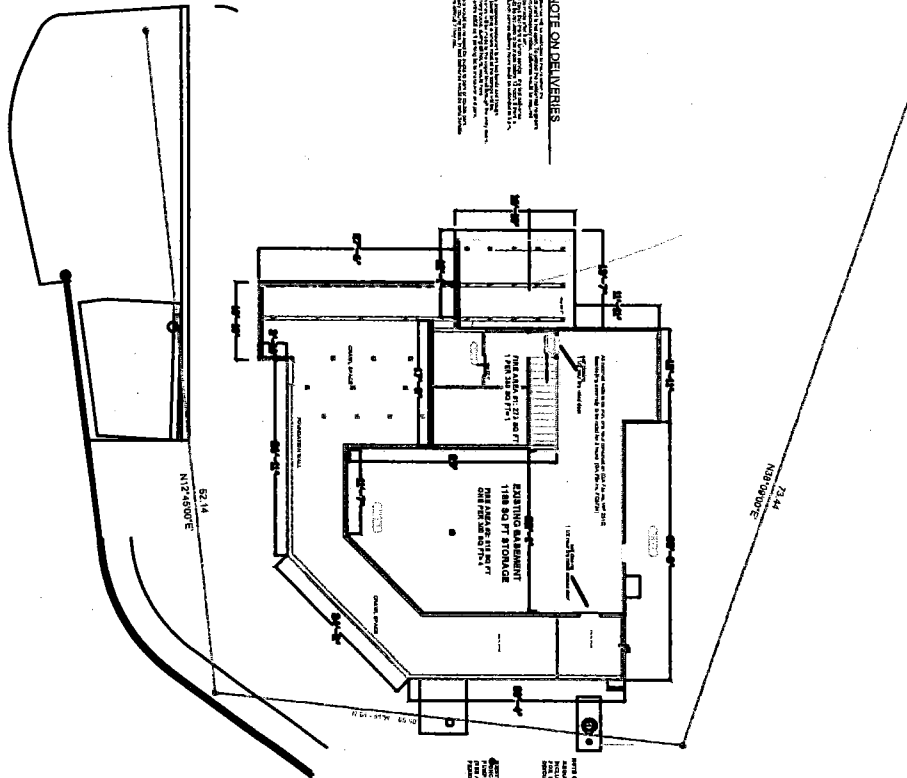
La Selva Design
Group
La Selva Beach, California

Existing Site Plan
with vicinity map



A2





NOTE ON DELIVERIES
 The drawings are to be used for the purpose of obtaining a building permit. The drawings are not to be used for any other purpose. The drawings are not to be used for any other purpose. The drawings are not to be used for any other purpose.

NOTES ON EXISTING FLOOR AND EXISTING LAYOUT
 The drawings are to be used for the purpose of obtaining a building permit. The drawings are not to be used for any other purpose. The drawings are not to be used for any other purpose. The drawings are not to be used for any other purpose.

A4

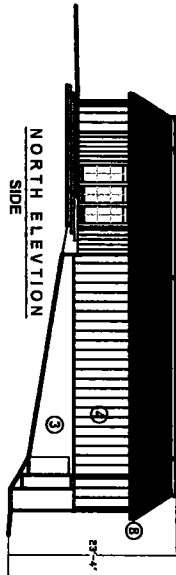
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 Date: 6/12/11
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MOBO
 21620 EAST CLIFF
 Santa Cruz, CA

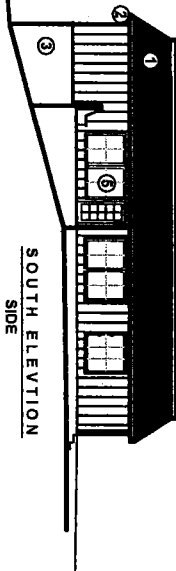
La Selva Design Group
 La Selva Beach, California

Floor Plans Existing

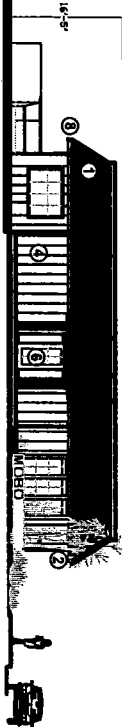




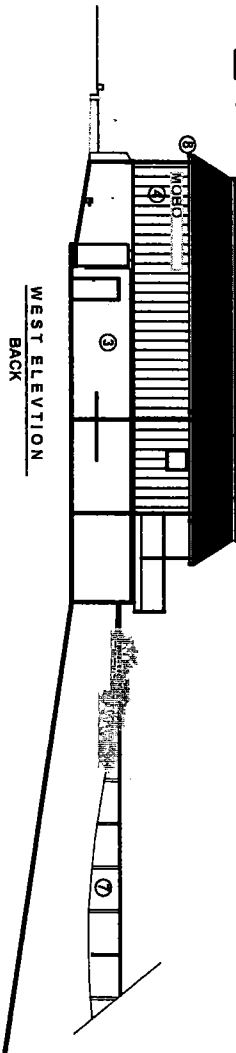
NORTH ELEVATION
SIDE



SOUTH ELEVATION
SIDE



EAST ELEVATION
FRONT



WEST ELEVATION
BACK

- EXTERIOR MATERIALS: SEE COVER FOR COLORS,**
1. ROOFING MATERIAL: CORRUGATED CORTEN SHEET METAL
 2. EAVE CONSTRUCTION: SMOOTH SURFACE PLYWOOD PAINTED AS PER COLOR BOARD
 3. WALL SURFACE ONE: SAND FINISHED COLORED STUCCO
 4. WALL SURFACE TWO: VERTICAL SMOOTH SURFACED BOARD AND BAT SIDING
 5. WINDOW FRAMES: SILVER ANODIZED ALUMINUM
 6. DOORS: SOLID WOOD FRAMES PAINTED (SEE COLOR BOARD FOR COLOR)
 7. RETAINING WALL: PRESSURE TREATED DF AND STEEL "I" BEAMS
 8. GUTTERS AND DOWNSPOUTS: CORTEN STEEL
 9. NEW WALKWAYS AS PER PLAN: CONCRETE COLORED INTERLOCKING PAVING STONES
- SEE A17 FOR DETAILS ON SIGNAGE



ELEVATIONS
AS PROPOSED

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La Selva Beach, California

MOBO
21620 EAST CLIFF
Santa Cruz, CA

APN

028-162-01

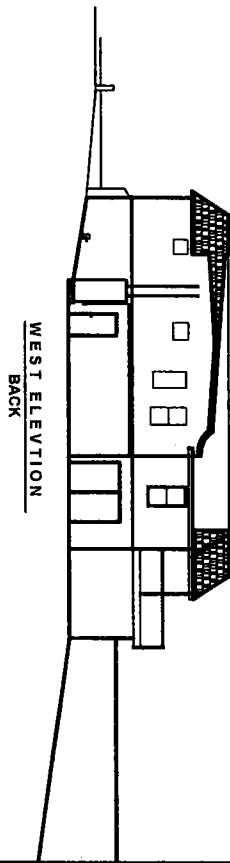
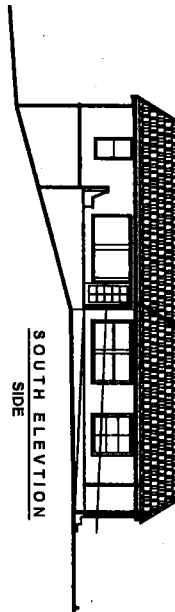
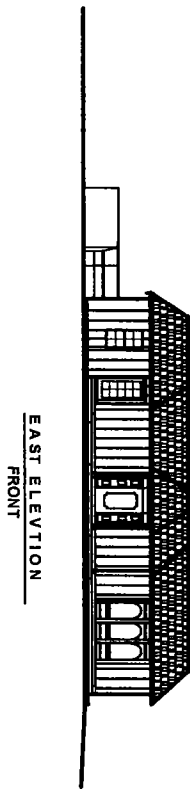
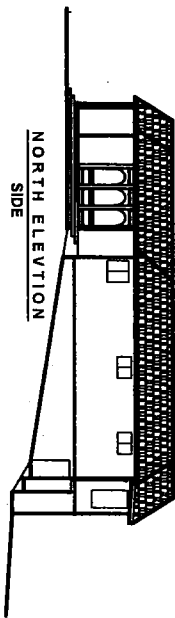
Rev. 8-12-11

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

Drawn by: C. Bhatt

Check by:

A5



MOBO
21620 EAST
Santa Cruz

**La Selva Design
Group**
La Selva Beach, California

ELEVATIONS

AS EXISTING



SEE A13, A10, AND ATTACHED ARBORIST REPORT FOR TREE REMOVAL PLAN

JOHAN'S BEACH ROAD

002E FIG. 8WAK-12 COUNTY ODF SANTA CRUZ DESIGN CRITERIA

NOTES:

CENTRAL FIRE PROTECTION DISTRICT

[illegible]

IMPERVIOUS AREA AS PROPOSED:

[illegible]

ASPHALT PARKING LOT DRAINAGE

N12°45'00"

$$N_{\text{eff}} = 1.76 \times 10^{22} \text{ cm}^{-2}$$

✓

✓

1

EXISTING IMPERVIOUS AREA:
 8,103 SQ. FT.

CONCRETE SURFACE & BASTING DITCH: 1150 SQ FT
AC WALKWAY TO PARKING: 300 SQ FT
AC PARKING LOT: 6500 SQ FT
AC PARKING LOT OVER GREEN TRAIL: 475 SQ FT
AC PARKING & REAR: 525 SQ FT
TOTAL EXISTING IMPERVIOUS AREA: 11,075 SQ FT

GRAPHIC NOVEL

(in 2002)
1 month = 30 d.

NOT

BENCHMARK

EAST CLIFF DRIVE

EXISTING RESTAURAN
Signed as: Sunny Cava Cafe

0012 9811
0050

CONFIDENTIAL

CLIP

DR
as

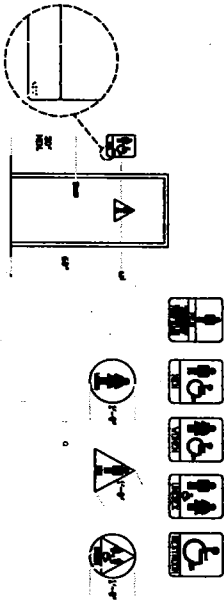
MOBO
21620 EAST CLIFF
Santa Cruz, CA

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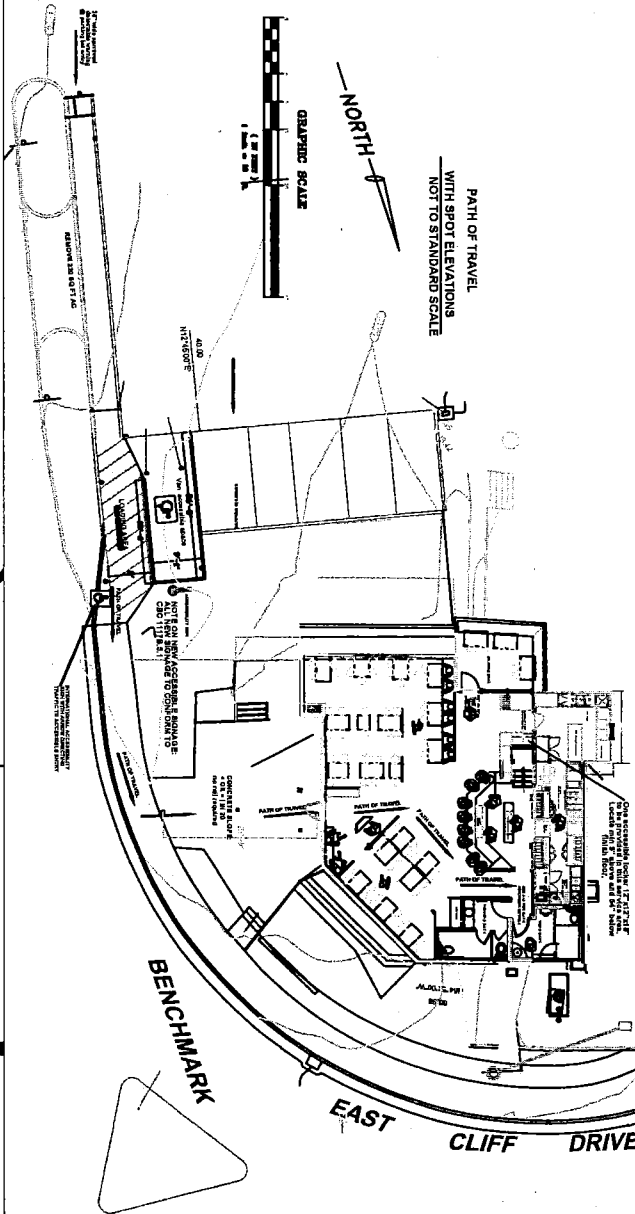
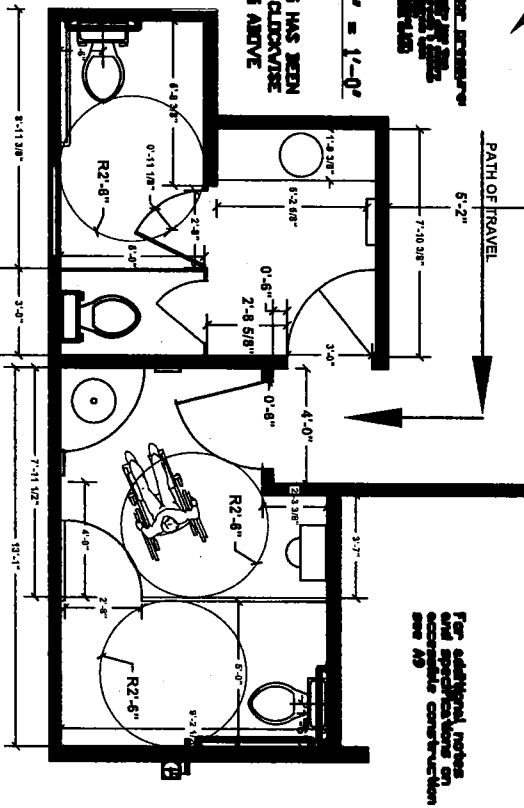
DRAINAGE
as proposed



NOTES ON ACCESSIBILITY



SCALE 1/2" = 1'-0"
NOTE:
THIS DRAWING HAS BEEN
ROTATED 90° COUNTER-
CLOCKWISE
FROM DRAWING ABOVE



A9

MOBO
21620 EAST CLIFF
Santa Cruz, CA

La Selva Design Group
La Selva Beach, California

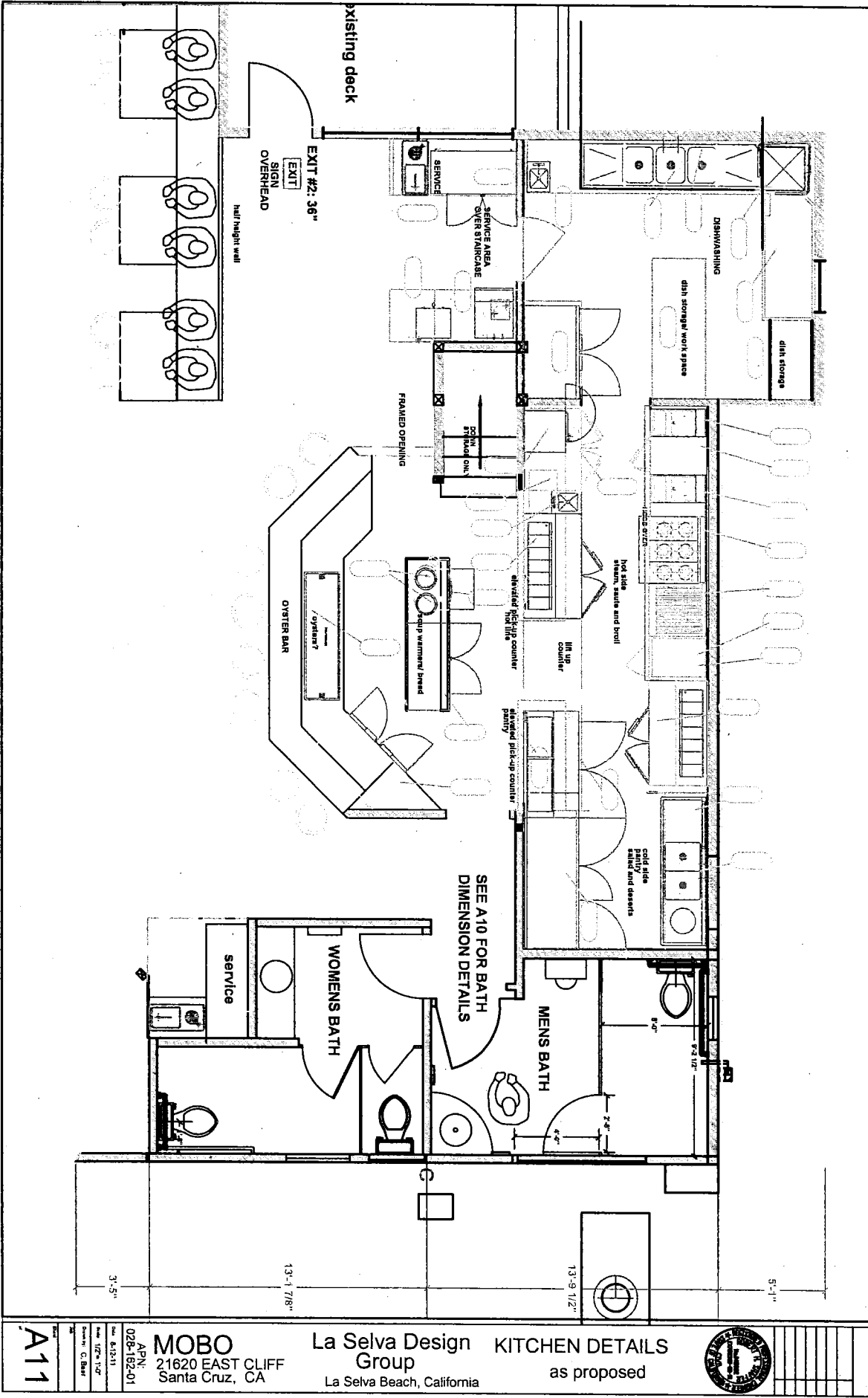
ACCESSIBILITY
WITH BATHROOM DETAILS



MOBO
21620 EAST CLIFF
Santa Cruz, CA

La Selva Design
Group
La Selva Beach, California

Accessibility
notes and specifications



A11

APN: 028-182-01
MOBO
21620 EAST CLIFF
Santa Cruz, CA

La Selva Design Group
La Selva Beach, California

KITCHEN DETAILS
as proposed

La Selva Design Group
La Selva Beach, California



SURFACES SCHEDULE

[illegible]

EQUIPMENT SCHEDULE

[illegible]

EQUIPMENT SCHEDULE

[illegible][illegible]

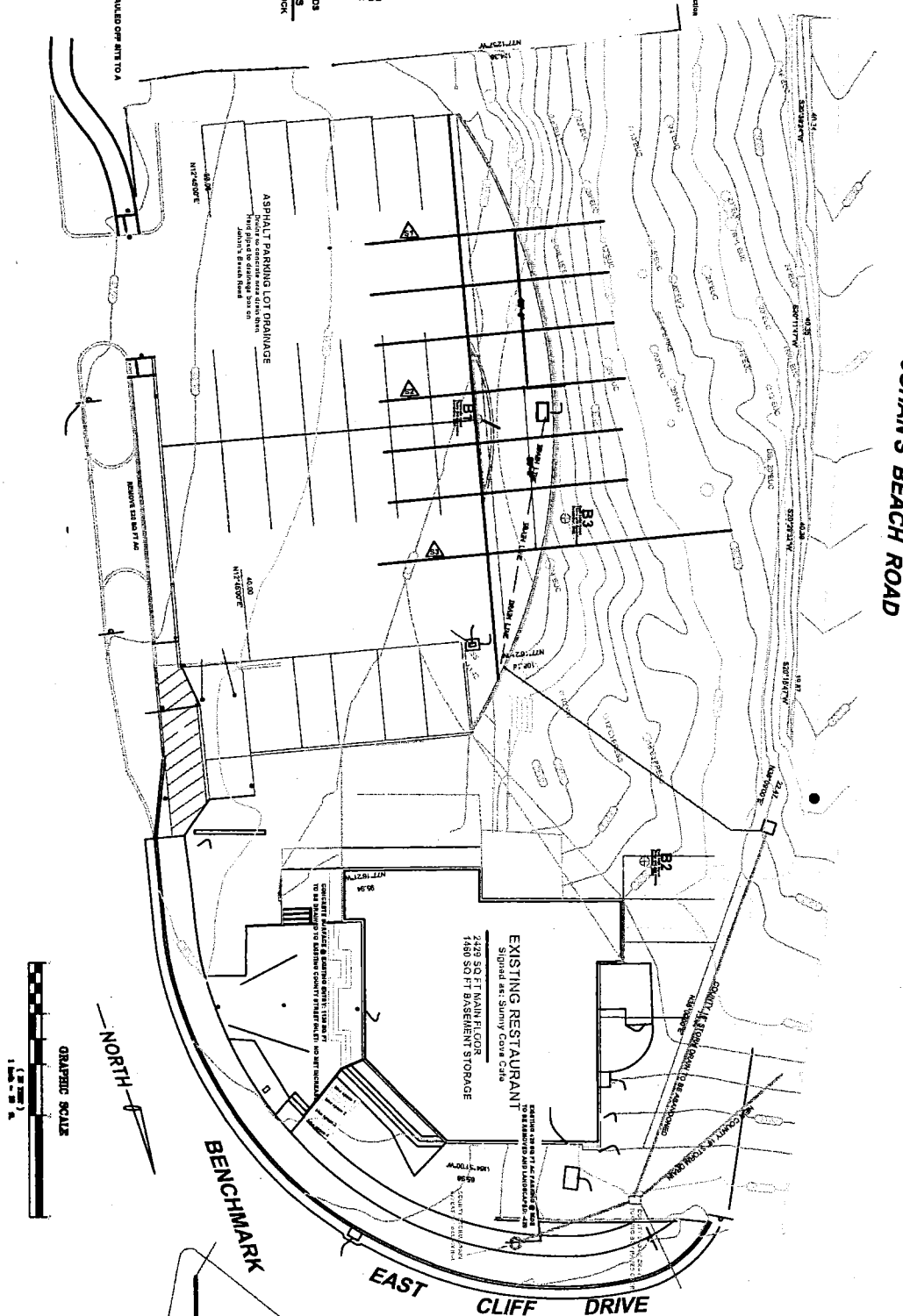
GRADING VOLUMES

CUT VOLUME:
 SEE SECTION 02.02
 TOTAL CUT VOLUME: 17.3
 CUT VOLUME TO BE VALED OFF SITE TO A
 COUNTY APPROVED SITE

FILL VOLUME:
 SECTION 1: (see C1) 8.24 cu yd
 SECTION 2: (see C1) 23.24 cu yd
 SECTION 3: (see C1) 18.24 cu yd
 SECTION 4: (see C1) 7.24 cu yd
 SECTION 5: (see C1) 1.24 cu yd
 TOTAL FILL VOLUME: 58.40 CUBIC YARDS
 FILL VOLUME TO BE GRAVEL AND BASE ROCK
 FROM OFF SITE

ALL EXCESS MATERIAL TO BE VALED OFF SITE TO A
 COUNTY APPROVED SITE

Note on final construction:
 A 2' wide shoulder shall be provided on the
 east side of the road. The shoulder shall be
 constructed with the same material as the
 road. The shoulder shall be constructed
 to the centerline of the road.



EAST CLIFF DRIVE

JOHAN'S BEACH ROAD

NORTH

GRAPHIC SCALE
 1" = 20'

BENCHMARK

EAST CLIFF DRIVE

EXISTING RESTAURANT
 Signed as: Sunny Cove Cafe
 249 SO FT MAIN FLOOR
 1480 SO FT BASEMENT STORAGE



MOBO
 21620 EAST CLIFF
 Santa Cruz, CA

La Selva Design Group
 La Selva Beach, California

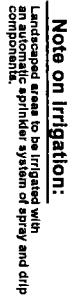
PRELIMINARY GRADING
 PLAN

APN: 026102-01

Scale: 1" = 10'-0"

Drawn by: C. Smith

C1



**PRELIMINARY PLAN
NOT FOR CONSTRUCTION**

GRAPHIC SCALE
(in feet)
1 inch = 50 ft.

MOBO
21620 EAST CLIFF
Santa Cruz, CA

**La Selva Design
Group**
La Selva Beach, California

Preliminary Landscape plan



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 be made, in that the property is zoned C-1 (Neighborhood Commercial), a designation which allows Commercial uses. The property contains an existing vacant building previously used for commercial purposes. The proposed restaurant and other master occupancy program uses are permitted within the zone district, consistent with the site's Neighborhood Community 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 the development is consistent with the surrounding neighborhood and there are no planned architectural changes to the building other than exterior cosmetic renovations including re-roofing the structure with corrugated metal to replace existing wood shingles, board and bat siding on the lower portions of the structure where board and bat siding is absent, replacement and reconfiguration of some windows with anodized aluminum windows, and repainting the building with updated exterior colors (green siding and stucco and red windows and trim; the site is surrounded by lots developed to an urban density; the colors are natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top. Planned deliveries will occur before restaurant business hours when the parking lot will not be occupied. Thus, a dedicated loading space is not required for this use. Furthermore, County Code Section 13.10.570 does not specifically require a loading space for uses with less than 5,000 square feet in size.

The site is located within the East Cliff Village tourist area and is subject to special community design standards. These standards require that new development maintain the one and two story scale of the area. No changes are proposed to the two story structure that would alter the scale of the structure relative to surrounding structures. Clustered landscaping is encouraged to accent the various commercial uses. Landscaping is proposed to be maintained where possible and refurbished to meet this objective.

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 although the project site is located between the shoreline and the first public road, there are no public access easements across the subject property. The site is located adjacent to Johan's Beach Road, which provides access to Sunny Cove Beach. However, the commercial site will not interfere with public access to the beach, ocean, or any nearby body of water. Furthermore, special development standards related to Johan's Beach in particular, as noted in Figure 2.5 of the General Plan, speak to the location of public recreational support facilities. This project is not for construction of any such facilities. Chapter 7 of the General Plan, likewise, pertains to park, recreation, and public facilities which do not relate to this site. 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 be made, in that the structure is sited and designed to be visually compatible, in scale, and integrated with the character of the surrounding neighborhood. Additionally, Commercial uses are allowed uses in the C-1 (Neighborhood Commercial) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain visitor accommodations, commercial, and residential uses. Size and architectural styles vary widely in the area, and the exterior changes are consistent with the existing range of styles.

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 and is not encumbered by physical constraints to development. The project will result in improved parking and circulation on the site, an improvement to public safety. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources.

The proposed Commercial uses will not deprive adjacent properties or the neighborhood of light, air, or open space, in that alterations to the building will occur within the existing building footprint that ensure access to light, air, and open space in the neighborhood. Variance findings are included for the other exterior building modifications, which may include building foundation improvements and interior structural re-enforcements, and exterior façade improvements where the structure does not meet the ten foot rear yard setback. See attached Variance findings.

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 commercial restaurant use, master occupancy program, 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-1 (Neighborhood Commercial) zone district, as the primary use of the property will be a restaurant within the existing building. Building modifications, including a roof redesign and modifications to the exterior building materials, as well as handicap access and railing design, are also proposed to improve the appearance of the structure in compliance with current codes. Roof replacement involves a portion of the corner of the building adjacent to Johan's Beach Drive within the required ten foot setback area. A variance has been included to address modifications to the building that do not meet the current setbacks.

The proposed use provides required parking on site in two separate parking areas, one at grade along East Cliff Drive and one below the building along Johan's Beach Road. A total of 26 parking spaces are provided on site, three of which are handicapped, and the rest standard spaces. Two existing spaces will be retained in the public right-of-way until such that that they are required to be removed for widening the roadway. The project will be conditioned to address this issue, should it occur in the future to ensure that adequate parking may be provided. Three of the spaces located within the front of the site along Johan Beach Road are proposed as back-out spaces adjacent to Johan's Beach Road, an Urban Local Street. Back out movements are generally discouraged except where absolutely necessary. The Public Works Department has reviewed and approved the proposed parking configuration along Johan's Beach Road with a requirement that the applicant remove landscaping within a forty foot sight triangle, as proposed,

at the corner of Johan's Beach Road and East Cliff Drive to ensure safe ingress and egress in this location.

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 Neighborhood Commercial (C-1) land use designation in the County General (including setbacks, height, and number of stories) and will result in an improved design.

The proposed commercial use and future master occupancy uses will be conducted within the existing building. Exterior improvements will improve the visual aesthetics of the structure and result in greater compatibility with the character of the surrounding neighborhood. Revisions to the parking lot and removal of one of the vehicle site entry locations will improve pedestrian and vehicular traffic safety for the surrounding neighborhood and will result in an improved building and site layout.

The proposed Commercial use will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

A variance is included where improvements may be needed within the non-conforming portion of the structure. A reduction in the setback from 10 feet to approximately 7 feet is required to allow all required tenant improvements including potential foundation improvements and stud reinforcements for structural safety, exterior building modifications, and window replacements for the building.

A specific plan has not been adopted for this portion of the County.

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 commercial use is proposed within an existing commercial building originally developed as a restaurant use. The expected level of traffic generated by the proposed project is not anticipated to result in additional trips beyond that of the originally constructed restaurant building. It is anticipated that the reopening will result in 77 trips (2,429 square feet divided by 1,000 square feet times 32 trips per 1,000 square feet per day); this level of trip generation will not adversely impact existing roads and intersections in the surrounding area.

Commercial development projects are typically required to pay fees for an increase in the current trip rate as a result of an increase in floor area or a change in use. The existing building has existed in this location since the 1960's and contained a pre-existing restaurant business similar to the proposed business for much of the building's use history. The existing building footprint is not proposed to be expanded as a result of the new permit or result in an increase in the trip

rate from historical levels. The proposed use is a de-facto change of use for the existing building rather than a new building. As a result, the applicant is not required to pay roadside and transportation improvement area fees.

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 existing structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed commercial use and the exterior cosmetic renovations will improve the neighborhood and economically revitalize the property.

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 commercial use will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

It is generally agreed by the Public Works department that the 80 feet of East Cliff Drive right-of-way is more than enough to accommodate the potential future roadway and roadside improvements envisioned for the roadway east of the site and will allow for additional landscaping/parking along the property frontage in the future. The actual roadway standard and location of improvements will be established once a formal Plan Line has been adopted by the Board of Supervisors in the future. Public Works Road Engineering has noted a potential need to lengthen the left turn pocket in front of the site and it is anticipated that the future frontage improvements (sidewalk, landscaping, parking) may be required to shift the roadway closer to the property line in the future, but would leave a minimum of two feet, and up ten feet of public right-of-way for these private property improvements.

The existing improvements will only be modified to provide a concrete driveway entry conform, accessible meandering asphalt sidewalk and driveway conforms, closure of the driveway closest to the 17th and East Cliff Drive intersection for traffic safety, landscaping within the right-of-way, and removal of three spaces (from five to two spaces) within the right-of-way. These improvements are acceptable to the Public Works Department in the interim.

The improvements shown in the right-of-way, including retention of two parking spaces in the right-of-way, are consistent with this potential widening and may be easily removed if necessary. An encroachment permit will be required by the Public Works Department and may be rescinded in the future if additional right-of-way is needed. The permit will be conditioned to address the future loss of two parking spaces parking should this ever come to pass. There is no intent to complete roadway widening at this time.

The proposed restaurant will provide deliveries before the hours of operation of the business and will not require a loading space. The project will be conditioned accordingly.

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that the original structure was legally constructed with a building permit, and since construction the zoning regulations have changed to require a ten foot setback. A zero setback (double frontage setback) was required when the building was originally constructed. The property is a reverse corner lot that is surrounded by right-of-ways on three sides of the site, which significantly limit the sites' buildable footprint by requiring two front yard setbacks. A typical parcel is subject to a single front yard setback, a privilege enjoyed by other property in the vicinity and under the identical zoning classification. The site problems are further compounded by the trapezoidal shape of the site, which makes it difficult to establish a consistent setback along all property lines for maximum building efficiency if a 10 foot setback were applied equally along all sides, which explains why the existing structure does not meet the setback and encroaches slightly.

Findings for a signage variance to increase the number of signs from one to two can be made in that the corner lot location deprives the property of adequate visibility enjoyed by parcels with one single street frontage.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

The granting of the variance is in harmony with the general intent and purpose of zoning objectives of maintaining adequate separation between structures and property lines along the rear yards in that the proposed rear yard is approximately 7 feet, which is greater than the typical 0 foot setback allowed in the Commercial zone district. The variance to reduce the required ten foot rear yard setback for a double frontage lot to seven feet will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity, in that the minimum 10-foot separation between structures will be maintained and the existing structure is located a substantial distance from any surrounding structure. Adequate light, air, and open space will not be compromised by this reduction. The proposed variance for site signage meets the intent of the sign regulations and will not allow the signage to exceed the maximum square footage permitted any business and allows the business visibility given the location on a triple street corner site. As a result, the variance will be in harmony with the general intent and purpose of the zoning objectives and will not be detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

With regard to the setback variance, this finding can be made, in that this parcel is a reverse corner lot, a unique parcel surrounded by three right-of-ways creating unusually stringent rear yard setbacks for the structure where a zero yard setback exists for most surrounding properties in the vicinity. Other parcels under similar circumstances would be given the same consideration with regard to setbacks and therefore this is not a grant of special privilege.

With regard to signage, this finding can be made in that most properties front a single street where a limit to one single sign provides the business adequate visibility to on-coming traffic and pedestrians. A triple corner location, such as this subject property, severely limits visibility of the business to two streets. Allowance of an additional sign will not constitute a grant of special privilege inconsistent with other properties under similar circumstances in the vicinity.

Conditions of Approval

Exhibit A: Plans prepared by La Selva Design Group

Sheet A1, dated 9/10/11
Sheet A2, A3, A6, A9, A10, and A12, dated 8/10/11
Sheet A4, A5, and A11, dated 8/12/11
Sheet A7, dated 8/15/11
Sheet A8, dated 8/11/11
Sheet A13, L1, C1, and C2, dated 9/10/11

- I. This permit authorizes a restaurant use (Mobo Sushi) within an existing vacant commercial building, establish a master occupancy program for future commercial uses, authorize on-sale liquor as part of a restaurant use within 200 feet of a residential zone district, remove five significant trees, reduce the required 10 foot front yard setback adjacent to Johan Beach Road to seven feet, and increase the number of signs from one to two. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official within 6 months of the approval of Development Permit 08-0530.
 - 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.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - D. 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.
 - E. Obtain approval from the Department of Alcohol and Beverage Control for on-site sale of liquor in conjunction with an eating establishment where the licensee operates and maintains the premises as a bona fide eating place, with suitable kitchen facilities, and actual and substantial sales of meals for consumption on the premises.
- II. Prior to issuance of a Building Permit the applicant/owner shall:

- A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. Final plans shall include material and color details for the trash enclosure to match the building.
 2. Grading, drainage, and erosion control plans.
 - a. Final grading plans shall provide top-of-wall and bottom-of-wall elevations at the beginning, end and transition points of all proposed retaining walls.
 - b. Grading plans shall show the lateral extents of over excavation and re-compaction on the grading plans, and provide notes regarding over excavation depth, volume, and degree of compaction.
 3. The building plans must detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height shown on the plans is 24 feet.
 4. All recommendations from the project arborist report prepared by Ellen Cooper, dated March 30th 2011, shall be incorporated into the final building application plans prior to building permit approval.
 5. Ten replacement Monterey Cypress trees, minimum 15 gallon size, shall be shown on the landscape plan prior to building permit approval.
 6. Final landscape plans shall include additional plantings around the proposed trash enclosure in order to soften/screen this building. Plants must be compatible with eucalyptus trees. Final landscape plans shall be reviewed and approved by Planning Department staff.
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- C. Meet all requirements of the County Department of Public Works Sanitation

District, as noted in their sanitation comments dated 11/2/2011.

- D. Meet all requirements of the County Department of Public Works Road Engineering:
1. Plans shall provide dimensions for the driveway and for the parking aisle. The minimum driveway width for two way circulation shall be 24 feet and 12 feet for one way circulation.
 2. Plans shall show the circulation plan for the parking lot. One-way circulation shall be noted as shown on the approved plans, unless otherwise directed by the Public Works traffic engineer.
- E. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Storm water Management. Drainage fees will be assessed on the net increase in impervious area. The following are requirements prior to approval:
1. Due to the proposed site improvements along Johan's Beach Drive and storm drain maintenance complications, the project is required to abandon the existing 18 inch storm drain pipe and connect to the storm drain within the paved right-of-way of Johan's Beach Drive. The plans are required to provide construction details for the proposed pipe connection. An access opening is required for the proposed tie-in to the County's 33 inch storm drain per the Design Criteria.
 2. The plans are required to provide sizing calculations for the detention system release orifice.
 3. To receive credit for the existing impervious surfaces, please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built. Please note that a drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.
 4. Submit a copy of a recorded maintenance agreement for the drainage improvements. The maintenance agreement form can be obtained from the Public Works office or can be found online at:

<http://www.dwp.co.santa-cruz.ca.us/Storm%20Water/FigureSWM25.pdf>. Please contact the County of Santa Cruz Recorder's Office for appropriate recording procedures.
- F. Obtain an Environmental Health Clearance for this project from the County

Department of Environmental Health Services, including all food requirements.

- G. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - H. Submit two copies of an updated soils report. The update must include recommendations for the proposed retaining wall. In addition, the soils engineer must certify that the unpermitted foundation work has been performed in compliance with the report recommendations or provide additional recommendations to bring the foundation into compliance.
 - I. Submit a plan review letter from the project arborist referencing the final revised grading, drainage, erosion control, and landscaping plans, and stating that these sheets comply with all of the recommendations.
 - J. Provide required off-street parking for twenty eight cars. There shall be twenty two standard spaces, three compact spaces, and three handicap spaces. Standard parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way, with exception of two spaces (one van accessible and one standard space) and then an encroachment permit shall be required for these two spaces. Compact parking spaces must be 7.5 feet wide by 16 feet long. Handicap parking must include 1 van accessible space in conformance with the accessible space dimensions of the California Building Code.
 - K. Record Affidavit to retain assessor's parcel number 028-162-01, -02, -03, -04, -05 as one parcel.
 - L. Comply with all requirements of the Building Department accessibility comments, as noted in the completeness comments of Laura Brinson, dated November 1, 2011.
- 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 16.42.100 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 16.42.100, shall be observed.

- E. A civil engineer is required to inspect the drainage improvements on the parcel and provide the Public Works Department with a letter confirming that the work was completed per the plans. The civil engineer's letter shall be specific as to what was inspected, whether invert elevations, pipe sizing, the size of the mitigation features and all the other relevant design features were completed. Notes of "general conformance to plans" are not sufficient. An as-built plan may be submitted in lieu of the letter. Upon approval of the project a hold will be placed on the permit to be released once a satisfactory letter is received.

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. In the event that future Public Works road widening within the East Cliff Drive public right-of-way requires removal of site parking and/or frontage landscaping, the applicant shall be required to complete an administrative amendment to the permit to address compliance with the parking and accessibility requirements.
- C. This permit constitutes a Master Occupancy Program and shall be subject to the following:
 - 1. C-1 Commercial zone district uses specified in Section 13.10.332 of the County Code that do not exceed the available on-site parking and do not require exterior building modifications or structural additions (besides replacement of signage in kind) or site alterations to parking, circulation, and landscaping shall be authorized to occupy the commercial building provided that a Level 1 change of occupancy permit is issued by the Santa Cruz County Planning Department prior to occupancy.
 - 2. Multiple tenants shall be allowed to occupy the commercial building provided that all combined uses meet the available on-site parking and use limitations prescribed by the code. Prior to approval of mixed uses, planning staff shall confirm compliance with parking space requirements based on the mix of uses proposed. Interior building modifications required for multiple tenants shall require a building permit prior to occupancy.

3. Uses that require exterior modifications or additions to the building, site, or parking, etc. shall not be permitted unless an administrative amendment to the use permit is sought.
 4. On-site liquor sales and consumption shall only be permitted in conjunction with operation of a bona fide eat place (restaurant), where suitable kitchen facilities exist and actual and substantial sales of meals for consumption are completed on the premises.
 5. A request for an exclusive bar use shall be subject to amendment of the use permit with a public hearing before the Zoning Administrator.
- 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 (or permits) is obtained for the primary structure 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: _____

Steve Guiney
Deputy Zoning Administrator

Sheila McDaniel
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.

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: 111225

Assessor Parcel Number: 028-162-01, 02,03,04,05

Project Location: 21620 East Cliff Drive

Project Description: Proposal to reopen a restaurant use (Mobo Sushi) within an existing vacant commercial building, establish a master occupancy program for future commercial uses, authorize on-sale liquor as part of a restaurant use within 200 feet of a residential zone district, remove five significant trees, reduce the required 10 foot front yard setback adjacent to Johan Beach Road to seven feet, and increase the number of signs from one to two. Requires a Commercial Development Permit, Coastal Development Permit and two Variances.

Person or Agency Proposing Project: Chris Baer

Contact Phone Number: (831) 728-9081

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

Specify type:

E. **X** **Categorical Exemption**

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

- A. **Reasons why the project is exempt:** Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances; and modifications to an existing building that involve a less than 50 percent increase in floor area. No expansion is proposed by the project.

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


Sheila McDaniel, Project Planner

Date: 3-2-12

FOR TAX PURPOSES ONLY

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POR. OF N.E. 1/4 SEC. 20,
T.11S., R.1W., M.D.B. & M.

Tax Area Code
82-040

28-16

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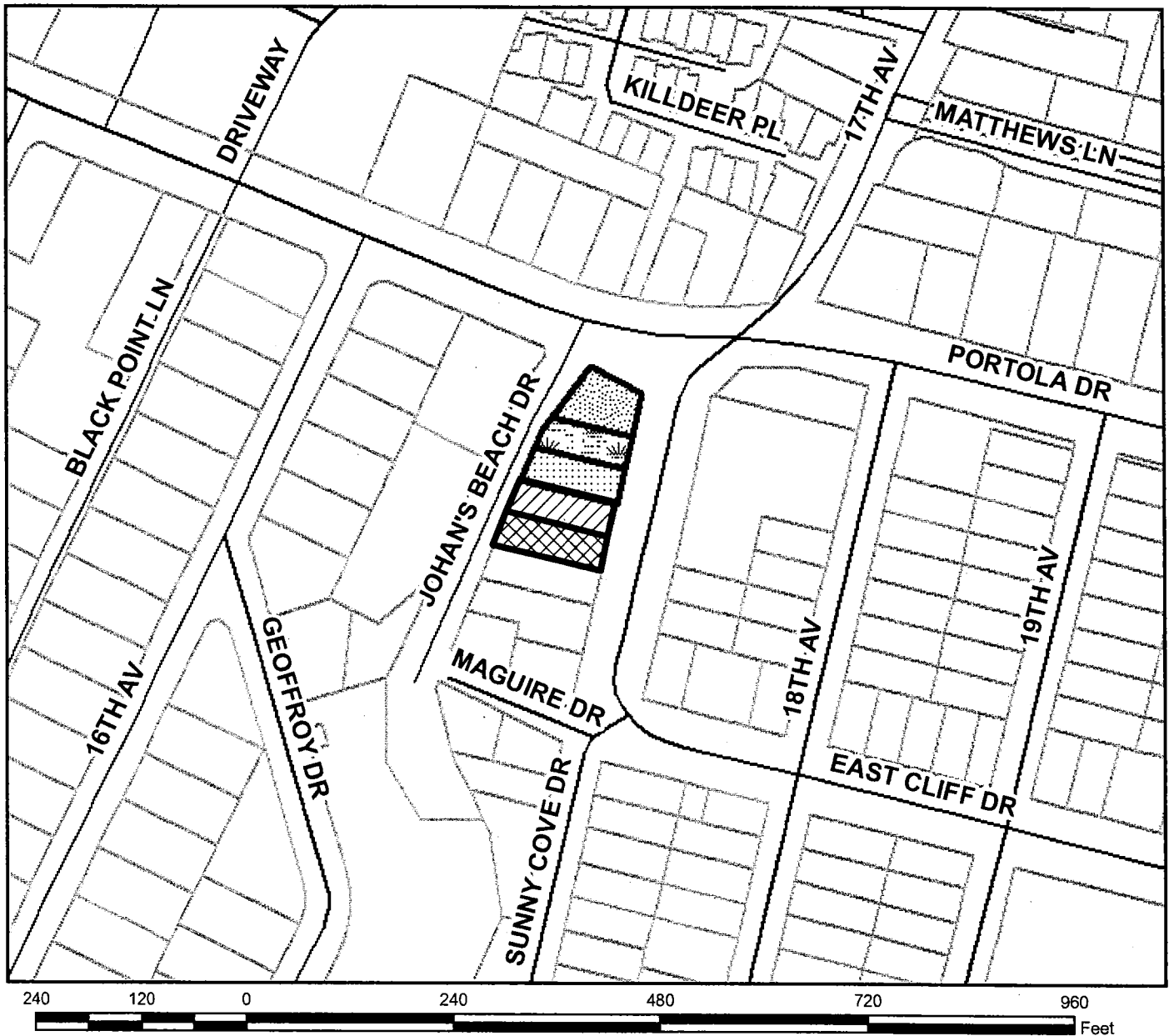
Note - Assessor's Parcel & Block
Numbers Shown in Circles.

Assessor's Map No. 28-16
County of Santa Cruz, Calif.
Aug. 1998








Electronically Redrawn 5/19/98
Rev 11/12/00 QC (99-0062807, LBA 1-12)
Rev 8/20/03 (Dead 4074566, Comb 1-22)
Rev 3/13/07 mm (Added ease, 3-03)

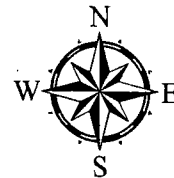


Location Map



LEGEND

-  APN: 028-162-05
-  APN: 028-162-04
-  APN: 028-162-03
-  APN: 028-162-02
-  APN: 028-162-01
-  Assessors Parcels
-  Streets

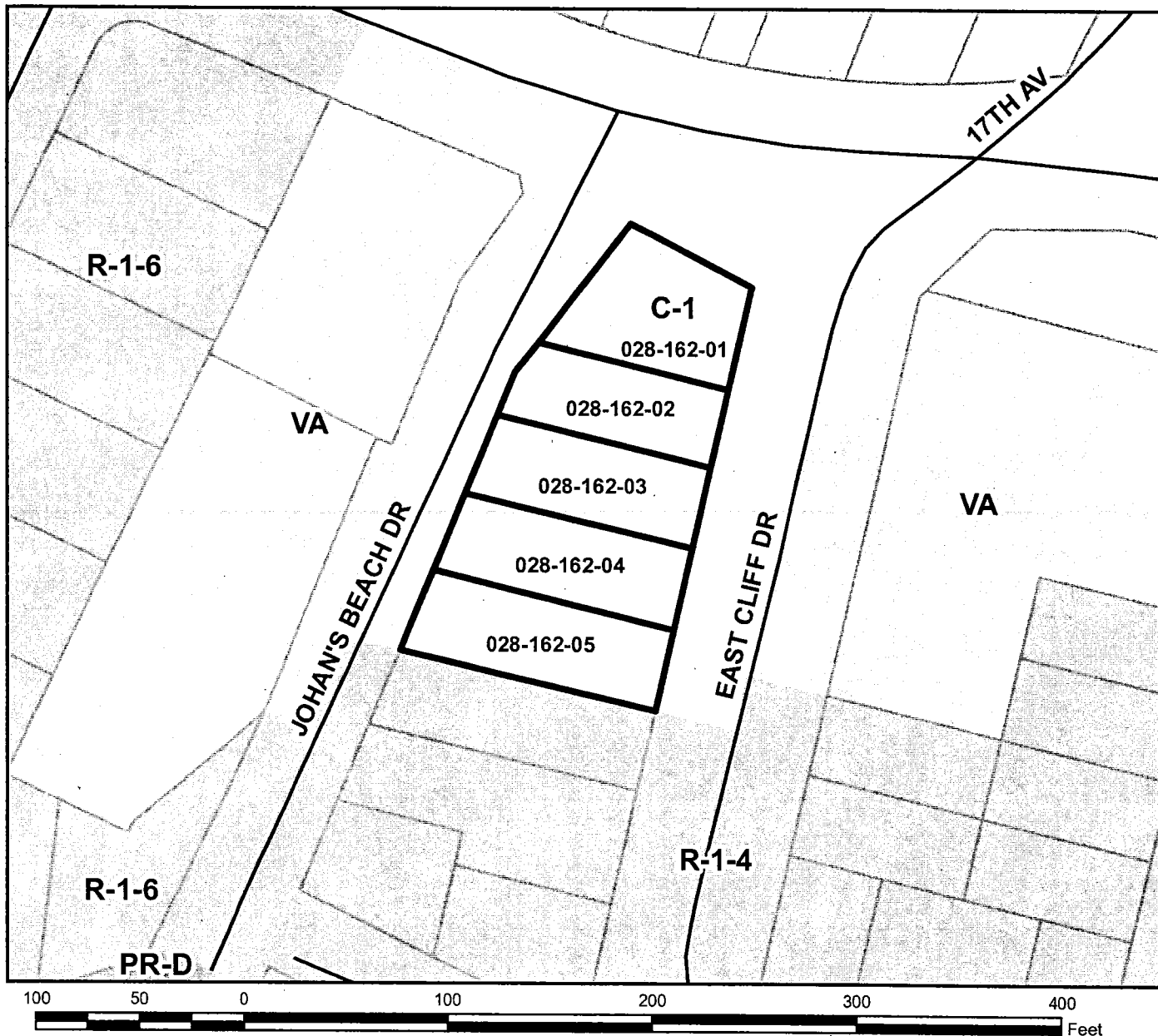


Map Created by
County of Santa Cruz
Planning Department
January 2012

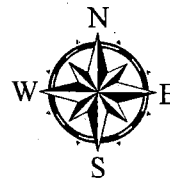
EXHIBIT E



Zoning Map



- LEGEND**
- APN: 028-162-05
 - APN: 028-162-04
 - APN: 028-162-03
 - APN: 028-162-02
 - APN: 028-162-01
 - Assessors Parcels
 - Streets
 - COMMERCIAL-NEIGHBORHOOD
 - COMMERCIAL-VISITOR ACCOM.
 - RESIDENTIAL-SINGLE FAMILY
 - PARK

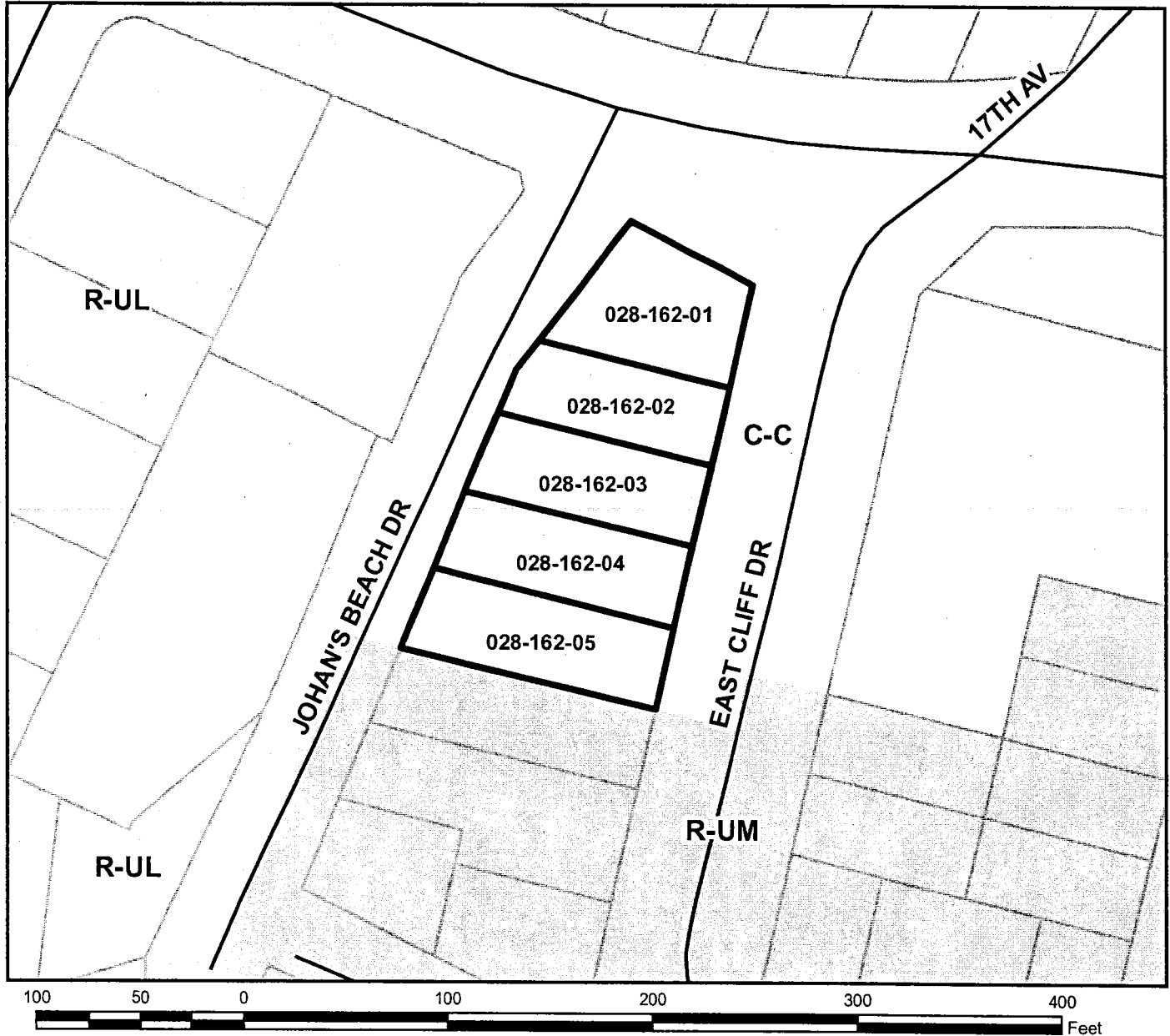


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County of Santa Cruz
Planning Department
January 2012











EXHIBIT B

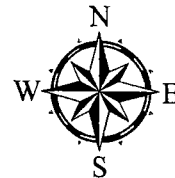


General Plan Designation Map



LEGEND

-  APN: 028-162-05
-  APN: 028-162-04
-  APN: 028-162-03
-  APN: 028-162-02
-  APN: 028-162-01
-  Assessors Parcels
-  Streets
-  Commercial-Community
-  Residential - Urban Low Density
-  Residential - Urban Medium Density



Map Created by
County of Santa Cruz
Planning Department
January 2012



Discretionary Application Comments 111225

APN 028-162-01

Your plans have been sent to several agencies for review. The comments that were received are printed below. Please read each comment, noting who the reviewer is and which of the three categories (Completeness, Policy Considerations/Compliance, and Permit Conditions/Additional Information) the comment is in.

Completeness: A comment in this section indicates that your application is lacking certain information that is necessary for your plans to be reviewed and your project to proceed.

Policy Considerations/Compliance: Comments in this section indicate that there are conflicts or possible conflicts between your project and the County General Plan, County Code, and/or Design Criteria. We recommend that you address these issues with the project planner and the reviewer before investing in revising your plans in any particular direction.

Permit Conditions/Additional Information: These comments are for your information. No action is required at this time. You may contact the project planner or the reviewer for clarification if needed.

Accessibility Review

Routing No: 1 | Review Date: 11/01/2011

LAURA BRINSON (LBRINSON) : Complete

Development Permit is Complete for Accessibility Review

-

Building Permit Submittal Requirements for Access Compliance

-

Parking space unloading/loading aisle to be striped in the 8' wide by 18' deep area, with words "NO PARKING" in 12" letters. A "minimum Fine \$250" sign is to be included below the symbol of accessibility, while still maintaining the 80" clearance. (CBC 1129B)

Where walks cross or adjoins a vehicular way (parking lot), and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas, the boundary between the areas shall be defined by a continuous detectable warning which is 36 inches (914 mm) wide, complying with Section 1121B.3.1, Item 8(a). (CBC 1133B.8.5)

For door thresholds,. The floor or landing shall not be more than ½ inch lower than the threshold of the doorway. Change in level between ¼ inch and ½ inch shall be beveled with a slope no greater than one unit vertical in 2 units horizontal (50-percent slope). Change in level greater than ½ inch shall be accomplished by means of a ramp. See Section 1133B.5.1.

All entrances and exterior ground-floor exit doors to buildings and facilities shall be made accessible to persons with disabilities. Such entrances shall be connected by an accessible route (complying with Section 1114B.1.2) to public transportation stops, to accessible parking and passenger loading zones and to public streets or sidewalks.

The women's restroom layout needs to be re-worked. A clear space measured from the floor to a



Accessibility Review

Routing No: 1 | Review Date: 11/01/2011

LAURA BRINSON (LBRINSON) : Complete

height of 27 inches above the floor, within the sanitary facility room (not the compartment space), of sufficient size to inscribe a circle with a diameter not less than 60 inches in size. Other than the door to the accessible water closet compartment, a door, in any position, may encroach into this space by not more than 12 inches. (CBC 1115B.3.1)

Each dining and bar area shall have one wheelchair seating space for each 20 seats, with at least one minimum wheelchair seating space per functional area. Such seating shall be designed and arranged to permit use by wheelchair occupants, and shall comply with Section 1122B, Fixed or Built-in Seating, Tables and Counters. Access to such seating spaces shall be provided with main aisles not less than 36 inches clear width. Accessible seating spaces shall be integrated with general seating to allow a reasonable selection of seating area and to avoid having one area specifically highlighted as the area for persons with disabilities. The ratio of accessible seating is based on the total number of seats provided. Where food or drink is served at counters exceeding 34 inches in height for consumption by customers seated or standing at the counter, a portion of the main counter which is 60 inches in length minimum shall be provided in compliance with Section 1122B.

Code Compliance Review

Routing No: 1 | Review Date: 10/17/2011

Kevin Fitzpatrick (pln622) : Complete

Drainage Review

Routing No: 1 | Review Date: 11/07/2011

TRAVIS RIEBER (TRIEBER) : Complete

Completeness Comments: Application Complete? ☒ Yes ☐ No

The plans dated 9/10/2011 have been received and are approved for the planning application stage with conditions to be met at the building application stage. Please see the Permit Conditions and Additional Information section below for comments to be addressed at the building application stage.

Policy Considerations and Compliance Issues:

Permit Conditions and Additional Information:

1. The plans indicate that landscaping is being proposed in the area of an existing sink hole along the



Drainage Review

Routing No: 1 | Review Date: 11/07/2011

TRAVIS RIEBER (TRIEBER) : Complete

north side of the building identified during the review of discretionary application 08-0530. Please identify how this project will repair the sink hole prior to installing the proposed landscaping.

2. Water quality treatment is required for the entirety of the driveway and parking areas. For a standard detail of a water quality treatment unit see figure SWM-12 in the Santa Cruz County Design Criteria.

3. The sections on sheet C2 indicate that pervious concrete will be used for the added parking lot area. However it is not clear on sheet C1 what the limits of the pervious concrete will be. Please clarify and revise. A concrete band or other distinctive separation is required between the pervious concrete and standard asphalt so as to clearly distinguish that the asphalt zones are different and to prevent inadvertent top-coating of the pervious concrete. Show and note this on the plans. Note: This pervious concrete area could also be used to meet the water quality treatment requirement from comment #2.

4. Please make clear on the plans how the concrete patio will drain to the street. Runoff should not be allowed to sheet flow across the side walk. Please provide construction details to facilitate proper construction by the contractor.

5. For fee calculations please provide tabulation of new impervious and semi-impervious (gravel, base rock, paver blocks, pervious pavement) areas resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces to be removed please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.

Note: A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing (50%) to offset costs and encourage more extensive use of these materials.

6. Site plans shall specify maintenance requirements such as; what needs to be maintained, how often each drainage improvement needs to be maintained, what to look for indicating maintenance is required, and what the maintenance procedures are for each specific drainage improvement. A recorded maintenance agreement is required for water quality treatment units and permeable concrete. Please contact the County of Santa Cruz Recorder's office for appropriate recording procedure. The maintenance agreement form can be picked up from the Public Works office or can



Drainage Review

Routing No: 1 | Review Date: 11/07/2011

TRAVIS RIEBER (TRIEBER) : Complete

be found online at:

http://www.dpw.co.santa-cruz.ca.us/Storm_Water/FigureSWM25.pdf

Upon approval of the project, a drainage "Hold" will be placed on the permit and will be cleared once the construction is complete and the stormwater management improvements are constructed per the approved plans: In order to clear the Hold, one of these options has to be exercised:

1. The civil engineer has to inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. The civil engineer's letter shall be specific as to what got inspected whether invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features. Notes of "general conformance to plans" are not sufficient.
2. As-built plans stamped by the civil engineer may be submitted in lieu of the letter. The as-built stamp shall be placed on each sheet of the plans where stormwater management improvements were shown.
3. The civil engineer may review as-built plans completed by the contractor and provide the county with an approval letter of those plans, in lieu of the above two options. The contractor installing the drainage improvements will provide the civil engineer as-built drawings of the drainage system, including construction materials, invert elevations, pipe sizing and any modifications to the horizontal or vertical alignment of the system. The as-built drawings, for each sheet showing drainage improvements and/or their construction details, must be identified with the stamp (or label affixed to the plan) stating the contractor's name, address, license and phone #. The civil engineer will review the as-built plans for conformance with the design drawings. Upon satisfaction of the civil engineer that the as-built plans meet the design intent and are adequate in detail, the civil engineer shall submit the as-built plans and a review letter, stamped by the civil engineer to the County Public Works Department for review to process the clearance of the drainage Hold if the submittal is satisfactory.

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

Driveway/Encroachment Review

Routing No: 1 | Review Date: 12/05/2011

SHEILA MCDANIEL (SMCDANIEL) : No Response

Environmental Health Review



Environmental Health Review

Routing No: 1 | Review Date: 10/19/2011

JIM SAFRANEK (JSafraneK) : Complete

The project is complete for EHS.

Prior to building permit application approval the applicant will need to pay fees and submit food facility plans to EHS (Andrew Strader, 454-2741) for plan check review and approval.

Environmental Planning

Routing No: 1 | Review Date: 11/03/2011

ANTONELLA GENTILE (AGENTILE) : Complete

Project is considered complete per Environmental Planning requirements.

Compliance / Miscellaneous Comments

The 10-inch redwood, 12-inch cypress, and 18-inch cypress have been removed. In addition, the 24-inch eucalyptus and 36-inch eucalyptus will need to be removed to construct the retaining wall. These trees will need to be replaced at a 2:1 ratio with 15 gallon size or larger Monterey Cypress trees. Currently the landscape plan shows 8 Monterey Cypress trees to be planted. A condition has been added to require a total of 10 Monterey Cypress trees to be shown on the final landscape plan.

The soils report was not accepted with abandoned application 08-0530 due to outstanding information regarding the unpermitted foundation improvements. A condition has been added to require an update to the soils report prior to acceptance of the report. The update must include recommendations for the proposed retaining wall. In addition, the soils engineer must certify that the unpermitted foundation work has been performed in compliance with the report recommendations or provide additional recommendations to bring the foundation into compliance.

A preliminary grading review was not included with this application. However, a review of the grading and drainage plans and a grading permit for fill depths greater than 2 feet will be required prior to building permit issuance.

Conditions

1. Final grading plans shall provide top-of-wall and bottom-of-wall elevations at beginning, end and transition points of all proposed retaining walls.
2. Provide two copies of the soils report and an update for formal review and acceptance with the building permit application. The update must include recommendations for the proposed retaining wall. In addition, the soils engineer must certify that the unpermitted foundation work has been performed in compliance with the report recommendations or provide additional recommendations



Environmental Planning

Routing No: 1 | Review Date: 11/03/2011

ANTONELLA GENTILE (AGENTILE) : Complete

to bring the foundation into compliance.

3. Prior to building permit issuance, please submit a geotechnical plan review letter from the soils engineer stating that the project plans conform to the recommendations of the soils report.

4. Please show the lateral extents of overexcavation and recompaction on the grading plans, and provide notes regarding overexcavation depth, volume, and degree of compaction.

5. Tree protection measures, as detailed in the March 30, 2009 report from Ellen Cooper, last revised May 8, 2009, shall be shown on the final plans.

6. Ten replacement Monterey Cypress trees, minimum 15 gallon size, shall be shown on the landscape plan prior to building permit approval.

Fire Review

Routing No: 1 | Review Date: 12/05/2011

SHEILA MCDANIEL (SMCDANIEL) : Complete

See letter dated October 21, 2011.

Project Review

Routing No: 1 | Review Date: 12/05/2011

SHEILA MCDANIEL (SMCDANIEL) : Complete

See Planning Department letter dated December, 2011.

Road Engineering Review

Routing No: 1 | Review Date: 11/07/2011

RODOLFO RIVAS (RRIVAS) : Complete

Completeness Comments:

Permit Conditions and Additional Information:

1) Provide dimensions for the driveway and for parking aisle.



Road Engineering Review

Routing No: 1 | Review Date: 11/07/2011

RODOLFO RIVAS (RRIVAS) : Complete

2) Show circulation plan for the parking lot.

Sanitation Review

Routing No: 1 | Review Date: 11/02/2011

DIANE ROMEO (DROMEO) : Complete

Sanitation District Review Comments

Application is Complete

No. 1 Review Summary Statement; Appl. No. 111225; APN: 28-162-01:

The Santa Cruz County Sanitation District has reviewed your application for development and sanitary sewer service is currently available to serve your project, subject to the requirements listed below. The project is not located within an impacted sewer basin and is conceptually approved. The project sewer design and connection of the project to the Santa Cruz County Sanitation District system will be required to conform to the County Design Criteria (CDC) Part 4, Sanitary Sewer Design, June 2006 edition.

This review notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, a new availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

Reference for County Design Criteria:

<http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.PDF>

Environmental Compliance Unit Review Comments:

Plans received illustrate a commercial kitchen. Plans indicate an existing 750 gal. grease interceptor. This interceptor does not meet District Design Criteria sizing specifications. Additionally the existing grease interceptor is not in working condition. Plans must indicate the size of the grease interceptor prior to approval by the Sanitation District. Please submit plans with the grease interceptor specifications and complete plumbing plan with the building permit application. All grease interceptors must be sized according to the Districts' Design Criteria. See below.

All plans for commercial kitchens must illustrate kitchen fixtures and grease waste line and indicate grease interceptor size and design before they can be approved by the Sanitation District. If there is an existing grease trap that will no longer be utilized, then it must be abandoned properly. Plans submitted to the District must indicate if the grease interceptor is going to be abandoned.



Sanitation Review

Routing No: 1 | Review Date: 11/02/2011

DIANE ROMEO (DROMEO) : Complete

Information Items:

- 1.) All grease interceptors/traps will meet the Santa Cruz County Design Criteria. Grease trap sizing specifications are detailed in the design criteria. See the design criteria at <http://www.dpw.co.santa-cruz.ca.us/environment.htm>
- 2.) All sinks and floor drains must be routed through a grease interceptor/trap with the exception of hand washing sinks and bathroom drains
- 3.) A dishwasher is not permitted unless a minimum exterior 350-gallon grease interceptor is installed.
- 4.) Floor drains must be installed with screens that prevent solids from blocking the facility's pipes and from entering the sanitary sewer.
- 5.) Garbage grinders are strictly prohibited in commercial kitchens.

The Sanitation District must be allowed to review plans for the grease interceptor/trap(s) prior to issuance of a permit and to inspect the installation.

Access to grease interceptor shall not be impeded by landscaping (Sheet L-1).

Any questions regarding these criteria or to schedule an inspection should be directed to the Santa Cruz County Sanitation District Environmental Compliance Unit at (831) 477-3907

All resubmittals shall be made through the Planning Department. Materials left with Public Works will not be processed or returned.

Sanitation Engineering Review Comments:

In accordance with Sanitation District Code section 7.04.375 Private Sanitary Sewer System Repair, of Title 7, prior to building permit submittal the applicant/owner is required to televise all on-site sewer laterals and make repairs to any damaged or leaking pipes that might be shown. This includes root intrusion, open joints, cracks or breaks, sags, damaged or defective cleanout, inflow and infiltration of extraneous water, older pipe materials that are known to be inadequate, inadequate lift or pump stations, inadequate alarm systems for overflows, and inadequate maintenance of lift stations. Color video results (tape or dvd), of a sufficient quality to observe interior pipe condition, joints, sags among other items, shall be made available to the District for review, along with District certification form completed by plumber, and the District shall review results within 10 working days of submittal to the District. Repairs, as required by the District, shall be made within 90 working days of receipt of video result review. Applicant/owner shall obtain a sewer repair permit (no charge) from the District and shall have repairs inspected by the District



Sanitation Review

Routing No: 1 | Review Date: 11/02/2011

DIANE ROMEO (DROMEO) : Complete

inspector prior to backfilling of pipe or structure.

Any questions regarding the above comment or to request certification form should be directed to Diane Romeo of the Sanitation Engineering division at (831) 454-2160.

Urban Designer Review

Routing No: 1 | Review Date: 12/05/2011

SHEILA MCDANIEL (SMCDANIEL) : Complete