



Staff Report to the Zoning Administrator

Application Number: **161094**

Applicant: Partizia Matterasi
Owner: George and Kathy Topusidis
APN: 065-223-15

Agenda Date: May 20, 2016
Agenda Item #: 4
Time: After 9:00 a.m.

Project Description: Proposal to allow the sale of liquor at an existing restaurant, which currently serves beer and wine and is within 200 feet of a residential district.

Location: Property located on the west side of Highway 9, about 230 feet south of its intersection with San Lorenzo Avenue (5455 Highway 9).

Supervisory District: 5th District (District Supervisor: McPherson)

Permits Required: Amendment to Permit 76-1751-U

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 161094, based on the attached findings and conditions.

Exhibits

- | | |
|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| A. Categorical Exemption (CEQA determination) | F. General Plan Maps |
| B. Findings | F. Restaurant Information: Program Statement, ABC history, <i>Sentinel</i> article, menu & Permit 76-1757-U |
| C. Conditions | G. Comments & Correspondence |
| D. Project plans | |
| E. Assessor's, Location, Zoning and | |

Parcel Information

Parcel Size:	40,450 square feet
Existing Land Use - Parcel:	Restaurant and Residential
Existing Land Use - Surrounding:	Commercial (RV storage), Residential and State Park
Project Access:	Highway 9
Planning Area:	San Lorenzo Valley
Land Use Designation:	R-S (Suburban Residential)
Zone District:	SU (Special Use)

Environmental Information

Services Information

Project Setting

History

The wedding use on the subject parcel, which was authorized by Permit 82-82-U, has been the subject of a code compliance complaint about noise impacts from the weddings. The complaint has since been resolved based upon the property owner's agreement to modify the hours for

amplified music associated with the wedding business. The restaurant and wedding uses, however, are independent businesses. The granting of a permit to serve liquor at the restaurant would not also apply to the wedding venue. A fence separates the restaurant from the wedding area.

The current proposal is to allow the sale of liquor in addition to the sale of beer and wine which, because of the subject parcel's proximity to residential zone districts, requires a discretionary permit considered at a public hearing.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 40,450 square feet, located in the SU (Special Use) zone district which is an implementing zone district of the Suburban Residential General Plan Designation. A use permit for a restaurant serving beer and wine was issued in 1976. County Code states, "The lawful use of land existing on the effective date of the adoption, revision or amendment of the zoning designation or the zoning regulation that affect a property may be continued, even if the use no longer conforms to the regulations specified by Chapter 13.10 SCCC for the district in which the land is located." When the restaurant permit was issued in 1976, the property was zoned UBS-1 acre. Since then, it was rezoned SU (Special Use). The General Plan designation, however, is unchanged. This proposal would modify the 1976 permit to allow the sale of liquor in addition to the beer and wine previously authorized.

Liquor Sales

As noted above, the restaurant proposes to serve liquor in addition to beer and wine. County Code 13.10.654 requires a public hearing for liquor sales that occur within 200 feet of a residential district. The intent of this requirement is to insure that residential districts are protected from impacts that could result from liquor sales.

County Code 13.10.654 mainly focuses on businesses that can be loud and disruptive to residential properties. For example, it refers to dance halls, road houses, night clubs, and commercial clubs. The proposed liquor sales, which would occur at a bona fide restaurant, are unlikely to generate the same types of impacts since the focus at the restaurant is dining (see the attached menu and *Sentinel* article). Alcohol consumption is incidental to the food and not the primary focus as it is in a bar or night club. The restaurant's bar is very small with only seven seats available and not prominently located (it is tucked behind the hostess station across from the kitchen). According to the applicant, these seats are generally occupied by customers waiting for a table.

In addition to the restaurant context in which the liquor would be served, the neighborhood will be further protected from negative impacts by the operating hours of the restaurant which closes at 9 PM, not 2 AM as is the case with many bars.

The online California Department of Alcohol Beverage Control license query system summary indicates no active or historic disciplinary actions with a history going back to 1996. This indicates that the license holder, James Geary, has responsibly served alcohol—including liquor—for 20 years.

California Environmental Quality Act (CEQA)

This project is categorically exempt from further review under the California Environmental Quality Act (CEQA). The sale of liquor is proposed at an existing restaurant that already serves alcohol. Therefore, the Existing Facilities (15301, Class 1) exemption is appropriate.

Conclusion

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

Staff Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **161094**, 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
Phone Number: (831) 454-3134
E-mail: annette.olson@santacruzcounty.us

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 no new construction is proposed that could pose a hazard to the health, safety or welfare of persons residing in the neighborhood or the general public, or that would result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity. The serving of liquor is regulated by the California Department of Alcoholic Beverage Control (ABC) and State Law. The license holder, James Geary, has a record with ABC going back to 1996 with no active or historic disciplinary actions shown on the License Query System Summary (attached, Exhibit F). Given this history of responsible alcohol serving, it is reasonable to extrapolate that the serving of liquor at a bona fide restaurant by the license holder will not be detrimental to the health, safety or welfare of persons residing or working in the neighborhood or the general public. The serving of liquor will not result in inefficient or wasteful use of energy since no additional energy is required to serve liquor. In addition, since there are no physical improvements proposed, this permit will not be materially injurious to properties or improvements in the vicinity.

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

This finding can be made, in that the proposed liquor sales would be at a pre-existing permitted restaurant (Permit 76-1757-U) and the conditions under which it would be operated will be consistent with all pertinent County ordinances. County Code 13.10.261 (Nonconforming uses) states, "The lawful use of land existing on the effective date of the adoption, revision or amendment of the zoning designation or the zoning regulation that affect a property may be continued, even if the use no longer conforms to the regulations specified by Chapter 13.10 SCCC for the district in which the land is located." When the restaurant permit was issued in 1976, the property was zoned UBS-1 acre. Since then, it was rezoned SU (Special Use). The General Plan designation, however, is unchanged (see Finding 3 below). The addition of liquor sales to the permitted restaurant use, where beer and wine sales were previously been authorized, will result in no material change to the use.

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 restaurant is a pre-existing permitted use (Permit 76-1757-U). At the time of the 1976 approval for the restaurant and related authorization to sell beer and wine within 200 feet of a residential district, the parcel had the same General Plan designation of Suburban Residential as it does currently. General Plan Objective 2.18 supports the continuation of legally established nonconforming commercial uses that benefit the community by supporting

the local economy. The existing restaurant is one of a handful of restaurants serving the San Lorenzo Valley. Residents and visitors (particularly to Henry Cowell Redwoods State Park which is located across Highway 9) benefit from the presence of the restaurant.

A specific plan has not been adopted for this portion of the County; the subject parcel is not located within the Felton Town Plan.

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 liquor sales will have no impact on utility demand and is not anticipated to generate additional traffic to the restaurant, which is located on State Highway 9.

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

This finding can be made, in that the proposed liquor sales would occur at an existing restaurant that is currently authorized to serve beer and wine within 200 feet of a residential zone district. The use and alcohol sales have been authorized since 1976 with no known issues. The license holder, James Geary, has responsibly served alcohol since 1996 as indicated on the California Department of Alcoholic Beverage Control License Query System Summary (see attached, Exhibit F). Given this history, it is anticipated that the serving of liquor at the restaurant will harmonize with the existing and proposed land uses in the vicinity. This proposal will have no effect on the physical design of the restaurant, land use intensities or dwelling unit densities of the neighborhood.

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.

No physical changes are proposed as a part of this application. Therefore, no design review is required.

Conditions of Approval

Exhibit D: 1 Sheet, "Existing Conditions," by Daniel Silvernail, licensed architect, dated April 5, 2016.

- I. This permit authorizes the sale of liquor at the restaurant shown in Exhibit D. It does not authorize liquor sales for any other use located on the subject parcel. 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. Meet all requirements of the California Department of Alcoholic Beverage Control.
 - C. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Operational Conditions
 - A. The restaurant shall close no later than 9 PM.
 - B. 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.
- III. 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 the conditions of approval are complied with and the use commences before the expiration date.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

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: 161094

Assessor Parcel Number: 065-223-15

Project Location: 5455 Hwy. 9, Felton

Project Description: Proposal to allow the sale of liquor at an existing restaurant located within 200 feet of a residential district.

Person or Agency Proposing Project: Patrizia Materassi

Contact Phone Number: (831) 334-2383

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

Specify type: 15301 Existing Facilities (Class 1).

F. Reasons why the project is exempt:

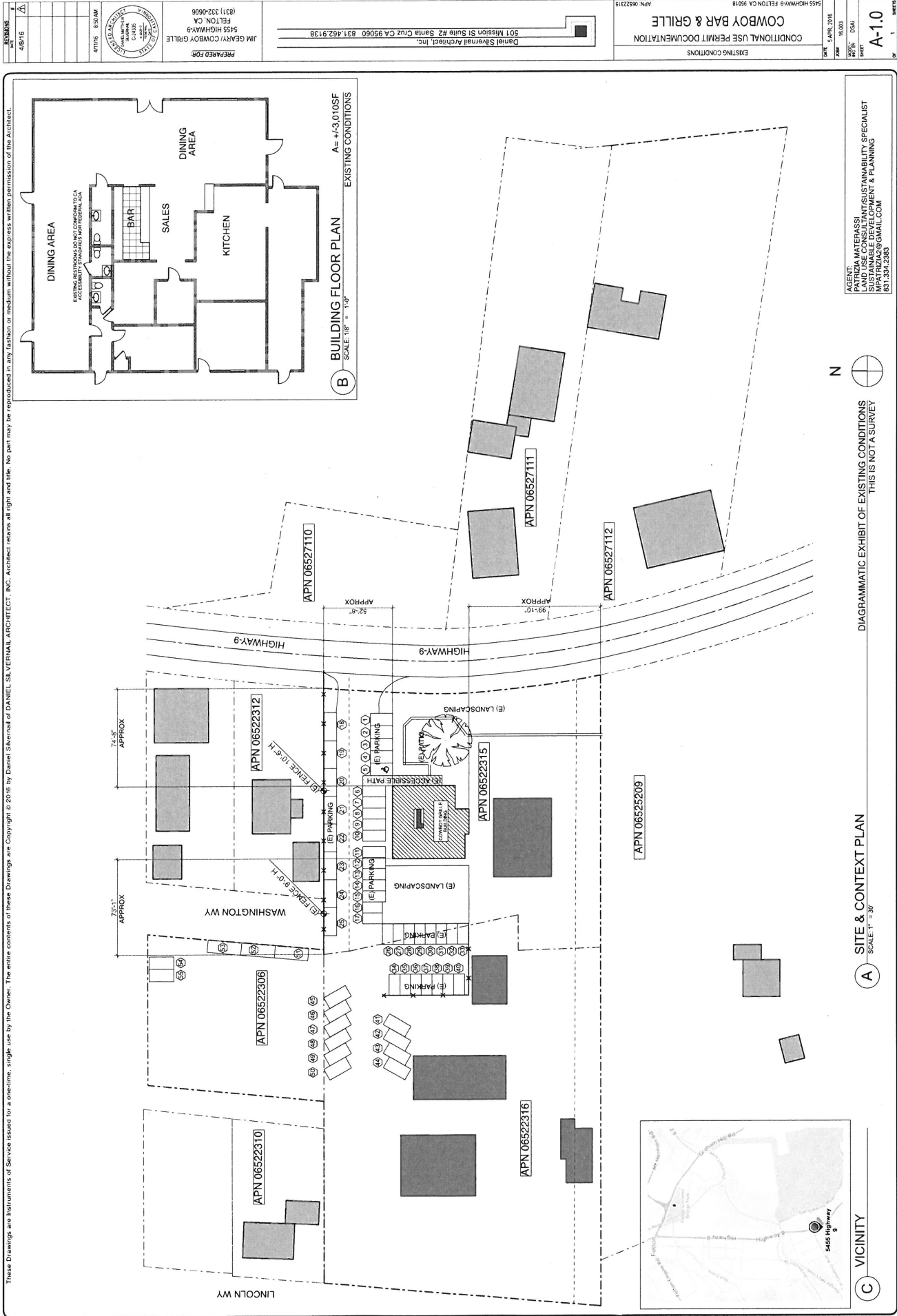
The proposed serving of liquor at an existing restaurant is a modest enhancement of the restaurant's existing authorization to serve beer and wine.

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



Annette Olson, Project Planner

Date: 5/2/16



These Drawings are Instruments of Service issued for a one-time, single use by the Owner. The entire contents of these Drawings are Copyright © 2016 by Daniel Silvernail of DANIEL SILVERNAIL ARCHITECT, INC. Architect retains all right and title. No part may be reproduced in any fashion or medium without the express written permission of the Architect.

AGENT: WATERGOSB
LAND USE CONSULTANT/SUSTAINABILITY SPECIALIST
SUSTAINABLE DEVELOPMENT & PLANNING
WATERGOSB@GMAIL.COM
831.334.2983

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POR. RANCHO DE LA CANADA DEL RINCON
 S.W. 1/4, SEC. 22,
 T.10S., R.2W., M.D.B. & M.

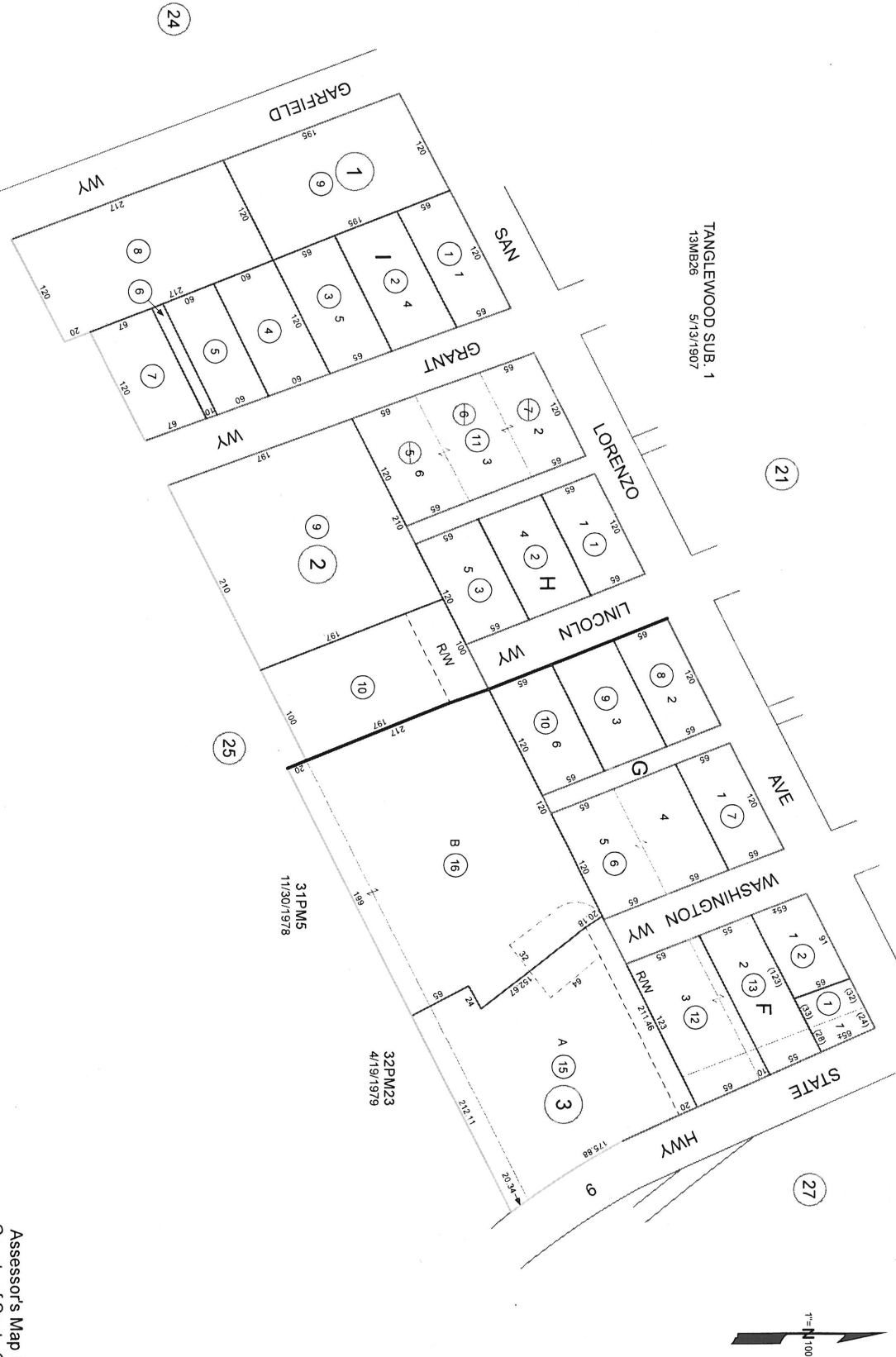
Tax Area Code
 90-117

65-22

Electronically Repositioned 11/8/94 JL
 Rev. 11/8/94 JL (2-8 to pg 65-25)
 Rev. 6/6/01 CB (Comb form, 2-11)
 Rev. 4/2/08 td (TCA)

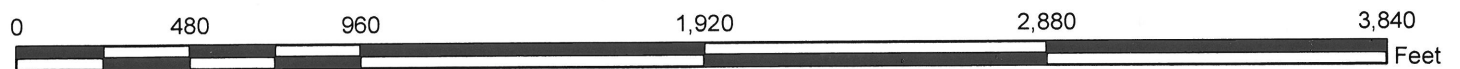
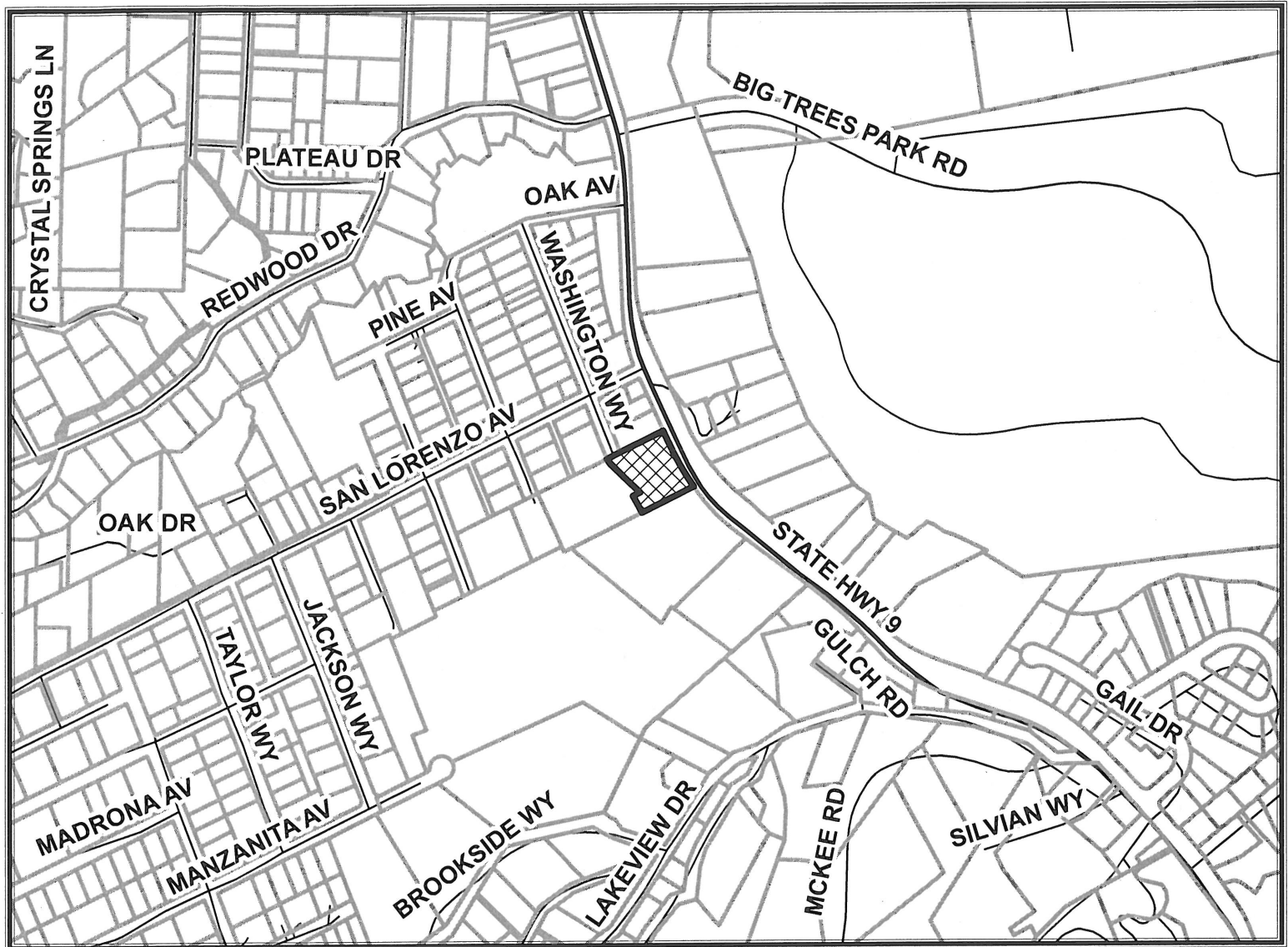
Note - Assessor's Parcel & Block
 Numbers Shown in Circles.

Assessor's Map No. 65-22
 County of Santa Cruz, Calif.
 Jan. 1952



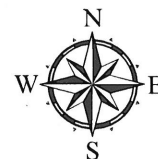


Location Map



LEGEND

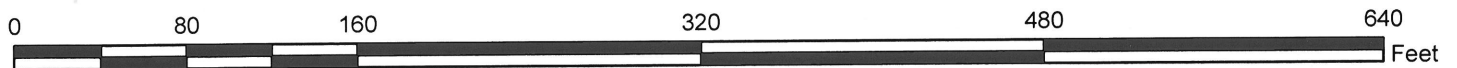
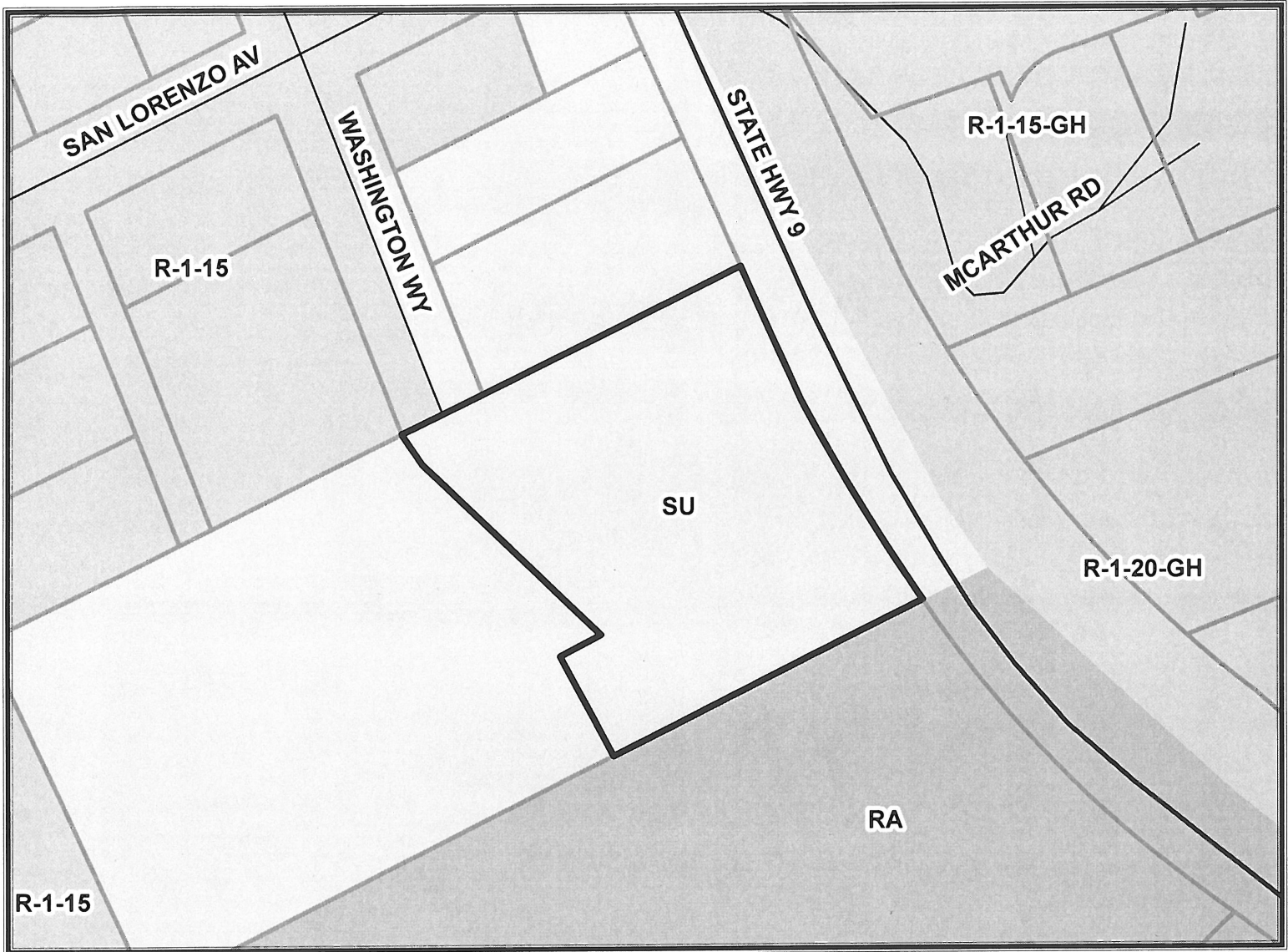
-  APN: 065-223-15
-  Assessors Parcels
-  Street
-  State Highways



Map Created by
County of Santa Cruz
Planning Department
May 2016

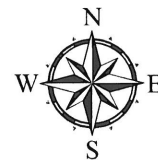


Zoning Map



LEGEND

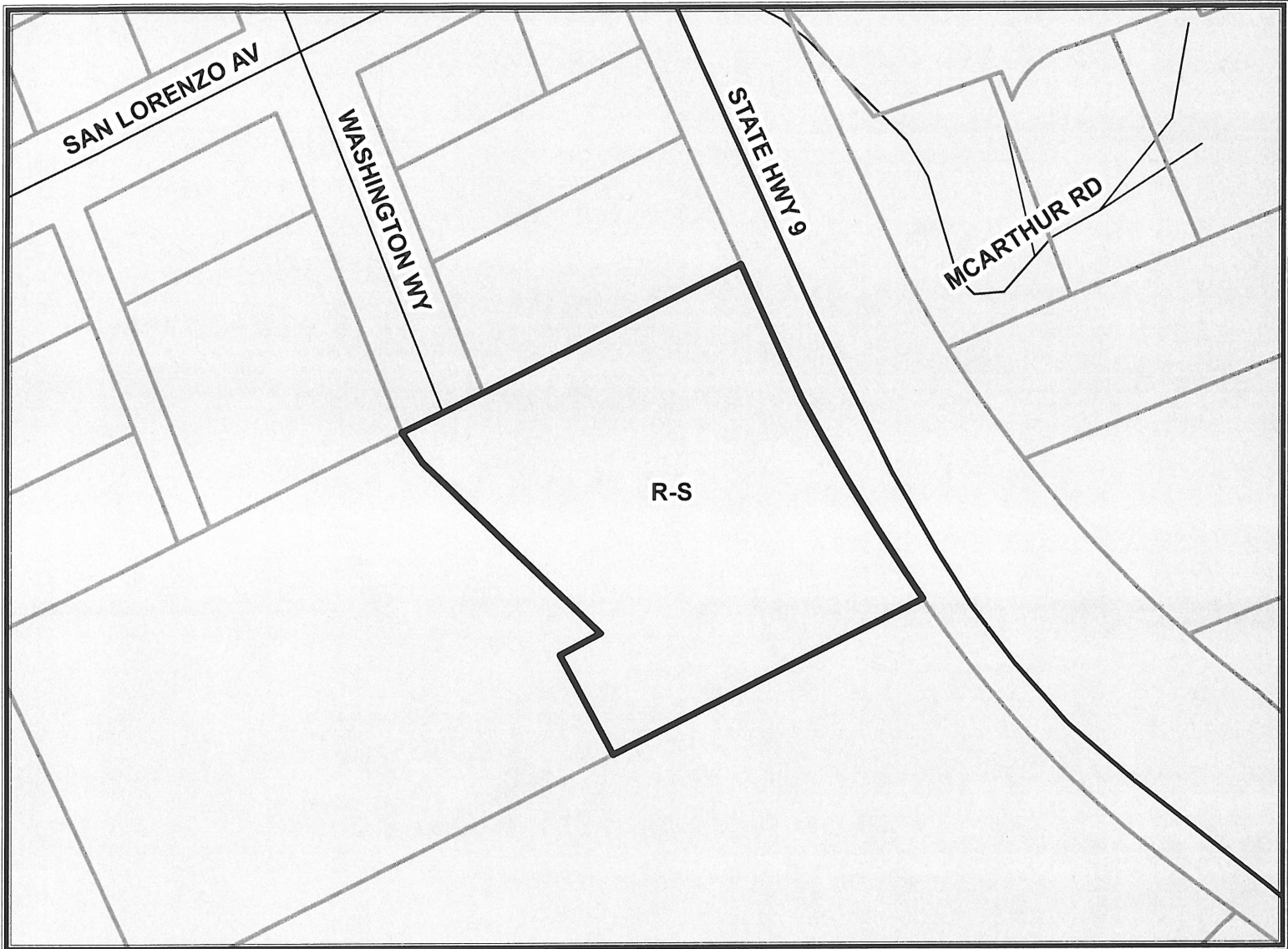
- APN: 065-223-15
- Assessors Parcels
- Street
- State Highways
- SPECIAL USE
- RESIDENTIAL-SINGLE FAMILY
- AGRICULTURE RESIDENTIAL







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Planning Department
May 2016

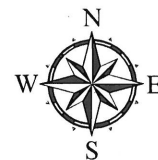


General Plan Designation Map



LEGEND

-  APN: 065-223-15
-  Assessors Parcels
-  Street
-  State Highways
-  Residential-Suburban



Map Created by
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May 2016

Cowboy Bar and Grille restaurant- Program Statement

The owner of Cowboy Bar and Grille, Jim Geary, is applying for/transferring the Liquor License he has been using at the Cowboy restaurant previous location (.7 miles South on Hwy 9) for 12 years or since 2004. The previous Oak Tree Restaurant had a Beer and Wine License but not a Liquor License and it is located within 200' from residential areas triggering an amendment to original restaurant CUP. See site plan and copy of the Oak Tree Restaurant License attached.

The hours of operation of the Cowboy bar and grille are 11:00 AM to 9:00PM Monday through Monday except Tuesdays when they are closed.

No improvements were necessary for the move. The seating area had no change, nor the parking. There are additional unpaved areas for parking if needed. The restaurant has a handicap accessible ramp. See site plan.

There is no live music in the restaurant; and, the purpose of the bar is for the patrons to wait to be called to the tables. The bar is ancillary to the restaurant. See location of the small bar (7 seats) in the restaurant floor plan, and see article about the restaurant on the Sentinel newspapers attached.

Attachments:

Site Plan and floor plan, Oak Tree Restaurant Alcoholic Beverage License, Planning Dept. Zoning Clearance form from Environment Health Services, and Zoning Affidavit from Dept. of ABC

Submitted by Owner Agent Patrizia Materassi, mpatrizia2@gmail.com, 831 334 2383





California Department of Alcoholic Beverage Control
License Query System Summary
as of 4/19/2016

License Information	
License Number: 322133	
Primary Owner: GEARY, JAMES THOMAS	
ABC Office of Application: 26 - SALINAS	
Business Name	
Doing Business As: COWBOY DINER	
Business Address	
Address: 6155 HIGHWAY 9 Census Tract: 1203.01	
City: FELTON County: SANTA CRUZ	
State: CA Zip Code: 95018	
Licensee Information	
Licensee: GEARY, JAMES THOMAS	
License Types	
1) License Type: 47 - ON-SALE GENERAL EATING PLACE	
License Type Status: ACTIVE	
Status Date: 23-FEB-2004 Term: 12 Month(s)	
Original Issue Date: 23-FEB-2004 Expiration Date: 31-JAN-2017	
Master: Y Duplicate: 0 Fee Code: P0	
Condition: OPERATING RESTRICTIONS	
2) License Type: 41 - ON-SALE BEER AND WINE - EATING PLACE	
License Type Status: CANCELED	
Status Date: 23-FEB-2004 Term: 12 Month(s)	
Original Issue Date: 06-NOV-1996 Expiration Date: 31-OCT-2004	
Master: Y Duplicate: 0 Fee Code: P0	
Condition: OPERATING RESTRICTIONS	
License Type was Transferred On: 06-NOV-1996 FROM: 41-282616	
3) License Type: TEMPORARY PERMIT	
License Type Status: EXPIRED	
Status Date: 28-JUL-1996 Term: 4 Month(s)	
Original Issue Date: 28-JUL-1996 Expiration Date: 24-NOV-1996	
Master: Duplicate: Fee Code:	
Condition: OPERATING RESTRICTIONS	
4) License Type: TEMPORARY PERMIT	
License Type Status: EXPIRED	

Status Date: 28-JUL-1996	Term: 4 Month(s)
Original Issue Date: 28-JUL-1996	Expiration Date: 24-NOV-1996
Master:	Duplicate: Fee Code:
Condition: OPERATING RESTRICTIONS	
License Type was Transferred On: 06-NOV-1996 FROM: 41-282616	
5) License Type: TEMPORARY PERMIT	
License Type Status: EXPIRED	
Status Date: 28-JUL-1996	Term: 4 Month(s)
Original Issue Date: 28-JUL-1996	Expiration Date: 24-NOV-1996
Master:	Duplicate: Fee Code:
Condition: OPERATING RESTRICTIONS	
6) License Type: TEMPORARY PERMIT	
License Type Status: EXPIRED	
Status Date: 28-JUL-1996	Term: 4 Month(s)
Original Issue Date: 28-JUL-1996	Expiration Date: 24-NOV-1996
Master:	Duplicate: Fee Code:
Condition: OPERATING RESTRICTIONS	
License Type was Transferred On: 06-NOV-1996 FROM: 41-282616	
Current Disciplinary Action	
... No Active Disciplinary Action found ...	
Disciplinary History	
... No Disciplinary History found ...	
Hold Information	
... No Active Holds found ...	
Escrow	
... No Escrow found ...	

- - - End of Report - - -

For a definition of codes, view our [glossary](#).



California Department of Alcoholic Beverage Control
License Query System Summary
as of 4/19/2016

License Information
License Number: 567175
Primary Owner: GEARY, JAMES THOMAS
ABC Office of Application: 26 - SALINAS
Business Name
Doing Business As: COWBOY BAR & GRILL
Business Address
Address: 5447 HIGHWAY 9 Census Tract: 1207.00
City: FELTON County: SANTA CRUZ
State: CA Zip Code: 95018
Licensee Information
Licensee: GEARY, JAMES THOMAS
License Types
1) License Type: 41 - ON-SALE BEER AND WINE - EATING PLACE
License Type Status: ACTIVE
Status Date: 13-APR-2016 Term: 12 Month(s)
Original Issue Date: 12-APR-2016 Expiration Date: 31-MAR-2017
Master: Y Duplicate: 0 Fee Code: P0
Condition: OPERATING RESTRICTIONS
License Type was Transferred On: 12-APR-2016 FROM: 41-486276
2) License Type: 58 - CATERER PERMIT
License Type Status: ACTIVE
Status Date: 12-APR-2016 Term: 12 Month(s)
Original Issue Date: 12-APR-2016 Expiration Date: 31-MAR-2017
Master: N Duplicate: 1 Fee Code: P0
Condition: OPERATING RESTRICTIONS
License Type was Transferred On: 12-APR-2016 FROM: 41-486276
Current Disciplinary Action
... No Active Disciplinary Action found ...
Disciplinary History
... No Disciplinary History found ...
Hold Information
... No Active Holds found ...
Escrow

| ... *No Escrow found* ... |

- - - *End of Report* - - -

For a definition of codes, view our [glossary](#).

Santa Cruz Sentinel (<http://www.santacruzsentinel.com>)

Restaurant Review, Cowboy Bar & Grill: Felton favorite moseys on up the road

Felton favorite Cowboy Bar & Grill moseys on up the road

By Ann Parker, Sentinel restaurant reviewer

Tuesday, April 5, 2016



FELTON >> For the past two decades, a quirky little restaurant called Cowboy Diner has been rustling up solidly good grub in the center of Felton. Now that chuck wagon has rolled its way to a new location — about a half-mile south — and a new name, Cowboy Bar & Grill.

Laurie and I arrived for an early weekday dinner and found the parking lot almost full. Cowboy Bar & Grill has taken over the former site of Oak Tree Ristorante and the move seems to be working well. A chilly wind was blowing, so no one was sitting out on the beautiful patio. But inside the place was jumping.

Cowboy Bar & Grill is decorated with nods to various Western icons: wagon wheels hang suspended and rigged with lighting, oversized steer horns are mounted on the walls, black-and-white vinyl “cowhide” covers the tables. It’s cowboy kitsch, carried out with taste as well as humor.

We chose a table in the corner, where we could admire the patio area with its massive oak tree and banks of blooming roses. An old saddle was propped up outside our window;

watching people pat it as they passed by somehow added to the restaurant’s rustic charm.

Our server, Natalie, reflected the homey décor with her down-to-earth friendliness and warmth. She provided attentive service and seemed sincerely interested in making sure we enjoyed our evening including offering us a sample of beer and checking with the kitchen about a menu question.

“She’s personable and also professional,” observed Laurie.

From a list of \$5 draft beers we chose a local favorite, Discretion Brewing Uncle Dave’s Rye IPA (\$5). I love this hoppy brew’s herbaceous nose, rosy color and hint of spice. It made a pleasant pairing with our appetizer, Yam Cakes (\$6) served with housemade ranch and sweet jalapeno sauces. Scored with grill marks, the orange discs were dense and a little gummy, but in a good way — the flavor and texture reminded me of a concentrated, savory version of sweet potato pie.

Fans of the old Cowboy Diner can relax: The menu hasn't changed. You can still order the Rooster Cogburn tri-tip, Ka Bluey peppered steak, Mongo tortilla wrap (it's big — remember "Blazing Saddles"?), or Zorba the Cowboy lamb burger. And don't forget the "Bang, Bang, Bang" salad.

The menu was packed with Cowboy comfort food, which meant that everything sounded good. I had a hard time deciding what to order until the Yahoo Plate (\$16) caught my eye. A full pound of ribs, "smoked head to toe and finished on the charbroiler" with a choice of four sauces and three sides? Count me in.

Even the salads are hearty at Cowboy Bar & Grill. The menu offered several meal-sized mixed salads embellished with chicken, pork, steak, fish or shrimp. Laurie ordered the Pork Salad Annie (\$14), though it wasn't in my honor — she had enjoyed this dish in the past at Cowboy Diner.

Laurie's salad featured a hefty bed of mixed greens topped with cucumber, shredded carrot, garbanzo and kidney beans, sweet white onion, roasted pecans and surprisingly good sliced tomato. Crowning this creation was a generous serving of barbecued pulled pork, cooked "low and slow" and coarsely shredded along its natural grain. The juicy pork was very tender and lightly spicy, with a hint of sweetness and ginger in its housemade sauce.

Natalie brought my large, rectangular white plate loaded with ribs, cornbread, coleslaw and cowboy beans. (I managed to eat about a fourth of this meal.) First off, I cut a rib loose and dipped it into the Carolina mustard wash. Delicious. I was surprised and impressed to find the sauce, sometimes called "Carolina Gold," on a local menu — it's not easy to find this thin, mustard-based barbecue sauce, even in South Carolina where it originated. I also liked my classic, tomato-based Kansas Red sauce that was spicy-sweet and thick enough to cling nicely to the ribs.

Both of our meals came with cornbread and honey butter; my dinner also offered two choices from three sides (beans, rice and slaw). In my experience, side dishes range from regrettable to unforgettable. Cowboy Bar & Grill's baked beans were the latter. Earthy, spicy, sweet and tangy, the mixed navy and black beans were cooked just to the point of yielding softness. My creamy coleslaw tinged with horseradish was also very good, although it was a little soupy for my taste. Our buttery grilled cornbread, sweet-edged and flecked with bits of corn kernels, was almost delectable enough for dessert.

Speaking of dessert, we considered the cherry pie, apple pie and berry tart, but went whole-hog for the aptly named Snickers Pie (\$6). This decadent, candy-inspired sweet featured layers of caramel, chocolate and peanuts in a flaky pie crust; it was topped with vanilla ice cream, whipped cream and a maraschino cherry. We felt like Hoss and Mongo.

Cowboy Bar & Grill has found a new home on the range. Get along now, buckaroos, and check it out.

Highlights

Would return for >> A chance to sit in the outdoor patio area with its trellised tables and grandfather oak tree

Don't miss >> Take time to appreciate Cowboy Bar & Grill's clever touches of Western décor

Something on the side >> When is a side dish more than a side? Try the sweet-salty-spicy cowboy beans to find out

[Home](#) [Where to Find Us](#) **[Our Menu](#)** [Cowboy Talk](#) [Cowboy Catering](#) [Contact Us](#) [Like Us :\)](#)

Lunch Specials

Lunchtime Burgers 11-4pm only

These 1/3lb burgers ride alongside your choice of coleslaw or soup or beans or French fries

Tom's...\$7, with cheese...**\$7.50** Beef & bun w/white American, jack or cheddar

Bacon with cheddar...\$8.50

Chili Verde ...\$8.50 – Green chili and white American

Funguys ...\$8.50 – Mushrooms and jack cheese

Bleu Moon...\$8.50 with melted gorgonzola cheese

Maui Wowie...\$8.50 - Grilled pineapple & teriyaki

Cowboy Melt...\$8.50 - On multi-grain toast with grilled onions & jack cheese

Other Stuff

Tri Tip Sandwich - Chopped tri tip in our Kansas Red BBQ sauce, your choice of side ... **\$12**

Hot in the Saddle!! - 1/2 pound patty of beef & pork, topped jalapeno poppers, jalapenos, Habanero mayo & melted pepper jack cheese. Served with choice of fries or beans or slaw ...**\$15**

Grilled onions, green chili, gorgonzola or mushrooms... **\$1**

(Vegetable protein patty may be substituted in any of the above sandwiches)

Gluten-free bun ...add **\$2**

A Tasty Selection of Satisfying Entrées

[Click here to download a pdf of the menu](#)

Appetizers

Hot Legs...\$7

Fried chicken wings & drumettes, served with choice of ranch or bbq.

James Gang...\$11

3 yam cakes topped with chicken & jack cheese, flooded with sweet jalapeno glaze.

Pulled Pork Fries...\$11

BBQ pulled pork on fries, topped with cheese, jalapeño glaze & cilantro.

Yam Cakes...\$6

Served with ranch & jalapeno sauces.

Pig Wings...\$12

Pork shanks tossed in ginger bbq sauce & served with pasilla dip.

Fire in the Hole...\$7

Darn spicy chicken wings with soothing ranch dip.

Make it a double...\$12

Soups

Gringo Pasole ...\$13

Pork and hominy in a rich spicy tomato broth. Garnished with shredded cabbage, diced onion, lime and tortilla strips. Served with corn bread & honey butter.

Soup & Corn Bread ...\$5.75

Bowl of soup & a slab with honey butter. **Bowl ...\$4.50 Cup ...\$3**

JB's Beef Chili ...\$7 Cup \$3.50

Bowl with corn bread (includes cheese and onions).

Salads

*All of our LARGE salads come with corn bread & honey butter.
All salads start with large mound of greens adorned with vegetables*

Washtenau...\$14

Seasoned Tilapia filet with coconut chili dressing.

Bang, Bang, Bang...\$22

6 oz. Filet & horseradish coleslaw.

Calamity Catherine's...\$12

Charbroiled chicken & smoked bacon, drizzled with cranberry vinaigrette.

Big Bleu...\$12

Charbroiled chicken, gorgonzola and toasted pecans.

Baja...\$14

Sauteed prawns, tortilla strips, pasilla dressing & toasted almonds.

Pork Salad Annie...\$14

Ginger BBQ pulled pork, gorgonzola & toasted pecans

Justa Green salad & corn bread...\$8

"Small" Green salad (no corn bread)...\$4

Add Gorgonzola to a salad...\$1

Cowboy All Stars

*All Stars come with corn bread 'n' honey butter.
Please choose two out of three: beans, rice or slaw.*

Cowboy Gorgonbleu...\$15 – Marinated chicken breast topped with sliced ham & Gorgonzola cream.

Coco-Chilapia...\$15 – Seasoned Tilapia, grilled & finished with our toasted coconut-chili vinaigrette.

Rooster Cogburn...\$18 – Half pound smoked, charred & sliced tri-tip slathered in our Kansas red BBQ sauce.

Mongo...\$14 – All night long smoked pork in our Kansas Red bbq sauce, wrapped in tortilla with a creamy cabbage medley. Topped with Pasilla dressing.

Steak – with ginger bbq onions. Your choice of cut: **6oz. Filet...\$24**

9oz Filet...\$30

Ka Bluey...\$32 – 9 oz. peppered filet of beef in a Gorgonzola cream sauce.

Yahoo Plate...\$16 – 6 hour smoke on a pound of St. Louis cut pork ribs, finished on the charbroiler with your choice of sauce: Kansas Red, Sweet Jalapeno, Ginger bbq or Carolina mustard wash.

Nasty Ned...\$15 – BBQ pork, layered with corn bread, topped with jack cheese, sweet jalapeno glaze and cilantro.

Sandwich Board

Comes with a choice of coleslaw, soup, French fries or beans

Broken Fence...\$10 - Shaved steak, onion, diced red pepper & melted white American cheese.

El Hombre... \$12 - All Natural , grass fed , 1/2 lb charbroiled beef, topped with melted cheddar or jack cheese. (veggie patty option available)

Ollies...\$12 - Chicken, sliced ham, jack cheese, tomato, greens & sweet jalapeno glaze.

Sloppy Jed...\$11 - All night braised pork in our Kansas red sauce, with tomato & onion.

Range Rover...\$13 - 1/3 lb. buffalo patty with choice of American or jack cheese.

Pilgrim Turkey Burger...\$10 – with jack cheese

Zorba the Cowboy \$13 – 1/2 lb lamb burger topped with gorgonzola cheese

Cowboy Cubano...\$12 – All night long smoked pork, sliced ham, white cheese and our Carolina mustard-vinegar wash on a torta roll.

Add: Green chili, gorgonzola, grilled onions or mushrooms...\$1 Bacon...\$2

Gluten-free bun available...\$2

Lil' Buckaroos (12 and under)

Cheese Quesadilla or Chicken Wings (both come with fries)... \$7

Soft Drinks...\$3 (Refill OK) Kids Coke, Diet Coke, Sprite, Root Beer, Iced Tea, Mr. Pibb, Lemonade, Coffee or Hot tea or (Apple Juice Box no refill, \$2, no refill)

Extras

Corn Bread & honey butter... \$1.50

Cup of Soup or Slaw or Beans... \$3

French Fries... \$4

Xtra dressing, bbq or jalapeno glaze... \$1

Local Weather



Felton, CA

Rain

61°

Humidity: 72%

°F | °C

Fri

Sat



50 | 64 46 | 70

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COUNTY OF SANTA CRUZ

U S E

-PERMIT-

NUMBER 76-1757-U

ISSUED TO HAROLD AILDIS
5455 Highway 9
Felton, CA. 95018

PARCEL NO.(S) 65-223-14

LOCATION OF USE On the west side of Highway 9 about 200 feet south of San Lorenzo Avenue. Felton Area.

PERMITTED USE To construct a building for woodworking shops and/or crafts people, and construct a print shop addition to main store building. This permit also allows for a continuation of a photo-lab, arts, crafts, books and office copy service, and small family restaurant serving beer and wine within 200 feet of a residential zone; and two existing single-family dwellings (multiple dwelling group). All the above is permitted as schematically indicated on "Exhibit A" (on file) and subject to the following conditions:

1. This permit supersedes Use Permits Nos. 4704-U, 74-245-U, and 74-474-U.
2. Each right granted by this permit shall expire two years from the date of the permit if it has not been exercised.
3. All Environmental Health Division requirements shall be met.
4. Before doing any work on the Highway 9 right-of-way, the applicant shall obtain an encroachment permit from the California Division of Highways.
5. Total sign area shall not exceed 54 square feet; sign height shall not exceed 7 feet. Signs shall be located at least 40 feet from the center-line of Highway 9.
6. Woodworking and craft activities, requiring the use of machinery or which produce noise not confined to the site, shall be permitted only between the hours of 8:00 a.m. and 10:00 p.m. weekdays and 10:00 a.m. and 8:00 p.m. weekends and holidays.
7. The applicant shall submit an accurate plot plan paying particular attention to parking, circulation and new landscaping for staff's review and subject

(Continue on Next Page)

THIS PERMIT WILL EXPIRE ON December 31, 1977 IF IT HAS NOT BEEN EXERCISED.

NOTE: APPLICANT MUST SIGN,
ACCEPTING CONDITIONS, OR PERMIT
BECOMES NULL & VOID.

Harold Aildis
SIGNATURE OF APPLICANT

SANTA CRUZ COUNTY ZONING ADMINISTRATOR

BY P.W. Sanfilippo DATE Dec. 31, 1976
P.W. SANFILIPPO, ACTING CHIEF
DEVELOPMENT PROCESSING

Annette Olson

From: Julie Killeen [malpa@sbcglobal.net]
Sent: Tuesday, May 10, 2016 6:25 PM
To: Annette Olson
Subject: Agenda Item #4: 161094 5455/5447/5449 Highway 9 Felton

Ms Olson,

Unfortunately, I will be out of town for the May 20, 2016 Public Hearing regarding 5455 Highway 9, Felton. I have a few points that I hope you and the Planning Department will keep in mind. I own the home at 145 MacArthur Road--almost across the highway from the Felton Guild complex. I purchased when Felton Guild had a prior owner, was extremely quiet and the restaurant was a mostly take-out Chinese restaurant.

1. **Address confusion.** There has been confusion regarding the 3 addresses (5447, 5449, 5455) on Highway 9 and their separate permits, restrictions, and licenses. I believe all three properties are owned by the Topusidis. The restaurant, Cowboy Bar and Grill, is listed with an address of 5447 (<http://www.feltoncowboy.com/contact-the-cowboy>). This is the same address listed in the license for Oak Tree Ristorante provided by ABC. Please note that the address on the Notice of Public Hearing is 5455, not 5447. Historically, address 5449 has been used for the fenced lawn next to the restaurant patio for outdoor weddings (<http://feltinguildweddings.com/>). Please note that the fence between the restaurant and this lawn has been removed and restaurant tables placed to extend the Cowboy restaurant patio. I'm not sure what land is actually 5455--perhaps the parking lot? **Care needs to be taken to clarify which permits apply to which properties and to coordinate the restrictions.**

2. **Music.** Felton Guild, including the restaurant site, is an island surrounded closely by residential housing. Noise of all sorts is a serious issue. Amplified music--both at the restaurant site and at the wedding site--has been a major problem over the past several years. Various neighbors have contacted the owners or managers over the years. The police have been called many times (although most neighbors feel bad calling them on someone's wedding day). ABC prohibited amplified music under their permit for Oak Tree Ristorante. Despite years of protest, I don't believe the County ever chose to restrict the permit for the wedding site. Nor did it advertise for a public hearing on a music permit. This remains a serious problem and the confusion between the restaurant and wedding addresses gives me major concerns. **There should be NO amplified music allowed anywhere on the properties!!** (And that includes kitchen staff playing music after hours with the doors open on a hot summer evening.)

3. **Parking.** I'm glad the new location for Cowboy Bar & Grill is doing well. However, already there have been parking problems. As far as I can tell there are only 30 parking sites on location, but the restaurant appears to seat well over 100 if you include the patio and side lawn. Along that stretch the shoulder on Highway 9 is not wide enough to safely accommodate parking, although every Friday, Saturday, and Mother's Day people have done so. People have blocked the entrance to MacArthur Road--a private road across the street. People have parked in the driveway at 5500 Highway 9. This stretch of Highway 9 is prone to accidents already. The addition of people parking under unsafe conditions makes it very hazardous. Please note that this is before the wedding season. I can't imagine what it would be like if they have wedding receptions on the properties in addition to the regular restaurant traffic.

4. **Ambient Noise.** With the restaurant's popularity comes the noises of children screaming as they play on the lawn, people yelling to each other in the parking lot, squealing tires as cars dash out onto the highway, and just the volume of a large number of people talking over each other outside. I am concerned about an increase in volume and misbehavior if the restaurant should begin to serve as a bar outside the dinner hours. Personally, I don't care if they serve hard alcohol with dinner, but I don't believe this is the place for a regular bar.

Please take my comments seriously as you review this zoning and permit process. Please feel free to contact me if I can clarify or elaborate on any information.

Julie Killeen
145 MacArthur Road
Felton CA 95018
831-335-7802

Annette Olson

From: Librarian Jim Emdy [librarian@fivebranches.edu]
Sent: Tuesday, May 10, 2016 3:58 PM
To: Annette Olson
Cc: Julie Killeen
Subject: regarding apn 065-223-15
Attachments: application.docx

This is a communication relates to the apn 065-223-15 5455 Highway 9 Felton Cowboy diner. there are two issues:

1. Parking.

Automobiles have been sited parking along Highway 9 where the road edge is very narrow. The restaurant should have sufficient parking on site to avoid this.

2. Noise

The previous restaurant on the site, Oak Tree Restaurante, carried a license from the ABC which restricted noise and live music. The restaurant site is located in an almost entirely residential area and is already subject to sounds from nearby enterprises such as Roaring Camp. Please see the attached ABC document. We hope that at least these restrictions can apply to the new applicant.

Thank You.

Jim Emdy

Julie Killeen

145 Macarthur, Felton.

BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA

MF
RECEIVED

IN THE MATTER OF THE APPLICATION OF

TOPUSIDIS, George Konstantin
TOPUSIDIS, Kathleen Jo
dba: Oak Tree Ristorante
5447 Highway 9
Felton, CA 95018

} FILE: 41-479021
}

Alcoholic Beverage Control
Salinas

} PETITION FOR CONDITIONAL
} LICENSE

For Issuance of an On Sale Beer & Wine -- Eating Place License
Under the Alcoholic Beverage Control Act

WHEREAS, petitioners have filed an application for the issuance of the above-referred-to license for the above-mentioned premises; and,

WHEREAS, the proposed premises and/or parking lot, operated in conjunction therewith are located within 100 feet of residences; and

WHEREAS, issuance of the applied-for license without the below described conditions would interfere with the quiet enjoyment of the property by nearby residents and constitute grounds for the denial of the application under the provisions of Rule 61.4, of Chapter 1, Title 4 of the California Code of Regulations; and

WHEREAS, petitioners intend to exercise the privileges of the license in an exterior patio area; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioners do hereby petition for a conditional license as follows, to-wit:

1. The premises shall be equipped and maintained in good faith and shall possess, in operative conditions, such convenience for cooking foods as stove, ovens, broilers or other devices as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed.
2. There shall be no live entertainment of any type, including but not limited to live music, disc jockey, karaoke, topless entertainment, male or female performers or fashion shows.
3. Entertainment provided shall not be audible beyond the area under control of the licensees as defined on the ABC-257 dated 5-15-09.
4. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
5. Petitioners shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
6. Petitioners shall regularly police the area under their control in an effort to prevent the loitering of persons about the premises.
7. Trash shall not be emptied into outside trash containers between the hours of 10:00 PM and 8:00 AM.

ABC-172 (5/94)

COPY

TOPUSIDIS, George K.
TOPUSIDIS, Kathleen J
41-479021
Page 2

RECEIVED

JUN 14, 2009
Alcoholic Beverage Control
San Diego

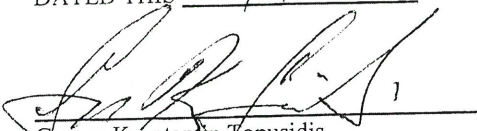
8. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensees shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.
9. The licensees or an employee of the licensees will monitor the patio, at all times that alcoholic beverages are being served or consumed, to ensure that Alcoholic Beverage Control Act, State Statute, County or City ordinances are not violated upon this portion of the licensed premises.
10. The boundaries of this patio will be clearly defined and designated by physical barriers to separate it from the public sidewalk and adjacent private property which is not under the exclusive control of the licensee(s). These barriers and boundaries shall not be changed without prior approval of the Department of Alcoholic Beverage Control.
11. Sales, service and consumption of alcoholic beverages shall be permitted in the patio area only between the hour of 11:00 AM and 9:30 PM.

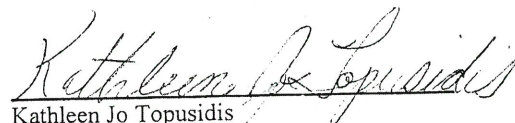
This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner agrees to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner understands that any violation of the foregoing conditions shall be grounds for the suspension or revocation of the license.

DATED THIS 14th DAY OF June, 2009.


George Konstantin Topusidis


Kathleen Jo Topusidis