



Staff Report to the Zoning Administrator

Application Number: **181114**

Applicant: Roger Barnes
Owner: Michael Verutti
APN: 065-072-07

Agenda Date: August 17, 2018
Agenda Item #: 4
Time: After 9:00 a.m.

Project Description: Proposal to provide on-sale liquor associated with an existing restaurant (Empire Grille) within 200 feet of property zoned residential. Requires a Commercial Development Permit Amendment to Change of Use Permit 161107 with approval by the Zoning Administrator.

Location: The property is located on the west side of Highway 9, approximately 900 feet south from the intersection of Highway 9 and Graham Hill Road (6147 Highway 9).

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

Permits Required: Commercial Development Permit
Technical Reviews: None

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 181114 based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	16,596 square feet (GIS estimate)
Existing Land Use - Parcel:	Restaurant-Empire Grill
Existing Land Use - Surrounding:	North: Felton Fire Protection District, liquor store South: Rite Aid retail store

Project Access:	East: Commercial businesses across Highway 9
Planning Area:	West: Undeveloped single family residentially zoned parcel
Land Use Designation:	Northwest: Single family residentially developed parcel
Zone District:	Highway 9
Coastal Zone:	San Lorenzo Valley
Appealable to Calif. Coastal Comm.	C-C (Community Commercial)
	C-2 (Community Commercial)
	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Environmental Information

Geologic Hazards:	N/A
Soils:	N/A
Fire Hazard:	N/A
Slopes:	N/A
Env. Sen. Habitat:	N/A
Grading:	N/A
Tree Removal:	N/A
Scenic:	N/A
Drainage:	N/A
Archeology:	N/A

Services Information

Urban/Rural Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	San Lorenzo Valley Water District
Sewage Disposal:	Septic
Fire District:	Felton Fire Protection
Drainage District:	Flood Zone 8

Project Setting

The subject property fronts Highway 9 to the east and Gushee Street to the west. Properties located on the east and west of Highway 9 in this area are mostly zoned C-2 (Community Commercial), with exception of a few properties zoned PF (Public Facility).

The subject property is a parcel of approximately 16,596 square feet in size, located in the C-2 (Community Commercial) zone district and contains an existing restaurant. To the east of the subject property and across Highway 9 are C-2 zoned properties that are developed with various commercial uses.

The subject property is situated to the south of, and adjacent to, a property zoned C-2 containing a liquor store (facing Highway 9) and south, and adjacent to, a property zoned PF (Public Facility) containing the Felton Fire Protection District station (facing Gushee Street). The

property to the south of the subject property is also zoned C-2 and contains a rite-aid store.

Directly to the west of the subject property are two properties zoned R-1-10 (Residential - 10,000 square feet per unit). The parcel immediately to the west is an undeveloped parcel. The parcel to the northwest is developed with a single residence.

Zoning & General Plan Consistency

Restaurant Permit Review

The existing restaurant is an authorized use within the C-2 zone district by Change of Use Permit 161107. The paper application indicates that the change of use is for a restaurant and bar, while the computer project description indicates that the change of use is for conversion from a deli to a restaurant exclusively. The site plans identify restaurant seating and one fixed counter bar area. The use approval application provides hours of operation between 11 a.m. and 11 p.m., Monday through Sunday, while the change of use permit does not condition the project to specific hours of operation.

The change of use permit description and hours of operation require clarification to ensure that the restaurant hours of operation are specified and consistent with the hours of operation appropriate to on-site liquor consumption authorized for the restaurant use.

Liquor Regulations

County Code Section 13.10.654 requires a use approval for on-site liquor sales within 200 feet of the subject property boundary as follows.

13.10.654 Night clubs, on-site liquor sales, live entertainment.

1. No dance hall, road house, night club, commercial club, or any establishment where liquor is served or commercial place of amusement or recreation, or any place where entertainers are provided whether as social companies or otherwise shall be established in any district closer than 200 feet to the boundary of any residential or recreational district, unless a Level V use approval is first secured in each case. [Ord. 3432 § 1, 1983].

The subject property is located within 200 feet of two parcels zoned R-1-10 (10,000 square feet per unit- Single Family Residential). An undeveloped R-1-10 zoned property is located across Gushee Street to the west of the subject property. A second R-1-10 zoned property is located to the northwest of the subject property across Gushee Street that is developed with an existing dwelling. The subject property is also directly south and adjacent to an existing liquor store.

The State Department of Alcohol Beverage Control (ABC) regulates the issuance of liquor licenses. The applicant has requested a Type 47 alcohol license from ABC. ABC qualifies a Type 47 alcohol license as on-site consumption of alcohol associated with a restaurant as follows:

Type 47 ON SALE GENERAL – EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

The ABC license types list is attached for clarification, as necessary. Type 47 license requires on-site sales and consumption in association with food service and not associated with a stand-alone bar or tavern.

It is not uncommon for restaurants to provide sale of liquor for on-site consumption associated with restaurant dining, as proposed for the existing Empire Grill restaurant. The project is conditioned to require an ABC Type 47 alcohol license for on-site sale and consumption of liquor in conjunction with restaurant food service (bona fide eating place). Conditions of approval restrict liquor sales to restaurant dining hours of service. Restaurant hours of operation are conditioned to be between 11 a.m. to 9 p.m. seven days a week and are consistent with the restaurant hours of operation currently advertised. Conditions of use permit approval also prohibit a bar, tavern, dance hall, nightclub, live entertainment, and amplified music, and thereby amend the change of use approval to a restaurant exclusively.

As the sale of liquor is proposed in conjunction with a restaurant and is intended to be incidental to the food service provided by the restaurant as required by the liquor license type, as well as restrictions to be established by recommended conditions of approval, the proposed request for on-site sale and consumption of liquor does not appear to be deleterious to surrounding residential uses.

The applicant has provided community support letters, attached as Exhibit G.

Environmental Review

Environmental review has not been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). A preliminary determination has been made to exempt the proposed project from further Environmental Review pursuant to the attached CEQA Environmental Exemption (Exhibit A).

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 **181114**, 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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E-mail: sheila.mcdaniel@santacruzcounty.us

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: 181114

Assessor Parcel Number: 065-072-07

Project Location: 6147 Highway 9, Felton, CA 95018

Project Description: Proposal to provide on-sale liquor associated with an existing restaurant (Empire Grille) within 200 feet of property zoned residential. Requires a Commercial Development Permit Amendment to Change of Use Permit 161107 with approval by the Zoning Administrator.

Person or Agency Proposing Project: Roger Barnes

Contact Phone Number: 831-226-2322

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

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

F. Reasons why the project is exempt:

Class 1, Section 15301 exempts existing restaurants from Environmental review.

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

Sheila McDaniel, Project Planner

Date: _____

EXHIBIT A

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for commercial uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. Conditions of use permit approval prohibit a bar, tavern, dance hall, nightclub, live entertainment, and amplified music. Furthermore, conditions of approval also limit the restaurant hours of operation to be consistent with the hours of operation associated with the ABC approval, restricting liquor sales to dining hours of service. As the sale of liquor is proposed in conjunction with a restaurant and incidental to the food service, as required by the liquor license type, the proposed request for on-site sale and consumption of liquor will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood.

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

This finding can be made, in that the proposed location of the existing restaurant and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the C-2 (Community Commercial) zone district as the primary use of the property will be an existing restaurant that meets all current site standards for the zone district.

On-site liquor sales within 200 feet of residential the subject property boundary is permitted pursuant to County Code Section 13.10.654 subject to approval by the Zoning Administrator.

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 on-site liquor sales is proposed in conjunction with an existing restaurant food service on site and is consistent with the commercial use and density requirements specified for the C-C (Community Commercial) land use designation in the County General Plan.

A specific plan has been adopted for this portion of the County. The proposed use is consistent with the specific plan. No limitations are called out in the General Plan with regard to the Community Commercial designation associated with the property that would preclude the proposed use.

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, in conjunction with food service at an

existing restaurant will not affect demand for utilities or generate additional traffic.

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 restaurant is located within a commercial area of Felton and adjacent to residential zoning. Conditions of use permit approval prohibit a bar, tavern, dance hall, nightclub, live entertainment, and amplified music. Furthermore, conditions of approval also limit the restaurant hours of operation to be consistent with the hours of operation associated with the ABC approval, restricting liquor sales to dining hours of service. As the sale of liquor is proposed in conjunction with an existing restaurant and incidental to the food service, as required by the liquor license type, the proposed request for on-site sale and consumption of liquor will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood. The proposed use will be compatible with the land use intensity and density of the neighborhood, and adjacent commercial and residential uses.

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 project will not change the physical design of the existing commercial building or result in changes to the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit D: Project plans, 1 sheet, prepared by Mike Varutti, undated (per staff revisions noted)

- I. Permit to provide on-sale liquor associated with an existing restaurant (Empire Grille) within 200 feet of property zoned residential and a Commercial Development Permit amendment to 161107; and modifies the change of use permit as specified herein. 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. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to sales of liquor in conjunction with the existing restaurant the applicant/owner shall:
 - A. Complete and record a Declaration of Restriction to conduct liquor sales in conjunction with food service at an existing restaurant. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
 - B. Obtain a **Type 47** Alcohol license - On Sale-Eating Place (restaurant). This alcohol license authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. The restaurant operator shall operate and maintain the licensed premises as a bona fide eating place. The use is required to maintain suitable kitchen facilities, and shall make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
- III. Operational Conditions
 - A. This permit amends Change of Use Permit 161107 as noted in operational conditions herein.
 - B. This permit allows a restaurant (Empire Grill) with on-sale liquor in conjunction with food service (bona fide eating place). Restaurant hours of operation shall be between 11 a.m. to 9 p.m. seven days a week.
 - C. This permit restricts the restaurant to a Type 47 alcohol license from the State Alcohol Beverage Control (ABC). The licensee shall operate and maintain the licensed premises as a bona fide eating place and maintain suitable kitchen

facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

- D. The permit prohibits a stand-alone bar, tavern, dance hall, nightclub, live entertainment, and amplified music, etc., unless a use approval is obtained.
 - E. 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.
- IV. 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

Application #: 181114
APN: 065-072-07
Owner: Michael Verutti

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: _____

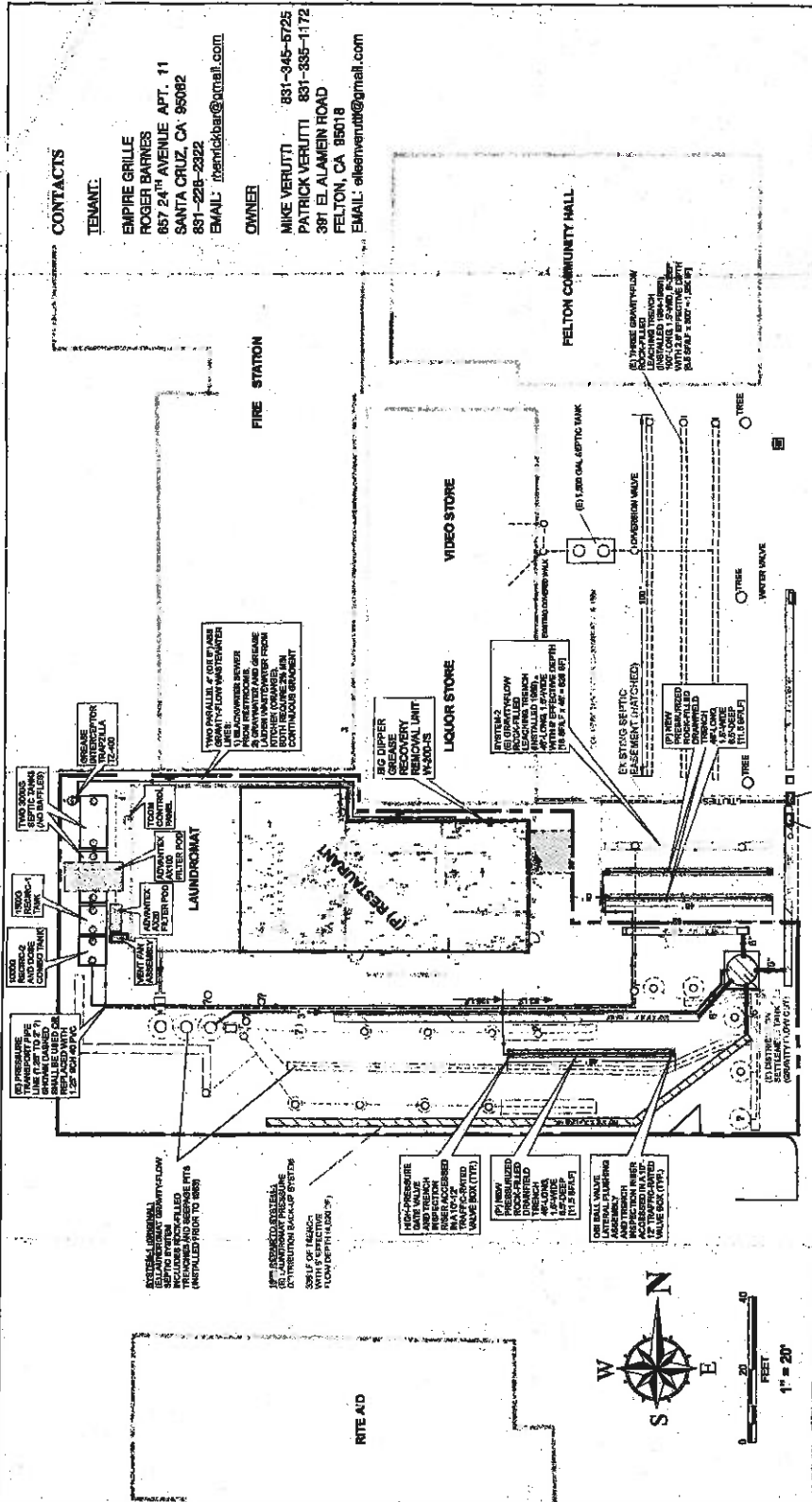
Expiration Date: _____

Jocelyn Drake
Deputy Zoning Administrator

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

GUSHEE STREET

KIRBY STREET



AERIAL PHOTO OF SUBJECT PROPERTY



HWY 9

PROJECT DATA:

BUILDING ADDRESS:

APN:

BUILDING OWNER:

PARKING SPACES:

6155 AND 6149 HIGHWAY 9
FELTON, CALIFORNIA 95018

06507207

PATRICK & EILEEN VERUTTI FAMILY TRUST
PATRICK VERUTTI, Trustee
EILEEN M VERUTTI, Trustee
MICHAEL W. VERUTTI FAMILY TRUST
MICHAEL W. VERUTTI, Trustee

PARKING SPACES ON SITE

PROJECT DESCRIPTION:

APPLICATION FOR BLAN CHECK

NEW EQUIPMENT ONLY
FOOD EQUIPMENT REPLACEMENT
ADD EQUIPMENT AND FIXTURES AS
NECESSARY

EMPIRE GRILLE

RESTAURANT

CONTACTS:

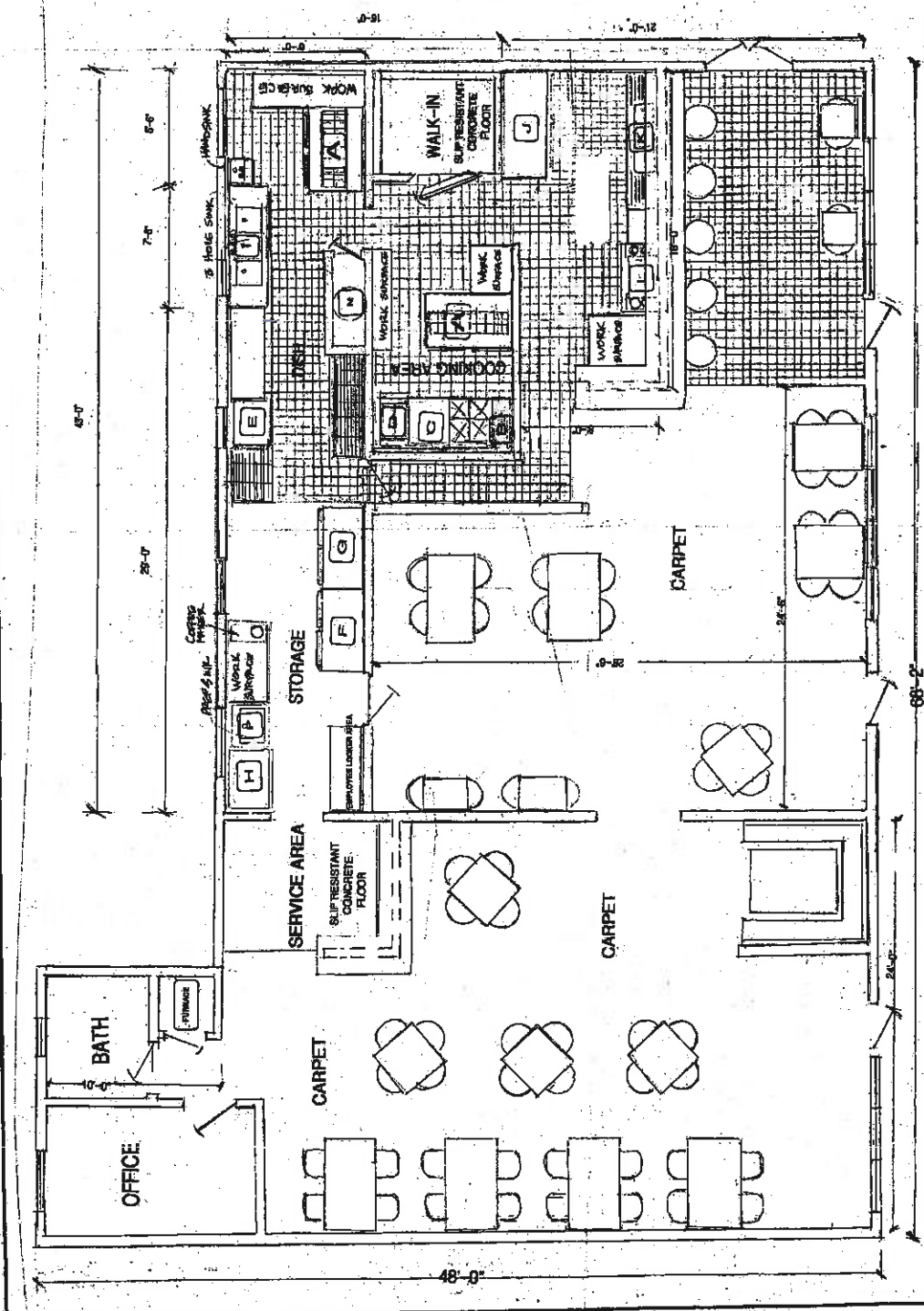
TENANT:
EMPIRE GRILLE
ROGER BARNES
857 24TH AVENUE APT. 11
SANTA CRUZ, CA 95062
831-228-2322
EMAIL: rbarnd@scnail.com

OWNER:
MIKE VERUTTI 831-345-5725
PATRICK VERUTTI 831-335-1172
381 EL ALAMEN ROAD
FELTON, CA 95018
EMAIL: eldevut@gnail.com

Project Location:	6147 HWY 9, Felton, California
Property Owner:	Mike and Pat Verutti
Mailing Address:	991 El Alamen Rd, Felton, CA 95018
Owner Phone #:	(831)345-5725

EQUIPMENT SCHEDULE

ITEM	DESCRIPTION
A	ATOSA 2-DOOR 50" SANDWICH PREP REFRIGERATOR MOD # N6F307 115V / 1 PH / 8.5A REF 134 (60.2 x 86.8 x 45.5)
B	12" MANUAL GAS GRIDDLE AENG-12 24,000 BTU 12" X 32 1/2 X 15"
C	3/8" SPLASH GUARD 14 GAUGE IMPERIAL GAS RANGE (48 X 32 1/2 X 54") MOD# IR-4-RB24
D	OPEN BURNER OUTPUT 32,000 BTU GRIDDLE BURNER OUTPUT 20,000 BTU (6 KW)
E	OVEN BURNER 27,000 BTU (8 KW) 40 LB DEEP FAT FRYER (15 1/2 X 30 1/2 X 47 1/2) MOD# ATFS-40 / 90,000 BTU THREE HEAT EXCHANGE TUBES 4" REAR GAS CONNECTION
F	4" REAR GAS CONNECTION AUTO-CHILOR LOW TEMP DISH WASH MOD# U34 SPACE SAVER 115 VAC, 60 HZ, 1 PH / 3" NPT FEMALE REAR CONNECTION BACKFLOW PROTECTION BY ASSE 1004 CONFORMING AIR GAP
G	TRUE 2-DOOR REFRIGERATOR MOD# T-48-HC / UPRIGHT 115 V / 60 HZ / 1 PH / 5.4 A REF R200
H	(54 1/8 X 28 1/2 X 78 3/8") TRUE 2-DOOR FREEZER MOD# T-48S / UPRIGHT 115V / 60 HZ / 1 PH / 11.9 A REF R404A
I	(54 1/8 X 28 1/2 X 78 3/8") HOSHIZAKI ICE MACHINE & BIN MOD# IM-250UBED AIR COOLED 115V / 60 HZ / 1 PH / 16 A REF R22
J	8" X 20" 3-COMPARTMENT S.S. POT AND PAN SINK WITH BACK SPLASH TRUE BACK BAR COOLER MOD# TB8-2 115 V / 60 HZ / 1 PH / 9.1 A REF 134A
K	3 BOWL UNDERBAR SINK WITH 2 DRAINBOARDS 72" X 19 1/2" UNDERBAR ICE BIN
L	18" X 36" 20 GAUGE S/S BIN 1" I.D. DRAIN 1 1/2" CONNECT HAND SINK (18" X 18") WITH ADEQUATE HAND TOWELS & SOAP DISPENSER
M	R-HEEM 55 GAL WATER HEATER WITH SEISMO STRAPPING 28" X 30" PREP S/S FOOD PREP/ DEFROST SINK
N	
P	



APPLICATION FOR PLAN CHECK

NEW EQUIPMENT ONLY

6149 Highway 9, Felton, CA 95018

EMPIRE GRILLE RESTAURANT

DATE: _____

DESIGNED BY: BARKER

REVIEWED: _____

APPROVED: _____

KITCHEN, STORAGE, * RESTAURANT
CEILING:
TYP. GYPSUM SMOOTH, CLEAN, WASHABLE SURFACES.

KITCHEN AND STORAGE AREA WALLS: TO BE FINISHED WITH FRP PANEL TO 4". ALL OTHER SURFACES ARE CLEAN WASHABLE AS REQUIRED.

KITCHEN AND BAR FLOORS: TYP SLIP-RESISTANT COMMERCIAL KITCHEN TILE FLOORING WITH INTEGRAL COVE TILE BASE.

STORAGE AREA FLOOR: CLEAN AND PAINT OR POLISH CONCRETE FLOORS. SLIP RESISTANT FINISH.

FOR TAX PURPOSES ONLY

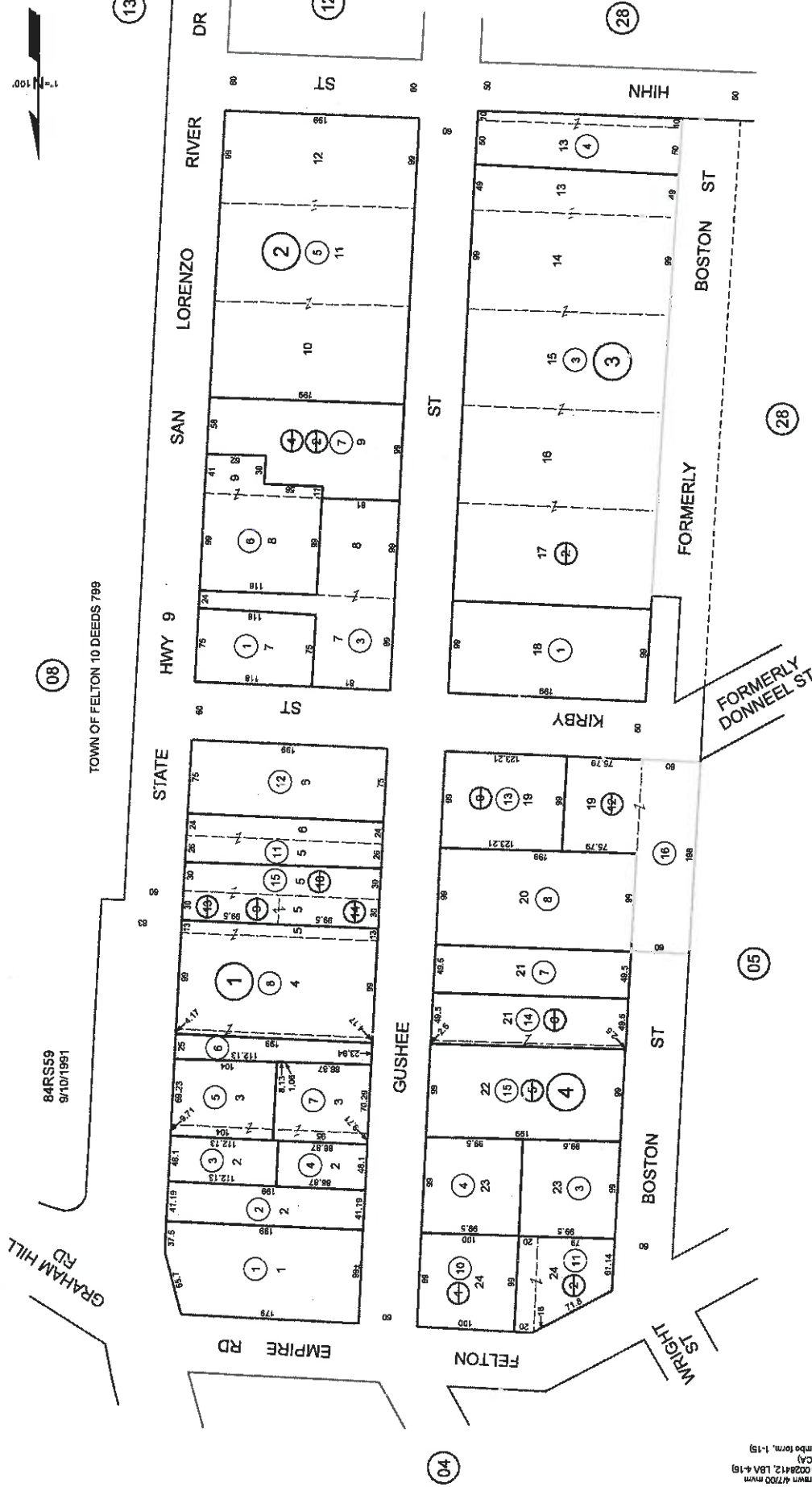
THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

POR. RANCHO ZAYANTE

SEC. 22, T.10S., R.2W., M.D.B. & M.

Tax Area Code
90-117

65-07



Assessor's Map No. 65-07
County of Santa Cruz, Calif.
April, 2000

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

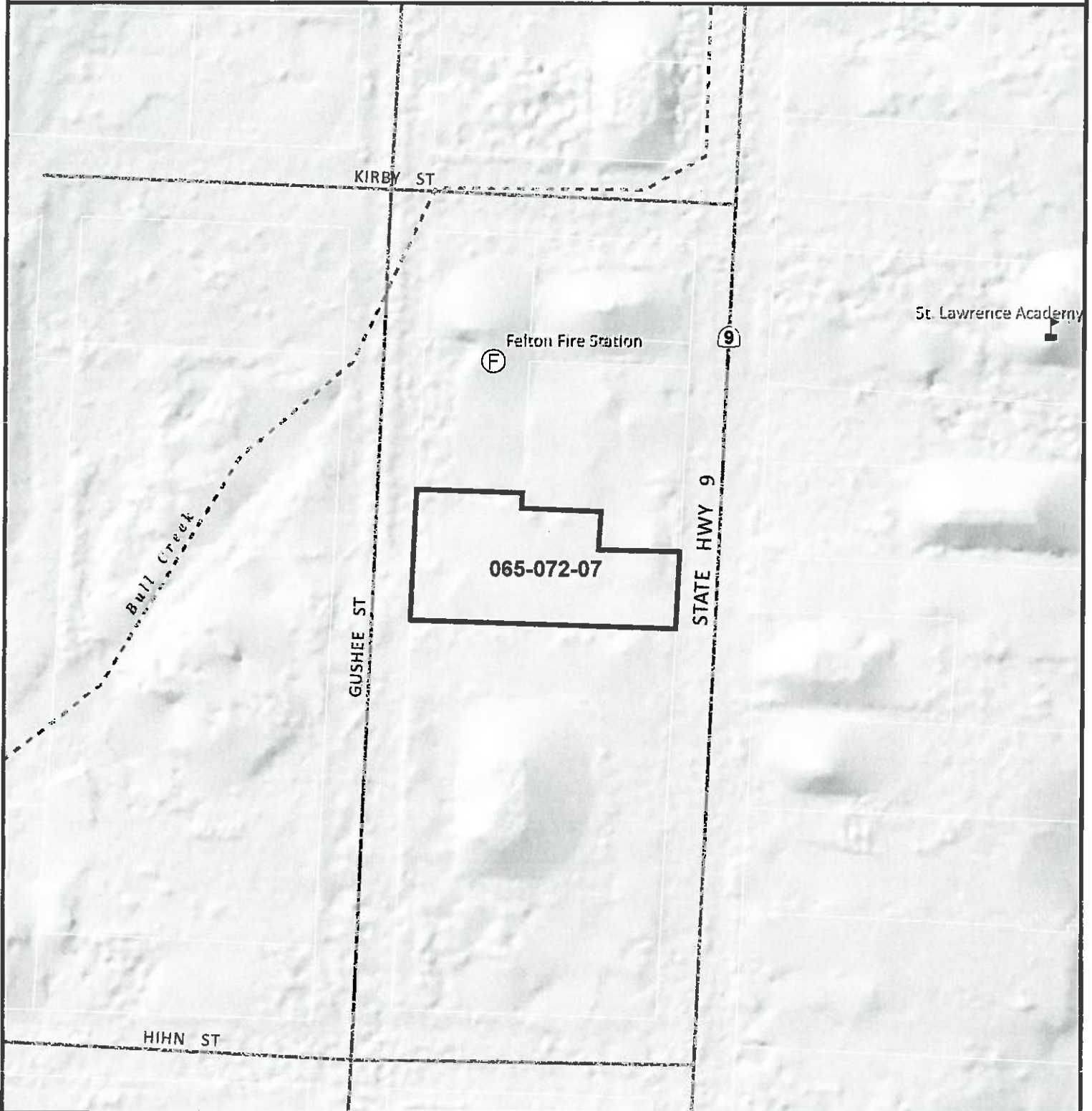
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Rev. 3/1/00 C.B. (0208412, LBA 4-15)
Rev. 3/1/00 B. (TCA)
Rev. 6/1/77 J. (Combo form, 1-15)



Parcel Location Map

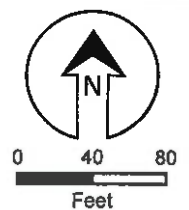
Santa Cruz County Planning Department

Parcel Number
065-072-07
Aug. 1, 2018



Symbol Key

- Ⓡ Fire Station
- 🏫 School
- Street
- - - Perennial Stream

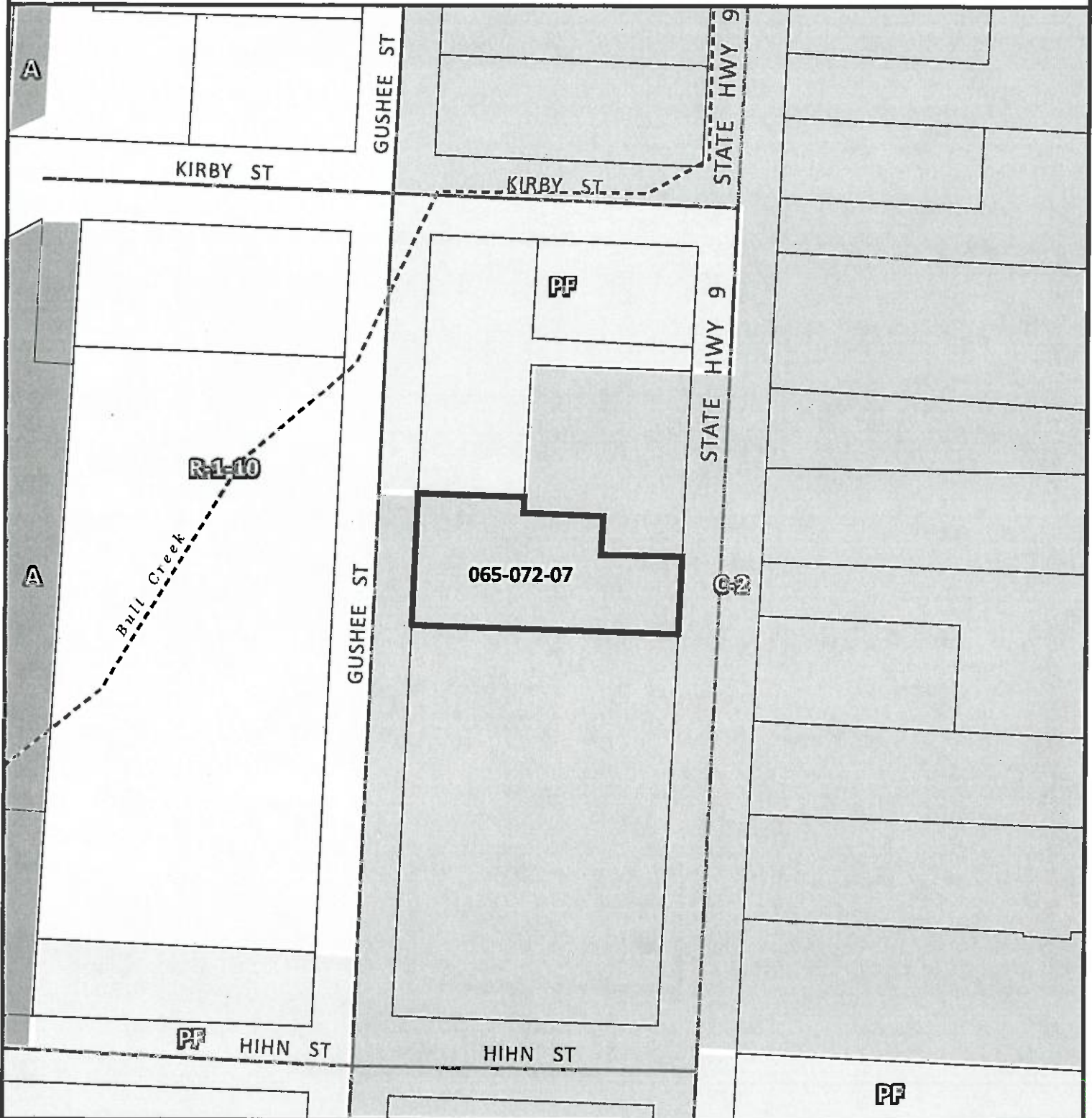




Parcel Zoning Map

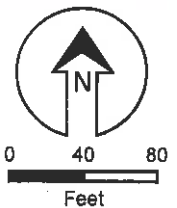
Santa Cruz County Planning Department

Parcel Number
065-072-07
Aug. 1, 2018



Zoning

- (A) Agriculture
- (C-2) Commercial Community
- (PF) Public & Community Facilities
- (R-1) Single-Family Residential

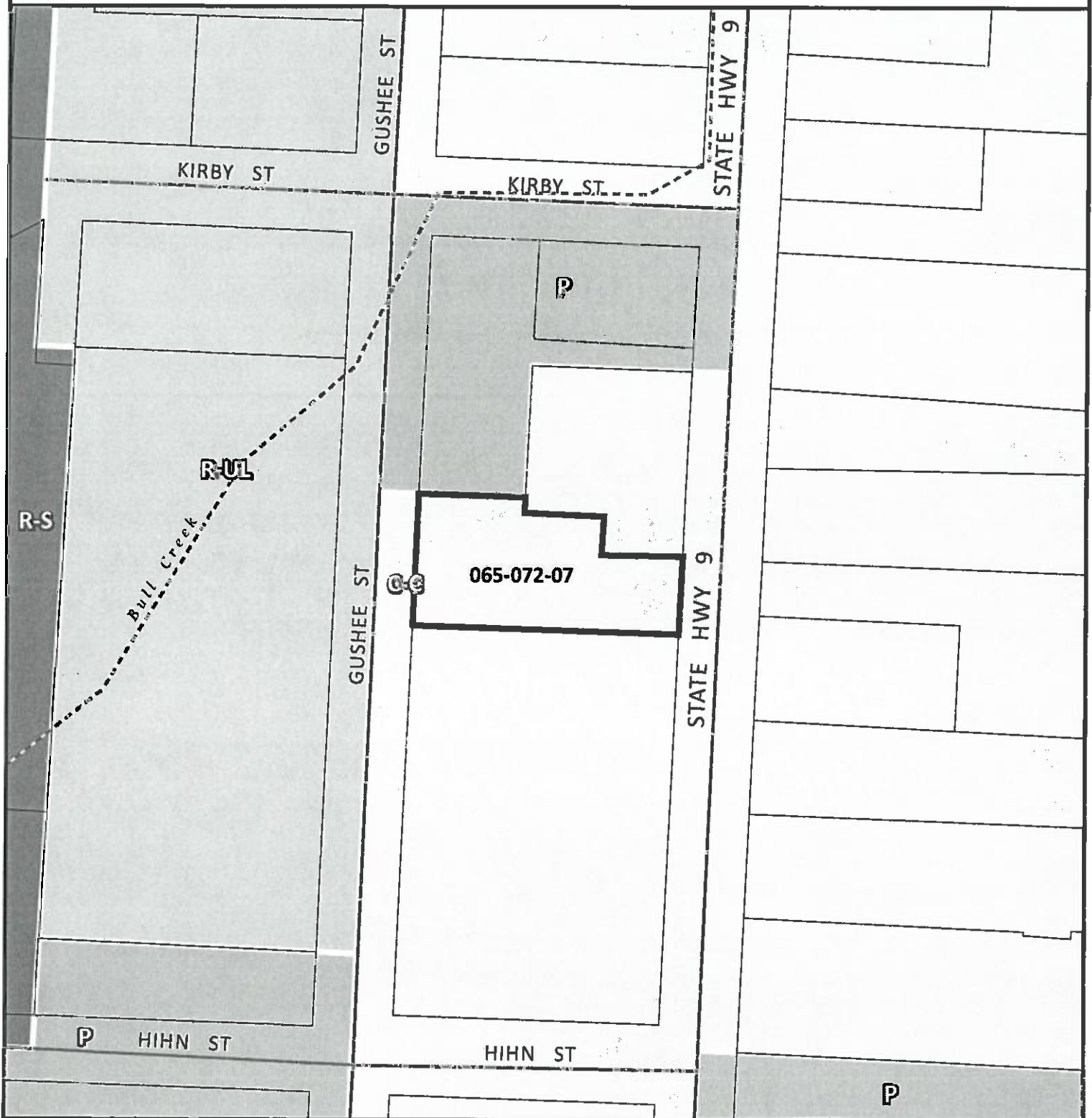




Parcel General Plan Map

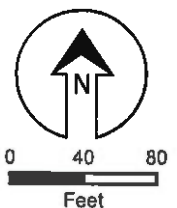
Santa Cruz County Planning Department

Parcel Number
065-072-07
Aug. 1, 2018



General Plan

- C-C - Commercial-Community
- P - Public Facilities
- R-S - Residential-Suburban
- R-UL - Residential - Urban Low Density



COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

LICENSE TYPE	DESCRIPTION
01	BEER MANUFACTURER - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	ON SALE BEER & WINE – EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	ON SALE BEER & WINE – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	ON SALE GENERAL – EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licensee's premises. Authorizes the sale of beer and wine for consumption off the licensee's premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	ON SALE GENERAL – PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	ON SALE GENERAL – SEASONAL - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.



LICENSE TYPE	DESCRIPTION
51	CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale privileges. Food service is not required. Minors are allowed on the premises.
52	VETERAN'S CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guest only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
57	SPECIAL ON SALE GENERAL - Generally issued to certain organizations who cannot qualify for club licenses. Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
59	ON SALE BEER AND WINE – SEASONAL - Authorizes the same privileges as a Type 41. Issued for a specific season. Inclusive dates of operation are listed on the license certificate.
60	ON SALE BEER – SEASONAL - Authorizes the sale of beer only for consumption on or off the premises where sold. Issued for a specific season. Inclusive dates of operation are listed on the license certificate. Wine or distilled spirits may not be on the premises. Minors are allowed on the premises.
61	ON SALE BEER – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer only for consumption on or off the licensed premises. Wine or distilled spirits may not be on the premises. Minors are not allowed to enter and remain (warning signs required). Food service is not required.
67	BED AND BREAKFAST INN - Authorizes the sale of wine purchased from a licensed winegrower or wine wholesaler only to registered guests of the establishment for consumption on the premises. No beer or distilled spirits may be on the premises. Wine shall not be given away to guests, but the price of the wine shall be included in the price of the overnight transient occupancy accommodation. Removal of wine from the grounds is not permitted. Minors are allowed on the premises.
70	ON SALE GENERAL – RESTRICTIVE SERVICE - Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises.
75	ON SALE GENERAL – BREWPUB - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer. This license does not authorize the sale of alcoholic beverages for consumption off the premises where sold. Minors are allowed on the premises.
80	BED AND BREAKFAST INN – GENERAL - Authorizes the sale of beer, wine and distilled spirits purchased from a licensed wholesaler or winegrower only to registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage shall be included in the price of the overnight transient occupancy accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises.
86	INSTRUCTIONAL TASTING LICENSE —Issued to the holder of and premises of a Type 20 or Type 21 licensee, authorizes the tasting of alcoholic beverages as authorized to be sold from the off-sale premises, on a limited basis. Requires physical separation from the off-sale premises while tasting is taking place and generally requires the participation of a specifically-authorized manufacturer or wholesaler licensee.



120 Russell Avenue
P.O. Box M-1
Felton, CA 95018

(831) 335-4657 • Fax (831) 335-4648
E-mail: st.johns.ch@sbcglobal.net

Empire Grille
6155 Highway 9
Felton, California

Thank you for asking St. John's Catholic Church to comment on your selling of alcoholic beverages in Felton. Your concern for public opinion in this matter reflects your desire to be a responsible merchant. We are all interested in providing responsible dispensing of adult beverages and keeping them away from our youth. St. John's supports your efforts in these matters.

Grace and peace,

Thomas Howser, Liturgy Coordinator



To: Santa Cruz Planning Department

Date: May 7, 2018

RE: Empire Grill, Felton; Applicant Roger Barnes

We operate The Satellite Felton, a shared workspace center on Hwy. 9 in Felton and would like to express our very strong support for Roger Barnes' application for a full liquor license at Empire Grille.

Roger is a well-known restaurateur in Santa Cruz County, and he has a long history in the San Lorenzo Valley, having operated the Empire Grill at another location in Felton years ago. Roger is a strong member of the Felton community, and we're excited that he's back. He runs an excellent, family-friendly restaurant with wonderful food.

We all miss him having a liquor license in this location! We are concerned that he may not be able to stay here and keep the restaurant sustainable without one.

Thanks for your prompt attention and support.

Sincerely,

Barbara Sprenger
CEO
Satellite Telework Centers, Inc.

I am a local electrical contractor and the president of the Felton Business Association.
On behalf of Roger Barnes and the Empire Grill

We find the Empire Grill and Rodger Barnes are a great fit for the community of Felton.
They are helping with our Graduation Night Committee to raise money for the safe and sober party for our local high school seniors on the night of graduation. They also participate in the local Down Town Felton activities such as Friday Art Walk and the Second Saturdays, Visit Felton events.

I look forward to seeing the Empire Grill's participation in the Memorial Day Festivities on the 26th of May with the Felton Remembers Parade and the Covered Bridge Festival.

I think that his having an adult beverage license to serve his more discerning customers will help insure the Empire Grill will be here for many years to participate in our many community activities.





ROGER BARNES <rhenrickbar@gmail.com>

Permit for Empire Grill

Ford Larry <fordld@sbcglobal.net>

Mon, May 7, 2018 at 8:44 PM

To: rhenrickbar@gmail.com

Cc: Barbara Sprenger <sprenger@cruzio.com>

To: Santa Cruz County Planning Department

RE: Empire Grill, Felton; Applicant Roger Barnes

We are residents of Felton, living just a few blocks from the new Empire Grill and the US Post Office. We support Roger Barnes' application for a full liquor license at Empire Grille.

We appreciate having Mr. Barnes and his well known Empire Grill return to the commercial part of downtown Felton to provide an excellent lunch and dinner venue as well as a community gathering place. It is both a healthy affordable restaurant for our families, and an excellent venue for adult social dining. Adding the full bar would be most welcome since there are few other such venues of this kind available in town.

Without the added bar, Roger might not be able to stay here and keep the restaurant sustainable.

Thank you.

Sincerely, Larry Ford

Lawrence D. Ford, Ph.D.

LD Ford Rangeland Conservation Science

Felton, CA 95018

www.rangelandconservation.com

831-335-3959

EXHIBIT G



ROGER BARNES <rhenrickbar@gmail.com>

The Empire Grill in Felton

1 message

John Fasolas <jfasolas@gmail.com>

Tue, May 1, 2018 at 7:32 PM

To: ROGER BARNES <rhenrickbar@gmail.com>

I am a local electrical contractor and the president of the Felton Business Association.
On behalf of Roger Barnes and the Empire Grill

We find the Empire Grill and Rodger Barnes are a great fit for the community of Felton.
They are helping with our Graduation Night Committee to raise money for the safe and sober party for our local high school seniors on the night of graduation. They also participate in the local Down Town Felton activities such as Friday Art Walk and the Second Saturdays, Visit Felton events.
I look forward to seeing the Empire Grill's participation in the Memorial Day Festivities on the 26th of May with the Felton Remembers Parade and the Covered Bridge Festival.

I think that his having an adult beverage license to serve his more discerning customers will help insure the Empire Grill will be here for many years to participate in our many community activities.

--
Thank you

John C Fasolas

President of the Felton Business Association

Running Electric

c408 499 0226

o831 335 9024

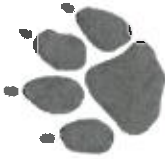
f 831 335 9256

www.runningelectric.com

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Empire Grille Recommendation Letter.pdf

Open with



**San Lorenzo Valley High
GRAD NIGHT CLASS,
P.O. Box 44 Felton, CA**

Non-profit tax ID # 946 00 2

**Jerry Busch, Planner III
Development Review
County Of Santa Cruz Planning Department
701 Ocean Street
Santa Cruz, CA 95060**

Dear Mr. Busch,

It is our understanding that Roger Barnes of Empire Grille is applying for a liquor license for his restaurant. We know that one of your concerns is that the Empire Grille is a welcomed business in our community. This is the case Mr. Barnes has hosted six Dining Out Events at Empire Grille, with one more to come in May, to the Grad Night. Our Grad Night committee used his establishment as a meeting place last month.

Besides supporting Grad Night, Mr. Barnes has supported other local groups. It touched my heart to see him reached out to the first responders during the Bear Creek Fire.

We would like to see the Empire Grille stay in our community and if receiving a liquor license to keep them competitive with other establishments is what it takes, we would highly recommend it. It is community men like Roger Barnes that makes the San Lorenzo Valley a great place to live.

Sincerely,

**Linda Kay
Dining Out Events
2018 Grad Night Committee**

From: **Michael Verutti** veruttiinc@att.net
Subject: **Liquor Application Empire Grille**
Date: **May 3, 2018 at 8:13 AM**
To: **ROGER BARNES** rhenrickbar@gmail.com



To whom it may concern,

I've known Roger Barnes for many years and have observed the high quality of his work as owner/operator many Restaurant/Bar establishments. His years of experience have shown him always involved supporting the local community through fundraisers for the schools, people of need, donations to the local charities. The Empire Grille is a valued business here in the San Lorenzo Valley supplying local jobs, a quality meeting place, and a friendly personal establishment perfect for our small town atmosphere. Having grown up here, and been a local business owner for 40 years I am familiar with the practical needs of our small community. I've seen businesses come and go and it's hard to remain successful in business without keeping pace with the needs of your customers, this liquor license would help ensure his longevity and reliability as a continuing dining and drinking establishment here in the town of Felton. Currently our adjacent business has had no issues concerning the Empire Grille as it continues to attract many family and quality customers. Having recently donated the land for the new Felton library that is being built, I am truly concerned and committed to the needs of Felton. I believe that the Empire Grille is a piece of the matrix that creates a thriving community.

Sincerely,

Michael Verutti
Verutti Inc.