



## Staff Report to the Zoning Administrator

Application Number: **231504**

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**Applicant:** Lindsay Rodriguez

**Owner:** Spanu Corporation

**APN:** 028-154-41

**Site Address:** 21490 East Cliff Drive

**Agenda Date:** 07/19/2024

**Agenda Item #:** 2

**Time:** After 9:00 a.m.

**Project Description:** Proposal to serve liquor in addition to beer and wine with restaurant food service, extend hours of operation from close at 9:00 pm to 10:00 pm, and recognize an existing 385 square foot outdoor patio, installed under Temporary Use Permit 201196, as permanent.

**Location:** Property is located at the southwestern corner of the intersection of East Cliff Drive and 15th Avenue.

**Permits Required:** Coastal Development Permit, an Amendment to the Commercial Development Permit (79-1263), a Site Development Permit and a Variance

**Supervisory District:** District 1 (District Supervisor: Manu Koenig)

### Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 231504, based on the attached findings and conditions.

### Project Description & Setting

The property is located at the southwestern corner of the intersection of East Cliff Drive and 15th Avenue within the Live Oak Planning Area. The subject parcel is also within the Coastal Zone (Appeals Jurisdiction) and East Cliff Village Special Community - which is considered a sensitive coastal resource area as defined by SCCC 13.20.040. The site is improved with a 2,100 square foot commercial structure built in 1975, that currently contains a restaurant use (Lago di Como Ristorante). In addition, there is an outdoor dining patio associated with the restaurant use, within a roofed enclosure that is currently unrecognized.

The surrounding area is urbanized with a mix of commercial, visitor serving, and residential uses. The Lago di Como Ristorante faces East Cliff Drive, a minor arterial road, with single-family residential parcels to the side and rear of the property.

This application is a proposal to change the scope of an approved Commercial Development Permit (79-1263) for the restaurant use, issued in 1979 to recognize the outdoor dining area as permanent, to extend the hours of operation and to allow for the addition of a full bar. As such, the proposed project requires an Amendment to the Commercial Development Permit (79-1263) for

the additional dining area and associated enclosure, to adjust the hours of operation, and to add a full bar to a dining establishment pursuant to SCCC 13.10.654, as the site is located within 200 feet of a residential district. A Coastal Development Permit is also required pursuant to SCCC 13.20.072 for the construction of the outdoor dining structure on a site that is within a special area (the East Cliff Village Tourist Area Special Community). In addition, because the existing outdoor patio area is sited between the parking lot and the sidewalk within the 10-foot front yard setback, a Variance is required pursuant to SCCC 13.10.333(B), to reduce the front yard setback from 10 feet to about 4.5 feet.

## **Project Background**

In 1979, a Planned Development application (79-1263) was approved to convert an existing “Quick Stop” market to a restaurant facility and erect a free-standing sign. This application also included a Use Permit to serve liquor (beer and wine) within 200 feet of a Residential Zone District.

Over the last several decades the building has continuously operated as a restaurant starting with Black’s Beach Café, then Nuevo Southwestern Grill, and most recently Lago di Como, which opened in 2013.

In 2020, a Temporary Use Permit (201196), issued during the Covid-19 pandemic, granted use of the lawn area and parking lot to serve meals to the restaurant customers. This permit, which expired on 12/23/2020, allowed the construction of an approximately 10.5-foot by 36.5-foot partially enclosed structure and a 10-foot x 21-foot deck area, both located within the front yard, along East Cliff Drive. The current application proposes recognition of the temporary enclosed area as permanent, and removal of the 210 square foot deck, to allow for the addition of bike parking, and relandscaping the remaining area.

The existing outdoor dining structure encloses an area of approximately 385 square feet and is located within 10 feet of the front property line. At its closest point, the structure is approximately 4.5 feet from the edge of sidewalk. The existing outdoor seating area accommodates up to 35 people and due to kitchen and staff limitations is proposed to be used only in lieu of indoor seating, during the summer season and when the interior area is displaced by a holiday market.

During review of this proposal, Planning Staff noticed the absence of the original 5 bicycle parking spaces as required by 79-1263 Condition of Approval (number 1). The applicant has corrected this omission by adding the required bike parking area at the front of restaurant to the site plan (the off-street parking and number of spaces within the existing parking lot conform to the original use permit requirements of 25 parking spaces; there is no proposed change to the size or striping of the parking lot).

## **Zoning & General Plan Consistency**

The subject property is a 16,248 square foot lot, located in the C-1 (Neighborhood Commercial) zone district, a designation which allows commercial uses. The zoning is consistent with the site's C-C (Community Commercial) General Plan designation, and a restaurant with a covered outdoor dining area is a permitted use within the zone district.

Community Commercial (C-C) parcels are appropriate for retail sales, personal services, offices, hotels, schools, restaurants, entertainment venues, and similar types of community and visitor-serving activities. The restaurant use and addition of a covered outdoor dining area is therefore consistent with this General Plan designation.

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

The parcel at 21490 East Cliff Drive in Santa Cruz is located across from East Cliff Village and adjacent to other commercial businesses along East Cliff Drive, with residential properties located immediately adjacent to the site's southern property line. As such, the property is located within 200 feet of a residentially zoned neighborhood. Therefore, the proposal to serve liquor, in addition to beer and wine, with food service, requires an Amendment to the original Use Permit (79-1263), which only authorized serving of beer and wine. The restaurant itself is sited towards the northeastern corner of the parcel, away from adjacent homes, but still within 200 feet of the closest residence to the south on 15<sup>th</sup> Avenue. This single-family residence (415 15<sup>th</sup> Avenue) is partially buffered from the subject parcel by fencing and dense shrubbery.

The outdoor dining area is located at the front of the restaurant in the landscaped area that fronts East Cliff Drive. The outdoor dining area is close to the restaurant and kitchen, and it is also the farthest possible location from any residence on the parcel. According to the documented history of this parcel there have been no code violations during its use as a restaurant, and no recorded complaints since use of the outdoor dining area began in 2020.

Permit 79-1263 granted hours of operation from 11:30 am until 9:00 pm; however, Lago di Como currently serves dinner only from Monday through Sunday, 5:00 pm - 9:30 pm (closed on Tuesdays). To correct this inconsistency with the Use Permit and to provide additional time for staff and patrons to leave the premises, the applicant wishes to extend the allowed operational hours from 9:00 pm to 10:00 pm.

8.02.020 Consumption of alcoholic beverages on public property and in places open to the public.

Within the unincorporated area of the County of Santa Cruz, it is unlawful for any person to drink or consume any alcoholic beverage in or upon any public or private unenclosed areas that may be accessible to the general, as well as any privately-owned walkway, either enclosed or unenclosed, which is open to the general public.

The existing patio space is enclosed with low walls, open windows, and a roof and, when not in use, is secured by a locked door. The walkway next to the outdoor patio connects the parking lot and the front door of the establishment to the sidewalk along East Cliff Drive and is adjacent to a Metro bus stop. The proposal to permanently permit the outdoor dining area has been reviewed by Metro staff and was determined not to pose a conflict or encroach upon the bus stop location.

The California Department of Alcoholic Beverage Control (ABC) has also reviewed plans this proposal and provided specific conditions of approval for the liquor license (See Exhibit G) to address the outdoor area and proximity to the general public:

- Sales and service of alcoholic beverage on said patio/terrace/other area shall be restricted to waiter/waitress service and only to patrons seated at a table.
- When the said patio/terrace/other area of the premises is being utilized for the sales, service, and consumption of alcoholic beverages, a premises employee shall be in attendance and maintain continuous supervision at all times of said area.

## **Design Review**

The proposed covered outdoor dining area complies with the requirements of the County Design Review Ordinance, in that the proposed project has been built around the existing trees and will incorporate site and architectural design features such as a low walls with unglazed window areas and a low roofline, so that the proposed development will have a minimal visual impact of on surrounding land uses and the natural landscape. The removal of the 110 square foot deck area and re-landscaping of the area between the existing building and East Cliff Drive, will help reduce the bulk of the primary structure and ensure that the development as a whole better complies with the surrounding commercial and residential developments.

### SCCC 13.20.145 East Cliff Village tourist area special community design criteria.

The special community design criteria for East Cliff Village includes the recognition of historic structures and the requirement that new development shall maintain the one- and two-story scale of the area. Neither the primary restaurant building, nor the outdoor structure are designated as historic resources. Further, no changes are proposed for the main restaurant building, and the addition of a single-story, low-level outdoor seating area maintains the single-story scale of the area.

Pursuant to the East Cliff Village design criteria, clustered landscaping along East Cliff Drive is encouraged to accent the various commercial uses. For this proposal, none of the existing 6 trees have been removed or are planned for removal, and the deck temporarily used for outdoor dining will be replaced with bike racks and new plantings to match the existing landscaping on site, so that the existing visual character of the commercial site will be retained and will be further enhanced with additional shrub plantings. Therefore, the project is consistent with these design criteria.

## **Local Coastal Program Consistency**

A Coastal Development Permit is required pursuant to SCCC 13.20.072, for the construction of an outdoor dining structure on an existing commercial property that is within a special area (the East Cliff Village Tourist Area Special Community). The proposed covered outdoor dining area is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain existing developed commercial properties as well as single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range of styles.

The project site is located between the shoreline and the first public road; however, the site is located away from the coastline at the corner of East Cliff Drive, which is the first through road, and 15<sup>th</sup> Avenue. 15<sup>th</sup> Avenue dead ends into Bonita Lagoon. The nearest public access to the beach, at the south entrance for Twin Lakes State Beach, is at the southern end of 14<sup>th</sup> Avenue, approximately ¼ mile from East Cliff Drive and from the project site. Therefore, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water. Further, the site is not identified as a priority acquisition site in the County's Local Coastal Program.

The project has been reviewed by the Coastal Commission and no comments were made.

## **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.

All previous findings remain valid as approved for Commercial Development Permit 79-1263, which are included as Exhibit H for reference.

## **Staff Recommendation**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **231504**, 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 Division, 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.sccoplanning.com](http://www.sccoplanning.com)**

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## **Exhibits**

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Department of Alcoholic Beverage Control Conditional License
- H. 79-1263 Permit with Conditions of Approval

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Division 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: 231504  
Assessor Parcel Number: 028-154-41  
Project Location: 21490 East Cliff Drive

**Project Description: Proposal to serve liquor in addition to beer and wine with restaurant food service, extend hours of operation from close at 9:00 pm to 10:00 pm, and recognize an existing 385 square foot outdoor patio, installed under Temporary Use Permit 201196, as permanent.**

**Person or Agency Proposing Project: Lindsay Rodriguez**

**Contact Phone Number: 408-921-9917**

- 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: Class 1 – Existing Facilities (Section 15301)  
Class 3 - New Construction or Conversion of Small Structures (Section 15303)

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

Minor modifications to an existing approved restaurant use within an existing commercial structure, located in an area designated for commercial uses, including, including construction of an accessory outdoor dining area.

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



Rebecca Rockom, Project Planner

Date: July 15, 2024

**EXHIBIT A**

## **Coastal Development Permit Findings**

- (A) That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

This finding can be made, in that the property is zoned C-1 (Neighborhood Commercial), a designation which allows commercial uses. The proposed covered outdoor dining area is a principal permitted use within the zone district, and the zoning is consistent with the site's C-C (Community Commercial) General Plan designation.

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

This finding can be made, in that no such easements or restrictions are known to encumber the project site.

- (C) That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to SCCC 13.20.130 and 13.20.140 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors will be natural in appearance and complementary to the site; and the development site is not on a prominent ridge, beach, or bluff top.

- (D) That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

This finding can be made, in that the project site is not identified as a priority acquisition site in the County Local Coastal Program and public beach access is available at the end of 15<sup>th</sup> Avenue, approximately 500 feet to the south.

- (E) That the project conforms to all other applicable standards of the certified LCP.

This finding can be made, in that the structure is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood. Additionally, commercial uses are allowed uses in the C-1 (Neighborhood Commercial) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain commercial businesses as well as single and multi-family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the pattern of development within the surrounding neighborhood.

- (F) If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

This finding can be made, in that the project site is located between the shoreline and the first public road, however the covered outdoor dining area will not interfere with public access to the beach.

Application #: 231504  
APN: 028-154-41  
Owner: Spanu Corporation

ch, ocean, or any nearby body of water, as the closest public access to the beach (Twin Lakes State Beach) is via 14<sup>th</sup> Avenue, approximately ¼ mile south of East Cliff Drive and the project site. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

(G) In the event of any conflicts between or among the required findings, required findings in subsections (E) and (F) of this section shall prevail.

This finding can be made, in that there are no conflicts among the required Coastal Development Permit findings.



## **Discretionary Permit Findings**

- (a) **Health and Safety.** The proposed location of the project and the conditions under which it would be developed, 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 be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for commercial uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure that the project 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 be materially injurious to properties or improvements in the vicinity.

The proposal to extend evening operational hours and serve liquor in addition to the license for beer and wine service will not negatively impact the health and safety of neighborhood businesses or residences as the addition of liquor selections will only be offered during meal service, not as a stand-alone option for patrons. The extension of operational hours will be functionally only one half-hour later in the evening, as the restaurant has been serving dinner until 9:30pm for several years. The County has received zero service calls or recorded any verified complaints regarding the restaurant activity over the 12-year period since the restaurant opened and the additional service is not expected to negatively impact neighborhood activity.

The proposed outdoor dining area is enclosed and not accessible to the general public. Staff has determined that proximity of the outdoor area to the public sidewalk will be adequately monitored to prevent the consumption of alcoholic beverages in places accessible to the general public, pursuant to SCCC 8.02.020. Conditions of approval have been added by the Department of Alcoholic Beverage Control (ABC) to ensure compliance with all Alcoholic Beverage Drinking Restrictions found in Santa Cruz County Code Chapter 8.02.

- (b) **Zoning Conformance.** The proposed location of the project and the conditions under which it would be developed, operated, or maintained will be in substantial conformance with the intent and requirements of all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that while the Lago di Como restaurant is within 200 feet of a residential district, the conditions under which it would be operated or maintained will be in substantial conformance with all pertinent County ordinances, and the purpose of the C-1 (Neighborhood Commercial) zone district as the primary use of the property will be one restaurant with extended operational hours, a covered outdoor dining area, and the addition of liquor incidental to food service, with the approval of a Variance to allow for reduced setbacks at the covered patio, meets all current site standards for the zone district.

The C-1 Neighborhood Commercial District purpose is to provide compact and conveniently located shopping and service uses to meet the limited needs within walking distance of individual urban neighborhoods or centrally located to serve rural communities. Neighborhood commercial uses and facilities should be a small scale, appropriate to a neighborhood service area, with minimal adverse traffic, noise, or aesthetic impacts on the adjacent residential areas. Lago di Como is a locally operated business that serves the neighborhood residents as well as visiting tourists. The maximum capacity of the facility, whether inside or outside, is for 64 guests and therefore the restaurant service of Lago di Como is limited to a moderate scale.

- (c) General Plan Conformance. The proposed project is in substantial conformance with the intent, goals, objectives, and policies of all elements of the County General Plan and any specific plan which has been adopted for the area.

This finding can be made, in that the proposed commercial use is in substantial conformance with the use and density requirements specified for the C-C (Community Commercial) land use designation in the County General Plan.

The proposal to expand operational hours, add liquor service, and permanently permit the outdoor dining area is consistent with the General Plan objectives to energize existing shopping centers and expand the local hospitality and entertainment industry. Policy BE-3.4.3 encourages outdoor seating to activate and complement temporary events and permanent land uses. Policy BE-3.4.7 encourages the provision of visitor-serving commercial services within certain Coastal Special Communities, including East Cliff Village Tourist Area. The addition of outdoor seating for dining, expanded operational hours, and opportunity to serve liquor with meals, at the Lago di Como restaurant helps enliven a key corner of this neighborhood and sparks the potential for increased pedestrian & visitor activity along the East Cliff corridor.

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

- (d) CEQA Conformance. The proposed project complies with the requirements of the California Environmental Quality Act (CEQA) and any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA.

This finding can be made, in that the project has been determined to be exempt from further review under the California Environmental Quality Act, as indicated in the Notice of Exemption for this project.

- (e) Utilities and Traffic Impacts. The proposed use will not overload utilities, result in inefficient or wasteful use of energy, or generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed covered outdoor dining area (with additional hour of operation each evening, and inclusion of liquor with beer and wine during food service) has been determined not to be an intensification of use per the County's metric of the generation of 110 additional daily trips and a 10% overall increase in daily vehicle trips. Because the anticipated use of the outdoor dining space will be instead of seats within the indoor dining area, the expected level of traffic generated by the proposed project is anticipated to be minimal. Any increase (much less than 110 trips per day) will not adversely impact existing roads or intersections in the surrounding area, and the project will not overload utilities or otherwise result in an inefficient or wasteful use of energy.

- (f) Neighborhood Compatibility. The proposed use will be compatible with the existing and proposed land uses, land use intensities, and dwelling unit densities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

The proposal to recognize the existing outdoor dining area as permanent, the addition of liquor service along with beer and wine service incidental to meals, and the one-hour extension of

operating hours into the evening, will not result in an intensification of use. Therefore, this finding can be made, in that the proposed covered outdoor dining area, and expanded hours with liquor service, is consistent with the land use intensity and density of the neighborhood as designated by the General Plan and implementing ordinances.

- (g) Local Coastal Program Consistency. For proposed projects located within the coastal zone, the proposed project is consistent with the provisions of the certified Local Coastal Program.

This finding can be made, in that the required Coastal Development Permit findings have been made for this project and the project is consistent with the provisions of the certified Local Coastal Program.

### **Site Development Permit Findings**

- (a) Siting and Neighborhood Context. The proposed development is designed and located on the site so that it will complement and harmonize with the physical design aspects of existing and proposed development in the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

The proposed outdoor dining area is modest in scale and height, and the covered structure is built around and tucked in under existing mature trees and landscaping. Therefore, the finding can be made that the permanent recognition of the existing covered outdoor dining area complements and harmonizes with the physical design aspects of existing and proposed development in the neighborhood.

- (b) Design. The proposed development is in substantial conformance with applicable principles in the adopted Countywide Design Guidelines, except as prohibited by site constraints, and any other applicable requirements of SCCC 13.11 (Site Development and Design Review). If located in the Coastal Zone, the site plan and building design are also in substantial conformance with the policies of the Local Coastal Program and coastal regulations of SCCC 13.20.

The proposed project will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the subject property and reduce the visual impact of the proposed development on surrounding land uses. This finding can be made, in that the proposed covered outdoor dining area is in substantial conformance with the requirements of the County Design Review Ordinance. In addition, the project conforms to the special design criteria for the East Cliff Village tourist area special community. A complete list of Coastal Development Permit Findings is included with this report.

## Variance Findings

- a) That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

The provision of an outdoor dining area within the front yard setback is consistent with other properties in the vicinity that are under identical zoning classification, therefore this finding can be made. The proposed project is located within the C-1 Neighborhood Commercial zone district, a designation that allows for commercial uses which is consistent with the site's (C-C) Community Commercial General Plan designation. The subject parcel is located on the corner of East Cliff Drive and 15<sup>th</sup> Avenue. The primary structure, built in 1975, is located at the far northeast corner of the parcel, approximately 20 feet from East Cliff Drive, with the remainder of the parcel devoted to accommodating the required commercial parking spaces. The standard 10-foot front yard setback within the C-1 zone is at odds within the East Cliff Village Special Community as the General Plan updates (Policy BE-4.3.2) encourage the provision of outdoor dining on sidewalks and in places that are visible and accessible from public streets (especially along Main Streets and Active Connectors). Additionally, one of the primary Commercial Design Goals is to “create active and attractive edge conditions along primary frontages of new and existing development to foster visually-engaging, functional and comfortable streetscape environments”. Commercial Design Guidelines A4 and B2 promote the placement of outdoor dining in front of buildings facing commercial streets as a means to activate the street and engage pedestrians and cyclists. The provision of an outdoor dining area within the front yard setback is consistent with neighboring properties under identical zoning classification, notably the grocery immediately next door to the east. Because the location of the dining area elsewhere on this parcel would have necessitated the removal of required parking spaces, the most suitable area is the landscaped section of the front yard. Therefore, a Variance is required to allow for an enclosed dining area to sit within 10 feet of the front property line.

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

This finding can be made in that Dining establishments are an allowed use within the C-1 zone district. The Variance will allow for a sufficient setback to buffer and protect the covered area and guests from the street and sidewalk. In addition, the proposal includes a newly landscaped area with bike parking adjacent to the street. This proposal has also been reviewed and approved by the Department of Alcoholic Beverages, Environmental Health, and the Santa Cruz Metro Transit Agency for compatibility. Therefore, the proposed project will not be detrimental to public health or injurious to property or improvements in the vicinity as it will improve the existing situation by activating a commercial street within a special community, providing additional visitor serving amenities, and enhancing the landscaping to improve the neighborhood streetscape

- c) That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated

Application #: 231504  
APN: 028-154-41  
Owner: Spanu Corporation

The buildings along East Cliff Drive within the East Cliff Village Special Community were built for a wide range of purposes, from retail to office to residential, over the last 75 years. The structures located on a parcel to the east of the subject site at 21520 East Cliff Drive, the Shore and Sea Apartments, were built between 1951 and 1959 approximately 8 feet from the sidewalk. The offices at 21340 East Cliff Drive were built in 1988 approximately 5 feet from the sidewalk. The granting of a Variance to allow for a reduced front yard setback does not constitute a grant of special privilege in that neighboring commercial and residential structures to the east and west of the parcel also sit within the 10-foot front yard setback. Therefore, this finding can therefore be made.

## Conditions of Approval

Exhibit D: Project plans, prepared by Nielson Plan Design Build, dated 04/10/2024.

- I. This permit authorizes the serving of liquor in addition to wine and beer with restaurant food service, extended hours of operation from close at 9:00 pm to 10:00 pm and recognizes the construction of a covered outdoor dining area, including modifications thereto, as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to Santa Cruz County Planning one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
    1. Any outstanding balance due to Santa Cruz County Planning must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by Santa Cruz County Planning. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with Santa Cruz County Planning. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    1. A copy of the text of these conditions of approval incorporated into the full-size sheets of the architectural plan set.
    2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Santa Cruz County Planning review and approval.
    3. Details showing compliance with fire department requirements.

4. A Landscape Plan for all areas to be re-vegetated, including any proposed irrigation. This information may be included on the Site Plan if all relevant details can be clearly indicated.
- B. Meet all requirements of the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
1. The discretionary application has not been reviewed for compliance with Part 3 of the County Design Criteria. Prior to issuance of a building, grading, or other permit, final Stormwater Management documents shall be submitted for review and approval by Stormwater Management Section that adhere to the County Design Criteria and County Code 7.79.
  2. Pre-development runoff patterns and rates shall be maintained, and safe stormwater overflow shall be incorporated into the project design.
  3. New and/or replaced impervious and/or semi-impervious surface area shall not exceed 5,000 square feet.
- C. Meet all requirements of the Environmental Planning section of Santa Cruz County Planning.
- D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- E. Pay the current Affordable Housing Impact Fee. The fees are based on new square footage and the current fee for non-residential construction is \$3 per square foot.
- F. Retain the required off-street parking for 25 cars, as conditioned by permit #79-1263. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- G. Meet the requirements of the Department of Alcoholic Beverage Control (ABC) as follows:
1. Full and complete meals must be offered and made available at all times the premises is exercising the privileges of its alcoholic beverage license, with the exception of the last ½ hour of operation each day.
  2. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the most recently certified ABC-257 and ABC-253.
  3. The use of any amplifying system or device is prohibited on patio/terrace/other area and the use of such system or device inside the premises shall not be audible outside the premises.
  4. Sales and service of alcoholic beverages on said patio/terrace/other area shall be restricted to waiter/waitress service and only to patrons seated at a table.

5. When the said patio/terrace/other area of the premises is being utilized for the sales, service and the consumption of alcoholic beverages, a premises employee shall be in attendance and maintain continuous supervision at all times of said area.

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

IV. Operational Conditions

- A. Hours of Operation: The daily hours of operation shall be between 11:30 am and 10:00 pm.
- B. Parking: The restaurant owner/manager shall monitor parking on site to ensure that sufficient parking is made available for patrons and employees of the restaurant.
  1. If ongoing substantiated complaints are received from neighboring property owners that there is consistent unauthorized overflow parking from the site and or its tenants onto their land, then the property owner shall be required to develop an alternate parking demand management plan subject to an amendment to this Permit. This may include such measures as the provision of additional off-site parking areas, the provision of special transit incentives for employees, the operation of effective pooling programs, a valet parking plan, flexible work hours, or any other method that can be demonstrated to be effective for the reduction and management of parking demand.
- C. The exterior of the building, outdoor dining area and all parking areas shall be maintained in good condition.
- D. All landscaping shall be maintained in good condition. Any plants that die shall be replaced in-kind or with a similar species suitable to the site and conditions.



- 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.

V. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- 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 applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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. The "applicant/owner" shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.**

Approval Date: \_\_\_\_\_

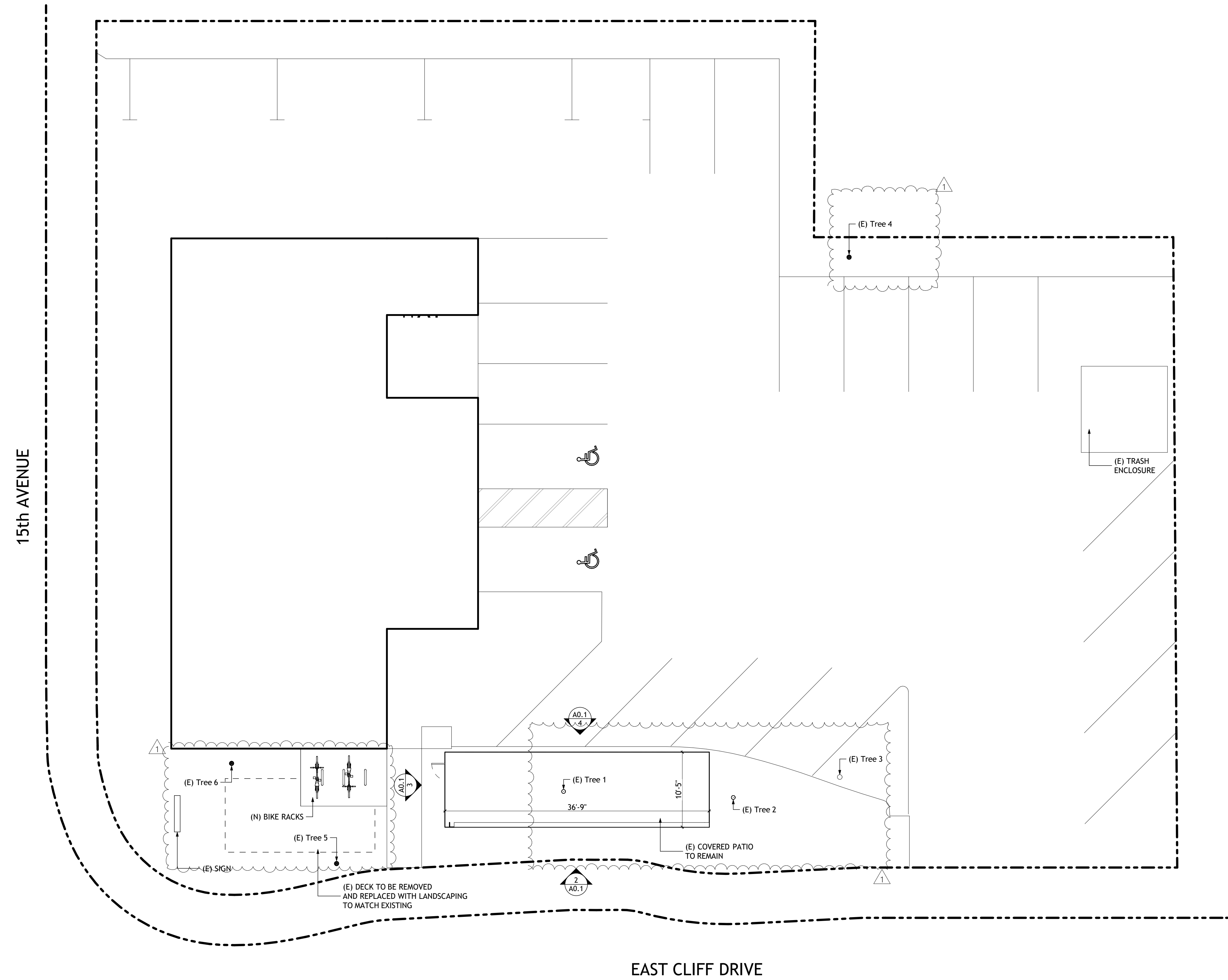
Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
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.



SITE PLAN LEGEND

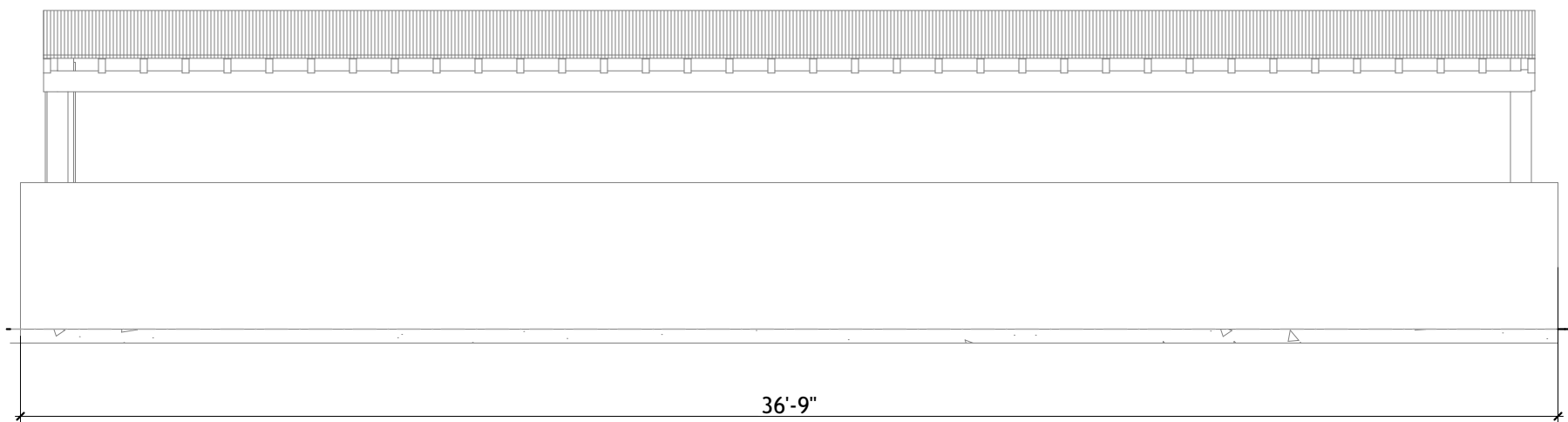
- (E) BUILDING AREA
- (N) BUILDING AREA
- ROOF ABOVE
- PROPERTY LINE
- SETBACK LINE
- (N) WALL / RETAINING WALL
- (E) CONTOUR
- (N) CONTOUR

TREE LIST

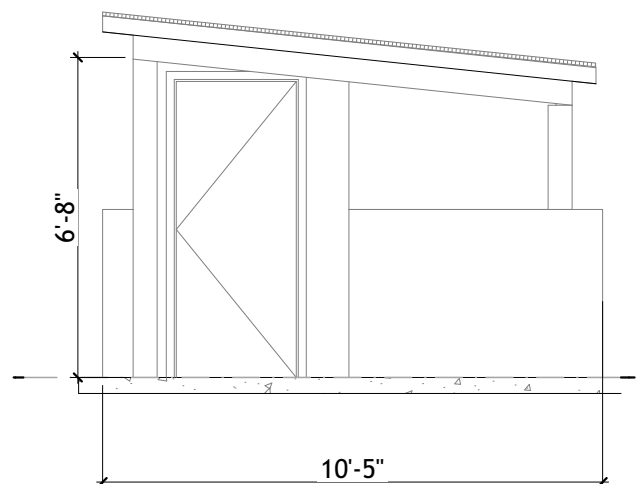
Tree #	Species	Approximate Height	Diameter at 4.5 feet above ground level
1	ARBUSTUS MARINA	16 feet	6", 7", 7.5"
2	ARBUSTUS MARINA	16 feet	8.25"
3	GLOSSY PRIVET(LIGUSTRUM LUCIDUM)	12 feet	3", 3", 3", 3", 6", 8"
4	MIMOSA(ALBIZIA JULIBRISSIN)	12 feet	8"
5	JAPANESE MAPLE(ACER PALMATUM)	5 feet	2.5"
6	JAPANESE MAPLE(ACER PALMATUM)	5 feet	1", 1.5"

\*No trees plan to be removed.

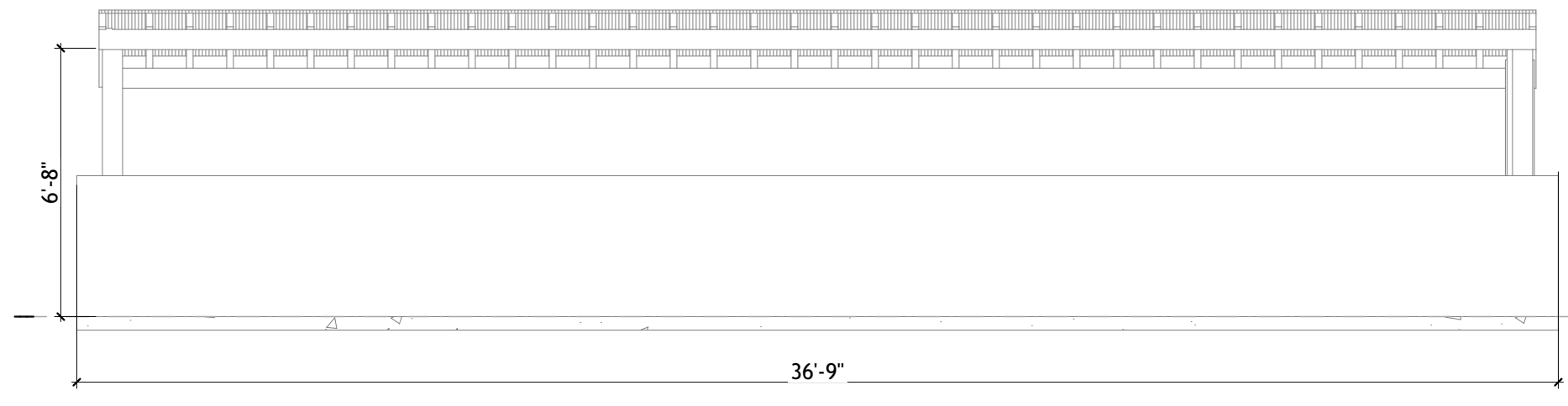
1 EXISTING SITE PLAN  
SCALE: 1/8" = 1'-0"



2 EXISTING ELEVATION - PATIO  
SCALE: 1/4" = 1'-0"



3 EXISTING ELEVATION - PATIO  
SCALE: 1/4" = 1'-0"



4 EXISTING ELEVATION - PATIO  
SCALE: 1/4" = 1'-0"

PRELIMINARY  
NOT FOR  
CONSTRUCTION

JOB NAME: LAGO DI CONO  
CLIENT: 2490 EAST CLIFF DR, SANTA CRUZ, CA. 95062  
ADDRESS: 95062  
APN: #####

THE QUALITY OF A BUILDING  
CONSTRUCTED AS A GUARANTEE  
THAT ALL CREASURES  
THAT ARE REFLECTED IN THE  
DOCUMENT - THE GENERAL  
CONTRACTOR FOR THE PROJECT  
SHALL BE FULLY RESPONSIBLE  
RESPONSIBLE FOR ENSURING  
THAT ALL CREASURES  
THAT COMPLY WITH ALL  
REGULATIONS, LAWS AND CODE  
REQUIREMENTS.

← ACTUAL →

IF THE ABOVE DIMENSION DOES NOT  
MEASURE ONE INCH (1") EXACTLY,  
THIS DRAWING WILL HAVE BEEN  
ENLARGED OR REDUCED,  
AFFECTING ALL LABELED SCALES.

BY	REVISIONS	Date
01		4/10/2024

Date:	4/10/2024
Scale:	AS NOTED
Drawn:	BF
Checked:	CN
Job:	#Pin



Set Phase  
A0.1



# Parcel Location Map

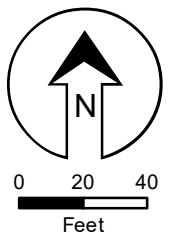


**Parcel: 02815441**

-  Study Parcel
-  Assessor Parcel Boundary

Map printed: 10 Jul. 2024




**EXHIBIT E**

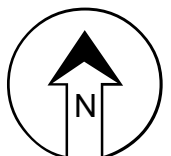




# Parcel General Plan Map



-  C-C *Commercial Community*
-  R-UH *Res. Urban High Density*
-  R-UL *Res. Urban Low Density*



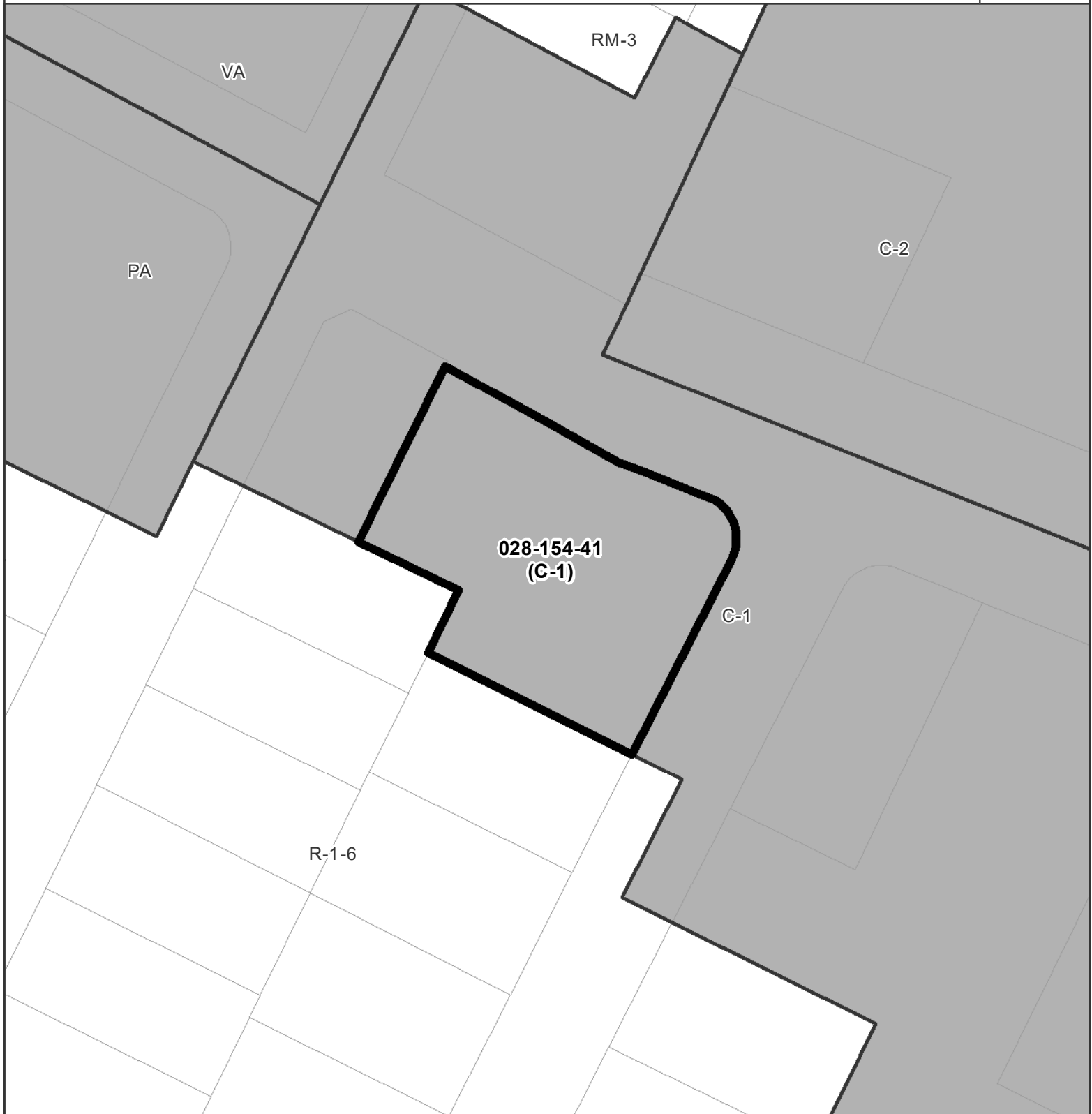
0 20 40  
Feet

**EXHIBIT E**

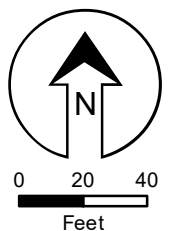


# SANTA CRUZ COUNTY PLANNING DEPARTMENT

## Parcel Zoning Map



- C-1 Neighborhood Commercial
- VA Visitor Accommodations
- C-2 Community Commercial
- PA Professional/Admin Office
- R-1 Single-Family Residential
- RM Residential Multi-Family



**EXHIBIT E**

## Parcel Information

### Services Information

Urban/Rural Services Line:	<u>X</u> Inside    ___ Outside
Water Supply:	Santa Cruz
Sewage Disposal:	Santa Cruz Sanitation District
Fire District:	Central Fire Protection District
Drainage District:	Flood Control Zone 5

### Parcel Information

Parcel Size:	16,248 square feet
Existing Land Use - Parcel:	Commercial
Existing Land Use - Surrounding:	Commercial / Residential
Project Access:	East Cliff Drive and 15 <sup>th</sup> Avenue
Planning Area:	Live Oak / East Cliff Village Special Community
Land Use Designation:	C-C (Community Commercial)
Zone District:	C-1 (Neighborhood Commercial)
Coastal Zone:	<u>X</u> Inside    ___ Outside
Appealable to Calif. Coastal Comm.	<u>X</u> Yes    ___ No

**Technical Reviews:** N/A

### Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Fire Hazard:	Not a mapped constraint
Slopes:	N/A
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Archeology:	Not mapped/no physical evidence on site

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

IN THE MATTER OF THE APPLICATION OF

SPANU CORPORATION  
LAGO DI COMO  
2-1490 E CLIFF DRIVE  
SANTA CRUZ, CA 95062

} FILE 47-655068

}

} REG.

}

}

}

}

}

**PETITION FOR CONDITIONAL  
LICENSE**

For Issuance of an On-Sale General Eating Place - License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, petitioner(s) intend to exercise privileges of the license in or on an exterior patio/terrace/other area; and,

WHEREAS, the proposed premises and/or parking lot, operated in conjunction therewith, are located within 100 feet of residences(s), and 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, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

- 1 Full and complete meals must be offered and made available at all times the premises is exercising the privileges of its alcoholic beverage license, with the exception of the last ½ hour of operation each day.
- 2 No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the most recently certified ABC-257 and ABC-253.
- 3 The use of any amplifying system or device is prohibited on patio/terrace/other area, and the use of any such system or device inside the premises shall not be audible outside the premises.

\_\_\_\_\_  
Initials



- 4 Sales and service of alcoholic beverages on said patio/terrace/other area shall be restricted to waiter/waitress service and only to patrons seated at a table.
- 5 When the said patio/terrace/other area of the premises is being utilized for the sales, service, and consumption of alcoholic beverages, a premises employee shall be in attendance and maintain continuous supervision at all times of said area.

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(s) agree(s) 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(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Applicant/Petitioner

\_\_\_\_\_  
Applicant/Petitioner

# COUNTY OF SANTA CRUZ

PLANNED DEVELOPMENT

## -PERMIT-

NUMBER 79-1263-PD

ISSUED TO WAYNE HANSEN

4580 OPAL CLIFF DRIVE

SANTA CRUZ, CA 95062

28-154-41

PARCEL NO.(S)

LOCATION OF USE North side of East Cliff Drive, about 120 feet east of Fourteenth Ave.

PERMITTED USE Planned Development permit to convert an existing "Quick Stop" market to a restaurant facility and to erect a free-standing sign, including a use permit to serve liquor (beer and wine) within 200 feet of a residential zone district, subject to Exhibit A thru C and the following conditions:

1. Parking shall be provided as shown in Exhibit A with one-way entrances and exit marked by arrows and painted signs. Wheel stops and bumper rails shall be provided also. Required parking is 21 standard, 2 compact, 1 handicapped and 5 bicycle parking spaces.
2. Prior to issuance of this use permit the applicant shall pay fees through the Public Works Department, for signs noting no parking on the frontage of East Cliff Drive then submit proof of payment to the Planning Department.
3. Prior to issuance of this use permit the applicant shall submit a comprehensive landscaping plan to the Planning staff for review and approval.
4. Maximum total sign area for the site shall not exceed 24-square feet. Location and design of sign shall be as per Exhibit B and shall be placed on the corner of East Cliff Drive and 15th Avenue. Sign plans shall be reviewed and approved by staff prior to final occupancy.
5. The hours of operation shall be between 11:30 a.m. and 9:00 p.m.
6. Liquor (beer and wine) will be served with meals only. No off sale of liquor shall be permitted.
7. All Zone 5 regulations shall be met.
8. All Fire Department regulations shall be met.
9. Prior to final inspection of building, all parking and landscaping shall be completed.

DH/se

THIS PERMIT WILL EXPIRE ON 12-10-80

IF IT HAS NOT BEEN EXERCISED.

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

SANTA CRUZ COUNTY ZONING ADMINISTRATOR

BY Susan Blair / DH DATE 12-10-79  
SUSAN BLAIR, CHIEF DEVELOPMENT PROCESSING

SIGNATURE OF APPLICANT