



Staff Report to the Zoning Administrator

Application Number: **07-0041**

Applicant: Rich McInnis and Sarah Unger
Owner: Rich McInnis and Sarah Unger
APN: 042-151-23

Agenda Date: June 15, 2007
Agenda Item #: 2
Time: After 10:00 a.m.

Project Description: Proposal to conduct repairs and maintenance in order to re-open the Sea Breeze tavern as a bar/café and to re-occupy two residential units on the second story. Requires use permit to operate a bar/cafe, a Coastal and a permit to sell liquor within 200 feet of a residential zone.

Location: Property located at the far west end of the Rio del Mar Esplanade in Aptos, at 101 Esplanade.

Supervisorial District: 2nd District (District Supervisor: Ellen Pine)

Permits Required: Coastal Development Permit and Commercial Development Permit

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0041, based on the attached findings and conditions

Exhibits

- | | | |
|----|---|---|
| A. | Project plans | McInnis with scope of work, dated 4/27/01. |
| B. | Findings | |
| C. | Conditions | I. Sign plan dated 1/24/07. |
| D. | Categorical Exemption (CEQA determination) | J. Letter from Aptos/La Selva Fire District dated 2/22/07. |
| E. | Assessor's parcel map | K. Will-serve letter from Sanitation District, dated 2/8/07. |
| F. | Zoning and General Plan maps | L. Printout of discretionary application comments, dated 5/16/07. |
| G. | Program Statement from Sarah Unger and Rich McInnis, dated 1/18/07. | M. Comments & Correspondence |
| H. | Letter from Sarah Unger and Rich | |

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

Parcel Information

Parcel Size: About 1,932 square feet
Existing Land Use - Parcel: Two-story structure with former bar on 1st story and two residential units on the 2nd story.
Existing Land Use - Surrounding: Multi-family and public facilities to the north, retail and restaurants to the east, public parking lot and beach to the south, Aptos Creek to the west.
Project Access: Eplanade and Moosehead Drive
Planning Area: Aptos
Land Use Designation: C-N (Neighborhood Commercial)
Zone District: C-1-L (Neighborhood Commercial-Historical Landmark)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: Within floodway of Aptos Creek
Soils: Elder Sandy Loam
Fire Hazard: Not a mapped constraint
Slopes: Site is flat
Env. Sen. Habitat: No physical evidence on site (site is completely developed)
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Coastal scenic
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Zone 6 (no increase in impervious area)

History

The existing structure was constructed in 1928 as part of the Raphael Castro Hotel, as was used as a bar/private club. The Sea Breeze tavern opened in the first floor of the building around 1956, and operated until the late 1980's. The two residential units on the second floor have existed since construction.

The building is designated as a Historical Resource (NR-5) as it is the last remaining building of the Raphael Castro Hotel and the only remaining building from the Aptos Land Company development.

Project Setting

The project site is located on the Rio del Mar Esplanade at the end of Moosehead Drive, within the Rio del Mar/Esplanade Special Community. **The** surrounding area is characterized by restaurant, retail, and residential **uses** fronting the Esplanade Parking lot with residences and a County Sanitation District substation to the rear. The Sea Breeze building pre-dates most development in the Rio del Mar flats.

The site is located within the floodway for Aptos Creek, and is located just outside of the FEMA designated wave-run up zone (see floodway issues, below).

Zoning & General Plan Consistency

The subject property is zoned C-1-L (Neighborhood Commercial-Historical Landmark) a designation which allows small-scale commercial uses with residences above. **The** proposed bar/cafe is a principal permitted **use** within the zone district and the project is consistent with the site's (C-N) Neighborhood Commercial General Plan designation. Per County Code Section 13.10.332, residential uses are allowed in commercial zones if no more than 50% of the total floor area of the building is used for residences.

The proposal complies with the purpose of the C-I zone designation in that the primary use of the site will be a bar/café that serves the neighborhood and visitors to the Rio del Mar Beach.

The structure is non-conforming with regards to the C-1 zone district site standards, as the front yard setback is 0 feet when 10 feet **are** required. However, the building was constructed in 1928, prior to current zone district standards, and no structural alterations are proposed to the non-conforming walls at this time.

Per Section 13.10.581 of the County Code, the maximum allowable sign area for the building is 45 square feet (1/2 square foot per linear foot of street frontage). The existing "cocktails" sign on the front of the building is about 13 1/2 square feet in size, and the proposed "Sea Breeze Tavern" hanging sign is proposed to be about 6 square feet in size. The total area of all existing and proposed signs will be **less** than 20 feet, well under the 45 square feet allowed under County Code.

Local Coastal Program Consistency

The proposed bar and cafe with residential above is in conformance with the County's certified Local Coastal Program, in that the structure has existed in the vicinity since 1926 and is visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. No expansion of **the** existing structure is proposed at this time, so the structure will continue to be consistent with existing development along the Esplanade. **The** project site is not identified as a priority acquisition site in the County's Local Coastal Program. **The** project will not interfere with public access to the public beach, as adequate public access will continue to be maintained from the Esplanade parking lot.

Parking

Under County Code Section 13.10.552, the current layout of the structure would require **21** off-street parking spaces (17 for the bar/café and 2 spaces per each 1-bedroom unit on the second story). As the structure encompasses the entire project site, no off-street parking can be provided, and all parking must use the Esplanade parking lot in front of the project site. This parking lot is used for beach access and off-street parking for businesses in the vicinity that do not have sufficient space to provide on-site parking, and was originally established under the Aptos Beach Country Club subdivision in 1926.

No official parking plan currently exists, but a parking plan will likely be required for any new construction or expansion of existing businesses. Since the Sea **Breeze** building has existed since 1926, and no intensification of use beyond the bar/café and residential use on site for more than 50 years is proposed, a parking plan is not required at this time. However, a condition of approval (Condition IV.C) will require the property to enter into any parking plan that results from any future development along the Esplanade, and to share the costs of maintaining the parking lot with adjacent businesses.

Lack of parking is an issue during the summer, especially on holiday weekends. However, the proposed bar/café is neighborhood and visitor-serving, and most daytime customers will be coming to or from the Rio del Mar Beach. Since the use is not intended to be a final destination during the daytime hours, it will have result in a negligible increase in daytime parking demand. During the night, no parking problem is anticipated since an adequate number of spaces exist to accommodate customers and employees of both the Cafe Rio (at 131 Esplanade) and the re-opened Sea Breeze bar/café.

Design Review

The proposed Bar/Cafe with residential above complies with the requirements of the County Design Review Ordinance, in that no significant structural alterations are proposed at this time. Most work proposed involves cleaning up and re-painting the structure, improving the appearance of the structure and in turn the surrounding Esplanade.

Floodway Issues

The project site is located within the floodway for Aptos Creek, and is therefore subject to periodic flooding. New structures in the floodway would be required to comply with both the County's Geologic Hazards Ordinance (Section 16.10 of the County Code) and Federal Emergency Management Agency regulations. However, since the structure is existing and the current improvements do not constitute "substantial improvement" as defined in section 16.10.040(3)(m) of the County Code, compliance with the standards is not required at this time.

Future alterations involving more than 50% of the value of the structure within a 5-year period will constitute "substantial improvement" and will require flood proofing measures on the first floor, including, but not limited to the following:

- 1) The walls will be required to be substantially impermeable to the passage of water
- 2) The structure must be structurally upgraded to be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- 3) The building plans must be certified by a professional engineer or architect, stating the structure complies floodproofing standards, prior to issuance of the building permit.
- 4) Enclosed floors subject to flooding must be re-designed to automatically equalize hydrostatic flood forces on the exterior walls, allowing for the entry and exit of flood water.
- 5) Reconstruction or repair to the existing structure must not result in any increase in the base flood elevation.

Any alterations to flood proof the lower floor will be required to maintain the architectural character of the structure due to its designation as a historical resource.

Accessibility

The project has been reviewed for compliance with accessibility requirements, but the amount of work proposed at this time does not trigger accessibility requirements. Future remodels and upgrades will require implementation of accessibility requirements, including but not limited to improved access through the front door and a requirement for an accessible bathroom.

Conclusion

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

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **07-0041**, 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.

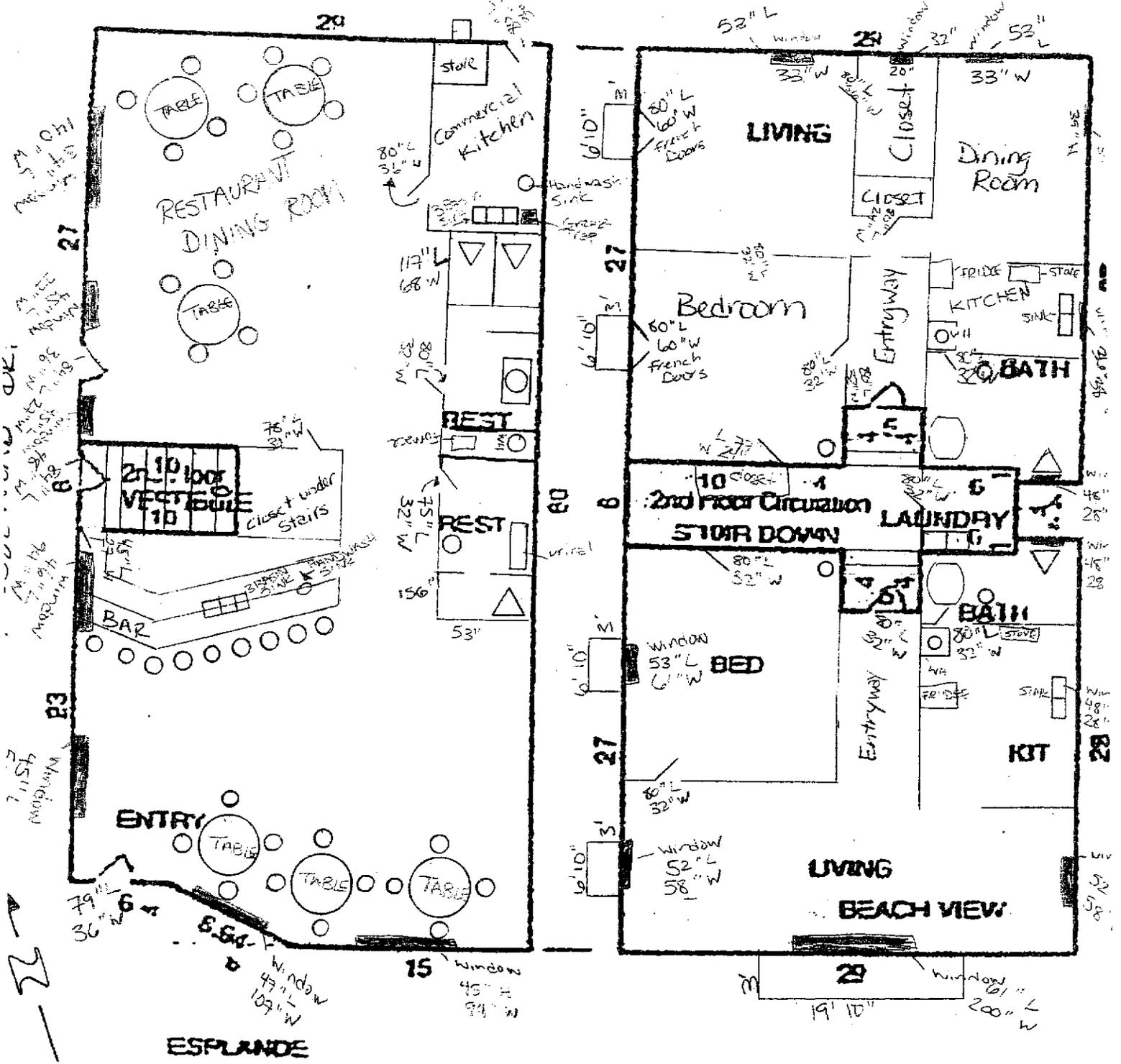
The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Application # 07-0041
APN 042-151-23
Owner Rich McInnis and Sarah Unger

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101 Esplanade Aptos, CA 95003

APN 042-151-23 FLOOR PLAN



GROUND FLOOR COMMERCIAL UNIT

6	x	23	=	138	sq
10	x	27	=	270	sq
4	x	24	=	96	sq
4	x	59	=	236	sq
15	=	60	=	900	sq
Subtotal				1640	sq

2nd Floor VESTIBULE

5	x	10	=	50	sq
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2ND FLOOR APARTMENTS

14	x	27	=	378	sq
5	x	23	=	115	sq
6	x	27	=	162	sq
4	x	28	=	112	sq
Subtotal				767	sq

7	=	27	=	378	sq
5	=	23	=	115	sq
6	=	27	=	162	sq

EXHIBIT A

Coastal Development Permit Findings

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

This finding can be made, in that the property is zoned C-I-L (Neighborhood Commercial-Historical Landmark), a designation which allows commercial and residential uses up to 50% of the total floor area of the structure. The proposed Bar/Cafe with residential above is a principal permitted use within the zone district, consistent with the site's (C-N) Neighborhood Commercial General Plan designation.

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

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

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

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style and the guidelines for the Rio del Mar Esplanade special community; the site is surrounded by lots developed to an urban density; and the colors shall be natural in appearance and complementary to the site. The project site is visible from the beach, but the structure has existed since 1928 and the cosmetic improvements will improve views of the project site from the beach.

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

This finding can be made, in that **the** project site is not located between **the** shoreline and the first public road (the Esplanade). Consequently, the project will not interfere with public access to the beach, ocean, **or** any nearby body of water. The project will not significantly decrease available parking for beach access as most customers will be visitors to the Rio del Mar Beach or will be neighborhood residents.

The project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the structure will continue to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, commercial and residential uses are allowed uses in the C-1-L (Neighborhood Commercial-Historical Landmark) zone district of the area. The project advances the purpose of the C-N General Plan and Local Coastal Program land use designation, in that the bar/café is a neighborhood and visitor serving use. Developed parcels along the Esplanade contain restaurants, cafes, and retail establishments, some with residential units on the second story like the Sea Breeze.

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 and residential **uses**. The proposed re-opening of the Bar/Cafe will not deprive adjacent properties or the neighborhood of light, air, or open space then existing conditions as no expansion or alteration of the existing structure is proposed.

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 re-opening of the Sea Breeze bar/café and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the C-1-L (Neighborhood Commercial-Historical Landmark) zone district in that the primary use of the property will remain a bar/café with residential above.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed commercial and residential use is consistent with the use requirements specified for the Neighborhood Commercial (C-N) land use designation in the County General Plan.

The project complies with the Rio del Mar flats/Esplanade Special Community guidelines (Policy 8.8.7) in that the cosmetic alterations to the structure will not alter the "beach front" character or Mediterranean style architecture of the building.

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APN: 042-151-23

Owner: Rich McInnis and Sarah Unger

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 adequate utility services will continue to be available to the project site, and the streets in the vicinity can accommodate any incremental increase in traffic resulting the re-opening of the bar/café and re-occupation of the two second story residences.

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 Sea Breeze structure is the oldest structure on the Rio del Mar Esplanade and is compatible with the surrounding new structures in terms of bulk, mass, height, and scale. Alterations proposed at this stage are cosmetic and will improve **the** appearance of the structure.

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 cosmetic alterations to the existing historic building will not significantly change the character of the structure, and will improve the physical appearance of the structure when viewed from the Esplanade and public beach.

Conditions of Approval

Exhibit A: Project plans, drawn by Rich McInnis, dated April 27, 2007.

- I. This permit authorizes the restoration and re-occupation of the Sea Breeze building with a bar/café on the lower level and two residential units on the second story. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of **the** approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official for the proposed upgrades, including installation of the grease trap as required by **the** Santa Cruz County Sanitation District.
 - C. Obtain **an** Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way, including the proposed hanging sign (if required).
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit proof that **these** conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. Identify all improvements to the kitchen facilities, including the new silt and grease traps required by Santa Cruz County Sanitation.
 2. Details showing compliance with fire department requirements.
 - C. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
 - D. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District, if required.
 - E. The owner shall record a Declaration of Geologic Hazards on the property deed to

acknowledge the flood hazards present on site. Proof of recordation shall be submitted to Environmental Planning. **You may not alter the wording of this declaration.** Follow **the** instructions to record and return the form to the Planning Department.

- F. A maintenance agreement between the County Public Works Department and the property owner will be required. The conditions and wording of this agreement will be determined by Public Works staff
- G. The project must comply with all requirements of the Santa Cruz County Sanitation District.

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.

IV Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. Future additions or remodels that constitute “substantial improvement” as defined in Section 16.10.040(3)(m) of the County Code will be required to comply with County and FEMA requirements for projects in the floodway.
- C. **The** property owner shall enter into any future parking plan implemented for **the** Esplanade parking lot and shall enter into any maintenance agreement *to* share the costs of maintaining the parking lot.
- D. Future remodels and alterations must maintain and enhance the “Spanish Revival” architectural **style** of the original building.
- E. Noise generated on site shall be confined to the interior of the building, and no live music shall be allowed past 9 p.m. Sunday through Thursday or 10p.m. on Friday and Saturday.
- F. Future remodeling and upgrades beyond the cosmetic improvements currently proposed will trigger accessibility requirements.

- V. As a condition of this development approval, the holder of this development approval (“Development Approval Holder”), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys’ fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY **seeks** to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
- I. 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.
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Application #: 07-0041
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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 on the expiration date listed below unless you obtain the required permits and commence construction.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

David Keyon
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 07-0041
Assessor Parcel Number: 042-151-23
Project Location: 101 Esplanade

Project Description: Permit to re-establish a pre-existing bar & cafe use on the lower floor and residential use on the second floor

Person or Agency Proposing Project: Rich McInnis and Sarah Unger

Contact Phone Number: (831) 227-4104

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

Specify type:

- E. **Categorical Exemption**

Specify type: 15301: Existing Facilities

F. Reasons why the project is exempt:

Repair and minor alterations to an existing structure

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

David Keyon, Project Planner

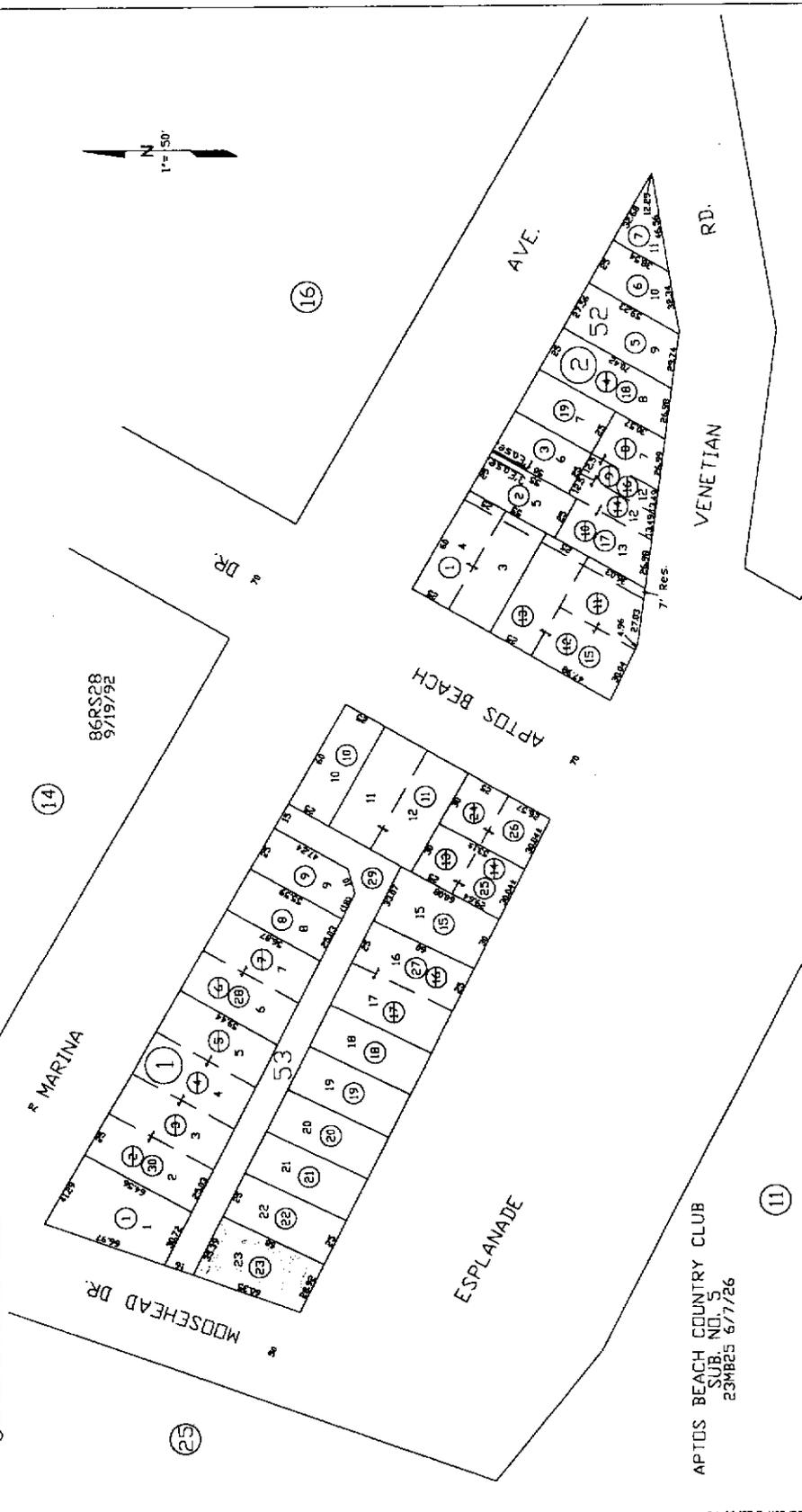
Date: _____

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POR. APTOS RANCHO
 S.W. 1/4 SEC. 18, T.11S., R.1E., M.D.B. & M.

Max Area Load
 69-273

4C-1J



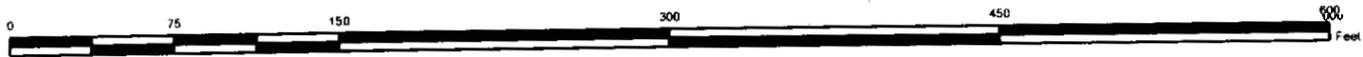
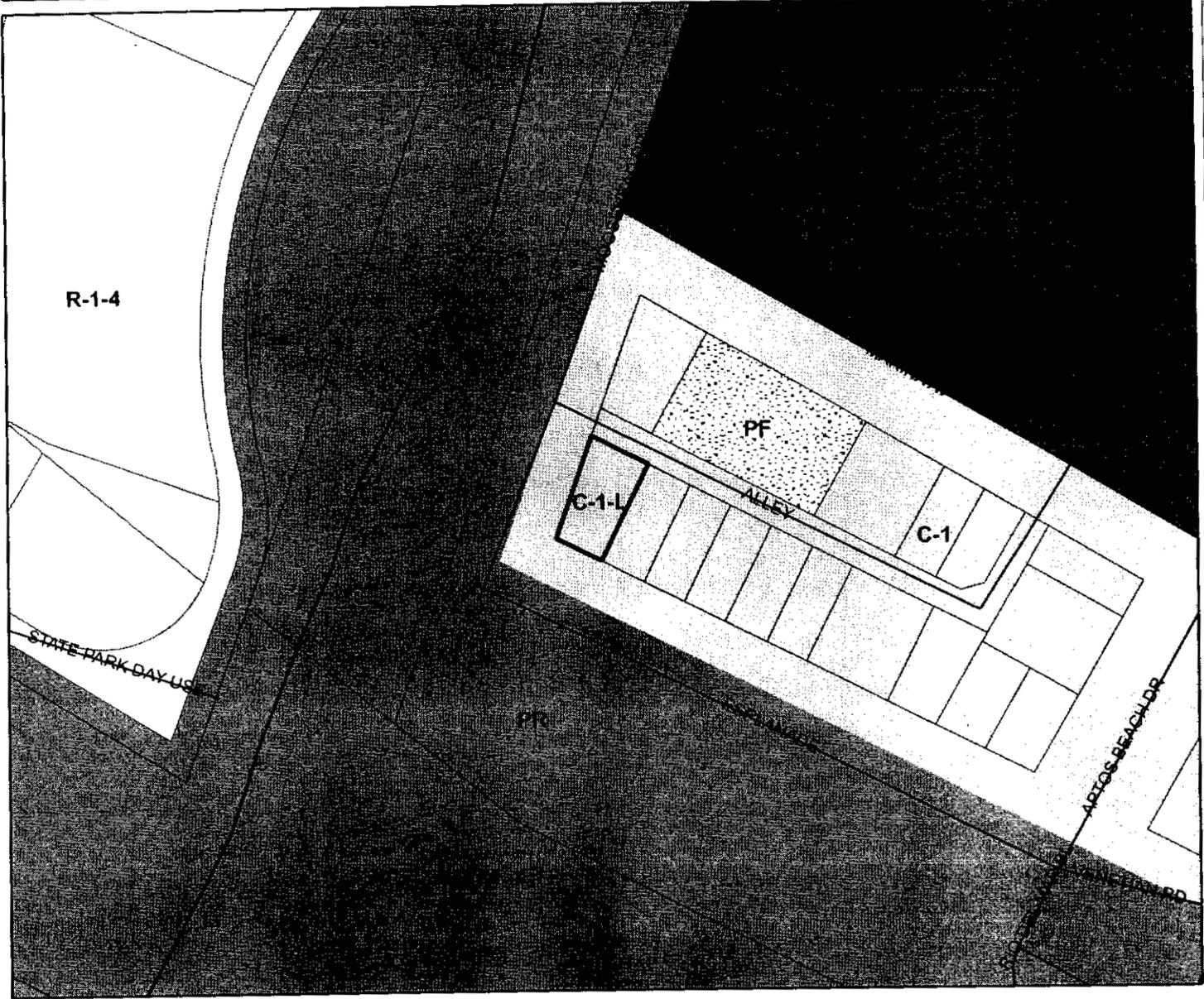
Assessor's Map No. 42-15
 County of Santa Cruz, Calif.
 January, 1999

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

APTOS BEACH COUNTRY CLUB
 SUB. NO. 5
 23MB25 6/7/76

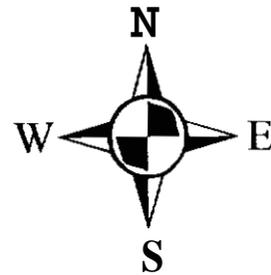


Zoning Map



Legend

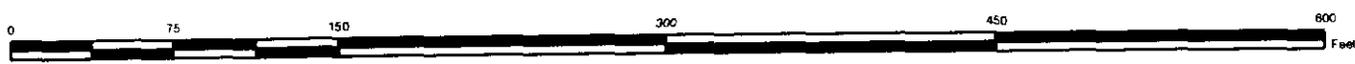
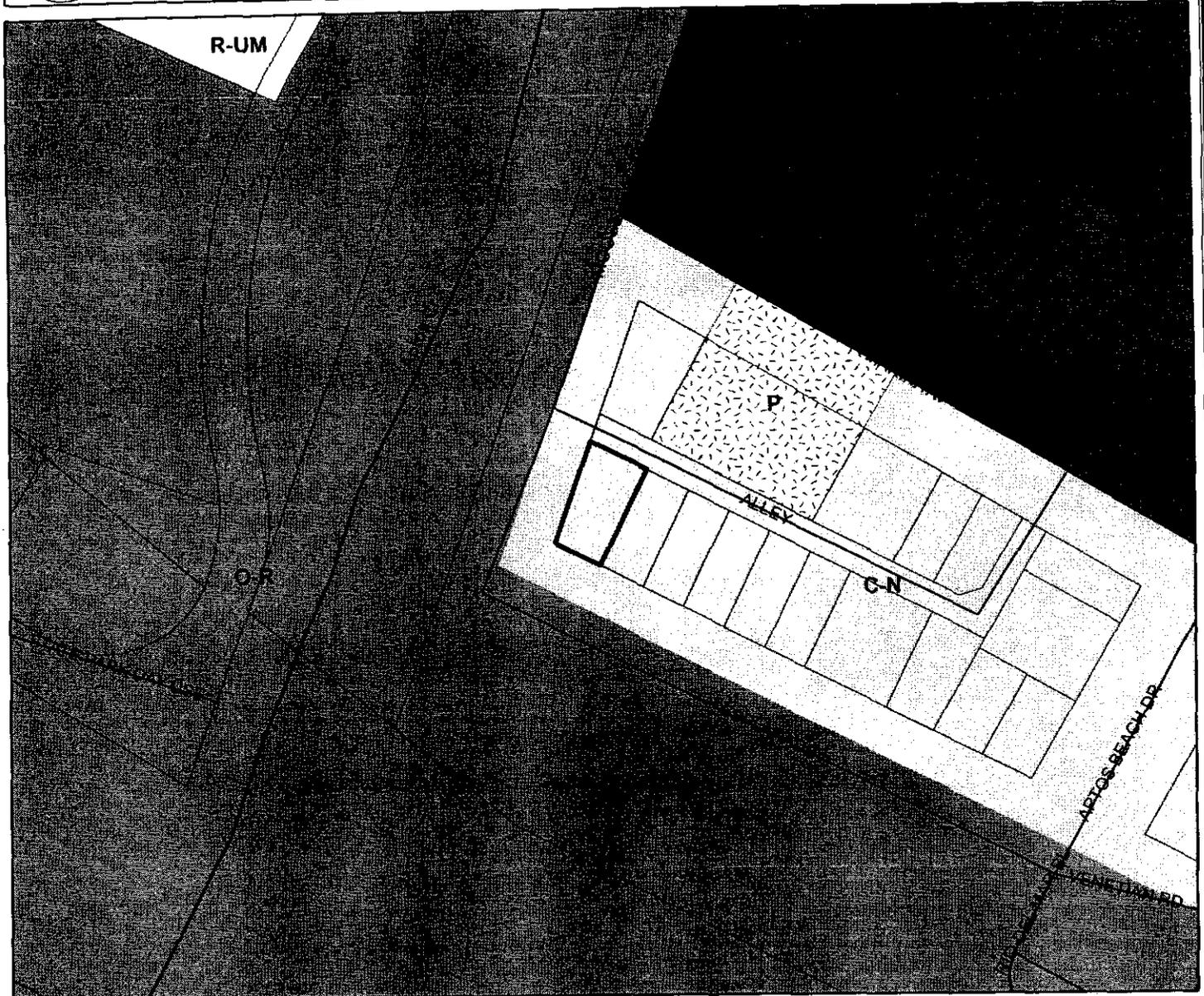
-  APN 042-151-23
-  Assessors Parcels
-  Streets
-  PERENNIAL STREAM
-  COMMERCIAL-NEIGHBORHOOD (C-1)
-  PARK (PR)
-  RESIDENTIAL-MULTI FAMILY (RM)
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  PUBLIC FACILITY (PF)



Map Created by
County of Santa Cruz
Planning Department
January 2007

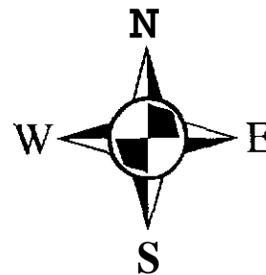


General Plan Designation Map



Legend

-  APN 042-151-23
-  Assessors Parcels
-  Streets
-  PERENNIAL STREAM
-  Parks and Recreation (O-R)
-  Residential - Urban High Density (R-UH)
-  Residential - Urban Medium Density (R-UM)
-  Public Facilities (P)



Map Created by
 County of Santa Cruz
 Planning Department
 January 2007

January 18,2006

David Keyon
Santa Cruz County **Planning** Department
701 Ocean Street, **4** Floor
Santa Cruz, **CA** 95060

Program Statement for 101 Esplanade, Aptos, **CA** 95003

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The purpose of this letter is to be a **program** statement for the renewed operation of a restaurant establishment in the commercial portion **of** the premises located at 101 Esplanade in Aptos, **CA** 95003.

The Seabreeze Tavern was originally opened in 1956 and was the **first business** located on the Aptos Esplanade, serving both food and alcoholic beverages to the public.

The Seabreeze building was built in 1926, making it the **first** and only structure on **the** Aptos Esplanade for several decades. **The** property and building are zoned C1-L; which is consistent for a restaurant/bar operation, and the L stands **for** Landmark. There are no other buildings designated a landmark on **the** esplanade. **For 80** years various businesses have occupied the building, but **for the past** 50 years it **has** been utilized as a restaurant and bar, and the public has not had access to the inside of **this** building for more than a decade due to the previous owners decision to close the commercial business to the public, while she continued **to** live upstairs **in** the residential **portion** of the building.

We have spent the past year meticulously cleaning **up** and **restoring the** Seabreeze building, while saving as much **of the history** and character of **the** business and building as possible, and we feel it is now time to re-open **the** restaurant and bar **so that this** local **landmark** establishment can once *again* serve the local community and visitors to the Seacliff and Rio Del Mar beach **area**.

1. A Fictitious Business Name Statement **for** the "SeaBreeze Tavern" has been filed with the County Recorders Office and Publication of such statement **has** taken place with the Santa Cruz Record.
2. **The** proposed hours of operation for the Seabreeze Tavern are 11:00 **am** until 10:00 pm Sunday thru Thursday and **from** 11:00 **am** until 12:00 **am** on Friday and Saturday.

Program Statement for 101 Esplanade, Aptos, CA 95003

APN# 042-151-23

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3. The proposed number of employees is between 4 and 6 persons. The exact number *can* be determined when the “peak season and hours” of operation are established over time.
4. Patrons shall be served a variety of appetizers, salads and entrees at the food counter or at the table seating located within the premises.
5. Food shall be served ~~in~~ paper-lined baskets, or on disposable plates, in an effort to minimize the amount of food waste introduced into the sewer system. Beverages shall be served in disposable cups.
6. A **Type 41, On-Sale Beer and Wine Fating Place License** has **been** pre-approved by the Department of Alcoholic Beverage Control, pending issuance of a conditional use permit by the county. The sale of alcoholic beverages is for consumption in the licensed premises only.
7. Entertainment provided shall not be audible beyond the **premises**. (This is a condition of *the* alcoholic beverage license.) At this time, we envision the re-installation of a jukebox and multiple television sets.

We hope the approval and issuance of a use permit will be expedited, so we *can* open and **start** generating revenue to continue the costly ongoing maintenance and upkeep of the only remaining landmark on the Aptos Esplanade.

Sincerely,



Sarah Unger & Rich McInnis
207 Lamanda Drive
Aptos, CA 95003
cell (831) 227-4104
fax (831) 685-2072

April 27,2007

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

Reference: Application # 07-0041, Assessor's Parcel # 042-151-23

Dear David,

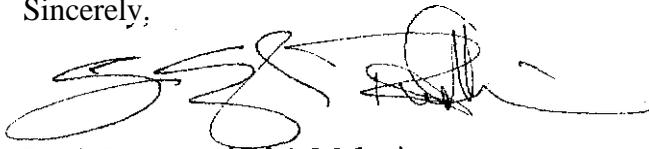
Enclosed please find the following in response to your letter dated April 10,2007:

1. Information requested under "completeness items" in the memorandum from Laura Brinson in regards to Accessibility review.
2. Revised plans for the commercial kitchen which indicate the size and design of the grease trap, as well as all **of the fixtures**, connected to the grease trap. Also included are the technical specifications and description of the 70lb grease trap purchased for the commercial kitchen. Please note that a permit for the installation of the grease trap was issued by **the** Santa Cruz County Sanitation District on April 5, 2007. A copy of the permit is enclosed for your reference.

(5) **sets** of the above documents have been provided, **per** your request.

Thank you in advance for **your** timely processing of our application. Please let us know when you think our public hearing will **take** place and what will be required of us for this procedure.

Sincerely,



Sarah Unger and Rich McInnis
101 Esplanade
Aptos, CA 95003
(831) 227-4104/(408) 210-1562

SeaBreeze Tavern
101 Esplanade, Aptos, CA 95003
APN# 042-151-23
To: David Keyon and Laura Brinson

Description of Work Completed

1. Removal of all floor coverings throughout up and downstairs of building (carpet and linoleum).
2. Removal of all window coverings. Replace window coverings in some areas (window shades in commercial portion of property and roll up blinds in upstairs front apartment)
3. Replace glass as needed in windows due to vandalism.
4. Removal of remaining personal effects from previous owner-occupant.
5. Wash down all surfaces with TSP to remove nicotine/grease residue.
6. Primer (3 coats) all surfaces to seal in staining from nicotine/grease.
7. Paint (2 coats) all surfaces including walls, ceilings, cabinets, doors and existing bar.
8. Strip several layers of paint off of all existing crystal doorknobs and brass door hardware.
9. Remove all carpet glue residue from concrete floor in the front bar area.
10. Steam clean and seal the stamped concrete floor in the back restaurant area.

The cost of the work that we have done in the building is approximately \$4,500.00, as we have done the work ourselves.

At this time we have no plans to modify the building, as we hope to preserve the historic nature of the property, both inside and out. In regards to CBC section 1134B, our costs are no where near the \$1 16,837.68 limit, so we are hopeful that exception 1 can be applied, as the cost to purchase, pay the mortgage, property taxes and insurance on this building have exhausted our resources and created an unreasonable hardship for us while we wait for the county to issue a right to use permit, so we can open for business and start generating revenue.



Sarah Unger and Rich McInnis
101 Esplanade
Aptos, CA 95003
(831) 227-4104/(408) 210-1562

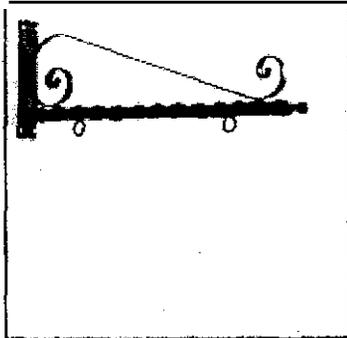
January 24, 2006

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

Sign Program for 101 Esplanade, Aptos, CA 95003
APN# 042-151-23
Page 1

Attached for your reference, please find a copy of the previous commercial signage at 101 Esplanade Aptos, CA 95003. We would like to put up the new commercial signage at the left front corner (adjacent to the round porthole) of the Esplanade and Moosehead intersection of the building. The sign hanger will be installed approximately 12' up from the sidewalk. The type of sign we envision will be significantly different than the previous large metal sign with neon illumination portrayed in the picture. We would like to install a painted wooden sign that will hang from a wrought iron sign hanger. The sign shall be rectangular in shape and will be approximately 24" wide and 36" long. We would like to use the electrical that is currently there to install (2) small spotlights, to illuminate the wooden sign.

A sample sign hanger is shown below for your reference.



Below is a rough draft of the logo - lettering that will be painted on the sign. We are still "fine-tuning" the design, so there will be some variations on the mermaids and the font used.



Sign Program for 101 Esplanade, Aptos, CA 95003

APN# 042-151-23

Page 2

The proposed commercial signage is significantly different than the neon sign that was probably installed in 1956, when the SeaBreez Tavern was first established. However, we feel that the signage we have proposed is more in line with the Spanish character of the building and has a more historic regard.

We would also **like** to restore what remains of the "Cocktails" sign and martini **glass** on the front of the building. This restoration would entail fabrication of a new "C", a new "t" and a new **stem** and bottom for the martini glass, to match exactly what was once there. (Please refer to photo attached for example). **As** a side note, we have had numerous inquiries/comments from the community **as** to when we plan to "fix" the cocktails sign. It seems that **folks** approve of the improvements we have made, but are concerned because **the** "Cocktails" sign has not yet been repaired.

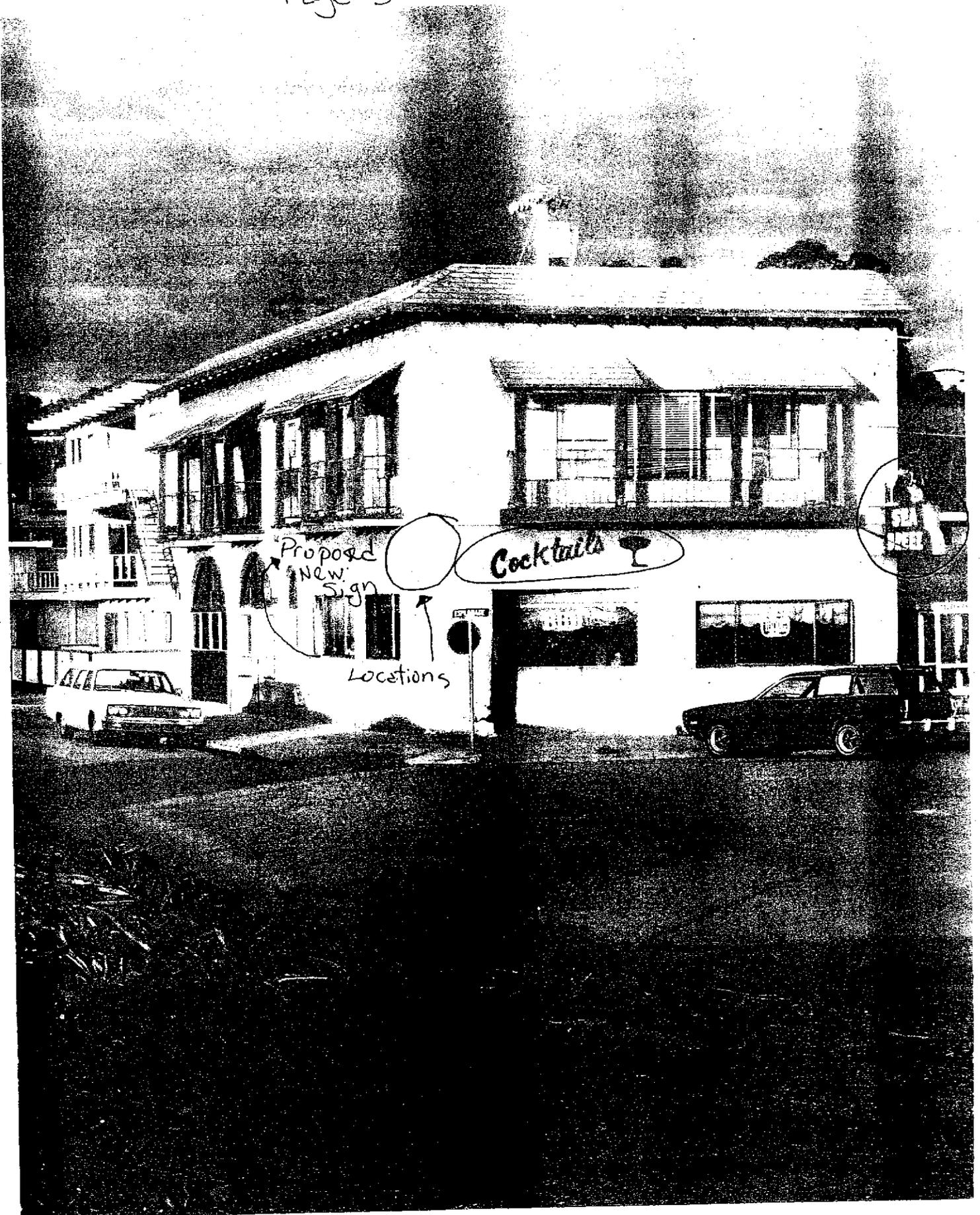
We are also proposing new signage to mark the access door to the residential portion of the budding. The sign would hang above the side door closest to the intersection of Moosehead and Esplanade. This sign hanger we propose would also be **wrought** iron and the same design **as** what has been proposed for the commercial signage (a sample picture is provided on page 1 of this proposal). This sign hanger will also be installed approximately **12'** up **from the** sidewalk. This shall also be a painted wooden sign rectangular in shape and will be approximately **24"** wide and **36" long**. The text on the sign shall say "101 Esplanade Residential units "A" & " B .

We hope that **you are** in agreement with the proposed sign plan for the property.

Sincerely,


Unger & Rich McInnis

207 Lamanda Drive
Aptos, CA 95003

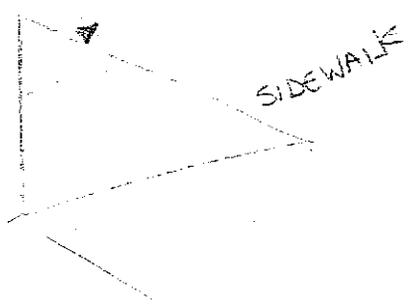
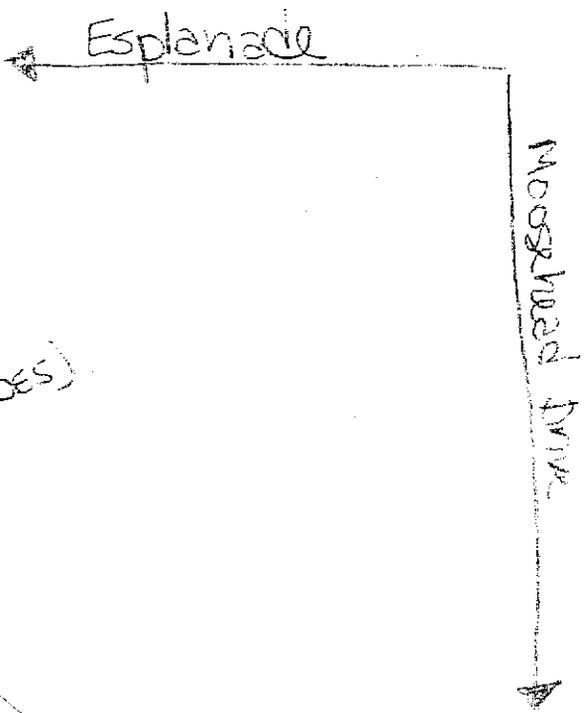
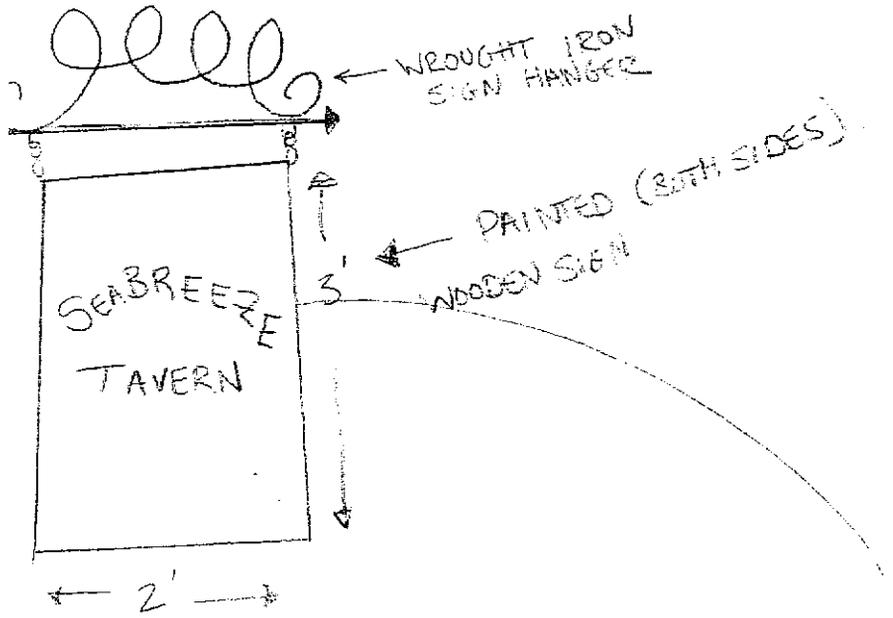


SIGN PROGRAM
PAGE 1

W... .. MAPLES, CA 95005 HPN 042-151-23

side

PROPOSED SIGNAGE



101 Esplanade Aptos, CA 95003

APN# 042-151-23

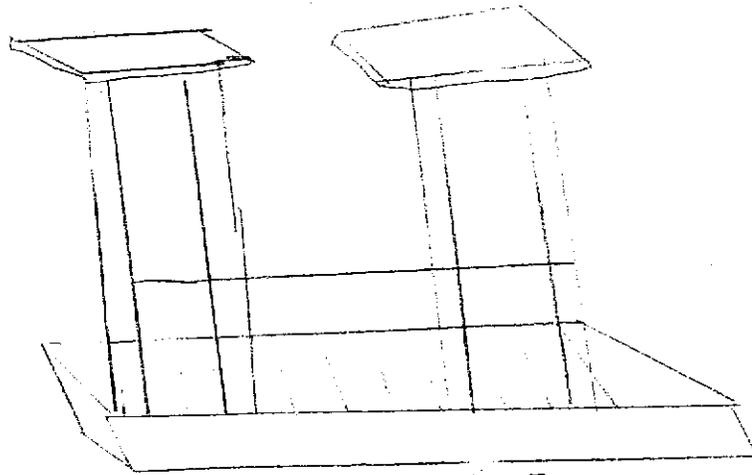
SIGN PROGRAM

PAGE 2

Existing Signage

Mooshead Drive

Esplanade



Cocktails

18"

9"

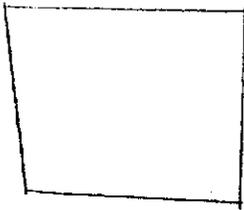
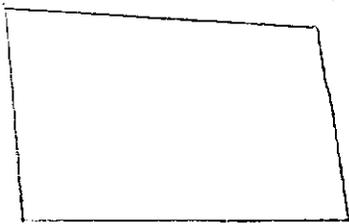
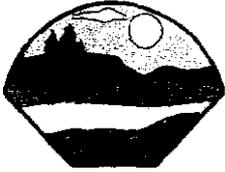


EXHIBIT T



Aptos/La Selva Fire Protection District

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

February 22, 2007

Planning Department
County of Santa Cruz
Attention: David Keyon
701 Ocean Street
Santa Cruz, CA 95060

Subject: APN: 42-151-23 / Appl #07-0041
101 Esplanade

Dear Mr. Keyon:

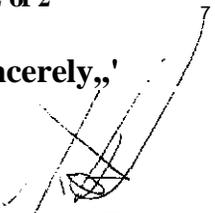
Aptos/La Selva Fire Department has reviewed the plans for the above cited project and has no objections as presented.

- Any other requirements will be addressed in the Building Permit phase.
- Plan check **is** based upon plans submitted to **this** office. Any changes or alterations shall be re-submitted for review prior to construction.

In order to obtain building application approval, recommend you have the DESIGNER add appropriate NOTES and DETAILS showing the following information **on the plans that are submitted for BUILDING PERMIT**.

- The building shall be protected by an approved fire alarm system complying with the currently adopted edition of NFPA 72, and adopted standards **of** the Aptos/La Selva Fire Protection District
- The designer/installer shall submit three (3) **sets** of plans and calculations for the Fire Alarm System **to this** agency for approval.

Sincerely,,'

A handwritten signature in black ink, appearing to read "Jim Dias", is written over the word "Sincerely,,'" and extends upwards and to the right.

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

cc: Rich McInnis
255 Main Street
Santa Cruz, CA 95060

SANTA CRUZ COUNTY SANITATION DISTRICT

INTER-OFFICE CORRESPONDENCE

DATE: FEBRUARY 8,2007
TO: PLANNING DEPARTMENT: DAVID KEYON
FROM: SANTA CRUZ COUNTY SANITATION DISTRICT
SUBJECT: CONDITIONS OF SERVICE FOR THE FOLLOWING
PROPOSED DEVELOPMENT
APN: 041-151-23 APPLICATION NO.: 07-0041
PARCEL ADDRESS: 101 ESPLANADE
PROJECT DESCRIPTION: PROPOSAL TO RE-OPEN SEA BREEZE TAVERN AS
CAFÉ/RESTAURANT

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

Water use data (actual or projected). and other information as may be required for this project. must be submitted to the District for review and use in fee detemination and waste pretreatment requirements before sewer connection permits can be approved.

The existing sewer system and sewer line shall be surveyed and plotted on the site plan for the building permit application. No permanent improvements shall be constructed within the easement.

Attach an approved (signed by the District) copy of the sewer system plan to the building pennit submittal

A backflow prevention device may be required on the sewer lateral

A complete engineered sewer plan, addressing all issues required by District staff and meeting County "Design Criteria" standards (unless a variance is allowed). is required. District approval of the proposed discretionary permit is withheld until the plan meets all requirements. The following items need to be shown on the plans:

- In accordance with Sanitation District Code section 7.04.375 Private Sanitary Sewer System Repair, of Title 7, prior to building permit submittal the applicant/owner is required lo televise all on-site sewer laterals and make repairs to any damaged or leaking pipes that might be shown. This includes root intrusion, open joints, cracks or breaks, sags, damaged or defective cleanout, inflow and infiltration of extraneous water, older pipe materials that are known to be inadequate, inadequate lift or pump stations, inadequate alarm systems for overflows. and inadequate

maintenance of lift stations. Video results (tape or dvd) shall be made available to the District for review, along with District certification form completed by plumber, and the District shall review results within 10 working days of submittal to the District. Repairs, as required by the District, shall be made within 90 working days of receipt of video result review. Applicant/owner shall obtain a sewer repair permit (no charge) from the District and shall have repairs inspected by the District inspector prior to backfilling of pipe or structure.

**Santa Cruz County Sanitation District, Environmental Compliance Unit
Requirements for Food Service Operations:**

- All food service operations in the County of Santa Cruz are required to have a grease interceptor or trap to remove fats, oils, and grease from sanitary sewer water emanating from the kitchen prior to discharge. Plans received do not illustrate the kitchen fixtures or a grease trap. All plans for commercial kitchens must illustrate kitchen fixtures and grease trap design before they can be approved by the Sanitation District.
- All sinks and floor drains must be routed through a grease interceptor/trap with the exception of hand washing sinks and bathroom drains.
- Floor drains must be installed with screens that prevent solids from blocking the facility's pipes and from entering the sanitary sewer.
- A dishwasher is not permitted unless a minimum exterior 350-gallon grease interceptor is installed.
- All grease traps will meet the Santa Cruz County Design Criteria. Grease trap sizing specifications are detailed in the design criteria.

The Sanitation District must be allowed to review plans for the grease interceptor/trap(s) prior to issuance of a permit and to inspect the installation. Any questions regarding these criteria or to schedule an inspection should be directed to the Santa Cruz County Sanitation District Environmental Compliance Unit at (831) 477-3907



Diane Romeo
Sanitation Engineering

DR/DR
attachments

c: Applicant
Property Owner: Rich McInnis
255 Main Street
Santa Cruz, CA 95060

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

Project Planner: David Keyon
Application No.: 07-0041
APN: 042-151-23

Date: May 16, 2007
Time: 11:16:18
Page: 1

Dpw Sanitation Completeness Comments

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

===== REVIEW ON MARCH 23, 2007 BY AMY GROSS =====
1st Review Summary Statement:

Plans received illustrate a commercial kitchen with a three-tub sink, grease trap, and hand sink. Plans must indicate size and design of grease trap as well as all fixtures connected to it prior to approval by the Sanitation District.

Policy Compliance Items: All plans for commercial kitchens must illustrate kitchen fixtures and grease trap size and design before they can be approved by the Sanitation District.

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

Please see miscellaneous comments.

Sanitation District Review Comments 3/28/07 by Diane Romeo

2nd Review Summary Statement:

The Proposal is out of compliance with District or County sanitation policies and the County Design Criteria (CDC) Part 4. Sanitary Sewer Design, June 2006 edition, and also lacks sufficient information for complete evaluation. The District/County Sanitation Engineering and Environmental Compliance sections cannot recommend approval of the project as proposed.

Reference for County Design Criteria: <http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.PDF>

Policy Compliance Items from Sanitation Engineering division:

Item 1) This review notice is effective for one year from the issuance date allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, a new availability letter *must* be obtained by the ap-

Discretionary Comments - Continued

Project Planner: David Keyon
Application No.: 07-0041
APN: 042-151-23

Date: May 16, 2007
Time: 11:16:18
Page: 2

plicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

Item2) As per letter from applicants dated March 13, 2007, applicants have agreed, in accordance with Sanitation District Code section 7.04.375 Private Sanitary Sewer System Repair, of Title 7, prior to opening of proposed Seabreeze Tavern for business. the applicant/owner is required to televise all on-site sewer laterals and make repairs to any damaged or leaking pipes that might be shown. This includes root intrusion, open joints, cracks or breaks, sags, damaged or defective cleanout. in-flow and infiltration of extraneous water, older pipe materials that are known to be inadequate, inadequate lift or pump stations, inadequate alarm systems for overflows, and inadequate maintenance of lift stations. Video results (tape dvd) shall be made available to the District for review, along with District certification form completed by plumber, and the District shall review results within 10 working days of submittal to the District. Repairs, as required by the District, shall be made within 90 working days of receipt of video result review. Applicant/owner shall obtain a sewer repair permit (no charge) from the District and shall have repairs inspected by the District inspector prior to backfilling of pipe or structure. Any questions regarding the above criteria should be directed to Diane Romeo of the Sanitation Engineering division at (831) 454-2160

There are no miscellaneous comments from the Sanitation Engineering Division.

===== UPDATED ON MAY 10, 2007 BY AMY GROSS =====

Environmental Compliance Unit Review Comments Sea Breeze Tavern 3Rd Routing Application No: 07-0041

Review Summary Statement:

The plan submitted for the subject project is approved by the District based upon plans dated April 27th 2007. The plans illustrate a commercial kitchen with a three-tub sink and a floor sink connected to a 70lb Endura grease trap. At this time, the Environmental Compliance Unit requirements have been met. Any future changes to these plans shall be routed to the District for review to determine if additional conditions by the District are required by the plan change. All changes shall be highlighted as plan revisions and changes may cause additional requirements to meet District standards by the applicant and the plans are approved.

===== UPDATED ON MAY 10, 2007 BY AMY GROSS =====

Policy Compliance Items: All plans for commercial kitchens must illustrate kitchen fixtures and grease trap size and design before they can be approved by the Sanitation District.

Information Items:

1.) All grease traps will meet the Santa Cruz County Design Criteria. Grease trap sizing specifications are detailed in the design criteria. See the design criteria at <http://www.dpw.co.santa-cruz.ca.us/environment.htm> 2.) All sinks and floor drains must be routed through a grease interceptor/trap with the exception of hand washing sinks and bathroom drains 3.) A dishwasher is not permitted unless a minimum exterior 350-gallon grease interceptor is installed. 4.)

Discretionary Comments - Continued

Project Planner: David Keyon
Application No.: 07-0041
APN: 042-151-23

Date: May 16, 2007
Time: 11:16:18
Page: 3

All grease traps will meet the Santa Cruz County Design Criteria. Grease trap sizing specifications are detailed in the design criteria. 5.) Floor drains *must* be installed with screens that prevent solids from blocking the facility's pipes and from entering the sanitary sewer.

===== UPDATED ON MAY 10, 2007 BY DIANE ROMEO =====

Dpw Sanitation Miscellaneous Comments

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

===== REVIEW ON MARCH 23, 2007 BY AMY GROSS =====

Miscellaneous: The Sanitation District must be allowed to review plans for the grease interceptor/trap(s) prior to issuance of a permit and to inspect the installation. Any questions regarding these criteria or to schedule an inspection should be directed to the Santa Cruz County Sanitation District Environmental Compliance Unit at (831) 477-3907

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

Please call the Dept. of Public Works, Environmental Compliance Unit at 477-3907 if you have questions.

Miscellaneous comments for this review from the Sanitation engineering Division. There are no

===== UPDATED ON MARCH 27, 2007 BY DIANE ROMEO =====

===== UPDATED ON MARCH 28, 2007 BY DIANE ROMEO =====

===== UPDATED ON MAY 10, 2007 BY AMY GROSS =====

===== UPDATED ON MAY 10, 2007 BY AMY GROSS =====

Miscellaneous: The Sanitation District must be allowed to review plans for the grease interceptor/trap(s) prior to issuance of a permit and to inspect the installation. Any questions regarding these criteria or to schedule an inspection should be directed to the Santa Cruz County Sanitation District Environmental Compliance Unit at (831) 477-3907

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

Environmental Health Completeness Comments

===== REVIEW ON FEBRUARY 13, 2007 BY JIM G SAFRANEK =====

NO COMMENT

===== UPDATED ON APRIL 16, 2007 BY JIM G SAFRANEK ===== See misc comments.

Environmental Health Miscellaneous Comments

===== REVIEW ON FEBRUARY 13, 2007 BY JIM G SAFRANEK =====

Applicant MAY need to obtain approval for an EHS Health Plan Review prior to submit tal of building plans. Applicant MUST obtain: a Food Establishment Health Permit prior to opening. Contact Andrew Strader of Environmental Health at 454-2741.

Discretionary Comments - Continued

Project Planner: David Keyon
Application No.: 07-0041
APN: 042-151-23

Date: May 16, 2007
Time: 11:16:18
Page: 4

===== UPDATED ON APRIL 16, 2007 BY JIM G SAFRANEK ===== No change in
previous comment.

Aptos-La Selva Beach Fire Prot Dist Completeness C

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

===== REVIEW ON FEBRUARY 23, 2007 BY ERIN K STOW =====
DEPARTMENT NAME: Aptos/La Selva Fire Dept. APPROVED
All Fire Department building requirements and fees will be addressed in the Building
Permit phase.
Plan check *is* based upon plans submitted to this office. Any changes or alterations
shall be re-submitted for review prior to construction.

Aptos-La Selva Beach Fire Prot Dist Miscellaneous

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

===== REVIEW ON FEBRUARY 23, 2007 BY ERIN K STOW =====
NO COMMENT