



Staff Report to the Zoning Administrator

Application Number: **08-0414**

Applicant: Kemal and Kelly Akol, et al
Owner: Kemal and Kelly Akol, et al
APN: 027-211-13

Agenda Date: December 3, 2010
Agenda Item #: 4
Time: After 10:00 a.m.

Project Description: Proposal to recognize the conversion of a candy factory and retail store to a café/coffee shop with outdoor patio area, and bike rental shop within an existing commercial structure.

Location: Property located on the north side of E. Cliff Drive, just east of the intersection with 12th Avenue (21231 E. Cliff Drive)

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

Permits Required: Commercial Development Permit

Technical Reviews: Design Review, Historic Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0414, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	12,697 square feet (Assessor's estimate)
Existing Land Use - Parcel:	Mixed-use (commercial/residential)
Existing Land Use - Surrounding:	Commercial and Residential
Project Access:	E. Cliff Drive
Planning Area:	Live Oak
Land Use Designation:	C-C (Community Commercial)

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

Zone District: C-1-L (Neighborhood Commercial/Historic Landmark
Combining District)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
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 (two trees removed in 2006 under
Significant Tree Removal Permit #06-0469
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Public
Sewage Disposal: Public
Fire District: Central Fire Protection District
Drainage District: Zone 5

History

The subject property is developed with an historic commercial/residential structure formerly known as "Buckhart's Confectionary" that was constructed some time between 1926 and 1936. The structure is included in the Historic Resources Inventory with a rating of NR-5 and is governed by Chapter 16.42 (Historic Preservation) of the County Code.

The structure has been used historically for commercial candy manufacturing and sales with a small residential apartment on the second floor. These uses predate the establishment of the Planning Department and the requirements for Commercial Development Permits; therefore no use permits exist for any past or present commercial uses on the property.

In January 2008 the Planning Department received a complaint alleging that a coffee shop and bicycle rental business were operating on the site without a valid Commercial Development Permit and in March 2008 a Notice of Violation was recorded on the property.

This subject application was received in September 2008 to address the zoning violations.

Project Setting

The parcel is just over a quarter-acre in size and is relatively flat. The lot fronts East Cliff Drive in the Live Oak Planning Area and is located within the Urban Services Line. The front half (southwest) of the lot is developed with the existing structure and adjacent asphalt parking lot, while the rear half of the lot is unpaved dirt. A 60-inch diameter cypress tree is located just to the rear of the paved parking area and a 24-inch diameter oak tree located at the rear northwest corner of the lot. The site is bounded by commercial development to the east, multi-family residential development to the north and west and single-family residential development to the south.

The bike rental business and coffee shop are located within the same structure and share a common parking area and restroom facilities, while operating as separate businesses with different hours of operation. In addition to the main structure on the property, an accessory storage structure associated with the bike rental business had been constructed to the rear (northeast) of the building. This storage structure has since been demolished. The coffee shop use has expanded beyond the structure and includes a 300 square foot uncovered patio at the front, which provides an outdoor seating area.

While the second story has historically been the location of the residential unit, the space is currently depicted simply as "attic space" on the submitted plans for the project. No kitchen or bathroom are shown, therefore this space no longer constitutes residential use.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 12,700 square feet, located in the C-1-L (Neighborhood Commercial/Historic Landmark Combining District) zone district, a designation which allows mixed commercial and residential uses, subject to the regulations of the Historic Resources Ordinance (Chapter 16.42). The proposed commercial/residential is a principal permitted use within the Neighborhood Commercial zone district and the zoning is consistent with the site's (C-C) Community Commercial General Plan designation. Historic Resource issues are discussed in more detail later in this report.

Local Coastal Program Consistency

The proposed commercial use 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 single and multi-family dwellings as well as commercial structures. The proposed change of use and demolition do not substantially alter the appearance of the existing structure, which has occupied the parcel for over 80 years. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Design Review

The site is located within the East Cliff Village Special Community. No exterior alterations to the existing historic structure are proposed and the only other changes to the site include the recognition of new commercial signage and the construction of a 6-foot tall wooden fence toward the rear of the property. Therefore, the project complies with the Special Community Plan and the County Design Review Ordinance. The project has been reviewed by Larry Kasparowitz, the County Urban Designer, and recommended for approval as proposed.

Conditions of approval have been included to require that a landscape plan be submitted for review and approval prior to the issuance of a building permit.

Historic Resources

As stated previously, the structure is rated NR-5 under the Historical Properties Inventory and is subject to Historic Review. The proposal was reviewed by the Historic Resource Commission Planner Annie Murphy, who determined that because there is no proposed physical alteration of the historic structure, the project would not have to be formally submitted to the Historic Resource Commission. The new commercial signage and fencing were reviewed by Ms. Murphy in order to determine whether these features negatively impacted the visual character of the resource. The determination was made that the signage and fencing is generally consistent with the past commercial use on the property and that no negative impact would be expected.

It should be noted that the Historic Review of the signage did not include a determination of compliance with the County Commercial Sign ordinance, which is discussed later in this report.

Parking

The required commercial parking standard is one space per every 200 square feet of retail space and one space per every 100 square feet of restaurant space. The total parking demand represented by the proposed commercial and existing residential uses is fifteen (15) total spaces. Submitted plans show seven standard parking spaces and one accessible space. While the required number of spaces exceeds the number of spaces shown on the project plans, there is ample space at the rear of the property that can be used to accommodate overflow parking.

A condition of approval has been included to require a portion of this property be reserved for such overflow parking.

Signage

Five signs are proposed to be recognized by this Commercial Development Permit. Two of the proposed signs conflict with provisions of Section 13.10.581 of the County Code. Specifically, a neon "open" sign is proposed for the front of the building. The code prohibits such illuminated signs directly across the street from a residential zone district, which is the case for the subject property. Section 13.10.581 (j) explicitly prohibits sandwich board signs. Therefore, of the five signs proposed, only three can be recommended for approval.

Based on the site frontage, a total of 22.5 square feet of commercial business signage is allowed on this property. The main sign and bike store sign represent a total of 22.3 square feet and thus conform to the size standard. The "parts" sign can be considered a directional sign and would not be counted toward this total.

	Size	Maximum Allowed Size
Main Sign	17 sq ft	22.5 sq ft
Bike Store Sign	5.3 sq ft	22.5 sq ft
Parts Sign (directional)	1.9 sq ft	4 sq ft
Sandwich Sign	1.7 sq ft	Not Allowed
Neon Open Sign	2.5 sq ft	Not Allowed

A condition of approval is included to specify the allowable site signage.

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 **08-0414**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

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

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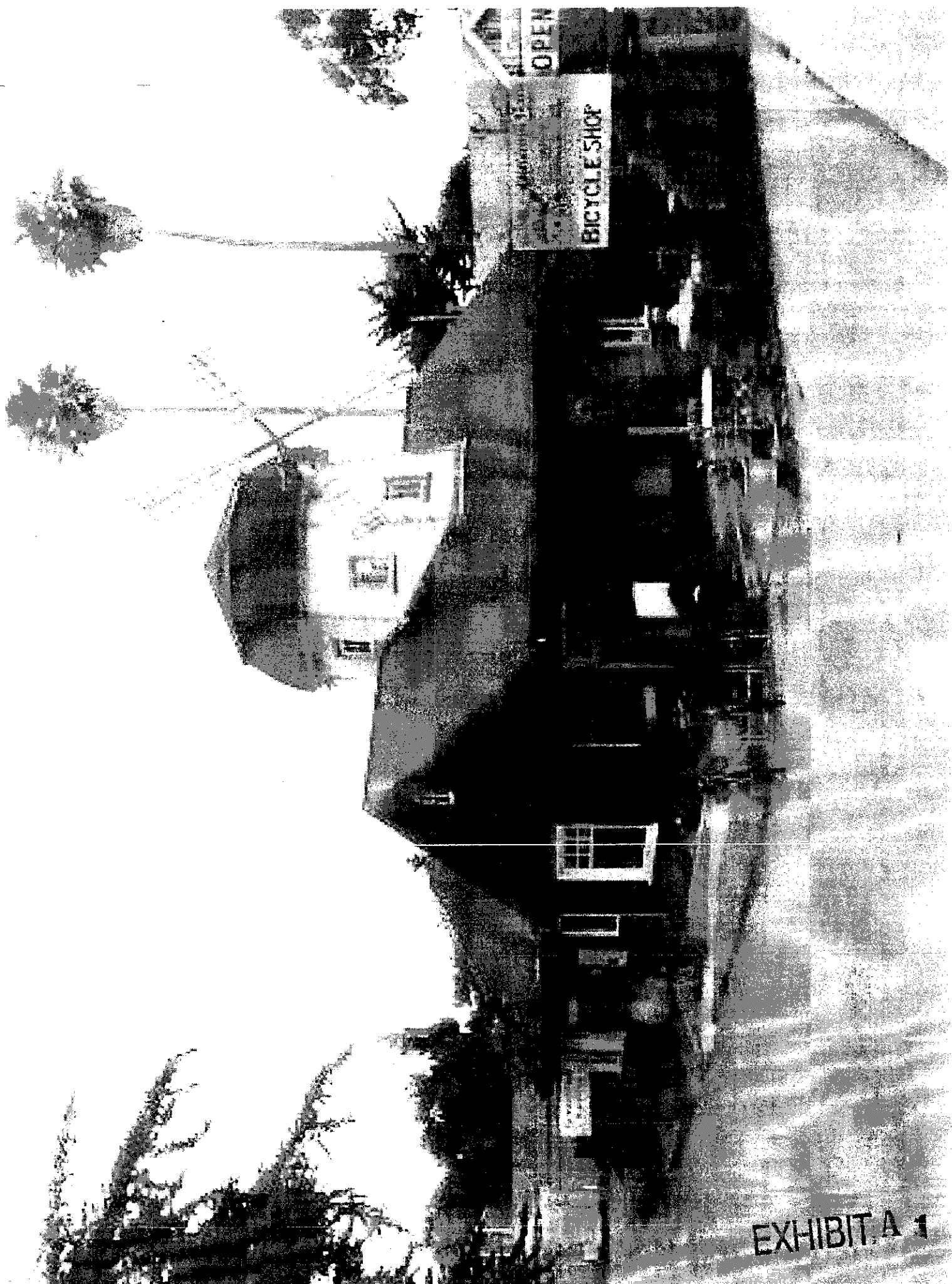


EXHIBIT A 1

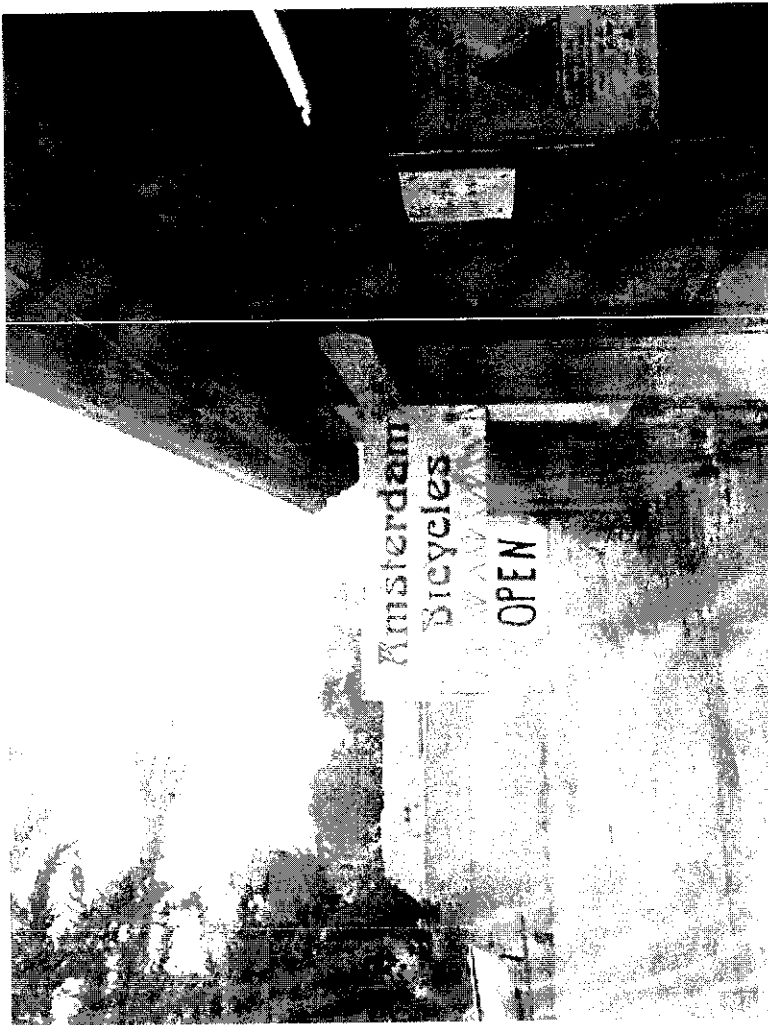


EXHIBIT A



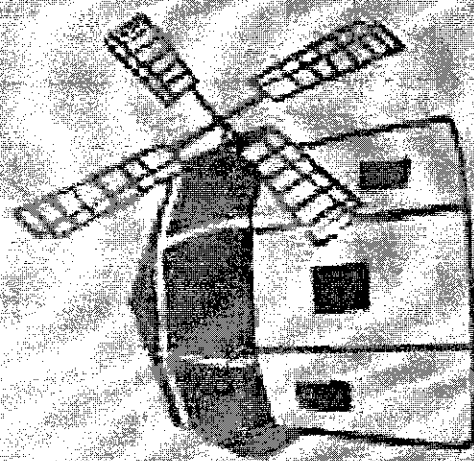
EXHIBIT A

Windmill Cafe

Santa Cruz

Grill Cafe

Gourmet Blends · Smoothies
Catering · Gallery · Wi-Fi



OPEN

AMSTERDAM
BICYCLE SHOP
Parts & Service

AMSTERDAM

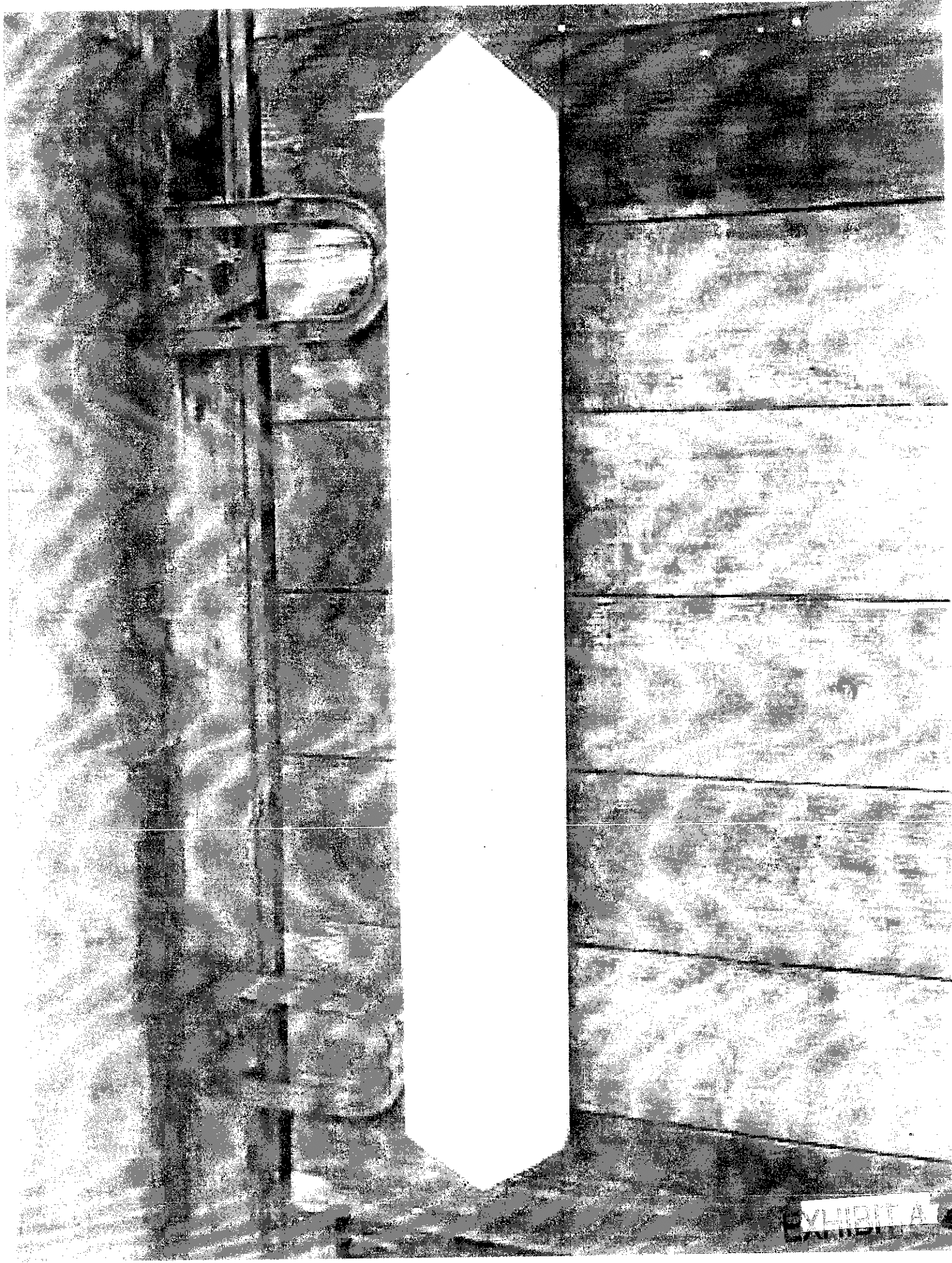


EXHIBIT A

Amsterdam Bicycles

EXHIBIT A





EXHIBIT A

044

7-1231 EASTCLIFF DRIVE
SAN JUAN CRUZ, CA 95062

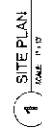
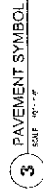
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AS INDICATED

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EX-107A

EXHIBIT A PERMIT NO. 08-0414

THE WINDMILL BUILDING

2-1231 EASTCLIFF DRIVE
SANTA CRUZ, CA 95062

REVISIONS
DATE DESCRIPTION

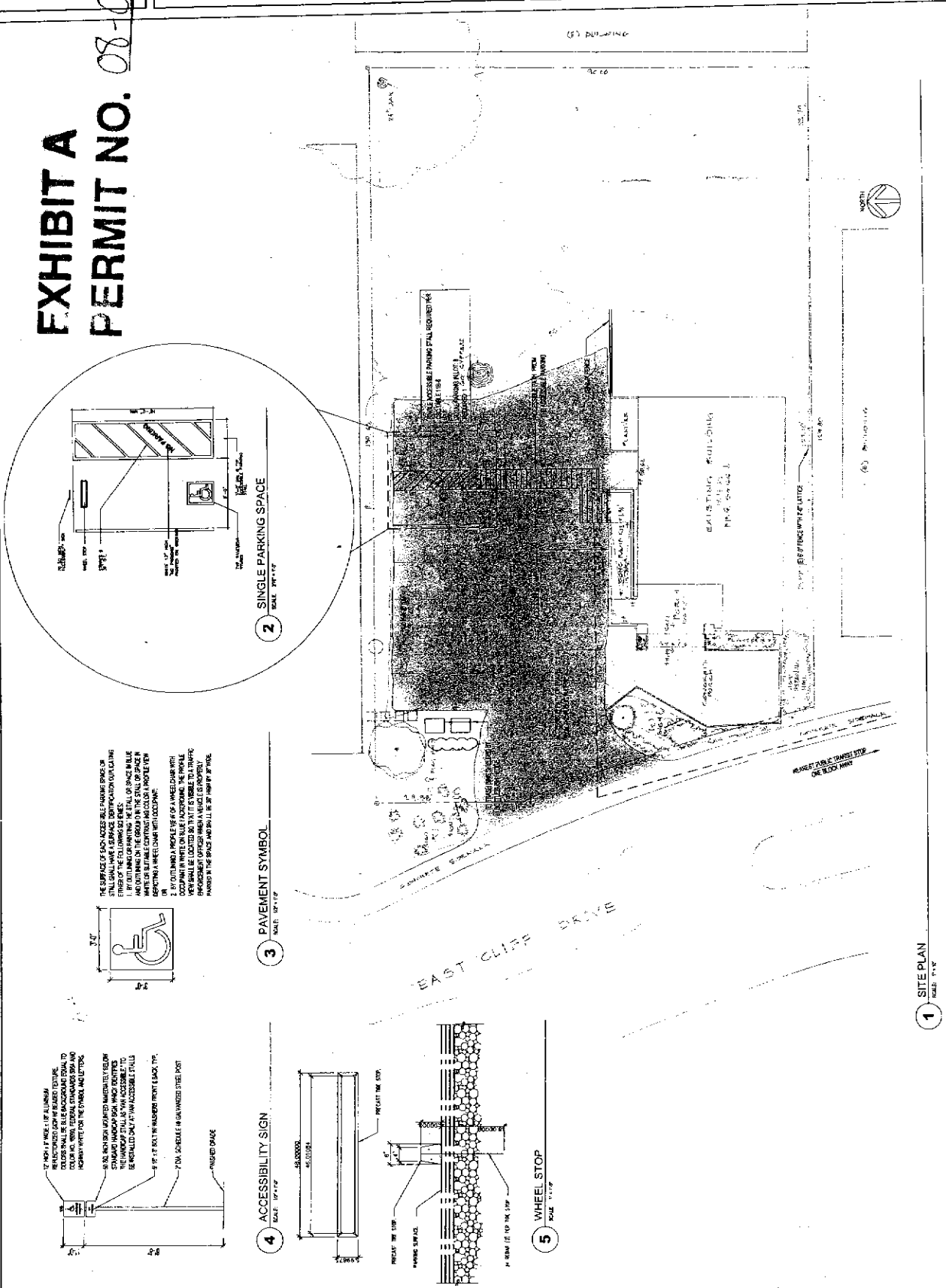
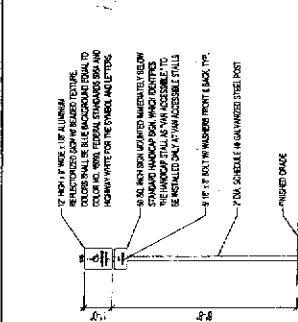
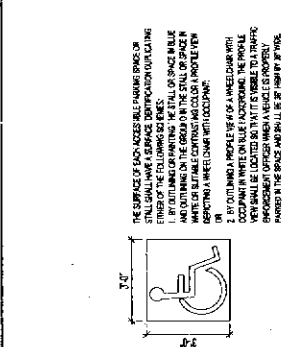
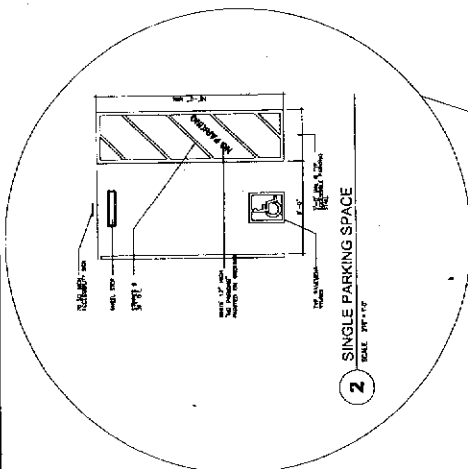
PROJECT NUMBER

TITLE
SITE PLAN,
PARKING STALLS
AND DETAILS

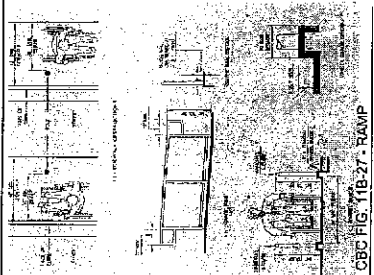
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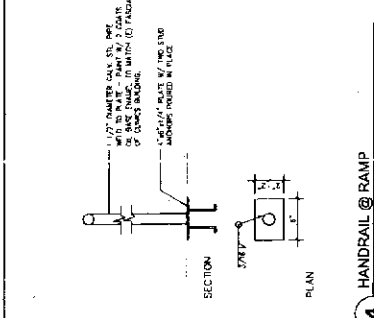
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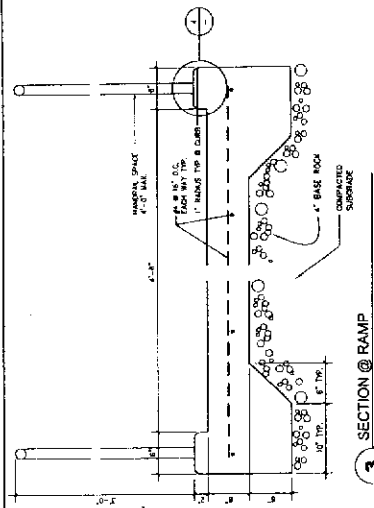
1 SITE PLAN
SCALE: 1/8" = 1'-0"



5 CBC FIG 11B-27: RAMP
SCALE: 1/4" = 1'-0"



4 HANDRAIL @ RAMP
SCALE: 1/4" = 1'-0"



3 SECTION @ RAMP
SCALE: 1/4" = 1'-0"

GENERAL NOTES

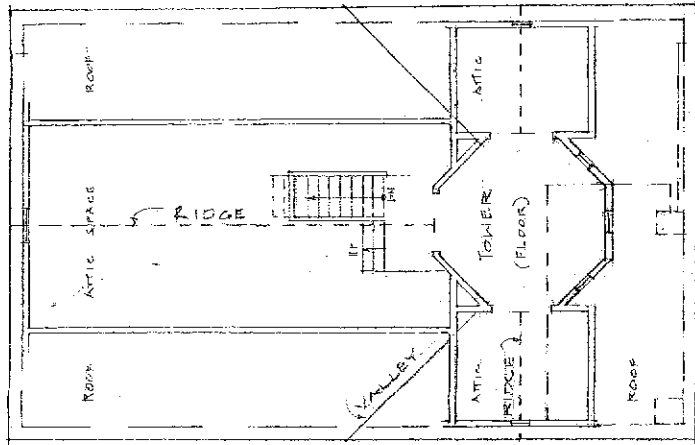
- THE CONTRACTOR SHALL VERIFY ALL EXISTING CONSTRUCTION, CONDITIONS AND DIMENSIONS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OPERATIONS.
- IF THE CONTRACTOR DISCOVERS AN OBSTACLE, OR ANY OTHER UNUSUAL MATERIAL, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER, AND SHALL IMMEDIATELY STOP WORK. THE CONTRACTOR SHALL NOT PROCEED UNTIL THE OBSTACLE OR MATERIAL HAS BEEN IDENTIFIED AND REMOVED OR OTHERWISE HANDLED BY THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS OF REMOVAL AND REPAIR.
- THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL EXISTING UTILITIES, AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES.
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LEGEND

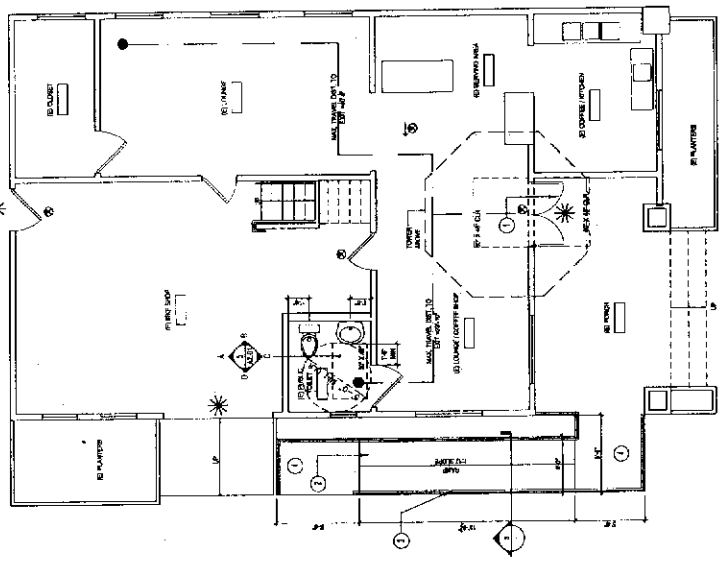
- INTERIOR FINISHES
- INTERIOR ELEVATION
- EXIT SIGN
- EXIT DISCHARGE
- MAXIMUM TRAVEL FROM THE FURTHEST POINT OF ACCESSIBLE SPACE TO AN EXIT

SHEET NOTES

- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2012 CALIFORNIA BUILDING CODE (CBC) AND THE 2012 CALIFORNIA ELECTRICAL CODE (CEC). THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.
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2 ROOF AND ATTIC PLAN
SCALE: 1/4" = 1'-0"



1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

THE WINDMILL BUILDING

2-231 EASTCLIFF DRIVE
SANTA CRUZ, CA 95062

REVISIONS		PROJECT NUMBER	TITLE FLOOR PLANS AND SHEET NOTES	SCALE 1/4" = 1'-0"	DATE 06/25/2010	SHEET A1.01
NO.	DATE					

THE WINDMILL BUILDING

SANTA CRUZ, CA 95062

REVISIONS

NO. DATE DESCRIPTION

PROJECT NUMBER

TITLE

EXTERIOR AND
INTERIOR
ELEVATIONS

SCALE

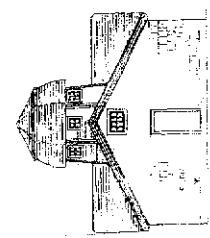
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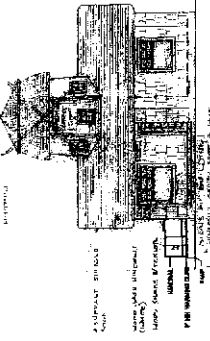
06/25/2010

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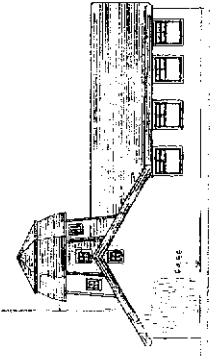
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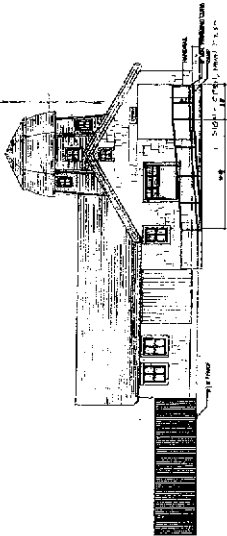
1 NORTH ELEVATION
SCALE 3/8"=1'-0"



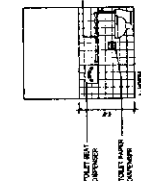
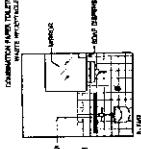
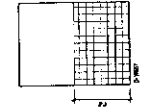
2 SOUTH ELEVATION
SCALE 3/8"=1'-0"



3 EAST ELEVATION
SCALE 3/8"=1'-0"



4 WEST ELEVATION
SCALE 3/8"=1'-0"



5 UNISEX PUBLIC TOILET
SCALE 3/8"=1'-0"

THE WINDMILL BUILDING

2-1231 EASTCLIFF DRIVE
SANTA CRUZ, CA 95062

REVISIONS

NO.	DATE	DESCRIPTION
1		
2		

PROJECT NUMBER

TITLE

ACCESSIBILITY DETAILS

SCALE

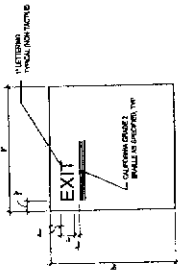
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DATE

06/26/2010

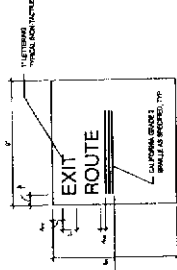
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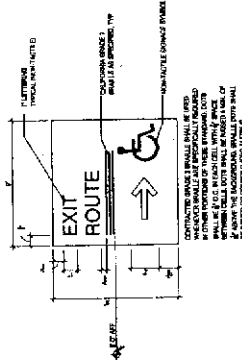


NOTE:
1. SEE SIGNAGE SPECIAL NOTES FOR ADDITIONAL INFORMATION. TYP.

1 EXIT SIGN
SCALE: 1/8" = 1'-0"



2 EXIT ROUTE SIGN
SCALE: 1/8" = 1'-0"

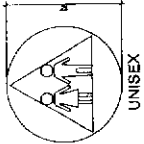


3 ACCESSIBLE EXIT ROUTE SIGN
SCALE: 1/8" = 1'-0"



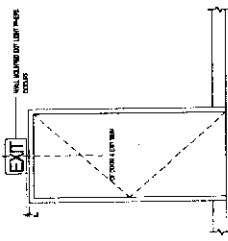
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4 INTERNATIONAL ACCESSIBILITY SYMBOL
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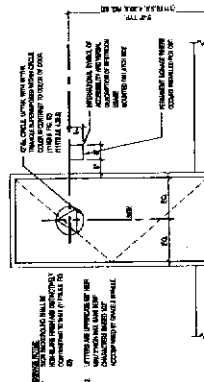


UNISEX
TOILET DOOR SIGN

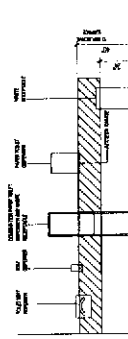
5 UNISEX TOILET DOOR SIGN
SCALE: 1/8" = 1'-0"



6 EXIT SIGN LOCATION
SCALE: 1/8" = 1'-0"



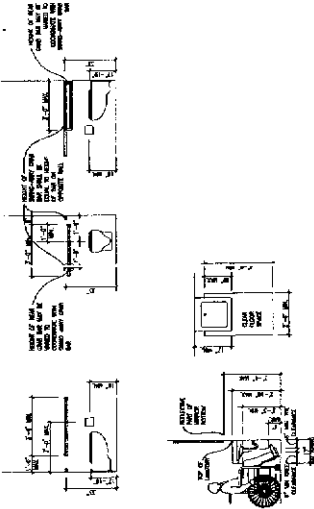
7 SIGNAGE LOCATION
SCALE: 1/8" = 1'-0"



8 ACCESSORIES MOUNTING HEIGHTS
SCALE: 1/8" = 1'-0"

9 ACCESSIBLE FIXTURES AND CLEARANCES

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



Commercial Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for commercial uses and is not encumbered by physical constraints to development. Any construction needed to address tenant improvements or accessibility standards will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed change in commercial use will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure will not be physically altered and has been substantially unchanged on the site for at least 75 years.

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

This finding can be made, in that the proposed location of the 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 C-1-L (Neighborhood Commercial/Historic Landmark Combining District) zone district, as the primary use of the property will continue to be a commercial use within a structure that has existed on the site for many decades. The proposed change of commercial use complies with required parking and sign standards and will not negatively impact the surrounding neighborhood. The uses are consistent with the intent of the Neighborhood Commercial zone district and maintain the integrity of the historic resource on the site.

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 change of use is consistent with the use and density requirements specified for the Community Commercial (C-C) land use designation in the County General Plan.

The proposed use will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, as the structure will not be physically altered in order to accommodate the new commercial uses proposed for the structure.

A specific plan has been adopted for this portion of the County. The site is located within the East Cliff Village Special Community. Section 13.20.145 of the County Code specifies the subject property and the historic structure known as "Buckhart's Confectionary." The ordinance prohibits the demolition of the structure and further states that any renovations shall respect the historic character of the original structure. The proposal has been reviewed by the staff planner

assigned to the Historic Resources Commission, as well as the County Urban Designer, and has been recommended for approval with respect to the potential impact to the identified historic resources on the site. It should be noted that, while the proposed signage was not deemed to negatively impact the historic integrity of the structure, two of the proposed signs do not comply with the provisions contained in Section 13.10.581 of the County Code and are therefore not recommended for approval as a part of this Commercial Development Permit.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed commercial change of use would occur on an existing commercially developed lot. According to the Road Engineering Section of the Department of Public Works, the expected level of traffic generated by the proposed change of use is not anticipated to negatively impact County roads or nearby intersections.

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

This finding can be made, in that the existing historic structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed commercial change of use is consistent with the land use intensity and density of the neighborhood. The increased parking demand associated with the proposed uses can be accommodated on site and no other physical changes to the structures or property are proposed.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed commercial use will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The signage on the site has been reduced considerably and has been reviewed with respect to the Design Review Ordinance as well as to impacts to the historic structure. A condition of approval is included that ensures that all signage will conform to Section 13.10.581 of County Code

Additionally, the project has been conditioned to require the applicant to submit a landscape plan for review and approval by the Urban Designer prior to the issuance of a building permit.

Conditions of Approval

Exhibit A: Project plans (4 sheets) unnamed, dated 08/29/10

- I. This permit authorizes the commercial change of use from a candy factory and retail store to a coffee shop and bike rental shop. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Demolition Permit from the Santa Cruz County Building Official, if required.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 2. The Building Permit must address unpermitted interior tenant improvements as well as compliance with current accessibility standards.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:

1. One elevation shall indicate location, materials and size of signage as approved by this Discretionary Application. The signage must comply to the following standards:
 - a. The total area of all business signs (not including the directional "parts" sign) shall not exceed 22.5 square feet.
 - b. No neon or other direct illumination of any sign is allowed.
 - c. No moving signs, flags, banners, sandwich board signs or flashing signs are permitted.
 - d. Freestanding signs shall not exceed 7 feet in height, measured from the existing grade at the edge of the road.
 - e. Signs and supports shall be set back a minimum of five feet from the edge of the right of way or roadway, whichever is greater, and shall not obstruct vehicular sight distance or pedestrian/bicycle circulation.
 2. Details showing compliance with fire department requirements.
 3. Landscape plan subject to review and approval by the Urban Designer. The plan shall include a minimum 5-foot landscape strip between the patio and the right-of-way.
 4. All exterior site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties. Light sources shall not be visible from adjacent properties. All exterior lighted areas shall utilize low-rise light standards or light fixtures attached to the building. Light standards to a maximum height of 15 feet are allowed.
 5. Details of all proposed fencing. Fencing on site shall not exceed 6 feet in height.
- B. Submit three copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal.
- C. Meet all requirements and pay any applicable fees of the County Department of Environmental Health Services.
- D. Meet all requirements and pay any applicable fees of the Sanitation Section of the Department of Public Works.
- E. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.

- F. Provide required off-street parking for 15 cars. 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. Submit a report from a certified arborist. The report shall review the potential conflict between the parking area and the 60-inch cypress located on the property. The plans submitted for the building permit must reflect all recommended mitigations measures included in the report.
- 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 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- IV. Operational Conditions
- A. All required landscaping shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight or disease. Any vegetation, which shows signs of such damage or injury at any time, shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at full growth.
 - B. The commercial hours of operation are as follows:
 - 1. Coffee Shop/Café: 6:00 am to 6:00 pm, Monday through Sunday
 - 2. Bike Shop: 10:00 am to 6:00 pm, Tuesday through Saturday
 - C. No amplified music shall be permitted on site.

- D. 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. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

Application #: 08-0414
APN: 027-211-13
Owner: Kemal and Kelly Akol, et al

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: _____

Steven Guiney
Deputy Zoning Administrator

Robin Bolster-Grant
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: 08-0414

Assessor Parcel Number: 027-211-13

Project Location: 21231 E. Cliff Drive, Santa Cruz

Project Description: recognize change of commercial use

Person or Agency Proposing Project: Kemal and Kelly Akol, et al

Contact Phone Number: (831) 818-8314

- 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: Class 1 - Existing Facilities (Section 15301)

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

Change of commercial use and demolition of an unpermitted storage structure

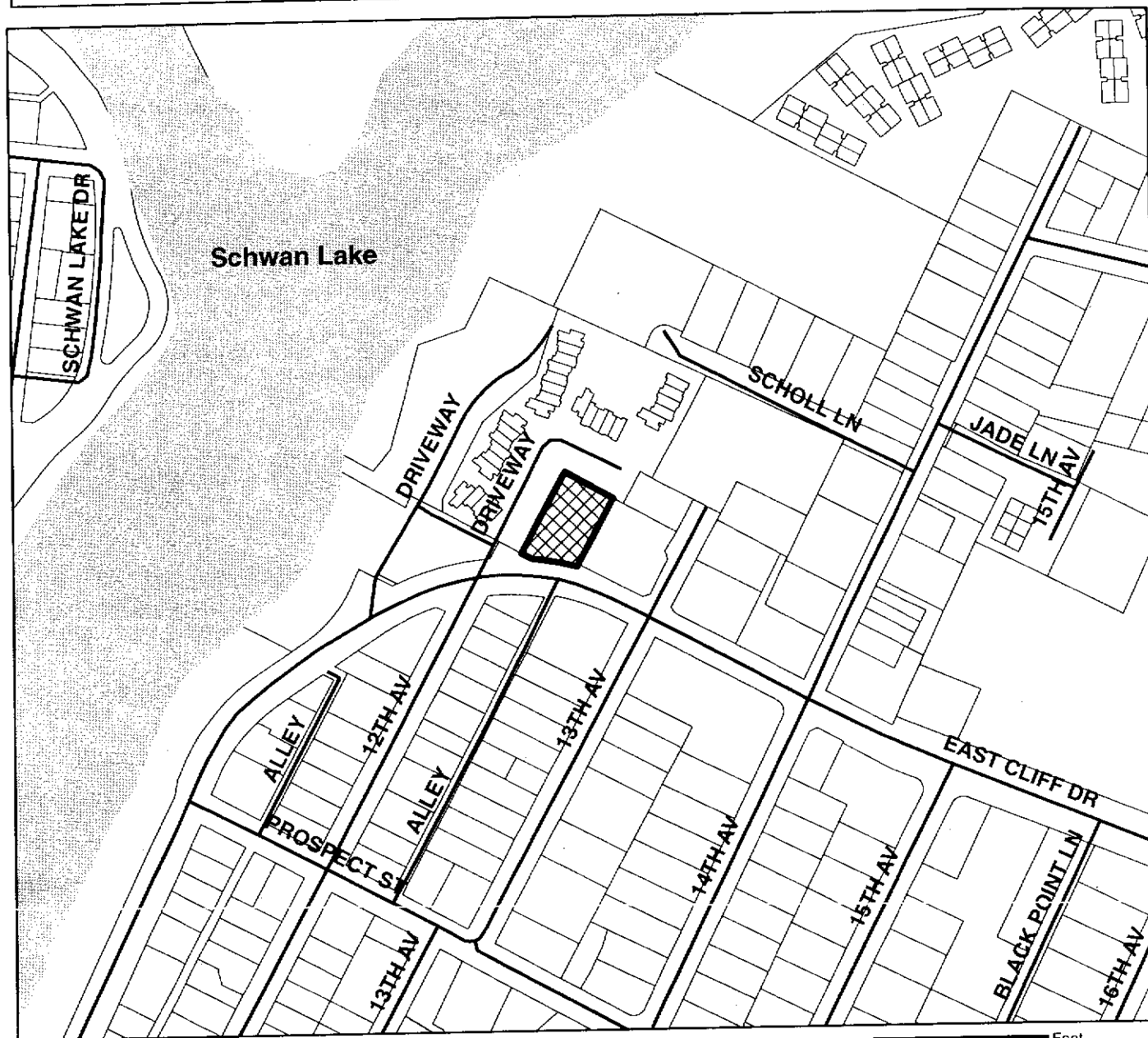
In addition, none of the conditions described in Section 15300.2 apply to this project.

Robin Bolster-Grant, Project Planner

Date: _____







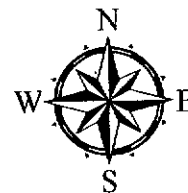
Location Map



0 205 410 820 1,230 1,640 Feet

LEGEND

-  APN: 027-211-13
-  Assessors Parcels
-  Streets
-  Lakes

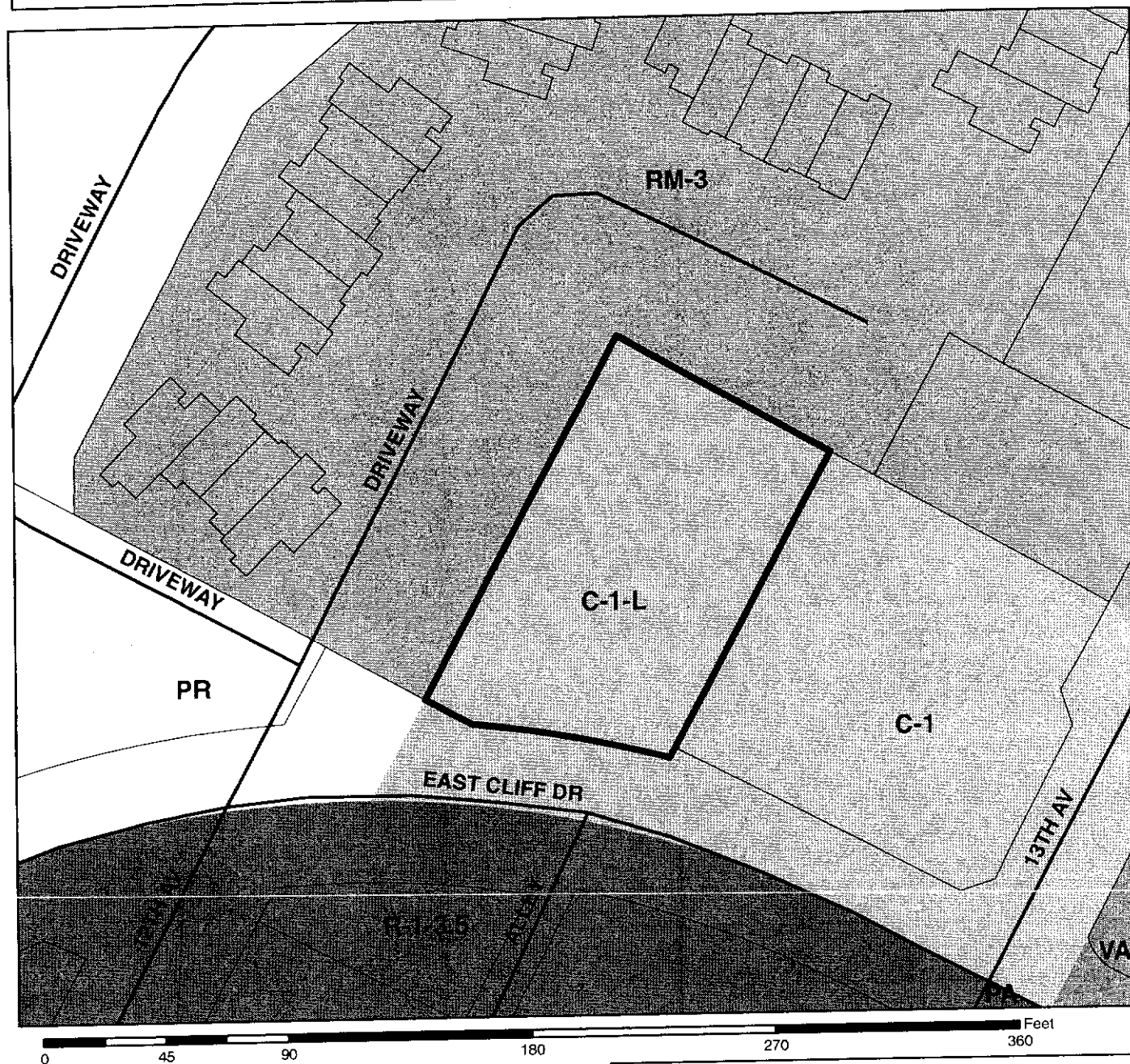


Map Created by
County of Santa Cruz
Planning Department
October 2008

EXHIBIT E

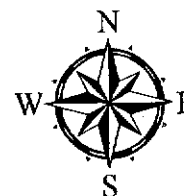


Zoning Map



LEGEND

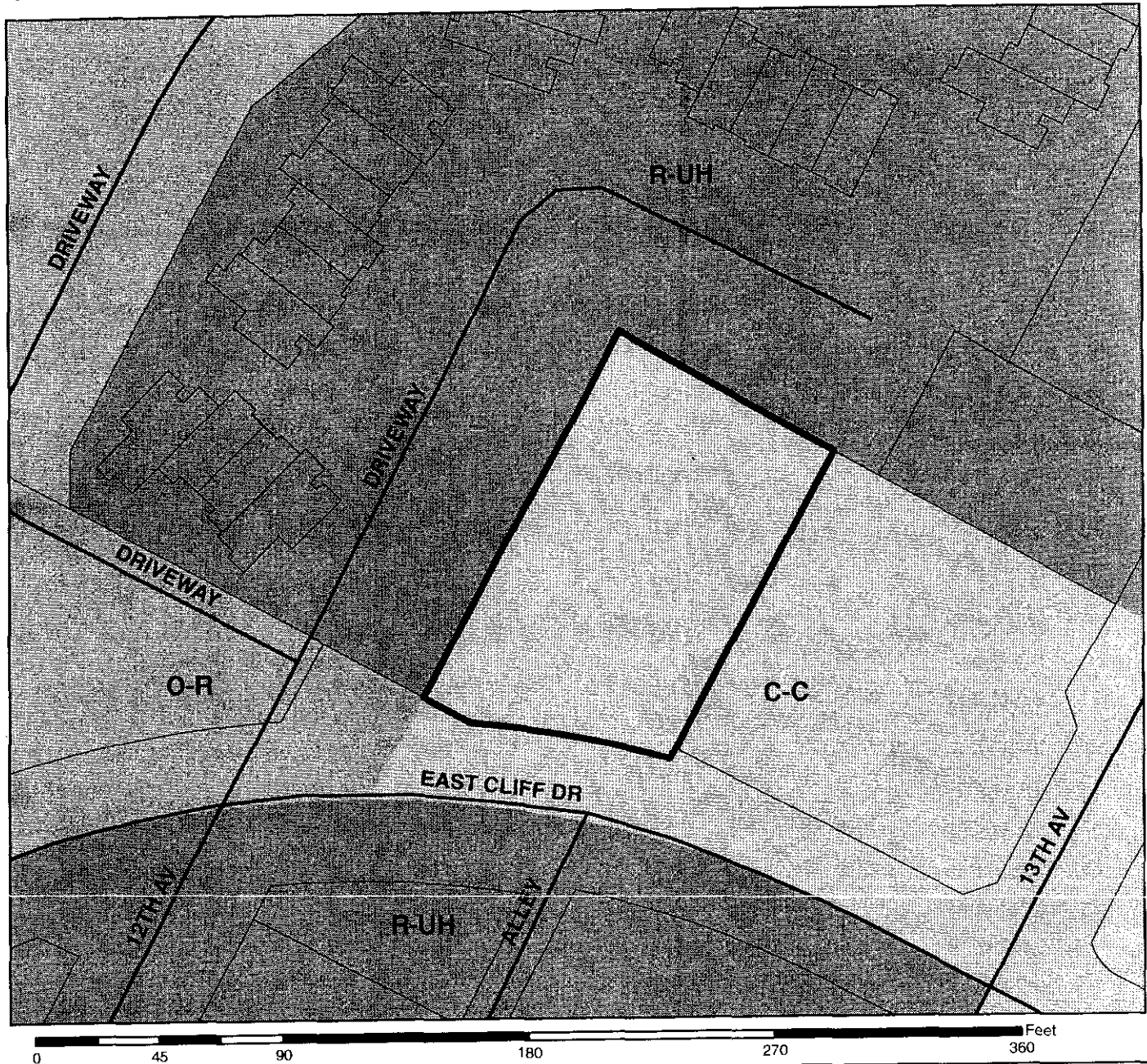
- APN: 027-211-13
- Assessors Parcels
- Streets
- COMMERCIAL-NEIGHBORHOOD
- RESIDENTIAL-SINGLE FAMILY
- RESIDENTIAL-MULTI FAMILY
- PARK
- COMMERCIAL-VISITOR ACCOM.









Map Created by
County of Santa Cruz
Planning Department
October 2008

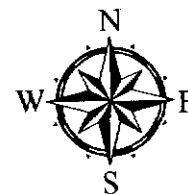


General Plan Designation Map



LEGEND

-  APN: 027-211-13
-  Assessors Parcels
-  Streets
-  Commercial-Community
-  Residential - Urban High Density
-  Parks and Recreation



Map Created by
County of Santa Cruz
Planning Department
October 2008

Historic Review: Sign Approval for Amsterdam Coffee
Application: 08-0414

Annie Murphy, project reviewer
10/18/10

The following signs are approved as being consistent with County regulations regarding signage for historic resources:

1. Neon open sign on the front of the building: 12" X 30"
2. Main sign on East Cliff: 36" X 60", with a 12" X 24" open sign rider
3. Parts sign on the entrance to the bike shop: 6 ½" X 45"
4. Amsterdam bike sign hanging over the planter to the left of the entrance of the bike store: 16" X 48"
5. One mini-sandwich sign (not pictured): 8" X 30"

Note that in addition to conforming to regulations for historic resources, all signs must conform to all other County Code requirements and adopted sign design guidelines.

Accessibility: Project Comments for Development Review
County of Santa Cruz Planning Department

Date: 10/15/10
Planner: Robin Bolster Grant
Project: Amsterdam Coffee

Application Number: **08-0414**
APN: 027-211-13

Dear Kemal J Akol

A third preliminary review of the above project plans was conducted to determine accessibility issues. The following comments are to be applied to the project design.
Please refer to the attached brochure entitled Accessibility Requirements - Building Plan Check which can also be found at the County of Santa Cruz Planning Department website:
http://www.sccoplanning.com/brochures/access_plancheck.htm
This document is an information source for the designer when preparing drawings for building plan check.

Items that remain to be addressed:

Compliance Issues:

- The Accessibility plan that was provided with the most recent submittal no longer indicated lines of elevation that were present on a previous submittal. Please provide a complete site plan at permit application with cross slopes indicated from the accessible parking to the building entrance. The accessibility plan shall be stamped and signed by a licensed architect using a survey site plan.
- There are several labels on the Accessibility plan that are illegible. Please correct at plan submittal.
- Detectable warnings will be required in two locations where the accessible path crosses the vehicle path. CBC 1133B.8.5.
- When only one accessible space is required it shall meet the requirements of a van accessible space. The loading zone shall be 8 ft wide, not 5 ft is indicated on the current submittal.
- Restrooms shall be provided for each business per CPC 412. Alternately, due to the type of occupancies a common restroom may be provided for both businesses provided that the restroom remains accessible to both businesses during hours of operation per CPC 412.5. Please indicate which of these requirements will be met.

Permit Conditions/Additional Information:

- Provide a path of travel verification agreement. Forms are available @ <http://www.sccoplanning.com/pdf/bldg/accessverification.pdf>. Please provide forms with permit application.
- Notation of fire suppression system (eg. sprinklers)
- Notation of construction codes in effect
- Notation of occupancy and type of construction

Please contact me with any questions regarding these comments.

Jim Heaney
Building Plans Examiner
County of Santa Cruz Planning Department
(831) 454-3166
pln645@co.santa-cruz.ca.us

C O U N T Y O F S A N T A C R U Z
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Robin Bolster
Application No.: 08-0414
APN: 027-211-13

Date: November 15, 2010
Time: 13:29:41
Page: 1

Code Compliance Completeness Comments

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

Project Description for application 08-0414, will address the violations. Application approved. (LM) Reviewed and approved application 08-0414, on 9/29/08. Application addresses the violations. (LM) ===== REVIEW ON SEPTEMBER 29, 2008 BY LAURA MADRIGAL =====

NO COMMENT

===== UPDATED ON DECEMBER 17, 2009 BY LAURA MADRIGAL =====

NO COMMENT

Code Compliance Miscellaneous Comments

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

===== REVIEW ON SEPTEMBER 29, 2008 BY LAURA MADRIGAL =====

NO COMMENT

===== UPDATED ON DECEMBER 17, 2009 BY LAURA MADRIGAL =====

NO COMMENT

Dpw Road Engineering Completeness Comments

===== REVIEW ON OCTOBER 10, 2008 BY RODOLFO N RIVAS =====

NO COMMENT

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON OCTOBER 10, 2008 BY RODOLFO N RIVAS =====

NO COMMENT

Dpw Sanitation Completeness Comments

===== REVIEW ON OCTOBER 2, 2008 BY AMY GROSS =====

Environmental Compliance Unit Review Comments Windmill Application No: 08-0414

1st Review Summary Statement: The Environmental Compliance Unit has no further requirements for the project. Any new industrial use of the proposed building may require pretreatment of sanitary wastes prior to discharge. Before plans can be approved, if any industrial uses are planned for the building, you must submit plans to the Sanitation District for review.

Information Items: Industrial uses of the building will also require the installation of a sampling manhole on the property. The following activities may require pretreatment: photoprocessing, machine work, surfboard shaping, vehicle service, dentistry, medical facility, paint contractors, printers, and dry cleaners, and any other industrial sector that could potentially have an impact on the sewer system. Information Items Specific to Food Service Facilities: 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.gov>

Discretionary Comments - Continued

Project Planner: Robin Bolster
Application No.: 08-0414
APN: 027-211-13

Date: November 15, 2010
Time: 13:29:41
Page: 2

cruz.ca.us/environment.htm 2.) All sinks and floor drains must be routed through a grease interceptor/trap with the exception of hand washing sinks and bathroom drains 3.) A dishwasher is not permitted unless a minimum exterior 350-gallon grease interceptor is installed. 4.) Floor drains must be installed with screens that prevent solids from blocking the facility's pipes and from entering the sanitary sewer. 5.) Grease additives or enzyme use in grease traps or lines, are not permitted in the County of Santa Cruz unless they have been approved for use by the District. 6.)

The use of garbage grinders is strictly prohibited.

All re-submittals 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. Environmental Compliance Unit Review Comments Windmill Application No: 08-0414

1st Review Summary Statement: The Environmental Compliance Unit has no further requirements for the project. Any new industrial use of the proposed building may require pretreatment of sanitary wastes prior to discharge. Before plans can be approved, if any industrial uses are planned for the building, you must submit plans to the Sanitation District for review.

Information Items: Industrial uses of the building will also require the installation of a sampling manhole on the property. The following activities may require pretreatment: photoprocessing, machine work, surfboard shaping, vehicle service, dentistry, medical facility, paint contractors, printers, and dry cleaners, and any other industrial sector that could potentially have an impact on the sewer system. Information Items Specific to Food Service Facilities: 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.) Floor drains must be installed with screens that prevent solids from blocking the facility's pipes and from entering the sanitary sewer. 5.) Grease additives or enzyme use in grease traps or lines, are not permitted in the County of Santa Cruz unless they have been approved for use by the District. 6.)

The use of garbage grinders is strictly prohibited.

All re-submittals 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. No. 1 Review Summary Statement for Sanitation Engineering; Appl. No. 08-0414; APN: 27-211-13:

Sewer service is available for this project provided that the following completeness issues are addressed. The Proposal is out of compliance with District or County sanitation policies and the County Design Criteria (CDC) Part 4, Sanitary Sewer

Discretionary Comments - Continued

Project Planner: Robin Bolster
Application No.: 08-0414
APN: 027-211-13

Date: November 15, 2010
Time: 13:29:41
Page: 3

Design, June 2006 edition, and also lacks sufficient information for complete evaluation. The District/County Sanitation Engineering and Environmental Compliance sections cannot recommend approval the project as proposed.

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

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

Completeness Items:

The sewer improvement plan submitted for the subject project is approved by the District based upon plans dated October 16, 2008 is approved since the structure and sewer lateral are existing. 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.

Please see Sanitation Environmental Compliance comments also.

Any questions regarding the above criteria should be directed to Diane Romeo of the Sanitation Engineering division at (831) 454-2160.

Please see miscellaneous comments.

Dpw Sanitation Miscellaneous Comments

===== REVIEW ON OCTOBER 14, 2008 BY DIANE ROMEO ===== Miscellaneous:

Item 1) In accordance with Sanitation District Code section 7.04.375 Private Sanitary Sewer System Repair, of Title 7, prior to building permit submittal the applicant/owner is required to televise all on-site sewer laterals and make repairs to any damaged or leaking pipes that might be shown. This includes root intrusion, open joints, cracks or breaks, sags, damaged or defective cleanout, inflow and infiltration of extraneous water, older pipe materials that are known to be inadequate, inadequate lift or pump stations, inadequate alarm systems for overflows, and inadequate maintenance of lift stations. Color video results (tape or dvd), of a sufficient quality to observe interior pipe condition, joints, sags among other items, shall be made available to the District for review, along with District certification form completed by plumber, and the District shall review results within 10 working days of submittal to the District. Repairs, as required by the District, shall be made within 90 working days of receipt of video result review. Applicant/owner shall obtain a sewer repair permit (no charge) from the District and shall have repairs inspected by the District inspector prior to backfilling of pipe or structure.

Discretionary Comments - Continued

Project Planner: Robin Bolster
Application No.: 08-0414
APN: 027-211-13

Date: November 15, 2010
Time: 13:29:41
Page: 4

Any questions regarding the above Miscellaneous comments should be directed Diane
Romeo of the Sanitation Engineering division at (831) 454-2160.
===== UPDATED ON OCTOBER 14, 2008 BY DIANE ROMEO =====

Environmental Health Completeness Comments

===== REVIEW ON OCTOBER 2, 2008 BY JIM G SAFRANEK =====
NO COMMENT

Environmental Health Miscellaneous Comments

===== REVIEW ON OCTOBER 2, 2008 BY JIM G SAFRANEK ===== Applicant should
contact A Strader of EHS and satisfy all food facility requirements prior to the is-
suanace of a BP. Strader: 454-2741.



FILE COPY

**CENTRAL
FIRE PROTECTION DISTRICT**
of Santa Cruz County
Fire Prevention Division

930 17th Avenue, Santa Cruz, CA 95062
phone (831) 479-6843 fax (831) 479-6847

Date: September 30, 2008
To: Kemal and Kelly Akol
Applicant: same
From: Tom Wiley
Subject: 08-0414
Address 21231 E. Cliff Dr.
APN: 027-211-13
OCC: 0593
Permit: 20080241

We have reviewed plans for the above subject project.

The following NOTES must be added to notes on velums by the designer/architect in order to satisfy District requirements when submitting for **Application for Building Permit**:

NOTE on the plans that these plans are in compliance with California Building and Fire Codes (2007) as amended by the Central Fire Protection District.

NOTE on the plans **construction classification** as determined by the building official and outlined in Part IV of the California Building Code.

NOTE on the plans the **occupancy classification** as determined by the building official and outlined in Part III of the California Building Code.

NOTE on the plans whether the building will be either **SPRINKLERED** or **NON-SPRINKLERED** as outlined in the 2007 California Building Code and via District Amendment.

The FIRE FLOW requirement for the subject property is 1500 gallons per minute.

NOTE, on the plans, the required FIRE FLOW and the available FIRE FLOW. This information can be obtained from the water company upon request.

SHOW on the plans a public fire hydrant, type and location, meeting the minimum required fire flow for the building, within 225 feet of any portion of the building.

NOTE ON PLANS: New/upgraded hydrants, water storage tanks, and/or upgraded roadways shall be installed PRIOR to and during time of construction (CFC 901.3).

NOTE on the plans occupancy load of each area. Show where occupancy control signs will be posted.

SHOW location of fire extinguishers.

SHOW location of exit signs.

SHOW where address numbers will be posted and maintained, plainly visible from the street. Numbers shall be a minimum of four (4) inches in height and of a color contrasting to their background.

The job copies of the building and fire systems plans and permits must be on-site during inspections.

Submit a check in the amount of \$115.00 for this particular plan check, made payable to Central Fire Protection District. A \$35.00 **Late Fee** may be added to your plan check fees if payment is not received within 30 days of the date of this Discretionary Letter. INVOICE MAILED TO APPLICANT. Please contact the Fire Prevention Secretary at (831) 479-6843 for total fees due for your project.

If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 and leave a message, or email me at tomw@centralfpd.com. All other questions may be directed to Fire Prevention at (831)479-6843.

CC: File & County

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.
0593-093008

COUNTY OF SANTA CRUZ
INTER-OFFICE CORRESPONDENCE

DATE: October 17, 2008
TO: Robin Bolster-Grant, Project Planner
FROM: Steve Guiney, Planning Department Liaison to the Redevelopment Agency
SUBJECT: Application #08-0414, Recognize non-permitted mixed use project, 1st routing, APN 027-211-13, 21231 East Cliff Drive, Live Oak

The applicant is proposing to obtain recognition of the conversion of a candy store to a café/coffee shop with outdoor patio area and a bike shop.

The Engineering Review Group considered this application on October 1, 2008. The Redevelopment Agency's (RDA) primary concern with this project is maintaining an appropriate street frontage along East Cliff Drive.

The wood fence that has been added to the guardrail in the public right-of-way in front of the building should be removed.

The sidewalk in front of the site is an integral part of pedestrian circulation in the area. The applicant should be required to repair any damage to the existing sidewalk improvements that the project may cause.

Consideration should be given to installation of landscaping by the applicant in the right-of-way area in front of the southwest corner of the parcel, adjacent to the driveway, including street trees. *Arbutus 'marina'* (24 inch box size) has been used successfully in locations along East Cliff Drive.

Care is required for any proposed changes to the exterior of the building, including attached or freestanding signs, because this building is on the County's Inventory of Historic Resources and is a significant feature of the character of Live Oak.

The plans show a parking space within 2 -- 3 feet of the base of the 60 inch cypress. In order to protect the roots of the tree, that parking space should be relocated and a buffer provided around the base of the tree. Ideally, both that space and the one adjacent would be relocated to remove any parking within the drip line of the tree.

The issues referenced above should be evaluated as part of this application and/or addressed by conditions of approval. RDA does not need to see future routings of this project unless there are changes or more information provided relevant to RDA's comments. RDA appreciates this opportunity to comment. Thank you.

cc: Greg Martin & Rodolfo Rivas, DPW Road Engineering
Paul Rodrigues, Betsey Lynberg, RDA
Jan Beautz, District Supervisor