



Staff Report to the Zoning Administrator

Application Number: **131192**

Applicant: Gisela Moreno
Owner: Main Street Trio LLC
APN: 030-094-18

Agenda Date: April 4, 2014
Agenda Item #: 1
Time: After 9:00 a.m.

Project Description: The proposal is to change the use of an existing commercial building from a convenience store to a restaurant (Nayarita). This requires a Commercial Development Permit and a Variance to allow for a reduction in the number of on-site parking spaces from 12 spaces to 8 spaces and to increase the number of signs from one sign to 2 business signs in the C-2 zone district.

Location: The property is located at the northeast corner of the intersection of Soquel Drive and Main Street, at 4901 Soquel Drive.

Supervisory District: First District (District Supervisor: John Leopold)

Permits Required: Commercial Development Permit and Variance

Technical Reviews: None

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 131192, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	6,100 square feet
Existing Land Use - Parcel:	Commercial (vacant, previously a convenience store)
Existing Land Use - Surrounding:	Commercial and Public Facility (church)
Project Access:	Enter from Main Street, exit to Soquel Drive
Planning Area:	Soquel Village

Land Use Designation: C-C (Community Commercial)
Zone District: C-2 (Community Commercial)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal ☐ Yes ☒ No
Comm.

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
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: No physical evidence on site

Services Information

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

History

The existing structure on the parcel was constructed in 1964 as a gas station. In 1973 application D-73-9-17 was approved to change the use of the service station to a convenience market and subsequently, in 1974, Building Permit #37239 was issued to remodel the building for this use. A further application, 76-625-PD, to erect a 37 foot high flag pole and an 80 square foot sign with interior illumination was approved in 1976 but the flag pole and signage do not appear to have been constructed. Since this time there have not been any significant changes to the structure, although landscaping shown on plans approved in 1976 has now been eliminated.

Project Setting

The subject property occupies a prominent location on the eastern edge of Soquel Village, at the corner of Soquel Drive, one of the main arterial routes in central Santa Cruz County, and Main Street, a moderately busy collector street. Surrounding the parcel there are a variety of commercial and public uses, including retail stores, and a gas station that is located on the opposite corner. Immediately to the west of the parcel, set back from the road within an area of grass and trees, there are buildings associated with the Congregational Church of Soquel. The historic church itself, a prominent local landmark, is located around 240 feet to the east at the corner of Center Street.

To the north of the parcel on Main Street, surrounded by high walls that abut the subject parcel,

is the Persimmon House, an older home that was at one time permitted as a restaurant but is now occupied as a residence, and beyond that is a large paved parking lot owned by the Congregational Church of Soquel.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 6,098.4 square feet, located in the C-2 (Community Commercial) zone district, a designation which allows commercial uses. The proposed commercial restaurant is a permitted use within the zone district subject to the approval of a Commercial Development Permit and the zoning is consistent with the site's Community Commercial (C-C) General Plan designation.

Proposed Project

The proposal is to remodel the existing 1,200 square foot convenience store building to be a small Mexican seafood restaurant, Nayarita, that will cater mainly to local residents. The proposed restaurant use will be entirely within the existing building and no major changes are proposed to the exterior of the structure other than the relocation of one entry door and associated revisions to some windows. However, the interior of the structure will be completely remodeled to accommodate the new use. In addition a new trash enclosure will be constructed within the existing parking lot and the parking layout will be revised and re-striped. Further, some areas of the existing paved areas along the street frontage will be broken out to allow for new landscaping to upgrade and improve the overall appearance of the property.

Soquel Village Plan

The property is located in the Soquel Village Town Plan area and lies in the Soquel Drive East Entryway, within which the Congregational Church of Soquel is the main feature. As set out in the Village Plan, new buildings within the immediate vicinity of the church are required to complement the historic character of the church and additions to existing buildings, or other features such as utility poles, street lamps and other structures must be located so that views of, or the scale of the Congregational church is not diminished in any way.

The proposed restaurant complies with the Soquel Village Plan in that it will be entirely within the existing building on the parcel, and other than minor changes to the window openings and entry doors, no changes are proposed. The new walled trash enclosure that is proposed to be constructed adjacent to the eastern property boundary will not diminish or affect the views of the church in any way, in that it will be at a lower elevation than the church property and the enclosure will be adjacent to the existing retaining wall and tall hedge that run along the property boundary. Further, the enclosure will be screened and softened by new landscape plantings.

Further objectives of the Soquel Village Plan include encouraging public-private development strategies and shared parking development, and developing a safe village pedestrian system which links parking areas with shops and village focal points.

Parking

The proposed 1,200 square foot restaurant includes 570 square feet of dining area and 347 square

feet of kitchen and display area, male and female restrooms circulation areas and around 65 square feet of storage. As set out in County Code section 13.10.552 (B), “Off-street parking for non-residential uses”, a restaurant requires one parking space for every 100 square feet of gross floor area, which excludes all areas used for storage, and 0.3 spaces per employee. Therefore, based upon a gross floor area of 1,135 square feet and three employees, a total of 12 spaces would be required to be provided on-site. As proposed, only 8 spaces will be provided on the parcel. Therefore, to ensure that there will be sufficient parking for customers and employees the restaurant owner has obtained a license agreement with the Congregational Church of Soquel, for the use of 5 additional parking spaces within the church parking lot. These spaces are located at the northwest end of the parking lot, approximately 150 feet north of the proposed restaurant.

Shared parking is specifically encouraged by the Soquel Village plan and off-site parking is also allowed per County Code section 13.10.555(C), if located within 300 feet of the proposed use. However, the ordinance requires that where such off-site facilities are to be provided, an easement in perpetuity must be recorded on the parcel where the off-site parking is to be provided. The church is unwilling to record such an easement. Therefore, a Variance is required to recognize the provision of only 8 parking spaces on the parcel with no additional parking within a designated easement area. However, the required additional parking will be available to employees and customers of the proposed restaurant within the church parking lot. In addition, the restaurant is situated within a small community where pedestrian travel is encouraged. Because of this, patrons of the restaurant will also be able to walk from other communal parking facilities that have been established throughout the Soquel Village Plan area, and also from surrounding residential neighborhoods. A complete list of findings is included with this report.

Signage

As set out in County Code section 13.10.581 the maximum allowable signage is restricted to either half a square foot for each foot of building width or one quarter of a square foot for each foot of site width, whichever is greater, with a maximum area of 50 square feet. In addition only one business sign and one pedestrian oriented sign is allowed for the use. Based upon the site width, the maximum allowed sign area for this parcel is 36.75 square feet. As proposed the total sign area for Nayarita will be 32 square feet. However, because of the location of the restaurant on the corner of Soquel Drive and Main Street, two signs are proposed, one facing each street. This requires the approval of a Variance. A complete list of findings is included with this report.

Design Review

The proposed commercial restaurant complies with the requirements of the County Design Review Ordinance, in that the proposed project will be located within an existing building and no major changes are proposed to this structure. The entrance and some windows will be revised and the structure will be painted with upgraded trim colors. The proposed trash enclosure that is to be constructed will be set against the backdrop of an existing retaining wall, topped by a tall hedge, that together exceed the height of the proposed walls. In addition, new landscaping will be provided between trash enclosure and the street to reduce the visual impact of the proposed structure. Additional landscaped areas will also be provided along the street frontage to further upgrade the appearance of the proposed development and to better integrate the property into the

surrounding area and the natural landscape.

Environmental Review

The proposed project is eligible for a Categorical Exemption, per the requirements of the California Environmental Quality Act (CEQA) under Class 1 - Existing Facilities (Section 15301), since the proposed restaurant use occupy an existing commercial building and the proposed use is allowed within the parcel's C-2 (Community Commercial) zone district.

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 **131192**, 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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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: 131192

Assessor Parcel Number: 030-094-18

Project Location: 4901 Soquel Drive, Soquel, CA

Project Description: Proposal to change the use from a convenience store to a restaurant (Nayarita). Requires a Commercial Development Permit and a Variance to allow for a reduction in the number of on-site parking spaces from 11 spaces to 8 spaces and for 2 business signs.

Person or Agency Proposing Project: Gisela Moreno

Contact Phone Number: (831) 229 4744

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

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Commercial change of use within an existing commercial building.

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

Lezanne Jeffs, Project Planner

Date: _____

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 proposed restaurant use is located in an area designated for commercial uses and will be within an existing commercial building that will be remodeled and upgraded for the proposed use. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed commercial restaurant will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the existing structure meets all current setbacks that ensure access to these amenities.

- 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 commercial restaurant and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the C-2 (Community Commercial) zone district as the primary use of the property will be one restaurant that, with the exception of a reduced number of parking spaces and the provision of one additional sign, meets all current site standards for the zone district.

As set out in section 13.10.552 (B), "Off-street parking for non-residential uses", a restaurant requires one parking space for every 100 square feet of gross floor area, which excludes all areas used for storage, and 0.3 spaces per employee. Therefore, based upon a gross floor area of 1,135 square feet and three employees, a total of 12 spaces would be required to be provided on-site. As proposed, only 8 spaces will be provided on the parcel. To provide the required additional parking, 5 spaces for customers and employees will also be available within the parking lot owned by the Congregational Church of Soquel that is located approximately 150 feet north of the proposed restaurant. The restaurant owner has obtained a license agreement with the, for the use of these spaces. The ordinance requires that where such off-site facilities are to be provided, an easement in perpetuity must be recorded on the parcel where the off-site parking is to be provided. The church is unwilling to record such an easement. Therefore, a Variance is required to recognize the provision of only 8 parking spaces on the parcel. A complete list of Variance findings is included with this report.

As set out in County Code section 13.10.581 the maximum allowable signage is restricted to either half a square foot for each foot of building width or one quarter of a square foot for each foot of site width, whichever is greater, with a maximum area of 50 square feet. In addition only one business sign and one pedestrian oriented sign is allowed for the use. Based upon the site width, the maximum allowed sign area for this parcel is 36.75 square feet. As proposed the total sign area for Nayarita will be 32 square feet. However, because of the location of the restaurant on the corner of Soquel Drive and Main Street, two signs are proposed, one facing each street. This requires the approval of a Variance. A complete list of Variance findings is included with this report.

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

The proposed project will result in a quality commercial design as specified in General Plan Policies 2.14.6 (Quality of Commercial Design), 8.5.2 (Commercial Compatibility with Other Uses) and 8.5.3 (Commercial Design – Areas with Unique Design Guidelines). The proposed restaurant will be located within an existing commercial building which, together with additional parking to be provided on the church parking lot, includes adequate and appropriate circulation, parking and landscape design for the proposed development. Proposed signage will be appropriately sized to complement the scale of the structure. Upgrades and improvements to the existing building that include revisions to the entrance and windows, interior remodeling and also re-painting of the exterior along with the addition of landscaping at the street frontages will also serve to enhance the existing property.

A specific plan has not been adopted for this portion of the County, but there is an adopted Soquel Village Plan. There are no specific policies within the Soquel Village Plan for the subject parcel but the site is located within the Soquel Drive East Entryway, an area that is defined by the Congregational Church of Soquel. As set out in the Village Plan, new buildings within the immediate vicinity of the church are required to complement the historic character of the church and additions to existing buildings, or other features such as utility poles, street lamps and other structures must be located so that views of, or the scale of the Congregational church is not diminished in any way. The proposed revisions to the original convenience store adhere to the guidelines contained within the Village Plan in that only minor changes are proposed, and the proposed changes have been designed to be in keeping with the original design of the building. The only new structure that is proposed on the parcel is a trash enclosure, which will be constructed adjacent to the eastern property boundary. The new walled trash enclosure will not diminish or affect the views of the church in any way, in that it will be at a lower elevation than the church property and the enclosure will be adjacent to the existing retaining wall and tall hedge that run along the property boundary. Further, the enclosure will be screened and softened by new landscape plantings.

Further objectives of the Soquel Village Plan include encouraging public-private development strategies and shared parking development, and developing a safe village pedestrian system which links parking areas with shops and village focal points. Parking for the proposed restaurant use will be provided both on the parcel and also available within the nearby parking lot owned by the Congregational Church of Soquel. Additional public parking is also available throughout the Soquel Village connected to the proposed restaurant via existing developed sidewalks.

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 restaurant will be located within an existing commercial building and will replace a convenience store that was legally established on the parcel. The proposed project will not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity, in that the expected level of traffic generated by the proposed restaurant is not anticipated to exceed the former level of traffic generated by previous use of the property and therefore will not adversely impact existing roads and intersections in the surrounding area.

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 commercial building is located in a mixed neighborhood containing a variety of architectural styles, and the proposed restaurant, which will be entirely within the existing structure, is consistent with the land use intensity and density of the area. No major changes are proposed to the exterior of the building and new landscaping will enhance the overall appearance of the site.

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 restaurant will be within an existing commercial building that is of an appropriate scale and type of design that is consistent with the aesthetic qualities of the surrounding properties. The proposed restaurant will not reduce or visually impact available open space in the surrounding area.

Variance Findings

1. **That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.**

Signs: This finding can be made, in that signage for a commercial business needs to be visible from all major traffic routes and that, due to the location of the subject property at a street corner additional signage is required. The proposed restaurant will have two signs, the main business sign of 24 square feet in size will face Soquel Drive and a smaller 8 square foot sign will face Main Street. The total of sign area of 32 square feet does not exceed the maximum 36.75 square feet allowed on this parcel under County Code section 13.10.581.

Parking: As set out in section 13.10.552 (B), "Off-street parking for non-residential uses", a restaurant requires one parking space for every 100 square feet of gross floor area, excluding areas used for storage, and 0.3 spaces per employee. Therefore, based upon a gross floor area of 1,135 square feet and three employees, a total of 12 spaces are required. A total of 13 spaces will be available for the proposed restaurant, 8 spaces on the parcel and 5 additional spaces on the parking lot for the Congregational Church of Soquel that is located approximately 150 feet north of the parcel. The restaurant owner has obtained a license agreement with the Congregational Church of Soquel, for the use of the additional parking spaces within the church parking lot. However, the ordinance requires that where such off-site facilities are to be provided, an easement in perpetuity must be recorded on the parcel where the off-site parking is to be provided and the church is unwilling to record such an easement. Therefore, a Variance is required to allow for off-site parking that is unsecured by an easement. However, the church provides off-site parking, subject similar license agreements, for several businesses within the area, including the Main Street Garden Cafe located at 3101 N. Main Street. This type of shared parking development has been specifically encouraged in Soquel Village and is consistent with the stated objectives of the Soquel Village Plan.

In addition, the restaurant is situated within a small community where pedestrian travel is encouraged. Because of this, patrons of the restaurant will also be able to walk from other communal parking facilities that have been established throughout the Soquel Village Plan area and also from surrounding residential neighborhoods.

Therefore this finding can be made.

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

Signs: This finding can be made, in that the proposed signage will be designed to be an integral part of the building and will be located on or below the upper line of the roof fascia. Individually the signs are small and are compatible with the size and scale of the existing building. The proposed signage will not obscure sight lines for traffic or be visually obtrusive to the surrounding neighborhood.

Parking: Shared parking is specifically encouraged by the Soquel Village plan and off-site parking is also allowed per County Code section 13.10.555(C) if located within 300 feet of the proposed use. The provision of 5 off-site parking spaces within the church parking lot that is located approximately 150 feet north of the proposed restaurant is therefore in harmony with the general intent and purpose of zoning objectives. Access to the on-site parking will from Main Street, with one-way circulation and an exit on to Soquel Drive. Access to the church parking lot is less than 100 feet north of the proposed restaurant and also from Main Street. The proposed restaurant is easily accessible from the church parking lot via an existing paved sidewalk.

Therefore this finding can be made.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

Signs: This finding can be made, in that all other commercial buildings along Soquel Drive and Main Street have signs that are visible from the roadway onto which they front. The location of the property at the intersection of two streets requires that signage be placed to allow for visibility from both roadways. Therefore, the addition of signage will not be a grant of special privilege.

Parking: The provision off-site parking does not constitute a grant of special privilege in that, similar licenses have been granted by the Congregational Church of Soquel for the shared use of their parking lot for other businesses in the vicinity. Further the proposed restaurant is located in an area that includes several shared public parking facilities that have been established under a managed parking district, set up in accordance with the Soquel Village Plan. These parking lots serve many of the businesses within the Soquel village.

Conditions of Approval

Exhibit D: 10 sheets prepared by Maloka Design and Construction, dated September 13, 2013 and 2 sheets prepared by Captivair, dated September 23, 2013.

- I. This permit authorizes the remodel of an existing commercial building for a restaurant use, the construction of a trash enclosure within the existing paved parking area, a revised layout for the on-site parking lot and the provision of landscaping. 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.
 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.
 - C. Obtain an Encroachment Permit from the Department of Public Works for any off-site work performed in the County road right-of-way.
 - D. 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.
 2. Details showing compliance with fire department requirements.

- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
 - C. Obtain a food facility plan approval and permits from the County Department of Environmental Health Services.
 - D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - E. As required by the Department of Public Works Sanitation Division, televise all on-site sewer laterals and make repairs to any damaged or leaking pipes that might be shown.
 - F. Provide required off-street parking for 8 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. Provide required off-street parking for 4 bicycles (2 behind the building and 2 adjacent to parking space #8). Parking spaces must be 2 feet wide by 6 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
- IV. Operational Conditions
- A. No outdoor storage is permitted.

- B. The hours of operation shall not exceed 6:00am to 11:00pm daily.
 - C. The sale of Beer and wine is allowed only in conjunction with food purchase.
 - D. The service of alcoholic beverages must comply with all the requirements of the Department of Alcoholic Beverage Control (ABC).
 - E. The use of any amplifying system or device for music or entertainment is prohibited outside the building and the use of any such system inside the building shall not be audible from the outside.
 - F. 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.

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: _____

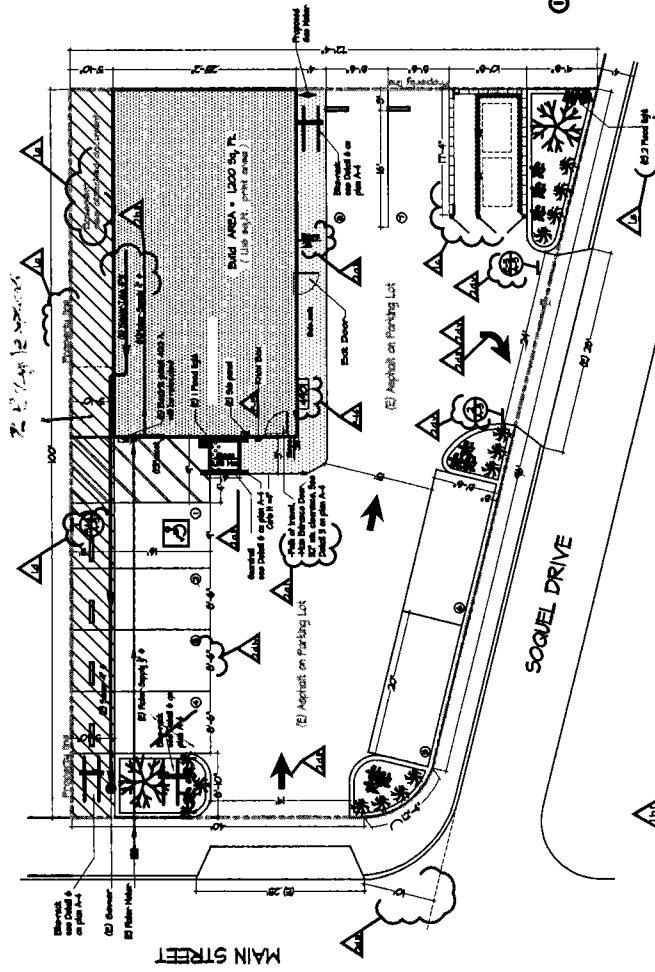
Expiration Date: _____

Wanda Williams
Deputy Zoning Administrator

Lezanne Jeffs
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.

NAYARITA RESTAURANT



AREAS	
LOT AREA	0,094 Sq. Ft.
Ponding Area	3,640 Sq. Ft.
Building Area	1,200 Sq. Ft.
Clear Floor Area	1,116 sq. Ft.
Landscaping Area	420 Sq. Ft.
Site Yield Area	238 Sq. Ft.
Truck Enclosure Area	165 Sq. Ft.
Exhaust Area	372 Sq. Ft.

[illegible]

SCOPE OF WORK

1,200 sq.ft. Building Area
1,116 sq.ft. of Clear Floor
Foot Restroom and 48' here the following areas:

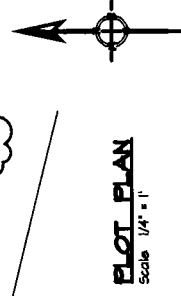
KITCHEN, SALES AREA, DINING AREA, STORAGE, MALE
RESTROOM, FEMALE RESTROOM

—Plumbing and electrical lines will be re-runs.
—Flooring grooves will be located on church grounds.
—Dormer (C) Restroom and Storage
—New landscaping
—2 Aerial business signs

—Gas Line and Gas Meter will be installed

PROJECT DATA

Assessor's Parcel Number:	030-094-18
Description of Use:	Commercial-Use
Occupancy Group:	B (restaurant less 50 people)
Number of Stories:	1 story
Sprinklers System:	No



PARKING SPACES	
Kitchen & Display Area	• 547 sq.ft.
Dining Area	• 570 sq.ft.
	• 471 sq.ft. 100
Total Area	
Parking spaces: 4 + 5% employees = 12 minimum	
12 parking spaces required (included handicap)	
NOTES:	
Arrangement for 4 additional parking spaces have been made with the City of Portland. The discount is allocated to the project.	

Machine Room Area Allocation for Occupancy

Assembly without fixed seats

Workstations (chairs and chairs)

Children & Display Area

Dining Area

Occupancy Load

Hours of Operation




847 sq. ft. 2000-2

510 sq. ft. 36

40 people

Hours of Operation

40 people x 60 inches = 12 inches square width

Landslipping plants		Common Name	Scientific Name	Geometry	Features
	California Dodder	<i>Siddals californica</i>	1" x 4"	Intertwine poor soil seasonal and drought	
	Blue-Bladed Grass	<i>Styphnololium holatum</i>	6" x 4"	semi-evergreen perennial. Exteriors and interiors wet soils and water	
	Desert Milium	<i>Chippale hirsute</i>	50"	Intertwine Saline wet areas and high seasonal flooding and drought, wet coastal conditions	

- Students use life copies for radiant control.
- Disinfectant, seasonally. After two years reduce sprays.
- Aves leave or top slide must have adhesion or top slide irrigation
- Sub. Ductwork necessary & acceptable investment in top-quality top and. Wood and to get good shoes heavy duty
- Students. Also at three shiny heavy duty double doors or pay them for shed.
- Plast. laminate. Each name specific characteristics that define the possible characteristics, parents, might enter etc.
- Playthings surrounded by shattering surfaces.

[illegible]

FIRE DEPARTMENT NOTES

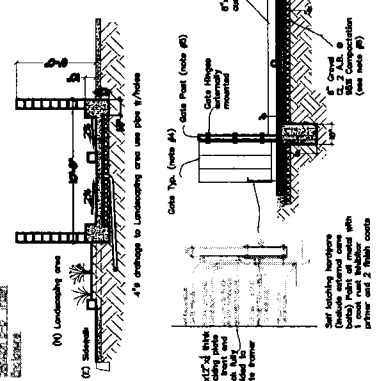
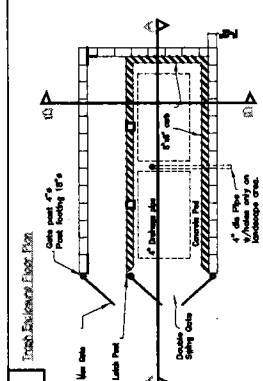
These plans are in compliance with California Building and Fire Code provisions as amended by the Central Fire Protection District. Construction classification as determined by the building official and outlined in Part IV of the California Building Code.

Occupancy classification as determined by the building official and outlined in Part V of the California Building Code.

We reviewed the Plans and the exhibits for this Project. This information can be obtained from the plan commission report.

Conditions and equipment, and is prohibited by an approved design. These are the department's plans complying with LSCD.

Not covering to be no less than One (1) rated roof.



see notes on plan A-4

[illegible]

Hood information is on a separate plan.

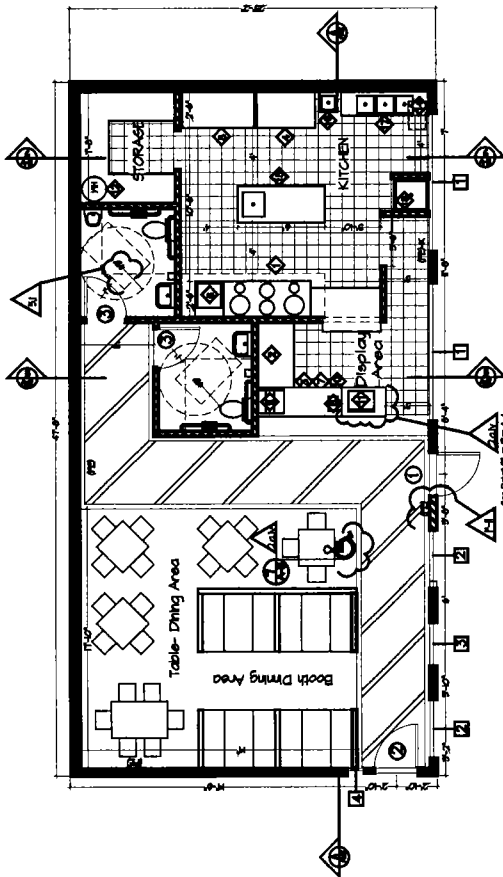
DOOR SCHEDULE

#	Size (inches)	Type	Material	House	Year	MTY	Hardware
NO ①	36" x 48" x 24"	I	Viny / Glass	NY	NY	1	10 LOCK, 100 BELL, LOCKER, READ BELL
NO ②	36" x 48" x 24"	I	Viny / Glass	NY	NY	1	10 LOCK, 100 BELL, LOCKER, READ BELL
NO ③	36" x 48" x 24"	II	Solid Core	NY	NY	2	1/2 PIN, BULLS, STOP, PERFECT SET, CLAMBER

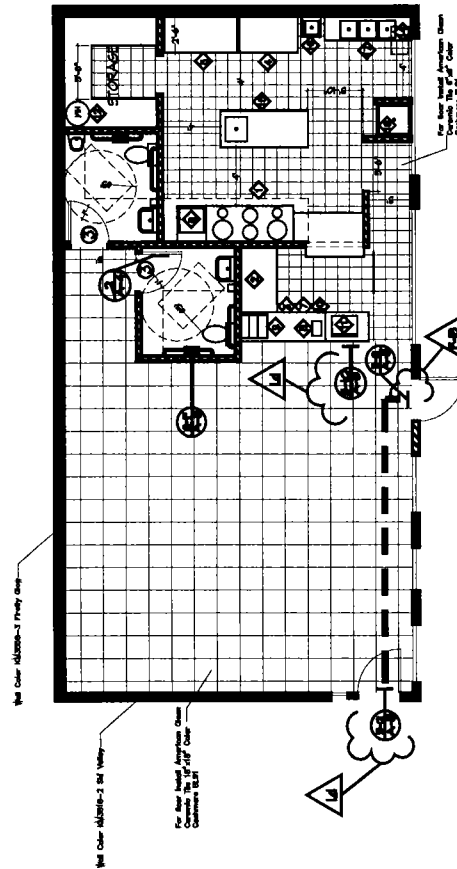
WINDON SCHEDULE

INVERSE MODEM						
I	SIZE	TYPE	QJZ	FRAM	QRY	REMARKS
1	10' x 50'	Placed	DRL CLR	Very	2	3 RDL 1000' cell replaced by 1000'
2	4' x 5'	Placed	DRL CLR	Very	2	1 RDL + (N) section
3	5' x 5'	Placed	DRL CLR	Very	1	(2) door replaced by a window
4	10' x 4'	Placed	DRL CLR	Very	1	Re-replaced

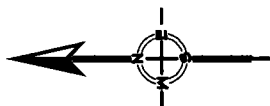
FINISHES SCHEDULE

[illegible]

(N) FLOOR PLAN
Scale 1/4" = 1'



N) EXITING PLAN
scale 1/4" = 1'



NOTES: Non-Lightsender will be attached to the building. (2) 3 Flood lights on parking spaces will be removed.

RESTROOM DETAILS

NATARITA RESTAURANT

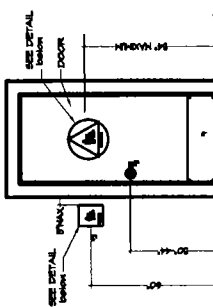
© 1997 by The McGraw-Hill Companies, Inc.

DOMINGO TOPICA 0005 001247-1734

MALOKA

NOT A MEMBER
Y N3830
$$\frac{1}{\gamma} \left(\frac{\partial \phi}{\partial t} + u \frac{\partial \phi}{\partial x} + v \frac{\partial \phi}{\partial y} \right) = -\nabla^2 \phi$$

Reestrone Door Details



RESTROOMS

- [illegible]

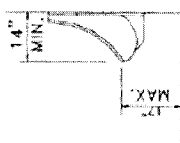
These Symbols
ADA National Sign
with Braille -
Male/Female/Handicap



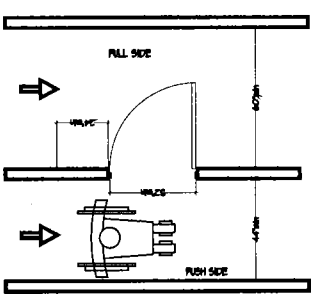
REST ROOM MAGES



BRVAD DETAIL

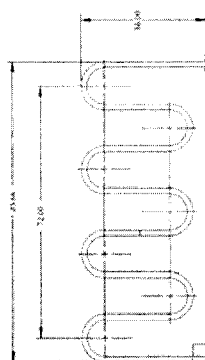


Bath Towel - Estimate done



NOTE. 400 ml of decalin has both a label and a closure.

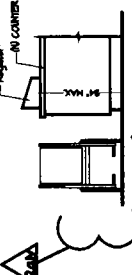
Bike Rack



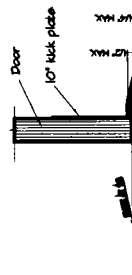
Surface Mount Option



Josh Feaster



THRESHOLD DETAIL



RESTROOM MERE

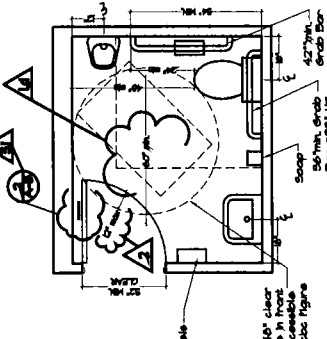


RESTROOM DISPENSERS

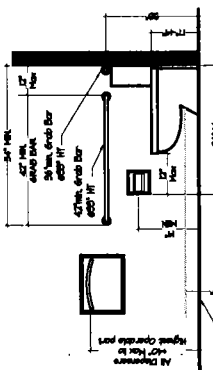


DISCOUNTS SHALL BE COMBINED

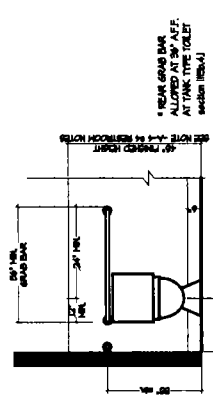
RESTROOM FLOOR PLAN



SIDE WALL ELEVATION



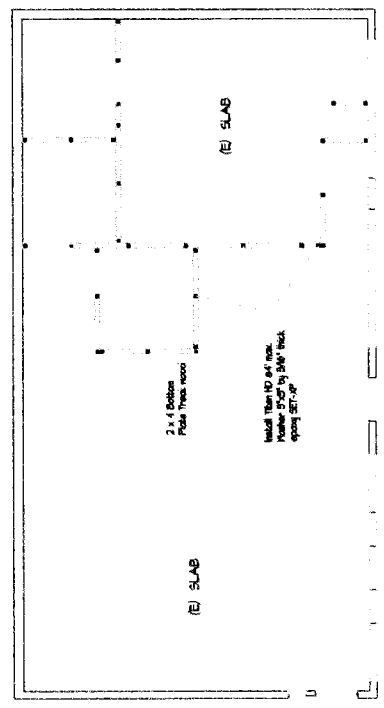
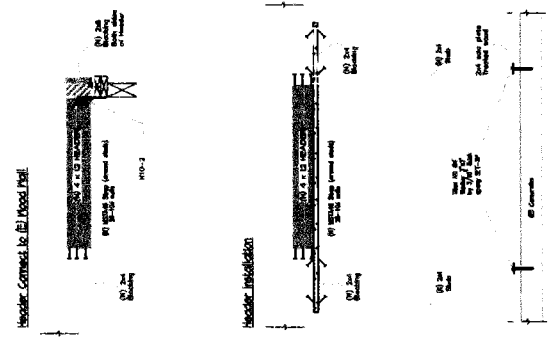
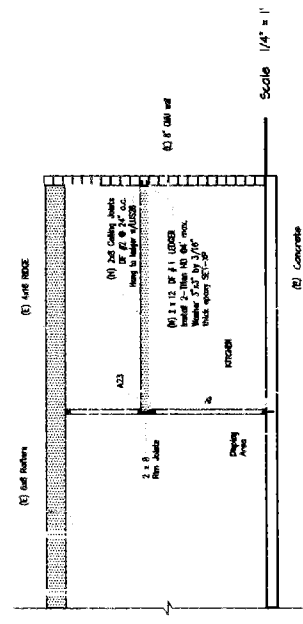
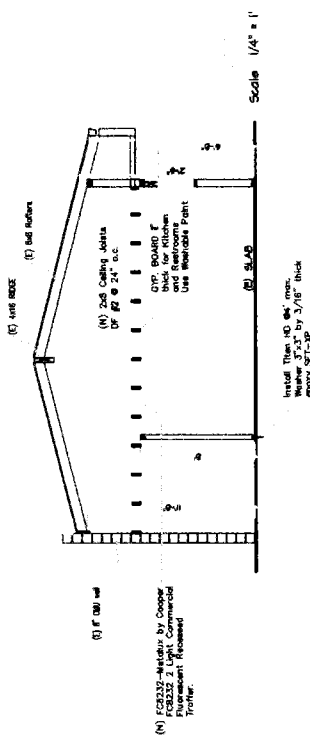
SEAR WALL ELEVATION



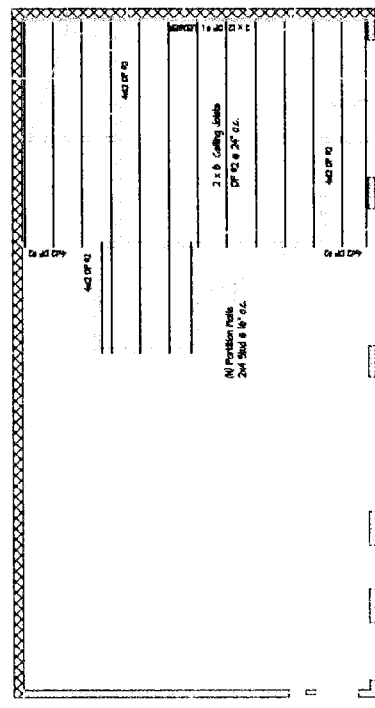
Not wider and deeper
accessible under footprints shall
be specified or otherwise



Revision / Description	Date	By
1. Initial Design	10/1/00	JS
2. Revise	10/1/00	JS
3. Revise	10/1/00	JS
4. Revise	10/1/00	JS
5. Revise	10/1/00	JS

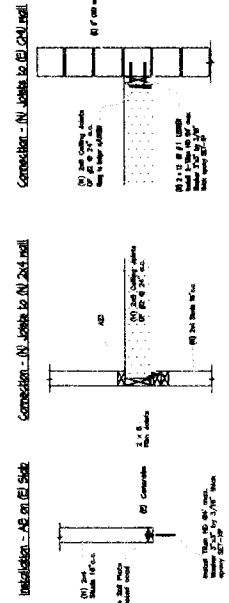


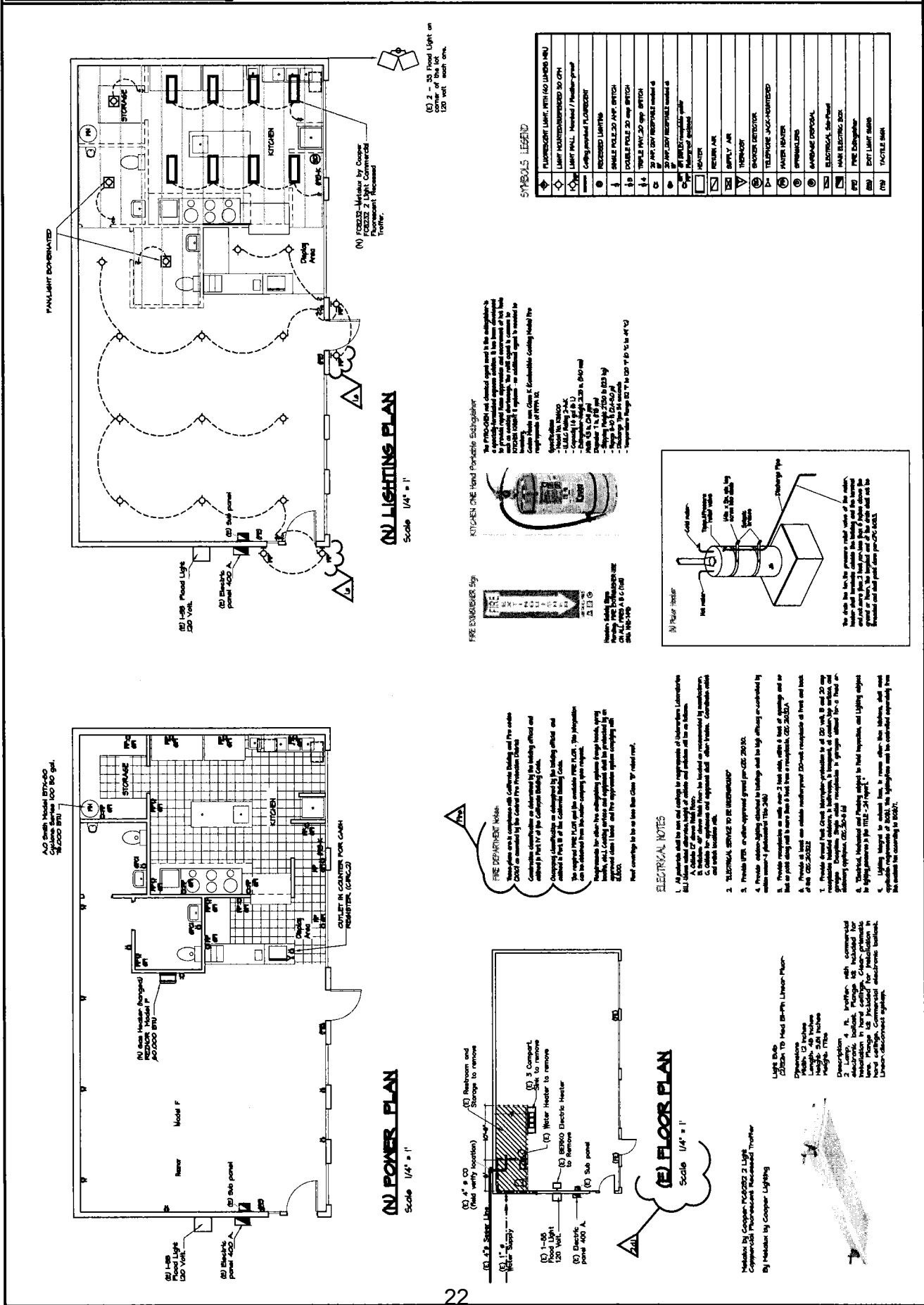
Scale 1/4" = 1'

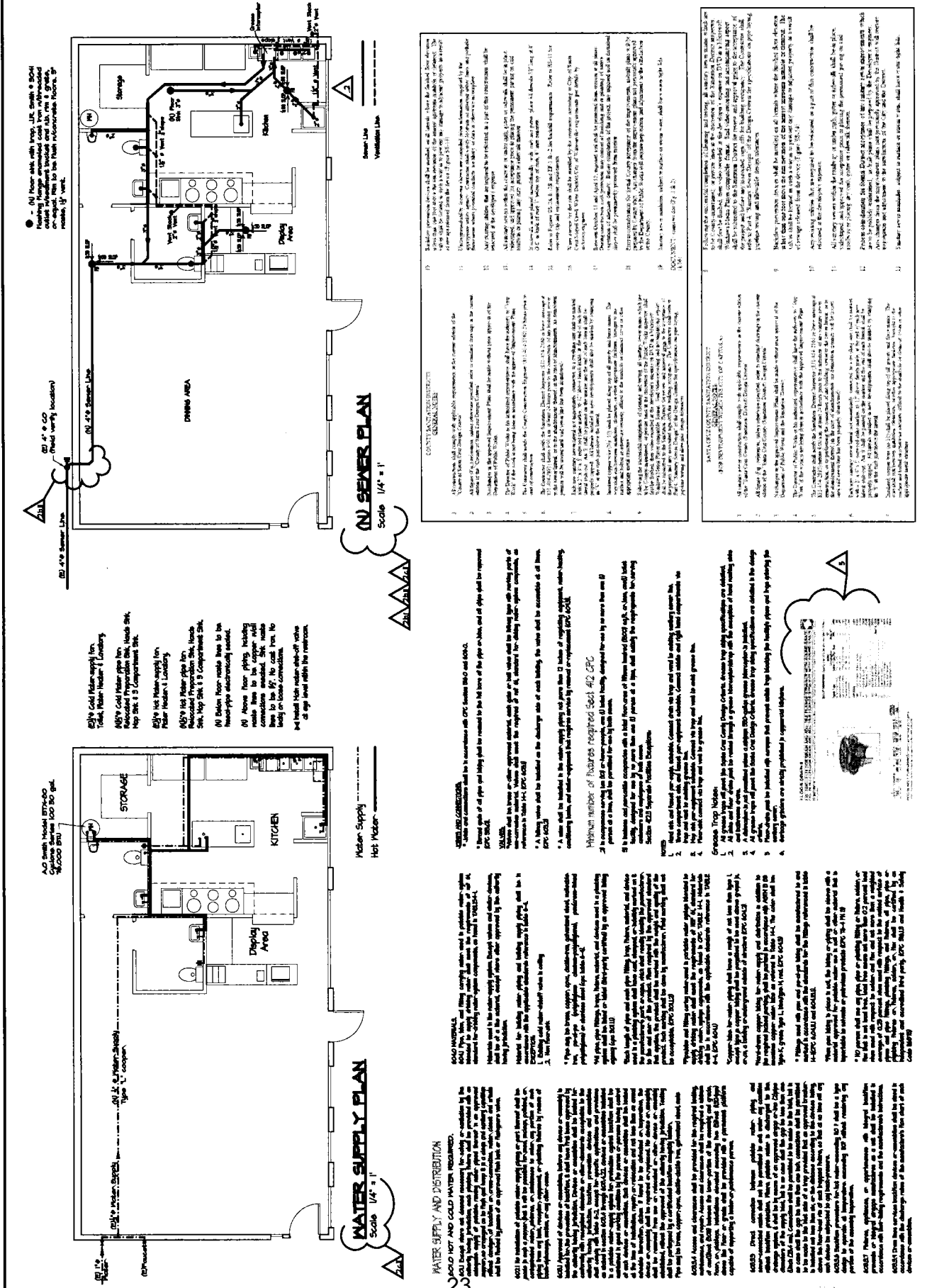


Scale 1/4" = 1'

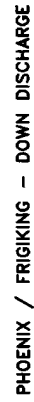
1. All joints shall be made with a minimum of 2" of concrete on each side of the joint.
2. All joints shall be made with a minimum of 2" of concrete on each side of the joint.
3. All joints shall be made with a minimum of 2" of concrete on each side of the joint.
4. All joints shall be made with a minimum of 2" of concrete on each side of the joint.
5. All joints shall be made with a minimum of 2" of concrete on each side of the joint.
6. All joints shall be made with a minimum of 2" of concrete on each side of the joint.
7. All joints shall be made with a minimum of 2" of concrete on each side of the joint.
8. All joints shall be made with a minimum of 2" of concrete on each side of the joint.
9. All joints shall be made with a minimum of 2" of concrete on each side of the joint.
10. All joints shall be made with a minimum of 2" of concrete on each side of the joint.





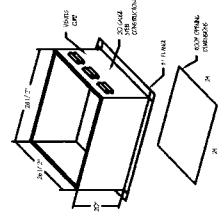


<p>• 90-120° HANGING ANGLE DETAIL</p> <p>HANGING ANGLES WILL BE LOCATED AT ALL WALL LOCATIONS</p> <p>FOR WALL CANOPIES</p>			
HOOD STYLE	DSN FROM REAR	DSN FROM FRONT (or High Hood)	DSN FROM FRONT (or High Hood)
Wall	Recessed Body With MUA	2.25"	2.25"
	With MUA	2.25"	2.25"
Back Shelf	Recessed Only With MUA	2.25"	2.25"
Condensate	2.25"	2.25"	2.25"



Model Name	Sales Forecasts																Actual Demand		Forecast Error		Error %	Error Std
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Actual	Forecast				
Model 1	50	55	60	65	70	75	80	85	90	95	100	105	110	115	120	125	130	135	140			

FEATURES	NOTES
ALL WEEDS NOT TREATED ON A VARIOUS SCALE CAN BE	RESISTANT WEEDS ARE: PRAIRIE DOGS
ALL WEEDS DO NOT GROW IN THE SAME PLACE	WEEDS ARE SHARP TOOTH
WEEDS ARE NOT THE SAME COLOR, SIZE, SHAPE	GOODER GROWTH OF WEEDS AS A
WEEDS ARE NOT THE SAME COLOR, SIZE, SHAPE	POWDER POWDER OR THE POWDER
WEEDS ARE NOT THE SAME COLOR, SIZE, SHAPE	WEEDS ARE NOT THE SAME COLOR, SIZE, SHAPE



NO.	ON. 1941	RECEIVED	ITEM	9/21
1	1	4. 195	Carb	26.650°W, 26.900°N, 20.000°H Vertical Profile

[illegible][illegible]

MECHANICAL AIR BALANCE	
TOTAL HOOD EXHAUST	2760 CFM
TOTAL MUA	2618 CFM
REMAINDER FROM HVAC	137 CFM

FOR QUESTIONS, CALL
THOMAS "M"
POMERAY / GENERAL SA OFFICE
8 ARLING CT. BERKINGHAM, CA 94003
PHONE: (415) 856-2300, (800) 363-0600

FOR TAX PURPOSES ONLY

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POR. SOQUEL RANCHO
SEC. 10, T. 11S., R. 1W., M.D.B. & M.

Tax Area Code
96-101

30-09

PARRISH ADD. TO SOQUEL

10

51MB19
1/7/1974

47MB48
7/8/1974

30PM12
8/18/1978

84RS49
7/23/1991

22PM29
8/17/1976

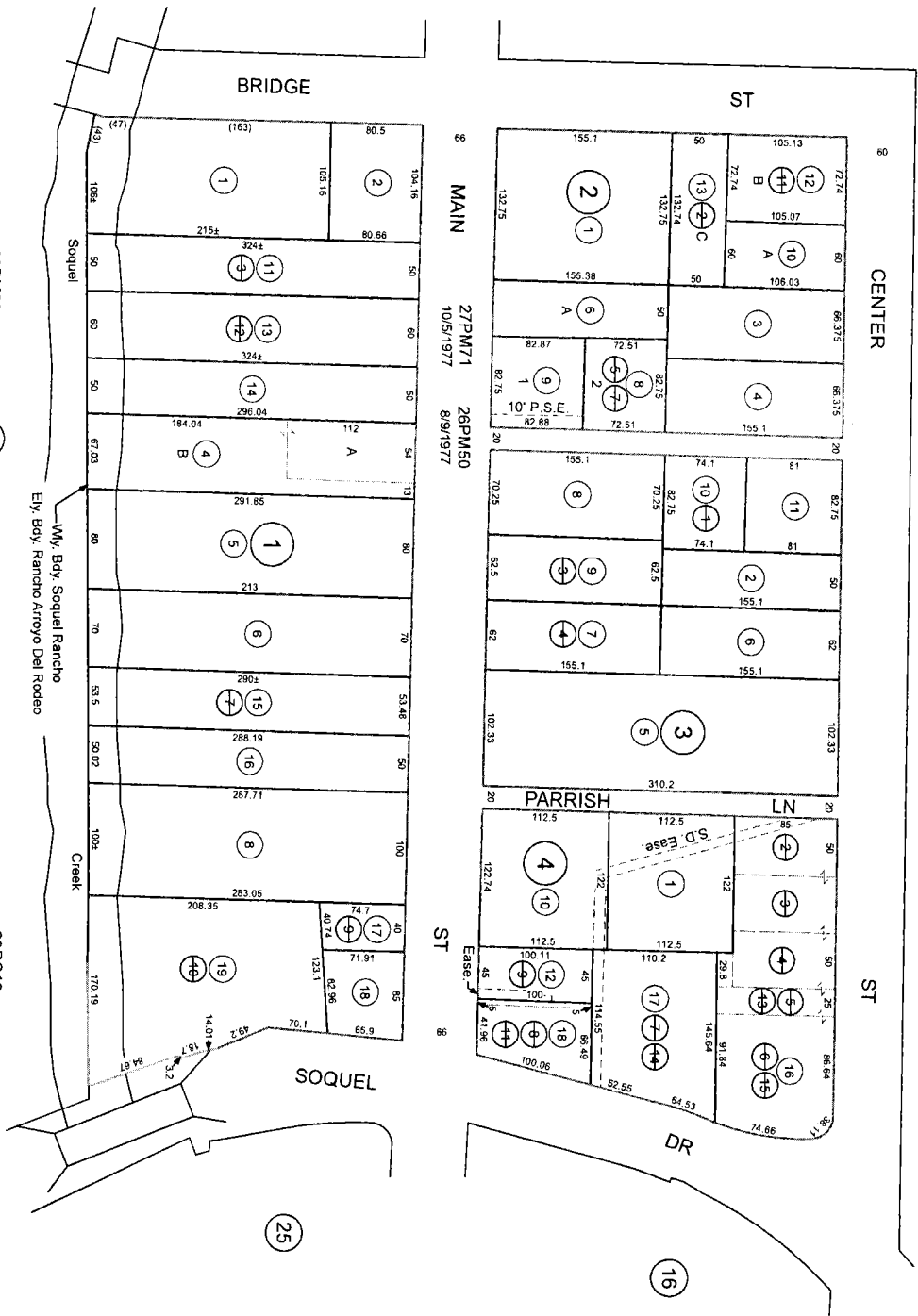
08

80RS13
3/28/1989

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

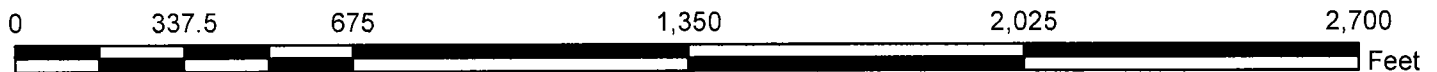
Assessor's Map No. 30-09
County of Santa Cruz, Calif.
September, 1998

Electronically Redrawn 9/9/98 nw
Rev. 7/2/02 DD (2-0028339, to st. 1-19)
Rev. 12/1/10 mc (page redrawn)






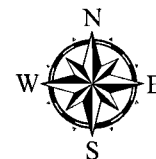


Location Map



LEGEND

-  APN: 030-094-18
-  Assessors Parcels
-  Street

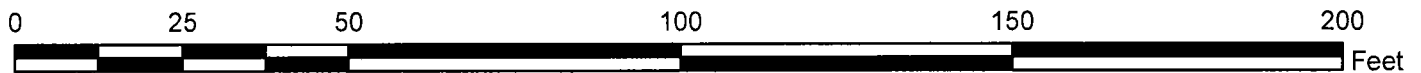
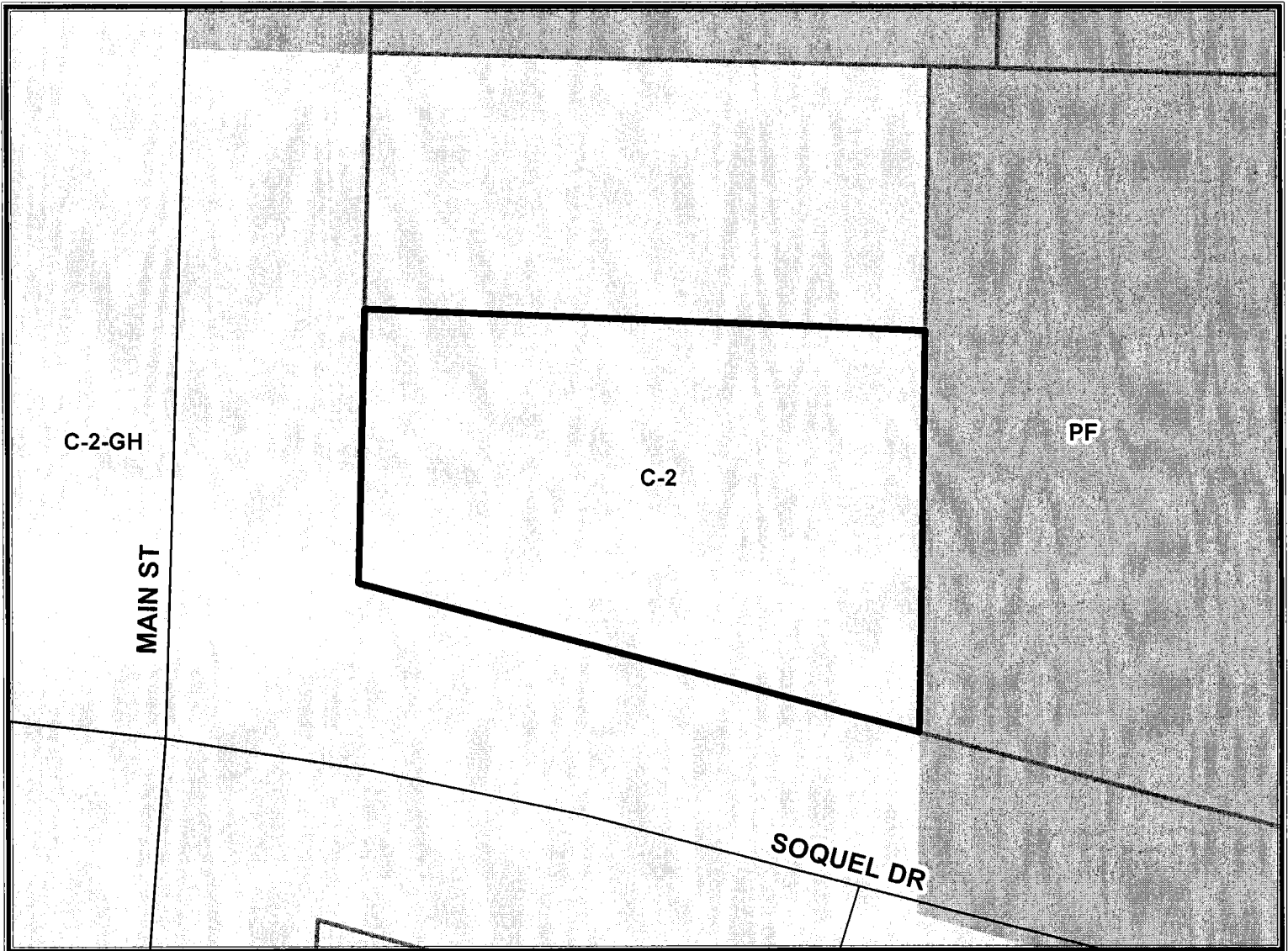


Map Created by
County of Santa Cruz
Planning Department
March 2014

EXHIBIT B

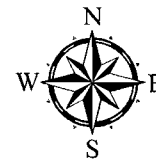


Zoning Map



LEGEND

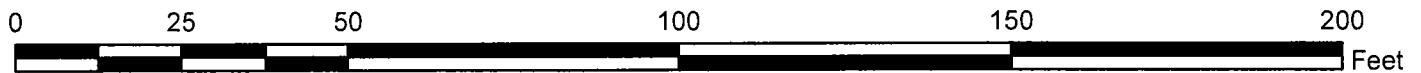
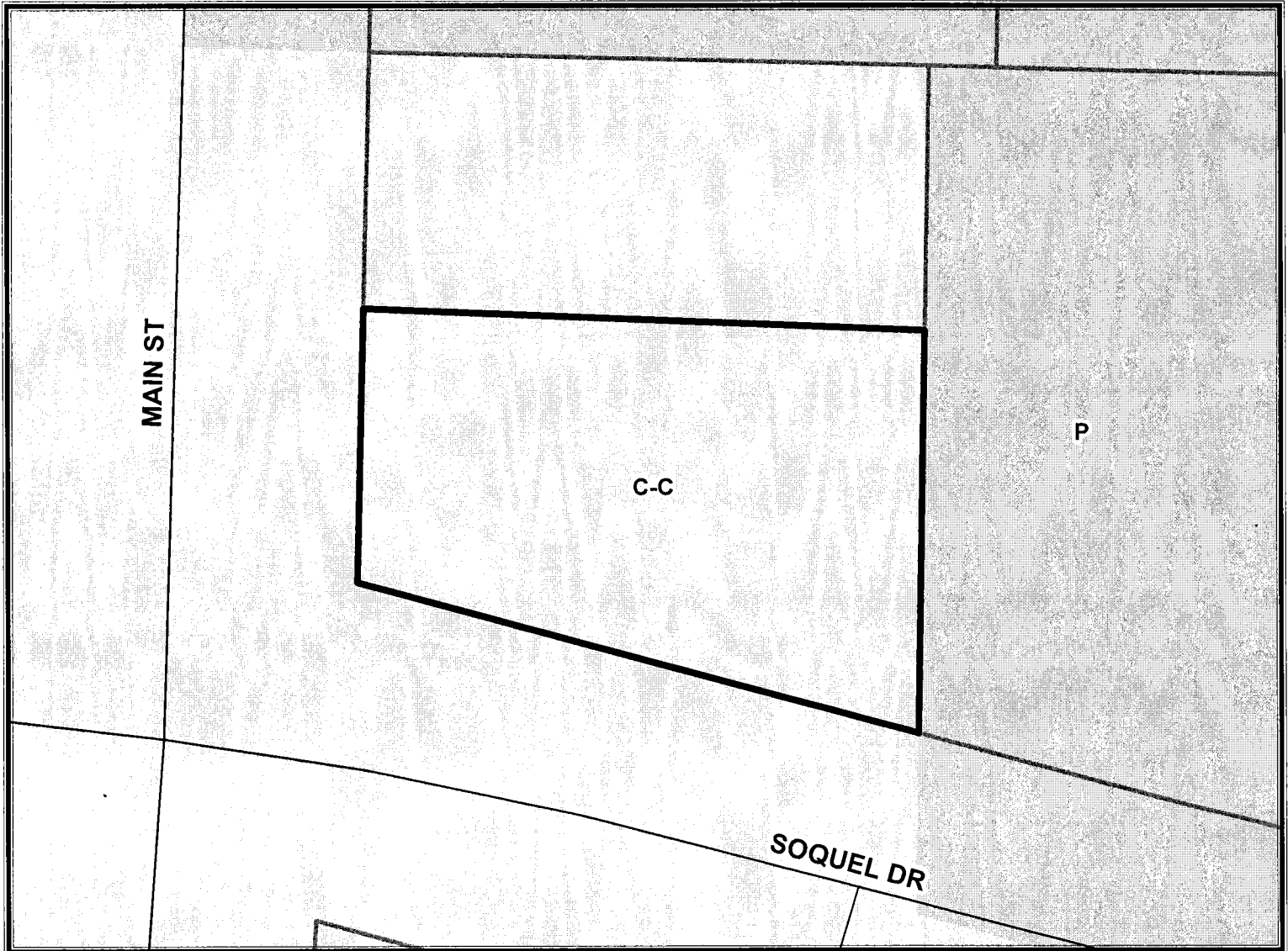
-  APN: 030-094-18
-  Assessors Parcels
-  Street
-  COMMERCIAL-COMMUNITY
-  PUBLIC FACILITY








Map Created by
County of Santa Cruz
Planning Department
March 2014

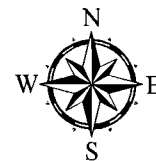


General Plan Designation Map



LEGEND

-  APN: 030-094-18
-  Assessors Parcels
-  Street
-  Commercial-Community
-  Public Facilities



Map Created by
County of Santa Cruz
Planning Department
March 2014

Congregational Church of Soquel

LICENSE AGREEMENT

This Agreement made this 9th day of September, 2013 by and between the CONGREGATIONAL CHURCH OF SOQUEL, hereinafter referred to as "Licensor," and DAMASO TAPIA, hereinafter referred to as "Licensee."

WHEREAS, Licensor is the owner of certain real property commonly known as 4951 Soquel Drive, Soquel, Santa Cruz County, California, which consists, in part, of a seventy-two (72) space parking lot, with access to Main Street in Soquel; and

WHEREAS, Licensee desires to obtain permission to perform certain acts upon Licensor's property,

NOW, THEREFORE, it is agreed as follows:

1. Licensor grants to Licensee, to use five (5) parking spaces at the north-west end of the aforesaid parking lot, between the hours of 12 noon – 8pm Monday through Sunday, for the employees and patrons of MARISCOS NAYARITA, located at 4901 Soquel Drive, Soquel, California.
- 2)
 1. Licensee agrees to prohibit the tenants and employees of Licensee's aforesaid commercial property from parking on the aforesaid parking lot during periods when the parking lot is needed for special uses by Licensor, as may be made known by Licensor from time to time.
- 3)
 1. Licensee agrees to contribute to the maintenance and repair of the aforesaid parking lot in proportion to Licensee's use of the lot when asked to do so by Licensor. The Licensee will be billed, in advance, on a quarterly basis, \$75.00 for the use of the parking lot.
- 4)
 1. Licensee agrees to hold Licensor and its officers, agents, and employees harmless from any damage which may result from the use of said License by Licensee or his tenants or employees or employees of his tenants, and to defend and indemnify Licensor from any claim asserted against Licensor by any such persons, arising from use of the parking lot. Licensee further agrees to name Licensor as an additional insured on Licensee's liability insurance policy for Licensee's commercial property at 4901 Soquel Drive, Soquel, California.

5)

4951 Soquel Drive • Soquel, CA 95073-2430
Phone: (831) 475-2867 • Fax: (831) 475-2902 • E-mail: ccs@cruzio.com
<http://members.cruzio.com/~ccs/>

1. Licensee agrees to reimburse Licensor in the event that Licensor's liability insurance premium may be increased as a result of Licensee's use of Licensor's property.
- 6)
1. This License is personal to the Licensee. It is nonassignable, and any attempt to assign this License terminates it.
- 7)
1. This Agreement is terminable upon either party's giving sixty (60) days notice to the other.
- 8)
- 9) IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.
- 10)
- 11)

12) LICENSOR

13)

14) Congregational Church of Soquel

15)

16)

17) By:

Scott Hamby 9/9/13

18)

Scott

Hamby, Chairman, Board of Trustees

19)

20)

21)

22) LICENSEE

23)

24) Mariscos Nayarita

25)

26)

27)

28) Damaso Tapia,

29)

30)

31)

32)

33)

34)

Damaso Tapia

8/30/13