



# COUNTY OF SANTA CRUZ

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HISTORIC RESOURCES COMMISSION

PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060

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KATHLEEN MOLLOY, PLANNING DIRECTOR

March 30, 2021

**AGENDA: April 5, 2021**

**SUBJECT:** Status update on the Seabreeze Tavern, a designated historic resource located at 101 Esplanade in Aptos (APN 042-151-23), including the County determination that the building poses an immediate threat to public health and safety due to extensive fire damage, County action approving the emergency demolition of the structure in order to protect the public from danger, and future actions for this site.

**Dear Commissioners:**

The purpose of today's report is to provide a status update on the Seabreeze Tavern, provide an overview of Code requirements applicable to this site, and outline the role of your Commission in the review of future development on this site. Staff is recommending that your Commission accept and file this report, and provide any comments regarding historic documentation as recommended by staff.

**Background**

The Seabreeze Tavern is a designated historic resource, listed in the County's Historic Resources Inventory as a structure of local historic significance (NR-5) (Exhibit A). Constructed in 1928 in the Spanish Revival style, the County Historic Resources Inventory notes that the building is historically significant "as the last remaining building of the Raphael Castro Hotel and the only remaining building of the Aptos Land Company development that began the resort development of Rio del Mar." As was previously reported to your Commission, on June 14, 2020 a fire severely damaged the building. Over a period of several months, the County directed the then current owner, Champery Rental Reo LLC, to protect the building from further damage, stabilize the building, secure the building from entry, and hire an engineer to evaluate the building and determine the structural condition and integrity of the building. Limited progress was made by this previous owner.

In January of this year, the property was sold to its current owner, Mr. Omar Billawalla. Since purchasing the property, Mr. Billawalla has cooperated fully with the County. Based upon initial site inspections by the Building Official in the fall of 2020, and site visits in February of this year and initial assessments from the contractor, the Building Official directed the property owner to

installing scaffolding around the building and prevent access to the building to protect the public, remove loose stucco from the rear and east walls, and obtain a report from a qualified engineer evaluating the structural condition of the building. As instructed, the property owner had the scaffolding installed, and submitted an initial engineer's report to the Building Official on February 16 and a final engineer's report on March 9, 2021.

The final engineer's report (Attachment 2), summarizes the condition of the building as follows:

*The building is a two-story conventional wood-framed structure with stucco exterior. The fire severely damaged the entire structure. The roof has been completely destroyed by the fire and has been removed, currently covered with blue tarp to protect the building from rain. With the roof removed, there is no lateral support for the four surrounding walls. There's extensive visible fire damage to the North, East and West walls above the 2nd floor and there is extensive structural damage to these walls below the 2nd floor. The stucco is beginning to separate from the walls. It also appears the fire traveled below the sole plate and to the walls below. With the lack of lateral support from the roof and the exterior walls, it is my opinion that the building is not structurally safe and is not salvageable.*

Based upon the findings and analysis from the engineer and several site inspections, the County Building Official made the determination that the building posed a substantial and immediate threat to health and safety. Due to the extent of structural damage and resulting structural instability, the Building Official further determined that partial demolition of the structure was not feasible, and that complete demolition of the structure was necessary to protect the public from danger. This determination was made after careful evaluation and consideration, as demolition was considered the last option by the County due to the historic significance of the Seabreeze Tavern and its value to the community. On March 22, 2021, a demolition permit was issued for the building.

### **Applicability of Santa Cruz County Code requirements for Demolition of a Historic Resource**

Due to the value the County places on historic preservation, pursuant to SCCC 16.42.050 demolition of a historically designated structure can be approved only under extremely limited circumstances, subject to the required findings and with appropriate documentation, and following a public hearing and recommendation by your Commission, with final action by the Board of Supervisors.

However, recognizing the County's paramount role in protecting the public, Section 16.42.090 of the County Code, Unsafe or Dangerous Conditions, provides an exception to Chapter 16.42 requirements where necessary to protect the public. The Unsafe or Dangerous Conditions section states that Chapter 16.42 shall not prevent measures up to and including demolition, where determined necessary to correct a dangerous condition that has been declared to constitute an immediate threat to public health and safety by the Building Official. Only such work as necessary to correct the dangerous condition may be performed as part of this emergency exception process. In accordance with this exception process, the County provided

notice to the HRC Chair of the pending demolition approval on March 10, and approved the demolition permit as an emergency action on March 22, 2021.

Although the County has approved the demolition of this structure, the property continues to be listed in the Santa Cruz County Inventory of Historic Resources and is subject to all applicable requirements in the County Code, excepting those measures necessary to correct an unsafe or dangerous condition. Following is a review of SCCC requirements for demolition of a historic resource, and how they apply to this site following the County approval of the emergency demolition permit.

### Demolition Approval Process

The County has approved the application for demolition as an emergency action to necessary to protect the public, pursuant to SCCC 16.42.090, Unsafe and Dangerous Conditions. Therefore, the public hearing requirement for complete demolition of a historic resource provided in SCCC 16.42.060(B)(2)(a) does not apply in this case.

### Application Requirements for Demolition

*SCCC 16.42.060(B)(1)(a) requires a special inspections report from the County Planning Department on the condition of the structure.*

The Building Official inspected this property, reviewed the engineer's report, and made a determination that the condition of the structure posed an immediate threat to the public. This requirement has been met.

*SCCC 16.42.060(B)(1)(b) requires a historical documentation report providing Information which supports the claim that preservation is not feasible due to the deteriorated condition of the structure or object, or would create exceptional hardship, or is necessary to alleviate a dangerous condition.*

The Building Official, after reviewing the engineer's report documenting the condition of the building and conducting several site inspections, has made the determination that demolition of the structure is necessary to alleviate a dangerous condition that poses an immediate danger to the public. This requirement has been met.

*SCCC 16.42.060(B)(1)(b) also requires provisions to preserve the historic values of the structure or object by documentation and/or preservation of artifacts and building materials.*

The property owner will be required to comply with this requirement when they submit an application for development of the site. See discussion below, under future actions.

*SCCC 16.42.060(B)(1)(c) requires provisions to offer the structure to the general public for removal or dismantling for salvage at no cost or remuneration to the applicant, advertised in a paper of general circulation in the County of Santa Cruz, at least twice during a 30-day period.*

The Seabreeze Tavern is structurally unstable and is subject to complete or partial collapse. In order to protect the public from danger, it is necessary to prevent the public from accessing this site. Therefore, in accordance with SCCC section 16.42.090, Unsafe and Dangerous Conditions, the above provision regarding salvage does not apply to this site.

## **Future Actions and Commission Review**

### *Historic Documentation*

The property owner intends to submit an application to develop this site in the future. Staff will require the applicant to submit a plan to document the historic significance of the property with their development application. Staff is recommending that appropriate documentation for this site include one interpretive panel in a location that is accessible to the public outlining the history of the building, its architectural significance, and its significance in the commercial development of Rio Del Mar. The owner would be required to consult with a qualified historic consultant to develop an appropriate narrative and obtain appropriate photos, based upon information provided in the DPR form as well as additional research and historic photos of the building where available. The proposed interpretive panel would be brought to your Commission for review and approval.

### *Future Status as a Historic Resource*

Following the extensive fire damage and loss of structural stability, resulting in the necessary demolition of the structure to protect public safety, staff believes that the property no longer meets the required designation criteria nor retains sufficient architectural integrity and historic value to qualify as a historic resource. Pursuant to Section 16.42.050(D) of the County Code, amending the Santa Cruz Inventory of Historic Resources to remove a property from the Inventory requires a public hearing before your Commission, with final action by the Board of Supervisors. At a future date, staff will bring an application to your Commission to consider removing this property from the Inventory, subject to the required findings as provided in 16.42.050(D).

## **Conclusion**

The demolition of the Seabreeze Tavern, though determined necessary by the Building Official to protect the public from an immediate threat, represents a significant loss to the County. As outlined in this report, the County's action to approve the demolition as an emergency action followed requirements in the Santa Cruz County Code, and was taken only after it was determined that lesser actions such as stabilization and partial demolition that could allow for preservation of the building were not possible due to the deteriorated and unstable condition of the structure. Future actions to document the significance of the resource through an interpretive display will help future generations to understand and appreciate the significance of the Seabreeze Tavern in the commercial development of Rio del Mar. Staff is interested in any comments your Commission regarding a future interpretive display for this site.

Sincerely,

Annie Murphy, Planner IV  
Secretary to the Historic Resources Commission

Exhibits

- A. County Inventory Listing (DPR Form) for the Seabreeze Tavern
- B. Final Engineer's report, dated March 9, 2021