



COUNTY OF SANTA CRUZ

HISTORIC RESOURCES COMMISSION

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060

(831) 454-2580 FAX: (831) 454-2131 TDD: CALL 711

KATHLEEN MOLLOY, PLANNING DIRECTOR

July 1, 2021

AGENDA: July 12, 2021

SUBJECT: Report back on the Sea Breeze Tavern property, a designated historic resource (NR-5) located at 101 Esplanade in Aptos (APN 042-151-23)

Dear Commissioners:

At the April 2021 meeting of your Commission, staff reviewed the status of this property, including the County's approval of the demolition of the Sea Breeze Tavern as an emergency action necessary to protect public safety, and the applicable code and application requirements regarding historic preservation and future development on the site. As requested by your Commission, today's report provides more detail regarding your Commission's role and authority regarding the design of future development of the site, and regarding the required documentation and interpretive historic information. Information from Central Fire regarding the cause of the fire is also provided. Today's report is for informational purposes and no action is required by your Commission. The applicant will be submitting the required discretionary applications at a future date which will require review and action by your Commission.

Background

As your Commission is aware, the Sea Breeze 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). On June 14, 2020, a fire severely damaged the building. Based upon the documentation and analysis provided in the engineer's report and several site inspections, the County Building Official determined that the building posed a substantial and immediate threat to health and safety due to the threat of collapse. The Building Official therefore determined that demolition was required as an emergency action to protect the public pursuant to SCCC 16.42.090, Unsafe or Dangerous Conditions. On March 22, 2021, an emergency demolition permit was issued for the building, and the building was demolished on May 4, 2021.

The current property owner, Mr. Omar Billawala, purchased the property after the fire and has cooperated fully with the County. The owner intended to preserve and rehabilitate the building, until it was determined by the project engineer and the County Building Official that the building presented an imminent threat and that demolition was necessary to protect the public. To comply with SCCC 16.42.060 (ii) which requires as part of the documentation for the demolition of a historic resource "provisions to preserve the historic values of the structure or object by documentation and/or preservation of artifacts and building materials," the owner was directed to salvage an original balcony

railing at the south elevation and window glass from the original windows. Mr. Billawala intends to apply to rebuild on the site, constructing a three-story structure similar in appearance to the original two-story historic building, in a Spanish Revival architectural style, and incorporating similar materials and design features.

Cause of fire undetermined

According to Mike DeMars, Fire Marshall with Central Fire, the cause of the fire is suspicious but undetermined. The fire began outside at the rear of the building, not near any know source of ignition. However, no evidence was found that would enable the investigators to determine the cause of the fire. Any evidence that may have existed was likely destroyed due to the large amount of water required to extinguish the fire. Several neighbors came forward with accusations regarding who may have caused the fire, but there was no evidence to support these claims. Fire Marshall DeMars indicated that the investigation is essentially closed, but that Central Fire would consider any new evidence that may come forward.

Application requirements to allow future development on the site

Removal of the Property from the Historic Resources Inventory (Application #1)

Although the building has been demolished, the property remains in the Historic Resources Inventory and retains its Historic Landmark zoning. To allow new development on the site, it is necessary to remove the property from the Historic Resources Inventory (Inventory) and rezone the site to remove it from the Historic Landmark (-L) Combining District. Pursuant to SCCC 16.42.050(D), Inventory Amendment, and SCCC 13.10.215, Zoning Plan Amendment, removing the property from the Inventory and rezoning requires a discretionary application, subject to a public hearing and recommendation by your Commission, the Planning Commission, and final approval by the Board of Supervisors. Once this application is approved, the property owner can then apply to develop the site.

The SCCC requires the following findings to approve removing a property from the Inventory:

- (a) *That the proposed historic resource, or group of structures, or features thereof no longer have significant cultural, architectural, or engineering interest or value of an historical nature, as defined in subsection (C) of this section.*
- (b) *That approval or modified approval of the application to delete a historic resource is consistent with the purposes and criteria of the County's historic preservation policies set forth in this chapter, and the historic resources policies of the General Plan.*

As part of the application, the owner will be required to submit an updated DPR form prepared by a qualified historic resources consultant accompanied by a letter documenting that the property no longer meets the criteria for designation. The owner will also be required to submit a description of the proposed project that includes the overall concept for the development of the site. (Note that it is not feasible for the owner to submit development plans with this application, since other factors will influence the building design including the location of the site in the floodway.) As this is a discretionary application, your Commission has the authority to add conditions of approval, such as requiring that the design of future development honor the history of the site, and that your Commission be provided an opportunity to review and comment on the proposed building design, to the extent that these conditions are consistent with the applicable code requirements.

Historic Documentation Report Application (Application #2)

Because removal of the property from the Inventory and rezoning is required before the owner can apply to develop the site, staff has directed the property owner to submit the required documentation plan in a second application (Application #2). Pursuant to SCCC 16.42.060(B), demolition of a historic resource requires a documentation plan that includes “(ii) *provisions to preserve the historic values of the structure or object by documentation and/or preservation of artifacts and building materials*”. The documentation plan requires review and approval by your Commission. The documentation plan application will include a plan to document the historic significance of the resource with historic interpretation provided at the site, working with a qualified professional, and a plan for preservation of historic materials salvaged from the property in accordance with SCCC 16.42.060(B).

At the meeting where your Commission reviews the application to remove the property from the Inventory (Application #1), your Commission will have an opportunity to discuss and provide detailed guidance to the property owner regarding the required documentation plan application including appropriate interpretive information on site (Application #2) prior to submittal. Your Commission will have had the opportunity to review the updated DPR, which should help to inform appropriate interpretive information. Your Commission will also have an opportunity to discuss with the owner the appropriate preservation of salvaged historic materials. The contractor has evaluated the materials and determined that they do not have sufficient structural integrity to be reused in the new building. However, other opportunities may exist to preserve these materials such as donation to a local museum.

Conclusion

The demolition of the Sea Breeze Tavern, though necessary to protect the public from danger, represents a significant and irreplaceable loss to the County’s historic heritage. As outlined in this report, your Commission has an important role to play in reviewing the application to remove the property from the Historic Resources Inventory, and ensuring that future development honor the history of the site and that historic values of this Rio Del Mar landmark are preserved for future generations through documentation and historic interpretation.

Sincerely,

Annie Murphy

Annie Murphy, Planner IV
Secretary to the Historic Resources Commission

Exhibits

- A. County Inventory Listing (DPR Form) for the Seabreeze Tavern