



# COUNTY OF SANTA CRUZ

---

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
**KATHY MOLLOY, PLANNING DIRECTOR**

March 19, 2019

Planning Commission  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**AGENDA DATE: March 27, 2019**

**AGENDA ITEM: #6**

**SUBJECT: DETERMINATION RELATED TO GENERAL PLAN CONSISTENCY OF POTENTIAL DISPOSITION OF SURPLUS COUNTY PROPERTY LOCATED AT 641 34TH AVE (APN: 032-075-20)**

### **Recommended Action(s):**

Staff recommends that the Planning Commission adopt a resolution finding the potential disposition of surplus County-owned property located at 641 34<sup>th</sup> Ave (APN 032-075-20), subject to development restrictions that constrain use of the parcel, to be in conformity with the Santa Cruz County General Plan.

### **Executive Summary**

On June 12, 2018, the Board of Supervisors directed County Department of Public Works (DPW) staff to work with County Counsel to determine development restriction parameters for APN 032-075-20, and directed County Real Property staff to prepare necessary documentation for consideration by the Board of Supervisors for potential disposition of this parcel as surplus property, consistent with Santa Cruz County Code Section 2.14.040 and Government Code section 25520 et seq, as recommended by Supervisor Leopold (Exhibit C).

Consequently, on January 28, 2019, DPW sent a memo to the Planning Director requesting a determination from the Planning Commission pursuant to Santa Cruz County Code (SCCC) section 2.14.040 and Government Code 65402, which require the Planning Commission to determine whether this potential disposition is in conformance with the Santa Cruz County General Plan (Exhibit A).

Staff presented the proposed disposition to the Planning Commission on February 13, 2019, and was directed to return to the March 27 meeting with additional direction to:

- a) Re-evaluate the proposal to surplus and dispose of the property; and
- b) Categorize sets of concerns that would be included in the restrictions should the property be disposed.

As directed, Planning staff and DPW Real Property staff have prepared additional evaluation of the disposition, including a biotic assessment of the property, more detail

on the proposed development restrictions, and further research into relevant General Plan policies. Staff recommends that the Planning Commission adopt the attached resolution finding the proposed disposition, subject to development restrictions related to drainage, flood, and environmental constraints, to be in conformity with the County's General Plan (Exhibit B).

A list of proposed development restrictions that will be addressed in the disposition are shown in Table 1 below. A summary of the biotic assessment of the property conducted on February 20, 2019 is included in the Environmental Review section and the full assessment is attached as Exhibit E.

## **Background**

### Property Description

The County property in question is located at 641 34<sup>th</sup> Ave, Santa Cruz, CA 95062 (APN 032-075-20). The parcel is approximately 0.35 acres (15,080 square feet) and sits on the west side of 34<sup>th</sup> Ave between Yucca Drive and Floral Drive. The property lies in the Coastal Zone and in the Live Oak Planning Area. The property is zoned for single-family residential development within the Pleasure Point Community Design Overlay Zone (R-1-5-PP) and has a land use designation of Urban Medium Residential (R-UM). Surrounding uses include a mobile home park to the west, a mix of single-family residences and duplexes to the south and east and a residential lot to the north. The property is currently vacant, but retains remnants of development, including PVC piping, a small concrete structure, and mesh material on the stream bank. The parcel provides access to a County drainage inlet offsite. Photographs of the property are attached as Exhibit F.

### Flood Constraints and County Acquisition of Property

The property is subject to recurrent flooding. The entire property lies within the FEMA-designated "A" Zone (100-year flood hazard area) and has been used for flood control purposes. An intermittent stream, Moran Creek, crosses through the eastern and southern sides of the parcel in an open drainage channel. The creek flows southwest into a storm drain pipe that runs under the Snug Harbor Mobile Home Park, and releases back into an open channel and another pipe before it ultimately outlets into Moran Lake.

The County originally acquired the property through a flood damage settlement. During the winter storms of 2010, debris from the property washed into the stream and blocked the drain pipe, causing severe flood damage to the single-family home that was on the site as well as several homes in the adjacent mobile home park. DPW made emergency drainage improvements after the event and following the 2012 acquisition, including demolishing the destroyed dwelling along with several outbuildings that were exacerbating long-standing drainage issues in the area. Additional improvements were made offsite to enhance the integrity of the storm drain system. The property continues to be maintained by DPW for flood control purposes. (See Environmental Review Section below for more details on the site's environmental resources).

### Preparation to Dispose as Surplus Property Directed by the Board of Supervisors

At the June 12, 2018 Board of Supervisors meeting, the Board directed County Real Property staff to prepare documentation for potential disposition of the parcel (APN 032-

075-20) as surplus property for consideration by the Board and directed DPW to work with County Counsel to determine development restrictions to address the site's drainage and riparian constraints (Exhibit C). The process for surplus and sale of County property unrelated to street widening or realignment is detailed in Santa Cruz County Code section 2.14.040(B)<sup>1</sup> as follows:

“Whenever the Director of the Department of Public Works determines that property owned by the County unrelated to street widening or realignment is not needed by the County, the Director shall submit a request to the Director of the Planning Department for 1) a determination of whether disposition of the property would be categorically exempt from CEQA; and 2) *a determination by the Planning Commission, pursuant to Government Code Section 65402, as to whether disposition of the property would conform with the County General Plan.*

If the proposed disposition is determined to be exempt from CEQA and in conformance with the County General Plan, the Director of the Department of Public Works may prepare proposed terms and conditions for sale pursuant to Government Code Section 25520 et seq. for consideration by the Board of Supervisors” (italics added).

Consequently, on January 28, 2019, DPW sent a memo to the Planning Director requesting a determination from the Planning Commission as to whether the sale of potential surplus property located at 614 34<sup>th</sup> Ave (APN 032-075-20) would conform with the Santa Cruz County General Plan, pursuant to Government Code 65402 (Exhibit A). Section 65402 requires a local jurisdiction's planning agency to review the location, purpose and extent of the disposition of public property and report on the disposition as it relates to conformity with the adopted General Plan.

#### Planning Commission Requests from February 13 Meeting

Staff presented the proposed disposition to the Planning Commission on February 13, 2019, and was directed to return to the March 27 meeting with additional direction to:

- a) Re-evaluate the proposal to surplus and dispose of the property and;
- b) Categorize sets of concerns that would be included in the restrictions should the property be disposed.

In addition, individual Commissioners made the following requests to staff:

- c) Re-evaluate the site for environmental constraints and opportunities, including consideration of a potential conservation easement on the site;
- d) Provide additional photographs of the site;
- e) Provide stronger evidence to support staff's recommendation that the disposition is in conformance with the General Plan.

---

<sup>1</sup> This section was recently amended by Ordinance No. 5285, adopted on December 4, 2018.

## Analysis

### Responses to Planning Commission Requests from February 13 Meeting

The following section responds to the Planning Commission's requests made on February 13, 2019.

- a) **Re-evaluate the proposal to surplus and dispose of the property:** DPW staff was directed by the Board of Supervisors to prepare documentation for the Board's consideration, consistent with Government Code that requires the Planning Commission to determine whether an action to surplus and dispose of the property will be consistent with the General Plan. Pursuant to Government Code section 65402 and to assist with the determination, staff has provided the Commission with information on the location, purpose and extent of the disposition, as well as additional information to address direction given by the Commission on February 13. The determination to surplus and dispose of the property resides with the Board of Supervisors.
- b) **Categorize sets of concerns that would be included in the restrictions should the property be disposed:** Details on proposed restrictions are included in *Table 1: Surplus Property Sale Documents and Proposed Categories of Restrictions*.
- c) **Re-evaluate the site for environmental constraints and opportunities, including consideration of a potential conservation easement on the site:** A biotic assessment of the property was conducted by Environmental Planning Staff and the County's consulting biologist on February 20, 2019. The assessment is included as Exhibit E and a summary this environmental evaluation has been included in the Environmental Review section below. A conservation easement was not proposed with the restrictions and easements listed in Table 1, however a flood control easement and additional restrictions protecting the site for its environmental value and potential restoration of degraded sensitive habitat have been included to address this concern.
- d) **Provide additional photographs of the site:** Photographs of the site are included as Exhibit F.
- e) **Provide stronger evidence to support staff's recommendation that the disposition is in conformance with the General Plan:** A list of policies that support staff's recommendation are included in *Table 2: General Plan Conformance*.

### Conformity with the General Plan

Concurrent with the disposition, a flood control easement will be reserved across the entire parcel and the property will be restricted to prevent all development other than bridge repair or replacement, construction of an access driveway, and environmental restoration. Further details regarding proposed easements and development restrictions are included below in Table 1. Specific language will be developed by DPW prior to disposition within the documents identified in Table 1.

With a flood control easement reserved across the entire parcel, the site will continue to be used for flood control purposes. In addition, the property will be further protected for its environmental value, particularly for the portion of the Moran Creek riparian corridor



that crosses through the eastern and southern sides of the property (see Environmental Review section below for more detail). Planning staff therefore concludes that potential disposition of surplus County property located at 641 34<sup>th</sup> Ave would not conflict with the Santa Cruz County General Plan, provided that development on the site is limited by the Grant Deed and associated Declaration of Restrictions that address the categories of restrictions and issues given in Table 1. Conformity with the General Plan is further demonstrated by the policies identified in Table 2 below.

#### Potential Future Uses of Property

Sale of the property requires a public bid process. If purchased by an adjacent property owner, the disposition may potentially facilitate the development of two parcels north of the property (APN 032-075-18 & 19) by providing access to these parcels across the site to 34th Avenue. These vacant parcels are within the R-1-5-PP single family residential zone district (R-UM land use designation) and could potentially support the development of two new single-family homes.

Currently, the only access across this portion of Moran Creek includes a footbridge to an existing single-family home to the north (APN 032-075-17) and an existing bridge to the County owned property at 641 34th Ave (APN 032-075-20). If the two northern properties were developed, they might require two additional access bridges across Moran Creek. This disposition could potentially limit additional impacts to the Moran Creek floodway by providing access through the County property and use of the existing bridge.

If a property owner proposes to develop the site, as allowed by the Declaration of Restrictions detailed in Table 1, they would still be subject to discretionary review, environmental review, and a Coastal Development Permit. If any development occurs within the riparian corridor and buffer area, the property owner would require a Riparian Exception as well.

### **Environmental Review**

#### 2019 Biotic Assessment

Moran Creek is an intermittent stream that crosses through the eastern and southern sides of the parcel. Per SCCC Chapter 16.30, Moran Creek is considered a riparian corridor, and defined as sensitive habitat per General Plan Policy 5.1.2(j). Staff requested a biotic assessment of the property in February 2019, including the portion of the Moran Creek riparian corridor that cross the site (Exhibit E). The biotic assessment determined that the sensitive habitat on the site is degraded and the property does not support sensitive biological resources.

Environmental Planning Staff and the County's consulting biologist visited the site on February 20, 2019 and conducted the assessment (Exhibit E). The assessment confirmed that Moran Creek lacks the type of riparian vegetation found in high-quality riparian corridors. The sensitive habitat found on this site is degraded due to piping of the stream both to the north (at the Portola Drive culvert) and immediately to the south (at the culvert between this property and the mobile home park). The consulting biologist further identified that the abutments of the bridge over Moran Creek are deflecting water against the stream bank and causing erosion, which may undermine any efforts to restore this

degraded sensitive habitat. He recommended requiring replacement of the bridge to alleviate the erosion if the property is developed. These concerns along with protection and potential restoration of the riparian corridor have been captured in the restrictions and easements included in Table 1.

A 2012 Riparian Exception identified riparian buffers of 10 feet, reflecting the absence of riparian vegetation along Moran Creek. This is consistent with the degraded, non-riparian vegetation described in the 2019 biotic assessment (Exhibit G).

#### Potential Restoration

A technical report detailing the water quality concerns of the Moran Lake lagoon and watershed was prepared in 2005. This report, *Moran Lake Water Quality Study & Conceptual Restoration Plan*, also identified the need to restore Moran Lake lagoon as well as the riparian corridor of Moran Creek as an essential part to addressing the water quality concerns of the lagoon and watershed and help recover habitat for sensitive species in the area. Additional reports have been prepared which identify the need to restore the Moran Creek riparian corridor specifically for butterfly habitat in the area, including the *Moran Lake Monarch Butterfly Habitat Management Plan*. Consistent with these studies, restoration of the degraded sensitive habitat of Moran Creek will be required with development of the site per the restrictions detailed in Table 1.

#### CEQA Determination

Per SCCC section 2.14.040(B), DPW sent a memo on January 28, 2019 requesting an environmental determination for the disposition from the Planning Director (Exhibit A). Staff has determined that the disposition of potential surplus County property located at 641 34th Ave (APN 032-075-20), subject to development restrictions addressing the site's drainage, flood control and riparian functions, is exempt from the California Environmental Quality Act (CEQA) under the "common sense" exemption per CEQA §15061(b)(3) as well as the categorical exemption CEQA §15312 "Surplus Government Property Sales." A revised Notice of Exemption has been prepared (Exhibit D) and is provided for informational purposes.

Natisha Williams  
Planner IV

Stephanie Hansen  
Principal Planner

#### Exhibits:

- A) Department of Public Works Memo
- B) Planning Commission Resolution
- C) Memo from Supervisor Leopold
- D) CEQA Notice of Exemption
- E) Biotic Assessment
- F) Site Photographs
- G) 2012 Riparian Exception

| <b>Table 1: Surplus Property Sale Documents and Proposed Categories of Restrictions</b>       |  |
|---|--|
| 1. Purchase and Sale Agreement (to include indemnification that survives the close of escrow) |  |
| 2. Declaration of Restrictions  |  |
| Development Restrictions  | The property owner shall not be allowed to improve the property with any kind of development, including the construction of habitable or inhabitable structures, storage buildings, or fences, with the exception of the following: sensitive habitat restoration, bridge improvements as outlined below, and the development of an access driveway. Any access driveway shall be designed per the Department of Public Works Design Criteria, Part 6, Driveway and Encroachments section, in a manner that would minimize the amount of new impermeable surface area on the site, including the use of permeable materials such as concrete grass pavers or gravel. Any such development must be consistent with County flood regulations and is subject to approval by the County Environmental Planning Division. |
| Storage Restrictions  | The property owner shall not be allowed to store any materials on the property, including yard debris, landscape materials or trash receptacles.   |
| Parking Restrictions  | The property owner shall not be allowed to park vehicles of any kind on the property.  |
| Maintenance and Emergency Flood Control Use Requirements                                      | The property owner shall use and maintain the property in a manner that provides clear and open access to the Moran Creek channel and drain pipe for ongoing County maintenance activities and emergency flood control use by County personnel, vehicles, and equipment.   |
| Environmental Protections   | The property owner shall use and maintain the property in a manner that preserves the property's environmental value as open space and a riparian corridor and supports potential restoration of degraded sensitive habitat, as outlined below.  |
| Sensitive Habitat Restoration   | When development occurs, as allowed by this Declaration of Restrictions limited to bridge improvements and an access driveway, restoration of degraded sensitive habitat areas, including the portion of the Moran Creek riparian corridor that crosses the property, shall be required. The property owner shall prepare a restoration plan subject to approval by the County Environmental Planning Division.  |
| Future Bridge Improvements  | Improvements to the existing bridge over Moran Creek or removal and of the existing bridge and replacement with a new bridge, shall reduce the existing impacts to the Moran Creek floodway. The property owner shall prepare a  |

|   |  |
|---|--|
|   | hydrological study to identify the extent of the Moran Creek floodway, develop base flood elevations in compliance with federal, state, and County regulations, and determine any necessary improvements, up to and including replacement of the bridge, to decrease or eliminate floodwater displacement and support potential restoration of degraded sensitive habitat, as outlined above. The hydrological study would be subject to approval by the County Environmental Planning Division. In no case will more than one crossing of the riparian corridor be allowed. |
| <b>3. Grant Deed with Reservations and Condition Subsequent</b> |  |
| Flood Control Easement  | The County shall reserve a flood control easement across the entire property, which acknowledges the existing flood conditions and flood control function of the site and would allow floodwater to inundate the entire property.  |
| Access Easement   | The County shall reserve an access easement across the bridge over Moran Creek and the entire property to perform ongoing and emergency maintenance to the open drainage channel and drain pipe.   |
| Condition Subsequent  | The County shall put in place a reverter that will allow the County to take back the property if the restrictions are violated.  |

| <b>Table 2: General Plan Conformance</b>                                 |  |  |
|--|--|--|
| <b>Objective/Policy</b>  | <b>Text</b>  | <b>Project Consistency</b>   |
| Ch 2: Land Use Element Goal<br><br>Population and Residential Growth     | “To provide an organized and functional balance of urban, rural, and agricultural land use that maintains environmental quality; enhances economic vitality; protects the public health, safety and welfare; and preserves the quality of life in the unincorporated areas of the County.”   | The property currently serves a flood control function in the area and is subject to recurrent flooding that has caused severe damage in the past to the since-demolished single-family residence on the site, as well as a number of nearby homes. However, this disposition includes additional proposed development restrictions and easements (per Table 1) to reduce the risk of flood inundation throughout the neighborhood and ensure that the riparian area is protected and potentially restored. Therefore, the disposition is consistent with the Land Use Element Goal to provide urban land uses that maintain environmental quality and protect the public health, safety and welfare.  |
| Objective 2.24<br><br>Village, Town, Community and Specific Plans        | “To continue to use village, town, community and specific plans to provide a planning framework to guide future public and private improvements in town centers and other concentrated urban and rural areas; to provide a higher level of planning detail and public involvement; and to promote economic viability, coherent community design and enhancement of the unique characteristics of the village areas and community centers as focal points for living, working, shopping and visiting.”                        | The proposed disposition would comply with the planning framework established in the Pleasure Point Community Plan. As detailed under the Pleasure Point Community Plan section below, the Community Plan recognizes the need for better private and public storm water management in the community, along with the community’s desire to preserve natural and unbuilt areas throughout Pleasure Point. By including restrictions such as those listed in Table 1 with the disposition, the property will continue to be used and maintained to mitigate drainage issues in the area, remain largely undeveloped, and preserve as well as potentially restore the riparian area on the site.   |
| Objective 2.9<br><br>Urban Medium Density Residential Designation (R-UM) | “To provide medium density residential development (7.3 to 10.8 units per net developable acre) in areas within the Urban Services Line(USL) served by a full range of urban services, with access onto collector or arterial streets, and location near neighborhood, community or regional shopping facilities. Housing types appropriate to the Urban Medium Density Residential designation may include: detached houses, duplexes, town-homes, mobile home parks, and small lot detached units at allowable densities.” | The proposed disposition of County-owned property would transfer land designated for single-family residential use back to private ownership. Although the restrictions set forth in Table 1 would prevent the development of a single-family home (the highest density allowed on this parcel), this limitation is only in place to ensure a primary goal of the General Plan Land Use Element to protect the health, safety and welfare of the public, as detailed above. The disposition would allow this property to be used for access and habitat restoration which are consistent with residential uses allowed in the R-UM designation. Therefore, the disposition is consistent with the residential uses allowed in areas designated R-UM. |
| Policy 5.1.6<br><br>Development Within Sensitive Habitats                | “Sensitive habitats shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no other alternative exists, deny any project   | The disposition will include development restrictions such as those listed in Table 1, which would prevent most development on the site. These restrictions will ensure that areas within and adjacent to sensitive habitat will be protected against significant disruption. Moreover, any improvements on the site or the bridge over Moran Creek would require the property owner to plan for and implement   |

| <b>Table 2: General Plan Conformance</b>                                     |   |  |
|--|---|--|
| <b>Objective/Policy</b>  | <b>Text</b>   | <b>Project Consistency</b>   |
|  | which cannot sufficiently mitigate significant adverse impacts on sensitive habitats unless approval of a project is legally necessary to allow a reasonable use of the land.”  | restoration of sensitive habitat areas on the site, thus ensuring that any development on the site would not only maintain but also enhance the functional capacity of the habitat. Therefore, the disposition is consistent with the General Plan policy restricting development within and adjacent to sensitive habitats.   |
| <b>Policy 5.1.7</b><br><b>Site Design and Use Regulations</b>                | <p>“Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance. Utilize the following site design and use regulations on parcels containing these resources, excluding existing agricultural operations:</p> <p>(c) Require easements, deed restrictions, or equivalent measures to protect that portion of a sensitive habitat on a project parcel which is undisturbed by a proposed development activity or to protect sensitive habitats on adjacent parcels.</p>   | The disposition will include development restrictions like those listed in Table 1, which will ensure that areas within and adjacent to sensitive habitat will be protected. These restrictions specifically include a flood control easement across the entire property and restrictions that limit most types of development on the property, ensure the property is used and maintained in a manner that protects the riparian corridor, and require restoration of that sensitive habitat in the event that any part of the property or the bridge crossing Moran Creek is developed or improved in any way. Therefore, the disposition is consistent with the site design and use regulations required on parcels containing sensitive habitat areas.   |
| <b>Policy 5.1.12</b><br><b>Habitat Restoration With Development Approval</b> | “Require as a condition of development approval, restoration of any area of the subject property which is an identified degraded sensitive habitat, with the magnitude of restoration to be commensurate with the scope of the project. Such conditions may include erosion control measures, removal of non-native or invasive species, planting with characteristic native species, diversion of polluting run-off, water impoundment, and other appropriate means. The object of habitat restoration activities shall be to enhance the functional capacity and biological productivity of the habitat(s) and whenever feasible, to restore them to a condition which can be sustained by natural occurrences, such as tidal flushing of lagoons.” | As part of the proposed restrictions listed in Table 1, which will be included in the disposition, any development on the property or improvements to the bridge crossing Moran Creek would require a restoration of any degraded sensitive habitat areas. This restriction specifically identifies the portion of the riparian corridor of Moran Creek that crosses the eastern side of the property, which has been identified as degraded sensitive habitat per General Plan Policy 5.1.2(j) and the biotic assessment of this site (attached as Exhibit E). The restriction further requires a restoration plan to be prepared and submitted to the County Environmental Planning division for approval. These requirements ensure that any habitat restoration undertaken by a property owner will enhance the functional capacity and biological productivity of the Moran Creek riparian corridor. Therefore, the disposition is consistent with the County’s requirements for habitat restoration with a proposed development. |
| <b>Policy 5.2.7</b><br><b>Compatible Uses With Riparian Corridors</b>        | “Allow compatible uses in and adjacent to riparian corridors that do not impair or degrade the riparian plant and animal systems, or water supply values, such as non-motorized recreation and pedestrian trails, parks, interpretive facilities and fishing facilities. Allow development in these areas only in conjunction with approval of a riparian exception.”   | A portion of the Moran Creek riparian corridor crosses through the eastern and southern sides of the parcel, and any uses in or adjacent to the riparian corridor would be limited by the restrictions included in Table 1. The only development allowed would be sensitive habitat restoration, improvement or replacement of the bridge over Moran Creek and creation of an access road or driveway, subject to design restrictions to reduce the amount of new impervious area. This will   |

| <b>Table 2: General Plan Conformance</b>  |  |  |
|---|--|--|
| <b>Objective/Policy</b>   | <b>Text</b>  | <b>Project Consistency</b>   |
|   |  | ensure that any development on the site would not impair or degrade the riparian plant and animal systems, or water supply values, and restoration requirements for all proposed development would in fact improve the riparian corridor function. Therefore, the disposition would comply with the policy regulating compatible uses within riparian corridors.   |
| <b>Objective 6.4<br/>Flood Hazards</b>  | “To protect new and existing structures from flood hazards in order to minimize economic damages and threats to public health and safety, and to prevent adverse impacts on floodplains, and maintain their beneficial function for flood water storage and transport and for biotic resource protection.”   | The disposition will include a flood control easement reserved across the entire parcel. This easement will maintain the flood control function of the site to help reduce flood inundation on neighboring properties. The easement will further preserve the site for biotic resource protection, in particular the portion of the Moran Creek riparian corridor that crosses the site. Therefore, the proposed disposition will comply with the County’s flood hazard policies.  |
| <b>Objective 8.4<br/>Residential<br/>Neighborhoods</b>                                | “To preserve the residential use and character of existing urban neighborhoods, and to maintain the rural and/or agricultural character of residential development in non-urban areas.”  | The proposed disposition would transfer public land designated for single-family residential use back to private ownership. Although the proposed restrictions set forth in Table 1 would prevent the development of a single-family home similar to surrounding properties in the neighborhood, the disposition would ultimately allow this property to be used for residential uses consistent with the R-UM designation, as constrained by the development restrictions in order to protect public health, safety and welfare. Moreover, these restrictions would preserve the undeveloped nature of the site and further protect and potentially enhance the riparian corridor of Moran Creek, preserving an open space quality and natural feature that the community currently enjoys. Therefore, the disposition would preserve the residential use and character of the existing urban neighborhood. |
| <b>Pleasure Point Community Plan</b>  |  |  |
| <b>Goal #4<br/>Protect and<br/>Enhance<br/>Natural and<br/>Ecological<br/>Systems</b> | “Nearly all Pleasure Point residents who participated in Workshop #1 are in favor of protecting and enhancing Pleasure Point’s natural landscapes and ecological systems. Residents also identified the natural and unbuilt areas of Pleasure Point as particularly important and integral to the community’s character. Workshop participants envisioned retaining, if not increasing, the quality and access to natural areas and open spaces, including Moran Lake, beaches, surf | The disposition will include development restrictions that would preserve the undeveloped nature of the site and further protect and potentially enhance the riparian corridor of Moran Creek, preserving open space and a natural feature that the community currently enjoys. Therefore, the disposition is consistent with Community Plan’s goal to protect and enhance natural landscapes and ecological systems and would help preserve the natural and open aspects of the area that community members identified were integral to the community’s character.  |



**Table 2: General Plan Conformance**

| Objective/Policy   | Text  | Project Consistency  |
|--|---|--|
|  | breaks, forested areas, and Corcoran Lagoon. Several residents expressed a desire to enhance habitat and other open space areas. Other residents voiced a desire to work with nature and envisioned a more sustainable Pleasure point neighborhood."  |  |
| Goal #6<br>Provide<br>Neighborhood<br>Friendly<br>Infrastructure<br>Improvements | "Most Pleasure Point residents who participated in Workshop #1 would like the County (or others) to provide for neighborhood-friendly and appropriately-scaled infrastructure improvements (e.g., drainage improvements, overhead wire removal, etc.). Workshop participants envisioned a cleaner streetscape environment with fewer drainage problems/polluted runoff and few, if any, overhead utilities. Community members identified the need to improve public and private storm water management. Infrastructure improvements that are aesthetically pleasing and appropriately-scaled can enhance neighborhood character and protect both public and private property from future damage." | The disposition will include a flood control easement and access easement to maintain the flood control function of the property and allow the County to continue to maintain the open drainage channel that crosses the site (Moran Creek) and the drain pipe it flows into. The disposition further includes use and maintenance restrictions that would help maintain the integrity of this drainage system. This is consistent with the Community Plan's goal to improve public and private storm water management. The disposition would also preserve and potentially restore the riparian function of the open drainage channel, which serves dual functions identified as priorities by the community: preserving an aesthetically pleasing feature that enhances the neighborhood character as well as protecting both private property and public property from future flood damage, including surrounding homes and the storm drain pipe. |



**COUNTY OF SANTA CRUZ**  
**DEPARTMENT OF PUBLIC WORKS**  
INTER-OFFICE CORRESPONDENCE

DATE: January 28, 2019

TO: Kathy Molloy, Planning Director

FROM: Travis Cary, Chief Real Property Agent

SUBJECT: Planning Determinations for Disposition of Surplus County Property  
(641 34<sup>th</sup> Ave - APN 032-075-20)

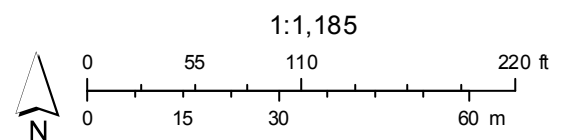
---

The Department of Public Works is preparing proposed terms for the disposition of potential surplus County-owned property located at 641 34<sup>th</sup> Ave, APN 032-075-20 (see attached map).

Pursuant to Santa Cruz County Code, Chapter 2.14.040(B), the Department of Public Works is now seeking the following determinations:

1. A determination of whether disposition of the property would be categorically exempt from CEQA; and
2. A determination from the Planning Commission, pursuant to Government Code 65402, as to whether disposition of the property would conform with the County General Plan.

**Exhibit A**



January 28, 2019

BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. \_\_\_\_\_

On the motion of Commissioner  
duly seconded by Commissioner  
the following is adopted:

**PLANNING COMMISSION RESOLUTION FINDING  
THAT THE DISPOSITION OF PROPERTY LOCATED AT 614 34<sup>TH</sup> AVE, SANTA  
CRUZ, CA 95062 (APN 032-075-20) IS IN CONFORMITY WITH THE SANTA CRUZ  
COUNTY GENERAL PLAN**

---

WHEREAS, on June 12, 2018, the Board of Supervisors directed County Department of Public Works staff to work with County Counsel to determine development restriction parameters for APN 032-075-20, and directed County Real Property staff to prepare necessary documentation for consideration by the Board of Supervisors for potential disposition of this parcel as surplus property, consistent with Santa Cruz County Code section 2.14.040; and

WHEREAS, Santa Cruz County Code section 2.14.040(B) requires the Director of Public Works to submit a request to the Planning Director for a determination by the Planning Commission as to whether the disposition of the surplus County property is in conformity with the County General Plan pursuant to section 65402 of the Government Code; and

WHEREAS, State Government Code section 65402 stipulates that prior to the disposition of real property by a government agency, the location, purpose and extent of such disposition must be submitted to and reported upon by the planning agency of the jurisdiction in which said property is located as to conformity with the adopted General Plan of the local jurisdiction; and

WHEREAS, in compliance with the California Environmental Quality Act (CEQA) and State and County Environmental Review Guidelines, the disposition of the property has been found to be exempt by the "common sense" exemption per CEQA §15061(b)(3) and categorically exempt under CEQA §15312 and a Notice of Exemption has been prepared; and

WHEREAS, the Planning Commission has reviewed and considered the staff report and testimony at a regular meeting on March 27, 2019; and

**Exhibit B**

WHEREAS, the Planning Commission makes the finding that the disposition of the property, subject to development restrictions related to drainage, flood and riparian functions, is consistent with the adopted goals, objectives, and policies of the Santa Cruz County General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz County Planning Commission does hereby find that the disposition of the property located at 614 34<sup>th</sup> Ave, Santa Cruz, CA 95062 (APN 032-075-20) is in conformity with the Santa Cruz County General Plan.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 27th day of March 2019, by the following vote:

AYES: COMMISSIONERS  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS  
ABSTAIN: COMMISSIONERS

ATTEST: \_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

APPROVED AS TO FORM: \_\_\_\_\_  
County Counsel





**County of Santa Cruz Board of Supervisors  
Agenda Item Submittal**

**From:** John Leopold, First District Supervisor  
(831) 454-2200

**Meeting Date:** June 12, 2018

**Recommended Action(s):**

1. Direct Public Works staff to work with County Counsel to determine the development restriction parameters for the parcel APN 032-075-20.
2. Direct County Real Property staff to prepare necessary documentation for consideration by the Board of Supervisors for potential disposition as surplus property APN 032-075-20 consistent with Santa Cruz County Code Section 2.14.040 and Government Code Section 25520 et seq.

**Executive Summary:**

The County owns a vacant undeveloped property on 34<sup>th</sup> Avenue in the Pleasure Point area. The site address is 641 34<sup>th</sup> Avenue, APN 032-075-20 and it is 15,080 square feet in size. There are existing drainage constraints on the subject parcel that will need to be evaluated and necessary development constraints placed on the parcel, however, the proceeds from the disposition of this property could be used to address current financial needs within our County Parks system.

**Background:**

The County owns surplus property on 34<sup>th</sup> Avenue in the Pleasure Point area, APN 032-075-20. There have been inquiries over the years from First District constituents about potential park-related uses at this location. However, given the drainage concerns and limited parks resources, this parcel isn't the best candidate for new park infrastructure investment. The subject parcel is not currently serving any County function at this time and there are many defined needs in our County parks that could benefit from the proceeds of the sale of this property. There is an existing drainage course that ends at Moran Lake that crosses the property. This drainage course transmits drainage from a large urban storm water watershed across the property and therefore needs to be evaluated to determine the safest and most appropriate level of development restrictions for the property. These drainage constraints will impact the development potential and valuation of the subject parcel.

**Analysis:**

There are defined financial needs at multiple County Parks locations within 1.25 miles of this property that could be served by available funds from the proceeds of the sale of this property thereby relieving the potential use of County General Funds.

**Submitted by:**

John Leopold, First District Supervisor

**cc:**

Travis Cary  
County Counsel  
Public Works Director  
Board of Supervisors



# County of Santa Cruz

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

**KATHLEEN MOLLOY, PLANNING DIRECTOR**

www.sccoplanning.com

## NOTICE OF EXEMPTION

**To:** Clerk of the Board  
Attn: Susan Galloway  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060

**Project Name:** Disposition of Surplus County Property (641 34<sup>th</sup> Ave – APN 032-075-20)

**Project Location:** The project is located on the west side of 34<sup>th</sup> Avenue between Yucca Drive to the north and Floral Drive to the south at 641 34<sup>th</sup> Ave, Santa Cruz, CA 95062

**Assessor Parcel No.:** 032-075-20

**Project Applicant:** Santa Cruz County Department of Public Works

**Project Description:** The project involves the disposition of surplus County-owned property in the Pleasure Point community of unincorporated Santa Cruz County. The parcel is vacant and subject to recurrent flooding. The property is constrained by an intermittent stream, Moran Creek, which runs through an open channel on the eastern side of the property, transmits water southwest into a pipe under a mobile home park, and ultimately deposits into Moran Lake. Concurrent with the disposition, the property will be restricted to prevent most structural development (per development restrictions set forth in the Declaration of Restrictions) and a flood maintenance easement will be reserved across the entire parcel.

**Agency Approving Project:** County of Santa Cruz

**County Contact:** Travis Cary, Chief Real Property Agent

**Telephone No.** (831) 454-2339

**Date Completed:** 1/31/2019

This is to advise that the County of Santa Cruz has found the project to be exempt from CEQA under the following criteria:

Exempt status: (*check one*)

- ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
- ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- ☒ The proposed activity is exempt from CEQA as specified under CEQA Guidelines Section 15061(b)(3).
- ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

- ☒ **Categorical Exemption**

15312 Class 12. Surplus Government Property Sales

### Reasons why the project is exempt:

The project involves the sale of surplus government property subject to restrictions and easements that would prevent substantial structural development on the site. Due to these restrictions, the disposition will have no significant effect on the environment. Therefore, the project is covered by the common sense exemption that CEQA only applies to projects which have the potential to cause significant effect on the environment, per Section 15061(b)(3). In addition, the project is categorically exempt from CEQA per Section 15312 for the following reasons: 1) the project would not substantially impact any of the areas of critical environmental sensitivity listed in Section 15206(b)(4), 2) the property does not currently have significant values for wildlife habitat per Section 15312(a), and 3) the use of the property and adjacent property has not changed since the property was purchased by the County per Section 15312(b)(3). None of the conditions described in Section 15300.2 apply.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: Environmental Coordinator

**Exhibit D**



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
**KATHLEEN MOLLOY, PLANNING DIRECTOR**

February 27, 2019

**Subject:** 641 34<sup>th</sup> Avenue Biotic Assessment

**APN:** 032-075-20

On February 15, 2019, County Environmental Planning Staff received an interdepartmental request for a Biotic Assessment for the parcel located at 641 34<sup>th</sup> Avenue (APN 032-075-20). This parcel is currently owned and maintained by the County Department of Public Works (DPW).

During preliminary analysis it was noted that the project site has potential biotic concerns and riparian resources as defined by SCCC 16.30 and 16.32. The project site was evaluated by Environmental Planning staff to identify if any potential habitat for special status species or other sensitive habitat may occur there. This evaluation involved review of existing resource information including a query of the California Natural Diversity Data Base (CNDDB), recent and historic photographs and aerial imagery of the project site, and review of the Moran Lake Water Quality Study & Conceptual Restoration Plan. County Environmental Planning Staff visited the project site on February 20, 2019 with the County's consulting biologist Bill Davilla of Ecosystems West Consulting Group (Ecosystems West). Mr. Davilla's Biotic Assessment is included as Attachment A. It was determined based on the results of this evaluation, that the subject parcel does not support sensitive biological resources.

### Existing Environmental Conditions

The parcel is located in an urbanized neighborhood, bordered to the west by a mobile home community, a mix of single-family residences and duplexes to the south and east, and a residential lot to the north. The parcel was previously developed with a single-family residence and several outbuildings that were heavily damaged during flooding and have since been demolished. The property is currently vacant and subject to recurrent flooding.

An intermittent drainage channel runs along the eastern edge of the parcel and curves west across the parcel before exiting through a large culvert located at the southwest corner of the property. This culvert pipe carries stormwater runoff under the mobile home community and ultimately outlets into Moran Lake. This intermittent drainage is part of approximately 900 linear feet of open channel storm drainage that occurs between the culvert at Portola Drive and the large culvert on this property.

The parcel is dominated by remnants of previous residential development including a wooden bridge over the intermittent drainage, a concrete driveway, slab foundations, retaining walls, and some associated horticultural landscaping. The center portion of the property is maintained through regular mowing by County Public Works. This area has been colonized primarily by ruderal non-native herbaceous plant species. A large redwood tree is located along the northern bank of the drainage channel.

**EXHIBIT E**



During the February 20<sup>th</sup> site visit, several bird species were observed perching and foraging in the trees on the property including Anna's hummingbird, black phoebe, American robin, house finch, American crow, song sparrow, and yellow-rumped warbler. A pair of mallard ducks was also observed foraging in the open grassy area and swimming in the drainage channel.

#### Regulatory Constraints

The intermittent drainage may be regulated under the Clean Water Act Section 404 by U. S. Army Corps of Engineers (USACE), and Section 401 by the Regional Water Quality Control Board (RWQCB). The associated banks of the drainage may be subject to regulation under the Porter-Cologne Water Quality Act as "Waters of the State", and under California Fish and Game Code Section 1602.

Riparian corridors (as defined by Santa Cruz County Code Section 16.30.030) are granted protections under the County's Sensitive Habitat Protection and Riparian Corridor and Wetlands Protection ordinances. Development activities are prohibited within lands extending 30 feet from an intermittent stream unless a riparian exception is granted.

The property contains potential habitat for nesting birds. Birds of prey and migratory birds are protected under the California Fish and Game Code, and the Federal Migratory Bird Treaty Act (MBTA). Under the MBTA, it is unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill" a migratory bird unless and except as permitted by regulations.

Trees on the property may be protected under Santa Cruz County Code Chapter 16.34. This chapter regulates removal of trees in the Coastal Zone, and establishes the type of trees to be protected, the circumstances under which they may be removed, and the procedures for obtaining a permit for their removal.

The entire parcel lies within the FEMA designated "A" Zone (100-year flood hazard area), is subject to periodic flooding. FEMA has strict regulations limiting development activities in 100-year flood hazard areas.

#### Conclusion

The parcel was evaluated to identify if any potential habitat for special-status species or other sensitive habitats may occur there. No special-status species were observed on or near the property during field surveys. Habitat for special-status species does not occur on the property.

Wildlife species observed during field surveys are well adapted to residential environments. Because of the degraded nature of this site, the lack of riparian vegetation along the channel, and its location within an urbanized environment, this parcel does not currently provide quality riparian function or have significant value to wildlife.

If you have any questions regarding this letter, please feel free to contact me by email or telephone at [Juliette.Robinson@santacruzcounty.us](mailto:Juliette.Robinson@santacruzcounty.us) or 831-454-3156.

Sincerely,

Juliette Robinson  
Resource Planner IV, Biologist

**EXHIBIT E**



February 26, 2019

Juliette Robinson, Environmental Coordinator  
 Planning Department  
 County of Santa Cruz  
 701 Ocean Street  
 Santa Cruz, CA 95060

Re: Biotic Assessment of the County of Santa Cruz Parcel Located at 641 34<sup>th</sup> Avenue in Santa Cruz County  
 (APN 032-075-20)

This letter reports the findings of a biotic assessment of County of Santa Cruz owned property (Assessor's Parcel No. 032-075-20), located at 641 34<sup>th</sup> Avenue in the Pleasure Point area of Santa Cruz County, California. The County of Santa Cruz Board of Supervisors has directed the Department of Public Works to prepare this parcels disposition as potential surplus property. As part of this disposition process the Department of Public Works has requested the Planning Department to complete an environmental determination as to whether the disposition is in conformity with the County's General Plan. This Biotic Assessment will assist in identifying potential biological constraints (if any) that might affect the proper sale of the parcel. In November 2012 a Riparian Exception was approved for the repair and replacement of a storm damaged culvert the runs under the adjacent trailer park on the southwest corner of the subject parcel. The eastern side of the parcel has an intermittent stream channel referred to as Moran Creek. During these repairs an existing single-family home was demolished and removed from the flat portion of the parcel just west of the drainage. The County acquired fee title of the parcel at that time.

The U.S. Soil Conservation Service Soil Survey of Santa Cruz County (1980) classifies the soil on the County's property as Watsonville loam, 0-2 percent slopes and Watsonville loam, thick-surface, 0-2 percent slopes. The Watsonville loam is characterized as a very deep, poorly-drained soil formed on coastal terrace alluviums. Permeability of the Watsonville loam is very slow with slow to medium runoff potential and a slight to moderate erosion hazard potential. It supports on the County parcel non-native annual grassland/ruderal habitat and non-native woodland habitat.

Bill Davilla of EcoSystems West and Juliette Robinson and Natisha Williams of Santa Cruz County Planning Department conducted a field survey 641 34<sup>th</sup> Avenue property on February 20, 2019. During the field visit we observed a flat rectangular lot accessed by small bridge over the intermittent drainage which bisects the parcel along its eastern edge arcing towards the northwest of the property towards Moran Lake. The west and south edge of the parcel surrounded by retaining walls and fencing. Remnant foundation pads exist on portions of the parcel where the dwelling once stood. The habitat on the property is best characterized by an open introduced grass/herb field between the drainage and retaining walls. Non-native grassland also occurs in a smaller triangular area below the entrance driveway along 34<sup>th</sup> Avenue. Three California peppertrees (*Schinus molle*) were planted in this area near the roadway. This survey was too early to identify to species the non-native grasses growing in this location but

appeared to be soft chess (*Bromus hordeaceus*) and wild oat (*Avena* spp.). Non-native herbs observed in this grassland understory included wild lettuce (*Raphanus sativa*), common vetch (*Vicia sativa*), and mallow (*Malva parviflora*). The area around the old dwelling supported a ruderal non-native grassland habitat supporting primarily non-native annual grasses such as soft chess, wild oat, rattail fescue (*Festuca myuros*), and ripgut brome (*Bromus diandrus*). Non-native herbs include wild lettuce, mallow, Bermuda buttercup (*Oxalis pes-caprae*), filaree (*Erodium* spp.), cutleaf geranium (*Geranium dissectum*), hairy cats-ear (*Hypochaeris radicata*), and sweet pea (*Lathyrus* sp.). Scattered clumps of native California poppy (*Eschscholzia californica*) were found around the center of this portion of the parcel. Along the edge of the stream drainage (Moran Creek) landscape trees occur including three blackwood acacias (*Acacia melanoxylon*), a single coast redwood (*Sequoia sempervirens*), and a single weeping willow (*Salix* cf. *babylonica*). On the edge of the banks are vines including native thimbleberry (*Rubus parviflorus*), and non-native English ivy (*Hedera helix*), German ivy (*Delairea odorata*), and periwinkle (*Vinca major*). Portions of the streambank exhibited hydraulic erosion cutting particularly just below the driveway bridge. This is likely caused by hydraulic deflection of the steel piers in the stream channel collecting debris during high flows causing the stream energy to deflect into the left bank of the stream.

No sensitive plant or animal species indigenous near the site were observed on the parcel during the time of our survey. The habitats on the parcel are not indicators for sensitive plant or animal species known to occur near the parcel, such as monarch butterflies or Santa Cruz tarplant (*Holocarpha macradenia*). The Watsonville loam soils are indicators for Santa Cruz tarplant, but the parcel is too small and isolated to support a tarplant population. Breeding birds were observed flying about the parcel, but I did not observe any substantial nests in the trees. The coast redwood tree could provide habitat for nesting raptors. The stream corridor was determined to be riparian habitat necessitating a "Riparian Exception" in 2012 to do the culvert repair. Presently, the stream corridor does not support typical riparian indicator species. The tree canopy is comprised of predominantly non-native landscape trees. The understory is open with scattered patches of English ivy, German ivy, and thimbleberry. The stream bank has been impacted by the bridge abutments and piers deflecting flows during high flow events. Consideration should be given to replacing the bridge prior to sale of the parcel or requiring its replacement as part of development of the parcel.

Based on this preliminary assessment, it is my professional that the parcel does not support sensitive biological resources that would prevent future sale and development of the parcel.

Should you require further information or clarification, please don't hesitate to contact me.

Sincerely,



Bill Davilla  
Principal

**PHOTOGRAPHS OF PROPERTY  
LOCATED AT 641 34<sup>TH</sup> AVE (APN 032-075-20)**



**WEST VIEW OF PROPERTY FROM 34<sup>TH</sup> AVE**



**WEST VIEW OF PROPERTY FROM BRIDGE OVER MORAN CREEK**





NORTH VIEW OF PROPERTY FROM WESTERN PROPERTY LINE



EAST VIEW OF PROPERTY AND 34<sup>TH</sup> AVE FROM WESTERN PROPERTY LINE





SOUTH VIEW OF PROPERTY FROM WESTERN PROPERTY LINE



SOUTHWEST VIEW OF MORAN CREEK FROM 34<sup>TH</sup> AVE





SOUTHEAST VIEW OF BANK OF MORAN CREEK/  
CORNER OF PROPERTY ON 34<sup>TH</sup> AVE



SOUTH VIEW OF MORAN CREEK WITH EROSION ON EASTERN BANK





NORTH VIEW OF MORAN CREEK FROM BRIDGE



SOUTH VIEW OF MORAN CREEK AND BRIDGE



NORTHEAST VIEW OF VEGETATION ALONG  
NORTHERN BANKS OF MORAN CREEK



NORTH VIEW OF WILLOW TREE FROM BRIDGE





A CLOSER LOOK AT NORTH VIEW OF VEGETATION ALONG NORTHERN BANKS OF MORAN CREEK, INCLUDING SUPPORTIVE BEAM AND ROPES FOR AGING, NONNATIVE WILLOW TREE



NORTHEAST VIEW OF PROPERTY FROM DRAIN PIPE





EAST VIEW OF VEGETATION ALONG  
SOUTHERN BANKS OF MORAN CREEK,  
INCLUDING REDWOOD TREE



SOUTHEAST VIEW OF VEGETATION ALONG  
SOUTHERN BANKS OF MORAN CREEK FROM  
DRAIN PIPE



SOUTHEAST VIEW OF VEGETATION ALONG SOUTHERN BANKS OF MORAN CREEK





SOUTHWEST VIEW OF MORAN CREEK AND DRAIN PIPE UNDER SNUG HARBOR MOBILE HOME PARK



A CLOSER LOOK AT SOUTHWEST VIEW OF CULVERT





NORTHEAST VIEW OF MORAN CREEK BRIDGE ABUTMENTS



---

## Staff Report & Riparian Exception Permit Level 3 – Administrative Review

---

Application Number: 121237  
Applicant: Santa Cruz County  
Department of Public Works  
Site Address: 641 34<sup>th</sup> Avenue, Santa Cruz, CA

APN: 032-075-14 and 032-075-20  
Owner: Santa Cruz County Department of  
Public Works

### Proposal & Location

This Riparian Exception is for the emergency repair of approximately 324 feet of existing corroded storm drain pipe and alterations to the headwall structure within the flow path of Moran Creek, an intermittent stream. Generally, the rusted floor of the pipe will be replaced with concrete and steel reinforcement to re-establish the structural integrity of the remaining pipe materials. In addition, several structures within the FEMA-designated Flood Hazard Area will be demolished at 641 34<sup>th</sup> Avenue.

This project is located between 30<sup>th</sup> and 34<sup>th</sup> Avenues within the active channel, storm drain pipe and floodplain of Moran Creek. The creek crosses 641 34<sup>th</sup> Ave (032-075-20), enters a storm drain pipe that passes under Snug Harbor Mobile Home Park, and is released back into the channel on vacant parcel 032-075-14 owned by the City of Santa Cruz.

### Analysis

Moran Creek is an intermittent stream within an urban arroyo that runs through Live Oak and outlets into Moran Lake. The extent of the riparian corridor is 30 feet from each side of the stream. In addition, a riparian buffer extends 10 feet from each side of the top of the arroyo. A 10-foot setback from the buffer is required for structures.

During the December 2010 storms, a portion of the Moran Creek storm drain pipe that runs under Snug Harbor Mobile Home Park collapsed, causing permanent damage to a home's foundations and threatening other homes within the park. A temporary fix was immediately implemented, involving the placement of a smaller pipe within the damaged pipe. The smaller pipe reduces the capacity of the storm drain pipe and cannot withstand a large storm event. Funding was secured and plans have been prepared by Santa Cruz County Department of Public Works to repair the original pipe. This project is considered an emergency project in order to restore the capacity of the storm drain pipe prior to the coming storm season.

An approximate 40-foot section of collapsed pipe will be excavated, removed, replaced with new materials, and backfilled. The remaining length of the pipe will be repaired where necessary by grouting. The headwall will be modified in order to lower the entrance by approximately 1 foot

to align it with the channel bottom. Additional miscellaneous repairs will be completed including repairs to intersecting lateral pipes, and new fencing and service gates. The repairs to the storm drain pipe are assumed to be within the floodway and therefore a statement from a civil engineer will be required prior to construction, based on final plans, and at the completion of construction, based on the completed project. The civil engineer shall certify in both instances that the project will not cause an increase to the base flood elevation.

The property located at 641 34<sup>th</sup> Avenue (032-075-20) was obtained by the County of Santa Cruz and all structures located on that property will be demolished. These structures are located within the FEMA-designated "A" Zone and possibly within the floodway of Moran Creek. A floodway study is not required for demolition of the dilapidated structures. Any future proposals on these sites may require the development of base flood elevations and the definition of the extent of the floodway in compliance with Federal, state, and county regulations.

Moran Lake, approximately 1000 feet downstream from the project area, is known habitat for tidewater goby. Project conditions prohibit construction-related contaminants from being released into the stream. In addition, Standard Fish and Game Department Recommendations, included in the project Special Provisions, will be applied.

Findings are on file in the County Planning Department.

#### **Staff Recommendation**

The Planning Department has taken administrative action on your application as follows:

  X   . Approved (if not appealed).  
       . Denied (based on the attached findings)

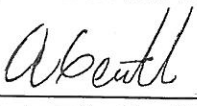
NOTE: This decision is final unless appealed.


See below for information regarding appeals. You may exercise your permit after signing below and meeting any conditions which are required to be met prior to exercising the permit. If you file an appeal of this decision, permit issuance will be stayed and the permit cannot be exercised until the appeal is decided.

**Please note: This permit will expire unless exercised prior to the expiration date.  
(See the Conditions of Approval below for the expiration date of this permit.)**

If you have any questions about this project, please contact Antonella Gentile at:  
(831) 454-3164 or [antonella.gentile@co.santa-cruz.ca.us](mailto:antonella.gentile@co.santa-cruz.ca.us).



Report Prepared By:   
Antonella Gentile  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060

Report Reviewed By:   
Kent Edler  
Senior Civil Engineer  
Santa Cruz County Planning Department

Mail to: Santa Cruz County Department of Public Works  
C/O John Swenson  
701 Ocean Street  
Santa Cruz, CA 95060

By signing this permit below, the owner(s) agree(s) to accept the terms and conditions of permit number 121237 (APN 032-075-14 and 032-075-20) and to accept responsibility for payment of the County's cost for inspection and all other action related to noncompliance with the permit conditions. This permit is null and void in the absence of the property owner(s) signature(s) below. All owners of the subject property (APN 032-075-14 and 032-075-20) must sign this form.

| Signature of Owner | Print Name | Date |
|--------------------|------------|------|
|--------------------|------------|------|

(This page is intended for your personal records, please retain this signed page and return the signed Signature Page, included later in this document, to acknowledge acceptance of this permit.)

### Appeals

In accordance with Section 18.10.300 et seq of the Santa Cruz County Code, the applicant may appeal an action or decision taken on a Level III project such as this one. Appeals of administrative decisions of are made to the Planning Director. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter, and the basis upon which the decision is considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of action from which the appeal is being taken and must be accompanied by the appropriate appeal filing fee.

**EXHIBIT G**

## Conditions of Approval

Exhibit A. Project plans, sheets C1-C5, prepared by Santa Cruz County Department of Public Works, dated 10/24/12.

- I. This permit authorizes the alteration of a headwall structure, repair of a drainage pipe and demolition of a house and associated outbuildings. 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.
  - C. Submit a stormwater pollution control plan for review by the Resource Planner. The plan shall include specifications for control of all runoff during and at the completion of construction. The plan shall include, at a minimum:
    1. Diversion of base creek flow around the project area if required by CDFG;
    2. Requirements for removing diversions;
    3. Details for removal of diversions, construction equipment and debris, and placement of erosion control;
    4. Treatment specifications for new concrete prior to a rain event to prevent alteration of downstream water pH levels;
    5. Maintenance of a non-erosive staging and equipment/vehicle storage area (utilize pads from demolished structures if possible and/or provide appropriate cover over areas to be disturbed);
    6. A secondary containment system at the pipe outfall to prevent any construction chemicals or debris from entering the channel; and
    7. Final erosion control including replanting and seeding with noninvasive appropriate species at project completion for all disturbed areas.
- II. Prior to demolition of the structures at 641 34<sup>th</sup> Avenue, the applicant/owner shall:
  - A. Install straw wattles or silt fencing at the limits of disturbance to prevent contaminated runoff and demolition by-products from washing into the creek.
  - B. Install tree protection fencing at the dripline of existing mature trees in the project vicinity.



- III. Prior to the start of construction of the drainage pipe improvements, the applicant/owner shall:
- A. Install all water diversion and temporary sediment control as shown on the stormwater pollution prevention plan.
  - B. Submit a statement signed by a civil engineer that the drainage pipe improvements, as shown on the final plans, will not cause an increase to the base flood elevation.
  - C. Schedule a preconstruction meeting with the Resource Planner, grading contractor and responsible Public Works staff.
- IV. All construction shall be performed according to the approved plans for the permit. Prior to final inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final plans shall be installed.
  - B. All pads and any fill deposited as part of construction shall be removed from the site at 641 34<sup>th</sup> Ave.
  - C. All disturbed areas shall be replanted and/or seeded with appropriate noninvasive species.
  - D. Submit a statement signed by a civil engineer that the completed drainage pipe improvements will not cause an increase to the base flood elevation.
- V. Operational Conditions
- A. The property owner, applicant or other responsible party shall contact Environmental Planning at (831) 454-3164 four working days prior to site disturbance.
  - B. All concrete work is prohibited within the pipe and/or channel 48 hours prior to the removal of the stream diversion, flow of stream water through the culvert, or a 50% forecast of rain by the National Weather Service. All concrete placed with less than 10 days cure time prior to the diversion, flow of stream water through the culvert, or a 50% forecast of rain by the National Weather Service must be sealed with an accelerant or sealant to ensure that downstream pH levels are not affected. Accelerants or sealants (such as Vanhearron Deep Seal or equal) must be applied at least 48 hours prior to the removal of the stream diversion, flow of stream water through the culvert, or a 50% forecast of rain by the National Weather Service.
  - C. All construction materials and debris shall be removed from the pipe and/or channel at least 24 hours prior to the rain event when a 50% or greater chance of precipitation is predicted by the National Weather Service.

- D. At the completion of a precipitation event, work within the pipe and/or channel shall not resume until all water from the creek has been diverted around the project area.
- E. All contaminants from the demolition, headwall, and drainage pipe work are prohibited from entering the downstream channel.
- F. Erosion control measures must be in place at all times during construction. All disturbed soils shall be stabilized, as identified in the site plans to prevent siltation or contamination in the watercourse.
- G. If any trees must be removed during construction, they shall be replaced at a 3:1 rate with appropriate species such as coast redwood, coast live oak, or arroyo willow.
- H. 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.
- I. 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.

---

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

**Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.**

Approval Date: 11-8-12

Effective Date: 11-22-12

Expiration date: 11-22-15

## **Riparian Exception Findings**

**1. That there are special circumstances or conditions affecting the property.**

The existing storm drain pipe has failed, causing damage to a home's foundations and threatening several other homes. A temporary fix was immediately implemented that reduced the capacity of the pipe, making it ineffective in larger storms. If the storm drain pipe is not repaired and restored to the original capacity, additional property damages can be expected during a large storm event. Additionally, the existing structures to be demolished on the property at 641 34<sup>th</sup> Avenue are considered an "attractive nuisance" and are subject to flooding. Demolition of these structures will benefit the floodplain, riparian corridor, and surrounding neighborhood.

**2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property.**

The storm drain pipe is an existing structure and the mobile home park is an existing permitted use. Unless the storm drain pipe is repaired, it will continue to deteriorate and undermine the mobile home park. The exception is necessary in order to repair the function of the pipe and secure the safety of the mobile home park. The exception is also necessary to demolish the dilapidated structures, which will ultimately benefit the riparian corridor and flood hazard area.

**3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.**

All construction will be completed in conformance with the Standard Fish and Game Department Recommendations, included in the project Special Provisions, as well as the Conditions of this permit which prohibit construction-related contaminants from being released into the stream. In addition a statement from a civil engineer will be required prior to construction, based on final plans, and at the completion of construction, based on the completed project. The civil engineer shall certify in both instances that the project will not cause an increase to the base flood elevation. Removal of the dilapidated structures will be beneficial to the public welfare, the stream and downstream properties in that the nuisance will be abated and the structures will no longer take up floodwater storage capacity or potentially wash away and damage other properties.

**4. That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative.**

All construction-related contaminants are prohibited from being released into the stream. In addition, several dilapidated structures will be removed from the riparian corridor.

Once the project is completed, the site will be revegetated and protected from erosion. If the storm drain pipe is not repaired prior to the coming storm season, additional sedimentation in the creek and downstream lake can be expected, as well as a potential instability and hazards for the residents of the mobile home park. Removal of the flood-prone dilapidated structures and repair of the damaged storm drain pipe is the least environmentally damaging alternative.

**5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan.**

The granting of the exception is in accordance with the purpose of this chapter and with the objectives of the General Plan and Local Coastal Program in that the project will correct an unsafe condition for the mobile home park residents while preventing contamination and sedimentation of the creek. In addition, the dilapidated structures will be removed from the riparian corridor and flood hazard area.

# 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: 121237

Assessor Parcel Number: 032-075-14 and 032-075-20

Project Location: 641 34th Avenue

**Project Description: Construct emergency drainage improvements and demolish a single family dwelling and associated outbuildings**

**Person or Agency Proposing Project: Santa Cruz County Department of Public Works**

**Contact Phone Number: (831) 454-2160**

- 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: 15269. Emergency Projects

E. ☐ **Categorical Exemption**

Specify type:

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

The storm drain pipe has failed and a temporary fix was immediately installed that reduced the capacity of the pipe. The current configuration is not expected to withstand a large winter storm event and therefor needs to be repaired prior to the coming winter storm season.

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

Antonella Gentile  
Antonella Gentile, Project Planner

Date: 11-8-12

