



County of Santa Cruz

DEPARTMENT OF COMMUNITY DEVELOPMENT AND INFRASTRUCTURE

701 OCEAN STREET, FOURTH FLOOR, SANTA CRUZ, CA 95060-4070
Planning (831) 454-2580 Public Works (831) 454-2160

AGENDA DATE: May 24, 2023

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

Subject: SUBJECT: GENERAL PLAN CONSISTENCY DETERMINATION OF POTENTIAL DISPOSITION OF SURPLUS COUNTY OWNED PROPERTY LOCATED AT 105 ESPLANADE AVENUE (APN: 042-151-31)

Recommended Action(s):

Staff recommends that the Planning Commission adopt a resolution (Exhibit B) finding that the disposition of potential surplus County-owned property located at 105 Esplanade Avenue (APN 042-151-31) is in conformity with the Santa Cruz County General Plan.

Executive Summary

The Department of Community Development and Infrastructure is preparing for the disposition of potential surplus County-owned property located at 105 Esplanade Ave (APN 042-151-31) (Exhibit A). Santa Cruz County Code section 2.14.040(B) requires the Planning Commission to determine that the disposition of surplus County-owned property unrelated to street widening is in conformance with the Santa Cruz County General Plan pursuant to Government Code section 65402. Planning staff recommends that the Planning Commission adopt the attached resolution finding that the proposed disposition is in conformity with the County's adopted General Plan (Exhibit B).

Background

The County property in question is located at 105 Esplanade, Aptos, CA 95003 (APN 042-151-31). The parcel is approximately 0.06 acres (3005.6 square feet) and lies on the north side of Esplanade Avenue, located adjacent to the Sea Cliff Beach parking lot fronting Seacliff Beach, in the Coastal Zone of the Aptos Planning Area. The property is zoned for neighborhood commercial development (C-1) and has a General Plan land use designation of Neighborhood Commercial (C-N). Surrounding uses include the Sea Breeze Tavern located to the west and destroyed in a fire in 2020, and the Venus restaurant located to the east of the property, and other commercial uses along the Esplanade Avenue frontage.

The property is currently a vacant lot with a few picnic tables and subject to recurrent flooding, evidenced by the most recent State and Federal Emergency Declarations related to flooding that resulted from January 2023 storms. Aptos Creek is located approximately one hundred feet west

of the property and runs north to south to Monterey Bay. The entire property lies within the FEMA-designated “AE” Flood Zone (100-year flood hazard area), is subject to flooding, and has remained unutilized since acquisition.

The County originally acquired the property in a tax sale for potential expansion of the adjacent Public Works sanitation treatment facility located to the north of the subject property. It was ultimately determined unnecessary for treatment facility expansion needs and both the Parks Department and Public Works Departments concluded there is no need to retain ownership of the parcel for public purposes. This is primarily due to the location of the parcel within the mapped Floodway of Aptos Creek and extremely limited development potential.

Analysis

Properties located within the mapped floodway are subject to the Geologic Hazards Ordinance. The Geologic Hazards Ordinance reserves properties within the floodway to carry and discharge flood water, thereby restricting placement of permanent structures within the Floodway. As a result of floodway hazards, the property has limited development potential due to these constraints and County Real Property staff was directed to prepare for potential disposition of the property along with documentation necessary for the parcel to be declared surplus County property.

Prior to the disposition of surplus County property, Santa Cruz County Code (SCCC) section 2.14.040(B) requires the Director of Public Works to submit a request to the Planning Director for an environmental determination and a determination by the Planning Commission pursuant to section 65402 of the Government Code. Section 65402 requires a local jurisdiction’s planning agency to report on the location, purpose, and extent of the disposition of public property as it relates to conformity with the adopted General Plan. Lastly, SCCC Section 2.14.040 (C) pursuant to Government Code 54220 requires a determination that the site has been reviewed for potential housing suitability.

Consequently, the Community Development and Infrastructure Department is requesting a determination from the Planning Commission as to whether the sale of potential surplus property located at 105 Esplanade Ave (APN 042-151-31) would conform with the Santa Cruz County General Plan.

General Plan Compliance

Planning staff finds that disposition of the surplus County property would not conflict with the Santa Cruz County General Plan. The property is not identified as a site for potential park acquisition or development as a park or open space; is not located in a special community or in a specific plan subject to additional policies, development, or protection standards; and concurrent with the disposition, the Community Development and Infrastructure Department intends to disclose that the property is located in the AE Floodway and subject to the Geologic Hazards Ordinance in the property sale agreement as part of required California real estate property disclosures. In addition, the site is not suitable for housing given the location in the floodway, precluding development of structures. This is consistent with the General Plan Objective 7.23 9 (Flood Control and Drainage), intended to provide protection for the public by prevention of flooding and consequent damage to property and improvements.

Disposition of the property would also potentially result in improved public views of the ocean should nonstructural uses be permitted supporting existing adjacent coastal commercial visitor serving uses, which would be consistent with the General Plan/Local Coastal Plan Objective 7.7c

(Beach Access), including visual access to the beach.

The property may be utilized for commercial uses that do not require permanent structural development and continued use for flood control purposes pursuant to the Geologic Hazards Ordinance. Uses may include outdoor community service organization meeting space, such as outdoor athletic event registration or event coordination during sports events such as triathlons held at Seacliff Beach in the past, or temporary outdoor seating, etc. Any proposed commercial development or proposed use is subject to a Coastal Development Permit, Use Approval, and compliance with the Geologic Hazards Ordinance unless otherwise exempt by code.

The sale of the property requires a public bid process, but the proposed disposition would most likely be to an adjacent commercial property owner who would use the property for temporary outdoor seating or event space according to its constraints. This is consistent with the C-1 zone district and Neighborhood Commercial General Plan Land Use Plan designation as well as the Public Safety and Noise Element goal to protect public health, safety, and welfare, by reducing potential inundation onsite and throughout the neighborhood, and improvement of public views of the beach.

Therefore, the proposed potential disposition would be in conformity with the Santa Cruz County General Plan.

Environmental Review

The Environmental Coordinator has determined that the disposition of potential surplus County owned property located at 105 Esplanade Avenue (APN 042-151-31) is exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA §15312 “Surplus Government Property Sales,” and a Notice of Exemption has been prepared (Exhibit C) and provided for informational purposes.

Recommendation

Staff recommends that your Commission:

- Adopt Planning Commission Resolution (Exhibit B) finding that the disposition of potential surplus County-owned property located at 105 Esplanade Avenue (APN 042-151-31) is in conformity with the Santa Cruz County General Plan.

Sheila McDaniel

Sheila McDaniel
Planner IV

Mark J Connolly

Mark Connolly
Principal Planner

Exhibits:

- A) Planning Determination Request Memo
- B) Planning Commission Resolution
- C) CEQA Notice of Exemption



County of Santa Cruz

DEPARTMENT OF COMMUNITY DEVELOPMENT AND INFRASTRUCTURE

INTER-OFFICE CORRESPONDENCE

DATE: August 30, 2022

TO: Matt Machado; Director of Community Development and Infrastructure
Natisha Williams; Planner IV

FROM: Kimberly Finley; Chief Real Property Agent

SUBJECT: General Plan and CEQA exemption consideration for sale of excess County property- 105 Esplanade, Aptos, California APN 042-151-31

The Department of Community Development and Infrastructure (CDI) is processing the sale of excess County property located at 105 Esplanade, Aptos, California APN 042-151-31 (Property) pursuant to Santa Cruz County Code 2.14.040 (B), as the Property is unrelated to street realignment and is not needed by the County.

Pursuant to Santa Cruz County Code 2.14.040 (B) CDI is now seeking a determination from the Director of the Planning Department as to:

- (1) 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 CDI intends to prepare proposed terms and conditions for sale pursuant to Government Code Section 25520 et seq. for consideration by the Board of Supervisors.

Please feel free to contact me with any questions.

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 105 ESPLANADE, APTOS,
CA 95003 (APN 042-151-31) IS IN CONFORMITY WITH THE SANTA CRUZ COUNTY
GENERAL PLAN**

WHEREAS, on August 30, 2022, the Real Property Agent of the Community Development and Infrastructure Department requested the Planning Director prepare necessary documentation for consideration by the Board of Supervisors for potential disposition of APN 042-151-31 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, 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, the Planning Commission has reviewed and considered the staff report and testimony at a regular meeting on May 24, 2023; and

WHEREAS, the Planning Commission makes the finding that the disposition of the property, including the California Real Estate disclosure by the Real Property division of the Community Development and Infrastructure Department that the property is located in the AE Floodway subject to the Geologic Hazards Ordinance, 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 potential disposition of the County owned property located at 105 Esplanade, Aptos, CA 95003 (APN 042-151-31) 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 the ___ day of ___ 2023, by the following vote:

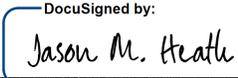
AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

ATTEST: _____
Secretary Chairperson

APPROVED AS TO FORM:  _____
AF757CF913B5419
Office of the County Counsel



County of Santa Cruz

DEPARTMENT OF COMMUNITY DEVELOPMENT AND INFRASTRUCTURE

701 OCEAN STREET, FOURTH FLOOR, SANTA CRUZ, CA 95060-4070
Planning (831) 454-2580 Public Works (831) 454-2160

NOTICE OF EXEMPTION

To: Clerk of the Board
Attn: Juliette Burke
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Project Name: Disposition of Surplus County Property (105 Esplanade Ave – APN 042-151-31)

Project Location: The project is located on the north side of Esplanade Avenue, located adjacent to the Sea Cliff Beach parking lot fronting Seacliff Beach in the Coastal Zone of the Aptos Planning Area.

Assessor Parcel No.: 042-151-31

Project Applicant: Santa Cruz County Community Development and Infrastructure Department

Project Description: General Plan consistency determination of potential disposition of surplus County owned property located at 105 Esplanade Avenue (APN: 042-151-31). Per California Government Code Sec 65402(a), the planning agency must render a report as to conformity with the adopted general plan before surplus County property may be disposed.

Agency Approving Project: County of Santa Cruz

County Contact: Kimberly Finley, Real Property Agent **Telephone No.** (831) 454-2334

Date Completed: 5/2/2023

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 and is not located in an area of statewide, regional, or areawide concern. None of the conditions described in Section 15206(b)(4) or 15300.2 apply in that:

- a) The property does not have significant values for wildlife habitat or other environmental purposes, and
- b) Any of the following conditions exist:
 - (1) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use;
 - or
 - (2) The property to be sold would qualify for an exemption under any other class of categorical exemption in these guidelines; or
 - (3) The use of the property and adjacent property has not changed since the time of purchase by the public agency.

Signature: Matt Johnston Date: _____ Title: Environmental Coordinator