

COASTAL CONSERVANCY

Staff Recommendation  
September 3, 2020

**HIDDEN BEACH RESTROOM AND PROPERTY TRANSFER**

Project No. 20-028-01  
Project Manager: Timothy Duff

**RECOMMENDED ACTION:** Authorization to transfer fee title to five Conservancy-owned parcels adjacent to Hidden Beach County Park to the County of Santa Cruz and approval of the disposition plan for the property transfer; and authorization to disburse up to \$35,000 to the County of Santa Cruz to prepare plans, environmental review documents, and permit applications for a new restroom at Hidden Beach County Park.

**LOCATION:** Hidden Beach County Park, Santa Cruz County.

**PROGRAM CATEGORY:** Public Access

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EXHIBITS

- Exhibit 1: [Project Location and Site Maps](#)
- Exhibit 2: [Project Photos](#)
- Exhibit 3: [Map of Property Interests for Transfer](#)
- Exhibit 4: [Implementation Plan](#)
- Exhibit 5: [Project Letters](#)

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400-31410 of the Public Resources Code:

“The State Coastal Conservancy hereby 1) authorizes the disbursement of an amount not to exceed thirty five thousand dollars (\$35,000) to County of Santa Cruz (“the grantee”) to prepare plans, environmental review documents, and permit applications for a new restroom at Hidden Beach County Park, Santa Cruz County, and 2) approves the transfer of fee title to five undeveloped beach and upland parcels located adjacent to Hidden Beach County Park (Santa Cruz County Assessor Parcel Numbers 043-13-134, 054-62-104, 043-16-144, 043-16-164, and 043-16-165) to the County of Santa Cruz as shown in Exhibit 3 to the accompanying staff

recommendation; and 3) approves the disposition plan for the property transfer as shown in Exhibit 4 to the accompanying staff recommendation."

Prior to commencement of the Hidden Beach Restroom planning project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding.

In addition, to the extent appropriate, the grantee shall incorporate the guidelines of the Conservancy's 'Standards and Recommendations for Accessway Location and Development' into the Hidden Beach Restroom project."

The property transferred to grantee under this authorization shall be managed and operated as resource protection and open space for public recreational use. The property shall be permanently dedicated to those purposes by an appropriate instrument approved by the Executive Officer.

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding public access.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.

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#### **PROJECT SUMMARY:**

Conservancy staff recommends disbursing up to \$35,000 to the County of Santa Cruz for the planning of a new restroom at Hidden Beach County Park, and approving the transfer of five parcels from the Conservancy to the County of Santa Cruz. The proposed Conservancy funds will be directed to the completion of several planning tasks including the preparation of plans, permit applications and environmental review documents needed to secure the permits to install the restroom.

Hidden Beach County Park is located in Aptos and provides visitors with parking, picnic tables, and a beach access path that leads to a wide sandy beach popular with County residents and visitors (Exhibit 2, Photos). Currently, the park and beach are served by a single user porta-potty. As the park's popularity continues to increase, the porta-potty has become inadequate for serving the needs of both park and beach visitors. Some visitors find the porta-potty occupied or inconvenient and opt instead to utilize the beach or wooded areas, resulting in adverse environmental impacts and socially compromising situations.

The proposed authorization would provide funding to complete the plans for a prefabricated double unit restroom building that would provide both park and beach users with flushing toilets and hand washing sinks. The plumbing would connect to an existing wastewater pumping station at the site via existing infrastructure owned and operated by the County. The design will also consider signage to direct beach users to the restrooms. See Exhibit 1, page 3 for restroom location.

Once the County completes the planning and environmental review phase, Conservancy staff anticipate bringing a second recommendation to the Conservancy for the purchase and installation of the restroom building.

Hidden Beach County abuts several parcels owned in fee by the Conservancy (see Project History). The Conservancy is not well-equipped to manage land, nor is this one of its primary legislated functions. With both informal public access and abundant vegetation, the site needs more management than is practical for the Conservancy to provide. The proposed transfer of Conservancy-owned beach and upland properties to the County will relieve the Conservancy of the responsibilities associated with owning and maintaining the properties, while ensuring the land is protected and maintained for resource protection, open space and public access purposes.

Upon Conservancy approval of the proposed Property Disposition Plan for Santa Cruz/Hidden Beach Properties (Disposition Plan (Exhibit 4)), Conservancy and County staff will proceed with their respective required tasks to complete the proposed property transfer. For the Conservancy, that includes obtaining approval from the State Department of General Services.

**Site Description:** Hidden Beach County Park is located in unincorporated Santa Cruz County on a low bluff approximately 1,000 feet from a wide sandy beach along Monterey Bay, a National Marine Sanctuary (Exhibits 1 and 2). The 1.2 acre park is bordered to the north by railroad tracks that are expected to serve as the future Monterey Bay Sanctuary Scenic Trail, to the west by the Conservancy-owned parcels totaling approximately 2.6 acres, to the east by residential neighborhoods, and to the south by the Monterey Bay coastline. The park and Conservancy properties encompass a broad, gently sloping valley that contains an unnamed ephemeral stream and a steep, a densely vegetated riparian valley and hillside, and sandy beach areas. The valley and hillside support mature eucalyptus trees, coastal live oaks, and understory vegetation. The park's amenities include a play structure, lawn area, picnic tables, and trails. The park has numerous pedestrian access points from the adjacent neighborhoods, a paved path and scenic coastal overlook that connects the park to a broad sandy beach. The Conservancy-owned parcels currently provide informal, unimproved access to sandy beach and upland areas.

**Grantee Qualifications:** Santa Cruz County Parks Department manages over 1,500 acres of parkland, including 38 neighborhood, community, regional, or rural parks; 27 coastal access points; 23 playgrounds; 19 parks with athletic facilities; 5 parks with community rooms; and one regional swim center. The Department includes financial analysts who administer and track grant funding, planners who oversee the public engagement, permitting, design, and construction processes, and park operations and maintenance staff who maintain the parks in a safe manner. In 2019, County Parks designed, received permits, and purchased a prefabricated

restroom similar to the one proposed at Hidden Beach County Park that was installed in August 2020. County Parks has also previously installed prefabricated restrooms at three other county parks. This extensive staff experience in permitting, site preparation, construction, and installation of these facilities will guide staff through the process required to complete planning of the Hidden Beach restroom.

**Project History:** In 2003, the Coastal Commission entered into a settlement agreement to end a lawsuit related to the property adjacent to Hidden Beach Park. That settlement agreement required the landowner to record an Offer to Dedicate Fee Title (OTD) to the parcels for open space preservation and public access. In 2016 as required by law, the Conservancy accepted the OTD shortly before it would have expired. In March 2020 Conservancy staff met with County Parks staff at the project site to discuss their interest in assuming ownership of the Conservancy property interests and their desire to replace an existing porta-potty with a new prefabricated double unit restroom building to serve both park and beach users. Conservancy staff requested a grant application for funds to plan and install the new restroom and also confirmed the County's intention to take the steps needed to accept the Conservancy's property interests. In June 2020 Conservancy staff reviewed the grant application and agreed to recommend Conservancy authorization for the funds needed to plan the restroom and, once completed, depending on the environmental review, to make a subsequent recommendation for authorization to fund the purchase and installation of the restroom.

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$35,000</b>
<b>County of Santa Cruz</b>	<b><u>\$35,000</u></b>
<b>Project Total</b>	<b>\$70,000</b>

The anticipated source for the Conservancy funds for this project is an appropriation from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, Public Resources Code Section 75001 *et seq.* (Proposition 84). Proposition 84 authorizes the use of bond funds for projects that promote access to and enjoyment of the coastal resources of the state and are consistent with the Conservancy's enabling legislation, Public Resources Code Section 31000 *et seq.* (Public Resources Code Section 75060(b)).

Public Resources Code Section 75060(e) allocates funds to the Conservancy for the protection of Monterey Bay and its watersheds. "Protection," as defined in Public Resources Code Section 75005(m), includes "actions necessary to allow the continued use and enjoyment of property or natural resources and includes acquisition, development, restoration, preservation and interpretation," as defined. "Development" is defined in Public Resources Code Section 75005(f) to include physical improvement of real property.

Consistent with these provisions, the proposed project will serve to protect and improve the use and enjoyment of property and natural resources along the Santa Cruz County coast by planning for development of a restroom at Hidden Beach. The proposed project is consistent

with the Conservancy's enabling legislation, as discussed in the "Consistency with Conservancy's enabling legislation" section below. The proposed project is thus consistent with the funding requirements of Proposition 84.

County staff will be providing in-kind services for the work required to process the proposed land transfer. The value of these services is estimated to be \$5,000.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project is consistent with Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31410), regarding public access and enjoyment of coastal resources. Section 31400 states that the Conservancy shall have a principal role in the implementation of a system of public accessways to and along the state's coastline. Through the proposed project, the Conservancy will help enhance a coastal accessway and thereby further access to and enjoyment of coastal resources along the Monterey Bay shoreline.

Section 31400.1 allows the Conservancy to award grants to a public agency for development of accessways to and along the coast that serve more than local public needs. With its location on the Monterey Bay shoreline and adjacent to the future Santa Cruz County Rail Trail segment of the California Coastal Trail, the proposed project will enhance access along the coast for visitors from throughout the region and beyond. The Santa Cruz County and the Monterey Bay region attract millions of visitors per year.

Section 31400.2 requires the Conservancy to consider a number of factors in determining the amount of funding for an access project. Consistent with this section, the proposed level of funding was evaluated relative to the total amount of funding available to the Conservancy for coastal access projects, the fiscal resources of the applicant, and the Conservancy's project selection criteria (see Consistency with Conservancy's Project Selection Criteria & Guidelines). The County of Santa Cruz has committed to provide funds to this project, as well as the funds necessary to operate and manage the proposed restroom; however, the County does not have sufficient funds available to complete the project without assistance.

Section 31400.3 authorizes the Conservancy to assist public agencies in developing and implementing a system of public accessways to and along the state's coastline. The proposed project will further these goals by enhancing public access in a heavily visited coastal region.

**CONSISTENCY WITH CONSERVANCY'S ACCESS PROGRAM STANDARDS:**

**Standard No. 1, Protect Public and Coastal Resources:** Consistent with Standard No. 1, the proposed restroom will be located to safely accommodate public use and will be designed to minimize alteration of natural landforms and be subordinate to the setting's character.

**Standard No. 12, Support Facilities:** Consistent with Standard No. 12, the proposed restroom and directional signs will make it easier and more convenient for the public to use and enjoy a coastal accessway.

**Standard No. 13, Barrier-Free Access:** Consistent with Standard No. 13, the proposed restroom will be designed to be wheelchair-accessible.

**CONSISTENCY WITH CONSERVANCY'S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2, Objective C** of the Conservancy's 2018-2022 Strategic Plan, the project entails the design of a restroom to increase and enhance coastal recreational opportunities and enable people to enjoy natural, cultural, and historical resources.

**CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:** By planning public access facilities the project serves to promote and implement state Coastal Act policies as follows:
  - **Coastal Act (1976), Public Resources Code Section 30210** on public access and recreation calls for "maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." The proposed project is consistent with this section in that it will provide safe public access to the bluffs and beaches of Santa Cruz County while protecting private property owner rights and natural resource areas from overuse. The County of Santa Cruz will be responsible for posting and operating the accessway in a manner that is consistent with this section.
  - **Coastal Act (1976), Public Resources Code Section 30240** on environmentally sensitive habitat areas states that "environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas," and "development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas." The proposed restroom will be sited and designed consistent with this section. The proposed land transfers will serve to protect environmentally sensitive habitat areas.

4. **Support of the public:** The project has broad support of the public, public agencies and elected officials as demonstrated by the letters attached as Exhibit 5.
5. **Location:** The proposed project would be located within the coastal zone of Santa Cruz County.
6. **Need:** Conservancy funds are needed to match other funds to complete the project.
7. **Greater-than-local interest:** The Monterey Bay region, including Santa Cruz County, attracts tens of thousands of daily visitors from throughout the state, the country and the world, many of whom seek to access and enjoy the region's coastline and beaches. The proposed restroom facility will also be along a future segment of the CCT.
8. **Sea level rise vulnerability:** The project site will be located at approximately 62 feet above mean sea level and approximately 1,250 feet from the current coastline. As such, the proposed restroom will not be vulnerable to sea level rise.

**Additional Criteria:**

9. **Resolution of more than one issue:** In addition to planning for the restroom, the project will relieve the Conservancy of the responsibilities associated with owning and maintaining the property that it currently owns at Hidden Beach while ensuring the land is protected and maintained for resource protection, open space and public access purposes.
10. **Leverage:** See the "Project Financing" section above.

**CEQA COMPLIANCE:**

The proposed preparation of plans for Hidden Beach Restroom project is statutorily exempt from the requirement to prepare an environmental impact report or negative declaration under the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations, section 15262, in that it would involve only planning studies and feasibility analyses for possible future actions that have not yet been approved, adopted or funded. The project is also categorically exempt from CEQA under Section 15306, which exempts basic data collection and resource evaluation activities that will not result in serious or major disturbance to an environmental resource. Environmental factors will be considered in the studies undertaken pursuant to this authorization.

Transfer of the Conservancy Hidden Beach parcels to the County is categorically exempt from CEQA under Section 15316 which exempts the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and the management plan for the park has not yet been prepared. The County has not developed a management plan for the Conservancy parcels that will be added to Hidden Beach County Park.

Upon Conservancy approval of the project staff will file a Notice of Exemption for this project.