

# Capitola Planning Commission

## Agenda Report



**Meeting:** April 4, 2024

**From:** Community Development Department

**Address:** New Brighton Middle School, 620 Monterey Avenue and  
Monterey Avenue Park

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**Project Description:** Permit #24-0115 for a proposed land exchange by and between the City of Capitola and the Soquel Union Elementary School District regarding a portion of New Brighton Middle School, 620 Monterey Avenue (APN: 036-151-01), located within the Community Facility Zone, for a portion of Monterey Avenue Park (APN:036-151-02), located within the Parks/Open Space Zone. This project is in the Coastal Zone and does not require a Coastal Development Permit.

**Recommended Action:** Consider Permit #24-0115 and adopt the findings set forth herein that the City of Capitola's proposed acquisition of a portion of the New Brighton Middle School from the Soquel Union Elementary School District and disposition of a portion of Monterey Avenue Park to the District is consistent with the Capitola General Plan.

**Property Owners:** City of Capitola and the Soquel Union Elementary School District.

**Representative:** Capitola Community Development Department

**Background:** The Soquel Union Elementary School District ("District") is the fee owner of 4.9 acres of real property located at 620 Monterey Avenue, Capitola, Santa Cruz County, California, Assessor's Parcel Number 036-151-01, which real property is the site of the New Brighton Middle School and related playing fields ("District Parcel"). The City of Capitola ("City") is the fee owner of 3.9 acres of real property known as Monterey Avenue Park, located adjacent to the District Parcel on Monterey Avenue in the City of Capitola, Santa Cruz County, California, Assessors' Parcel Number 036-151-02 ("City Parcel"). The District Parcel and City Parcel are more particularly identified on the assessor parcel map attached hereto as Attachment 1.

The District and the City have been discussing the exchange of a portion of the District Parcel, consisting of approximately 5,592 square feet, as more particularly identified as the two (2) sections highlighted in orange (Areas A and C) in the Aerial View Map attached hereto as Attachment 2 ("District Exchange Parcel"), for an approximately 4,284 square foot portion of the City Parcel, as more particularly identified as the section highlighted in blue (Area B) in Attachment 2 ("City Exchange Parcel"). An agreement governing the exchange of these portions of real property will require the approval of the City Council of the City of Capitola and the School Board of the Soquel Union Elementary School District. Further, it is worth noting that the contemplated property exchange involves "exempt surplus land" and thus is not subject to the procedures of the Surplus Land Act (Government Code § 54221 (f)(1)(C) and (D)<sup>1</sup>).

The District has undertaken master planning of its educational facilities and enclosed as Attachment 3 is the most recent plan for New Brighton Middle School. However, the contemplated exchange of the City Exchange Parcel and District Exchange Parcel as depicted in Attachment 2 would significantly improve the layout of the recreational facilities. Thus, the City Exchange Parcel to be disposed of by the City and

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<sup>1</sup> 54221. As used in this article, the following definitions shall apply:

....  
(f) (1) Except as provided in paragraph (2), "exempt surplus land" means any of the following:

....  
(C) Surplus land that a local agency is exchanging for another property necessary for the agency's use. "Property" may include easements necessary for the agency's use.

(D) Surplus land that a local agency is transferring to another local, state, or federal agency, or to a third-party intermediary for future dedication for the receiving agency's use, or to a federally recognized California Indian tribe.

acquired by the District would be used and developed by the District to enhance the recreational facilities at the New Brighton Middle School as part of a larger redevelopment of the District Parcel as depicted on Attachment 2.

As depicted on Attachment 2, the District Exchange Parcel to be acquired by the City is made up of 2 separate areas. The larger of the 2 areas (Area C) can be used and developed by the City to enhance the recreational facilities at Monterey Avenue Park, whereas the long and narrow area (Area A) will serve to maintain and enhance pedestrian access to the Park from the greater Cliffwood Heights neighborhood through Orchid Avenue.

**Development Standards:** Not Applicable.

**Discussion:** California Government Code § 65402(a) provides that if a general plan has been adopted, no real property shall be acquired or disposed of until the location, purpose, and extent of such disposal has been submitted to and reported upon by the planning agency as to the conformity with said adopted general plan.

The General Plan land use designation for the City Exchange Parcel is Parks and Open Space (P/OS). See Attachment 4. The District's intended use of the City Exchange Parcel for recreational purposes is permitted by and consistent with the City's General Plan land use designation of Parks and Open Space (P/OS).

The General Plan land use designation for the District Exchange Parcel is Public/Quasi Public (P/QP). See Attachment 4. The City's intended use of the District Exchange Parcel for park and pedestrian access purposes is permitted by and consistent with the City's General Plan land use designation of Public/Quasi Public (P/QP).

The proposed acquisition of the District Exchange Parcel and disposition of the City Exchange Parcel by the City advances the goals and objectives of the Capitola General Plan ("General Plan") and presents no impediments to achieving the goals and objectives of the General Plan.

In particular, the acquisition of the District Exchange Parcel and disposition of the City Exchange Parcel is consistent with following the goals, objectives, principles, and policies of the General Plan:

- (1) Goal LU-4: Protect and enhance the special character of residential neighborhoods.
  - Policy LU-4.4 **Public Facilities**. Ensure that adequate public infrastructure, facilities, and services are maintained in residential neighborhoods.
- (2) Goal LU-13: Provide high quality public parks that cater to the diverse needs and interest of Capitola residents and visitors.
  - Policy LU-13.8 **Intergovernmental Cooperation**. Maintain partnerships and shared service agreements with local school districts and neighboring communities in order to enhance the range of opportunities available to Capitola residents and achieve cost savings.
  - Policy LU-13.13 **Monterey Park**. Develop Monterey Park as an active park site with neighborhood serving recreational facilities and amenities.
  - Actions LU-13.2 **Safe Routes to Parks**. Identify improvements needed to fill gaps in the City's sidewalk system and incorporate these improvements into the City's Capital Improvement Program.
- (3) Goal LU-14 Support recreational programs and community events that contribute to a high quality of life.
  - Policy LU-14.7 **New Brighton Middle School**. Work cooperatively with the Soquel Union Elementary School District to provide elementary and middle school facilities for the children who live in Capitola.

**CEQA:** Categorically exempt pursuant to State CEQA Guideline §15312. The approval of Permit #24-0115 is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the Class 12 exemption set forth in State CEQA Guideline §15312. While the action before the Planning Commission does not involve the approval of the agreement governing the proposed exchange of property, which authority rests with the City Council, the finding of general plan consistency required by Government Code §65402 (a) nevertheless relates to the City's proposed acquisition of the District Exchange Parcel and disposition of the City Exchange Parcel.

The Class 12 exemption from CEQA set forth in State CEQA Guideline §15312 exempts the sale of surplus government property. While the District Exchange Parcel and City Exchange Parcel are defined as "exempt surplus land" for purposes of the Surplus Land Act, both parcels are nevertheless surplus government property for purposes of State CEQA Guideline §15312. However, §15312 goes on to provide that there is an exception to the exemption with respect to parcels located within the California Coastal Zone defined in and mapped pursuant to Public Resources Code §30103. The City Exchange Parcel and District Exchange Parcel are both located within the mapped California Coastal Zone applicable to Capitola (See Attachment 5).

Nevertheless, the exemption from CEQA is still applicable if (i) the property does not have significant value for wildlife habitat or other environmental purposes **and** (ii) the property is of such size, shape or inaccessibility that it is incapable of independent development, **or** the property sold would qualify for other categorical exemptions, **or** the use of the property and adjacent property has not changed since the time of purchase by the public agency.

In this instance, neither the City Exchange Parcel nor District Exchange Parcel have significant value for wildlife habitat or other environmental purposes, as one parcel is currently a portion of an urban city park and the other a portion of an operational elementary school. In addition, given the size and shape of the parcels, as well as their inaccessibility due to their interior location within larger parcels, the parcels are incapable of independent development. Accordingly, the Class 12 exemption set forth in State CEQA Guideline §15312 applies to the adoption of the enclosed Resolution.

**Findings:**

1. The approval of Permit #24-0115 is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the Class 12 exemption set forth in State CEQA Guideline §15312;
2. The City Exchange Parcel to be disposed of by the City and acquired by the District is to be used and developed by the District to enhance the recreational facilities at the New Brighton Middle School as part of a larger redevelopment of the District Parcel as depicted on Attachment 2. The District's intended use of the City Exchange Parcel is permitted by and consistent with the City's General Plan land use designation of Parks and Open Space (P/OS);
3. The District Exchange Parcel to be acquired by the City is to be used and developed by the City to enhance the recreational facilities at Monterey Avenue Park, as well as to maintain and enhance pedestrian access to the Park from within the Cliffwood Heights neighborhood as depicted in Attachment 2. The City's intended use of the District Exchange Parcel is permitted by and consistent with the City's General Plan land use designation of Public/Quasi Public (P/QP); and
4. The Planning Commission has reviewed and considered the proposed exchange of the District Exchange Parcel and City Exchange Parcel by and between the District and the City and hereby finds the City's proposed acquisition of the District Exchange Parcel from the District and disposition of the City Exchange Parcel to the District is consistent with the Capitola General Plan.

**Public Noticing:** The meeting agenda and Planning Commission report were posted on the city website and the project was announced in the Santa Cruz Sentinel. All property owners within a 300-foot radius and other interested stakeholders were notified of this meeting.

**Conditions of Approval:** None.

**Attachments:**

1. Assessor Parcel Map
2. Map of City Exchange Parcel (blue) and District Exchange Parcels (orange)
3. New Brighton Middle School Master Plan
4. Capitola General Plan Land Use Map
5. Capitola Coastal Zone Map

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Reviewed By: Julia Gautho, City Clerk; Michael Biddle, City Attorney

Approved By: Katie Herlihy, Community Development Director