



# County of Santa Cruz

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## DEPARTMENT OF COMMUNITY DEVELOPMENT AND INFRASTRUCTURE

### INTER-OFFICE CORRESPONDENCE

**DATE:** March 5, 2025

**TO:** Kimberly Finley, Chief Real Property Agent

**FROM:** Stephanie Hansen; Assistant Director of Community Development and Infrastructure

**SUBJECT:** General Plan consideration for Summary Vacation of a portion of Ash Way abutting APN 085-161-21

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You have requested a report regarding General Plan consistency for a proposed summary vacation action that will abandon the County's right to a portion of Ash Way abutting APN 085-161-21.

The Real Property Section is part of the General Services Division (GSD) that confirms that Ash Way was a proposed cul-de-sac created by map 28M42 (Tract No. 70 Sunbeam Woods Subdivision Map), a subdivision approved by the Board of Supervisors in 1946. However, the street easement was never accepted by the County as a county-maintained road. Also, the road has never been developed for vehicular use and has remained a paper street only. The property owner's previous home was destroyed in the CZU Lightening Complex fires of August 2020, and summary vacation of this portion of Ash Way is necessary to allow the Applicant to rebuild their home consistent with current building standards and zoning setback requirements.

County Counsel has previously determined that summary vacation of a street or highway easement is not subject to the procedures listed in Government Code Section 65402. However, Streets and Highways Code Section 8313 requires the Board of Supervisors to consider the General Plan prior to vacating a street or highway, and County Code 2.14.040(A) requires an informal determination from the Director of Planning.

In response to your request and in anticipation of a similar request from the Board of Supervisors, the Planning Division of the Community Development and Infrastructure Department makes the following recommendations:

**1. Can the property be developed independently?**

No. The subject right-of-way easement is not a lot of record and has a circular shape as part of a proposed cul-de-sac that was never

constructed that would render it unsuitable for independent development.

## **2. Would the disposition of the property be consistent with the County General Plan?**

Yes. Chapter 3 of the General Plan (Access and Mobility) identifies planned roadway facilities in the County. There is no connectivity, or future roadway associated with the subject right-of-way. Usually with new construction of a residence, the General Plan would encourage dedication of adjacent right-of way rather than summary vacation. General Plan Implementation Strategy AM-2.1c states, "Require new development to offer dedication of right-of-way or public access easements for roadway and roadside improvements, particularly where the existing public right of way is insufficient to accommodate County Design Criteria standards."

Despite this General Plan implementation strategy, there are several factors in this case that support the summary vacation of Ash Way. First, the development proposed on the site replaces an existing home that was destroyed in a natural disaster from the 2020 CZU Fires and does not constitute new development. Therefore, application of AM-2.1c would not be required in this instance. Additionally, the subdivision map approved in 1946 (028M42) was never developed as proposed, and Ash Way has remained a paper street for which no public money was expended for maintenance since its creation. Moreover, there are no known plans to develop Ash Way as proposed. Existing conditions on the site, including steep slopes and intersection with a mapped perennial stream (Kings Creek), which is considered sensitive habitat per General Plan Policy ARC-3.1.2, would not only greatly constrain potential development of Ash Way, but development of the street would in fact conflict with environmental protection policies in the General Plan, including BE-4.2.2 (Design for Environmental Protection), AM-5.2.2 (Environmental Alignment), ARC-3.1.6 (Development Within Sensitive Habitats) and ARC-3.1.7 (Site Design and Use Regulations). Alternatively, developing the replacement residence, which is sited outside of the seasonal creek abutting the property, would constitute comparatively less impact on adjacent sensitive habitats and would therefore be more consistent with the General Plan.

The summary vacation will not interfere with the public's access to adjacent properties or with any other public interest because the subject property, Ash Way, was never constructed as a road and has never provided public access. In addition, public safety and health would not be impacted by this summary vacation. The proposed vacation would likely have a minimal impact on the surrounding infrastructure and land

use. The action aligns with the Santa Cruz County General Plan's goals of sustainable land use patterns, efficient infrastructure planning, and preservation of community character, as previously discussed. Therefore, the vacation of Ash way can be considered consistent with the General Plan.

**3. Would the disposition of the property be categorically exempt from CEQA?**

Yes. The summary vacation of an undeveloped street right-of-way is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15312, Surplus Government Property Sales, and there is no reasonable possibility that summary vacation of this street easement will have a significant effect on the environment.

Please contact us if you have any questions regarding these recommendations.

Thank you,

DocuSigned by:  


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Stephanie Hansen

Assistant Director

Community Development and Infrastructure

Attachments:

1. Aerial map of site (APN 085-161-21)
2. Assessor's Parcel Map excerpt (APN 085-161-21)



Attachment 1



Attachment 2