

RESOLUTION 65-2022  
October 13, 2022

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE CAMBRIA COMMUNITY SERVICES DISTRICT  
DECLARING THE CENTER STREET POCKET PARK  
(2284 CENTER STREET- APN: 013-264-021) AS EXEMPT SURPLUS  
LAND AND DIRECTING STAFF TO PROCEED TO  
DISPOSE OF THE PROPERTY PURSUANT TO THE  
SURPLUS LANDS ACT

WHEREAS, the Cambria Community Services District is the owner in fee simple of that certain real property located at 2284 Center Street (APN: 013-264-021), also known as the Center Street Pocket Park (the "Property"); and

WHEREAS, under the Surplus Property Land Act, Government Code Sections 54220-54233 ("Act"), surplus land is land owned in fee simple by the District for which the Board of Directors takes formal action in a regular public meeting declaring the land is surplus and not necessary for the District's use. The land must be declared either exempt surplus land or non-exempt surplus land; and

WHEREAS, under the Act, land is necessary for the District's use if the land is being used, or is planned to be used pursuant to a written plan adopted by the District for District work or operations; and

WHEREAS, the Property is used as a small pocket park, however, the Cambria Historical Society has proposed to purchase it and use it in order to continue the development of the Cambria Historical District along Center Street. After purchase, they plan to move the Cambria Jail there to be an extension of the Cambria Museum; and

WHEREAS, District staff has evaluated the Property for its potential to be used by the District as a pocket park and has determined that the Property is not suitable for continued District use, and is better suited for the proposed uses by the Cambria Historical Society; and

WHEREAS, Government Code Section 54221 and the definition of "exempt surplus land" includes the following:

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

...(G) Surplus land that is subject to valid legal restrictions that are not imposed by the local agency and that would make housing prohibited, unless there is a feasible method to satisfactorily mitigate or avoid the prohibition on the site. An existing nonresidential land use designation on the surplus land is not a legal restriction that would make housing prohibited for purposes of this subparagraph. Nothing in this article limits a local jurisdiction's authority or discretion to approve land use, zoning, or entitlement decisions in connection with the surplus land.

WHEREAS, an agency that determines that property is exempt from the Act shall support such a determination with written findings and shall provide a copy of the written determination to the California Department of Housing and Development (HCD); and

WHEREAS, Mr. Airlin Singewald, Planning Manager in the San Luis Obispo County Planning and Building Department, has prepared a letter, attached hereto as Exhibit A and incorporated herein by reference, analyzing the development constraints and legal restrictions on the Property in relation to the feasibility of developing housing, and concluded that housing could not feasibly be developed on the Property; and

WHEREAS, The District submitted the County's letter to HCD, and at HCD's request, District Counsel participated in a conference call with five staff members from HCD after which they indicated that they wanted to research it further, and subsequently HCD staff has advised that after adopting a resolution declaring the Property exempt surplus land pursuant to the applicable exemption in Government Code Section 54221(f)(1), the District will be required to send a notice of availability to certain park or recreation entities and the State Resources Agency as identified in Government Code Section 54222(b) for open-space purposes; and

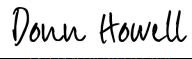
WHEREAS, the District now desires to declare that the Property is exempt surplus land under the Act and not necessary for the District use.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cambria Community Services District as follows:


1. The above recitals are true and correct and are a substantive part of this Resolution.
2. The Board of Directors hereby finds and determines, based upon the analysis set forth in the March 7, 2022 letter from Airlin Singewald, the Planning Manager for the San Luis Obispo Planning and Building Department, attached as Exhibit A, that the Property is subject to valid legal restrictions that are not imposed by the District and that would make housing prohibited, as a result of development constraints and legal restrictions on the Property in relation to the feasibility of developing housing on the Property, and the conclusion that housing could not feasibly be developed on the Property.
3. Based upon the finding in Section 2, above, the Board of Directors finds and declares that the Property is exempt surplus land pursuant to Government Code Section 54221(f)(1)(G) and also that the Property is not necessary for the District's use. The basis for this determination is that the Property is of a relatively small size for a park and is better suited for use by the Cambria Historical Society in order to continue the development of the Cambria Historical District along Center Street, as originally conceived in a 1994 study by the District's Park Recreation and Open Space Commission. If successfully purchased, the Cambria Historical Society will move the Cambria Jail to the Property to be an extension of the Cambria Museum.

4. The Board Secretary is hereby directed to send a copy of this Resolution and the notice of availability to the California Department of Housing and Community Development, substantially in the form attached hereto as Exhibit "B" and made a part of hereof, to the entities designated in Government Code Section 54222(b) ("Designated Entities") by electronic mail or by certified mail.
5. The General Manager, officers and staff of the District are hereby authorized jointly and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this Resolution and to dispose of the Property in compliance with the Act. District staff shall also submit the proposed disposal of the Property to the San Luis Obispo County Department of Planning and Building for General Plan conformity review, in accordance with Government Code Section 65402(c).
6. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 et seq., "CEQA"). District staff has determined that the designation of this Property as exempt surplus land does not have the potential for creating a significant effect on the environment and is therefore exempt from further review under CEQA pursuant to State CEQA Guidelines Section 15060(c)(3) because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of the Resolution does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. If and when the Property is sold to a purchaser and that purchaser proposes a use for the Property that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA.
7. District staff is directed to file a Notice of Exemption pursuant to CEQA Guidelines Section 15062.

Resolution 65-2022 was adopted at a Regular Meeting of the Cambria Community Services District on October 13, 2022.

DocuSigned by:  
  
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 Donn Howell,  
 President, Board of Directors

ATTEST:  
 DocuSigned by:  
  
 123953AB94944F1...  
 Leah Reedall, Board Secretary

APPROVED AS TO FORM:  
 DocuSigned by:  
  
 B64D40A30AA141E...  
 Timothy J. Carmel, District Counsel



**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING & BUILDING**  
**TREVOR KEITH, DIRECTOR**

March 7, 2022

Tim Carmel  
Carmel & Naccasha LLP  
694 Santa Rosa Street

Subject: APN 013-264-021

Dear Mr. Carmel,

We are providing this letter, at your request, to outline sections of the County's Local Coastal Plan (LCP) that would effectively disallow the development of housing on APN 013-264-021, currently owned by the Cambria Community Services District (CCSD).

The subject parcel is zoned Commercial Retail (CR). In the CR land use category, housing shall be subordinate to a primary commercial use and must be located on the second story or rear half of the site, and structurally attached to the main commercial building. Coastal Zone Land Use Ordinance (CZLUO) Section 23.30.490.

The southern/rear half of the 7,000 square-foot parcel contains riparian habitat. North Coast Area Plan Combining Designation Standard 3(C) requires development to be setback at least 100 feet from the upland edge of riparian vegetation. A 100-foot setback would occupy the entire property. Per Section 23.07.174d.2, the required riparian setback may be reduced to a minimum of 50 feet in an urban reserve line. A 50-foot setback from the edge of the riparian vegetation would leave an approximately 400 square-foot building envelope for the construction of a primary commercial use, secondary residential use, and associated infrastructure. This is well below the minimum site area required to build a single family dwelling (1,750 square feet) or a multi-family dwelling (6,000 square feet), per CZLUO Section 23.04.044(e)(2).

With minor use permit approval, the riparian setback could be reduced to 10 feet, provided that the adjustment is the minimum to allow for a principally permitted use. Multi family and single family dwellings are not considered a principally permitted use in the CR land use category. They are instead considered a special (S-8) use, according to Table O of Coastal Framework for Planning.

For the reasons described above, housing could not feasibly be developed on the subject parcel. However, it is feasible for a principally permitted commercial use to be established on the site, provided all applicable provisions of the County's LCP are satisfied.

Sincerely,

*Airlin Singewald*

Airlin Singewald  
Division Manager – Long Range Planning

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**Department of Planning & Building**

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