



AGENDA
CAPITOLA PLANNING COMMISSION
THURSDAY, JULY 5, 2012
7:00 P.M. – CITY HALL COUNCIL CHAMBERS

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners: Ed Newman, Gayle Ortiz, Mick Routh, Linda Smith and
Chairperson Ron Graves
Staff: Consultant Susan Westman
Senior Planner Ryan Bane
Minute Clerk Danielle Uharriet

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

Short communications from the public concerning matters not on the Agenda.

All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes.

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

A. June 7, 2012 Regular Planning Commission Meeting

4. CONSENT CALENDAR

All matters listed under "Consent Calendar" are considered by the Planning Commission to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Planning Commission votes on the action unless members of the public or the Planning Commission request specific items to be discussed for separate review. Items pulled for separate discussion will be considered in the order listed on the Agenda.

A. MCGREGOR DRIVE

APN: 036-341-02

Planning Commission certification that the sale of .16 acres of City owned property on McGregor Drive (APN: 036-341-02), to the Soquel Creek Water District is in conformance with the City's adopted General Plan.

Public Hearing Item #4.A to be continued to the September 6, 2012 Planning Commission meeting.

**B. 520 PILGRIM DRIVE
426 CAPITOLA AVENUE**

#12-077

**APN: 035-103-06
035-141-33**

Lot line adjustment to correct a building encroachment between an R-1 (Single-Family Residence) and MHE (Mobile Home Exclusive) Zoning District.
Environmental Determination: Categorical Exemption

Property Owner: City of Capitola, filed 6/5/12
Representative: William and Joyce Budisch

Public Hearing Item #4.B to be continued to the September 6, 2012 Planning Commission meeting.

5. PUBLIC HEARINGS

Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is as follows: 1) Staff Presentation; 2) Public Discussion; 3) Planning Commission Comments; 4) Close public portion of the Hearing; 5) Planning Commission Discussion; and 6) Decision.

A. 4800 OPAL CLIFF DRIVE #12-035 APN: 034-462-05

Coastal Permit to install a blufftop stabilization system for a residential condominium complex (Opal Cliff West) in the AR/R-1 (Automatic Review/Single-Family Residence) Zoning District. This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Mitigated Negative Declaration
Property Owner: Opal Cliff West HOA, filed 3/9/12
Representative: Suzanne Ise

B. 410 BAY AVENUE #12-052 APN: 036-062-35

Coastal Permit and Tentative Map for a two-lot subdivision in the RM (Multiple-Family Residence) Zoning District. This project requires a Coastal Permit which is not appealable to the California Coastal Commission.
Environmental Determination: Categorical Exemption
Property Owner: Lori Rast, filed: 4/18/12

C. 4140 CAPITOLA ROAD #12-063 APN: 034-111-49

Conditional Use Permit to establish a yoga studio use in the CC (Community Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Cristina Properties, LLC, filed 5/4/12
Representative: CJ Popp & Jeanette LeHouillier

6. DIRECTOR'S REPORT

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT

Adjourn to a Regular Meeting of the Planning Commission to be held on Thursday, August 2, 2012 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

APPEALS: The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Conditional Use Permit, Variance, and Coastal Permit. The decision of the Planning Commission pertaining to an Architectural and Site Review can be appealed to the City Council within the (10) working days following the date of the Commission action. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a one hundred forty two dollar (\$142.00) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

Notice regarding Planning Commission meetings: The Planning Commission meets regularly on the 1st Thursday of each month at 7:00 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.ci.capitola.ca.us. Agendas are also available at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Need more information? Contact the Community Development Department at (831) 475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Materials that are a public record under Government Code § 54957.5(A) and that relate to an agenda item of a regular meeting of the Planning Commission that are distributed to a majority of all the members of the Planning Commission more than 72 hours prior to that meeting shall be available for public inspection at City Hall located at 420 Capitola Avenue, Capitola, during normal business hours.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the Community Development Department at least 24 hours in advance of the meeting at (831) 475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Televised Meetings: Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed at 12:00 Noon on the Saturday following the meetings on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings can also be viewed from the City's website: www.ci.capitola.ca.us



**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, JUNE 7, 2012
7:00 P.M. – JADE STREET COMMUNITY CENTER**

Vice-Chairperson Routh called the Regular Meeting of the Capitola Planning Commission to order at 7:00 p.m.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners: Ed Newman, Gayle Ortiz, Mick Routh, and
Chairperson Ron Graves (7:09 p.m.)

Absent: Linda Smith

Staff: Interim Community Development Director Susan Westman
Senior Planner Ryan Bane
Minute Clerk Danielle Uharriet

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda - NONE

B. Public Comments - NONE

C. Commission Comments - NONE

D. Staff Comments -NONE

3. APPROVAL OF MINUTES

A. May 3, 2012 Regular Planning Commission Meeting

A MOTION WAS MADE BY COMMISSIONER ORTIZ AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE THE MAY 3, 2012 MEETING MINUTES.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS NEWMAN, ORTIZ, AND ROUTH. NOES: NONE. ABSENT: CHAIRPERSON GRAVES AND COMMISSIONER SMITH. ABSTAIN: NONE.

4. CONSENT CALENDAR

A. 1565 LINCOLN AVENUE

#12-040

APN: 034-041-12

Design Permit to convert a duplex to a single-family residence and construct a second floor addition in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: John Gianopoulos, filed 3/20/12

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER ORTIZ TO APPROVE PROJECT APPLICATION #12-040 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

- 1 The project approval consists of the conversion of an existing duplex into a single-family residence as well as construction of a 240 square foot second floor addition at 1565 Lincoln Avenue.
- 2 Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
- 3 The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
- 4 Construction hours shall be limited to Monday through Friday 7:30 a.m. to 9:00 p.m., Saturday 9:00 a.m. to 4:00 p.m., and prohibited on Sundays.
- 5 Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS**A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

B. The application will maintain the character and integrity of the neighborhood.

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15301(e)(2) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301(e)(2) of the CEQA Guidelines exempts additions to structures that are less than 10,000 square feet if the project is in an area where all public facilities are available to allow for the development and the project is not located in an environmentally sensitive area. This project involves an addition to a one-story single-family residence that is considered infill development. No adverse environmental impacts were discovered during review of the proposed project

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS NEWMAN, ORTIZ, AND ROUTH. NOES: NONE. ABSENT: CHAIRPERSON GRAVES AND COMMISSIONER SMITH. ABSTAIN: NONE.

5. PUBLIC HEARINGS

A. 1100 41st AVENUE

#12-057

APN: 034-101-21

Design Permit to construct a pergola structure and a Sign Permit to construct a new monument sign for an existing health club (In-Shape) in the CC (Community Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: 1100 41st Avenue LLC, filed: 4/10/12

Representative: In-Shape Health Clubs

Senior Planner Bane presented the staff report for Item 5.A and 5.B.

Commissioner Newman inquired if the proposed sign is the same as the existing sign. He asked if the proposed site improvements would remain should the property sell or become a different use.

Senior Planner Bane stated that the existing sign is an approved temporary sign. In-Shape will remove any improvements to the original building unless the property owner wishes to maintain the improvements.

The public hearing was opened.

Sandra Homan, representative for In-Shape Health Clubs, spoke in support of the application. She presented revised drawings that incorporated the suggested from the Architectural and Site Review Committee: lighting plan, and the color and paving material/pattern.

Commissioner Ortiz suggested planting one of the required replacement trees in the front of the building.

Vice-Chairperson Routh clarified that staff would approve the final location and type of trees to be replanted.

The public hearing was closed.

Commissioner Newman and Commissioner Ortiz supported the sign and design improvements.

Vice-Chairperson Routh complimented the design and stated that the site improvements are a good solution to a final site plan issue.

A MOTION WAS MADE BY COMMISSIONER ORTIZ AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE PROJECT APPLICATION #12-057 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

- 1 The project approval consists of a Design Permit to construct a new pergola and pedestrian crosswalk in addition to a Sign Permit to replace the existing wall sign with a new monument sign at 1100 41st Avenue.
- 2 Any significant modifications to the size or exterior appearance of the approved design must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.

- 3 The final landscape plan submitted with the building permit application shall include the specific number of plants of each type and their size, as well as the irrigation system to be utilized.
- 4 A minimum of two replacement trees shall be planted along the 41st Avenue frontage.
- 5 The monument sign shall have a maximum overall height of 4' as measured from the existing grade of the lawn area where it is proposed.
- 6 The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
- 7 Prior to building permit sign off, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms with the development standards of the CC (Community Commercial) Zoning District and the 41st Avenue Design Guidelines. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

B. The application will maintain the character and integrity of the neighborhood.

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms with the development standards of the CC (Community Commercial) Zoning District and the 41st Avenue Design Guidelines. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

C. This project is categorically exempt under Section 15303(c) and 15311(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15303(c) of the CEQA Guidelines exempts construction of small facilities or structures not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area if the project is in an area where all public facilities are available to allow for the development and the project is not located in an environmentally sensitive area. Section 15311(a) exempts on-premise signs appurtenant to existing commercial facilities. This project involves construction of a new pergola, pedestrian walkway, and monument sign within an urban area. No adverse environmental impacts were discovered during review of the proposed project

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS NEWMAN, ORTIZ, ROUTH, AND CHAIRPERSON GRAVES. NOES: NONE. ABSENT: COMMISSIONER SMITH. ABSTAIN: NONE.

B. 1200 41st AVENUE

#12-058

APN: 034-101-38

Design Permit to establish a new storefront entrance and a Sign Permit for two wall signs for an existing health club (In-Shape) in the CC (Community Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Begonia Plaza LLC, filed: 4/10/12
Representative: In-Shape Health Clubs

A MOTION WAS MADE BY COMMISSIONER ORTIZ AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE PROJECT APPLICATION #12-058 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

- 1 The project approval consists of a Design Permit to establish a new entrance on the south side of the building in addition to a Sign Permit to replace the existing wall sign and add a new wall sign adjacent to the new entrance at 1200 41st Avenue.
- 2 Any significant modifications to the size or exterior appearance of the approved design must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
- 3 The final landscape plan submitted with the building permit application shall include the specific number of plants of each type and their size, as well as the irrigation system to be utilized.
- 4 The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
- 5 Prior to building permit sign off, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms with the development standards of the CC (Community Commercial) Zoning District and the 41st Avenue Design Guidelines. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

B. The application will maintain the character and integrity of the neighborhood.

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms with the development standards of the CC (Community Commercial) Zoning District and the 41st Avenue Design Guidelines. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

C. This project is categorically exempt under Section 15303(c) and 15311(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15303(c) of the CEQA Guidelines exempts construction of small facilities or structures not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area if the project is in an area where all public facilities are available to allow for the development and the project is not located in an environmentally sensitive area. Section

15311(a) exempts on-premise signs appurtenant to existing commercial facilities. This project involves construction of a new entrance and wall signs within an urban area. No adverse environmental impacts were discovered during review of the proposed project

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS NEWMAN, ORTIZ, ROUTH, AND CHAIRPERSON GRAVES. NOES: NONE. ABSENT: COMMISSIONER SMITH. ABSTAIN: NONE.

C. AMEND SIGN ORDINANCE 17.57

#12-017

The Planning Commission shall consider an amendment of the Capitola Municipal Code Section 17.57 to allow sidewalk signs (sandwich board/A-frame signs/pole signs) in the Central Village Zone Districts subject to a city permit. The proposed amendment will be for a one year trial period.

Interim Community Development Director Westman presented the staff report adding one additional change to proposed ordinance: that the business remove the sign and base when business is not open. Additionally, the current proposed sign is smaller than the dimensions specified in the staff report.

Commissioner Ortiz noted corrections: staff report Attachment B; Draft Ordinance for Option 1; Section 3.F.2, 3, 7 change "sandwich board sign" to "sidewalk sign" and Section 3.F.6 "encroachment". She asked what would happen to the post hole when the sign is no longer in use.

Interim Community Development Director Westman stated the Public Works Director would condition the encroachment permit to require the hole to be filled in accordance with the sidewalk standards.

Commissioner Ortiz suggested that a map showing the area where the signs are permitted, be incorporated into the ordinance. She commented that the CV District includes residential areas. She asked if the proposed signs will be permitted for all businesses within the CV district, such as vacation rentals or businesses located on second floors.

Interim Community Development Director Westman stated that signs on individual homes are not permitted, but second floor businesses may apply for a permit.

Commissioner Newman stated that Option #1 allows for up to 30 sidewalk signs. He inquired if there would be a lottery system to determine which business received the sign permit. He also asked what would happen to the sign permit when a business transfers ownership.

Interim Community Development Director Westman explained the selection process, and that applications would be processed on a first come first serve basis. The City Council specified the total number of signs permitted. She suggested that if the Planning Commission had any changes to the proposed ordinance, including language addressing the transfer of business ownership, the Commission should make a recommendation to the City Council.

Commission Routh suggested that staff provide a list of certified contractors to perform the task of drilling of the sign post hole in the sidewalk.

Interim Community Development Director Westman stated that the Public Works Director will create a list of standard requirements for an encroachment permit.

The public hearing was opened.

Gary Wetsel, business owner of Paradise Grille, spoke in support of the proposed ordinance. He stated that the process has been one of compromise, cooperation and peer pressure with a positive result.

The public hearing was closed.

Commissioner Routh asked Mr. Wetsel if the businesses were willing to police themselves for sign compliance. He was concerned about the security of the signs and what mechanism would keep the signs from being stolen. He suggested a specific time for a business to remove the sign from the public right-of-way. He noted the ordinance specifies sign construction and that the sign may be a blackboard, but the design cannot be changed.

Mr. Wetsel suggested that a number be assigned and placed on the sign so that it can be easily identified as a permitted sign. He also suggested that a lock be incorporated into the post design for security. He supported the city requiring a new sign permit be obtained when there is a change of business ownership.

Commissioner Newman commented that the proposed ordinance does not address the issue of sign content.

Interim Community Development Director Westman stated approximately six years ago a court case and legal opinion specified that the city cannot regulate sign content.

Chairperson Graves was concerned about sign blight in the village area. He questioned what audience the village businesses were trying to attract with the proposed signs that the current ordinance does not currently allow. The current ordinance suggests blade style signs and numerous other types of signs that allow businesses to announce menu specials, patios open, entertainment, etc. The proposed sign base creates a tripping hazard and the overall ordinance is a mistake. The proposed one year trial period will be difficult to end. He acknowledged receiving an email from Nels Westman and numerous public responses in opposition to the proposed ordinance. He was not in support of the proposed ordinance.

Commissioner Ortiz concurred with Chairperson Graves comments. She too had received numerous public responses in opposition to the proposed ordinance and encouraged the city to keep the village signage more pure and simple. The current signage in the village creates a visual overload, without the addition of potential signs resulting from the proposed ordinance. There are current enforcement issues which will become excessive with the proposed ordinance. She supported blade signs, interior window signs and wall sign already allowed by the current ordinance.

Commissioner Newman heard from numerous business owners who believe this proposed ordinance is a positive step for the village and as the businesses in the CV district they are supportive of the signage potential. He stated that the proposed ordinance applies to businesses in the CV district only and no other zoning districts. The ordinance should assist in the creation of coherent and equal sign enforcement throughout the city and in all zoning districts. The limitation of 30 signs is a potential disaster with many issues. He stated that the one year sunset date creates an issue for businesses that invested in a potentially expensive sign production and then would complain that the sign program ended. Overall, the proposed ordinance is an administrative headache for the city. He supported Option 3 with a new sign ordinance.

Commissioner Routh stated the root of the sign problems is an antiquated ordinance. The proposed signs are visually appealing, and this may be direction the city may want to move with a new ordinance. He supported the one year trial period.

Chairperson Graves recommended the Planning Commission comments be incorporated into the City Council staff report. He supported re-writing the entire sign ordinance as the proposed options are not sufficient and the existing ordinance provides numerous signage options for the village businesses.

Commissioner Ortiz clarified that the proposed ordinance would not apply to residents within the Central Village zoning district.

Commissioner Newman asked if staff anticipated the GPAC adopting a new sign ordinance within the one year trial period. He commented the proposed sign ordinance would require Coastal Commission review.

Interim Community Development Director Westman stated that the GPAC process would be completed in Fall 2013.

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER ORTIZ TO RECOMMEND TO THE CITY COUNCIL THAT THIS ORDINANCE WAIT UNTIL THERE IS A COMPREHENSIVE REVIEW OF THE CITY'S SIGN ORDINANCE NEXT YEAR.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS NEWMAN, ORTIZ, AND CHAIRPERSON GRAVES. NOES: COMMISSIONER ROUTH. ABSENT: COMMISSIONER SMITH. ABSTAIN: NONE.

6. DIRECTOR'S REPORT

Interim Community Development Director Westman provided the Commission a status update on the following: Planning and Building permits are not required to change out windows in any residential structure provided the windows are the same size and location as the existing.

7. COMMISSION COMMUNICATIONS

Chairperson Graves inquired if the Target signage has been installed according to the approved plans. He commented that he has received several complaints from the residents on Clares Street and Sommerfield Avenue that the Target signage is very large and bright. They also have concerns about cars parking in the neighborhood and the using the wall opening between the neighborhood and the mall. Lastly, he on the numerous outdoor displays, vending type machines and sideway displays outside of Save Mart, Rite Aid and Orchard Supply.

Interim Community Development Director Westman stated County Supervisor John Leopold's office has also received complaints from the residents on Clares Street and Sommerfield Avenue regarding the Target signage, specifically, the side of the building that facing Clares Street. The signage does conform to approved sign program for the site. The sign will be turned off when store closes or earlier.

The police are aware of the issues associated with the wall opening. The neighborhood had originally requested the wall opening be incorporated into the mall design plans, therefore the neighborhood will need to request the city to consider closing the wall opening.

Commissioner Newman requested the current status of the two single-family homes under construction at the north end of Riverview Drive.

Interim Community Development Director Westman stated that one home was entirely demolished and the other home retained 20% of the existing structure and is considered a remodel. She noted that the remodel allowed for the 15' non-conforming driveway to remain.

Commissioner Newman stated that the 80% value calculation does not work to create a conforming structure.

8. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:40 p.m. to a Regular Meeting of the Planning Commission to be held on Thursday, June 7, 2012 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on July 5, 2012

Danielle Uharriet, Minute Clerk



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JULY 5, 2012

SUBJECT: **4800 OPAL CLIFF DRIVE #12-035 APN: 034-462-05**
Coastal Permit to install a blufftop stabilization system for a residential condominium complex (Opal Cliff West) in the AR/R-1 (Automatic Review/Single-Family Residence) Zoning District.
This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Negative Declaration
Property Owner: Opal Cliff West HOA, filed 3/9/12
Representative: Suzanne Ise

APPLICANT'S PROPOSAL

The applicant is proposing the installation of a blufftop stabilization system for the Opal Cliffs West Condominiums at 4800 Opal Cliff Drive. The intent of the improvements is to slow erosion of the bluff and protect the existing on-grade parking area and residential structure. Per our Local Coastal Plan, a Coastal Permit is required for any work done along a coastal bluff.

DISCUSSION

Per the Coastal Zone Combining District section (17.46) of the Zoning Code, a coastal development permit is required for projects that involve "The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within twenty feet of coastal waters or streams". Due to the work being proposed along the bluff, a coastal development permit is necessary.

The proposed project is a coastal bluff stabilization project to protect the upcoast perimeter of the existing parking area on the project site. The existing concrete slab, on-grade parking area provides off-street parking for the Opal Cliffs West Condominiums.

The coastal bluff at the project site is about 65 feet high and consists of about 23 feet of easily eroded, blufftop terrace deposits overlying fractured and jointed siltstone/sandstone bedrock. A blufftop, structural shotcrete compression plate type retaining wall with tieback anchors, and a blufftoe, "concrete-gravity" type seawall were constructed on the project site in 1998 to preserve the configuration of the bluff and to protect the blufftop parking area. The shotcrete compression plate retaining wall extends from the blufftop parking slab down to the base of the terrace deposits (43 feet elevation). The bluff toe at the adjacent upcoast parcel at 4790 Opal Cliff Drive is protected from wave action erosion by a concrete gravity type seawall continuously

constructed to the seawall at 4800 Opal Cliff Drive. However, the upper bluff face and blufftop at 4790 Opal Cliff Drive is not protected by a retaining wall.

According to geotechnical reviews of the site, ongoing blufftop recession at the adjacent parcel is beginning to outflank the upcoast edge of the existing blufftop shotcrete wall and will undermine the parking area and jeopardize the integrity of the bluff face retaining wall. During maintenance monitoring of the existing bluff walls, installation of a soil pin retaining wall at the parking lot adjacent to the upcoast property was recommended.

The project consists of the installation of a “soil pin” retaining wall with tieback anchors. The soil pin wall will be installed perpendicular to bluff top at the western edge of the project site within the existing parking area. The soil pin wall will consist of a single line of four drilled, cast-in-place concrete 30-inch diameter piers connected to one another at the top by a concrete grade beam. The soils pins will be spaced at six foot intervals for a total linear distance of approximately 20 feet. The seaward-most pier will be installed immediately adjacent edge of the blufftop to facilitate an efficient structural connection between the existing shotcrete wall and the proposed soil pin wall.

This soil pin structure will be supported with three subsurface, tieback anchors that will be installed at the top of the soil pin and will extend below the existing parking lot, parallel to the bluff top and angled from the soil pin, for a distance of approximately 35 feet and a depth up to 16 feet. This will form a continuous retaining structure that will prevent soil movement. If soil is exposed over time between the piers, the project geotechnical report recommends that structural shotcrete be applied to the eroded slope.

Construction Methods, Equipment and Schedule.

Construction access to the blufftop work area will be from Opal Cliff Drive and the existing Opal Cliff West Condominium parking lot. A truck-mounted drilling rig will be used to install the cast-in-place soil pins. Excavation to a depth of approximately three feet will occur to install the grade beam. The tieback anchors will be drilled diagonally. Excess excavated spoils will be removed and disposed at a suitable off-site facility. The project plans include the erosion and sediment control measures.

Construction activities would occur between 8:00 AM and 4:30 PM, Monday through Friday. The project is expected to be completed prior to the onset of winter storm season. The total construction period is expected to be completed within four weeks.

CEQA REVIEW

The site is mapped in the City’s General Plan/Local Coastal Program as being located within a geological hazard zone. In accordance with the California Environmental Quality Act, staff has prepared an Initial Study for the project and has determined, based on the attached Initial Study, that the project will not have a significant effect on the environment. No mitigation measures are required. The Initial Study recommends that a Negative Declaration be adopted (Attachment C). The Initial Study and Negative Declaration were circulated through the State Clearinghouse, as well as various local agencies.

RECOMMENDATION

Staff recommends that the Planning Commission approve application #12-035 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of a coastal permit to install a blufftop stabilization system for the Opal Cliffs West Condominiums at 4800 Opal Cliff Drive
2. Any significant modifications to the approved design must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. The applicant shall have the blufftop stabilization system inspected by a licensed engineer experienced in coastal erosion processes or an engineering geologist with similar experience at least every two years after long duration storms or severe seismic shaking to monitor the status of the soil pin wall and recommend maintenance if needed.
5. If monitoring inspections reveal exposure of soils between the soil pin piers, the applicant shall apply a structural shotcrete section between the soil pins and exposed soils in accordance with recommendations of a geotechnical engineer. The shotcrete should be colored so as to mimic the appearance of the adjacent natural bluff.
6. The applicant shall notice the neighbors within 100' of the project a minimum of seven days prior to the start of construction. The notice shall describe the project and include the proposed dates of construction, construction times, and contact information should issues arise.
7. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and dispose of all wastes properly; place trash receptacles on the site, cover open trash receptacles during wet weather; remove all construction debris).
8. All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday. At a minimum, silt fences or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean.

FINDINGS

- A. The application, subject to the conditions imposed, secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Planning Department Staff and the Planning Commission have reviewed the project. The project conforms to the requirements of the Local Coastal Program and conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

- B. A Negative Declaration has been prepared for this project based upon the completion of an Initial Study which identified less than significant impacts.**

A Negative Declaration has been prepared for this project in accordance with the California Environmental Quality Act which concludes that no significant environmental impacts are associated with the project as conditioned.

ATTACHMENTS

- A. Project Plans
- B. Coastal Findings
- C. Initial Study and Negative Declaration
- D. Geotechnical Design Criteria prepared by Haro, Kasunich and Associates, Inc.
- E. Geotechnical Plan Review prepared by Haro, Kasunich and Associates, Inc.
- F. Maintenance Monitoring prepared by Haro, Kasunich and Associates, Inc.
- G. Sea Cliff Evaluation (Geologic) Report prepared by Rogers E. Johnson & Associates
(Available at the Community Development Dept.)

**Report Prepared By: Ryan Bane
Senior Planner**

SOIL PIN SLOPE STABILIZATION SYSTEM & SLAB REPAIR

PREPARED FOR:

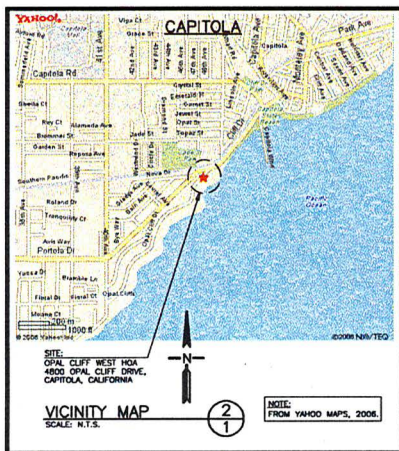
OPAL CLIFF WEST HOA
C/o MR. DAVID V. GUZMAN, REMI
1509 SEABRIGHT AVENUE, SUITE A1,
SANTA CRUZ, CALIFORNIA 95062

PROJECT ADDRESS:

OPAL CLIFF WEST HOA
4800 OPAL CLIFF DRIVE,
CAPITOLA, CALIFORNIA 95010
APN: 034-251-05

SHEET INDEX:

1. AERIAL VIEW OF EXISTING BLUFF, VICINITY MAP AND PROJECT CONTACTS/CONSULTANTS
2. SITE PLAN-EXISTING AND PROPOSED WORK, EROSION CONTROL PLAN
3. SOIL PIN RETAINING WALL- SECTIONS, DETAILS AND NOTES
4. BLUFF PROFILE SECTION A-A', TABLES "A" & "B", PROJECT NOTES AND STANDARD TABLES



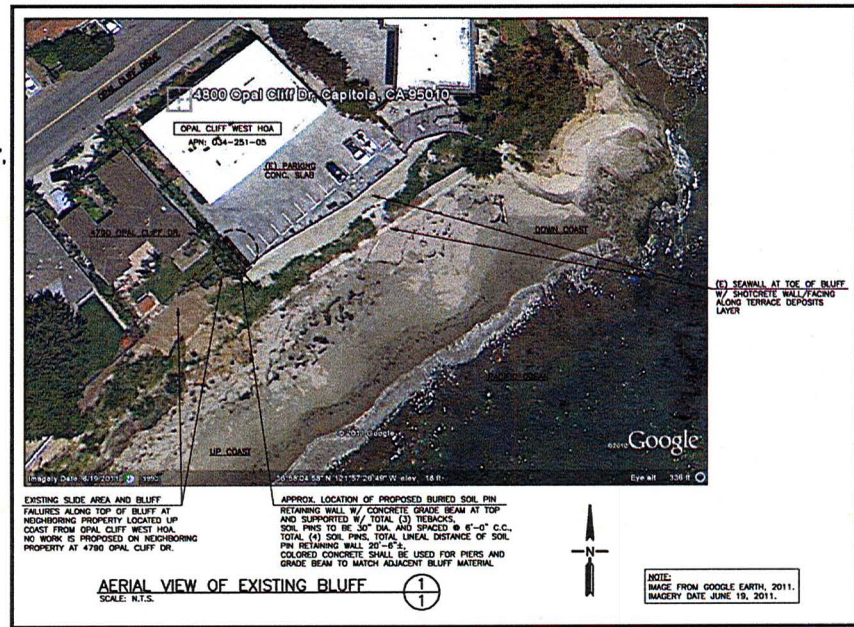
PROJECT CONTACTS/CONSULTANTS:

OWNER REPRESENTATIVE:
 OPAL CLIFF WEST HOA
 C/o MR. DAVID V. GUZMAN, REMI
 1509 SEABRIGHT AVENUE, SUITE A1,
 SANTA CRUZ, CALIFORNIA 95062
 (831) 426-8600

CIVIL ENGINEER:
 SOIL ENGINEERING CONSTRUCTION, INC.
 GEORGE E. DREW, P.E.
 827 ANGELO STREET,
 REDWOOD CITY, CALIFORNIA 94063
 (650) 367-9595

GEOTECHNICAL ENGINEER:
 HARD, KASUNICH AND ASSOCIATES, INC.
 RICK FARNS, P.E., G.E.
 118 EAST LAKE AVENUE,
 WATSONVILLE, CALIFORNIA 95076
 (831) 722-4172

SURVEYOR:
 CARY EDMUNDSON AND ASSOCIATES
 LAND SURVEYING
 CARY D. EDMUNDSON, P.L.S.
 1512 SEABRIGHT AVENUE,
 SANTA CRUZ, CALIFORNIA 95062
 (831) 425-1796



SOIL ENGINEERING CONSTRUCTION, INC.
 827 ANGELO STREET, REDWOOD CITY, CALIFORNIA 94063
 PHONE (650) 367-9595 FAX (650) 367-9138

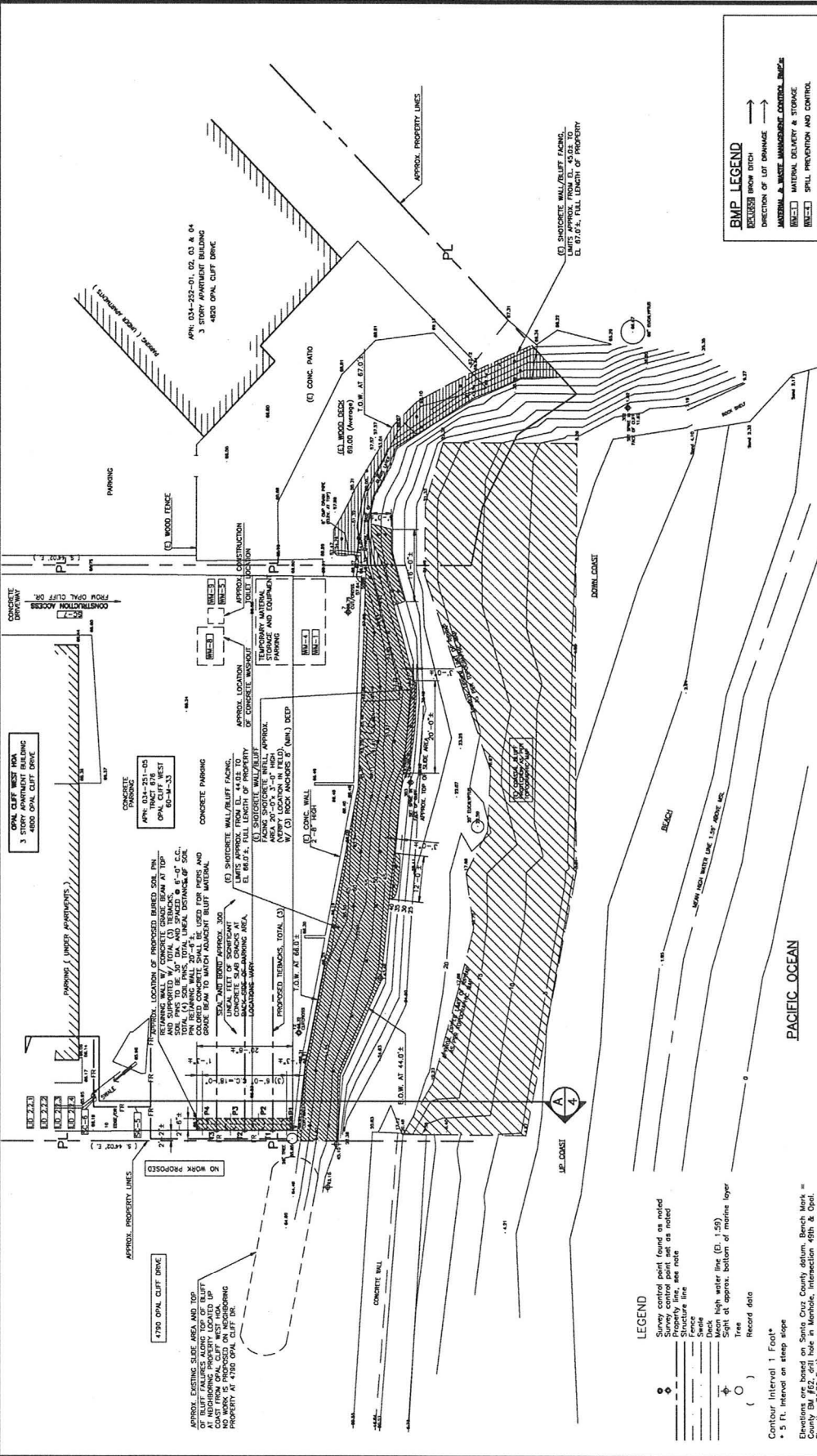
SOIL ENGINEERING CONSTRUCTION INC.

REGISTERED PROFESSIONAL ENGINEER
 GEORGE E. DREW
 EXP. 9-30-13
 CIVIL
 STATE OF CALIFORNIA

AERIAL VIEW OF EXISTING BLUFF, VICINITY MAP AND PROJECT CONTACTS/CONSULTANTS

SOIL PIN SLOPE STABILIZATION SYSTEM & SLAB REPAIR
 OPAL CLIFF WEST HOA
 4800 OPAL CLIFF DRIVE,
 CAPITOLA, CALIFORNIA 95010

DATE	12-18-11
PROJECT	12-008
DRAWN BY	Real Cliff West HOA
REVISION	
APPROVED BY	
DESIGNED BY	
DRAWING NO.	003



BMP LEGEND

- REX-01 BRUSH DITCH
- REX-02 DIRECTION OF LOT DRAINAGE TO
- REX-03 MATERIAL WASTE MANAGEMENT CONTROL LINE
- REX-04 MATERIAL DELIVERY & STORAGE
- REX-05 SPILL PREVENTION AND CONTROL
- REX-06 CONCRETE WASTE MANAGEMENT
- REX-07 SANITARY WASTE MANAGEMENT
- REX-08 STORM DRAINAGE CONTROL LINE
- REX-09 SLOPE FENCE
- REX-10 FIBER ROLL
- REX-11 SWEL BASIN
- REX-12 STREET SWEEPING AND VACUUMING, T.A.D.
- REX-13 STORM DRAIN INLET PROTECTION

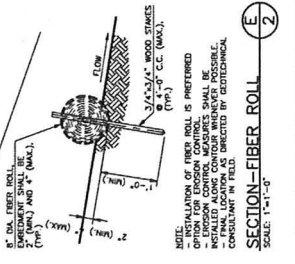
LOW IMPACT DEVELOPMENT LINE

- LD-2.2.1 CONSERVATION OF NATURAL DRAINAGE, WELL
- LD-2.2.2 MINIMIZE DISRUPTANCES TO NATURAL DRAINAGES
- LD-2.2.3 MINIMIZE AND DISCONNECT IMPROVED SURFACES
- LD-2.2.4 MINIMIZE SOIL COMPACTION

ABBREVIATIONS:

- C.C. CENTER
- E.W. EACH WAY
- N.E. NORTH
- N.T. NORTH
- P.T.D.F. PRESSURE TREATED
- T.O.P. TOP OF PIER
- T.A.B. TOP AND BOTTOM
- V.I.D. VERTICALLY
- B.O.P. BOTTOM OF PIER

SECTION-FIBER ROLL
 SCALE: 1"=1'-0"



EROSION AND SEDIMENT CONTROL MEASURES:

1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AS NECESSARY TO CONTROL EROSION AND SEDIMENTATION FROM ALL AREAS OF THE PROJECT, INCLUDING BUT NOT LIMITED TO, CONSTRUCTION AREAS, STORAGE AREAS, AND AFTER ANY GRADING HAS BEEN COMPLETED.
2. MAINTENANCE IS TO BE PERFORMED AS FOLLOWS: CONSTRUCTION AT END OF EACH WORKING DAY.
3. SLOPES SHALL BE PROTECTED IMMEDIATELY AND MAINTAINED AS REQUIRED. STORM AND RUNOFF AREAS AS NEEDED.
4. SEDIMENT SHALL BE REMOVED AND CEMENT FISH RESTORED TO ITS ORIGINAL DIMENSIONS WHEN SEDIMENT HAS ACCUMULATED TO A DEPTH OF 1/2" OR MORE.
5. SEDIMENT REMOVED FROM THIS SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH MANNER THAT IT WILL NOT ENDOSE ADJACENT AREAS.
6. SITE SHALL BE MAINTAINED SO AS TO MINIMIZE SEDIMENT LAZON DRAINAGE TO ANY STORM DRAINAGE SYSTEM.
7. UNAPPROVED CONSTRUCTION SHALL BE PROHIBITED. ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION BY THE LOCAL AGENCIES.
8. INLET TO VERY INLET NOT BE REQUIRED FOR STORM DRAINAGE CONTROL.
9. EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS.
10. MINIMIZED STATE AND LOCAL LAWS CONCERNING POLLUTION ABATEMENT SHALL BE COMPLIED WITH.
11. STORM AND FLOODING.
12. REQUIREMENTS SHALL PROVIDE DRAINAGE SHALL BE REQUIRED AT APPROPRIATE FEDERAL, STATE AND LOCAL AGENCY.
13. FIBER ROLL AND SWEL BASIN SHALL BE INSTALLED IMMEDIATELY AFTER GRADING IS COMPLETED.
14. TEMPORARY PROTECTION MEASURES SHALL BE PROVIDED FOR PROPOSED PLANT ESTABLISHMENT. IRRIGATION INSTALLATION AND MAINTENANCE BY OWNER, OR BY CONTRACTOR UPON INK OF CONTRACT.

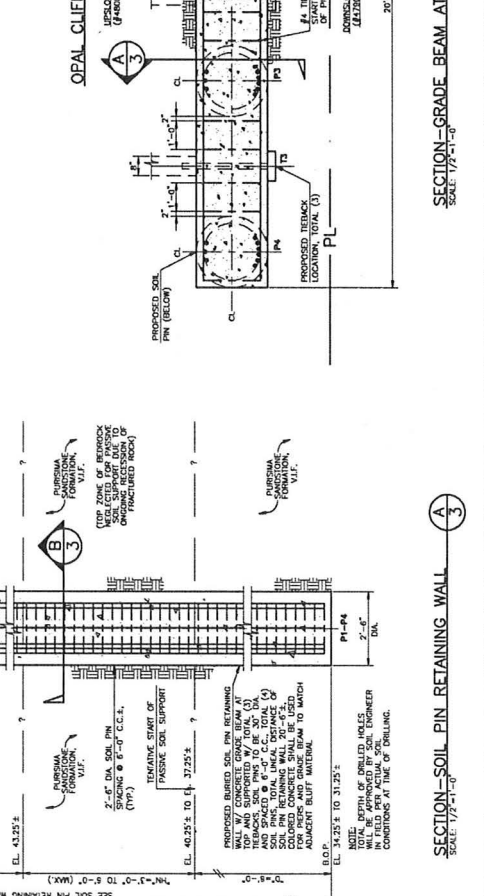
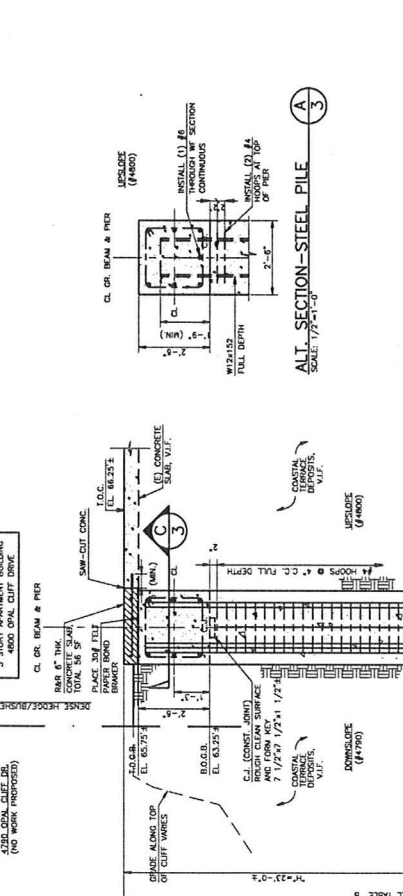
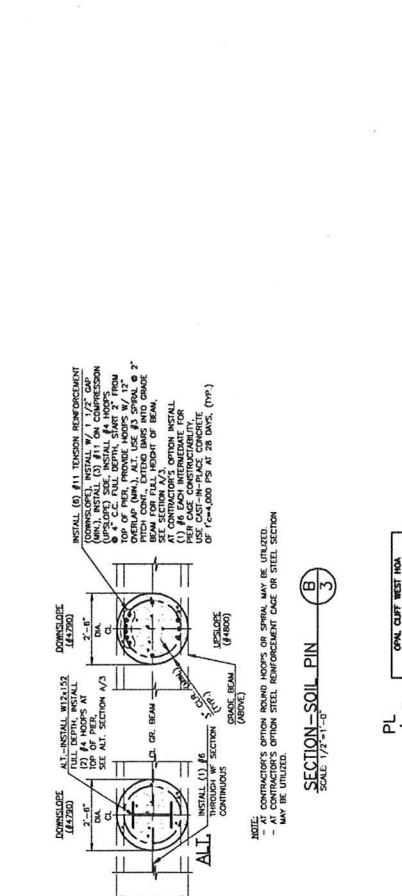
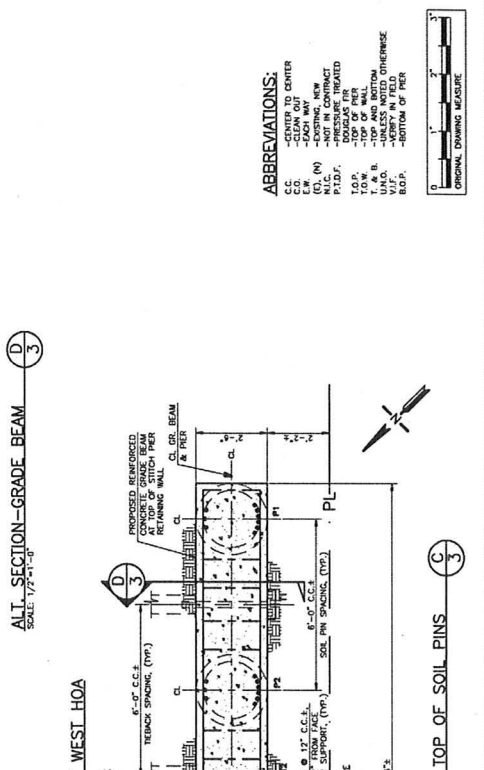
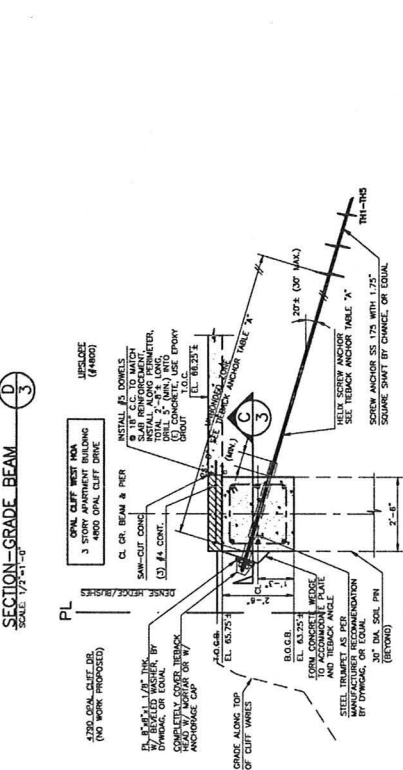
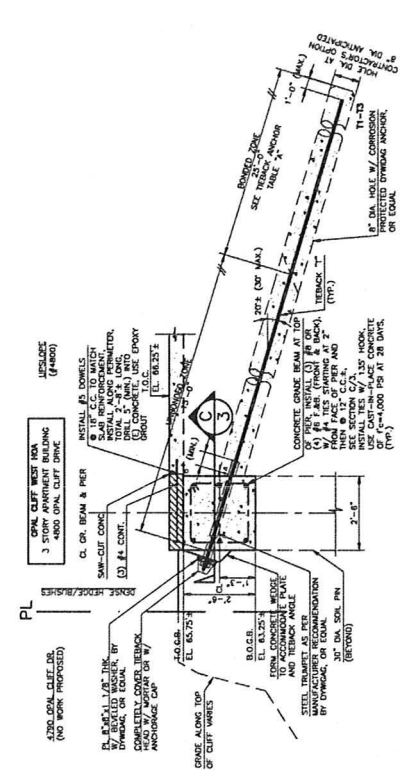
LEGEND

- Survey control point found as noted
- Structure line as noted
- Property line, see note
- Structure line
- Swale
- Ditch
- High water line (E1, 1.50)
- Sight at approx. bottom of marine layer
- Trees
- Record data
- Contour Interval 1 Foot*
- * 5 ft. interval on steep slope

NOTE: This is not a boundary survey. Property lines are shown for orientation only and are based on recorded data. They may be different, subject to the results of a complete boundary survey.

NOTE: TOPOGRAPHIC SURVEY MAP OF ASSESSOR'S PARCELS NO. 034-231-01, 02, 03, 04 & 05, PREPARED BY CHRY EDWARDS AND ASSOCIATES LAND SURVEYING, DATED APRIL 27, 1985.

SITE PLAN-EXISTING AND PROPOSED WORK, EROSION CONTROL PLAN
 SCALE: 1"=10'



ABBREVIATIONS:
 C.C. - CLEAN CUT CENTER
 C.W. - CLEAN CUT WALL
 N.C. (N) - NOT IN CONTRACT
 P.I.D.F. - DOUBLE END
 T.O.A. - TOP OF ANCHOR
 T.O.P. - TOP OF PIER
 T. & B. - TOP AND BOTTOM
 V.I.F. - VERIFY IN FIELD
 B.O.P. - BOTTOM OF PIER

ORIGINAL DRAWING MEASURE

**PROJECT APPLICATION #12-035
4800 OPAL CLIFF DRIVE, CAPITOLA
OPAL CLIFF WEST SLOPE STABILIZATION PROJECT**

COASTAL FINDINGS

D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.

(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;

- The proposed project is located on the top of a coastal bluff on a private property near the intersection of Cliff and Opal Cliff Drive. The project will not directly affect public access and coastal recreation areas as it involves the stabilization of an existing blufftop, with no intensification or build out and no affect on public trail or beach access.

(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of

that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;

The proposed project is located on the top of a coastal bluff on a private property near the intersection of Cliff and Opal Cliff Drive. The coastal bluff at the project site is about 65 feet high and consists of about 23 feet of easily eroded, blufftop terrace deposits overlying fractured and jointed siltstone/sandstone bedrock. A blufftop, structural shotcrete compression plate type retaining wall with tieback anchors, and a blufftoe, "concrete-gravity" type seawall were constructed on the project site in 1998 to preserve the configuration of the bluff and to protect the blufftop parking area. The shotcrete compression plate retaining wall extends from the blufftop parking slab down to the base of the terrace deposits (43 feet elevation). The bluff toe at the adjacent upcoast parcel at 4790 Opal Cliff Drive is protected from wave action erosion by a concrete gravity type seawall continuously constructed to the seawall at 4800 Opal Cliff Drive. However, the upper bluff face and blufftop at 4790 Opal Cliff Drive is not protected by a retaining wall.

According to geotechnical reviews of the site, ongoing blufftop recession at the adjacent parcel is beginning to outflank the upcoast edge of the existing blufftop shotcrete wall and will undermine the parking area and jeopardize the integrity of the bluff face retaining wall. During maintenance monitoring of the existing bluff walls, installation of a soil pin retaining wall at the parking lot adjacent to the upcoast property was recommended. Although, the impact is less than significant, and mitigation measures are not warranted, Conditions of Approval have been included to address recommendations in the geologic and geotechnical reports.

(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);

- The privately owned site has historically been used as private residences. There is no evidence of use of the site by members of the public for coastal access.

(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The proposed project is located on the top of a coastal bluff on a private property near the intersection of Cliff and Opal Cliff Drive. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The proposed project is located on the top of a coastal bluff on a private property near the intersection of Cliff and Opal Cliff Drive. The blufftop stabilization system does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas.

(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;

b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;

c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.

- The project is not requesting a Public Access Exception, therefore these findings do not apply

(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:

a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;

b. Topographic constraints of the development site;

c. Recreational needs of the public;

d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;

e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;

f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.

- No Management Plan is required; therefore these findings do not apply

(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);

- No legal documents to ensure public access rights are required for the proposed project

(D) (6) Project complies with visitor-serving and recreational use policies;

SEC. 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

- The project involves a blufftop stabilization system for an existing residential use. No new use or change in use is proposed.

SEC. 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

- The project involves a blufftop stabilization system for an existing residential use. No new use or change in use is proposed.
- **SEC. 30250**

c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

- The project involves a blufftop stabilization system for an existing residential use. No new use or change in use is proposed.

(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;

- The project involves a blufftop stabilization system for an existing residential use. No new use or change in use is proposed.

(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;

- The project was reviewed by the Architectural and Site Review Committee and complies with the design guidelines and standards established by the Municipal Code, as well as the recommendations provided by the Committee.

(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola’s shoreline;

- The proposed project is located on the top of a coastal bluff adjacent to Opal Cliff Drive that descends from the parking lot of an existing three-story condominium building to a small beach. The City’s General Plan identifies “vista points” along Cliff Drive to the east of the project site. Panoramic views of the Monterey Bay, beaches, Capitola Wharf and Capitola Village are the prominent visual features in the project area to the east of the project site. The existing three-story condominium building on the project site blocks views to the ocean from Opal Cliff Drive.

The project site is not within a designated vista point or scenic view. The proposed project consists of an underground blufftop retaining wall beneath a concrete parking lot. The project would not obstruct or remove scenic coastal views as none exist in the area. Views from the beach in the project area are oriented toward the Monterey Bay with views of the coastal bluffs in the background. The existing bluff retaining walls on the coastal bluff area along the project site are visible from the beach. The project will not result in removal of trees or other resources that might be considered scenic resources. Thus, the proposed project would not affect or remove scenic views or scenic resources.

(D) (10) Demonstrated availability and adequacy of water and sewer services;

- The project involves a blufftop stabilization system for an existing residential use. No water or sewer services will be affected.

(D) (11) Provisions of minimum water flow rates and fire response times;

- The project involves a blufftop stabilization system for an existing residential use with no change in use.

(D) (12) Project complies with water and energy conservation standards;

- The project involves a blufftop stabilization system for an existing residential use with no change in use.

(D) (13) Provision of park dedication, school impact, and other fees as may be required;

- The project will be required to pay appropriate fees prior through building permit issuance.

(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;

- The project does not involve a condo conversion or mobile homes. The existing residential units on the property will not be changed as part of the project.

(D) (15) Project complies with natural resource, habitat, and archaeological protection

policies;

- A negative declaration has been prepared that identifies that natural resources, habitat and archaeological resources will be protected.

(D) (16) Project complies with Monarch butterfly habitat protection policies;

- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;

- The project will comply with all applicable erosion control measures.

(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;

- Geologic/engineering reports have been prepared by qualified professionals for this project which is located in a geologic hazard zone. Conditions of approval have been included to ensure the project complies with hazard protection policies.

(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;

- Geologic/engineering reports have been prepared by qualified professionals for this project which is located in a geologic hazard zone. Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

(D) (20) Project complies with shoreline structure policies;

- The proposed project complies with shoreline structure policies.

(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;

- The project involves a blufftop stabilization system for an existing residential use with no change in use.

(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures.

(D) (23) Project complies with the Capitola parking permit program as follows:

- The project site is not located within the area of the Capitola parking permit program.

**CITY OF CAPITOLA
NEGATIVE DECLARATION**

The City of Capitola has prepared this Negative Declaration for the following described project:

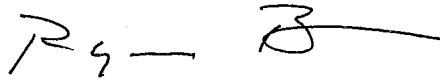
PROJECT: Opal Cliff Drive Soil Pin Slope Stabilization & Repair **APPLICATION #:** 12-039

PROJECT LOCATION: 4800 Opal Cliff Drive, Capitola, CA 95010

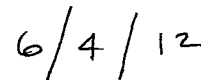
APPLICANT: Opal Cliff West HOA

PROJECT DESCRIPTION: The project consists of the installation of a "soil pin" retaining wall with tieback anchors. The soil pin wall will be installed perpendicular to the blufftop at the western edge of the project site within a paved parking area for an existing condominium development. The soil pin wall will consist of a single line of four drilled, cast-in-place concrete 30-inch diameter piers connected to one another by a concrete grade beam. Colored concrete will be used for the piers and grade beam to match adjacent bluff material. This soil pin structure will be supported with three subsurface, tieback anchors that will be installed at the top of the soil pin and will extend below the existing parking lot, parallel to the bluff top and angled from the soil pin, for a distance of approximately 35 feet. The total construction period is expected to be completed within four weeks.

FINDINGS: The City of Capitola Community Development Department has reviewed the proposed project and has determined, based on the attached Initial Study that the project will not have a significant effect on the environment. No mitigation measures are required. Consequently, adoption of a Negative Declaration is appropriate. An Environmental Impact Report is not required pursuant to the *California Environmental Quality Act of 1970 (CEQA)*. This environmental review process and completion of the Initial Study and Negative Declaration were conducted in accordance with the State *CEQA Guidelines*.



By: Ryan Bane, Senior Planner



Date

CITY OF CAPITOLA

420 CAPITOLA AVENUE
CAPITOLA, CA 95010
PHONE: (831) 475-7300 FAX: (831) 479-8879

INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: Opal Cliff Drive Soil Pin Slope Stabilization & Repair

Application No.: #12-039

Project Location: 4800 Opal Cliff Drive

Name of Property Owner: Opal Cliff West HOA

Name of Applicant: Opal Cliff West HOA, Representative: Suzanne Ise

Assessor's Parcel Number(s): 034-462-05

Acreage of Property: 0.432 acres

General Plan Designation: R-LM (Residential Low-Medium 5-10 units/acre)

Zoning District: AR/R-1 (Automatic Review/Single-Family Residence)

Lead Agency: City of Capitola

Prepared By: Stephanie Strelow, Strelow Consulting

Date Prepared: June 1, 2012

Contact Person: Ryan Bane, Senior Planner

Phone Number: (831) 475-7300

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Environmental Setting and Surrounding Land Uses:

This project site is located within the City of Capitola, southwest of Capitola Village and Capitola Wharf. It is located at 4800 Opal Cliff Drive, just south of the street's intersection with Portola Drive (see Figure 1). The site is bordered by Opal Cliff Drive and single-family homes on the north, condominiums on the east, the edge of the bluff that descends onto a small beach on the south, and single-family residences on the west.

The site is situated on a coastal bluff above Monterey Bay. The project site sits atop a coastal bluff that is approximately 65 feet high (SOURCE V.4c¹). A small beach area lies at the base of the bluff. A shotcrete retaining wall along the upper bluff face and a concrete gravity seawall at the toe of the bluff were constructed in the late 1990s to preserve the configuration of the bluff and protect the blufftop parking area as further described below (Ibid.). The blufftop and bluff toe structures are separated by about 25 feet of fractured bedrock (Ibid.).

The site is developed with an existing 15-unit, three-story condominium building (Opal Cliffs West Condominiums) and a paved parking lot. The proposed project is located in the southwest corner of the site within the parking area. The surrounding neighborhood is primarily single-family residential that is characterized by a mix of single-family homes of various sizes and age, as well as the existing condominiums on the project site and the adjacent site to the east.

B. Project Description

Background. The proposed project is a coastal bluff stabilization project to protect the upcoast perimeter of the existing parking area on the project site. The existing concrete slab, on-grade parking area provides offstreet parking for the adjacent Opal Cliffs West Condominiums.

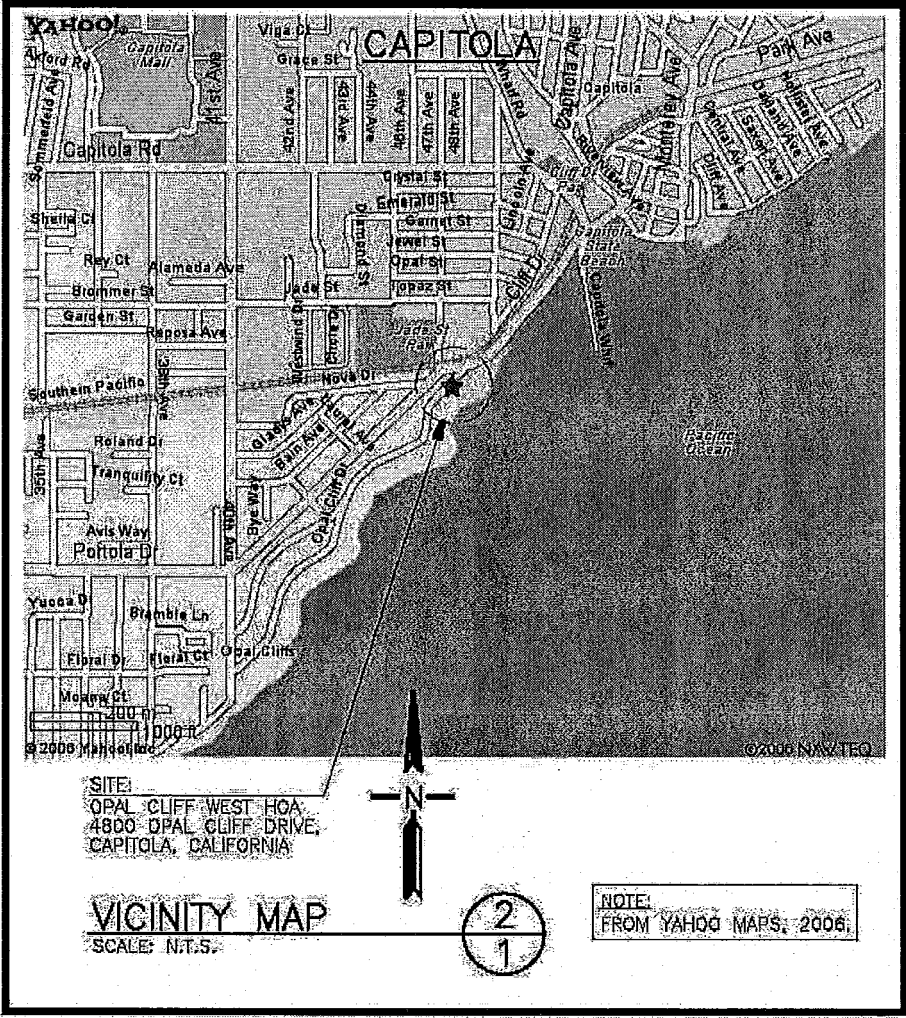
The coastal bluff at the project site is about 65 feet high and consists of about 23 feet of easily eroded, blufftop terrace deposits overlying fractured and jointed siltstone/sandstone bedrock (SOURCE V.4c). A blufftop, structural shotcrete compression plate type retaining wall with tieback anchors, and a blufftoe, "concrete-gravity" type seawall were constructed on the project site in 1998 to preserve the configuration of the bluff and to protect the blufftop parking area (Ibid.). The shotcrete compression plate retaining wall extends from the blufftop parking slab at about elevation 66 feet NGVD29 down to the base of the terrace deposits at about elevation 43 feet NGVD29. The bluff toe at the adjacent upcoast parcel at 4790 Opal Cliff Drive is protected from wave action erosion by a concrete gravity type seawall continuously constructed to the seawall at 4800 Opal Cliff Drive. However, the upper bluff face and blufftop at 4790 Opal Cliff Drive is not protected by a retaining wall (Ibid.).

According to geotechnical reviews of the site, ongoing blufftop recession at the adjacent parcel is beginning to outflank the upcoast edge of the existing blufftop shotcrete wall and will undermine the parking area and jeopardize the integrity of the bluff face retaining wall (SOURCE V.4c). During maintenance monitoring of the existing bluff walls, installation of a soil pin retaining

¹ See "Reference Sources" list in section V of this Initial Study.

wall at the parking lot adjacent to the upcoast property was recommended, which is now the currently proposed project as further described below. Figure 2 provides an aerial photo that shows the existing and proposed bluff structures and features.

FIGURE 1: Vicinity Location



SOURCE: Soil Construction Engineering, Inc.

Project Elements. The project consists of the installation of a “soil pin” retaining wall with tieback anchors. Figure 3 shows the proposed site plan for these improvements. The soil pin wall will be installed perpendicular to bluff top at the western edge of the project site within the existing parking area. The soil pin wall will consist of a single line of four drilled, cast-in-place concrete 30-inch diameter piers connected to one another at the top by a concrete grade beam. The soils pins will be spaced at six foot intervals for a total linear distance of approximately 20 feet. The seaward-most pier will be installed immediately adjacent edge of the blufftop to facilitate an efficient structural connection between the existing shotcrete wall and the proposed soil pin wall (SOURCE V.4b). The soil pins will be drilled to a depth of approximately 35 feet. According to the project site plan, colored concrete will be used for the piers and grade beam to match adjacent bluff material.

This soil pin structure will be supported with three subsurface, tieback anchors that will be installed at the top of the soil pin and will extend below the existing parking lot, parallel to the bluff top and angled from the soil pin, for a distance of approximately 35 feet and a depth up to 16 feet. This will form a continuous retaining structure that will prevent soil movement. If soil is exposed over time between the piers, the project geotechnical report recommends that structural shotcrete be applied to the eroded slope. A bluff profile section is shown on Figure 4.

Construction Methods, Equipment and Schedule. Construction access to the blufftop work area will be from Opal Cliff Drive and the existing Opal Cliff West Condominium parking lot. A truck-mounted drilling rig will be used to install the cast-in-place soil pins. Excavation to a depth of approximately three feet will occur to install the grade beam. The tieback anchors will be drilled diagonally. Excess excavated spoils will be removed and disposed at a suitable off-site facility. The project plans include the erosion and sediment control measures.

Construction activities would occur between 8:00 AM and 4:30 PM, Monday through Friday. The project is expected to be completed prior to the onset of winter storm season. The total construction period is expected to be completed within four weeks.

C. Agencies whose approval is required (and permits needed):

- City of Capitola: The City of Capitola is the lead agency and responsible for approving a coastal permit for the proposed work.

FIGURE 3: Site Plan

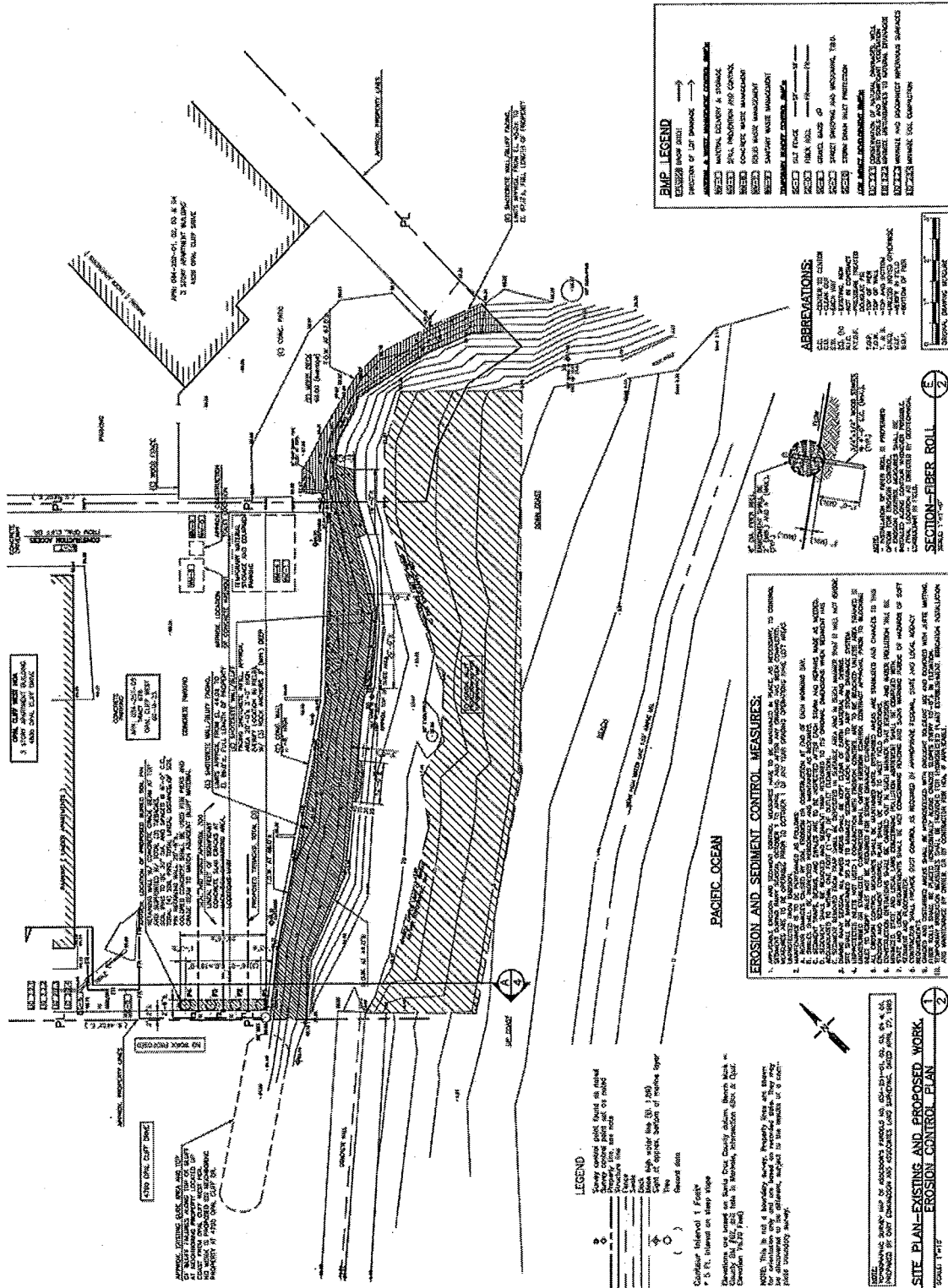
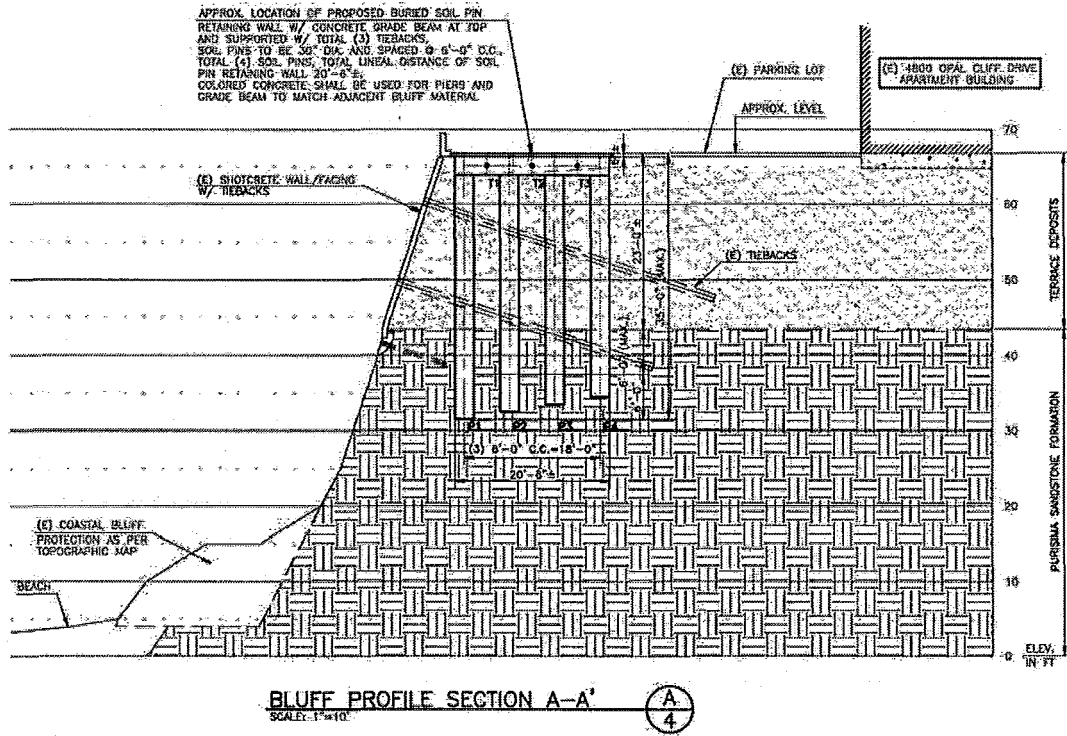


FIGURE 4: Bluff Profile Section



III. ENVIRONMENTAL CHECKLIST

Environmental Factors Potentially Affected by the Project: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

✓	Aesthetics		Agriculture & Forest Resources	✓	Air Quality
	Biological Resources		Cultural Resources	✓	Geology / Soils
	Greenhouse Gas Emissions		Hazards & Hazardous Materials		Hydrology / Water Quality
	Land Use / Planning		Mineral Resources	✓	Noise
	Population / Housing		Public Services		Recreation
	Transportation / Traffic		Utilities / Service Systems		Mandatory Findings of Significance

Instructions:

1. A brief explanation is required (see VI. "Explanation of Environmental Checklist Responses") for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question (see V. Source List, attached). A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that any effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated: applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier Analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

- a) *Earlier analysis used.* Identify earlier analyses and state where they are available for review.
 - b) *Impacts adequately addressed.* Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) *Mitigation measures.* For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 8. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluation each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✓
2. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (V.3)				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Violate any air quality standard or contribute to an existing or projected air quality violation?			✓	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				✓
d) Expose sensitive receptors to substantial pollutant concentrations?				✓
e) Create objectionable odors affecting a substantial number of people?				✓
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?				✓
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d) Disturb any human remains, including those interred outside of formal cemeteries?				✓
6. GEOLOGY AND SOILS. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
a) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?				✓
b) Strong seismic ground shaking?				✓
c) Seismic-related ground failure, including liquefaction?				✓
d) Landslides?				✓
e) Would the project result in substantial soil erosion or the loss of topsoil?				✓
f) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			✓	
h) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.				✓
7. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				✓
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				✓
8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				✓
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓
9. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?				✓
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.				✓
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.				✓
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				✓
f) Otherwise substantially degrade water quality?				✓
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (V.1)				✓
h) Place within a 100-year flood-hazard area structures which would impede or redirect flood flows? (V.1)				✓
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (V.1)				✓
j) Inundation by seiche, tsunami, or mudflow? (V.1)				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
10. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?				✓
11. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (V.1)				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (V.1)				✓
12. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?				✓
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				✓
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓
13. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓
14. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physical altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
a) Fire protection?				✓
b) Police protection?				✓
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?				✓
15. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				✓
b) Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				✓
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks?				✓
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				✓
e) Result in inadequate emergency access?				✓
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (for example, bus turnouts, bicycle racks.)				✓
17. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project & projected demand in addition to the provider's existing commitments?				✓
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Comply with federal, state, and local statutes and regulations related to solid waste?				✓
18. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)				✓
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

IV. DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	✓
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a potentially significant or a potentially significant unless mitigated impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Ryan Bane
 Ryan Bane, Senior Planner

6/4/12
 Date

V. SOURCE LIST

1. City of Capitola. Adopted September 28, 1989. *General Plan City of Capitola*. Prepared by Freitas + Freitas.
2. City of Capitola. 1981 with amendments in October 2001 and January 2005. "Land Use Plan City of Capitola Local Coastal Program."
3. California Department of Conservation. 2007. "Farmland Mapping and Monitoring Program."
4. Haro, Kasunich and Associates, Inc.
 - a) February 15, 2012. "Geotechnical Plan Review" – Blufftop Soil Pin Retaining Wall, Upocast Parking Area Perimeter, 4800 Opal Cliff Drive.
 - b) November 11, 2011. "Geotechnical Design Criteria" – Blufftop Soil Pin Retaining Wall, Upocast Parking Area Perimeter, 4800 Opal Cliff Drive.
 - c) June 13, 2011. "Maintenance Monitoring" – Blufftop Retaining Wall and Seawall.
5. Rogers E. Johnson & Associates.
 - a) September 17, 1997. "Addendum Letter Regarding Geotechnical Report by Haro, Kasunich and Associates, 4820 Opal Cliff Drive, Capitola, California."
 - b) July 31, 1997. "Sea Cliff Evaluation Report, 4820 Opal Cliff Drive, Capitola, California, Santa Cruz County, APNs 034-252-1, 2, 3 & 4."
6. Monterey Bay Unified Air Pollution Control District. February 2008. "CEQA Air Quality Guidelines."
7. Global Climate Change References:
 - a) California Air Resources Board. September 22, 2010 (Last Updated). "Greenhouse Gas Inventory Data – 2000 to 2008." Online at:
<http://www.arb.ca.gov/cc/inventory/data/data.htm>
 - MAY 12, 2010. "California Greenhouse Gas Inventory for 2000-2008 – By — by Category as Defined in the Scoping Plan"
 - May 28, 2010. "Trends in California Greenhouse Gas Emissions for 2000 to 2008 – by Category as Defined in the Scoping Plan."
 - b) California Air Resources Board. December 2008. *Climate Change Proposed Scoping Plan – A Framework for Change*." December 2008. Online at:
http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf
 - c) California Climate Action Team. December 2010. "Climate Action Team Report to governor Schwarzenegger and the California Legislature." California Environmental Protection Agency.
 - d) California Governor's Office of Planning and Research. June 19, 2008. "CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review."

VI. EXPLANATION OF ENVIRONMENTAL CHECKLIST RESPONSES

1. Aesthetics.

(a-b) Scenic Views and Resources. The proposed project is located on the top of a coastal bluff adjacent to Opal Cliff Drive that descends from the parking lot of an existing three-story condominium building to a small beach. The City's General Plan identifies "vista points" along Cliff Drive to the east of the project site. Panoramic views of the Monterey Bay, beaches, Capitola Wharf and Capitola Village are the prominent visual features in the project area to the east of the project site. The existing three-story condominium building on the project site blocks views to the ocean from Opal Cliff Drive.

The project site is not within a designated vista point or scenic view. The proposed project consists of an underground blufftop retaining wall beneath a concrete parking lot. The project would not obstruct or remove scenic coastal views as none exist in the area. Views from the beach in the project area are oriented toward the Monterey Bay with views of the coastal bluffs in the background. The existing bluff retaining walls on the coastal bluff area along the project site are visible from the beach. The project will not result in removal of trees or other resources that might be considered scenic resources. Thus, the proposed project would not affect or remove scenic views or scenic resources.

(c) Visual Effects upon Surrounding Area. The visual quality of the project vicinity is currently characterized by primarily existing single-family residential development of varying sizes, age and building styles along Opal Cliff Drive. The site supports a three-story condominium building, and another condominium project is located on the adjacent parcel to the east.

The proposed project consists of an underground blufftop retaining wall beneath an existing concrete parking lot. There would be no substantial above-ground structural development except for the grade beam that would extend slightly above ground. However, this would not be visible from any public areas due to its low height and profile. Thus, the project would not result in a substantial degradation of the visual quality of the surrounding area.

The proposed plans also indicate that colored concrete will be used for the buried soil pins and grade beam wall to match adjacent bluff material. As the ongoing recession of the unprotected upcoast bluff face continues, soils between the soil pin piers will become exposed. If left unprotected, the exposed soils will deteriorate and/or erode over time. The geotechnical report recommends application of a structural shotcrete section between the soil pins, if necessary as the soil is exposed (SOURCE V.4b). Such application should also be colored to mimic the appearance of the adjacent bluff. This is included as a "Recommended Condition of Approval" in the impact discussion in subsection 6(d,f) below.

(d) Creation of Light and Glare. The project's bluff stabilization elements do not include lighting and will not result in introduction of a source of glare. The blufftop soil pin retaining wall and tieback anchors will be installed below the ground surface.

2. **Agricultural and Forest Resources.** The project site is located in a developed urban area. The project site is not in agricultural production or located adjacent to or near agricultural uses. The project site, as all of Capitola, is designated "Urban and Built-Up" by the California Department of Conservation Farmland Mapping and Monitoring Program (SOURCE V.3). Similarly, the project site, which consists of a coastal bluff does not support trees and is not designated for timber resource production. The proposed project would have no effects on agricultural or forest resources.
3. **Air Quality.** The proposed project is a coastal bluff stabilization project that will not result in structural development or new population growth. Thus, the project would not conflict with the adopted Air Quality Management Plan for the region. The proposed bluff stabilization measures, which are largely underground, would not result in objectionable odors or stationary or vehicular emissions upon completion. Thus, the project would not expose sensitive receptors to substantial pollution concentrations.

(b) Project Emissions. The North Central Coast Air Basin (NCCAB), in which the project site is located, is under the jurisdiction of the Monterey Bay Air Pollution Control District (MBUAPCD) and includes Santa Cruz, Monterey and San Benito Counties. The North Central Coast Air Basin (NCCAB), in which the project site is located, is under the jurisdiction of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and includes Santa Cruz, Monterey and San Benito Counties. Under the Federal Clean Air Act, as of March 2006 the NCCAB is designated an attainment area for the federal 8-hour ozone standard. (The federal 1-hour ozone standard was revoked in the basin on June 15, 2005.) The basin is designated unclassified/attainment for all other Federal standards, including those for carbon monoxide, nitrogen dioxide, inhalable particulates (PM₁₀), and fine particulates (PM_{2.5}).

Under the California Clean Air Act, the NCCAB is classified as nonattainment for the State 1-hour ozone standard. The air basin is also a nonattainment area for the State inhalable particulate (PM₁₀) standard. The basin is an attainment area or is unclassified for all other State standards, including those for carbon monoxide, nitrogen dioxide, sulfur dioxide, and fine particulates (PM_{2.5}).

Impact Analysis. Project construction could result in minimal generation of dust and PM₁₀ emissions, although grading is not proposed. Limited drilling to install four cast-in-place concrete piers with tieback anchors and grade beam wall) will take place on the top of the bluff. According to MBUAPCD's "CEQA Air Quality Guidelines" (as updated in February 2008), 8.1 acres could be graded per day with minimal earthmoving or 2.2 acres per day with grading and excavation

without exceeding the MBUAPCD's PM₁₀ threshold of 82 lbs/day (SOURCE V.6). The project construction area where the soil pins and tieback anchors will be installed cover an area of approximately 1,000 square feet, which would be below this threshold. Thus, no significant dust generation or PM₁₀ emissions impacts would occur with project grading.

(c) Cumulative Pollutant Increases. According to the MBUAPCD CEQA Guidelines, projects that are consistent with the "Air Quality Management Plan" (AQMP) would not result in cumulative impacts as regional emissions have been factored into the Plan (SOURCE V.6). The MBUAPCD prepares air quality plans, which address attainment of the state and federal emission standards. These plans accommodate growth by projecting growth in emissions based on different indicators. For example, population forecasts adopted by AMBAG are used to forecast population-related emissions. These forecasts are then accommodated within the AQMP. As indicated above, the project is a blufftop soil pin retaining wall that would not result in new population growth, and thus, would not conflict with the adopted Air Quality Management Plan for the region.

4. **Biological Resources.** The project site is situated on a coastal bluff top along a section of Monterey Bay, west of the Capitola Wharf and Capitola Village. The site consists of a paved parking lot that sits on the top of a coastal bluff within a developed residential neighborhood. The cliff face drops steeply from the parking lot to the beach. There is no vegetation on the project, and the site is not a mapped environmental sensitive habitat zone as shown in the City's General Plan/Local Coastal Program or as defined in the City's Code (Section 17.95 Environmentally Sensitive Habitat). There are no trees on the site. The project does not conflict with local policies or regulations regarding environmental protection. There are no adopted Habitat Conservation Plans in the vicinity. Thus, the project will have no effect on biological resources.
5. **Cultural Resources.** There are no historical resources on the project site. The existing condominium project would not appear to be of the age or type to meet the criteria necessary to constitute a historic resource given its age, appearance and quality. Furthermore, no modifications to the existing structure are proposed.

The project site is not within a mapped area of archaeological sensitivity as depicted in the City's General Plan/Local Coastal Program. The site of the improvements is a concrete parking lot on a site that is developed. The project does not involve extensive excavation, but limited drilling to install soil pins and tieback anchors. Thus, no impacts to archaeological resources are expected to occur. Similarly, no unique geological or paleontological features were identified on the site. The coastal bluff below the site has been developed with a shotcrete retaining wall.

6. Geology and Soils.

(a-c) Seismic Hazards. The project site is located in a seismically active region of California; there are no active faults which underlie the City of Capitola, but active faults are located nearby in the Santa Cruz Mountains and offshore in Monterey Bay (SOURCE V.1). The active San Andreas Fault is located northeast of the project site, and the San Gregorio fault is located offshore in Monterey Bay (SOURCE V.5b).

One of the two primary geological hazards that could affect the project is seismic shaking. (The second is bluff retreat, which is further addressed under subsection 6(d) below.) The site is located in an area subject to high seismic shaking hazards according to maps in the City's General Plan (SOURCE V.1). The project site is located in an area classified as having a low potential for liquefaction.

The proposed project is a bluff stabilization project that would not result in development of structures that would be exposed to seismic hazards. The project components are below grade, except for the grade beam atop the soil pin wall. Thus, people or structures would not be exposed to substantial risks of loss, injury or death related to seismic hazards.

(d,f) Slope Stability / Coastal Bluff Erosion / Geologic Hazards. Most of the Monterey Bay is flanked by a prominent sea cliff 20 to 120 feet high which is a clear indication of active surf erosion (in a geological time frame) (SOURCE V.5b). From Santa Cruz to Capitola, where the beach is generally narrow and discontinuous, the documented rate of cliff retreat due to surf attack has averaged about one foot per year in some areas (Ibid.). Cliff retreat is not a steady process, but rather occurs episodically every few seasons in response to large storms or when surf cut notches at the base of the bluffs intercept planes of structural weakness in the bedrock (Ibid.). Along the Opal Cliff coastline, cliff retreat rates ranged between 1/10 foot per year where the bluff is protected by the shore platform and essentially nil where the bluff is protected by the revetment and the non-structural granite (Ibid.).

The upper coastal bluff at the project site consists of Pleistocene marine terrace deposits capped by a residual of soil several feet thick (SOURCE V.5b). The lower bluff contacts bedrock of the Pliocene Purisima Formation (Ibid.). A rip-rap revetment at the toe of the bluff was replaced in 1998 with the existing concrete retaining wall and shotcrete retaining wall along the upper bluff. Maintenance monitoring of these facilities in March 2011 indicated that no immediate maintenance or repair of either the blufftop wall or the seawall at the toe of the bluff were needed (SOURCE V.4c). However, the review noted that the blufftop at the adjacent upcoast parcel (4790 Opal Cliff Drive) is not protected by a retaining wall and is receding, and this portion of the blufftop has experienced more recession than at the project site (Ibid.). The proposed project was specifically recommended to protect the upcoast end of the blufftop retaining wall and parking area as the adjacent parcel recedes (Ibid.).

Impact Analysis. As indicated above, the existing blufftop retaining wall is threatened by bluff erosion on the adjacent parcel. The proposed project, while

subject to ongoing coastal processes, will provide protection to the existing residential site parking area. Therefore, the project's impact related to location in an unstable area is considered less-than-significant.

The structural elements of the proposed project include installation of a "pin pile" wall on the blufftop, which although subject to ongoing bluff retreat processes. However, the project represents a mitigation measure to a hazard posed by existing bluff conditions and potential effects resulting from retreat on the adjacent upcoast property. The project geotechnical report provides detailed engineering recommendations for the design and installation of the project components. The project plans were reviewed by the geotechnical engineer, and it was found that the project plans have been prepared in general conformance with the geotechnical and coastal engineering recommendations contained in that report (SOURCE V.4a).

The geotechnical report indicates that the oversteepened bluff at the adjacent property (4790 Opal Cliff Drive) will continue to recede landward, and the slope below the proposed soil pin wall will fail over time at a rate dependent upon the frequency of seismic shaking and severity of winter storms (SOURCE V.4a). A monitoring plan is recommended with inspections after long duration winter storms, severe seismic shaking at least once every two years to monitor the status of the soil pin wall and recommend maintenance if needed (Ibid.).

The soil pin wall will be initially constructed as a buried structure. As the ongoing recession of the unprotected upcoast bluff face continues, soils between the soil pin piers will become exposed. If left unprotected, the exposed soils will deteriorate and/or erode over time. The geotechnical report recommends application of a structural shotcrete section between the soil pins, if necessary as the soil is exposed to protect the exposed soils and maintain the integrity of the soil pin wall system (SOURCE V.4b). Such application should also be colored to mimic the appearance of the adjacent bluff (Ibid.).

The geotechnical monitoring inspection in 2011 also noted that portions of the concrete parking area were cracked and ponding was noted, primarily in the center of the parking area. The cracking may be due to lack of reinforcement or soft/weak subgrade soils (SOURCE V.4c). The cracks allow ponded water to saturate the subgrade soils promoting additional cracking, and were recommended for repairs.

Although the project will not result in significant impacts related to exposure to geological soil and mitigation measures are required, the following Conditions of Approval are recommended in accordance with recommendations in the project geotechnical review.

RECOMMENDED CONDITION OF APPROVAL: Require inspection by a licensed engineer experienced in coastal erosion processes or an engineering geologist with similar experience at least every two years and

after long duration winter storms or severe seismic shaking to monitor the status of the soil pin wall and recommend maintenance if needed.

RECOMMENDED CONDITION OF APPROVAL: If the monitoring inspections reveal exposure of soils between the soil pin piers, apply a structural shotcret section between the soil pins and exposed soils in accordance with recommendations of a geotechnical engineer. The shotcrete should be colored so as to mimic the appearance of the adjacent natural bluff.

RECOMMENDED CONDITION OF APPROVAL: Require repair or replacement of the cracked concrete parking area.

(e,g) Soils and Erosion. The project consists of installation of a soil pin retaining wall that involves some excavation for drilling the soil pins and installing the tieback anchors. According to the 1980 Soil Conservation Survey of Santa Cruz County (U.S. Department of Agriculture), the soils on the project site and surrounding area have a moderate shrink-swell potential. However, the project does not involve construction of habitable structures that would be at risk, and no issues were identified in the geotechnical reviews.

Project construction will not result in grading. Limited drilling to install four cast-in-place concrete piers (with tieback anchors and grade beam wall) will take place on the top of the bluff. The project construction area is approximately 1,000 square feet. The project site plan includes erosion control measures to control sediments from leaving the site. An existing concrete wall, approximately three feet high, provides a barrier at the edge of the parking lot and bluff that would also prevent movement of sediments downslope. Thus, there would be no potential erosion impacts related to grading.

(h) Soil Suitability for Septic Systems. The project is a coastal bluff stabilization project that would not result in new structural development would that require sewer services. Septic systems are not utilized in the City of Capitola.

7. Greenhouse Gas Emissions.

(a) Greenhouse Gas Emissions. Climate change refers to any significant change in measures of climate, such as average temperature, precipitation, or wind patterns over a period of time. Climate change may result from natural factors, natural processes, and human activities that change the composition of the atmosphere and alter the surface and features of the land. Greenhouse gases trap heat in the atmosphere, which in turn heats the surface of the Earth. Some GHGs occur naturally and are emitted to the atmosphere through natural processes, while others are created and emitted solely through human activities (SOURCE V.7d). Climate change models predict changes in temperature, precipitation patterns, water availability, and rising sea levels, and these altered coastal conditions can have impacts on natural and human systems in California (SOURCE V.7c). Changes in temperature, precipitation, and sea levels can affect California's public health,

habitats, ocean and coastal resources, water supplies, agriculture, forestry, and energy use (Ibid.), as well as result in increased droughts and flooding.

The most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide (SOURCE V.7d). The primary contributors to GHG emissions in California (as of 2008) are transportation (about 37%), electric power production (24%), industry (20%), agriculture and forestry (6%), and other sources, including commercial and residential uses (13%). Approximately 81% of California's emissions are carbon dioxide produced from fossil fuel combustion (SOURCE V.7a).

The State of California passed the Global Warming Solutions Act of 2006 (AB 32), which seeks to reduce GHG emissions generated by California. The Governor's Executive Order S-3-05 and AB 32 (Health & Safety Code, § 38501 et seq.) both seek to achieve 1990 emissions levels by the year 2020. Executive Order S-3-05 further requires that California's GHG emissions be 80 percent below 1990 levels by the year 2050. AB 32 defines GHGs to include carbon dioxide, methane, nitrous oxide, hydrocarbons, perfluorocarbons and sulfur hexafluoride.

The California Air Resources Board (CARB) is the lead agency for implementing AB32. CARB identified 36 "early actions to mitigate climate change in California" in April 2007 as required by AB 32. These actions relate to low carbon and other fuel standards, improved methane capture at landfills, agricultural measures, reduction of hydrocarbons and perfluorocarbons from specified industries, energy efficiency, and a variety of transportation-related actions.

In accordance with provisions of AB 32, CARB has completed a statewide Greenhouse Gas (GHG) Inventory that provides estimates of the amount of GHGs emitted to, and removed from, the atmosphere by human activities within California. Based on review of this inventory, in December 2007 CARB approved a 2020 emissions limit of 427 CO₂ equivalent million metric tons (MMT CO₂e)², which is equivalent to the 1990 emissions level. In accordance with requirements of AB32, a Scoping Plan was released in October 2008 and adopted by CARB in December 2008. The Scoping Plan identifies 18 emissions reduction measures that address cap-and-trade programs, vehicle gas standards, energy efficiency, low carbon fuel standards, renewable energy, regional transportation-related greenhouse gas targets, vehicle efficiency measures, goods movement, solar roofs program, industrial emissions, high speed rail, green building strategy, recycling, sustainable forests, water and air (SOURCE V.7b).

The proposed project will result in construction of a coastal blufftop soil pin wall that will not result in structural development, population, or permanent emissions. Other than minor emissions during the estimated 4-week construction period, the bluff retaining wall project will not result in air emissions or contribution to greenhouse gas emissions and global climate change. Thus, the project will have no impact on

² The CO₂ equivalent emissions are commonly expressed as "million metric tons of carbon dioxide equivalent (MMTCO₂E)". The carbon dioxide equivalent for a gas is derived by multiplying the tons of the gas by the associated Global Warming Potential (GWP).

greenhouse gas emissions either directly or indirectly. The limited emissions from equipment during construction would be minimal, and the project's incremental effect would not be cumulatively considerable.

(b) Conflict with Applicable Plans. The project would not conflict with implementation of state plans adopted for the purpose of reducing greenhouse gas emissions. The City of Capitola is in the process of updating its General Plan and preparing a Climate Action Plan to address citywide greenhouse emissions, but a plan has not been completed or adopted.

8. Hazards. The proposed coastal bluff stabilization project would not involve the use, disposal or emission of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip.

9. Hydrology.

(a-b) Water Quality Standards and Groundwater. The project is located on a developed site and will not affect groundwater recharge. The project is an underground coastal bluff stabilization project that will not result in discharges or potential violations of water quality standards.

(c-e) Drainage. The installation of the subsurface soil pin wall will not alter drainage patterns. The project does not involve structural development that would result in increased stormwater runoff.

(f) Water Quality. The City's Local Coastal Plan seeks to protect and improve the water quality in the Monterey Bay. The proposed construction is on the top of the bluff and will be controlled to prevent construction sediments from inadvertently entering Monterey Bay. Thus, there would be no degradation of water quality.

10. Land Use and Planning. The proposed project consists of coastal bluff stabilization measures, but does not include structural development. The proposed project does not conflict with local General Plan and Local Coastal Plan (LCP) policies adopted for the purpose of mitigating environmental impacts. The project does not include modifications to a natural bluff, and thus, the project is consistent with the General Plan Open Space Policy 1 which seeks to retain coastal bluffs in their natural state unless modifications are required for stabilization and public safety. Proposed construction specifications to control construction activities and erosion are consistent with LCP policies to protect and improve water quality in Monterey Bay (Policy VI-1). The project is proposed to protect existing structures, consistent with LCP Policy VII-9 which permits "shoreline structures" to protect existing structures where impacts are mitigated.

11. Mineral Resources. The General Plan determined that no known mineral resources were located within the General Plan Area which would be of value to the region or state, and the site is already developed with a residential use.

12. Noise.

(a-c) Noise Exposure and Permanent Noise Increases. The proposed blufftop soil pin retaining wall will not result in a permanent use that would generate noise nor expose people to severe existing noise levels. The project site is not located near an airport or private airstrip.

(b,d) Temporary Noise and Vibration. There will be a temporary increase in existing noise levels during installation of the soil pin retaining wall. Four cast-in-place piers will be drilled. There would be some noise associated with this, but significant vibration is not expected. Construction would be of limited duration; construction is expected to be completed within four weeks. Construction-related noise levels would vary throughout the day depending on the type of equipment that is in use at any one time. Construction is planned on weekdays between 8 AM and 4:30 PM. Because impacts would occur only during daylight hours and are temporary and of limited duration, impacts are considered less-than-significant. Although, the impact is less than significant, and mitigation measures are not warranted, the following Conditions of Approval are recommended

RECOMMENDED CONDITION OF APPROVAL: The applicant shall provide notice the neighbors within 100 feet of the project a minimum of seven days prior to the start of construction. The notice shall describe the project and include the proposed dates of construction, construction times, and contact information should issues arise.

13. Population and Housing. The proposed coastal bluff stabilization project will not result in habitable structures or new population growth.

14-15. Public Services & Recreation. The proposed coastal blufftop soil pin wall project will not result in habitable structures or new population growth, and thus would not result in a demand for public services or recreation.

16. Transportation/Traffic. The proposed coastal blufftop soil pin wall project will not result in habitable structures or new population growth, and thus would not result in a generation of traffic.

17. Utilities and Service Systems. The proposed coastal blufftop soil pin wall project will not result in habitable structures or new population growth, and thus would not result in a demand for public utilities and services.

- 18. Mandatory Findings of Significance.** The project will not result in significant environmental impacts, is of a limited scale and will not degrade the quality of the environment or result in significant biological or cultural impacts. No environmental impacts have been identified which would have direct or indirect adverse effects on human beings. There are no other known cumulative projects to which the proposed project would contribute to cumulative impacts.

Project No. SC10100
23 November 2011

OPAL CLIFFS WEST HOMEOWNERS ASSOCIATION
c/o REMI Company
1509 Seabright Avenue
Santa Cruz, California 95062

RECEIVED

MAR 09 2012

CITY OF CAPITOLA

Attention: David Guzman

Subject: Geotechnical Design Criteria

Reference: Blufftop Soil Pin Retaining Wall
Upcoast Parking Area Perimeter
4800 Opal Cliff Drive
APN 34-251-05
Capitola, California

Dear Mr. Guzman:

This letter outlines geotechnical design criteria for the design and construction of a soil pin type retaining wall to protect the upcoast perimeter of the blufftop parking area at 4800 Opal Cliff Drive in Capitola, California. The concrete slab on grade parking area provides off street parking for the adjacent Opal Cliffs West condominiums structure.

The coastal bluff at the referenced site is about 65 feet high and consists of about 23 feet of easily eroded, blufftop terrace deposits (silty and clayey sands, gravels and cobbles) overlying fractured and jointed siltstone/sandstone bedrock.

A blufftop, structural shotcrete compression-plate type retaining wall with tiebacks; and a blufftoe, concrete gravity type seawall were constructed at the project site in 1998 to preserve the configuration of the bluff and protect the blufftop parking area. The seawall extends up the blufftoe to about 21 feet NGVD29. The shotcrete compression plate retaining wall extends from the blufftop parking slab at about elevation 66 feet NGVD29 down to the base of the terrace deposits at about elevation 43 feet NGVD29.

The blufftoe at the adjacent upcoast parcel, 4790 Opal Cliff Drive, is protected from wave action erosion by a concrete gravity type seawall continuously constructed to the 4800 Opal Cliff Drive blufftoe seawall. The upper bluff face and blufftop at 4790 Opal Cliff Drive is not protected by a retaining wall.

Ongoing blufftop recession at the adjacent parcel is beginning to outflank the upcoast edge of the 4800 Opal Cliff Drive blufftop shotcrete wall and if not mitigated, will undermine the parking area and jeopardize the integrity of the bluff face retaining wall.

From an engineering perspective, an efficient method to preserve the upcoast perimeter of the blufftop parking area would be to install a soil pin retaining wall, inboard and adjacent to the upcoast parcel line. As the 4790 Opal Cliff Drive blufftop recedes, the 4800 Opal Cliff Drive blufftop shotcrete wall will need to be structurally connected to the seaward soil pin pier with the soil between the two retained by structural shotcrete. To facilitate an efficient structural connection between the shotcrete wall and the soil pin pier wall, the seaward most soil pin pier should be drilled immediately adjacent to the wall top curb of the bluff face retaining wall.

Geotechnical Design Criteria – Soil Pin Retaining Wall

To stabilize the upcoast perimeter of the blufftop parking area, we recommend a soil pin wall be constructed; see the Proposed Soil Pin Wall Location Color Plate attached to this letter report. A soil pin wall consists of a single line of drilled, cast-in-place piers forming a continuous retaining structure through the principle of soil arching. Soil arching allows restraint of the active earth forces tending to promote movement of the soil material between the piers.

The soil pin wall at the project site will consist of closely spaced piers drilled through the parking slab and structurally connected to one another with a concrete grade beam. Tieback anchors would be installed at the tops of the piers to provide additional lateral resistance as the upcoast side yard bluff face becomes exposed. The grade beam connecting the tops of the piers also acts as a wale beam to transmit lateral pier loading to the tieback anchors.

The soil pin wall will be initially constructed as a buried structure. As the ongoing recession of the unprotected 4790 Opal Cliff Drive bluff face above the seawall continues, soils between the soil pin piers will be become exposed. The exposed soils will be subject to the effects of long term weathering and seasonal saturation. If left unprotected, the exposed soils will deteriorate and/or erode over time thereby eliminating the soil arching between the piers. To protect the exposed soils and maintain the integrity of the soil arching system, it will be necessary to apply a structural shotcrete section between the soil pins as the soil is exposed.

The soil pins piers, grade/wale beam and future shotcrete placed during wall maintenance should be colored so as to mimic the appearance of the adjacent natural bluff.

Typically soil pin piers are 2 to 3 feet in diameter. On-center pier spacing is based upon the internal angle of friction (Φ) of the retained soil for cohesionless soils and unconfined compressive strength of cohesive soils. To determine on-center pier spacing, we utilized methods outlined in the 2000 Caltrans Trenching and Shoring Manual and Standard Penetration Testing data from subsurface explorations at 4760 and 4840 Opal Cliff Drive. An average N-Value of 10 blows per foot correlating to a phi angle (Φ) of 30° was measured with the top 10 feet of the terrace deposits at the two nearby sites. We recommend the soil pin wall be constructed of drilled piers at a spacing of two and four-tenths (2.4) pier diameters on-center spacing or less.

Soil pin piers at the project site should be embedded deep enough below the blufftop terrace deposits to provide vertical bearing capacity while accommodating recession of the 20+ vertical feet of fractured bedrock situated above the top of the upcoast neighbor's bluff toe seawall.

A monitoring and maintenance plan should be implemented to conduct regular inspections of the bluff face below the soil pin wall for evidence of exposure of the soil pins piers; and placement as necessary of reinforced shotcrete between and structurally attached to the soil pin piers on each side of the exposed soil bays.

The oversteepened bluff at 4790 Opal Cliff Drive will continue to recede landward. The slope below the proposed soil pin wall will fail over time at a rate dependent upon the frequency of seismic shaking and severity of winter storms. Due to the uncertainty in erosion rate estimation, we recommend the soil pin wall system and adjacent bluff face should be inspected after long duration winter storms, severe seismic shaking and at least once every 2 years by a licensed engineer experienced in coastal erosion processes or an engineering geologist of similar experience to monitor the status of the soil pin wall and recommend maintenance if needed. Rock climbing gear and the knowledge to use it safely will also be required of the inspecting engineer or geologist.

Drilled Piers

Soil pin piers should be placed at 2.4 pier diameters on-center spacing or less. All pier excavations should be observed by the soils engineer prior to placement of steel and concrete. Pier diameter is to be determined by the project civil engineer. Pier drilling sequence and method of pier drilling, either hand dug or limited access drill rig, is to be determined by the project contractor.

The soil pin wall should be designed to accommodate up to 23 vertical feet of active pressure, a seismic surcharge, and loss of fracture bedrock above the top of the adjacent bluff toe seawall. At least five soils pins of 2 feet in diameter or four soils pins of 2.5 feet in diameter should be initially installed for a minimum alignment of about 18 feet as measured from the upcoast edge of the bluff face shotcrete wall. Overtime additional piers and grade beam may need to be added at the inboard end of the soil

pin wall if the adjacent blufftop is allowed to recede to its estimated long term angle of repose of about 34° or roughly 1.5:1(H:V).

The soil pin pier retaining wall system should be designed for an active earth pressure of 35 pcf-efw acting on 2.4 pier diameters extending from the blufftop parking slab at about elevation 66 feet NGVD29, for a total of 23 feet, down to the base of the terrace deposits at about elevation 43 feet NGVD29.

The blufftop retaining wall system wall should be designed to include a seismic surcharge equivalent to 12 H/ft acting at 0.6 H where H is the height of the active zone.

For design of the piers, a neutral zone with neither an active or passive pressure shall be incorporated into the drilled pier design to accommodate the ongoing recession of the fracture bedrock below the terrace deposits as follows:

Drilled Pier Embedment Depths

Distance of Center of Soil Pin Pier from Bluff Face Shotcrete Wall	Top Zone of Bedrock Neglected Due to Ongoing Recession of Fractured Bedrock	Minimum Pier Embedment into Sandstone Bedrock
0 to 5 feet	6 feet	12 feet
>5 to 10 feet	5 feet	11 feet
>10 to 15 feet	4 feet	10 feet
>15 feet	3 feet	9 feet

Below the neutral zone, a passive earth pressure of 600 pcf-efw acting on 2.4 pier diameters may be used for pier design. At an embedment of at least 6 feet into the sandstone bedrock below the neutral zone an allowable vertical bearing capacity of 10 ksf plus a one third increase for short duration loading may be used for design of the drilled piers.

Geotechnical Design Criteria – Tieback Soil Anchors

To provide lateral restraint for project site blufftop soil pin wall, we recommend small diameter (6 to 8 inches), post-grouted, tieback soil anchors be used. Tieback tendons may consist of steel bar or strand. Three post-grouting phases are considered a practical limit.

For design of the tieback anchors, the unbonded zone or free stressing length should be at least 15 feet long as measured from the face of the retaining wall with the angle of tieback inclination ranging from 10° to 20° from level.

Tieback loading is dependent upon anchor tendon strength. The small diameter anchor shafts should be designed for tension in the direction of the axis of the anchor.

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Minimum spacing of 4 feet or greater between grouted anchors is recommended unless special provisions are implemented such as staggering of bonded zones and simultaneous testing of adjacent anchors

The design bonded zone length should be a minimum of 20 feet. A working shaft bond friction of 2,160 psf (Factor of Safety = 2) may be used for preliminary design of the post grouted tieback anchors.

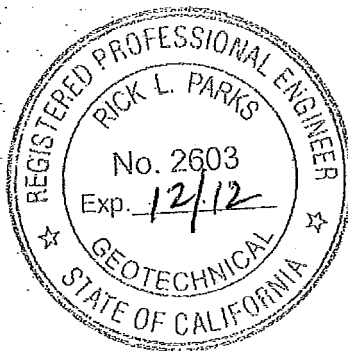
The maximum bond strength/design load should not exceed 100,000 pounds. The maximum test load should not exceed 133,000 pounds.

Tieback assemblies should be observed by the geotechnical engineer prior to placement into the drilled tieback holes to confirm corrosion protection measures and measure length.

All tiebacks should permanently stressed to at least 60 percent of their design load including seismic surcharge or as directed by the project structural engineer. In addition, all tiebacks must be tested by the contractor per methodology outlined in the current edition of the Post Tensioning Institute – Recommendations for Prestressed Rock and Soil Anchors in the presence of the geotechnical engineer. Any tiebacks that fail during testing must be replaced and re-tested by the contractor.

All tieback anchor systems must be corrosion protected and reviewed by the project structural engineer and the project geotechnical engineer before the contractor purchases and installs them.

If you have any questions concerning this letter, please call our office.



Respectfully Submitted,

HARO, KASUNICH AND ASSOCIATES, INC

A handwritten signature in black ink, appearing to read "Rick L. Parks", written over a horizontal line.

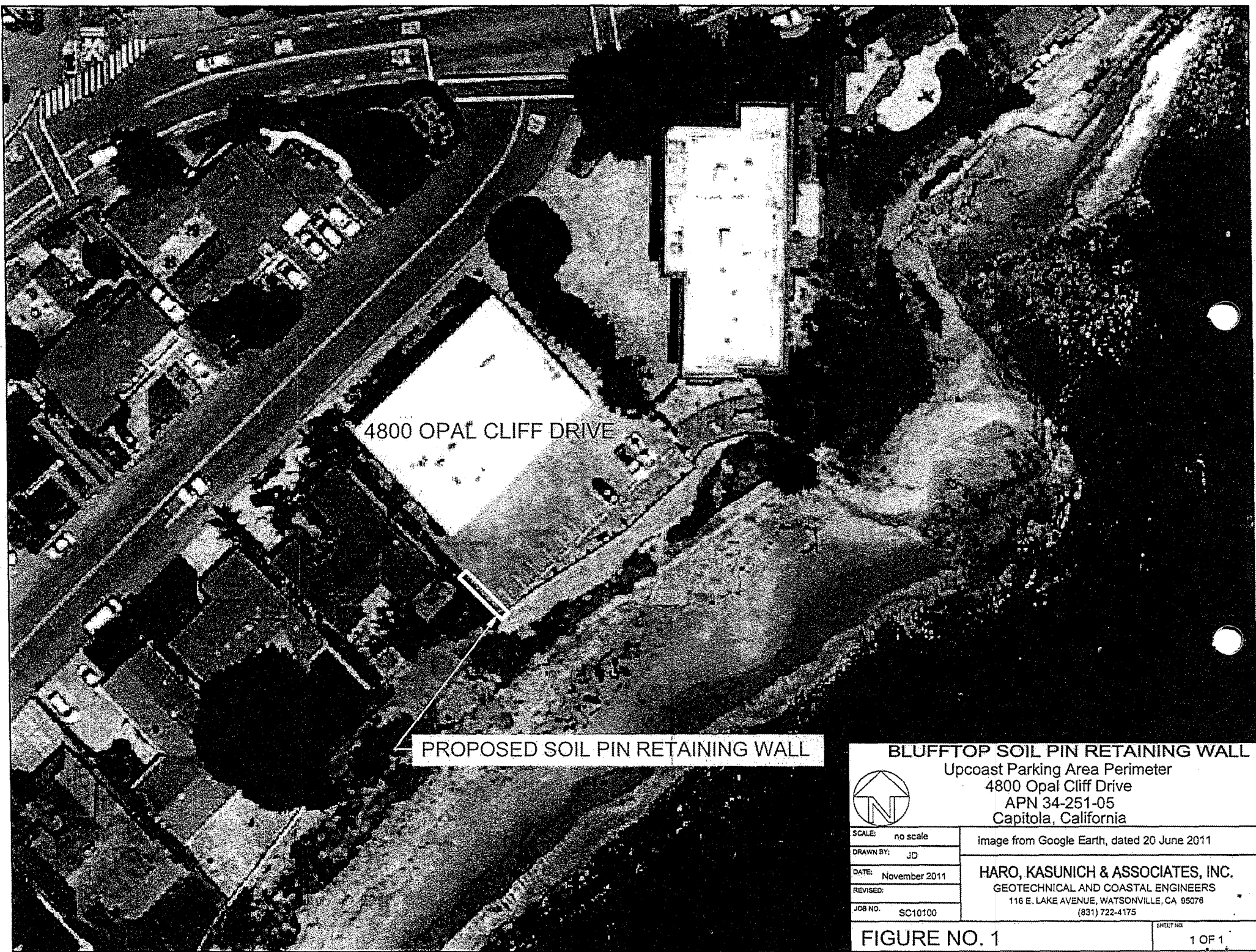
Rick L. Parks, GE 2603
Senior Geotechnical and Coastal Engineer

RLP/dk

Attachments: Proposed Soil Pin Wall Location Color Plate

Copies: 3 to REMI Company

1 to Soil Engineering Construction, Attention: George Drew, PE



4800 OPAL CLIFF DRIVE

PROPOSED SOIL PIN RETAINING WALL

BLUFFTOP SOIL PIN RETAINING WALL

Upcoast Parking Area Perimeter
4800 Opal Cliff Drive
APN 34-251-05
Capitola, California



SCALE: no scale

image from Google Earth, dated 20 June 2011

DRAWN BY: JD

DATE: November 2011

HARO, KASUNICH & ASSOCIATES, INC.
GEOTECHNICAL AND COASTAL ENGINEERS
116 E. LAKE AVENUE, WATSONVILLE, CA 95076
(831) 722-4175

REVISED:
JOB NO. SC10100

FIGURE NO. 1

1 OF 1

Project No. SC10100
15 February 2012OPAL CLIFFS WEST HOMEOWNERS ASSOCIATION
c/o REMI Company
1509 Seabright Avenue
Santa Cruz, California 95062

Attention: David Guzman

Subject: Geotechnical Plan Review

Reference: Blufftop Soil Pin Retaining Wall
Upcoast Parking Area Perimeter
4800 Opal Cliff Drive
APN 34-251-05
Capitola, California**RECEIVED**

MAR 09 2012

CITY OF CAPITOLA

Dear Mr. Guzman:

This letter outlines our review of the geotechnical aspects of the project plans for the proposed construction of a soil pin type retaining wall needed to protect the upcoast perimeter of the blufftop parking area at 4800 Opal Cliff Drive in Capitola, California.

The concrete slab on grade parking area provides off street parking for the adjacent Opal Cliffs West condominiums structure. An existing gravity type seawall is situated at the base of the bluff of the project parcel. A structural shotcrete compression plate type retaining wall with tiebacks has been installed at the project parcel to contain the blufftop terrace deposits. The blufftop at the adjacent upcoast parcel is not retained and is actively receding. The existing blufftop retaining wall at 4800 Opal Cliff Drive will be outflanked by the adjacent blufftop recession and the integrity of the tieback anchors will be compromised unless the outflanking is mitigated. To maintain the project site blufftop wall and to protect the parking area from undermining, we have recommended a soil pin retaining wall be installed as soon as possible.

Our Limited Geotechnical Investigation for the proposed project is dated 23 November 2011.

The project civil and structural engineering plans, Soil Pin Slope Stabilization System & Slope Repair, were been prepared by Soil Engineering Construction, Inc.

Specifically we reviewed the following plan sheets:

Opal Cliffs West Homeowners Association
Project No. SC10100
4800 Opal Cliff Drive
15 February 2012
Page 2

- a. Sheet 1 – Vicinity Map, Project Ariel Photo and Contacts dated 12 December 2011;
- b. Sheet 2 – Site Plan w/Existing Conditions and Proposed Work and Erosion Control Plan dated 12 December 2011;
- c. Sheet 3 – Soil Pin Retaining Wall – Sections, Details and Notes; dated 12 December 2011; and
- d. Sheet 4 – Bluff Profile Section A-A', Tables and Notes dated 12 December 2011.

The geotechnical aspects of the outlined plan sheets have been prepared in general conformance with our recommendations.

Initially the soil pin wall system will be buried. As the adjacent bluff recedes, the soil bays between the piers will become exposed. The exposed soils will be subject to the effects of long term weathering and seasonal saturation. If left unprotected, the exposed soils will deteriorate and/or erode over time thereby eliminating the soil arching between the piers. To protect the exposed soils and maintain the integrity of the soil arching system, it will be necessary to apply a structural shotcrete section between the soil pins as the soil is exposed.

Haro Kasunich & Associates has reviewed only the geotechnical aspects of these plans. We are not the Civil or Structural Engineers of Record for this project. We provide no warranties, either expressed or implied, concerning the dimensions or accuracy of the plans and analysis.

If you have any questions concerning this letter, please call our office.



Respectfully Submitted,

HARO, KASUNICH AND ASSOCIATES, INC.

A handwritten signature in black ink that reads "Rick L. Parks".

Rick L. Parks, GE 2603
Senior Geotechnical and Coastal Engineer

RLP/dk

Copies: 3 to REMI Company
1 to Soil Engineering Construction, Attention: George Drew, PE

REC'D JUN 15 2011

Project No. SC10100
13 June 2011OPAL CLIFFS WEST HOMEOWNERS ASSOCIATION
c/o REMI Company
1509 Seabright Avenue
Santa Cruz, California 95062**RECEIVED**

MAR 09 2012

CITY OF CAPITOLA

Attention: David Guzman

Subject: Maintenance Monitoring

Reference: Blufftop Retaining Wall and Seawall
4800 Opal Cliff Drive
APN 34-251-05
Capitola, California

Dear Mr. Guzman:

This letter outlines our visits to 4800 Opal Cliff Drive in Capitola, California to observe the blufftop retaining wall and the blufftop seawall to monitor their condition with regard to maintenance.

Initially we were onsite 16 March 2011 to rappel down the bluff face to examine the condition of blufftop shotcrete wall and the blufftop concrete gravity seawall. On 24 and 26 March 2011, Capitola received about 7 inches of rainfall causing many blufftop slope failures in the area. We returned to the referenced site on 15 April 2011 to update our bluff observations after the late March storm, specifically to record the recent blufftop slump sliding on the upcoast adjacent parcel at 4790 Opal Cliff Drive.

The coastal bluff at the referenced site is about 65 feet high and consists of about 25 feet of easily eroded, blufftop terrace deposits (silty and clayey sands, gravels and cobbles) overlying fractured and jointed siltstone/sandstone bedrock. Prior to the construction of the seawall the bedrock blufftop was subject to wave action and erosion. A blufftop, shotcrete retaining wall and blufftop concrete gravity seawall were constructed in the late -1990's to preserve the configuration of the bluff and protect the blufftop parking area. The blufftop and blufftop structures are separated by about 25 feet of fractured bedrock.

The primary monitoring considerations for the blufftop structural compression plate type retaining wall with tiebacks are: undermining of the wall base due to loss of the fractured bedrock leading to the exposure of the retained terrace or

Opal Cliff West Homeowners Association
REMI Company
Project No. SC10100
4800 Opal Cliff Drive
13 June 2011
Page 2

soil deposits; and outflanking of the upcoast perimeter of the blufftop wall due to the ongoing recession of the adjacent bluff face.

For the seawall at the reference site, the primary monitoring consideration is the undermining of the seaward toe.

Our observed conditions of the 4800 Opal Cliff Drive blufftop retaining wall and blufftop seawall as well as the 4790 Opal Cliff Drive blufftop are chronicled in the attached color plates:

Figure 1/5 – Downcoast View;
Figure 2/5 – Property Line View;
Figure 3/5 – Blufftop Wall – Upcoast Edge;
Figure 4/5 – Blufftop Wall Base – Overspray Shelling; and
Figure 5/5 – Recent Blufftop Failure – 4790 Opal Cliff Drive.

The upcoast end of the blufftop retaining wall extends a few feet onto the adjacent parcel bluff face. The exposed end of the wall at the time of our site visit consisted of shotcrete overspray used to feather the end of the wall to the adjacent bluff configuration; not the reinforced, structural section of the tied back retaining wall. A previous wall base repair area extending a few feet across the property line to repair a bedrock block failure area can also be seen on Figure 2. In several areas along the base of the wall we noted shelling or cracking of the non-structural shotcrete overspray along the base of the shotcrete wall. Shelling results from weathering processes acting on both the thin concrete section and adjacent weakly cemented sandstone bedrock.

At the time of our site visits, 16 March and 15 April 2011, the sand level along the face of the seawall was at about +6 feet NGVD with no exposure of the seawall toe or bedrock beach platform. The ends of the seawall are continuously joined to similar gravity walls with no apparent differential erosion at the exposed wall junctions.

Based on our site observations, no immediate maintenance and repair of either the blufftop wall or the seawall is needed at this time.

The blufftop at the adjacent upcoast parcel, 4790 Opal Cliff Drive is not protected by a retaining wall and is receding. The upcoast portion of the neighboring blufftop has experienced more recession than the portion of the blufftop adjacent the 4800 Opal Cliff Drive blufftop retaining wall as shown by comparing Figures 1 and 5. The upcoast end of the 4800 Opal Cliff Drive blufftop wall should be monitored in the future for exposure of the reinforced structural section of the retaining wall at which time the blufftop wall needs to be extended inland along

the property line as recession of the neighboring parcel allows. The base of the blufftop wall should be monitored in the future for loss of fractured bedrock and exposure of the blufftop terrace or soil deposits.

From an engineering perspective, the following methods would be suitable to protect the upcoast end of the blufftop retaining wall and the parking area as the adjacent parcel recedes:

1. Extend the 4800 Opal Cliff Drive blufftop wall onto the upcoast adjacent parcel, moving the ongoing, wall end condition problem area onto the neighboring parcel. This option could be pursued at the California Coastal Commission – Santa Cruz office. It may be difficult to permit a blufftop wall extending all the way across the unprotected upcoast parcel as the existing residence is not in imminent danger. A wall partially across the 4790 Opal Cliff Drive blufftop would help protect the 4800 Opal Cliff Drive blufftop wall and parking area but may not be of much interest to the homeowner due to the limited benefit;
2. Extending the blufftop shotcrete compression plate retaining wall with tiebacks inland along parcel line as upcoast parcel recedes. This work could only be accomplished in short segments; installing reinforcement, shotcrete and tiebacks as side yard bluff face becomes exposed. We cannot cut into and destabilize the neighbors bluff face in order to protect the parking area. This piecemeal manner of bluff repair mandates constant maintenance and immediate repairs in order to maintain the current configuration of the blufftop parking area. If an area of the parking area is lost prior to repairs, the lost area cannot be regained per current California Coastal Commission policy;
3. Installation of a soil pin retaining wall and grade beam system inboard and adjacent the upcoast parcel line. Soil pin retaining walls consist of a single line of drilled, cast in place piers forming a retaining structure through the principal of soil arching. Initially the soil pin wall would consist of closely spaced drilled piers, (for example 2 feet diameter piers on 5 feet on center spacing), drilled through the parking slab with a concrete grade beam/wale beam connecting the tops of the piers. A soil pin wall is initially constructed as a buried structure. As the ongoing recession of the unprotected 4790 Opal Cliff Drive bluff face continues, soils between the soil pin piers will be become exposed and must be protected from the elements for soil arching to remain effective. Reinforced shotcrete should then be placed as necessary between and structurally attached to the soil pin piers on each side of the exposed soil bays. The soil pins piers, grade/wale beam and future shotcrete placed during wall maintenance should be colored so as to mimic the appearance of the adjacent natural bluff. The wale beam also facilitates the installation of tieback anchors for lateral resistance as the side yard bluff face becomes exposed. We recommend George Drew, PE of Soil Engineering Construction, Inc, design/builders of the reference site blufftop

Opal Cliff West Homeowners Association
REMI Company
Project No. SC10100
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13 June 2011
Page 4

retaining wall, be contacted at 650-367-9595 to discuss costs and construction feasibility to install a soil pin wall along the upcoast parcel line.

During our 16 March 2011 site visit, we also noted cracking of the blufftop parking area slab on grade and evidence of ponded water. The cracking noted was primarily in the center where traffic is most frequent. This is very little fall or elevation difference between the parking slab and the street reducing site drainage efficiently. The cracking of the concrete may be due to lack of reinforcement or soft/weak subgrade soils. The cracks allow ponded water to saturate the subgrade soils promoting additional cracking. We recommend a licensed concrete contractor observe the slab and make recommendations for repair or replacement.

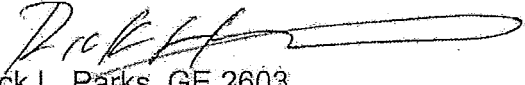
If you have any questions concerning this letter, please call our office.



RLP/dk

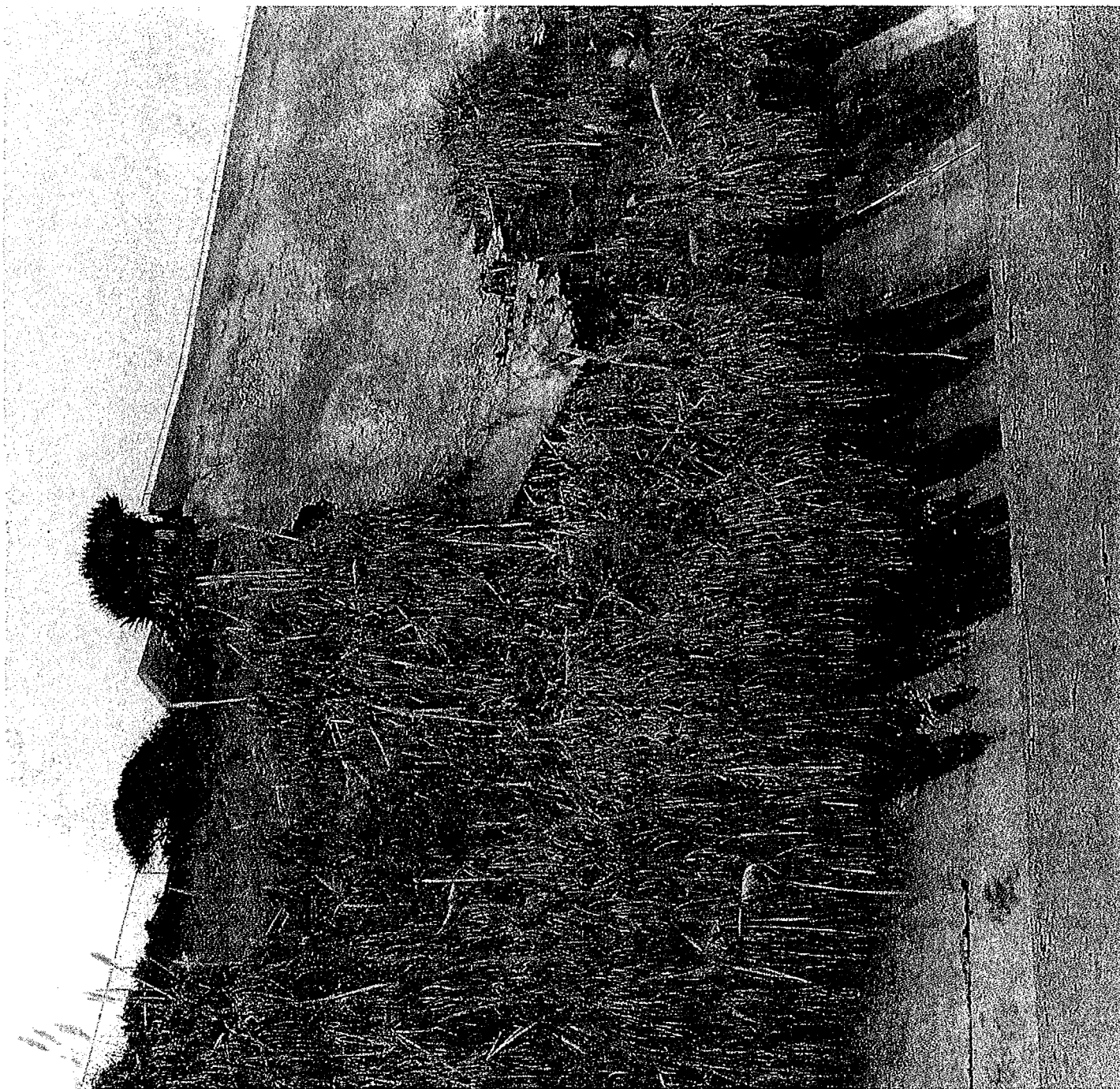
Respectfully Submitted,

HARO, KASUNICH AND ASSOCIATES, INC


Rick L. Parks, GE 2603
Senior Geotechnical and Coastal Engineer

Attachments: Five Color Plates

Copies: 3 to REMI Company



Downcoast View



3/16/11

Property Line View

HKA SC10100 - 2/5



HKA SC10100 - 3/5

Blufftop Wall - Upcoast Edge

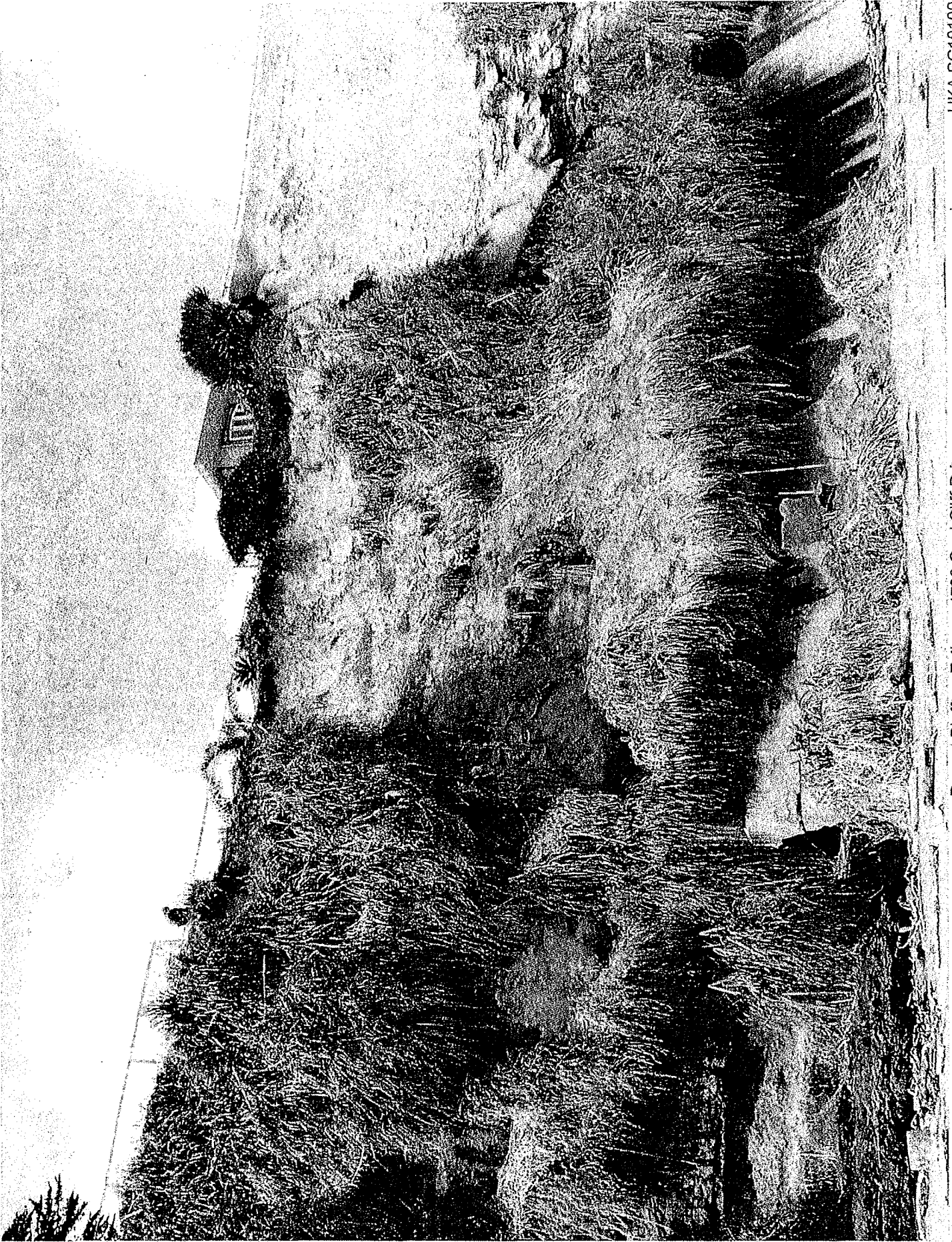
3/16/11



3/16/11

Blufftop Wall Base - Overspray Shelling

HKA SC10100 - 4/5



4/15/11

Recent Blufftop Failure - 4790 Opal Cliff Drive

HKA SC10100 - 5/5



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JULY 5, 2012

SUBJECT: **410 BAY AVENUE #12-052 APN: 036-062-35**
Coastal Permit and Tentative Map for a two-lot subdivision in the RM-M (Multiple-Family Residence – Medium Density) Zoning District. This project requires a Coastal Permit which is not appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Categorical Exemption
Property Owner: Lori Rast, filed: 4/18/12

APPLICANT'S PROPOSAL

The applicant is requesting to subdivide a 12,191 square foot lot into two residential lots in the RM-M (Multiple-Family Residence – Medium Density) Zoning District at 410 Bay Avenue. The existing parcel is currently vacant, but previously contained a single-family residence. The proposed subdivision is consistent with the General Plan, Zoning Ordinance and the Local Coastal Plan.

DISCUSSION

The existing 12,191 square foot lot lies to the north of Bay Avenue between Rosedale and Capitola Avenues. The triangular shaped parcel is relatively flat with 120' of frontage along Bay Avenue. The proposed subdivision will create new 5,518 square foot lot (Parcel A) fronting Bay Avenue, and a 6,673 square foot flag lot (Parcel B) with a driveway that gains access from Bay Avenue.

Development Standards

Pursuant to the RM development standards, the minimum lot area is to be 5,000 square feet, with a minimum lot width of fifty feet and a minimum lot depth of one hundred feet. Both proposed parcels meet the minimum lot size. In regards to the lot dimensions, the odd triangular shape of the existing lot makes it difficult to carve out standard 50'x100' parcels. Based on averaging the lot lengths and widths, staff has determined that the subdivision meets the intent of the lot dimension requirements.

Subdivision Design Standards

Per Section 16.24 of the local Subdivision Ordinance, the subdivision meets the following applicable lot designs standards:

1. The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision.

2. The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or radial or approximately radial if the street is curved.
3. The Planning Commission may require that building set back lines be indicated by dotted lines on the subdivision map.
4. No lot shall be divided by a city boundary line.
5. Lots without frontage on a dedicated public street of twenty feet or more will not be permitted.
6. In riparian corridors no lots may be created which do not contain adequate building area outside the riparian or stream setback.

Future Development Potential

The RM-M zoning designation principally permits multiple-family and single-family residential units. There are a number of uses that would require approval of a Conditional Use Permit (Attachment B). Based on the proposed lot configurations, it is likely that single-family homes would be the most appropriate type of development for the subdivision. Though it should be noted that based on Parcel B (6,673 square feet) lot size that it could accommodate up to two units. Assuming that the lots are developed as single-family homes, the R-1 development standards would apply. The building set back lines indicated on the Tentative Map represent the minimum first floor setbacks pursuant to the R-1 standards. If and when an application to develop the site is received by the City, approval of the project would come before the Planning Commission at that time.

RECOMMENDATION

Staff recommends the Planning Commission **approve** application #12-052, subject to the following conditions and based upon the following findings.

CONDITIONS

1. The project consists of the subdivision of a 12,191 square foot lot into two residential lots in the RM-M (Multiple-Family Residence – Medium Density) Zoning District at 410 Bay Avenue.
2. Prior to the recordation of the parcel map, the applicant shall submit new legal descriptions for the two lots for review by the Community Development Department.
3. The subdivider shall comply with all of the provisions of the approved Tentative Map and all pertinent provisions of the Municipal Code.
4. All utility easements shall be provided on the parcel map in a configuration which meets the requirements of the utility companies and the Director of Public Works and/or City Engineer.
5. Prior to acceptance of the parcel map, the Developer shall contact the Capitola U.S. Postmaster to locate in the subdivision placement of “Neighborhood Delivery and Collection Boxes (NDCBU’s). Any required easements shall be dedicated and shown on the parcel map within a public utility easement, as approved by City Staff and the Postmaster.
6. Prior to the recordation of the parcel map, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS**A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Department Staff and the Planning Commission have reviewed the project. The subdivision, together with the provisions for its design and improvement, is consistent with the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

B. The application is consistent with the Subdivision Map Act and local Subdivision Ordinance.

The subdivision was designed in accordance with the Subdivision Map Act and local ordinances enacted pursuant thereto. Per the Subdivision Map Act, the proposed map is consistent with the General Plan and Local Coastal Plan, is physically suited for the proposed type and density of development, will not likely cause substantial environmental damage, or substantially and avoidably injure fish, wildlife or their habitats, will not cause serious public health problems, and will not conflict with public easements for access through, or use of, property within the proposed subdivision.

C. This project is categorically exempt under Section 15315 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15315 of the CEQA Guidelines exempts minor land divisions in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning.

ATTACHMENTS

- A. Tentative Map
- B. RM Zoning District Conditional Uses
- C. Coastal Permit Findings

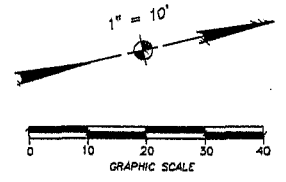
**Report Prepared By: Ryan Bane
Senior Planner**

RECEIVED

CITY OF CAPITOLA

SITE
No. 410 BAY AVE.

VICINITY MAP
N.T.S.



BAY AVENUE
of 1/2 AC

PARCEL A
AREA = 5,816 S.F.

PARCEL B
AREA = 6,873 S.F. GROSS
LESS FLAG PORTION = 824 S.F.
AREA = 6,049 S.F. NET

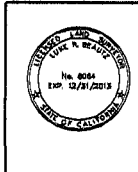
LOT 4 79 - M - 44

- LEGEND**
- Indicates survey monument found as noted hereon.
 - Indicates nothing found or set.
 - Indicates spot elevation of existing ground.
 - Indicates existing property line.
 - - - Indicates proposed property line.
 - - - Indicates proposed setback line.
 - FYSB Front yard setback
 - RYSB Rear yard setback
 - SYSB Side yard setback

ELEVATION BENCH MARK
IS SANTA CRUZ COUNTY BENCH MARK No. 65A, A BRASS CAP IN THE TOP
OF THE CONCRETE CURB AT THE SOUTHEAST CORNER OF THE INTERSECTION
OF BAY AVENUE WITH CAPITOLA AVENUE.
ELEVATION = 49.78' NGVD 29

SETBACK CALCULATIONS

<p>PARCEL A: WIDTH OF LOT AT FRONT = 98.88' WIDTH OF LOT AT REAR = 71.72' AVERAGE WIDTH = 84.30' SIDE YARD SETBACK = 0.10 x 84.30' = 8.43' MAX. SIDE YARD SETBACK PER ZONING CODE = 7' THEREFORE USE 7' SIDE YARD SETBACK DEPTH OF LOT = 62.00' REAR YARD SETBACK = 0.20 x 62.00' = 12.40'</p>	<p>PARCEL B: WIDTH OF LOT AT FRONT = 71.72' x 12' = 83.72' WIDTH OF LOT AT REAR = 0.00' AVERAGE WIDTH = 41.86' SIDE YARD SETBACK = 0.10 x 41.86' = 4.19'</p>
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TENTATIVE MAP
 SHOWING A PROPOSED 2 PARCEL MINOR LAND
 DIVISION OF LANDS DESCRIBED IN THE DEED TO
JOHN MACGREGOR
 PREPARED BY
 BY RECORDER'S DOCUMENT No. 2012-0013595
 WITHIN THE CITY OF CAPITOLA
 SANTA CRUZ COUNTY, CALIFORNIA
 SCALE: 1" = 10' JUNE 2012
 BY: LUKE R. BEAUTZ, C.E., L.S.
 A.P.N. 036-062-35 SHEET 1 OF 1

17.18.060 Conditional use permits.

The following are conditional uses in an R-M district and, with the exception of large family day care homes, are subject to the securing of a use permit as provided in Chapter 17.60. Large family day care homes are subject to the securing of a use permit as provided in Section 17.15.060(F):

A. Private schools which offer instruction in several branches of learning and study required to be taught in the public schools by the Educational Code of the state of California, exclusive of vocational and trade subjects; nursery schools; day care centers and private, nonprofit recreation areas. The total number of occupants shall be established by the conditional use permit;

B. Churches and religious institutions;

C. Lodging facilities;

D. Convalescent hospitals, nursing homes;

E. Large family day care homes subject to the securing of a permit as provided in Section 17.15.060(F), large community care residential facilities (subject to the special conditions in Section 17.15.060(G));

F. Children's nursery schools;

G. Social halls;

H. Mobile home parks subject to the following special conditions, in addition to those standards specified in Chapter 17.60:

1. The application fee for conditional use permit for a mobile home park may be determined by resolution of the city council.

2. The application for a use permit shall be accompanied by a map of the property to be developed at a scale of one inch equals one hundred feet, or similar appropriate scale, and showing and giving the following information and data:

a. Name and address of applicant,

b. Graphic scale, north point and date,

c. A line circumscribed three hundred feet beyond the outermost boundaries of the parcel in question,

d. Property lines, area and assessment number of all parcels of land which lie within this area,

e. Public rights-of-way and public or private easements that lie within this area,

f. To this map shall be attached a list of the names and addresses of the property owners whose property, or any part or portion thereof, lies within this area, such names and addresses to be keyed to the parcel assessment numbers shown on this map.

3. A public hearing shall be held by the planning commission with notification made as specified in Section 17.60.070, and in addition, a postal card notice shall be mailed no less than ten days prior to the date of such hearing to the owner or owners of all property, or portions thereof, within a radius of three hundred feet of the outermost boundaries of the parcel in question as above described. Such notices shall consist of the words "NOTICE OF PUBLIC HEARING ON APPLICATION FOR USE PERMIT TO ESTABLISH A MOBILE HOME PARK" and shall set forth the description of the property to be so developed, with the name of the applicant and the time and place of the hearing before the planning commission. Upon completion shall submit its recommendation to the city council that the use permit be granted or denied;

I. Reserved;

J. Reserved;

K. Any activity which includes any significant alteration of an historic feature;

L. Bed and breakfasts, subject to Section 17.03.085 requirements.

M. "Transient rental use," as defined in Section 17.03.686, on properties located within the TRO transient rental use overlay district, subject to the standard conditions set forth in Chapter 17.19 of this code and any additional conditions as determined by the planning commission:

1. The maximum number of persons that may occupy the unit shall be determined by the planning commission and may not be exceeded.

2. Providing adequate parking (as determined by the planning commission), whether on site or by Pacific Cove parking permit.

3. The conditional use permit holder must designate a person who has authority to control the property and represent the landlord. This "responsible person" must be available at all reasonable times to receive and act on complaints about the activities of the tenants.

4. A business license and transient occupancy tax registration are obtained.

5. Only one sign per unit, not to exceed one square foot in size, shall be permitted to advertise the transient rental.

N. Large community care residential facilities, subject to the special conditions in Section 17.15.060(G). (Ord. 882 § 1 (part), 2005; Ord. 878 § 3, 2004; Ord. 873 § 4, 2004; Ord. 708 § 2 (part), 1991; Ord. 696 § 2 (part), 1990; Ord. 608 § 6, 1986; Ord. 553 (part), 1983; Ord. 515 § 5 (part), 1982; Ord. 421 (part), 1977; Ord. 388 § 6.06, 1975)

**PROJECT APPLICATION #12-052
410 BAY AVENUE, CAPITOLA
TWO LOT SUBDIVISION**

COASTAL FINDINGS

D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.

(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;

- The project will not directly affect public access and coastal recreation areas as it involves the subdivision of a privately owned residential property with no intensification or build out and no public trail or beach access.

(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize

or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;

- The project is located in a developed neighborhood with no beach access. The approval of the minor land division will not affect the shoreline.

(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);

- The privately owned site has historically been used as private residence. There is no evidence of use of the site by members of the public for coastal access.

(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The project is located in a developed neighborhood with no beach access. Beach access to the public will not be affected by the project, nor will the development block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The project is located in a developed neighborhood with no beach access, and not in the vicinity of a public recreation area. The minor land division does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas.

(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;

b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;

c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.

- The project is not requesting a Public Access Exception, therefore these findings do not apply

(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:

a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;

b. Topographic constraints of the development site;

c. Recreational needs of the public;

d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;

e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;

f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.

- No Management Plan is required; therefore these findings do not apply

(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);

- No legal documents to ensure public access rights are required for the proposed project

(D) (6) Project complies with visitor-serving and recreational use policies;

SEC. 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

- The project involves the minor land division of an existing residential use. No new use or change in use is proposed.

SEC. 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

- The project involves the minor land division of an existing residential use. No new use or change in use is proposed.

SEC. 30250

c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

- The project involves the minor land division of an existing residential use. No new use or change in use is proposed.

(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;

- The project involves the minor land division of an existing residential use with no proposed new use at this time. There are no requirements for alternate means of transportation or traffic improvements as part of the minor land division.

(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;

- The project was reviewed by the Architectural and Site Review Committee and complies with the design guidelines and standards for the VS/R-1 zoning district, as well as the recommendations provided by the Committee.

(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;

- No public landmarks or public views to and along the shoreline are affected by the project.

(D) (10) Demonstrated availability and adequacy of water and sewer services;

- The minor land division does not include any additional units at this time, and therefore

does not require new water or sewer services.

(D) (11) Provisions of minimum water flow rates and fire response times;

- The minor land division does not include any additional units, and therefore does not require new flow rates or fire response times.

(D) (12) Project complies with water and energy conservation standards;

- The project will be required to comply with water and energy conservation standards for the proposed landscaping and carport as part of the building plan check process.

(D) (13) Provision of park dedication, school impact, and other fees as may be required;

- The project will be required to pay appropriate fees prior to building permit issuance.

(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;

- The project does not involve a condo conversion or mobile homes.

(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;

- The minor land division does not impact natural resources, habitat, or archaeological resources.

(D) (16) Project complies with Monarch butterfly habitat protection policies;

- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;

- The project will comply with all applicable erosion control measures.

(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;

- The project is not located within a geologically unstable area or near a coastal bluff.

(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;

- The project is not located within a geologically unstable area nor flood plain, and fire hazard are accounted for and will be mitigated in the project design.

(D) (20) Project complies with shoreline structure policies;

- The project is not located along a shoreline.

(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;

- No uses are proposed at this time.

(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures.

(D) (23) Project complies with the Capitola parking permit program as follows:

- The project site is not located within the area of the Capitola parking permit program.



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JULY 5, 2012

SUBJECT: **4140-R CAPITOLA ROAD #12-063 APN: 034-111-49**
Conditional Use Permit to establish a yoga studio use in the CC (Community Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Cristina Properties, LLC, filed 5/4/12
Representative: CJ Popp & Jeanette LeHouillier

APPLICANT'S PROPOSAL

The applicant is requesting a Conditional Use Permit to operate a yoga studio within an existing commercial space (Wind & Sea Plaza) located at 4150 Capitola Road, in the CC (Community Commercial) Zoning District. The use will replace the existing office use (Farmer's Insurance) that currently occupies the space. The proposed use is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

DISCUSSION

The applicant is proposing to lease 1,440 square feet of commercial space to operate *Power Yoga Santa Cruz*. The yoga studio is proposing to offer approximately 30 classes per week in the early morning and early evening hours Monday through Sunday. They anticipate 8-12 students per class, with higher volumes in the evening classes. The proposed class schedule will be as follows:

- 6:00-7:00am
- 7:15-8:30am
- 4:30-6:00pm
- 6:30-8:00pm
- 8:00-9:30pm

In addition to yoga classes, they plan to have a retail boutique that provides yoga apparel, body and skin care products, books, training DVDs, music, yoga equipment, and miscellaneous bottled water, drinks and light snacks.

Extensive interior improvements are proposed within the existing tenant space, in addition to some exterior improvements in order to meet current Americans with Disabilities Act (ADA) accessibility requirements. As part of the remodel, the main entry is proposed to be moved to the north elevation facing Capitola Road. To meet ADA requirements, a new handicap space

and path of travel from the public way must be installed. The new handicap space will eliminate a parking space, as well as require changes to the new front entry, including concrete work to provide a new landing near the main entry and flatwork to meet minimum slope requirements. The new path of travel will be installed adjacent to the property line shared with the neighboring Chevron station. The four foot path will extend from the public sidewalk along Capitola Road to the area near the existing trash enclosure. Installation of the path will require the removal of existing landscaping, including several shrubs and a small eucalyptus tree.

Parking

The parking section of the Zoning Ordinance does not have a specific parking requirement for yoga or fitness club type uses. In order to analyze parking impacts, *RBF Consulting* was contracted to prepare a parking study (Attachment C). The study evaluates the proposed yoga class schedule and land use type, providing a comparison of parking requirements based upon Institute of *Transportation Engineers* (ITE) land uses and the City of Capitola Zoning Ordinance. The analysis also evaluates parking conditions during the transition time period between classes that will create overlapping parking demand.

Utilizing the various parking demand rates and standards, the study finds that an inadequate number of parking spaces are forecast to be available for the proposed project within the retail center based on the city requirement and industry standards. As such, an actual parking count was conducted to verify availability of parking spaces on the site during peak operating times of the yoga facility. The reason for the count is that with mixed tenants at strip malls, parking utilization is shared and has different peaks. Thus the net demand for parking is less than what typical requirements would indicate.

Parking occupancy counts were conducted to document the parking demand for the retail center, including the existing *Big 4 Sporting Goods, Beauty Salon, Foot Massage, Cosmo Proof, Farmer's Insurance* and *Sleepworld* businesses at the existing site. Parking occupancy was observed at 4:30pm and 8:00pm, the times representing the typical afternoon peak hour for the commercial retail land uses, as well as the peak parking demand time for the yoga use when an overlap in classes would occur. With a total of 93 parking spaces within the center, the parking counts revealed that 44 parking spaces (47% of the 93 spaces) were observed to be occupied at 4:30pm, and 23 parking spaces (25% of the 93 spaces available) were observed to be occupied at 8:00pm.

Based upon the applicant's project description, the yoga studio use will require a maximum of 26 parking spaces during a short time when two of the classes overlap at 8:00pm. (assuming a maximum attendance of 12 students and 2 staff members). Based on the weekday parking count, the property consists of 52 available parking spaces at 4:30pm and 70 available parking spaces at 8:00pm, thus the existing parking demand can sufficiently accommodate the 26 parking space demand of the proposed yoga studio use.

RECOMMENDATION

Staff recommends the Planning Commission approve application #12-063, subject to the following conditions and based upon the following findings:

CONDITIONS

1. The project approval consists of a Conditional Use Permit to operate a yoga studio within an existing commercial space (Wind & Sea Plaza) located at 4140-R Capitola Road.
2. Any significant modifications to the size or exterior appearance of the approved design must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Business hours will be limited to Monday through Friday, 6:00 a.m. – 10:00 p.m.
5. The applicant shall obtain approval for a Sign Permit through the Community Development Department.
6. The applicant shall obtain a business license prior to operating the business.
7. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.

Planning Staff and the Planning Commission have reviewed the application and determined that the proposed business is an allowable use in the CC Zoning District and, for reasons indicated in the Staff Report, will meet the requirements of the Zoning District. Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance and General Plan.

B. The application will maintain the character and integrity of the neighborhood.

Planning Department Staff and the Planning Commission have reviewed the project and determined that the use and modifications to the building conform with the applicable provisions of the Zoning Ordinance and therefore maintain the character and integrity of this area of the City. Conditions of approval have been included to carry out these objectives.

C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

The proposed project involves a yoga studio use occupying an existing commercial space formerly occupied by an office business. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

ATTACHMENTS

- A. Project Description
- B. Project Plans
- C. Power Yoga Studio Parking Study prepared by RBF Consulting

**Report Prepared By: Ryan Bane
Senior Planner**

POWER YOGA SANTA CRUZ

Brief
April 2012

1.0 Company Summary

Power Yoga Santa Cruz (PYSC) intends to provide yoga classes based on power yoga methodology and principles in a contemporary environment with a Zen like feel creating a soothing and relaxing place for people to gather and practice. Power yoga is more vigorous and fitness-based than traditional yoga and has been in vogue since the mid-1990s. The common trait is that power yoga emphasizes flexibility and strength in a consistently warm environment. Currently, Santa Cruz and the surrounding area have numerous yoga studios that offer many types of yoga including Ashtanga, Iyengar, Bikram, Vinyasa Flow, Kundalini and many others. However, true Power Yoga is not currently being offered anywhere in our area making our business truly unique. PYSC will teach a style of Power Yoga that is spiritually inspiring, physically challenging yet accessible to all, and grounded in a deep knowledge of optimal body alignment in the poses. Instructors encourage students to listen to their body, respect its wisdom, and to progress at their own pace. Deep relaxation is taught in each class after completion of the postures.

We will offer approximately 30 classes per week in the early morning and early evening hours. In addition, our Yoga Center will feature well-trained, professional instructors, progressive teaching methods, and a non-competitive and encouraging atmosphere in a beautiful light-filled facility. PYSC will also have a boutique that will sell yoga clothing, yoga training aides, books, and refreshments such as energy drinks, water, nutrition bars, and the like. PYSC seeks to be located in the commercial area of Capitola easily accessible from Route 1 and the surrounding communities of Capitola, Aptos, and Santa Cruz County that is synergistic with the community and other businesses in the area further cultivating a client experience of accessibility to a variety of goods and services.

1.1 Mission

Power Yoga Santa Cruz (PYSC) is dedicated to creating strong community through the practice of yoga empowering both individuals and the community as a whole. It is our intention to not only offer a powerful, transformative style of yoga that is unique to the Santa Cruz community, but to bring up students and teachers to go forth and inspire the lives of others. Based on a power vinyasa methodology, PYSC will bring forth extraordinary resources for cultivating health, well-being, and an improved quality of life to every individual who steps on their mat. PYSC will offer classes, workshops and teacher trainings to deepen and enhance both educational and personal growth desires of students and teachers alike. We also intend to support and host local community outreach programs and volunteer opportunities, improving the quality of life for residents of Santa Cruz County.

1.2 Hours of Operation and Services

Power Yoga Santa Cruz will offer approximately 30 classes per week in the early morning and early evening hours Monday through Sunday. We anticipate 8-12 students per class with higher volume in the evening classes after normal work hours for our target client base. Our class schedule target is as follows:

- 6:00 - 7:00 am
- 7:15 - 8:30 am
- 4:30 - 6:00pm
- 6:30 - 8:00pm
- 8:00 - 9:30 pm

Further, we will have a boutique that provides high quality retail yoga apparel, body and skin care products, books, training DVDs, music, yoga props (mats, blocks, straps, etc.) and a wide array of refreshments including bottled water, coconut water, fruit juice and other miscellaneous drinks, protein/power bars, electrolyte products and light snacks. It is our intention at PYSC to create a special place in the community where lives are transformed physically, mentally and spiritually while providing all the amenities to facilitate the experience of a top quality, beautiful and contemporary studio.

1.3 Company Ownership / Employees

Power Yoga Santa Cruz will operate as a dual proprietorship between Jeanette Lehouillier and CJ Popp, both long time yoga practitioners with over 20 years of experience combined.

Jeanette is a long time resident of the Santa Cruz area (over 20 years), a yoga practitioner since 1999, and a yoga teacher for the past 7 years. Jeanette has completed the very rigorous and demanding Level 1 & 2 of Baron Baptiste's Yoga Teacher Training, Mark Stephens Yoga Teacher Training, trained with numerous world renowned teachers, has modeled yoga postures in books and publications, and is registered with the national Yoga Alliance. Jeanette will be the lead instructor at PYSC defining the curriculum, quality of teaching provided, and share in the day to day operations of the studio.

CJ Popp relocated to Capitola from New York City in early 2011 where she lived and worked for the past 23 years in the high-tech industry for the Investment Banking community. She has completed Dharma Mittra's Yoga Teacher training, has trained with numerous world renowned teachers, and has been practicing yoga for over 12 years. CJ will be responsible for managing the business, financials, and share in the day to day operations of the studio.

CJ and Jeanette will be the only employees of Power Yoga Santa Cruz, however, we will have approximately 4 teachers on staff as sub-contractors who will be part of the teaching staff.

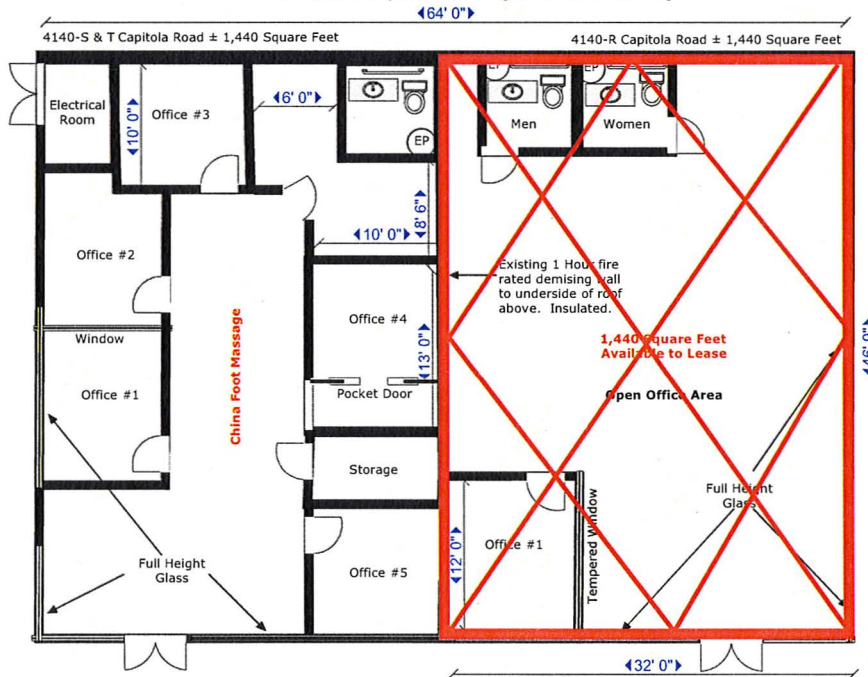
1.4 Space Allocation

Attached is a floor plan that outlines the 1440sf that is our target space to lease. The allocation of that space is as follows:

Entrance/Common Areas = 300 sf
Yoga Practice Area = 700 sf
Women's Locker Room = 250 sf
Men's Locker Room = 200 sf

EXHIBIT A-2

WIND 'N SEA PLAZA
4140-R, S & T Capitola Road at 41st Avenue • Capitola, CA 95010
± 2,880 Square Feet (±64' W x 46' D)



EP = Electrical Panel

Rev. 04/21/2010

The information contained herein has been given to us by the owner of the property or other sources we deem reliable. We have no reason to doubt its accuracy, but we do not guarantee it. All information should be verified prior to purchase or lease. All dimensions are approximate only.



333 W. El Camino Real, Suite 240
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WIND 'N SEA PLAZA

1600 41st Avenue, 4140 - 4150 Capitola Road @ 41st Avenue • Capitola, CA 95010



4140-#R Capitola Road

4140-#R Capitola Road

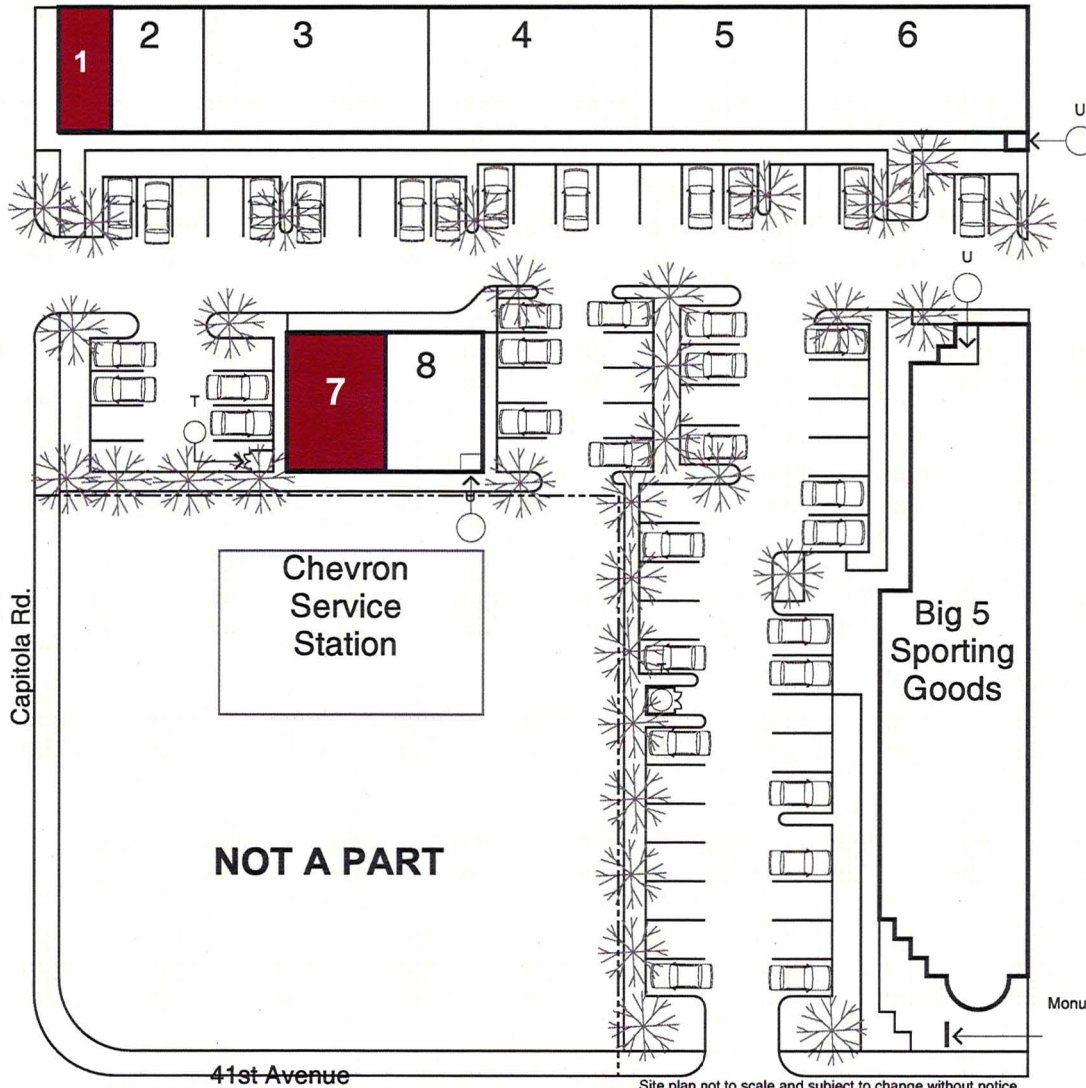
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PROPERTIES.INC.

www.biaginiproperties.com

The information contained herein has been given to us by the owner of the property or other sources we deem reliable. We have no reason to doubt its accuracy, but we do not guarantee it. All information should be verified prior to purchase or lease.



Wind 'N Sea Plaza
 1600 41st Avenue
 4140-4150 Capitola Rd.
 Capitola, California

- 1. 920 Square Feet
- 2. Beauty Nails
- 3. Mancini's SleepWorld
- 4. Mancini's SleepWorld
- 5. Mancini's SleepWorld
- 6. Cosmo Prof
- 7. 1,440 SF - Farmer's Insurance
- 8. China Foot Massage

Capitola Rd.

Chevron Service Station

NOT A PART

Big 5 Sporting Goods

41st Avenue

Site plan not to scale and subject to change without notice

Monument Sign

- Property Line
- Trash Enclosure
- ⊕ Utility Closet
-

rev: 01/17/2012



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May 21, 2012

JN 70-100441

Mr. Ryan Bane
 Senior Planner
 City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010

Re: Capitola CA, Power Yoga Studio Parking Study

Dear Ryan:

This memorandum summarizes analysis of the on-site parking supply and forecast parking demand for the proposed 1,440 square feet Power Yoga Santa Cruz studio to be located within the existing Wind & Sea Plaza at 4150 Capitola Road, in the City of Capitola. The existing retail center currently contains other retail uses including a Big 5 sporting goods store which would share the retail center parking supply with the proposed project. The proposed project will occupy an existing structure within the retail center that is currently occupied by the Farmer’s Insurance business.

Access to the existing Wind & Sea Plaza is provided via one full access driveway on Capitola Road and one right-in/right-out driveway on 41st Avenue.

The proposed Power Yoga Santa Cruz studio is planned to offer approximately 30 fitness classes per week in the early morning and early evening hours Monday through Sunday. The proposed facility is planned to have an attendance of eight to twelve students per each class. For analysis purposes, the maximum attendance is assumed. Exhibit 1 shows the site plan for the proposed project.

Table 1 summarizes the planned class schedule for the Power Yoga Santa Cruz fitness studio.

**Table 1
 Power Yoga Santa Cruz Planned Class Schedule**

Class Begins	Class Ends
6:00 AM	7:00 AM
7:15 AM	8:30 AM
4:30 PM	6:00 PM
6:30 PM	8:00 PM
8:00 PM	9:30 PM

Number of On-Site Parking Spaces Required

Table 2 provides a summary of on-site parking supply in relation to forecast on-site parking demand for the proposed project utilizing and comparing the following various parking demand rates and standards:

- Number of on-site parking spaces required for the proposed Power Yoga Santa Cruz based on the forecast number of students attending each class;
- Number of on-site parking spaces required for the proposed Power Yoga Santa Cruz per the Updated 2011 City of Capitola Municipal Code utilizing the guidelines established for retail land use;
- Number of on-site parking spaces required for the proposed Power Yoga Santa Cruz per the Previous City of Capitola Municipal Code utilizing the guidelines established for retail land use;
- Number of on-site parking spaces required for Health/Fitness Club land use based on actual site surveys conducted and published in *Parking Generation, 3rd Edition (Institute of Transportation Engineers, 2004)*;
- Number of on-site parking spaces required for Retail land use based on actual site surveys conducted and published in *Parking Generation, 3rd Edition (Institute of Transportation Engineers, 2004)*;

**Table 2
Forecast Parking Demand and Supply for the Proposed Project**

Guideline Source	Parking Requirement Per Guideline	Project Size	On-Site Parking Spaces Required
Project Description (Max)	12 Students per Class	1,440 SF	26 ¹
New : City of Capitola Municipal Code (Retail Use)	1 Space per 300 SF of Retail		5
Old: City of Capitola Municipal Code (Retail Use)	1 Space per 240 SF of Retail		6
ITE Parking Generation (Land Use Code 492 - Fitness Club)	5.19 Spaces per 1,000 SF of GFA ²		7
ITE Parking Generation (Land Use Code 820 – Retail)	3.02 Spaces per 1,000 SF of GFA ³		4

Notes: SF = Square Foot; GFA = Gross Floor Area

1 = Peak demand of 26 parking spaces is based on two classes shortly overlapping at 8:00 PM (one class ending at 8:00 PM and one class beginning at 8:00 PM) assuming a maximum attendance of 12 students per class and 2 staff members.

2 = Average peak period parking demand rate;

3 = Average peak period parking demand rate during a typical Friday which has the highest demand rate during the week.

4 = Number of available parking spaces is based on an actual parking survey and observations conducted at the project site on Thursday May 17, 2012.

As shown in **Table 2**, utilizing the various parking demand rates and standards mentioned above, an inadequate number of parking spaces are forecast to be available for the proposed project within the retail center based on the City requirement and industry standards. As such an actual parking count was conducted to verify availability of parking spaces in the site during the peak operating times of the Yoga facility. The reason for this count is that with mixed tenants at the strip malls, parking utilization is shared and has different peaks. Thus the net demand for parking is less than what typical requirements would indicate.

On-Site Parking Occupancy Survey

Parking occupancy counts were conducted at the existing Wind 'N Sea Plaza site to document the parking demand for the plaza including the existing Big 5 Sporting Goods, Beauty Salon, Foot Massage, Cosmo Proof, Farmer's Insurance and Sleepworld businesses at the existing site. Parking at the existing Chevron Station adjacent to the site was not included in this count.

Parking occupancy was observed at 4:30 PM and 8:00 PM on Thursday May 18, 2012. The survey time of 4:30 PM represent the typical afternoon peak hour for the commercial and retail land uses. The survey time of 8:00 PM on a typical weekday was used as it represents the peak parking demand period when an overlap in classes would occur. As shown in Table 3, the Plaza consists of a total of 93 parking spaces, whereby a total of 44 parking spaces (47% of the 93 spaces available) were observed to be occupied at 4:30 PM and 23 parking spaces (25% of the 93 spaces available) were observed to be occupied at 8:00 PM.

**Table 3
Parking Occupancy Count**

Time	Total Parking Spaces (Capacity)	Occupied Parking Spaces	Unoccupied Parking Spaces	Parking Spaces Required by Power Yoga Studio ¹	Adequate Parking Spaces Available?
4:30 PM	93	44	49	14 ¹	YES
8:00 PM	93	23	70	26 ²	YES

Notes:

1 = 4:30 PM demand of 14 parking spaces is based on one class assuming a maximum attendance of 12 student and 2 staff members.

2 = 8:00 PM demand of 26 parking spaces is based on two classes shortly overlapping at 8:00 PM (one class ending at 8:00 PM and one class beginning at 8:00 PM) assuming a maximum attendance of 12 students per class and 2 staff members.

Conclusions

Based upon the applicant's project description the proposed Power Yoga Studio will require a maximum of 26 parking spaces. Based on the weekday parking count (see Table 3) the property consists of 52 available parking spaces at 4:30 PM and 70 available parking spaces at 8:00 PM, thus the existing parking demand can sufficiently accommodate the 26 parking space demand of the proposed Power Yoga Studio.