

Capitola Planning Commission

Agenda Report



Meeting: October 2, 2025

From: Community & Economic Development Department

Address: 427 Riverview Avenue

Project Description: Application #23-0400. APN: 035-132-01. Design Permit to connect an existing single-family residence and two-story accessory structure into a single structure through an upper story bridgeway, with comprehensive remodel to the exterior of entire structure and garage area. The proposal does not increase floor area. The project is located within the R-1 (Single-Family Residential) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Recommended Action: Consider Application #23-0400 and **approve** the project based on the Conditions and Findings for Approval

Property Owner: Joseph McLean

Representative: David Beauchamp, Fuse Architects, Filed: 9/5/23 (Refiled: 6/23/25)

Background: Per the County Assessor, the existing single-family dwelling was constructed circa 1934, prior to the City's incorporation in 1949. On May 17, 1971, the Planning Commission approved a two-story accessory structure at 427 Riverview Avenue. The accessory structure includes a garage on the first story and an accessory living space on the second story. The Planning Commission approved variances for non-conforming front and side setbacks resulting in a two-story building spanning the width of the lot four feet four inches from the street.

On September 9, 2023, Faulkner Architects submitted an application for substantial alterations to the existing primary dwelling and accessory structure and a large, suspended addition connecting the two structures.

The project site and existing structures are bisected by an underground culvert (formerly a channel), subject to an easement in favor of the County of Santa Cruz for construction, operation and maintenance. In late 2023, staff informed the applicant team that, as shown on the title for the project site, any new construction would potentially impact the culvert (or would itself be impacted by the culvert in the event of a collapse). In February 2024, staff met with the applicant team to discuss the complications related to the culvert. Following this meeting and at the request of the applicant, City staff reached out to County staff, including the Office of the County Counsel, to help the applicant find a solution for their project.

Over the course of many meetings with County staff and the applicant team, different options were explored, including relocating the culvert, which applicants deemed not practicable, and the concept of an indemnification/hold harmless agreement, where the applicants would agree to take measures to protect the culvert and assume the risk of the new construction. In June 2024, the City and County staff negotiated and drafted a tri-party agreement between the City, County (Zone 5 Flood Control District) and property owner addressing potential hazards to and from construction on top of the culvert, as well as liability and indemnity provisions. The purpose of the agreement was to streamline the approval process for the applicant and proceed with zoning and building permits.

Ultimately, City and County staff reached consensus on the terms of the agreement, but the property owner did not agree to the terms. Therefore, in keeping with its obligations under the Permit Streamlining

Act, the City notified the applicant that the application could proceed, but any approval would be subject to conditions of approval requiring they obtain consent from the easement holder(s) and indemnification of the City prior to obtaining a building permit to construct within the easement area.

On June 23, 2025, Fuse Architects submitted a revised proposal which reduced the extent of alterations to the primary dwelling but retained the proposal for a connecting bridgeway, but without the suspended rooms between the two structures.

On September 17, 2025, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representatives: Discussed erosion control management with the applicant. Public Works staff also discussed the need for a management plan demonstrating safe pedestrian access to the Soquel Creek Pathway during construction.

Acting Building Official, Lihn Tran: Inquired about the construction of the exterior staircase, noting it would need to be fire-rated. Mr. Tran also inquired about the type of foundations and load dispersal. Mr. Tran and the applicant discussed site egress requirements.

Associate Planner, Sean Sesanto: Discussed design changes between the initial design and the design submitted by Fuse Architecture and felt the material choices were less of a departure from the historic district. Mr. Sesanto and staff briefly discussed the public pathway that runs through the property along Soquel Creek. The applicant noted the proposed replacement wall would straighten the wall and correct the sagging which has encroached into the pathway.

On September 23, 2025, staff met with the property owner and their attorneys to discuss proposed conditions of approval related to the culvert.

Development Standards: The following table outlines the zoning code requirements for development in the R-1 Zoning District. The project includes several existing nonconforming conditions, some of which were approved under a variance, as noted.

Development Standards			
Building Height			
R-1 Regulation	Existing		Proposed
25 ft.	23 ft. 1 in.		24 ft. 4 in.
Floor Area Ratio (FAR)			
	Existing		Proposed
Lot size	3,018 sq. ft.		3,018 sq. ft.
Maximum Floor Area Ratio	57% (1,720 sq. ft.)		57% (1,720 sq. ft.)
First Story Floor Area	SFD: 761 sq. ft. Accessory: 450 sq. ft.		SFD: 1,083 sq. ft.
Second Story Floor Area	SFD: 705 sq. ft. -150 sq. ft. deck exemption Accessory: 632 sq. ft.		SFD: 1,464 sq. ft. -150 sq. ft. deck exemption
Total FAR	84.4% (2,548 sq. ft.)		84.4% (2,547 sq. ft.)
Setbacks			
	R-1 regulation	Existing	Proposed
Front Yard 1 st Story	15 ft.	45 ft. 9 in.	4 ft. 4 in. Existing Variance
Front Yard 2 nd Story & Garage	20 ft.	45 ft. 9 in.	2nd Story: 3 ft. 4 in. Garage: 4 ft. 4 in. Existing Variances

Side Yard 1 st Story	10% lot width	3 ft. min.	North: 2 ft. 6 in. South: 2 ft. 1 in.	North: 0 ft. South: 0 ft. Existing Variances
Side Yard 2 nd Story	15% of width	4 ft. 6 in. min	North: 2 ft. 6 in. South: 2 ft. 1 in.	North: 0 ft. South: 0 ft. Existing Variances
Rear Yard 1 st Story	20% of parcel depth	20 ft. 3 in. min. Lot depth	20 ft.	20 ft.
Rear Yard 2 nd Story			Primary: 20 ft. Deck: 13 ft. 8 in.	Primary: 20 ft. Deck: 13 ft. 8 in.
Two-Story Accessory Structure (Proposal includes merging both structures)				
	R-1 Regulation		Existing	Proposed
Front Yard 1 st Story	Garage: 40 ft.		4 ft. 4 in. Existing Variance	Merged with primary structure
Front Yard 2 nd Story	20 ft.		3 ft. 4 in. Existing Variance	
Side Yard 1 st Story	3 ft.	North: 0 ft. South: 0 ft. Existing Variance		
Side Yard 2 nd Story		North: 0 ft. South: 0 ft. Existing Variance		
Rear Yard 1 st Story		76 ft. 10 in.	Merged with primary structure	
Rear Yard 2 nd Story				
Encroachments (list all)	Encroachment into adjacent property			
Parking				
2 per unit, neither must be covered	Required		Existing	Proposed
	2 spaces total		2 spaces total 2 covered	2 spaces total 2 covered
Underground Utilities: Required with 25% increase in area				Not Required

Discussion: The property is located within the Riverview Terrace neighborhood, along Soquel Creek near the intersection of Riverview and Blue Gum Avenues. The site is located within the Old Riverview Historic District, but its structures are listed as a non-contributing to the district. The Riverview Avenue pathway easement extends through the rear of the property along the Creek, with the northernmost pedestrian access to the pathway bordering full length of the north side property line. Noble Gulch, which is located underground beginning near Bay Avenue, runs directly underneath the subject property, and daylights at its Soquel Creek confluence adjacent the pathway and subject property.

Design Permit: The proposed remodel includes construction of a second-story bridgeway connecting the two structures into a single structure. The remodel also modernizes the architectural style of the existing structures by replacing the white vertical wood board and stucco siding for darkened composite bamboo vertical siding on the upper-story and alternating bamboo siding and white stone panel siding on the ground level. The large wooden window trim is replaced with thin, recessed aluminum framing. The roof is replaced with a standing metal seam, and limited eaves remain. Walls are integrated with building walls along the side yard and utilize metal seam panels and vertical bamboo boards for a cohesive appearance.

When considering design permits, the city evaluates applications to ensure they satisfy the design review criteria outlined in §17.120.070, comply with development standards of the zoning district, conform to policies of the general plan, the local coastal program, and are consistent with any other policies or guidelines the city council may adopt for this purpose. To obtain design permit approval, projects must

satisfy these criteria to the extent they apply. Planning staff have prepared specific analysis for the following design review criteria which are more directly applicable to the proposed project. The complete list of design review criteria is included as Attachment 5.

A. Community Character. The overall project design including site plan, height, massing, architectural style, materials, and landscaping contribute to Capitola's unique coastal village character and distinctive sense of place.

Staff Comment: The site includes a public pedestrian pathway along Soquel Creek. The proposed landscape design maintains and improves this public resource by replacing a low retaining wall which is slumping into the pathway. The outline of the buildings is minimally altered, as the structure will remain in place, however the materials are altered significantly removing all existing exterior finishes and introducing contemporary finishes of bamboo vertical siding and larger doors and windows.

C. Historic Character. Renovations and additions respect and preserve existing historic structure. New structures and additions to non-historic structures reflect and complement the historic character of nearby properties and the community at large.

Staff Comment: The subject property is located within the Old Riverview Historic District and is identified as a non-contributing resource to the district. The District is architecturally described as "an informal mix of the Bungalow, Craftsman and vernacular styles" and "...influences of the Spanish Colonial Revival style." The proposed contemporary design of the structure does not try to replicate the historic vernacular of the District. The first submitted design emphasized the use of corrugated metal and galvanized steel on building sides, roof material, and property screening. Following initial review, staff recommended the design make greater use of more compatible materials and tones. The revised subsequent design reduced use of metal to the roof and portions of the walls, now standing metal seam, and emphasizes wood cladding and stone accents on the building faces.

F. Privacy. The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimize privacy impacts on adjacent properties and provide adequate privacy for project occupants.

Staff Comment: An existing second-story deck is along the rear property line facing the creek. The project would remove an exterior access stairway located on the north-side property line. The applicant is also proposing modest screening along the north side of the second story deck, including louvered vertical boards and permanent planter area. The deck is also located less than three feet from the south-side property line, but no screening is proposed. Pursuant to §17.16.030(B)(10)(d), to address neighbor privacy impacts, the Planning Commission may require permanent screening such as opaque glass, solid materials, or vegetation for an upper floor deck. The owner of the subject property also owns the adjacent affected property at 425 Riverview Avenue.

Nonconforming: The existing primary structure is located within the required second-story side yard setbacks along both side property lines and includes an upper-story deck which does not comply with all deck design standards and is therefore considered a legal non-conforming structure. The accessory structure was granted variances for the front and side setbacks encroaches beyond the property line into 425 Riverview Avenue and is therefore also considered legal non-conforming. The existing structures also collectively exceed the maximum allowed floor area ratio (FAR) for the site. As portions of the existing dwelling would also be removed, the proposed additions would not exacerbate non-conforming conditions related to setbacks and FAR.

Pursuant to code section 17.92.070, structural alterations to an existing non-conforming structure may not exceed eighty percent of the present fair market value of the structure. The proposed project would connect the two structures via a raised bridgeway and be considered a single structure for the purposes of zoning requirements for nonconforming structures. The project would not exceed eighty percent of the present fair market value of the structure based on the City formula.

Noble Gulch Culvert: The project site is bisected by the Noble Gulch underground culvert. In 1922, Bay Head Land Co. granted an easement to the County of Santa Cruz comprising an eight-foot strip of land, together with all necessary means of ingress and egress and for the purpose of constructing, maintaining, operating, repairing and renewing a drainage ditch, canal or flume (Santa Cruz County Public Records, Volume 314 at p. 91.) Following the original subdivision, the Noble Gulch facility was covered and now comprises an underground pipe and culvert that crosses several private lots between Soquel Creek and Capitola Avenue. A search of City and County records did not reveal the approval process for the undergrounding in this area, which predates City incorporation. The culvert extends through the entire length of the subject property to its terminus and outfall at Soquel Creek. On August 18, 2025, the applicant submitted a letter (Attachment 3) from their engineer, observing the existing foundation appeared to be placing load on the culvert structure and advising that the remodel include reconfiguring the foundation such that load was not placed on the culvert structure. The proposed remodel of the existing accessory structure includes relocating load-bearing posts adjacent to rather than directly above the culvert structure.

County clearance is required for construction occurring within the County's easement. In addition, measures are necessary to protect the existing culvert as a public stormwater facility, consistent with the City's stormwater pollution prevention and protection ordinance (CMC Chapter 13.16) and enforcement of laws, ordinances, and regulations relating to work done in public streets, easements and rights-of way (§2.04.390). Conditions 32 through 35 have been added related to mitigating load on the culvert, indemnification/hold harmless of the City, and review by Santa Cruz County/Zone 5.

Trees and Landscape: The application includes the removal of an existing maple tree located within the courtyard. The applicant is proposing to plant a flowering dogwood tree on the southern side of the courtyard, which would likely be under the 15% canopy coverage standard for major remodels. In consideration of the extent of the existing building footprints, the public pathway easement, and the culvert, staff does not recommend requiring further tree plants on the site. Instead, the applicant is proposing drought-tolerant vegetation directly adjacent the pathway with a private sitting and firepit area further back towards the residence.

CEQA: Section 15301(3) of the CEQA Guidelines exempts minor alterations of existing private structures involving negligible or no expansion of existing or former use. This project involves additions to an existing single-family residence that will not result in an increase of more than 50 percent of floor area or 2,500 square feet. In addition, none of the exceptions to the exemption are triggered. The project, when considered with other past and present projects of the same type, will not result in a significant environmental effect. There are no unique circumstances that create a reasonable possibility of a significant effect on the environment. The site is already developed, and the project does not propose a significant expansion of the existing structure or use. The project will not damage scenic resources within an officially designated state scenic highway. The project is not located in the vicinity of a state scenic highway. The project is not located on a site listed for hazardous waste issues (the "Cortese List"). The project will not cause a substantial adverse change to the significance of a historical resource. The project is not located in a particularly sensitive environment, such as a wetland or habitat for a rare or endangered species. For these reasons, the project is exempt from CEQA.

Design Permit Findings:

- A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed remodel and connection of structure residential structures comply with the development standards of the R-1 (Single-Family Residential) zoning district.

B. The proposed project complies with all applicable provisions of the zoning code and municipal code.

Community Development Staff and the Planning Commission have reviewed the application for remodel and connection of structure residential structures. With the recommended Conditions of Approval, the project complies with all applicable provisions of the zoning code and municipal code.

C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Section 15301(3) of the CEQA Guidelines exempts minor alterations of existing private structures involving negligible or no expansion of existing or former use and is subject to Section 753.5 of Title 14 of the California Code of Regulations. The exemption includes single-family residential additions that do not result in an increase of more than 50 percent of floor area or 2,500 square feet. This project involves a remodel and the connection of two structure residential structures which will not result in a net increase of floor area. The project is located within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project. In addition, none of the exceptions to the exemption are triggered. The project, when considered with other past and present projects of the same type, will not result in a significant environmental effect. There are no unique circumstances that create a reasonable possibility of a significant effect on the environment. The site is already developed, and the project does not propose a significant expansion of the existing structure or use. The project will not damage scenic resources within an officially designated state scenic highway. The project is not located in the vicinity of a state scenic highway. The project is not located on a site listed for hazardous waste issues (the "Cortese List"). The project will not cause a substantial adverse change to the significance of a historical resource. The project is not located in a particularly sensitive environment, such as a wetland or habitat for a rare or endangered species. For these reasons, the project is exempt from CEQA.

D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

Community Development Staff and the Planning Commission have reviewed the project. With the recommended Conditions of Approval, the proposed project will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity. Potential impacts to and from the existing culvert and associated County easement are addressed through the Conditions of Approval.

E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).

The Community Development Staff and the Planning Commission have reviewed the application. With the recommended Conditions of Approval, the proposed project complies with all applicable design review criteria in Section 17.120.070.

F. The proposed project maintains the character, scale, and development pattern of the neighborhood.

Community Development Staff and the Planning Commission have all reviewed the project application. The project creates a raised bridgeway connecting two residential structures while maintaining similar site massing. The new design utilizes white vertical wood board, composite bamboo vertical, and white stone panel siding; windows thin recessed aluminum framed windows and standing metal seam roofs; fencing integrated with building walls which utilize metal seam panels and vertical bamboo boards for cohesive appearance. The project will maintain the character, scale, and development pattern of the neighborhood.

Coastal Development Permit Findings:

G. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

H. The project maintains or enhances public views.

The proposed project is located on private property at 427 Riverview Avenue. The project will not result in an increased height or otherwise negatively impact public landmarks and/or public views.

I. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project is located at 427 Riverview Avenue. The project will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

J. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project involves the remodel of an existing single-family residence which will not negatively impact low-cost public recreational access. The property includes an easement for a public pathway along Soquel Creek. Condition(s) have been included to both prevent negative impact to coastal access and to replace a small wall which is slumping into the pathway.

K. The project maintains or enhances opportunities for visitors.

The project involves the remodel of an existing single-family residence and will not negatively impact visitor serving opportunities. The property includes an easement for a public pathway along Soquel Creek. Condition(s) have been included to both prevent negative impact to coastal access and to replace a small wall which is slumping into the pathway.

L. The project maintains or enhances coastal resources.

The project involves the remodel of an existing single-family residence and will not negatively impact coastal resources. The property includes an easement for a public pathway along Soquel Creek. Condition(s) have been included to both prevent negative impact to coastal access and to replace a small wall which is slumping into the pathway.

M. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.

The proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

N. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project involves the remodel of an existing single-family residence on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 (Single-Family Residential) zoning district.

Conditions of Approval:

1. The project approval consists of remodeling of an existing single-family residence and two-story accessory structure in addition to connecting both structures into a single structure through an upper story bridgeway. The maximum Floor Area Ratio for the 3,018 square foot property is 57% (1,720 square feet). The total FAR of the project is 84.4% with a total of 2,547 square feet, for a FAR (84.4%). The project will not result in an increase of floor area from the existing site of 2,548 square feet (84.4%). The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on October 2, 2025, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
8. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for one tree to be removed from the property. Replacement trees shall be planted at a 1:1 ratio. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans.
9. Prior to issuance of building permit, all Planning fees associated with permit #23-0400 shall be paid in full.
10. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.

12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection. The plans shall demonstrate how loose sediment will be retained onsite for the duration of the project and will not present risk of contamination to Soquel Creek, nor drain onto adjacent parcels or pathways.
13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
17. Prior to any construction-related activity within the Soquel Creek Pathway, including the accessway from Riverview Avenue, the applicant shall provide a site plan and management information detailing how pedestrians will be safely routed along the pathway.
18. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
19. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
20. This permit shall expire 24 months from the date of issuance unless exercised. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
21. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
22. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

23. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.
24. Prior to a Building Department final and/or issuance of a Certificate of Occupancy, final inspections by the Planning and Public Works Departments are required.
25. Prior to issuance of a building permit, the plans shall indicate repair or replacement of the failing low wall along the Riverview Pathway. Any fence or wall adjacent to the Soquel Creek Pathway shall comply with all municipal codes, specifically sections §17.60.040 and §17.96.160, to the extent they apply.
26. Prior to issuance of a building permit, the plans shall indicate repair or replacement of the failing low wall along the Riverview Pathway. Any fence or wall adjacent to the Soquel Creek Pathway shall comply with all municipal codes, specifically sections §17.60.040 and §17.96.160, to the extent they apply.
27. Prior to issuance of a Certification of Occupancy, the plans shall demonstrate that the pathway shall be maintained a minimum of either the existing pathway width shown in the March 2005 survey maintained by the city of Capitola, or four feet, whichever is greater, pursuant to CMC §17.96.160(A).
28. At time of submittal for demolition and/or building permit review, the applicant shall include a demolition work of scope statement and a demolition plan clearly identifying all areas of walls and floors to be demolished. The City may require a letter from a structural engineer. Any modifications to the demolition plans, including modifications to the scope of work, means and methods of demolition/construction, or changes to the framing, windows, or any other exterior elements shall be submitted to the Building Department for review and approval prior to proceeding with demolition and/or construction. In the course of construction, the City may require additional plans as they deem necessary.
29. At the time of building permit application for construction within the floodplain or floodway, the applicant shall provide a "No Rise Study", performed by a licensed engineer, in which verification of the structure's impact on the floodplain or floodway is provided.
30. For new residential construction located within the floodplain/floodway, elevation certificates shall be provided at the following stages of construction: 1) prior to building permit issuance; 2) at the time of rough frame inspection; and 3) prior to the finalization of the building permit. The certificates shall be prepared by a licensed engineer or surveyor. The certificate shall document that all residential occupancies are constructed above the Base Flood Elevation (BFE) as per the latest edition of the FEMA Flood Insurance Rate Map.
31. Prior to issuance of a building permit, the applicant shall provide documentation of a signed access agreement that references the existing encroachment and includes permission from the owner(s) of 425 Capitola Avenue to access said property to conduct the work as described in the permit.

32. Prior to issuance of the building permit, the applicant shall demonstrate, to the satisfaction of the Building Official, that the bridgeway will not place load on the existing underground storm drain facilities (culvert) structure, nor will any alterations to the existing residential structures create load on the facilities. Additionally, the applicant shall demonstrate, to the satisfaction of the Building Official, that the structure shall be reconfigured such that there will be no bearing on the culvert, consistent with the recommendation in the letter from Redwood Engineering dated February 6, 2025, a copy of which letter is included in the public record for the project approval actions.
33. Indemnification and Hold Harmless. The Owner/Applicant agrees to defend, indemnify, and hold the City of Capitola, its elected and appointed officials, staff, and agents harmless from any claims, damages, or liabilities arising from the project's construction, occupancy and use, including bodily injury, death, or property damage, including damage to the project, related to the project's construction and location on top of the existing and active underground storm drain facility (culvert) that bisects the project site. The Owner/Applicant is responsible for all defense costs, including attorney's fees, and any settlements or awards, and is solely responsible for preventing damage to the culvert during construction, occupancy and use. Failure to do so resulting in damage is covered by this indemnification. These obligations survive the permit issuance and bind the Owner/Applicant and their successors.
34. The Owner/Applicant must provide proof of adequate insurance, with the City named as an additional insured party, before starting work on the project.
35. Prior to issuance of the building permit for the project, the Owner/Applicant shall obtain written authorization from the culvert easement holder(s), including the County of Santa Cruz, to construct or modify improvements within the easement area as shown in the public records.

Attachments:

1. 427 Riverview Avenue – Plan Set
2. 427 Riverview Avenue – Construction Cost Breakdown
3. 427 Riverview Avenue – Engineer Letter
4. 427 Riverview Avenue – Letter from Applicant Attorney
5. Design Review Criteria

Report Prepared By: Sean Sesanto, Associate Planner

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director