



SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION

1101 Pacific Avenue, Suite 250, Santa Cruz, CA 95060-4418 • (831) 460-3200 • info@sccrtc.org

September 7, 2022

Community Development Department
Attn: Katie Herlihy, AICP, Director
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

Subject: **Appeal of Permit Application Number 21-0376**

On April 18, 2022, the Santa Cruz Regional Transportation Commission (RTC) filed an appeal to the April 7, 2022 decision by the Capitola Planning Commission to grant a variance for Permit Number 21-0376 regarding proposed development at 1410 Prospect Avenue, APN 034-046-19.

After the appeal, additional information was provided by the applicant's representative, including a slope stability analysis report and revised architectural plans showing a 3'-6" setback from both the basement and ground floor to the southwestern property line. The City of Capitola provided for the RTC's review a geotechnical peer review – slope stability letter prepared by Pacific Crest Engineering, Inc.

In late August 2022, City of Capitola staff met with RTC staff regarding the RTC's April 7, 2022 appeal in light of the additional information and to discuss whether the concerns raised in the appeal could be addressed. During this meeting, the RTC indicated that the applicant's revised proposal was generally satisfactory and that the RTC would agree to retract its appeal provided the following conditions are met by the applicant's proposed development:

1. Maintenance of the bluff-top pathway and adjacent landscaped areas. In 2004, the City of Capitola entered into a license agreement to maintain and repair the walking path within the Santa Cruz Branch Rail Line (SCBRL) right-of-way (ROW) at the top of the bluff for use of pedestrian access. The license is to "construct, maintain, use, repair, renew and reconstruct the three (3) existing stairways and connecting walking path..." The RTC would like Design Permit and Variance approval conditioned to require that the proposed development does not interfere with or inhibit the City's continued maintenance of the walking path and landscaping at the top of the bluff. It is important that the walking path and landscaping at the top of the bluff is adequately maintained in order to promote stability of the bluff slope.
2. Maintenance of the bluff slope. With respect to the referenced 2004 license agreement, the position of the walking path at the top of the bluff requires that the City of Capitola maintain the bluff slope that supports the walking path. In support of this maintenance obligation:
 - a. No irrigation on, above or adjacent to the bluff slope and bluff top. Irrigation can lead to reduction of the soil strength and to an increase in the potential for a slope failure to occur, particularly when soils become saturated. Therefore, the RTC requests to



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condition the proposed development that no irrigation be permitted on, above or adjacent to either the bluff slope or the bluff top.

- b. Control of surface and subsurface drainage near the bluff top and bluff slope. Control of surface and subsurface drainage and runoff is important to the stability of the bluff slope. Uncontrolled drainage is one of the leading causes of slope failures. Therefore, the RTC requests to condition the proposed development that surface and subsurface runoff from the property:
 - i. Be controlled
 - ii. Be directed to the front (northeastern) boundary of the property
 - iii. Not be permitted to pond adjacent to the bluff top or bluff slope
 - iv. Not be permitted to flow over the bluff top or bluff slope
3. Development of the property is completed such that future maintenance of the property does not require a right-of-entry from the RTC. Due to various considerations relating to operation and safety of the SCBRL, the RTC as a policy seeks to minimize and whenever practicable eliminate the need for other parties to need to access the SCBRL ROW through a right-of-entry agreement with the RTC. Therefore, the RTC would like to condition the Design Permit and Variance approval to require that the proposed development is completed in such a way that access to the SCBRL ROW is not required in order to undertake future maintenance of the structure, appurtenances, property or landscaping on the 1410 Prospect Avenue property.
4. Review of technical reports and plans. The RTC would like the Design Permit and Variance be conditioned so that City of Capitola staff must consult with the RTC during review (and prior to issuance of a Building Permit) of technical reports and plans that are required by the conditions of approval, in particular the conditions relating to review of building plans, landscape plans, geotechnical and geological reports, drainage plans, grading plans, sediment and erosion control plan, and stormwater management plan.
5. No entry into or work in SCBRL ROW without first obtaining a right-of-entry agreement. The RTC would like the proposed development conditioned such that no entry to the SCBRL ROW, including for the storage of any materials or equipment within the SCBRL ROW, is allowed unless entry is granted via a valid right-of-entry agreement by and between the entering party and the RTC.

Sincerely,

Riley Gerbrandt, P.E.

Associate Transportation Engineer