

# Capitola Planning Commission

## Agenda Report



**Meeting:** July 17, 2025

**From:** Building, Planning, and Economic Development Department

**Address:** 4800 Opal Cliff Drive

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**Project Description:** Application #25-0164. APN: 034-462-05 An application for a previously issued Conditional Use Permit and Coastal Development Permit (Permit #21-0011) for repair and maintenance of an existing coastal protection structure located within the RM-M (Multi-Family Residential, Medium Density) zoning district and the CZ (Coastal Overlay) zone. The proposal also includes repairs for a new ten square foot area of the shotcrete wall that has been undermined. The Planning Commission approval was issued on June 2, 2022, but the applicant was unable to secure Building Permits within two years and the permits expired.

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

Environmental Determination: Categorical Exemption

**Recommended Action:** Staff recommends the Planning Commission approve the application allowing the applicant two years to secure a Building Permit.

**Property Owner:** Opal Cliff West

**Representative:** David Mewes, HOA Representative Filed: 04.01.2025

**Background:** The Capitola Planning Commission originally approved a Coastal Development Permit, Conditional Use Permit, and Design Permit for a bluff toe seawall and a bluff top shotcrete wall in 1998. The approval was appealed by the Coastal Commission. The Coastal Commission required a geotechnical investigation to be completed and then withdrew the appeal and the project proceeded. The concrete bluff toe seawall and bluff top shotcrete wall were constructed in late 1998 to preserve the configuration of the bluff and protect the existing multifamily condominiums.

On June 2, 2022, the Planning Commission approved Permit #21-0011 for a Conditional Use Permit and Coastal Development Permit for repair and maintenance to the bluff top shotcrete wall. The applicant failed to secure a Building Permit, and the Planning Commission approval expired on June 2, 2024, two years from the date of issuance (§17.156.080). Since the current application was submitted after the previous permit expired, the review is for a new permit not a permit extension. The 2022 staff report is included as attachment 2 for reference.

The applicant reported that HOA coordination, project costs and financing, and consultant backlog as reasons for the delay but is now coordinated and ready to move forward with the maintenance project.

**Discussion:** The existing bluff top wall is a structural shotcrete retaining wall with post-tensioned tieback anchors. The wall has a panelized substrate and drainage system with weepholes to release drainage and pressure from behind the wall. The proposed maintenance is limited to the bluff top wall only. The only change to the bluff toe wall a requirement through a condition of approval that the applicant remove graffiti (condition #10 of #21-0011).

The applicant has provided updated plans and inspection reports prepared by the project design engineer and project geotechnical consultant (Attachments 3 & 4). The inspection report was based on a site inspection performed on April 2, 2025, and describes current site conditions. The report confirms that the

maintenance plans approved in 2022 are still adequate. It also adds a new ten square foot area of the shotcrete wall to the project scope due to additional erosion since 2022.

The primary scope of repairs includes the following:

- Trim back the outflanked or undermined portions of the shotcrete wall in three areas and remove vegetation that has grown in the voids.
- Repair the substrate and drainage system as needed in the repair areas.
- Install new rock dowels at the repair joints and new rock anchors into the bluff face in the repair areas at spacing shown in the design engineer's plan.
- Install new shotcrete in the three repair areas to match the existing wall's color and texture.
- For general maintenance of the entire wall system, remove pampas grass and clear any clogged weepholes, as recommended by the project engineer.

#### Mobilization and Staging

The repair operation will be staged from the parking lot only. The applicant is proposing to access the wall face with a truck, boom, and bucket or rappelling. No staging or work on the beach is proposed other than to remove graffiti and fallen debris.

#### Conditions of Approval

Staff is recommending that the same conditions of approval from permit #21-0011 be applied to the renewal permit.

CEQA: This project is categorically exempt under 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15304 (Minor Alterations to Land) of the California Environmental Quality Act. The proposed project consists of in-kind repairs of an existing deteriorated shotcrete wall, would involve no expansion of use beyond that previously existing, would not result in a significant cumulative impact due to the continuation of the existing use, would consist of the repair of an existing wall structure, would have substantially the same purpose and capacity as originally intended, would result in no permanent effects on the environment, and would not involve the removal of scenic or mature trees.

#### **Conditional Use Permit Findings:**

- A. **The proposed use is allowed in the applicable zoning district.**  
Accessory structures located in the ESHA are permitted through a conditional use permit and coastal development permit in the RM-M zoning district.
- B. **The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**  
The shotcrete wall was determined to be consistent with the general plan, local coastal program, and zoning code in 1998. The repair and maintenance of the existing wall is consistent to the current general plan, local coastal program, and zoning code.
- C. **The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.**  
The proposed use is to repair and continue the use of an existing accessory structure that supports the bluff behind the existing multifamily building on the property. The existing shotcrete wall is compatible with and will not interfere with other planned land uses in the vicinity.
- D. **The proposed use will not be detrimental to the public health, safety, and welfare.**  
The proposed shotcrete wall repair will not be detrimental to the public health, safety, or welfare. As conditioned, the mobilization and finished repairs will stabilize the wall and reduce the possibility of further debris falling onto the beach.

- E. **The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**

The proposed use does not have any immediate demands on services or infrastructure. Similar structures exist in the vicinity and the proposed repair does not alter the existing location.

#### **Coastal Findings:**

1. **The project is consistent with the LCP land use plan, and the LCP implementation program.**  
The proposed project conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.
2. **The project maintains or enhances public views.**  
The proposed project has no permanent impact on view or coastal access.
3. **The project maintains or enhances vegetation, natural habitats and natural resources.**  
The proposed project will have a minimal impact to existing Pampas Grass removed above the root. Pampas Grass is nonnative and is a "recommended to avoid" plant species by the Department of Fish and Wildlife. Condition of approval #12 requires the applicant to avoid repairs during the nesting season or hire a qualified biologist to survey any nesting activity in the area prior to start of work.
4. **The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**  
The project has no impact on recreation access or cost.
5. **The project maintains or enhances opportunities for visitors.**  
The project has no impact on visitors and opportunity.
6. **The project maintains or enhances coastal resources.**  
The proposed wall repair is intended to maintain the bluff and minimize erosion.
7. **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 wall repair will not be noticeable from offsite when compared to the conditions since 1998. There are no significant design or operational impacts associated with the repair.
8. **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 will not obstruct public access and has no impact on recreation or visitor opportunities and experiences. Short term mobilization impacts will be minimal and only impact the project site.

#### **Conditions of Approval:**

1. The project approval renews and modifies the previously approved Conditional Use Permit and Coastal Development Permit (21-0011) issued by the Capitola Planning Commission on June 2, 2022, for repairs to an existing blufftop shotcrete wall system. The proposed modification includes a new ten square foot area of the wall to be repaired.
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 on July 17, 2025. All construction and site improvements

shall be completed according to the approved plans.

3. At the 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. Construction activity shall be subject to a 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.

#### Planning

5. The project approval consists of conditional use permit, and coastal development permit amendments to permit #97-88 for repair and maintenance of an existing coastal protection structure. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 17, 2025, except as modified through conditions imposed by the Planning Commission during the hearing.
6. Prior to making any changes to the approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to project scope shall require Planning Commission approval.
7. Prior to issuance of a building permit, all Planning fees associated with permit #25-0164 shall be paid in full.
8. Prior to Final Inspection by the Planning Department, 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 may 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.
9. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit issued before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration.
10. This permit is transferable with the title to the underlying property such 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.
11. The applicant shall remove the graffiti on all portions of the blufftop or blufftop walls, prior to the satisfaction of the Community Development Director, prior to Planning Department final inspection.
12. The applicant shall remove all broken off wall debris from the beach and bluff, prior to Planning Department final inspection.
13. To the extent practicable, vegetation removal and maintenance activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If maintenance or vegetation removal cannot be performed during this period, pre-maintenance surveys will be performed no more than two days prior to beginning work activities to locate any active nests as follows: The owner/applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 300' for active nests—with particular

emphasis on nests of migratory birds—if maintenance (including site preparation) will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the project owner/applicant, in coordination with the appropriate City staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100' for perching birds and 300' for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.

14. The applicant and City of Capitola shall execute and record the maintenance and monitoring agreement prior to issuance of Building Permit for the proposed maintenance and repair.

15. The shotcrete used for repair shall match the color and texture of the existing shotcrete wall.

**Attachments:**

1. Final Local Action Notice and Conditions of Approval for Permit #21-0011
2. Staff Report to Planning Commission June 2, 2022, for Permit #21-0011 (with no attachments)
3. Proposed Engineering Plans – June 16, 2025
4. Geotechnical Engineer Inspection Report – June 9, 2025

Report Prepared By: Brian Froelich, Senior Planner

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community and Economic Development Director