

# Capitola Planning Commission

## Agenda Report



**Meeting:** May 1, 2025

**From:** Community Development Department

**Address:** 723 El Salto Drive

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**Project Description:** Application #24-0311. APN: 036-143-35. Coastal Development Permit and Minor Land Division to create two lots of record in the R-1/V-S (Single Family/Visitor Serving) Zoning District. This project 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 #24-0311 and approve the project based on the recommended Conditions and Findings for Approval.

**Property Owner:** Doug Dodds Trustee

**Representative:** David Dodds, Filed: 8/13/2024

**Background:** The applicant is requesting consideration of a Coastal Development Permit and Minor Land Division to create two lots of record at 723 El Salto Drive in the R-1/V-S (Single Family/Visitor Serving) zoning district. The existing parcel contains a 4-unit apartment building, a single-family house (cottage), and a four-car garage. The proposed lot split is as follows:

- Proposed Parcel A is 28,959 square feet
- Proposed Parcel B is 6,379 square feet

In 2013, the Planning Commission approved a similar lot split for the subject property. That project received a series of extensions, but the Final Map recording was never completed and the approval expired.

**Discussion:** The subject property at 723 El Salto Drive is located on the southern side of El Salto Drive, east of Sacramento Avenue. Naturally formed bluffs and Soquel Cove are located to the south of the subject property and serve as the property's southern boundary. The subject property contains a two-story multi-family fourplex building constructed in 1956, a one-story residence constructed between 1912 and 1920, and a one-story, four car garage constructed in 2019. An asphalt and concrete driveway leads to vehicle parking spots and the garage in the northern section of the subject property. The property is surrounded by the Monarch Cove Inn and single-family residences.

**Minor Land Division:** Within a minor land division application, new lots must comply with Section 16.24.170(A-G) of the Municipal Code as follows:

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

The subdivision is located in the R-1 zoning district with a V-S overlay. The R-1 development standards are applicable to the smaller Parcel B with a single-family home. The larger Parcel A with the existing fourplex is required to maintain the four permitted units as is currently existing on the property due to California Government Code Section 66300.6 "No Net Loss". This requirement stems from SB 330 Housing Crisis Act and prohibits local jurisdictions from permitting reductions in residential density. In this case, the V-S overlay allows for multi-family development with an approved Conditional Use Permit, so proposed redevelopment could comply with both SB 330 and local standards on Parcel A. The V-S zone assigns the RM-M development standards for multi-family development projects.

Pursuant to 17.28-2, the minimum lot area requirement for the VS district is 5,000 square feet. Both lots comply with the minimum required lot size.

The existing single-family house on Parcel B encroaches over the side property line onto the property at 709 El Salto Drive. It is legal nonconforming in terms of side yard setbacks. Neither the City Code or the Subdivision Map Act requires existing legal nonconforming structures to be corrected as part of the subdivision approval, so long as the proposed property boundaries do not exacerbate the existing nonconformity or create a new one. Future development on the site will be required to come into conformance with current design and development standards. There is no new nonconformity or exacerbation of the existing nonconformity caused by this application.

B. 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.

The access to both lots will be at a right angle to the street. The applicant is proposing Parcel B as a flag lot to preserve access to the four-plex and existing garage on Parcel A.

C. The Planning Commission may require that building setback lines shall be indicated by dotted lines on the subdivision map.

The applicant has included building setback lines on the subdivision map. Setbacks for proposed structures will be reevaluated at the time of proposed redevelopment of the parcels. The project geologist has prepared a 50-year bluff retreat map to demonstrate that viable construction can be accommodated on the proposed lots.

D. No lot shall be divided by a city boundary line.

The parcel is entirely within the city boundary.

E. Lots without frontage on a dedicated public street of twenty feet or more will not be permitted.

Both lots provide street frontage of twenty feet or more.

F. Lots other than corner lots may front on more than one street where necessitated by topographic or other unusual conditions.

Not applicable.

G. In riparian corridors no lots may be created which do not contain adequate building area outside the riparian or stream setback.

Not applicable.

### Parking

The single-family residential use on the proposed Parcel 2 currently shares surface parking with the 4-plex building. As proposed, Parcel 2 will no longer have access to the parking spaces following the subdivision. Staff is recommending that a driveway with two parking spaces be constructed prior to recording the final map (condition #12). The fourplex on the proposed Parcel 1 complies with the parking requirement of one covered space for each unit, plus one and one-half additional spaces on the site for each dwelling with the covered parking in the existing garage building. A building permit was issued for the construction of the 4-car garage in 2017 and passed all progress inspections except rough electrical and final inspection, but the permit has since expired. Staff is recommending a condition that the garage building permit be renewed and inspections completed to obtain certificate of occupancy prior to recording the final map (condition #13).

### Offsite Improvements

The site is located in a curb, gutter, and sidewalk exempt area. Therefore, street improvements will not be required as part of the subdivision.

### Utilities

The applicant has obtained will-serve letters from Soquel Creek Water District, Santa Cruz County Sanitation District, and is in contact with PG&E to relocate gas and electric meters. Condition of approval #19 requires the applicant to complete utility installations or will-serve commitments to serve the subdivision, prior to recording the final map.

### Future Development Potential

Pursuant to the current VS/R-1 zoning designation, the single-family house on Parcel 2 is a permitted use. A change in use could be proposed within the VS overlay district to a range of visitor serving uses. Any future change in use would require approval of a conditional use permit by the Planning Commission. However, with the proposed lot size (6,479 square feet) it is likely that only a single-family use would be appropriate. Future development on Parcel A is required to include at least four-units pursuant to SB 330.

### Duration of Approval

Per the Subdivision Map Act Section 66452.6.a.1, a conditionally approved tentative map shall expire 24 months after approval or conditional approval. If approved, the tentative map shall expire on May 1, 2027.

### Environmental Analysis

The property is located in the locally mapped Environmentally Sensitive Habitat Area and the Archaeologic Sensitive Area. The City contracted with the environmental consultant, Dudek to prepare technical studies to address potential project impacts.

Archaeological Area: Background research found no recorded archaeological resources within the project area or close enough to be causes of concern. Dudek found records that the project area was surveyed for archaeological resources in 1975 with no discoveries. The closest known archaeological site lies approximately 1,300 feet west. The present survey of the project area was also uniformly had

no discoveries for evidence of previously unknown resources. The Native American Heritage Commission indicated positive results for the Sacred Lands file search with the Costanoan Ohlone Rumsen-Mutsen Tribe listed as the information point of contact. Dudek then followed up with outreach to the seven local Native American community contacts. This outreach effort did not result in any new information about cultural or tribal cultural resources in the vicinity.

As a result of the Archaeological Resources Study, Dudek is recommending conditions of approval that address the potential for discovery of archaeological resources or human remains during construction activities (conditions #7 and #8). See attachment #3 for Archaeological Study.

Habitat Area: A Dudek biologist conducted a biological reconnaissance-level field surveys for the project that resulted in the following findings:

- No special-status plant species were identified.
- One monarch butterfly was identified. Suitable trees for overwintering populations are limited, so the site is unlikely to support overwintering monarchs.
- Due to the absence of suitable habitat conditions and existing developed and disturbed conditions on and in the vicinity of the project site, no special-status plant or wildlife species are expected to occur.
- The site offers potential nesting habitat for native migratory birds.
- No aquatic resources were identified.
- No sensitive natural communities were identified.
- The proposed project will have no effect on critical habitat since the project site is not located within a designated critical habitat.

As a result of the biologic resources review, Dudek is recommending conditions of approval that require preconstruction surveys for Monarch Butterflies and nesting birds (conditions #9 and #10). See attachment #4 for the Biological Study.

#### **CEQA:**

Sections 15315 of the CEQA Guidelines exempts Minor Land Divisions in urbanized areas zoned for residential use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. This project involves a two-lot Minor Land Division that is in compliance with zoning and the General Plan. No adverse environmental impacts were discovered during review of the proposed project. See attachment #2 for the Notice of Exemption.

#### **Minor Land Division Findings:**

- A. That the proposed map is consistent with applicable general and specific plans.**

The proposed map is consistent with the general plan and zoning ordinance. All measurable standards are accommodated and both lots can accommodate the existing and proposed development without creating nonconformity as conditioned.

**B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.**

The proposed subdivision map is consistent with the general plan and zoning ordinance. All measurable standards are accommodated and both lots can accommodate the existing and proposed development without creating nonconformity as conditioned.

**C. That the site is physically suitable for the type of development.**

Both resulting properties can accommodate compliant developments. The applicant has demonstrated the building envelope by showing setbacks on the tentative map and the project geologist has prepared a 50-year bluff retreat analysis.

**D. That the site is physically suitable for the proposed density of development.**

Both created parcels are physically suitable for development.

**E. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The design of the subdivision follows the existing and approved development pattern on the parcels. Environmental and archaeological conditions of approval have been added to the project.

**Coastal Development Permit Findings:**

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

The proposed Minor Land Division conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program. Each created lot is of the minimum required size and can accommodate development consistent with the applicable zoning standards.

**B. The project maintains or enhances public views.**

The proposed project is located on private property at 723 El Salto Drive toward the end of El Salto Drive. The project site is on a residentially zoned and developed block and the anticipated future development will accommodate similar development as the surroundings. Scenic coastline views from public property will be maintained.

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

The approved project and future development will not impact coastal vegetation, natural habitats, and natural resources, as conditioned by this report.

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

The project will not negatively impact low-cost public recreational access.

**E. The project maintains or enhances opportunities for visitors.**

The project includes residential development within a residential neighborhood. The project has no impact on opportunities for visitors.

**F. The project maintains or enhances coastal resources.**

The project involves subdivision and future residential development on lots with existing residential development. There is no impact to coastal resources.

**G. 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 lot design criteria and can accommodate compliant residential development. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

**H. 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 is not inconsistent with the LCP goals for appropriate coastal development and land uses. The proposed use is an allowed use consistent with the R-1 zoning district.

**Conditions of Approval:**

1. The project approval consists of a tentative parcel map for a Minor Land Division and Coastal Development Permit to create two residential lots. The lot size for Parcel A is 28,959 square feet and Parcel B is 6,479 square feet. The created lots comply with Chapter 16 Subdivisions of the Capitola Municipal Code and can accommodate residential development pursuant to Chapter 17 Zoning. The existing single-family home, fourplex, and detached garage will remain on the property. The proposal is tentatively approved as indicated on the Tentative Parcel Map reviewed and approved by the Planning Commission on May 1, 2025.
2. Prior to construction, demolition, or utility work associated with subdivision improvements, a building permit and/or improvements permit shall be secured by the applicant.
3. During construction or demolition, any 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. §9.12.010B
4. Prior to recordation of the Final Map, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director and City Engineer. 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 and City Engineer.

5. Prior to issuance of building permits for future development, the proposed building plans must show that all new utility lines will be underground to the nearest utility pole.
6. The draft Tentative Parcel Map includes a label “existing house to be removed” which points to the existing single family home. The reference to demolition of the single family home must be removed prior to map recordation. Prior to issuance of a demolition permit, the applicant shall obtain approval of new development to replace the demolished unit(s). Additionally, the applicant shall provide documentation of a signed access agreement that references the existing building encroachment and includes permission from the owner(s) of 709 El Salto Drive to access their property to conduct future maintenance of the existing home.
7. If archaeological resources are exposed during construction activities for the Project, immediately cease all construction and contact the City of Capitola Community Development Department staff to initiate a resource evaluation by a qualified archaeologist. With concurrence of the City of Capitola Community Development Director, depending upon the significance of the find under CEQA (14 CCR 15064.5[f]; California Public Resources Code, Section 21082), the archaeologist may record the find to appropriate standards (thereby addressing any data potential) and allow work to continue. If the archaeologist observes the discovery to be potentially significant under CEQA, preservation in place or additional treatment may be required. [REF: City of Capitola Municipal Code Section 17.56.040 (Unexpected Discovery of Archaeological or Paleontological Resources)]
8. In accordance with Section 7050.5 of the California Health and Safety Code, if potential human remains are found, immediately notify the lead agency (City of Capitola Community Development Department) staff and the Santa Cruz County Coroner of the discovery. The coroner will decide the nature of the remains within 48 hours of notification. No further excavation or disturbance of the identified material, or any area reasonably suspected to overlie additional remains, can occur until a determination has been made. If the County Coroner determines that the remains are, or are believed to be, of Native American ancestry, the coroner will notify the Native American Heritage Commission within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the Native American Heritage Commission will appoint a Most Likely Descendant (MLD), who will be authorized to provide recommendation to the lead agency regarding the preferred treatment of the remains and any associated objects and/or materials.
9. Pre-construction Surveys for Nesting Birds. Within 14 days prior to any ground disturbing activities or vegetation clearing during the nesting season (February 1 to August 31), a qualified biologist or biological monitor shall conduct a pre-construction nesting bird survey of all potential nesting habitat within the BSA, including a 100-foot buffer for passerine species and a 300-foot buffer for raptors. If there is a lapse between the survey time and initiation of work activities of 14 days or greater, the nesting bird survey shall be repeated. If active nests are found during the survey, work in that area shall stop and 17203 6 JANUARY 2025 BIOLOGICAL RESOURCES ASSESSMENT FOR 723 EL SALTO DRIVE, CAPITOLA, CALIFORNIA a qualified biologist or biological monitor shall determine an appropriate no-work buffer around the nest based on the activity and species and mark the buffer using flagging, pin flags, lathe stakes, or similar marking method. No work shall occur within the buffer until the young have fledged or the nest(s) are no longer active, as determined by the biologist or biological monitor.

10. Pre-construction Surveys for Monarch Butterfly. If ground-disturbing activities or vegetation clearing occurs during the monarch butterfly overwintering period (October to March), a qualified biologist or biological monitor shall conduct a pre-construction survey for clusters of overwintering monarchs within the BSA. All large trees shall be inspected for butterflies clustering in dense groups on branches, leaves, and trunks. If any overwintering monarch clusters are found during the survey, the qualified biologist or biological monitor shall establish a 100-foot no-construction buffer around the occupied tree and mark the buffer using flagging, pin flags, lathe stakes, or similar marking method. No construction activity shall occur within the buffer until the end of the overwintering period, with confirmation by the biologist that roosting has concluded.
11. Prior to the recordation of the Final Map, the applicant shall submit new legal descriptions for each lot for review by the City Engineer.
12. The applicant shall install a driveway that accommodates two uncovered parking spaces prior to recording the final map.
13. The building permit for the four-car garage on Parcel A shall be renewed and the garage building shall obtain a certificate of occupancy, prior to final map recording.
14. Prior to submitting the Final Map to the City Engineer for examination, the owner (applicant) shall cause the property to be surveyed by a Licensed Land Surveyor or an authorized Civil Engineer. The submitted map shall show the existence of a monument at all external property corner locations, either found or set. The submitted map shall also show monuments set at each new corner location, angle point, or as directed by the City Engineer, all in conformity with the Subdivision Map Act and the Professional Land Surveyors Act. The survey shall include verification of the size and location of the existing structures by a California-licensed land surveyor.
15. The owner (applicant) shall submit four (4) copies of a Final Map in substantial conformance with the approved Tentative Map, along with the additional documents required by Section 16.78 of the Municipal Code with applicable fees and deposits, to the City Engineer for examination and prior approval. The Final Map shall contain all of the information required in Section 16.78 of the Municipal Code and shall be accompanied by the following items:
  - a. One copy of map checking calculations.
  - b. Preliminary Title Report for the property dated within ninety (90) days of the date of submittal for the Final Map.
  - c. One copy of each map referenced on the Final Map.
  - d. One copy of each document/deed referenced on the Final Map.
  - e. One copy of any other map, document, deed, easement or other resource that will facilitate the examination process as requested by the City Engineer.
  - f. One copy of the approved Tentative Map.
16. Interior monuments shall be set at each lot corner, prior to recordation of the Final Map.



17. The owner (applicant) shall provide Irrevocable Offers of Dedication for all required easements and/or rights-of-way on the Final Map, in substantial conformance with the approved Tentative Map and conditions of approval, prior to Final Map approval.
18. An Encroachment Permit issued by the Public Works Department is required for all improvements in any portion of the public right-of-way or of a public easement.
19. Prior to Final Map approval, the owner (applicant) shall furnish the City Engineer with satisfactory written commitments from all public and private utility providers serving the subdivision guaranteeing the completion of all required utility improvements to serve the subdivision.
20. The owner (applicant) shall secure all necessary permits from the City and any other public agencies, including public and private utility providers, prior to commencement of subdivision improvement construction. Copies of permits other than those issued by the City shall be provided to City Engineer.
21. The owner/applicant shall comply with requirements of Section 13.16.080 of the Municipal Code "Post-construction storm water management". The applicant shall use and maintain Best Management Practices (BMP's) for site design and storm water treatment.

Attachments:

1. Minor Land Division Tentative Map
2. Draft Notice of Exemption
3. Archeological Study - Dudek, January 16, 2025
4. Biologic Study - Dudek, January 13, 2025
5. Bluff Retreat Analysis - Pacific Crest Engineering, January 30, 2025

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Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director