

# Capitola City Council Agenda Report

**Meeting:** June 22, 2023  
**From:** Public Works Department  
**Subject:** Grand Avenue Pathway



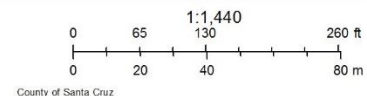
**Recommended Action:** Direct staff to relocate and repair existing fencing to maintain a minimum walkway width of eight feet on the Grand Avenue Pathway.

**Background:** The Grand Avenue Pathway, which historically ran along the top of the bluff on Depot Hill between Central Avenue and Sacramento Avenue, is designated as part of the California Coastal Trail. The path is treasured by residents and visitors alike for providing public access to stunning views of the City of Capitola and the Monterey Bay. Due to coastal bluff erosion, Grand Avenue east of Central Avenue has been closed to vehicular traffic since approximately the 1980's. The pedestrian walkway currently extends two blocks east of Central Avenue to Oakland Avenue.

Grand Avenue Pathway



June 12, 2023



On March 24, 2005, the City Council directed staff to maintain a minimum walkway width of eight feet (from bluff face to edge of pathway) within the Grand Avenue right-of-way, and that the public walkway be relocated within the right-of-way as necessary until such time that the path is no longer usable. That action also included a non-binding recommendation that future City Councils should not consider eminent domain for the public walkway should the right-of-way become too narrow to safely accommodate pedestrians.

Road right-of-way is an easement for the purposes of constructing and maintaining roadways, including pedestrian facilities. The City may claim all or only a portion of a road right-of-way for these purposes. In the case of Grand Avenue, between Central Avenue and Oakland Avenue, the City has not used or maintained the right-of-way between the old asphalt roadway and the right-of-way boundary, and some adjacent property owners have utilized this area for their benefit, generally for landscaping. Private property owners may not establish prescriptive rights against a public easement, so the City maintains the right to claim the unused right-of-way at any time.

On May 25, 2017, the City Council directed the closure of a block of the Grand Avenue Pathway between Oakland Avenue and Hollister Avenue due to the threat of continuing bluff failures in the area, based on the results of a geologic assessment. The City Council also authorized the formation of a citizen group (Ad Hoc Depot Hill Bluff Group) charged with studying potential long-term solutions for preservation of the pathway. On October 11, 2018, the Ad Hoc Depot Hill Bluff Group presented options for path preservation that were considered by the City Council, inclusive of filling undercut areas and construction of a groin or seawall. The City Council did not take any action at that time. The pathway between Oakland Avenue and Hollister Avenue remains closed, and portions of that section of path have since eroded away.

#### Discussion:

### **Geological Investigation**

The January 2023 storms caused additional bluff failures to occur on Grand Avenue, one resulting in the loss of bluff and fencing between Saxon Avenue and Oakland Avenue. To assess the safety of the path after these failures, the City contracted with Erik Zinn of Pacific Crest Engineering (PCE), the geologist who completed the 2017 bluff studies, to evaluate the bluff's condition and prepare a study to document findings.

The PCE evaluation (Attachment 1) found that the bluff is in various states of failure between Saxon and Oakland Avenues. Portions of the bluff failed from top to bottom in response to the intense storms this past winter and other areas appear to be primed for failure. PCE observed additional fractures which indicate that some locations in the bluff face are continuing to fail in reaction to the most recent bluff failures. The evaluation also noted that portions of the bluff between Oakland Avenue and Hollister Avenue have continued to retreat since last evaluated in 2017 (Attachment 2).

Overall, the current evaluation estimates the top bluff will retreat between 11 to 19 feet from the current position within the next one to six years.

### **Potential Actions**

Options to maintain the Grand Avenue Pathway

1. Relocate and repair existing fencing

This option would move the fencing for the pathway inland approximately ten feet, resulting in a pathway between Saxon Avenue and Oakland Avenue of approximately eight to ten feet wide. Based on the updated geological report, staff anticipates that relocating the path will extend its useful life for one to six years between Saxon Avenue and Oakland Avenue without removing private encroachments.

Staff recommends this alternative for the pathway at this time as it meets Council's 2005 direction to maintain a minimum walkway width of eight feet within the Grand Avenue right-of-way. This alternative can be executed at a low capital cost and minimal amount of staff time, as discussed in the fiscal impacts below. This does not stop the City from pursuing alternative 2, below, at a later date when additional bluff failures occur.

2. Remove encroachments in the Grand Avenue right-of-way

Between Central Avenue and Oakland Avenue, the remaining pavement from the old vehicular roadway does not extend to the limits of the dedicated right-of-way easement. Based on preliminary investigations of this area, it appears the road right-of-way extends beyond the walkway between 4 and 14 feet.

This option would move the fencing for the pathway inland approximately 10 feet, remove private improvements in the City’s right-of-way, and relocate the pathway between Saxon Avenue and Oakland Avenue at a width of approximately 12-24 feet. This may extend the life of the pathway for a period of time beyond the one to six years estimated in Option 1.

3. Closure of the pathway at Saxon Avenue and abandon the road right-of-way

Closure of the pathway at the beginning at Saxon Avenue would relieve the City of maintenance of this area. Closure would require the issuance of a Coastal Development Permit, as was done for the pathway between Oakland Avenue and Hollister Avenue in 2017. The permit could be appealed to the California Coastal Commission (CCC).

In a letter dated May 23<sup>rd</sup>, 2017, CCC urged the City Council to explore other alternatives to closing the pathway, including reclaiming “all areas of the publicly owned right-of-way along this entire stretch of Depot Hill that have been encroached upon by such private residential development so that this publicly-owned right-of-way property can be used to ensure that a path remains available for public access.” This option is discussed under option 1, above.

Abandonment of a right-of-way relinquishes the City’s interest in all or a portion of the previously dedicated public easement, thereby giving a property owner more usable area. Abandonment does not assign ownership or affect other property rights in the abandoned property, but rather releases the City’s interest and liability in the area.

**Fiscal Impact:** Fiscal impacts vary greatly depending on Council direction. Table 1 below provides a comparison of potential costs for the options discussed above.

**Table 1. Relative Costs**

Option	Capital Cost	Staff Time	Risk
1. Relocate Fencing	Low	Low	Moderate
2. Remove Encroachments	Moderate	High	Low
3. Closure Pathway	Low	Moderate	Low

**Attachments:**

1. Geological Investigation – Oakland to Saxon (Pacific Crest Engineering, 2023)
2. Geological Investigation – Hollister to Oakland (Zinn Geology, 2017)
3. Correspondence

**Report Prepared By:** Jessica Kahn, Public Works Director

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**Approved By:** Jamie Goldstein, City Manager