

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, July 17, 2025 – 6:00 PM



City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

**Chairperson:** Paul Estey

**Commissioner:** Courtney Christiansen, Matthew Howard, Nathan Kieu,

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1. **Roll Call and Pledge of Allegiance** - *The meeting was called to order at 6:00 PM. In attendance: Commissioners Howard, Kieu, and Chair Estey. Absent: Vice Chair Christiansen.*
  2. **Additions and Deletions to the Agenda** – *Staff received one email for Item 6A and one email for Item 6B as additional materials.*
  3. **Oral Communications** - *None*
  4. **Planning Commission/Staff Comments**

*Director Herlihy announced that a community meeting regarding the Cliff Drive Resiliency Project will take place on August 12, 2025, at 6:00 PM in the City Hall Community Room.*

#### 5. **Consent Calendar**

##### A. **Approval of June 5, 2025, Planning Commission Minutes**

##### B. **4800 Opal Cliff Drive**

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.

***Motion to approve Items 5A and 5B: Commissioner Kieu***  
***Second: Commissioner Howard***  
***Voting Yea: Commissioners Howard, Kieu, and Chair Estey***  
***Absent: Vice Chair Christiansen***

**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.

## **6. Public Hearings**

### **A. RTC Park Avenue Right of Way**

Project Description: Application #25-0056. APN: 036-201-02. Coastal Development Permit and Fence Permit to construct approximately 1,300 linear feet of fencing and safety signs along a coastal bluff. The project is located within the CF (Community Facility) zoning district and the Environmentally Sensitive Habitat Area (ESHA). 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 #25-0056 and approve the project based on the attached Conditions and Findings for Approval.

***Associate Planner Sesanto presented the staff report.***

#### ***Public Comments:***

- ***Speaker***
- ***Terry Thomas***

***The Commission discussed the conditions of application #25-0056.***

***Motion to approve Application #25-0056 based on the recommended conditions and findings: Commissioner Kieu***

***Second: Commissioner Howard***

***Voting Yea: Commissioners Kieu, Estey***

***Voting No: Commissioner Howard***

***Absent: Vice Chair Christiansen***

### **Coastal Development Permit Findings:**

#### **A. 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.

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

The proposed project is located on public property between Park Avenue and Monterey Bay. The project has been designed such that it will not negatively impact public landmarks and/or public views. Any existing public views will not be obstructed.

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

The proposed project includes safety fencing along an existing rail corridor. The proposed fencing pathway is located along heavily disturbed land to avoid impacts on surrounding resources and vegetation. The project maintains vegetation and will not negatively impact natural habitats or natural resources.

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

The project involves safety fencing along an ocean bluff which will not negatively impact low-cost public recreational access.

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

The project involves safety fencing along an unstable bluff. Pedestrians accessing the property routinely access hazardous sections of the property which the proposed fence seeks to prevent. The fence will not prevent access along legally established pathways and sidewalks, nor obstruct coastal views from such locations. Therefore, the fence will result in improved public safety and would not negatively impact visitor serving opportunities.

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

The project involves safety fencing and signage and will not negatively impact 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 safety fencing complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the CF (Community Facility) 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 involves safety fencing on a publicly owned transportation corridor. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the CF zoning district.

**Conditions of Approval:**

1. The project approval consists of the construction of approximately a 1,300-foot-long safety fence along the coastal side of the Regional Transportation Commission rail corridor and four warning signs for “no trespassing” and “unstable bluff”. An existing unauthorized bench will be removed as part of the project. 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.
2. No tree over six inches in diameter may be removed without separate permit. Fence alignment shall route around trunks where necessary.

3. No construction equipment may be staged within 10 feet of the bluff edge. Erosion control measures shall be followed.
4. This permit shall expire 48 months from the date of issuance. The applicant shall have 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 17.81.160.

**B. 302 Grand Avenue**

Project Description: Application 25-0191. APN: 036-132-09. Design Permit, Coastal Development Permit, and Variance to demolish a single-family residence and construct a new two-story, single-family residence. The application includes variance requests related to the required number of parking spaces and rear and side setbacks for the garage. The project is located within the R-1 (Single-Family Residential) zoning district and Geologic Hazards overlay zone.

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 #25-0191 and approve the project based on the attached Conditions and Findings for Approval.

***Associate Planner Sesanto presented the staff report. The applicant provided comments to the Commission.***

***Public Comment:***

- ***Russell Simpkins***

***The Commission discussed the conditions of application #25-0191.***

***Motion to approve Application #25-0191 based on the recommended conditions and findings: Commissioner Kieu***

***Second: Commissioner Howard***

***Voting Yea: 3-0***

***Absent: Vice Chair Christiansen***

**Design Permit Findings:**

- I. **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 replacement single-family dwelling complies with the development standards of the R-1 zoning district. With the granting of variances, the project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

**J. 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 a single-family dwelling within the R-1 zoning district. With a granting of the requested variances, the project complies with all applicable provisions of the zoning code and municipal code.

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

Section §15303(a) of the CEQA Guidelines exempts a single-family residence in a residential zone and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves the construction of a single-family dwelling within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

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

**M. 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. The proposed residential project complies with all applicable design review criteria in Section 17.120.070.

**N. For projects in residential neighborhoods, The proposed project maintains the character, scale, and development pattern of the neighborhood.**

Community Development Staff and the Planning Commission have reviewed the residential application. The residence and garage utilize fiber-cement shingles, fractional windows, and composition roofing. The form of the new residence retains similarities with the existing home including bonnet-style gabled roof and dormers. The project maintains the character, scale, and development pattern of the neighborhood.

**Variance Findings:**

**A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.**

The application notes several reasons for the variance, including the preservation of an olive tree behind the existing garage and limited space. The application also references limited site access due to city street abandonment of Grand Avenue and a portion of Saxon Avenue, approximately one third of the lot fronting Saxon Avenue. Staff further note that the lot depth was reduced to provide flag lot access on the adjacent property at 304 Grand Avenue, owing to loss of original road access from Grand Avenue. Therefore, multiple unique circumstances are applicable to the subject property, including lot size, geologic hazards, site access, and the preservation of trees.

**B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.**



The subject property underwent a lot line adjustment to provide the adjacent property at 304 Grand Avenue with off-street parking opportunities, which were lost with the closure of Grand Avenue. The road closure and subsequent lot line adjustment limit parking space and siting on the subject property, leading to the variances originally approved for the existing garage. Therefore, the strict application of this requirement on a would deprive the subject property of a design commonly enjoyed on similar properties in the same zone.

**C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.**

Properties abutting the Grand Avenue bluff are characterized by irregular parking configurations including flag lots, nonconforming garage setbacks, and substandard parking availability. The granting of variances for a reduction of required on-site parking and for minimum rear and side yard setbacks related to the garage are necessary to preserve development opportunities possessed by other properties in the vicinity.

**D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.**

The granting of variances results in a project which complies with geologic hazard regulations, preservation of on-site trees, without any materially detrimental impacts to the public or surrounding improvements and amounts to a continuation of existing conditions.

**E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.**

Over half of the 18 properties abutting the Grand Avenue bluff between Central Avenue and Livermore Avenue exhibit one or more irregular parking configurations including flag lots, nonconforming garage setbacks, and substandard parking availability. The granting of variances does not constitute a grant of special privilege.

**F. The variance will not have adverse impacts on coastal resources.**

The project has been designed with consideration to adjacent coastal resources. This includes removing existing encroachments within the public right-of-way and improving public parking spaces adjacent to the residence with deeper parking stalls. The project will not have adverse impacts on coastal resources.

**Coastal Development Permit Findings:**

**A. 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. Specifically, the project has been designed for consistency with a fifty-year development life related to geologic hazards.

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

The proposed project is located on private property at 302 Grand Avenue. Improvements, including the new dwelling and landscape features have been designed to maintain or enhance public views.

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

The proposed project is located at 302 Grand Avenue. The home is not located in an area with natural habitats or natural resources. The project will maintain or enhance vegetation and will not negatively affect natural habitats or natural resources.

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

The site is private property which does not possess coastal access or resources. The project will not negatively impact low-cost public recreational access.

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

The project involves the construction of a single-family dwelling will not negatively impact visitor serving opportunities.

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

The project has been designed with consideration to adjacent coastal resources and incorporates improvements to public parking adjacent to the residence.

**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.**

With the granting of variances related to on-site parking and garage setbacks, 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.

**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 involves the construction of a single-family dwelling 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 zoning district.

**Conditions of Approval:**

1. The project approval consists of the demolition of an existing single-family residence and construction of an 1,867 square-foot single-family dwelling and attached 320 square-foot garage. The maximum Floor Area Ratio for the 4,126 square foot property is 53% (2,187 square feet). The total FAR of the project is 53% with a total of 2,187 square feet. 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.
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. Best management practices shall be used to protect the existing olive trees during construction, including preconstruction root exploration, preconstruction root pruning and canopy pruning, and tree protection structures. The applicant shall notify the City immediately upon evidence of tree death or decline. Tree death or trees in an irreversible state of decline shall be replaced to the satisfaction of the Community Development Department.
9. Prior to issuance of building permit, all Planning fees associated with permit #25-0191 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. Site runoff shall not drain onto adjacent parcels or over sidewalks.
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 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.
18. 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.
19. 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.
20. 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.
21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
22. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
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 demolition of the existing structure, a pest control company shall resolve any pest issue and document that all pest issues have been mitigated. Documentation shall be submitted to the City at time of demolition permit application.
26. If archaeological resources from either precontact or historic eras are exposed during site clearing or construction-related ground disturbance operations shall stop within 50 feet of the find.
  - a. A qualified archaeologist shall be contacted as quickly as possible to assess the discovery and make recommendations for treatment.
  - b. The property owners and/or project manager shall notify the Community Development Department immediately.
  - c. If the find is determined to be potentially significant, appropriate mitigation measures will be formulated and implemented, to the satisfaction of the Community Development Department.
27. If human remains are found at any time, the immediate area of the discovery shall be closed to pedestrian traffic along Saxon Avenue street frontage and the Santa Cruz County Coroner must be notified immediately.
  - a. If the Coroner determines that the remains are Native American, the Native American Heritage Commission shall be notified as required by law
  - b. Condition #26 shall also be followed as applicable.

**C. 4820 Opal Cliff Drive**

Project Description: Application #25-0231. APN: 034-463-04. Conditional Use Permit and Coastal Development Permit for a pin pier wall bluff retreat mitigation device in the RM-M (Multi-Family Residential – Medium Density) Zoning District with a CZ (Coastal Zone) overlay. 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: Statutory Exemption

**Recommended Action:** Consider application #25-0231 and approve the project based on the attached Conditions and Findings for Approval.

***Senior Planner Froelich presented the staff report. A representative from the community's homeowners' association provided comments to the Commission.***

***Public Comment:***

- ***Speaker***

***The Commission discussed the conditions of application #25-0231.***

***Motion to approve Application #25-0231 based on the recommended conditions and findings: Commissioner Kieu***

***Second: Commissioner Howard***

***Voting Yea: 3-0***

***Absent: Vice Chair Christiansen***

**Conditional Use Permit Findings**

**F. 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 R-1 zoning district.

**G. 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 pin pier wall system is consistent with the general plan, local coastal program, and zoning code. Shoreline structures are permitted to protect development that existed prior to the Coastal Act.

**H. 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 install an accessory structure that reinforces the bluff and protects the existing building on the property. The structure is compatible with and will not interfere with other planned land uses in the vicinity. The project contractor has considered mobilization and does the proposed project does not require access to any other property.

**I. The proposed use will not be detrimental to the public health, safety, and welfare.**

The proposed pin pier wall system will not be detrimental to the public health, safety, or welfare. As conditioned, the mobilization and installation will stabilize the bluff and protect the existing structure.

**J. 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 installation does not have any anticipated impact to public services or infrastructure.

### **Coastal Findings**

**9. 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. Specifically, Policy VII-9 allows shoreline structures to be installed for protection of existing structures.

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

The proposed project has no permanent impact on view or coastal access.

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

The proposed project will have an impact on existing decorative landscaping and patios. These are not areas conducive to native habitat. Condition of approval #10 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. Condition #13 requires the applicant to provide a landscape plan to the Planning Department for review and installation, prior to final inspection.

**12. 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.

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

The project has no impact on visitors and opportunity.

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

The proposed pin pier wall system is intended to maintain the bluff, minimize erosion, and protect the existing structures.

**15. 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 pin pier wall will not be noticeable from offsite when completed. The proposed wall is a passive installation below grade. There are no significant design or operational impacts associated with the proposed project.

**16. 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 are appropriately conditioned by this permit and only impact the project site.

**Conditions of Approval:**

1. The application is for a Conditional Use Permit (CUP) and Coastal Development Permit (CDP) to construct a coastal protection pin pile wall structure with tiebacks and a grade beam at 4820 Opal Cliff Drive. Prior to construction, a building permit shall be secured for any new construction or modifications to existing structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission on July 17, 2025, except as modified through conditions imposed by the Planning Commission during the hearing. All construction and site improvements shall be completed according to the approved plans.
2. 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.
3. 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**

4. The project approval consists of construction of conditional use permit, and coastal development permit to construct a coastal protection pin pile wall structure with tiebacks and a grade beam. 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.

5. 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.
6. Prior to issuance of a building permit, all Planning fees associated with permit #25-0231 shall be paid in full.
7. 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.
8. 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.
9. 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.
10. To the extent practicable, construction activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If construction cannot be performed during this period, preconstruction 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 construction (including mobilization) 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.
11. Prior to building permit issuance, the City's Geotechnical Consultant shall review and approve all geotechnical aspects of the project construction and grading plans (i.e., site preparation, grading, excavation, and subsurface drainage improvements, etc..) to ensure that their comments have been addressed and/or properly incorporated into the project design.
12. Prior to final inspection, a landscape plan shall be submitted and approved by the Community Development Department and installed by the applicant. The landscape plan may be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall, at minimum, demonstrate how the affected areas will be replanted



and protected for erosion control. The plan shall identify planting type, size, and location of species and details of any proposed (but not required) irrigation systems.

13. If during construction operations the contractor needs access to any adjacent private property, the applicant shall immediately notify the City and, prior to accessing any adjacent private property, provide the City with documentation of a signed access agreement that references the needed encroachment and includes permission from the affected property owner(s) to access and conduct the work.

#### Public Works

14. At the time of submittal for building permit review, a sediment and erosion control plan (construction BMP's), including equipment and stockpile location and protection, 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.
15. At the 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.
16. 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.
17. Prior to a Public Works final inspection, 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.

#### **7. Director's Report**

*Director Herlihy announced that a new Planning Commissioner will be appointed at the July 24<sup>th</sup> City Council meeting; reminded Commissioners of the Cliff Drive Resiliency Project community meeting on August 12, 2025, at 6:00 PM; shared that the City has applied for a climate adaptation planning grant; announced that the name of the Community Development Department has been changed to the Community and Economic Development Department; and announced the departure of Senior Planner Brian Froelich.*

- 8. Adjournment** – The meeting adjourned at 7:09 PM. The next regularly scheduled meeting of the Planning Commission is on August 21, 2025, at 6:00 PM.

ATTEST: \_\_\_\_\_

Rosie Wyatt, Deputy City Clerk