

STAFF REPORT

MEETING OF: 5/1/86

APPLICATION: #CUP/85-129

APPLICANT'S NAME: STAN WEBB

OWNER: SAME

SITE: 110 GROVE LANE

APN: 36-161-10

GENERAL PLAN DESIGNATION: COASTAL BLUFF

ZONING: A-R

ENVIRONMENTAL STATUS: NEGATIVE DECLARATION

APPLICATION FOR: CONDITIONAL USE PERMIT TO PLUG A SEA CAVE

DISCUSSION:

This is an application to plug a sea cave with cement, reinforced with #5 hooked dowels to be 4 feet on center. The design for the project has been reviewed by Bowman and Williams for structural integrity.

STAFF ANALYSIS:

The review of beach erosion projects is always questionable because there are a variety of opinions regarding various approaches. The location of this particular cave should not result in bluff failure to adjacent properties if the plug fails and there should not be any further bluff damage from the installation.

Staff's major concerns would involve damage done to the area during construction. This would include damage from moving equipment close to the bluff or over the beach area. The negative declaration includes a list of mitigation measures which will be conditions of the project's approval.

The items the applicant will need to provide in his work schedule will include permission to cross the State park land; information on tides; weight of equipment; and information on how he will deal with the washout, debris and water. This permit will not allow concrete trucks or other vehicles over 4,000 lbs. within 150 feet of the bluff edge.

STAFF RECOMMENDATION:

Approve the Negative Declaration first with mitigating conditions and then approve the Conditional Use Permit, also with the following conditions and findings:

CONDITIONS:

- I. A construction plan and schedule will be prepared to include:
 - a) permit from the Army Corp of Engineers
 - b) permit from the State Lands Department
 - c) permit from the Coastal Commission
 - d) permit and permission for access from the State Department of Parks and Recreation
 - e) information on construction technique and timing, providing techniques which will be used to move equipment and materials.
 - f) no concrete truck will be allowed within 150 feet of the bluff's edge.
 - g) concrete finish shall be smooth with bluff face and colored to match existing rocks.
 - h) detailed information showing no wash out on the beach or other damage to animal or plant life.

FINDINGS:

- B. THE USE WILL NOT BE DETRIMENTAL TO THE HEALTH, WELFARE, SAFETY, PEACE, MORALS, COMFORT, OR GENERAL WELFARE OF PERSONS IN THE VICINITY OR CITY.
- E. THE APPLICATION, SUBJECT TO THE CONDITIONS IMPOSED, WILL MAINTAIN THE CHARACTER AND INTEGRITY OF THE NEIGHBORHOOD.
- F. THE APPLICATION, SUBJECT TO THE CONDITIONS IMPOSED, WILL SECURE THE GENERAL PURPOSES OF THE ZONING ORDINANCE AND THE GENERAL PLAN.

IV Environmental Questions

(by applicant)

YES	NO	MAYBE
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1. Land Use

- a. Is this project a first step toward a larger project (subdivision, planned development, or a large residential, commercial, or industrial development)?
- b. Could the project result in a substantial alteration of the present or planned use of the area?
- c. Does the project provide for population growth beyond what is provided for in the existing Capitola zoning regulations?

_____	✓	_____
_____	✓	_____
_____	✓	_____

2. Housing

- a. Could the project affect existing housing, or create a demand for more housing?

_____	✓	_____
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3. Utilities

- a. Could the project commit governmental agencies to subsequent land use action, such as additions or extensions to public utility facilities?

_____	✓	_____
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4. Neighborhood

- a. Could the size of this project significantly change the character of the neighborhood?
- b. Could the project entail a construction period that would disrupt normal activities of the neighborhood for a period exceeding six (6) months?

_____	✓	_____
_____	✓	_____

5. Aesthetics

- a. Could the project result in the obstruction of any scenic vista or view open to the public, or could the project result in the creation of an aesthetically offensive site open to the public view?

_____	_____	✓
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6. Traffic/Circulation

- a. Could the project result in vehicular traffic that may not be safely accommodated by existing access roads?
- b. Could the project affect existing, or create a demand for new, parking facilities?

_____	✓	_____
_____	✓	_____

7. Natural Resources

- a. Could the proposal result in an increase in the rate of use of any natural resources or the substantial depletion of any nonrenewable natural resource?

_____	✓	_____
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8. Earth

- a. Could the project result in unstable earth conditions or in changes in geologic substructures?

_____	✓	_____
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YES	NO	MAYBE
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- b. Could the project result in disruptions, displacements, compaction, or the overcovering of the soil? _____
- c. Could the project result in change in topography or ground surface relief features? _____ ✓
- d. Could the project result in wind or water erosion of soils, on or off the site? _____ ✓
- e. Could the project result in the destruction, covering, or modification of any unique geologic or physical features? _____ ✓
- f. Could the project possibly affect, or be affected by, the slopes upon which it would exist; or could the project be jeopardized, or in some way jeopardize, the stability of a cliff near to where the project is to be located? _____ ✓
- g. Could the project involve grading in excess of 50 cubic yards? If so, could such grading result in a hazard to adjacent properties, unstable slopes, or uncompacted fill? _____ ✓

9. Animal Life/Vegetation

- a. Could the project cause a change in the diversity of species, or numbers of any species of animals? _____
- b. Could the project result in a significant reduction in the vegetation that is currently relied upon by the wildlife using the site? _____ ✓

10. Hydrology

- a. Could the project significantly alter a stream, creek, or drainage course? The considerations should include channel size, channel location, water quantity, water quality, and vegetation bordering the stream? _____ ✓
- b. Could the project be affected by, or in some way affect, the unprotected floodways within the City? _____ ✓

11. Fire Hazard

- a. Could the project be affected by, or in some way affect, fire hazard areas within the City? _____ ✓

12. Pollutants

- a. Could the project produce noticeable or harmful air or odor pollutants? _____ ✓
- b. Could the project be affected by, or in some way produce, sustained high noise levels? _____ ✓

13. Cultural Resources

- a. Will the proposal result in the alteration or the destruction of a prehistoric or historic archaeological site? _____ ✓
- b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? _____ ✓

YES	NO	MAYBE
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c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? ✓

14. Health

a. Could the project result in the creation of any health hazard, potential health hazard (excluding mental health), or the exposure of people to potential health hazards? ✓

b. Could the project result in relocation or displacement of people? If so, how many? ✓

15. Recreation

a. Could the project result in an impact upon the quality or quantity of existing or planned recreational opportunities? ✓

16. Energy

a. Could the project result in the use of substantial amounts of fuel or energy, a substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? ✓

Applicants' Signature: Prepared by the Date: 7/7/86

*City of Capitola
Susan Supper
Planning Dept.*

NOTICE OF DETERMINATION

Upon approval

TO: Secretary for Resources
1416 9th Street, Room 1311
Sacramento, California 95814
or
County Clerk
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

FROM: Capitola Planning
Department, 420
Capitola Avenue,
Capitola, CA 95010

SUBJECT: Filing of Notice of Determination in compliance with
Section 21106 or 21152 of the Public Resources Code

Full Sea Cave with concrete
Project Title

State Clearinghouse Number
(If submitted to State Clearinghouse)

Susan Jupper
Contact Person Telephone Number 408-475-1500

110 Grove Lane
Project Location

Full Sea Cave approximately 15' x 25'
Project Description with concrete.

This is to advise that the City of Capitola
(Lead Agency or Responsible Agency)
has approved the above described project on _____ and has made the
following determinations regarding the above described project.

1. The Project will, will not, have a significant effect on the environment.
2. An Environmental Impact Report was prepared for the project pursuant to the provisions of CEQA.

A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
The EIR or Negative Declaration and record of project approval may be examined at: 420 Capitola Ave
Capitola Ca 95010

3. Mitigation measures were, were not, made a condition of the approval of the project.
4. A statement of Overriding Consideration was, was not, adopted for this project.

Filed by _____
Date Received for Filing _____

Date _____
Signature _____
Title _____

May 1, 1986

Commissioner Dysle indicated that he would like to see the dormer eliminated and skylights utilized, but has no problem in granting the applicant a variance.

Commissioner Fisher suggested that the dormers be reduced from two to only one.

A MOTION WAS MADE BY COMMISSIONER FISHER AND SECONDED BY COMMISSIONER KRIEGE TO CONTINUE APPLICATION #AS/V/86-66 TO THE PLANNING COMMISSION MEETING OF MAY 15, 1986, FOR REDESIGN.

MOTION WAS PASSED BY VOICE VOTE AND WAS SO ORDERED.

8. APPLICATION #AS/CUP/86-167 - Modification of approved application to add 2-13 ft. radio antennas on the AAA Building on Capitola Avenue, Doug Messini, Applicant. Categorically exempt.
Planner Tupper summarized the staff report.
Chairperson Karleen opened the public hearing.
Applicant's representative was present and advised the commissioners that the building needs the height on the antenna in order to receive emergency radio signals.
Chairperson Karleen closed the public hearing.
Commissioner Fisher suggested approval with modifications to the tripod so that it would be no higher than the parapet wall and not be visible and so that the whip would be no higher than 12 feet above the top of the parapet.
A MOTION WAS MADE BY COMMISSIONER FISHER AND SECONDED BY COMMISSIONER ELSTAD TO APPROVE MODIFICATION TO APPLICATION #AS/CUP/86-167 WITH THE CONDITION THAT THE TRIPOD BE NO HIGHER THAN THE PARAPET WALL AND THAT IT NOT BE VISIBLE; AND THAT THE WHIP IS TO BE NO HIGHER THAN 12 FEET ABOVE THE TOP OF THE PARAPET.
MOTION WAS PASSED BY VOICE VOTE, WITH CHAIRPERSON KARLEEN ABSTAINING.
9. APPLICATION #AS/SUB/85-221 - Architectural and Site Review and subdivision of a 6 unit condominium townhouse development on the west side of 38th Avenue approximately 300 feet north of the 38th Avenue Brommer Street intersection in the R-MM Multi-Family Residential District. Rainbow Bay Properties, Applicant.
APN 34-181-20
Planner Tupper advised the commissioners that since this application had been continued for redesign, and she has received no new plans from the applicant, she would suggest that the application be continued indefinitely.
Chairperson Karleen opened the public hearing.
No one spoke. Chairperson Karleen closed the public hearing.
A MOTION WAS MADE BY COMMISSIONER KRIEGE AND SECONDED BY COMMISSIONER DYSLE TO CONTINUE APPLICATION #AS/SUB/85-221 INDEFINITELY.
MOTION WAS PASSED BY VOICE VOTE AND WAS SO ORDERED.
10. APPLICATION #CUP/85-129 - Conditional Use Permit to plug a sea cave on 110 Grove Lane in the A-R Coastal Bluff Zoning District. Stan Webb, Applicant. APN-36-161-10. Negative Declaration.
Planner Tupper summarized the staff report.
Commissioner Dysle stated that he believed the applicant has a right to protect his own property and should be allowed to seal the cave.
Chairperson Karleen opened the public hearing.
Applicant Stan Webb was not present and no one else spoke.
Planner Tupper stated that she would get in touch with the applicant after the meeting.
Chairperson Karleen closed the public hearing.
A MOTION WAS MADE BY COMMISSIONER FISHER AND SECONDED BY COMMISSIONER ELSTAD TO APPROVE THE NEGATIVE DECLARATION FOR APPLICATION #CUP/85-129 WITH MITIGATING CONDITIONS AND FINDINGS, AS FOLLOWS:

May 1, 1986

CONDITIONS:

1. A construction plan and schedule will be prepared to include:
 - a) permit from the Army Corp of Engineers.
 - b) permit from the State Lands Department
 - c) permit from the Coastal Commission
 - d) permit and permission for access from the State Department of Parks and Recreation
 - e) information on construction technique and timing, providing techniques which will be used to move equipment and materials.
 - f) no concrete truck will be allowed within 150 feet of the bluff's edge.
 - g) concrete finish shall be smooth with bluff face and colored to match existing rocks.
 - h) detailed information showing no wash out on the beach or other damage to animal or plant life.

FINDINGS:

- B. THE USE WILL NOT BE DETRIMENTAL TO THE HEALTH, WELFARE, SAFETY, PEACE, MORALS, COMFORT, OR GENERAL WELFARE OF PERSONS IN THE VICINITY OR CITY.
- E. THE APPLICATION, SUBJECT TO THE CONDITIONS IMPOSED, WILL MAINTAIN THE CHARACTER AND INTEGRITY OF THE NEIGHBORHOOD.
- F. THE APPLICATION, SUBJECT TO THE CONDITIONS IMPOSED, WILL SECURE THE GENERAL PURPOSES OF THE ZONING ORDINANCE AND THE GENERAL PLAN.

MOTION WAS PASSED BY VOICE VOTE AND WAS SO ORDERED.

A MOTION WAS MADE BY COMMISSIONER FISHER AND SECONDED BY COMMISSIONER KRIEGE TO APPROVE APPLICATION #CUP/85-129 FOR A CONDITIONAL USE PERMIT TO PLUG A SEA CAVE LOCATED AT 110 GROVE LANE, WITH THE SAME MITIGATING CONDITIONS AND FINDINGS THAT APPLY TO THE NEGATIVE DECLARATION. MOTION WAS PASSED BY VOICE VOTE AND WAS SO ORDERED.

REGULAR MEETING

A. UNFINISHED BUSINESS

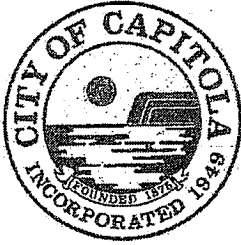
None.

B. NEW BUSINESS

1. APPLICATION #AS/86-71 - Arch & Site Review of a new entry deck at 316 Capitola Avenue, Captain Guido's restaurant, in the C-V Central Village District. Al Martin, Applicant. APN 35-172-17. Categorically exempt.
Planner Tupper summarized the staff report.
Applicant Al Martin was present but did not speak.
Commissioner Dysle suggested that a condition be added to review the application upon complaint.
Commissioner Kriege questioned as to where handicapped access to the restaurant is located.
Planner Tupper advised that it is in the back because there is no possible access in the front due to slopes.
A MOTION WAS MADE BY COMMISSIONER ELSTAD AND SECONDED BY COMMISSIONER FISHER TO APPROVE APPLICATION #AS/86-71 WITH CONDITIONS 1, 2, AND 3, AND WITH THE ADDITION OF CONDITION 4; AND WITH FINDINGS, AS FOLLOWS:

CONDITIONS:

1. THE DECK SHALL NOT BE USED FOR SEATING OR FOR SERVING FOOD.
2. THE DECK SHALL BE KEPT FREE OF TRASH.
3. THE CANVAS COLOR SHALL MATCH THE EXISTING AWNING AND SHALL BE REPLACED IF IT IS DETERMINED BY THE PLANNING DIRECTOR TO BE IN A DILAPIDATED CONDITION.
4. APPLICATION SHALL BE REVIEWED UPON COMPLAINT.



420 CAPITOLA AVENUE
CAPITOLA, CALIFORNIA 95010
TELEPHONE (408) 475-7300

PUBLIC NOTICE

NOTICE OF INTENT TO ISSUE A
NEGATIVE DECLARATION

The Planning Commission of the City of Capitola has prepared a negative declaration for the following project:

CUP/85-129 - Fill an existing sea cave with concrete at 110 Grove Lane, Capitola, CA 95010, Stan Webb, applicant. APN 36-161-10:

The project is to plug a sea cave at the base of a +/- 40 foot bluff at 110 Grove Lane, Capitola, Ca. This area is between New Brighton State Park and the City of Capitola Beach. The project will involve filling the cave with concrete held in place with #5 hooked dowels, 4 feet on center. The negative declaration includes the following conditions on the project:

1. A construction plan and schedule will be prepared to include:
 - a) permit from the Army Corp of Engineers
 - b) permit from the State Lands Department
 - c) permit from the Coastal Commission
 - d) permit and permission for access from the State Department of Parks and Recreation
 - e) information on construction technique and timing, providing techniques which will be used to move equipment and materials.
 - f) no concrete truck will be allowed within 150 feet of the bluff's edge.
 - g) concrete finish shall be smooth with bluff face and colored to match existing rocks.
 - h) detailed information showing no wash out on the beach or other damage to animal or plant life.

The Planning Commission will consider the afore-mentioned project and negative declaration at its meeting of May 1, 1986, beginning after the hour of 7:00 p.m. at the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Comments: A copy of the negative declaration is available for review at the Planning Department, 420 Capitola Avenue, Capitola, California. Comments on the negative declaration should be submitted in writing from April 8, 1986 to May 1, 1986.

Planning Department
City of Capitola