

CALENDAR ITEM

C22

MINUTE ITEM
This Calendar Item No. C22
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 3
to 0 at its 12/17/92
meeting

A 28
S 17

12/17/92
W 24679 PRC 7666
Plummer

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANT:

Colt Properties
P. O. Box 1008
Fresno, California 93714

AREA, TYPE LAND AND LOCATION:

Tide and submerged land in Monterey Bay, City of Capitola,
County of Santa Cruz.

LAND USE:

Construction and maintenance of an erosion control
structure.

LEASE TERMS:

Lease period:
Ten (10) years beginning December 1, 1992.

CONSIDERATION:

The public health and safety, with the State reserving the
right at any time to set a monetary rental if the Commission
finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of the upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing fees have been received.

CALENDAR ITEM NO. C22 (CONT'D)

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

06/09/93

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
2. A Negative Declaration was prepared, circulated and adopted for this project by the City of Capitola. The State Lands Commission's staff has reviewed and considered the information contained therein.
3. The portion of the project which would affect the Commission's jurisdiction would involve the required construction access on the beach area, and the potential for construction materials to enter the water. The City of Capitola has conditioned the approval of this project, CUP/90-14, subject to compliance with six identified mitigation measures which were considered to be minor in nature. The City of Capitola has not prepared a monitoring program for the identified mitigation measures. The City of Capitola circulated the environmental document through the State Clearinghouse and received no comments on the Negative Declaration.
4. Staff of the State Lands Commission has incorporated the mitigation measures identified in CUP/90-14 into the conditions of the Commission's proposed lease to the Applicant. The Applicant will be required to submit a construction plan to the staff of the State Lands Commission for review which will identify details on timing of construction, access for equipment, and cleanup.

APPROVALS OBTAINED:

City of Capitola

FURTHER APPROVALS REQUIRED:

State Coastal Commission and the United States Army Corps of Engineers.

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Negative Declaration
- D. City Approval

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION, SCH NO. 91033052, WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF CAPITOLA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO COLT PROPERTIES OF A TEN-YEAR GENERAL LEASE (AS CONDITIONED) - PROTECTIVE STRUCTURE USE, BEGINNING DECEMBER 1, 1992; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR THE CONSTRUCTION AND MAINTENANCE OF AN EROSION CONTROL STRUCTURE ON THE LAND DESCRIBED IN EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF.

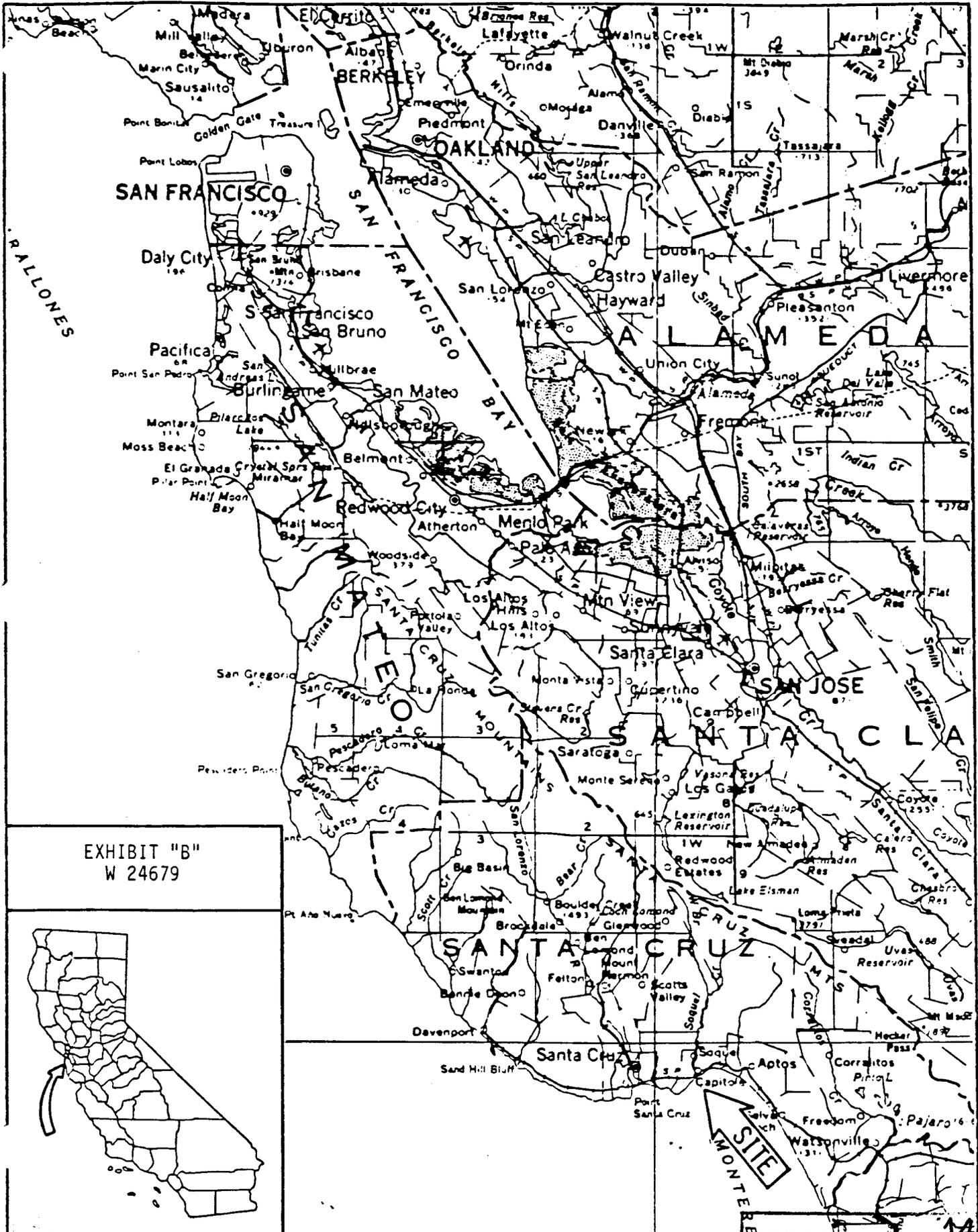


EXHIBIT "B"
W 24679



SITE



EXHIBIT "C"

NEGATIVE DECLARATION

Project Title / Application No.: CUP/90-14

Location of Project: 4850 Cliff Drive, Capitola, CA 95010

Applicant: Howard Dysle
825 Balboa Avenue #203
Capitola, CA 95010

Project Description: Bluff toe protection at 4850 Cliff Drive. The project will include filling a small sea cave and construction of an 18 ft. high concrete seawall, to be the width of the parcel.

Based upon the Initial Study attached hereto and for the reasons therein, it has been determined that the project will not have a significant effect on the City or regional environment and will not require an environmental impact report (EIR).

MITIGATION MEASURES

This Negative Declaration has been prepared under the assumption that the following conditions of approval will be stipulated for the project to mitigate potential impacts identified in the Initial Study:

1. A construction plan shall be submitted to and approved by the City which includes times of construction, clean up provisions and access points for equipment.
2. No heavy equipment (concrete trucks) shall be allowed within 50 ft. of the bluff edge.
3. No construction materials or backwash shall be allowed in the water.
4. The finished concrete shall be colored to match the surrounding bluff area.
5. This project shall meet the requirements and recommendations outlined in the geotechnical reports dated 6/28/89 and 5/18/88.
6. This project shall comply with Chapter 17.48 G-H Geologic Hazards District.

Administrator of Environmental Quality

Date

By Whom

STAFF CHECKLIST

Sent Notice of Intent to Issue Negative Dec.

State Clearing House Review Required

Public Notice Provided

Negative Declaration Adopted

Notice of Determination Filed

Date:

By Whom:

3/18/91

3/18/91

3/18/91

BK

BK

BK

CALENDAR PAGE

MINUTE PAGE

149.5

3828

COUNTY OF SANTA CRUZ

Planning

RECEIVED
APR 19 1991

DATE: April 18, 1991
TO: WHOM IT MAY CONCERN
FROM: CLERK OF THE BOARD OF SUPERVISORS
SUBJECT: NOTICE OF INTENT

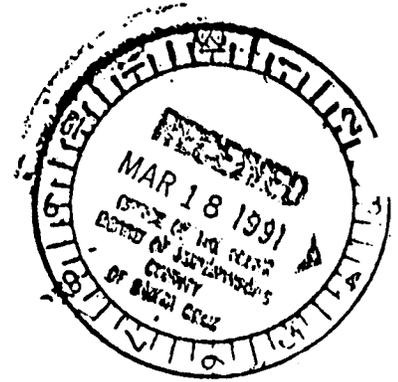
The enclosed Notice of Intent has been posted at the Clerk of the Board of Supervisors Officer, 701 Ocean Street, Room 500, Santa Cruz, California, for thirty (30) days.

FROM: March 18, 1991

TO: April 18, 1991



CITY OF CAPITOLA
 420 CAPITOLA AVENUE
 CAPITOLA, CALIFORNIA
 95010



THIS NOTICE HAS BEEN POSTED AT THE CLERK
 OF THE BOARD OF SUPERVISORS OFFICE FOR A
 PERIOD COMMENCING March 18, 1991
 AND ENDING April 18, 1991

PUBLIC NOTICE

**NOTICE OF INTENT TO ISSUE A
 NEGATIVE DECLARATION**

The Planning Department of the City of Capitola has prepared a
 Negative Declaration for the following project:

<u>Project Title / Application No.:</u> CUP/90-14
<u>Location of Project:</u> 4850 Cliff Drive, Capitola, CA 95010
<u>Applicant:</u> Howard Dysle 825 Balboa Avenue #203 Capitola, CA 95010

<u>Project Description:</u> Bluff toe protection at 4850 Cliff Drive. The project will include filling a small sea cave and construction of an 18 ft. high concrete seawall, to be the width of the parcel.

The Planning Commission will consider the above mentioned project and
 Negative Declaration at its meeting of **Apr-18-1991**
 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
Mar-1-1991 to Apr-18-1991
 at the Planning Department.

ENVIRONMENTAL QUESTIONNAIRE

Project Title/Application No. CUP/90-14

Cliff Erosion Control Project

Project Location (address) 4850 Cliff Dr Capitola APN34-081-01

Applicant's Name: John W Holt/Howard Dys Phone No. 475-0597

Address 825 BALBOA AVE #203 CAPITOLA CA 95010

Proposed Use of Site (general) SF DWELLING

INITIAL STUDY

I Environmental Setting:

Project Site (describe vegetation, topography, existing land uses or structures, drainage, etc) _____

Standard SF Dwelling located on a ocean side lot

Surrounding Properties (existing uses, building scale of development, vegetation, topography, etc.) _____

vacant lot and a Multi-Family Condominium

II Lot Coverage

Site Size 24,000 (acres or sq. ft.)

Site Coverage:

Building 2,200 (sq. ft.)

Parking and Access 800 (sq. ft.)

Landscaping 21,000 (sq. ft.)

Height of Proposed Structures N/A (sq. ft.)

Any Variances from Zoning Ordinance Required? YES ()

NO (X)

Explain Specific Reasons or Conditions _____

III Relationship to Planning Policy:

a. Is project site located within 100 ft. of Soquel Creek or Nobel Gulch? YES () NO (X)

b. Is the project site adjoining Highway 1? YES () NO (X)

c. Is the site within the Geological Hazard area (refer to map)?

YES (X) NO (A)
2/6/90

d. Is the site within the Archeological Sensitive area (refer to map)? YES () NO (X)

e. Is the site within Monarch Habitat area (refer to map)?

YES () NO (X)

f. Is the site within designated Flood Plain? YES () NO (X)

g. Is the site within 100 feet of Ocean Bluff top? YES (X) NO ()

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?

_____ X _____
 _____ X _____
 _____ X _____

2. Housing

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

_____ X _____

3. Utilities

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

_____ X _____

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?

_____ X _____
 _____ X _____

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?

_____ X _____

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?

_____ X _____
 _____ X _____

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?

_____ X _____

8. Earth

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

_____ X _____

CALENDAR PAGE 149 .10
 MINUTE PAGE 38.33

YES	NO	MAYBE
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- b. Could the project result in disruptions, displacements, compaction, or the overcovering of the soil? X
- c. Could the project result in change in topography or ground surface relief features? X
- d. Could the project result in wind or water erosion of soils, on or off the site? X
- e. Could the project result in the destruction, covering, or modification of any unique geologic or physical features? X
- 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? X
- g. Could the project involve grading in excess of 50 cubic yards? If so, could such grading result in a hazzard to adjacent properties, unstable slopes, or uncompacted fill? X
- 9. Animal Life/Vegetation
 - a. Could the project cause a change in the diversity of species, or numbers of any species of animals? X
 - b. Could the project result in a significant reduction in the vegetation that is currently relied upon by the wildlife using the site? X
- 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? X
 - b. Could the project be affected by, or in some way affect, the unprotected floodways within the City? X
- 11. Fire Hazard
 - a. Could the project be affected by, or in some way affect, fire hazard areas within the City? X
- 12. Pollutants
 - a. Could the project produce noticeable or harmful air or odor pollutants? X
 - b. Could the project be affected by, or in some way produce, sustained high noise levels? X
- 13. Cultural Resources
 - a. Will the proposal result in the alteration or the destruction of a prehistoric or historic archaeological site? X
 - b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? X

CALENDAR PAGE 149 .11
 MINUTE PAGE 3834

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? X

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? X

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

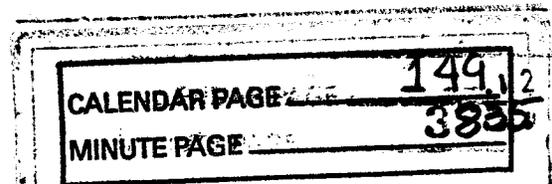
15. Recreation

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

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? X

Applicant's Signature: Howard Dysh Date: 7/7/89



STAFF REVIEW

Project Compatibility

Is proposed project consistent with Capitola General Plan, Coastal Plan, or other specifics on area plans? yes

Does staff agree with applicant's answers to environmental question? yes

Discussion of possible mitigation measures (discuss measures that may be included in the project for any identified impacts). 1. No equipment within 50ft of bluff edge.

2. Construction plan indicating construction times, cleanup provisions and access. 3. Finished concrete to be colored to match surrounding bluff area.

Name of staff person(s) who prepared or participated in the preparation of the initial study _____

Bob Knolls, Assoc. Planner

LEAVE PAGE	149.15
CALENDAR PAGE	
MINUTE PAGE	3830

Edward W. Timmons Jr., P.E.

Consulting Geotechnical Engineer

Post Office Box 2836

Santa Cruz, California 95063

(408) ~~429-1772~~

438-2510

June 28, 1989

Job No. 88-817

Leonard Maselli
P.O. Box 636
Capitola, CA 95010

RE: Update Report - Cliff Conditions
Residence - 4850 Cliff Drive
Capitola, California

Dear Mr. Maselli:

As requested by Howard Dysle, General Contractor for the proposed sea-wall construction at the subject site, a field examination of the beach cliff area along the rear of the residence has been made by the undersigned Geotechnical Engineer. The purpose of the examination was to provide an update report on the cliff face conditions as previously described in my report dated May 18, 1988.

My examination made on June 27, 1989 showed some minor sloughing had occurred on the upper face area of Terrace Deposit materials and some flaking of the exposed Purisima Formation sandstone on portions of the lower face area. At worst, however, the loss of materials on a few spots of the cliff face was only about 12 inches, but for the most part, it appeared that the cliff face retreat has been on the order of only 2 or 3 inches over the past

CALENDAR PAGE	149.14
MINUTE PAGE	3837

Leonard Maselli

-2-

June 28, 1989

year. There also appeared to be no change in the foundation conditions of the house structure.

Based on the above-described present conditions, it is concluded that no significant changes have occurred, and it is my opinion that the previous conclusions and recommendations contained in my May 18, 1988 letter are still valid.

Very truly yours,



Edward W. Timmons, Jr., G.E. 830

EWT/cf
cc: Howard Dysle

CALENDAR PAGE	149.
MINUTE PAGE	3838

Edward W. Timmons, Jr., P E
Consulting Geotechnical Engineer

Keth...

Edward W. Timmons Jr., P.E.

Consulting Geotechnical Engineer

515 Cedar Street

Santa Cruz, California 95060

(408) ~~429-1772~~ 722-5377

May 18, 1988

Job No. 88-817

Leonard Maselli
P. O. Box 636
Capitola, California 95010

RE: Evaluation of Cliff Stability and Foundation Conditions
Residence - 4850 Cliff Drive
Capitola, California

Dear Mr. Maselli:

At your request, an examination of the beach cliff area at the rear of the subject residence has been made by the undersigned geotechnical engineer. In addition, geologic data covering the general area of the site was reviewed. The purpose of this work was to provide an evaluation of the cliff stability and of the existing structure foundations.

An examination of the cliff face on May 4, 1988 showed that the upper 15 ft. or so consists of dense Terrace Deposit Formation materials which have good stability on a 1 to 1 slope inclination but tend to slough at steeper inclinations. Underlying this upper strata on an approximate horizontal bedding and extending downward on the order of 30 to 40 ft. is the very dense clayey sandstone of the Purisima Formation which has good stability on near vertical slope inclinations as long as the toe of the slope is not undercut by wave erosion at the beach level. At the present time, the cliff at the rear of the subject residence is at an inclination on the order of 1/2 or

CALENDAR PAGE	149
MINUTE PAGE	3839

1/3 to 1 (horizontal to vertical), and there are no significant erosion caves or undercutting at the beach level. At the top of the cliff, however, there is an approximate 5 ft. height of cliff face that contains some cracks and evidences of potential sloughing within the next year or so. A review of previously obtained photographic data shows that the historic cliff retreat rate in the general area of the site was on the order of 1 ft. per year, where no seawalls are constructed at the base of the cliffs.

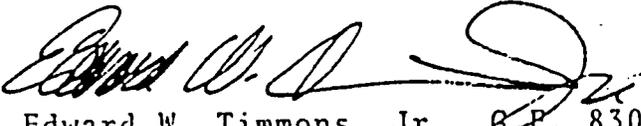
Examination of the present building shows that the main portion of the structure is at least 20 ft. from the edge of the cliff. There is, however, an attached addition at the rear which extends to the edge of the cliff face. Examination of the soils exposed in an open trench adjacent to the west side of the building shows the underlying foundation soils consist of dense clayey sands and gravels which are part of the previously described Terrace Deposit Formation and which provide good support to the conventional spread footing foundation system of the existing building. The attached Figure 1 shows an approximate site plan, and Figure 2 shows a typical profile of the underlying soil and rock conditions.

Based on the above findings, it is my opinion that the major portion of the subject residence can be safely occupied for the next 20 years, and if a seawall were constructed at the base of the cliff face so as to prevent wave erosion at the beach level, then the safety period could be extended indefinitely. It is

my further opinion, however, that the upper 5 ft. of the cliff face is relatively unstable. On this conclusion, it is recommended that the rear addition to the building structure be removed and that the upper 5 ft. of the present cliff face be trimmed back at a 1 to 1 (horizontal to vertical) slope inclination. In addition, provisions should be made to collect storm water runoff from patios and roof downspouts into a closed pipe or lined ditch system and route the flow to the front street area.

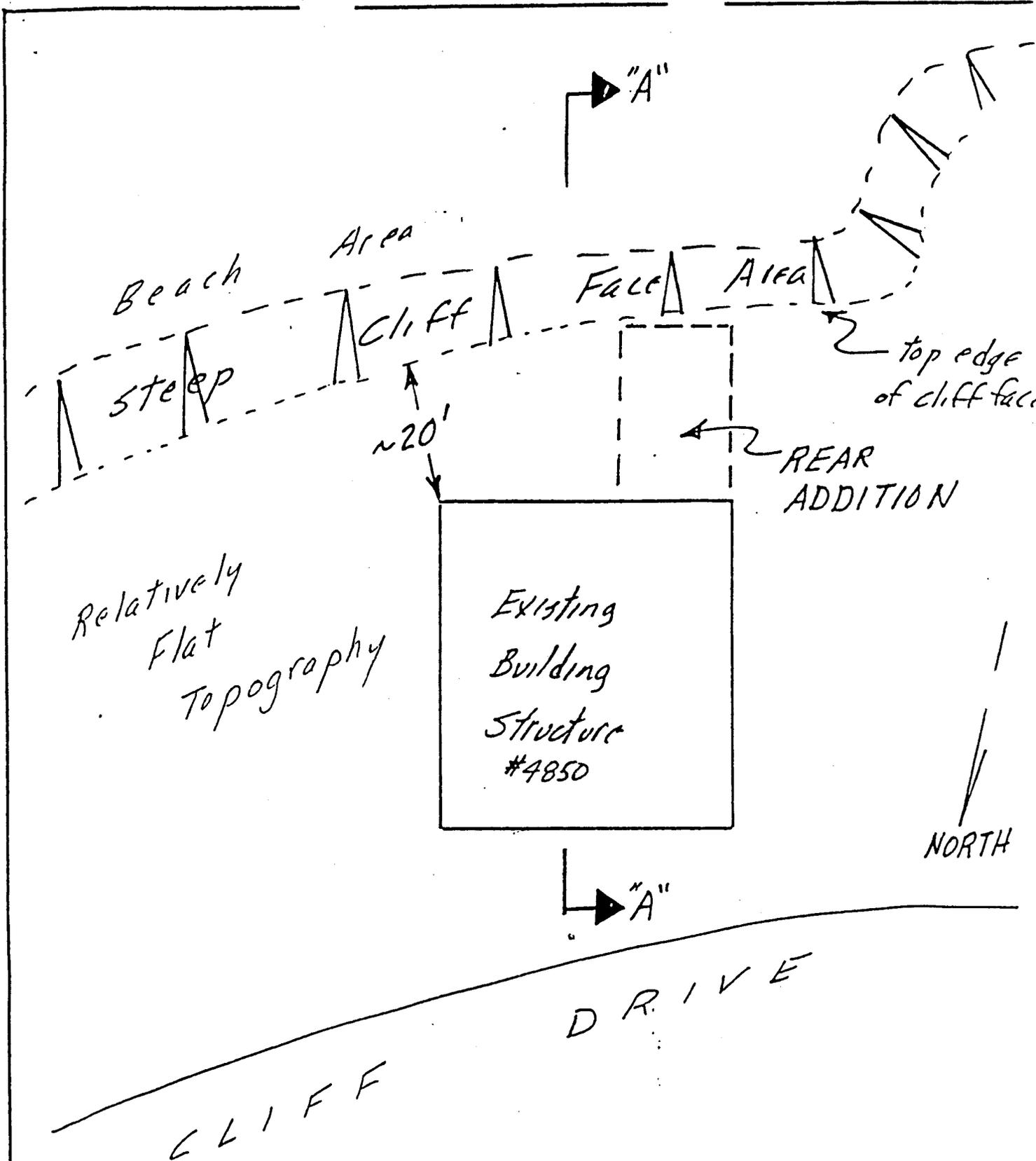
If there are any questions regarding these findings, please do not hesitate to contact me.

Very truly yours,



Edward W. Timmons, Jr., P.E. 830

Attachments: Figure 1 and Figure 2



APPROXIMATE SITE PLAN

No scale

For Cross Section on Page # 565 872
 149.19

REAR ADDITION (to be removed)

Main Building Structure

Cliff Drive

~15' Terrace Deposit Formation (Dense Clayey Sand with gravel)

Horizontal Contact

Parisima Formation (Vary Dense Clayey Silty Sandstone)

Trim back top of cliff

Present Slope

$\frac{2}{1}$ or $\frac{1}{3}$

Beach Area

APPROXIMATE PROFILE OF SITE

SECTION "A" - "A"

No Scale

EXHIBIT "D"

CONDITIONS:

1. COLORS AND MATERIALS SHALL MATCH THE EXISTING COLORS AND MATERIALS.
2. THE GARAGE SHALL BE USED FOR PARKING AND STORAGE ONLY.

FINDINGS:

- A. THE USE WILL BE CONSISTENT WITH THE GENERAL PLAN AND LOCAL COASTAL PLAN BECAUSE IT MEETS ALL REQUIREMENTS OF THE ZONING DISTRICT AND IS A DESIGNATED USE IN BOTH THE GENERAL PLAN AND LOCAL COASTAL PLAN.
- B. THE USE WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, MORALS, COMFORT OR GENERAL WELFARE OF PERSONS IN THE VICINITY OR CITY BECAUSE IT IS IN CONFORMANCE WITH THE GENERAL PLAN AND LOCAL COASTAL PLAN.
- E. THE APPLICATION, SUBJECT TO THE CONDITIONS IMPOSED, WILL MAINTAIN THE CHARACTER AND INTEGRITY OF THE NEIGHBORHOOD.
- Z. THE PROJECT COMPLIES WITH ALL COASTAL ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT.

MOTION WAS PASSED BY VOICE VOTE AND WAS SO ORDERED.

2. APPLICATION #CUP/90-14 - Conditional Use Permit for bluff toe protection measures at 4850 Cliff Drive, including filling a small sea cave and construction of an 18 foot high seawall in the A-R Automatic Review zoning district. Howard Dysle, applicant. APN 34-081-01. Negative Declaration. *2 Associate Planner Rivers summarized the staff report and asked that a one-year extension for the project be granted. Chairperson Fisher opened the public hearing. No one spoke.

Chairperson Fisher closed the public hearing. A MOTION WAS MADE BY COMMISSIONER ELSTAD AND SECONDED BY COMMISSIONER ROWELL TO ADOPT THE NEGATIVE DECLARATION FOR APPLICATION #CUP/90-14 WITH THE MITIGATION MEASURES LISTED AND WITH ALL ORIGINAL CONDITIONS OF PROJECT APPROVAL TO REMAIN IN EFFECT; WITH A ONE-YEAR EXTENSION OF PLANNING COMMISSION APPROVAL OF APPLICATION #CUP/90-14 GRANTED TO EXPIRE MAY 17, 1992; AND WITH THE ADDITION OF THE FOLLOWING FINDINGS:

FINDINGS:

- Y. THIS PROJECT WILL NOT INTERFERE WITH PUBLIC ACCESS ALONG THE BEACH AS IT IS SOLELY FOR REPAIR AND IMPROVEMENT OF THE BLUFF FACE AND SEA CAVE.
- Z. THE PROJECT COMPLIES WITH ALL COASTAL ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT.

MOTION WAS PASSED BY VOICE VOTE, WITH COMMISSIONER DYSLE ABSTAINING, AND WAS SO ORDERED.

3. APPLICATION #CP/AS/V/91-05 - Coastal Permit, Architectural and Site Review and Variances to the front and side yard setbacks and the height requirements for demolition of an existing residence and construction of a ~~new residence~~ ^{new single family} residential unit at 302 Cherry Avenue in the RM-M Medium Density Residential zoning district. Gary Garmant ^{149.21} Architect. Inc., applicant. APN 35-161-17. Negative ³⁸⁴⁴