

Land Use Plan

City of Capitola

Local Coastal Program

Certified by the California Coastal Commission  
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TABLE OF CONTENTS

INTRODUCTION .....4

LAND USE PLAN FRAMEWORK POLICIES .....7

I. LOCATING AND PLANNING NEW OR INTENSIFIED DEVELOPMENT  
AND PUBLIC WORKS FACILITIES COMPONENT .....8

II. .... PUBLIC ACCESS COMPONENT .....21

III. VISUAL RESOURCES AND SPECIAL COMMUNITIES COMPONENT .....39

IV. RECREATION AND VISITOR-SERVING FACILITIES COMPONENT .....51

V. HOUSING COMPONENT (deleted per amendment #1-87) .....

VI. .... NATURAL SYSTEMS COMPONENT.....58

VII. .... NATURAL HAZARDS COMPONENT.....74

APPENDIX

BIBLIOGRAPHIES

ACKNOWLEDGEMENTS

MAPS, EXHIBITS, AND TABLES

MAP I-1 ARCHAEOLOGICAL/PALEONTOLOGICAL SENSITIVITY MAP .....19

MAP I-2 WATER SERVICE AREAS .....20

MAP II-1 GENERALIZED ACCESS MAP .....36

MAP II-2 SHORELINE ACCESS MAP – VILLAGE AREA.....37

MAP II-3 SHORELINE ACCESS MAP – NEW BRIGHTON AREA .....38

MAP III-1 VISUAL RESOURCES BACKGROUND MAP .....49

MAP III-2 VISUAL RESOURCES POLICY MAP .....50

MAP VI-1 HABITAT MAP – SOQUEL CREEK AREA .....72

MAP VI-2 HABITAT MAP – ESCALONA GULCH AREA .....73

MAP VII-1 LIQUEFACTION HAZARD AREAS .....85

MAP VII-2 TSUNAMI INUNDATION BOUNDARY MAP .....86

MAP VII-3 100 YEAR FLOOD PLAIN MAP .....87

MAP VII-4 BLUFF RETREAT MAP .....88

MAP VII-5 HIGH SEISMIC SHAKING HAZARDS .....89

LAND USE PLAN MAP IN POCKET OF BACK COVER

## INTRODUCTION

In the general election of November 1972, the people of the State of California approved a ballot initiative known as Proposition 20 which established the California Coastal Commission and six regional commissions. These were temporary commissions, which, through the permit authority, were to manage the coastal zone as a resource of statewide interest. Concurrently, the commissions were to prepare a comprehensive Coastal Plan “to preserve, protect, and where possible, to restore, the resources of the Coastal zone for the enjoyment of the current and succeeding generations”. The Coastal Plan, completed on schedule in late 1975, served as the basis for permanent California Coastal legislation.

In 1976 the state legislature passed the California Coastal Act of 1976, to implement those recommendations found appropriate in the Coastal Plan. A key factor in the law was that most of the authority vested in the Commission by the Coastal Act was to be transferred to the local governments through adoption and certification of “Local Coastal Programs.”

The Local Coastal Program (LCP) includes a local government’s land use plans, zoning ordinance, zoning district maps and other implementing actions, which, when taken together, meet the requirements of , and implement the provisions and policies of the Coastal Act. Each LCP will reflect the coastal issues and concerns of the local jurisdiction and must be consistent with the statewide policies of the Coastal Act. Once adopted, the LCP becomes legally binding on the City and provides a permanent program for coastal protection. Adoption transfers permit authority, except in limited cases, to the local government.

When certified, the LCP then becomes binding not only on local public and private development, but also on special districts and state agencies. The basic goals of the Coastal Act, as stated in the Public Resources Code, Section 30001.5, are to:

- a) Protect, maintain and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coastal and maximize public recreation opportunities in the coastal zone, consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- d) Assure priority for coastal-dependent development over other development on the coast.
- e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The City of Capitola, through an option allowed under Section 30500(a) of the Coastal Act, has chosen to have the Coastal Commission prepare the Land Use portion of the City's Local Coastal Program.

Local Coastal Programs are divided into two major parts – the Land Use Plan and the Implementation Plan. The Coastal Commission has prepared the draft Land Use Plan for the City of Capitola's review and approval. The City of Capitola will prepare the Implementation Plan.

The Land Use Plan is defined by Section 30108-4 of the Coastal Act as the "relevant portions of a local government's general plan, or local coastal element, which are sufficiently detailed to indicate the kinds, location and intensity of land uses, the applicable resource protection and development policies, and where necessary, a listing of implementing actions." The Local Coastal Land Use Plan for the City of Capitola is a comprehensive long-term plan for land use and physical development within the City's coastal zone. The draft plan consists of proposed policies and recommendations for land use designations that are consistent with the provisions of the Coastal Act. In some instances this has involved changes in land use designations from Capitola's current General Plan, and new or revised development guidelines.

The Implementation Phase of the Land Use Plan will be prepared after the Land Use Plan is adopted. The Implementation Plan will include zoning, regulation revision, and other programs needed to carry out the goals, policies and land use designations of the Capitola LCP Land Use Plan.

Both plans will undergo public hearings prior to adoption by the City; the Land Use Plan, and later the Implementation Plan, will then be submitted to the Coastal Commission for "certification" that the Local Coastal Program has met the requirements of the Coastal Act. This stage of the review process includes public hearing before the Regional and State Coastal Commission on the Land Use Plan, and Regional Commission action on the Implementation Plan which becomes final unless it is appealed to the State Commission. Finally, the City Council will "enact" or "ratify" the certified LCP, including any necessary revisions to the General Plan or Zoning Ordinance, and Capitola will receive the authority to issue coastal permits.

The Local Coastal Program will be an important document in determining the future of Capitola's coastal zone. Like any plan, it must remain pertinent and up-to date in order to be effective. The Coastal Act provides for Commission review of each LCP at least every five years, and , in addition, the City may prepare and submit LCP amendments for review by the Coastal Commission on a periodic basis. Amendments must also be certified before becoming effective. Commission regulations currently permit up to three LCP amendments each year.

This Land Use Plan is divided into six different components, each of which focuses on a major group of Coastal Act policies:

- 1) Locating and Planning New or Intensified Development and Public Works Facilities
- 2) Public Access
- 3) Visual Resources and Special Communities
- 4) Recreation and Visitor-Serving Facilities
- 5) Natural Systems
- 6) Natural Hazards

Each component includes a background section, a listing of applicable Coastal Act policies, a discussion of existing local regulations, the recommended LCP Land Use Plan policies and examples of LCP implementation measures for consideration by the City of Capitola.

The recommended LCP Land Use Plan policies and examples of implementation measures are located at the end of each component on paper with a border for easy identification. The policies in Component I are interspersed throughout the text and are, therefore, individually “boxed.”

## LAND USE PLAN FRAMEWORK POLICIES

A framework for the Land Use Plan is provided by the following general policies:

### POLICY A

The City of Capitola shall adopt the policies of the Coastal Act (State Law – Public Resources Code [PRC] Sections 30200-30264) as the guiding policies of this Land Use Plan. If there is a need for interpretation beyond the policies in each component, the Coastal Act Policies will be used as the basis. (The complete text of the PRC Sections 30200-30264 is included in the Appendices.)

### POLICY B

Where policies in the Land Use Plan overlap or conflict, the policy that is the most protective of coastal resources shall take precedence.

### POLICY C

The Capitola LCP Land Use Plan shall be adopted as an amendment to the Capitola General Plan.

### POLICY D

In reviewing or carrying out projects outside the coastal zone, the City shall consider the effect of such projects or actions on coastal zone resources in order to ensure that the policies of the Capitola LCP Land Use Plan are achieved.

### POLICY E

Prior to the issuance of any permit for development in the coastal zone, the City of Capitola shall prepare necessary findings that the development meets the standards set forth in all applicable Land Use Plan policies.

### POLICY F

The City of Capitola shall maintain a high level of opportunities for public participation throughout the entire Local Coastal Program and Implementation Planning process.

### POLICY G

The Land Use Plan brings the City's General Plan, Zoning Ordinances and other policies for lands within the coastal zone into conformance with the Coastal Act. It should be recognized that the Land Use Plan must be used in concern with other local, state and federal policies and regulations when evaluating any development proposal. If a conflict between policies arises, the adopted Land Use Plan policies shall be the prevailing policy.

## I. LOCATING AND PLANNING NEW OR INTENSIFIED DEVELOPMENT PUBLIC WORKS FACILITIES

### BACKGROUND

The City of Capitola's coastal zone is urbanized and largely developed with a mixture of residential and commercial use. Only a very small number of undeveloped parcels of various sizes remain in the City. Capitola has no large tracts of undeveloped land which would provide for significant growth. In analyzing potential land use for the remaining undeveloped lands, and considering changes in existing uses, Coastal Act policies which establish priority uses must be considered. Coastal Act policies require that there be adequate public services to support development.

This section of the Land Use Plan provides a synopsis of some of the most challenging issues facing the City of Capitola in meeting the policies of the Coastal Act.

### RELEVANT COASTAL ACT POLICIES

The following Coastal Act policies deal directly with the establishment of priority uses and criteria for development:

#### SEC. 30250

- a) New residential, commercial or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions other than leases for agricultural uses outside existing developed areas, shall be permitted only where 50 per cent of the usable parcels in the area have been developed, and the created parcels would be no smaller than the average size of surrounding parcels.
- b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.
- c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

#### SEC. 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to

minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible , to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designed in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

SEC. 30252

The location and amount of new development should maintain and enhance public areas to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses, such as high-rise office building , and by (6) assuring that the recreational needs of the new residents will not overload the nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on site recreational facilities to serve the new development.

SEC. 30253

New development shall:

- 1) Minimize risks to life and property in areas of high geologic, flood and fire hazard.
- 2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along cliffs and bluffs.
- 3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- 4) Minimize energy consumption and vehicle miles traveled.
- 5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

SEC. 30254

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of , the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

SEC. 30255

Coastal-dependent developments shall have priority over other developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

EXISTING DEVELOPMENT PATTERNS AND CITY LAND USE POLICIES

The Capitola General Plan (1975) designates types of land uses within the City. While the City recognizes its historical attraction as a visitor destination, the General Plan does not establish any policies which give special priorities to coastal dependent or visitor-serving facilities within the coastal zone. During the past 10 years , there has been a substantial amount of development within the City of Capitola. This development consists mainly of:

- The construction of Capitola Mall and other development along 41<sup>st</sup> Avenue.
- Construction of a new commercial complex on upper Bay Street.
- Infill of single family and multi – family residential uses throughout the city, particularly in the Park Avenue, Kennedy Drive, Clares Street and Rosedale areas.
- Construction of new commercial, residential and mixed uses in Capitola Village, leaving virtually no vacant land.
- Rehabilitation and upgrading of numerous residential and commercial structures in Capitola Village.

- Intensification of uses within Capitola Village, including conversion from residential to commercial uses.

The new regional shopping center in Capitola provides services for the entire county, a significant revenue base for the City of Capitola and needed local employment. The development of the 41<sup>st</sup> Avenue shopping center has also presented problems and challenges; including increased traffic on an important coastal access route and demand for housing in Capitola and the surrounding area resulting from expanded employment opportunities.

The development within Capitola Village has generally improved the vitality of the area as a small scale commercial center and visitor attraction. Since most commercial and residential structures in Capitola Village have either no on-site parking or less than needed under the Zoning Ordinance for the specific use, the pedestrian orientation of the Village has been strengthened by new development. However, automobile congestion has increased at the same time.

The City of Capitola has a typical small city infrastructure of government services and utilities. There is generally adequate capacity, and public facilities to support urban infrastructure needs except for localized and seasonal road capacity problems and Village parking.

## ISSUE DISCUSSION AND RECOMMENDED POLICIES

### VILLAGE CHARACTER

Capitola Village and Beach is a unique visitor destination with a long history as a seaside resort. The Village has a special charm, due to its scale, variety and ambiance. There is a greater demand for parking than there is supply within Capitola Village. A 1981 study by DKS Associates showed that there is a deficit of approximately 360 spaces, based on current parking demand for Village activities.

The Coastal Act requires that “the location and amount of new development should maintain and enhance public access to the Coast by ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.” (Section 30252).

The consensus of City officials and citizens appears to be that increased parking within the Village would destroy Village character and would be too costly. Therefore, Capitola has been seriously utilizing alternative solutions , including remote parking and shuttle , along with parking within walking distance to the Village.

Since there is currently a deficit of parking facilities to service the Village, Beach and Wharf areas, all new or intensified development in these areas should include an equitable contribution to a permanent shuttle bus/remote parking system or adequate

parking. A long-term shuttle bus financing program would appropriately be based on an assessment district or some other comparable measures which require contribution to the shuttle bus/remote parking system or new parking lots.

The long-standing residential and commercial users in the Village should share the responsibility of providing additional parking or shuttle bus services with the new uses.

Policy I-1 It shall be the policy of the City of Capitola to maintain and enhance access to Capitola Beach, Village, and Wharf while maintaining and enhancing the existing character of Capitola Village and the surrounding residential areas. The intensity of new development shall be limited to the availability of parking and other alternative transportation systems, such as a shuttle bus and remote parking. (see Visual Resource and Special Communities & Public Access Components for further discussion.)

Implementation:

- a) Develop a Capitola Village/Beach parking program that will provide 300 to 400 new parking places for Village Beach users.
- b) Require adequate parking for new users, such parking to be provided at sites outside the Village area within walking distance or remote and served by shuttle system; exceptions to permit on-site parking may be made for (1) non-historic structures in residential areas bounding the central commercial district of the Village as shown on Exhibit B attached; (2) for the Capitola Theatre site and the Mercantile site as shown on Exhibit B attached, and providing that site designs shall provide for minimizing driveway cuts and for ground floor street frontage commercial development with parking areas/structures on the interior of the sites; (3) if mandated under Federal Emergency Agency regulations and as consistent with the certified LCP.
- c) Protect adjacent residential neighborhoods from parking intrusions while providing for public access to viewpoints and recreation areas. The residential parking program as approved under CDP 3-87-42 must incorporate the following provisions: (1) a limit of 350 permits at any one time for the Village Parking District; (2) a limit of 50 permits for the Pacific Cove parking lot to be issued to Village Permit holders and Transient Occupancy Permit holders; (3) provision of public parking on a daily basis along Prospect, Grand, and Cliff Avenues, to provide public access to scenic overlooks; (4) residential permit parking within the neighborhood areas shall be in effect only during the hours of operation of the Capitola Beach shuttle system except as provided in Resolutions 2435 and 2436 for the Fanmar and the Burlingame, Grand/Cliff areas; signing shall clearly state this relationship and shall be conspicuously posted; (5) if the shuttle system operation is

suspended, the permit parking program shall be suspended; (6) the ocean side of the Prospect shall have unrestricted parking; (7) a parking monitoring and reporting program designed to document the relationship of shuttle bus operation, residential permit parking program and its impact on public parking supply and to provide mechanisms to protect the public parking supply; (8) changes to the parking program areas or conditions will require an amendment to the LCP.

## RESIDENTIAL DEVELOPMENT

More residential units are required to serve the needs of the residents of the City of Capitola. The Village area provides a place for residential and commercial / recreational activities. Change in land use policy will have to be made in order to ensure this mix continues.

Policy I-2 It shall be the policy of the City of Capitola to encourage mixed commercial/residential development in the Village and to designate certain existing residential areas as exclusively residential.

### Implementation:

- a) The City shall rezone sites identified on the Land Use Map as appropriate for residential use.
- b) The Central Village Zoning District shall be revised to include a CV – R Central Village/Residential District exclusively for residential use.

## ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES:

Archaeological and paleontological resources are located in several different areas of Capitola's coastal zone. Coastal Act Section 30244 affords protection to both archaeological and paleontological resources.

### SECTION 30244:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation shall be required.

An archaeological sensitivity map for Capitola was prepared by the California Archaeological Site Survey, Central Coast Counties Regional Office. This map designates areas of the City where there is a likelihood of prehistoric cultural resources. (See Map I-1) The Map does not distinguish between known sites and potential sites, as past experience has shown that the circulation of maps identifying specific site locations has often led to indiscriminate digging by artifact collectors and vandals. Specific

information on recorded sites is available to the City of Capitola and individual property owners through the California Archaeological Site Survey Regional Office.

The sensitivity map focuses on archaeological and paleontological resources. There are no policies in the Coastal Act which deal directly with the protection of historic structures. In Capitola, historic structures add to the character and visual uniqueness of much of the area. Therefore, historic resources are discussed in the Visual Resources and Special Communities section of the draft Land Use Plan.

Capitola's Coastal Zone also contains an important fossil record dating back long before human occupation. Most of these paleontological resources are found in the Purisima Formation, a geological unit of sandstone and siltstone approximately 3 to 6 million years old. Essentially, the entire coastal bluff area in Capitola is composed at least partially of the Purisima Formation. Therefore, there is a high potential for paleontological resources along all the bluffs in Capitola. A significant number of fossils (including a whale skull) have actually been found in the bluffs below Grand Avenue.

The City of Capitola's historic preservation element contains a statement that archaeological and paleontological resources should be preserved. No specific policies or ordinance have been adopted to articulate this principle. Potential and/or recorded archaeological sites have been assessed in the General Plan Environmental Impact Report (EIR) and in EIRs for specific development proposals. As a part of the coastal permit process, the Coastal Commission has conditioned permits to require protection of the archaeological and paleontological resources. These requirements have included:

- Review of the site by a qualified professional archaeologist or paleontologist to determine its value.
- Resiting or redesigning the project to minimize impact on archaeological or paleontological resources.
- Preparation and implementation of an archaeological mitigation plan which could include excavation or protection of the resource for future study by covering with fill.

Policy I-3      It shall be the policy of the City of Capitola to provide for the protection, preservation, and proper disposition (where necessary) of archaeological, historical and paleontological resources within Capitola. This policy shall be implemented in cooperation with the landowners, developers, State Historic Preservation Office and the Archaeological Research Center. (See Map I-1)

Implementation:

- a) Develop an ordinance that ensures the protection of archaeological and paleontological resources.

- b) Identify regionally and locally significant historical resources and develop a new historical structure preservation provision of the Zoning Ordinance, or use the existing one.

### CITY PARK FACILITIES

The Coastal Act (Section 30252 [6] ) requires consideration of non-coastal parks to serve new and existing development. Section 30252 [6] states:

The location and amount of new development should maintain and enhance public access to the coast by “[6]...assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

In the past, Capitola has had no formal long range acquisition program to purchase proposed park sites designated in the General Plan. In September, 1980, the City Council authorized the initial steps needed to begin acquisition of open space sites. This included funding for limited property appraisals and a listing of vacant parcels with potential for both active and passive open space uses.

The most heavily used public recreation area in the City of Capitola is Capitola Beach; the Beach area, consequently, maintains a high level of use by local residents and tourists. The City of Capitola maintains the Beach and provides volleyball nets and trash receptacles. The Beach and Esplanade area is frequently used for community activities, such as kite flying and sand castle building contests.

Other park lands and improved open space areas within or very near Capitola’s coastal zone include Peery Park; Monterey and Bay Street Park; Wharf Road / Stockton Avenue Park; Jade Street Park and the school yard playgrounds at Capitola Elementary and Intermediate schools. The existing City Parks are all rather small and provide picnicing areas and limited open play spaces. The city has sought a larger park site suitable for active sports like soccer and baseball. A 5.2 acre parcel just outside the coastal zone on the northwest corner of Clares Street and Wharf Road is a possible candidate. Another large vacant site with potential for sports fields is a 4 acre site in the coastal zone on Monterey Avenue adjacent to the Capitola Elementary School. While this site offers good use possibilities, sports fields are already available at the nearby school.

The City is considering neighborhood park use for several small sites scattered throughout Capitola. The proposed land use designations in the Land Use Plan (see map) have been defined to allow future park use on these sites.

Policy I-4      It shall be the policy of the City of Capitola to provide new park sites to fill the existing City park needs. It is also the policy of the City to ensure

the protection of passive open spaces through proper development design and permit conditions (see Natural Systems, Natural Hazards Components, and Land Use Map for further discussion).

Implementation:

- a) Maintain City Park acquisition program to provide for City Park needs.
- b) Apply for State and Federal grants to provide a parks and open space fund.

WATER SUPPLY

Domestic water supply to the City of Capitola is provided by the City of Santa Cruz Water Department and the Soquel Creek County Water District (see Map I-2 for service area boundaries). Currently, the Santa Cruz City Water Department has an adequate supply to serve development of vacant lands within its Capitola service area.

Soquel Creek County Water District's only source of supply is groundwater from the Aromas Sands and Purisima Formations. There is presently an overdraft condition in the Purisima Formation Groundwater Basin which has been documented by the United States Geological Survey. This overdraft is causing seawater intrusion resulting in groundwater contamination.

The Soquel Creek County Water District is devising methods to deal with the groundwater overdraft and the attendant saltwater intrusion. The District is also exploring a variety of alternatives for new sources of water supply.

The Soquel Creek County Water District covers a broader area than just Capitola: Soquel, Aptos and other unincorporated portions of mid-Santa Cruz County are included in the boundaries. Any policy on water use, or a priority system for phasing of new development adopted by the Soquel Creek County Water District, must be applied equitably Districtwide. The policies of the LCP must nevertheless correlate the amount of development to the water supply available, without damage to coastal resources.

Though the City of Capitola is not itself a water purveyor, the City would have an interest in the development and implementation of any countywide master water plan, due to potential impacts on development and the resources within the City. One of Soquel Creek County Water District's alternatives for increasing its water supply includes a surface water diversion of Soquel Creek – the Glenwood Dam. This dam could have impacts on the riparian vegetation along Soquel Creek and the level of water within the lower reaches of Soquel Creek in Capitola. The Natural Systems section of the draft LUP provides more discussion on this subject. In situations where there is a limited capacity for providing public service (i.e. schools, water, fire protection, roads, sewers, etc.) the Coastal Act establishes a priority for various land use types. Under these provisions,

Coastal dependent and visitor-serving facilities are given highest priority in determining who will be allocated the impacted service.

Section 30254 of the Coastal Act states in part:

.....Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal – dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall no be precluded by other development.

As well, Section 30255 establishes a priority of coastal – dependent developments on or near the shoreline.

SEC. 30255

Coastal –dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal – dependent developments shall not be sited in a wetland. When appropriate, coastal –related developments should be accommodated within reasonable proximity to the coastal –dependent uses they support.

Policy I-5      It shall be the policy of the City of Capitola to cooperate with other agencies in the County and /or region for master planning , delivery and allocation of available Public Services consistent with the Coastal Act, Sec. 32054 and 32055 (i.e. water, fire, sewer, schools).

Implementation:

- a) The City shall participate in a County – wide watershed task force.
- b) The City shall maintain and review in-lieu school impact fees for new residential development.

SEWAGE TREATMENT

Sewage is collected from the areas between Aptos and Live Oak, including the City of Capitola, and transmitted via pipeline to the City of Santa Cruz’s Neary Lagoon treatment plant. Wastewater receives advanced primary treatment and is then discharged into the Pacific Ocean through the near shore discharge up coast from Point Santa Cruz. The Santa Cruz City wastewater treatment plant has a capacity of 21 million gallons per day(MGD). At the present time, approximately 11 MGD of the capacity is being used. The Santa Cruz Sanitation District has a contract with the City of Santa Cruz which guarantees 8 MGD capacity. At this time, approximately 6 MGD is used by the entire Santa Cruz County Sanitation District. There is adequate sewage treatment capacity available to serve all development likely under built out conditions with Capitola’s coastal zone.

The ocean outfall which serves the Neary Lagoon treatment plant is presently undersized and does not meet the discharge standards of the California State Ocean Plan. If this project proceeds, sewage disposal capacity will continue to be available in Capitola. If this outfall is not built, the Regional Water Quality Control Board could limit future growth in the entire service area until the condition and capacity of the outfall increases or an alternative to ocean disposal develops.

### FIRE PROTECTION

The City of Capitola receives fire protection services from the Capitola and Live Oak Fire Protection Districts. The main fire station of the Capitola Fire Protection District is located on Capitola Avenue across from the City Hall complex. The Live Oak Fire Protection District stations are located on 17<sup>th</sup> Avenue and on Thurber Lane near Soquel Avenue. At present there are adequate facilities to serve existing development in Capitola.

The Capitola Fire Protection District owns a parcel of land on Jade Street near 41<sup>st</sup> Avenue and is considering the site for a future new fire station. This parcel of land is a part of site 7 on Housing map V-1 (page 79). The draft Land Use Plan map designates the Jade Street sit for professional office use. The site would also be appropriate under Coastal Act policies for use as a fire station. If the Capitola Fire Protection District decides to construct a fire station on this site, this public facilities project would be permissible within the professional office designation.

**Includes changes per CAP-MAJ-1-07**  
**Includes changes per CAP-MAJ-2-04**

## II. PUBLIC ACCESS COMPONENT

### BACKGROUND

The California Coastal Act of 1976 includes strong policies to assure public access to and along the shoreline. Section 30500(a) of the Act requires that each Local Coastal Program contain a specific public access component to assure that maximum public access to and along the coast and public recreational opportunities are provided.

### RELEVANT COASTAL ACT POLICIES

There are numerous references throughout the Coastal Act to the provision and protection of public access. Section 30001.5 provides the legislative intent on access protection. Section 30001.5 states:

The legislature further finds and declares that the basic goals of the state for the coastal zone are to:

- a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- d) Assure priority for coastal-dependent and coastal-related development over other development on the coast. (Amended by Cal. Stats. 1979, CH. 1090.)
- e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The following are the major Coastal Act policies dealing with public access.

### SEC. 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

SEC. 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

SEC. 30212

- a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects, except where (1) it is inconsistent with public safety, military security, or the protection of fragile coastal resources; (2) adequate access exists nearby; or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
- b) For purposes of this section, "new development" does not include:
  - 1) Replacement of any structure pursuant to the provisions of subdivision (g) of section 30610.
  - 2) The demolition and reconstruction of a single-family residence; provided that the reconstructed residence shall not exceed either the floor area, height, or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.
  - 3) Improvements to any structure which do not change the intensity of its use, which do not increase either to floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.
  - 4) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the regional commission or the commission determines that such activity will have an adverse effect on lateral public access along the beach.

As used in this subdivision, “bulk” means total interior cubic volume as measured from the exterior surface of the structure.

- c) Nothing in this division shall restrict public access, nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution. (Amended by Cal. Stats. 1979, Ch. 919.)

#### SECTION 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public or any single area.

#### SECTION 30213

Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code.

#### SECTION 30214

- a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access, depending on the facts and circumstances in each case; including, but not limited to, the following:
  - 1) Topographic and geologic site characteristics.
  - 2) The capacity of the site to sustain use and the level of intensity of use.
  - 3) The appropriateness of limiting public access to the right to pass and repass, depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
  - 4) The need to provide for the management of access areas, so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.
- b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers that equities and that balances the rights of the individual property owner with the public’s constitutional rights of

access, pursuant to Section 4 of Article X of the California Constitution. Nothing in this section, or any amendment thereto, shall be considered as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

- c) In carrying out the public access policies of this article, the commission, regional commissioners and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs. (Added by Stats. 1979, Ch. 919.)

## DEFINITIONS

Shoreline Access is the provision of the pedestrian access from a public thoroughfare to and along the shoreline.

Lateral Accessway is an area of land providing public access along the water's edge. Lateral accessways should be used for public pass and repass, passive recreational use, or as otherwise found appropriate in a certified LUP. Lateral accessways can be on a beach, where contact with the water's edge is possible, or a bluff where only visual access is possible, or at the rear (water side) of buildings adjacent to the water's edge (i.e. the Esplanade).

Vertical Accessway is an area of land providing a connection between the first public road, trail, or use area nearest the sea and the publicly owned tidelands or established lateral accessway. A vertical accessway should be used for public pass and repass, passive recreational use or as otherwise found appropriate in a certified LUP.

Scenic Overlook is an area of land providing public access along a shorefront bluff or along the coast inland from the shoreline.

Upland Trail is an area of land providing public access along a shorefront bluff or along the coast inland from the shoreline. An upland trail can also provide access from the first public road nearest the sea to a scenic trail or another upland trail paralleling the shoreline. An upland trail should be used for public pass and repass, or as otherwise found appropriate in a certified LUP.

## EXISTING ACCESS AND FUTURE DEMAND IN CAPITOLA

Working Paper Number One for the Capitola LUP entitled Access (issued in June, 1979) includes a description of existing vertical and lateral accessways and scenic vista points in the Capitola Coastal Zone. The Working Paper also includes a detailed survey of the parking situation in Capitola Village as a constraint to access. Additional work on parking and vehicular concerns was done by a transportation consultant and the data from those studies is also available for review.

The land adjacent to Capitola's shoreline is densely developed with residential development along the Cliff Drive and Grand Avenue bluffs, as well as a mixture of residential and commercial uses in Capitola Village adjacent to Capitola Beach. Vertical access to the sea from Cliff Drive and Grand Avenue is virtually impossible due to the height of the cliff and substantial continuing erosion. Users of the Capitola shoreline typically gain access from the Esplanade, the wharf area, or from New Brighton beach.

Following is a general description of the major lateral and vertical access areas and scenic overlooks.

### CLIFF DRIVE

Two well-used viewpoints are located along Cliff Drive between the western city limit line and the wharf. Both pullouts are unpaved, have garbage cans and are lined with safety railings approximately five feet inland because the cliff was receding and undermining the posts. The western viewpoint is owned by the City and has room for approximately 11 cars. There are no benches, but people sometimes sit on the railing. Through a Coastal Conservancy Grant, the City has recently provided a stairway access to the beach. The city is developing a vista point along Cliff Drive in the turnout above the Hooper Beach stairway.

On the inland side of Cliff Drive, an unpaved area along the Southern Pacific right-of-way is used for public parking (approximately 50 spaces). The City has a formal agreement with Southern Pacific concerning use of this area. People going to Capitola Beach often park here and walk down to the beach. There are no sidewalks or bike paths in the City's narrow road right-of-way; this causes dangerous conflicts between pedestrians and vehicles. The City of Capitola has been given a grant by the Coastal Conservancy (for funding) to develop a paved parking lot on the Southern Pacific Railroad property.

### HOOPER BEACH

This small beach is located west of the wharf. Access at the end of Wharf Road is down a roadway that is occasionally used as a boat ramp. There are 11 public parking spaces at the end of Wharf Road; 9 nearby in front of the Venetian Court and approximately 26 private spaces reserved for guests of the two motels. Pedestrian access is also obtained along the beach from the main beach to the east.

Underlying title to Hooper Beach is owned by Esther H. Hooper. There are no signs indicating that this beach is private and there are no barriers to keep the public out. On the beach itself are located two garbage cans and a City sign; "No dogs on beach – Capitola City Ordinance." These improvements were placed there by the City.

In recent years, the City's maintenance of this beach has included lifeguard service (summer only), raking, litter pick-up and rat abatement in the rocks (principally in the new rip-rap placed below the Cliff Drive houses).

Public beach use is clearly evident. Also, small sailboats are stored on the beach during the summer.

### CAPITOLA WHARF

The Wharf is located on tidelands and submerged public trust lands. In 1935, the State gave the lands in trust to the County of Santa Cruz. In December of 1979, Santa Cruz County conveyed those portions of the tidelands and submerged lands within City limits to the City of Capitola.

Before storms weakened the structure in early 1978, and made it unsafe for public use, the wharf was used for pier fishing, a bait and tackle shop, boat rental and boat launching.

The City of Capitola owns the wharf and received a grant from the Wildlife Conservation Board to partially fund the rehabilitation of the wharf. The wharf restoration project was financed with 75% federal and state funds, plus 25% local funds. Repair work on the wharf structure was completed in 1981.

New buildings on the wharf now house a small restaurant, bait and tackle shop, boat rental concession and wharf maintenance.

The reopening of the wharf has provided free public fishing access. A condition of the financial participation of the Wildlife Conservation Board is that free public access to the facility be maximized.

### VENETIAN COURT

This condominium style subdivision (apparently one of the first in the state) was created in 1924. The units, fronting on Capitola beach, include a paved walkway with a contiguous two foot seawall, following the perimeter boundary of the subdivision at the edge of the beach. Access to the units (which are used as permanent homes, weekend homes, vacation rentals and motel units) and to the beach is gained in three locations:

- at the west side of the complex, a paved walkway comes down from the end of the Wharf Road to the perimeter walkway;
- a paved walkway starting at the sidewalk along Wharf Road and passing down through the middle of the complex with a sign at the beginning of the walkway which reads:

“Private Property  
Right to Pass Revocable At Any Time”

- four steps come down from the sidewalk at the west end of the Stockton Avenue bridge and join the perimeter walkway.

## THE ESPLANADE

There are several commercial buildings in the ocean side of the Esplanade. Between the buildings are separate accessways from the Esplanade to the beach:

- between 221 and 215 Esplanade is a breezeway that dead ends at Soquel Creek Lagoon, without steps down to the waterline;
- between 207 and 203 the Esplanade is a breezeway that terminates on Capitola Beach;
- running behind 203 the Esplanade is a narrow deck that was declared open to public use by the courts (Hansen V. Korzyna).

Curb Parking is provided along the Esplanade.

## CAPITOLA BEACH

The City beach receives extensive public use. An aerial survey taken by the County on four afternoons in August of 1976 showed an average of 429 people on the beach in mid-afternoon and a maximum of 520. With an estimated area of 4.4 acres, the average density of beach use was 97.4 people per acre, with a maximum of 118.2. Trash cans and a public restroom at the beach are maintained by the City.

Public parking is located along both sides of the Esplanade and on nearby city streets. A groin marks the eastern end of the beach.

The recently completed Esplanade Park project, a joint project between the Coastal Conservancy, the County of Santa Cruz Sanitation District and the City of Capitola, has provided a landscaped pedestrian area used for viewing and other passive open space activities. The project has consolidated the restrooms and sewage pump station into an architecturally-designed building. Other benefits of the project include:

- providing facilities adjacent to the beach and the sea for persons who find use of the beach itself difficult (i.e. the elderly and handicapped, etc.)
- significantly expanding area of land near the beach available for open space recreational use for residents and visitors.
- providing opportunities for enhancement of a visually degraded area.

## FROM CAPITOLA BEACH TO NEW BRIGHTON BEACH

During low tide, people sometimes pass between Capitola and New Brighton beaches by walking along a narrow sand and rock beach that lies at the base of 90 foot high bluffs. Steep topography restricts access options from above the beach; due to the dangerous

situation caused by the eroding cliffs, access is discouraged by the City along the cliff base as well.

### EL SALTO/ESCALONA GULCH

At the turn of the century, access along the top of the cliff was a tree-lined public path known as Lovers' Lane, on the ocean side of Grand Avenue. Lovers' Lane was lost in the 1930s because of cliff erosion.

Escalona Drive (called Railroad Avenue on the 1884 Camp Capitola subdivision map) is paved to the point approximately 500 feet east of Sacramento Avenue. At that point, a chain blocks vehicular access and what is apparently a private dirt road curving south out toward the ocean. The original subdivision map shows Escalona Drive in this area curving around to meet Grand Avenue at the edge of the cliff. The current parcel map shows Grand Avenue ending at Sacramento Avenue – it has been closed between Hollister and Sacramento Avenues because of cliff erosion. These parcel maps show Escalona Drive with an undeveloped right-of-way curving over 400 feet beyond the chain.

A footpath runs from near the chain on Escalona Drive down through Escalona Gulch and up to Grove Lane on the east side of the gulch. The course of the gulch becomes steep near the ocean and there is no access to the water below. A five foot wide pedestrian easement is recorded on the east bank of the gulch, but it does not run as far as the railroad.

A condition of coastal permit No. P-80-11 for a land division on part of the El Salto Resort property, was that an offer of dedication for two easements be made. These easements are to provide a public trail from El Salto Drive (also known as Prospect Street) to the bluff edge for observation of the shoreline. So far, the property owner has chosen not to exercise the permit for the land division and has not recorded the easement offers. If and when these offers are recorded, the city should accept it in order to help realize the goal of a bluff-top trail.

### RAILROAD

The Southern Pacific Railroad right-of-way next to Park Avenue has been used by pedestrians traveling parallel to the coastline. The wide part of the right-of-way is used by many people to view the ocean. The entrance to this potential vista point would be from Grove Lane as it crosses the railroad tracks. Two undeveloped pedestrian paths cross the right-of-way on the way down to New Brighton beach; the western path goes from the parklike area in the wide portion of the right-of-way down steeply to the emergency access road leading to New Brighton beach. The other path goes from Park Avenue opposite Coronado Street down to the New Brighton parking lot. Both paths are heavily used by the local residents, though neither one is recognized as an official access

point by State Park representatives. The authorized entrance to the park is almost one-third of a mile to the northeast. During early public workshops on the Capitola LCP, citizens and City officials suggested that these paths should remain open. Later sections of this document include information on possibilities for future uses of the railroad right-of-way and for New Brighton State beach.

### SOQUEL CREEK

The Local Coastal Program Working Paper Number 1 – Access – described the issues and possibilities concerning public access along Soquel Creek. The Capitola General Plan Circulation Element has a policy that Soquel Creek have a pedestrian path from Highway One to the Village Center. In fact, the Soquel Creek corridor has a long history of public trail use. As development has taken place in the corridor, access has been altered, and in some cases, diminished.

Because of the sensitive nature of the riparian corridor and the habitat it provides for various species of resident and migratory birds (including the black crown night herons, which are on the Audobon Society “blue list”) an extension of the path, and especially the use of bridges, should not be required.

The dedications offered by Timmons, Rafaelo and Golino, for access easements should not be accepted by the City. However, the City shall accept and require scenic conservation easements to ensure that the banks of the creek are maintained in their natural conditions.

The City should continue to maintain the existing paths and provide for public access at the city-owned parks along the northerly reaches of the creek. In addition, the city should enhance the public’s abilities to reach upper Soquel Creek from the lagoon, by way of Riverview Drive and Wharf Road.

### NEW BRIGHTON STATE BEACH

New Brighton beach, as part of the state park, has become a large day-use parking area. Facilities for camping accommodate recreational vehicles and tents. Campers arriving by bicycle can stay overnight for a nominal fee. In addition to the previously-mentioned emergency access road, there is a walkway down from the camping area to the beach. People can also enter New Brighton beach on foot from the southeast along the beach from Seacliff and Rio Del Mar. The county’s aerial beach survey in 1976 counted an average of 175 people on this 13.4 acre beach, for an average density of 13.1 people per acre. The maximum counted in four August afternoons was 223, representing a density of 16.6 people per acre. The City would encourage greater usage and access by the public of New Brighton beach.

### EXISTING POLICIES AND REGULATIONS

The Capitola General Plan (January 1975) includes some policies for the provision and protection of public access within Capitola. These include goals for the creation of a

cycling and pedestrian path system and the protection and enhancement of scenic overlooks. Some of the general plan goals are beginning to be realized through the completion of the East Cliffs bikeway by Santa Cruz County, and by the requirement of access easements by the City and Coastal Commission. The City is also taking positive steps toward improving coastal access by restoration of the Capitola Wharf, obtaining a Coastal Conservancy Grant for a stairway from the wharf to the beach, and through operation of the shuttle bus system.

There is no reference or requirement in Capitola's zoning ordinance regarding the provision of access with new or expanded developments. The City has required access easements along Soquel Creek and the shoreline in development permits on a case-by-case basis. While this is a positive step, a certifiable LUP must include a more comprehensive long-term program for providing and protecting coastal access. The following policies set the framework for the access program. The implementation portion of the LCP will include specific regulations requiring access and the City's program for improving trails and overlooks.

The LCP represents the commitment of the City of Capitola to provide continuing protection and enhancement of its coastal resources. It is recommended that certain resource areas in this jurisdiction may require further public attention to ensure their protection and enhancement. Included in this concern are:

- degraded, or less than pristine, wetlands of any size, such as the lagoon at the mouth of Soquel Creek;
- some form of deterioration or development pressures;
- areas which are appropriate for well-adjusted visitor, commercial, and recreational facilities such as the beach area.

POLICIES AND IMPLEMENTATION FOR  
PUBLIC ACCESS COMPONENT – CAPITOLA LCP

GENERAL POLICIES

Policy II-1 It shall be the policy of the City of Capitola to provide safe and adequate pedestrian access to and along the shoreline as designated in the Shoreline Access Plan (see Maps II-1,2, and 3).

Implementation:

- a) Develop ordinance to require dedications to implement the shoreline access plan.
- b) Use available coastal access and open space grant programs for acquisition and development (i.e. Coastal Conservancy and State Parks and Recreation).

Policy II-2 It shall be the policy of the City of Capitola to maintain the existing shuttle bus system so that it serves as an alternative to automobile use and parking within the Village. Furthermore, the City shall continue to seek out and implement other parking alternatives that may become available in the future. The intensity of development within Capitola Village shall be limited to the availability of parking. The City may designate two Village metered parking spaces, or similar space, to allow for the operation of a Valet Parking Program. These two parking spaces shall be available for use by the general public when the Valet Parking Program is not in operation. The Valet Parking Program shall not otherwise reduce the general public parking supply.

Implementation:

- a) The City shall continue to provide a free summer beach shuttle program on summer weekends and summer holidays from a remote lot or lots, such as on Bay Avenue.
- b) Continue the financing mechanism for the free summer beach shuttle program.
- c) Periodically review parking innovations in other coastal communities for possible use in Capitola.

- d) The City or a private entity approved by the City may operate a valet parking program by leasing private parking spaces and/or lots during weekends and/or evenings, and where the spaces/lots are located within a reasonable distance from the Village. The program operator can charge a reasonable fee, approved by the City, to users of the valet parking program. For a fee, automobile drivers may leave their cars with a valet, when then has the choice to park in the leased private parking spaces/lots when the businesses or services that typically use these spaces/lots are not open. The owners of these spaces/lots are compensated for the use of the spaces/lots, and issues such as liability will be addressed by the private company operating the valet service.

Policy II-3 It shall be the policy of the City of Capitola to design and implement a sign program for visitor information to specifically facilitate the use of beach access points.

Implementation:

Develop a beach access signage program and a signage program to direct visitors to the Shuttlebus lot, keeping traffic from circling in the Village area when possible.

SPECIFIC POLICIES

Policy II-4 Provide for a safe pedestrian and bicycle path and/or sidewalk on or along Cliff Drive, and provide improvements including landscaping, benches, etc., and parking turn-out areas to facilitate both pedestrian and auto use.

Implementation:

- a) Develop a bicycle plan for the Cliff Drive/Village/Park Avenue area and seek Regional Transportation Commission funds for development.
- b) Develop a beautification and access improvement plan for the Cliff Drive Wharf area.

Policy II-5 Obtain agreement from Southern Pacific and improve parking area on inland side of Cliff Drive within Southern Pacific and Cliff Drive rights of-way. This is intended to add to Wharf user parking.

Implementation:

Acquire necessary easements for long-term usage of Southern Pacific right-of-way for parking and utilize Coastal Conservancy funding for development.

### HOOPER BEACH AREA

Policy II-6 Overnight storage of catamarans and other small craft will not be allowed to conflict with the use of beach area by the general public.

Implementation:

Establish an ordinance to prohibit overnight storage of catamarans and other small craft on the beach, under the wharf, or in any other area used by the public.

Policy II-7 Maintain, at minimum, the existing rights of the public to use the sandy beach.

Implementation:

None.

### WHARF AREA

Policy II-8 Complete restoration of the wharf as a free access public fishing pier and develop small, low intensity facilities that provide complementing public services (i.e. food service facilities, fishing/boating accessory shop, maintenance and repair operations, water taxi service, public restrooms, etc.)

Implementation

Develop concessionaire agreements that specify and limit types of uses on the wharf, consistent with Policy II-8.

Policy II-9 Provide adequate parking nearby to support the wharf uses (specifically boat launching activities) and establish operational guidelines that minimize conflicts between pedestrians and Wharf traffic.

Implementation:

a) Acquire necessary easements for long-term usage of Southern Pacific right-of-way for parking and utilize Coastal Conservancy funding for development.

- b) Develop concessionaire agreements that specify and limit types of uses of wharf consistent with Policy II-8.

Policy II-10 Improve the design of Wharf Road/Cliff Drive intersection to improve traffic circulation (see Exhibit II-1).

Implementation:

Place improvements for intersection within the City's Capital Improvements Program (1981-82).

VENETIAN COURT AREA:

Policy II-11 Clarify and maintain public access over and along the Venetian Court perimeter walkway adjacent to the public beach.

Implementation:

Maintain the existing public access through and along the Venetian Court.

THE VILLAGE AREA:

Policy II-12 Develop a scheme for safe bicycle connection between Cliff Drive and Park Avenue and improve bicycle parking facilities.

Implementation:

Develop overall bicycle plan for Cliff Drive-Village-Park Avenue transition utilizing directional signing and seek Regional Transportation Commission funds for development.

CAPITOLA BEACH AREA:

Policy II-14 Maintain a commitment to all existing access walkways and paths to Capitola Beach.

Implementation:

Develop an inventory of all existing, as well as desired public accessways.

RESTROOM/PUMP STATION PARKING AREA:

Policy II-15 Maintain the Esplanade public facilities/park area improvements.

BETWEEN CAPITOLA AND NEW BRIGHTON BEACH.

Policy II-16 Access along beach should not be formalized, and due to safety factors, should be signed to warn of potential hazards from tidal action and cliff erosion.

Implementation:

Provide warning signing at either end of the beach.

Policy II-17 Designate Park Avenue and the Southern Pacific Railroad right-of-way along the bluff top as the lateral coastal accessway between Capitola Village and New Brighton and develop vista points and connecting pathways in cooperation with Southern Pacific Railroad and State Parks. Evaluate the potential for continuation of the Grand Avenue bluff-top path from Hollister Avenue to Escalona Avenue concurrent with any development proposals for parcels adjacent to this area.

Implementation:

Acquire right-of-way easements from Southern Pacific and seek funding from the Transportation Commission, Coastal Conservancy, and private sources for development of bicycle path, improved pedestrian accessways, and vista points which are not hazardous.

Policy II-18 Because of environmental sensitivity of the natural ecosystem along the creek, the City will maintain existing pathways and park sites for public use but will prevent further disruption that might occur because of expansion of path systems along Soquel Creek.

Implementation:

Develop an ordinance that requires scenic conservation easements or land dedications to preserve the open space/habitat qualities of Soquel Creek.



### III. VISUAL RESOURCES AND SPECIAL COMMUNITIES COMPONENT

#### BACKGROUND – VILLAGE CHARACTER AND VISUAL RESOURCES

This section of the Land Use Plan addresses the visual resources of Capitola Village and its environs and the role of Capitola Village as a special community serving as a coastal attraction. The section below discusses the visual resources that make Capitola Village a special community.

##### Village Boundaries

The Village is clearly defined by natural elements: the ocean and beach; Soquel Creek with its steep, heavily vegetated west bank; the cliffs and bluffs extending landward from the ocean to form Village edges. These natural boundaries are reinforced by manmade elements: the Southern Pacific railroad tracks and trestle; the houses lining the Prospect and Cliff Avenue bluffs; the row of buildings along the Esplanade. These features help to provide a recognizable visual boundary for Capitola Village. They form a container that physically defines the area.

##### Village Neighborhoods

The Village has identifiable neighborhoods or districts within it, defined by several features. The topography creates divisions, for example, a steep slope defines two different residential neighborhoods north and south of Cherry Street. These divisions are also made my scale and use: on the south side of Cherry Street, houses are small, close together, and abut the street, while on the north side of Cherry, the houses are larger, farther apart, and set back from the street line; Capitola Avenue's commercial activity and the ambiance thus created separates it from the exclusively residential areas nearby.

Architectural styles also help to delineate divisions. A few districts are cohesive in style: the Venetian Court, the Six Sisters and Lawn Way. Most districts, however, include a great variety of architectural styles and buildings of varying materials and colors. These different districts contribute to the special character of Capitola. It is the variety of buildings, old and new, that give the Village a unique character.

##### Historical Perspective

Capitola Village has enjoyed an historical continuity extending from the Camp Capitola days through the present. The Village has gone through a number of periods, each leaving architectural styles that contribute to the Village character. The different styles include the Camp Capitola style (e.g. the BQ building), a few Victorians, 1920's stucco buildings of Mediterranean, Art Deco and Mission style (e.g. Venetian Court, various commercial buildings), 1920's wooden clapboard, board and batten and single one- and two-story cottages (the Six Sisters and Lawn Way houses, numerous beach cottages) as well as more recent buildings of wood, stucco and other materials. The building mix has flat roofs, parapets, and pitched roofs – some hipped, others with gables – and a wide range

of color from white to pastels and muddy colors to bright primaries. This variety allows Capitola to be a place of diversity, where unique buildings and interesting details are to be found.

### Special Features

There are a number of special features in the Village which stand out from the overall fabric. These include architecturally significant structures, the Six Sisters, the Venetian Court, the Camp Capitola Headquarters building. There are also other structures, originally built solely for utility, which have since become landmarks: the wharf, the wooden railroad trestle, the 86 steps up to Cliff Drive, and the Stockton Avenue Bridge with its special luminaries. These public improvements add interest to the Village character.

### Views, Paths, Public Spaces and Passageways

Pedestrian paths run along the Soquel Creek and the bluffs bordering the Village. Narrow passageways, like those between the restaurants on the Esplanade or between the blocks in the Venetian Court, run between buildings. The Village has few public spaces outside the main beach area street and sidewalks and Esplanade; the beach/Esplanade Park area serves as a main focal space of the Village. There are other smaller public green areas, Lawn Way and the small park at Stockton and Wharf Road. These areas are not heavily used but provide visual relief.

Sights from the Village provide visual access to the ocean and other natural features. These “natural views” provide relief from the urban fabric and add to the Village character.

### The Scale and Fabric of Capitola Village

The Village is generally perceived as having a small scale; 30-foot lot frontage is not unusual. Buildings are mostly one- and two-story, a few three-story. They are generally on small parcels, close to their neighbors. The perceived scale is also affected by the articulation of individual building elements. Buildings are further reduced in scale by projections like bay windows and flower boxes, by textured surfaces, by window and window pane size. These small variations in the scale contribute to the visual articulation of the Village’s built environment and encourage the perception of an overall small scale.

Disruptions in this scale tend to threaten the special character of the Village. This happens where commercial buildings are too large and/or are surrounded by parking, where residential buildings are built at a scale discordant with their neighbors, where extensive off-street parking with asphalt paving creates a different scale from textured paved surfaces or lawn areas.

“Fabric” is important to Capitola. Here the term refers to both the overall scale and uses of buildings, streets and open spaces of the Village. Larger scale development may be

woven into the fabric of a village if it has significant civic or public importance, like a city hall or other gathering place. In Capitola only the City Hall or possibly the movie theatre serves those roles and they both have large parking lots which tend to be visually disruptive. The Capitola Mercantile, on the other hand, raises the issue of the large commercial building which seems to occupy, with its parking lots and interior focus, a slice of the fabric disproportionate to its public significance; the scale and differentiation of activities housed therein is appropriate and commendable, the large undifferentiated shell or container represented by the building itself, however, works against the Village's fabric.

Another aspect of this fabric is the special combination of dramatic natural features and unique village urban character. This combination provides a village setting for community celebrations. Neither the setting nor the celebrations should be lost. The results are epitomized by various Village festivals. Other communities have seaside commercial areas, but Capitola has one that is not only adjacent to the beach, but serves Village residents as well as visitors.

In summary, the sense of Capitola as a special community is threatened. The car has a continuing negative impact on the Village where parking demands take up valuable land in the Central Village area, and asphalt surfaces and open carports create a larger scale than is appropriate to the Village. New development should be sensitive to creating a small scale that is necessary for it to be consistent with the Village. Village Design Guidelines can help maintain and enhance the Village character while allowing individual freedom of expression.

#### BACKGROUND – VISUAL RESOURCES OF OTHER AREAS OF CAPITOLA'S COASTAL ZONE

In addition to the Village, there are several areas of Capitola that deserve special attention in regard to protection of views, scenic resources, and natural landforms. One such area is Depot Hill. The Depot Hill neighborhood preserves some of the visual character of old Camp Capitola and Depot. The streets are tree-lined and without curbs, gutters, or sidewalks. Victorian houses occupy many of the lots on the hill, with a concentration along Cliff Avenue overlooking Capitola Village. At the east end of Depot Hill is the El Salto Resort complex. The eastern area of the El Salto property is Escalona Gulch, an undisturbed pine and eucalyptus grove extending from the coastal bluff approx. 800 feet inland to Park Avenue. The Grove provides a waystation for migrating Monarch butterflies. Other important coastal visual resources are bluff-top views to and along the ocean. These views extend along Cliff Drive and Grand Avenue.

#### RELEVANT COASTAL ACT POLICIES

The Coastal Act specifically addresses the issue of maintaining and improving visual resources. Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Particularly important for Capitola Village is Section 30253(5) of the Coastal Act, which states:

New development shall:

- 5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

There are several other groups of Coastal Act policies that are somewhat related to visual resources and community character. These policies deal with access, development patterns, and natural areas, and are discussed in other components of this draft LUP.

#### EXISTING LOCAL POLICIES AND REGULATIONS

The Capitola General Plan has two sections of particular relevance to Capitola Village. The Village Center discussion of the Land Use Section and the Community Design Element both address future development in a very general way. Neither provides for its protection as a special community. Encouraging buildings to be “rustic” and “individual” is not a sufficient set of guidelines for new development or rehabilitation in Capitola Village.

The Zoning Ordinance contains several Articles of particular relevance to the Village. Article 7 addresses the C-V zoning designation and “Development Standards.” Article 19 defines and describes the duties of the Architectural and Site Review Board. These Articles do not adequately provide for the protection of the Village’s unique characteristics. Article 6, relating to residential densities and Article 17 relating to parking requirements, also address issues important to the Village, without sufficient criteria to protect the special character of the Capitola Village community. Residential densities outlined in Article 6 do not accurately reflect existing densities; the parking regulations would allow further encroachment of the cars in the Village, affecting its present character. Article 18, describing the A-R zoning designation, raises procedural questions about the administration of standards to protect the Village.

The General Plan contains several policies that relate to the protection of scenic resources outside of the Village. The Conservation Element calls for public views of Monterey Bay

to be conserved and enhanced, and for trees to be conserved, with a few exceptions. As discussed above, as it relates to the Village area, the Community Design Element is very general and does not specifically address areas such as Depot Hill, which have distinctive characters and deserve protection. It does state that all new development should have architectural and site review. The City adopted an Historic Preservation Element in 1979 that names Depot Hill as one of the “picturesque, long-established neighborhoods” that contributes to the character of the City.

The Capitola Municipal Code has a tree removal section that was strengthened in 1979.

### GENERAL POLICIES

Policy III-1 It shall be the policy of the City of Capitola to maintain the natural features, visual resources, and unique character of the Capitola Village. This includes maintenance of the particular scale and character of Capitola Village, retaining its special ability to serve both Capitola residents and visitors, protecting its natural features and views, and recognizing its historical continuity extending from the Camp Capitola period through the present. A commitment shall be made to maintaining the level of current activity in the Central Village area and/or intensifying activity and increasing capacity only in ways consistent with the current scale and character of Capitola Village.

#### Implementation:

- a) Develop project review criteria to preserve trees and other vegetation along Cliff Avenue and Prospect Avenue, along Soquel Creek and within the Village.
- b) Develop a special zoning district for the Village. The district shall include design review requirements to protect the unique Village character.

Policy III-2 It should be recognized that the historical continuity of development in Capitola Village is an evolutionary process that doesn’t stop in the present. New styles of architecture may be as appropriate now as they have proved to be in the past. Capitola will continue to evolve as it has before, but should maintain a consistency of scale and a variety of architectural types to support the goal to preserve the special scale and character of historical Capitola Village.

#### Implementation:

Develop design review guidelines and a development review process for new construction and rehabilitation to ensure that building materials

including siding, roofing, doors and windows are appropriate for the building design and the Village character.

- Policy III-3 No new permanent structures shall be permitted on the open, sandy beach area of Capitola because of their potential impact on visual resources, hazards and public recreation, except for facilities required for public health and safety (lifeguard stands, approved beach erosion control structures).

Implementation:

None.

- Policy III-4 It shall be the policy of the City of Capitola to require the planting of trees in new development and to protect existing trees by allowing removal only in accordance with the City's Tree Ordinance. The City should encourage new developments to be designed to preserve significant vegetation.

Implementation:

Enforce adopted Capitola Tree Ordinance.

- Policy III-5 Permitted development shall not block or detract from public views to and along Capitola's shoreline.

Implementation:

Incorporating policy direction in Planning Commission review of projects along shoreline.

- Policy III-6 It shall be the policy of the City of Capitola to maintain the special character of Depot Hill. New development on Depot Hill shall be permitted only where designed to be compatible with the scale and architectural character of the area.

Implementation:

Require Architectural and Site review for all development in the Depot Hill area.

SPECIFIC POLICIES

General Appearance of Capitola

- Policy III-7 To ensure the maintenance of the special scale and character of Capitola Village development proposals within the Village area shall be subject to

Arch & Site and Planning Commission Review with emphasis placed on the following design particulars:

- a) Building bulk, width, height and roofscape (the overall building envelope and the scale of the pieces within this envelope).
- b) Architectural thematic units including:
  - 1. Window size and scale and frame materials.
  - 2. Color variety.
  - 3. Materials variety.
  - 4. Signage.
  - 5. Scale of articulation.
- c) Street thematic units including:
  - 1. Trees, ground cover and foliage.
  - 2. Street, path and public space lighting.
  - 3. Paving patterns and paving materials.
  - 4. Traffic and parking furniture (directional signs, directional islands, bicycle racks, etc.).
  - 5. Signage.
- d) A continuing program for the removal of utility poles and undergrounding of overhead wires.

Implementation:

Incorporate policy direction in Planning Commission and Arch & Site Review of projects in the Village Area consistent with Policies III-7, III-9 & III-14.

- Policy III-8 Where replacement of structures is permitted, new buildings need not necessarily be copies of older ones, but should be build with scale, materials, and a sensitivity to the spirit of adjacent buildings and the prior structure.

Implementation:

Incorporate policy direction in Planning Commission and Architectural & Site Review of projects in Village area consistent with this policy.

Natural Features

- Policy III-10 The City shall identify architecturally and historically significant structures and provide for their protection. These include special, unique structures in Capitola Village and surrounding bluffs, both private and public.

Implementation:

- a) Complete a survey of architecturally and historically significant structures and those requiring special design review.
- b) Develop special design criteria for the redevelopment and/or restoration of architecturally and historically significant structures to preserve those qualities that are found to be unique.
- c) In the Village area, ground floor or on-site parking shall be limited to those areas designated on Exhibit B or as provided in LCP Policy 1.1.

Public Spaces

Policy III-11 Public spaces and pedestrian paths in Capitola Village should be maintained and improved where necessary. Pedestrian use of these elements should always be of primary importance. Public pathways should be landscaped where appropriate to improve the appearance of the path.

Implementation:

Continue the maintenance and enhancement program for public spaces and pathways.

Scale, Activity and Special Community Character

Policy III-12 Maintenance and emphasis on small individual businesses oriented primarily to the pedestrian, and discourage large scale conglomerations of shops surrounded by off-street parking. Establish a desirable range to the size and scale of the Village commercial facilities including square footage and street frontage. The intensity of development shall be limited to the availability of parking or alternative transportation systems such as a shuttle buss and remote parking. Relate sign and access regulations to pedestrian movement and physical character appropriate to particular areas in the Central Village.

Implementation:

- a) Develop Village/beach parking requirements that require new developments to provide parking.
- b) Prepare a standard aesthetically pleasing design for all access signs in accordance with the policies of the Visual Resource Component (III), and Coastal Guidelines.

Policy III-13 A high level of business activity should continue to be encouraged in accordance with Capitola Village scale and character. Commercial activity should serve both Capitola residents and visitors: a balance, which currently exists, should be maintained in the Central Village area between coastal visitor-related uses and services and those serving permanent residents, as this balance is critical to the continued unique qualities of the Village.

Implementation:

None.

Policy III-14 Commercial buildings in areas of particular public interest, because of natural features adjacent to them, shall be required to take advantage of these features and allow the public to do so as well. Mechanical equipment should be kept under cover, because views from the cliffs above are important. Structures along the Esplanade should allow views through from the Esplanade to the ocean, where possible, and recognize that they have a public face on the ocean side that is at least as important as the facade on the street side.

Implementation:

Prepare design guidelines for all new development to implement above policy.

Policy III-15 Long-term and short-term housing should be maintained and encouraged, consistent with maintaining a balance with permanent resident and visitor's uses of the Village as a special community.

Implementation:

Incorporate policy direction in Planning Commission and Architectural and Site Review of projects in Village area consistent with this policy.

Policy III-16 Within the architectural style and character of the Village, residential units should be considered as a part of commercial development to maintain and enhance the mixed commercial/residential character of the Village. These requirements should extend along Capitola Road to 45<sup>th</sup> Avenue and Capitola Avenue to Bay Avenue.

Implementation:

- a) Develop the necessary regulations to insure consideration for the inclusion of residential units in all the Village development.

- b) Adopt Commercial/Residential Zone district for Capitola Road.

Visual Aspects of Access and Circulation

Policy III-17 Large open parking lots are visually disruptive and pre-empt valuable land locations from being used for the kind of human activity that translates into Village life. The current public parking supply in the Central Village area should not be increased by covering more land. (New parking areas within the Village shall be limited to the provisions of LUP Policy 1-1.) If peripheral parking areas or other alternatives are to be developed, they should be designed, operated and maintained as a visual resource to the Village.

Implementation:

- a) Develop ordinance that limits development to the provision of additional parking.
- b) Acquire long-term use of land for remote parking lot to serve the shuttle bus system.
- c) Develop a permanent shuttle bus financing system to operate as long as there is a parking shortage. Develop objective criteria for determining the existence of a parking shortage, including shuttle bus ridership use. Provide that the discontinuance of the shuttle system requires prior approval of the Coastal Commission.
- d) The City shall periodically review alternative transportation systems being utilized by other coastal communities for application in Capitola.

Policy III-18 Current traffic circulation patterns in the Village are to be maintained, or revised only to insure public safety. Increased speed of circulation throughout the Central Village area is to be discouraged as a means of keeping the slow pace now part of the Village character.

Implementation:

None.

**Includes changes per CAP-MAJ-2-04**

IV. RECREATION & VISITOR SERVING FACILITIES

BACKGROUND

The City of Capitola has a number of natural and manmade resources which have made it an increasingly popular destination point for visitors. These visitors are from Santa Cruz County, many are from the San Francisco Bay Area, and others from more distant parts of the state as well as the nation. The popularity of Capitola for tourism and recreation is not a new phenomenon, however, as the beach, Village, and Depot Hill areas were the sites of a thriving resort in the late 19<sup>th</sup> Century and early 20<sup>th</sup> Century. Now, with the increased commercial importance of the City, the revitalization of the Village, and the restoration of the Wharf, it can be expected that visitor attendance will increase.

RELEVANT COASTAL ACT POLICIES

The Coastal Act contains several sections that relate to recreation and visitor-serving facilities.

SEC. 30212.5

Whenever appropriate and feasible, public facilities, including parking areas or facilities shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

SEC. 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Neither the commission nor any regional commission shall either: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate-income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

(Amended by Ch. 1191, Stats. 1979.)

(Amended by Ch. 1087, Stats. 1980.)

(Amended by Ch. 1007, Stats. 1981.)

SEC. 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be provided for such uses.

SEC. 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

SEC. 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

SEC. 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

SEC. 30250

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

DEMAND FOR SERVICES AND FACILITIES

While specific statistics for visitation to Capitola are not available, figures for Santa Cruz County as compiled by AMBAG in their 1979 report, "The Visitor Sector", are revealing. Over 6.6 million visitors come to the County each year, with about 5 million visiting the beach.

Growth in overall visitation to the County has increased at about 5% per year in recent years. The visitor sector is estimated to provide 25% of the County's service and trade employment and 10% of County employment. For the coastal zone portion of Capitola these percentages could be even higher. Visitors spend about \$88.3 million annually in the County, with \$50 million from day-visitors and \$38 million from overnight-visitors. The average overnight visitor spends \$33 per day while the average day visitor spends about \$7 per day.

Data regarding future demand for recreational and visitor-serving facilities are not available, but all indications are for demand to increase. There are several reasons for this. One is that the population of Santa Cruz County will continue to grow, causing a rising demand by local residents for recreational activities. Another is that because of the

rising cost of gasoline, the attractiveness of short-distance trips will grow. Capitola is within ½ to 2 hours of major Bay area population centers. Another factor is that Capitola will most likely increase in popularity as a visitor destination because of the Wharf restoration and the continued development of the Village. The very long waiting list for berths at the Santa Cruz Small Craft Harbor also contributes to a large demand for the provision of boat launching or storage facilities elsewhere nearby, such as Live Oak and Capitola.

### EXISTING FACILITIES

The Village – Capitola Village is properly termed a popular visitor destination point. With its restaurants, stores and distinctive character, it is a commercial center, it provides food services and is attractive for simple sightseeing. Although some uses such as offices and residences are not visitor-serving, they add to the character of the Village and help make the Village the unique area that it is.

The Beach – Capitola Beach is the most popular and important of the City's recreational assets. Figures presented in the Public Access LCP Working Paper indicate that most visitors to the Village area are primarily interested in the Beach. The City's 1970 investment in a groin to re-establish the beach has proved to be a wise one. The operation of a free beach shuttle system by the City in the summers on 1978-80 has helped insure that the Beach is accessible despite parking problems in the Village area. The City also maintains a public restroom adjacent to the Beach which is an important recreational support facility.

The Wharf – The newly renovated Wharf has a rich history in Capitola. The history of the Wharf and its various uses are outlined in LCP Working Paper #2. Today, with acquisitions of the Wharf by the City and funding help from the State and Federal government, the Wharf is ready once again to be a major visitor-serving facility. Present facilities include a boat hoisting facility, a small restaurant, a fish market, a bait shop, boat storage and rental, and public fishing access.

New Brighton Beach State Park – Partially located within the City limits, this State Park provides hiking trails, overnight camping, and a beach for public use with a fee. This park is extremely popular; the State Department of Parks and Recreation reported use by 286,113 persons in 1976-77. They also report that demand for camping is extremely high with many people turned away (an average of 77 families were turned away every day of August 1976). The Department indicates that if developable land adjacent to the park becomes available for purchase, the Department will consider acquisition of these properties to provide additional camping opportunities. The Department has also proposed that the Area Headquarters office (for the Pajaro Coast – Santa Cruz and North Monterey Counties) be relocated from Aptos to a site in the park in McGregor Drive.

The Shadowbrook Restaurant

The Shadowbrook Restaurant deserves recognition as a visitor-serving facility. The site of the restaurant represents a unique and historical part of Capitola as a result of its past residential use. The present restaurant operation has opened the site up to the public and has achieved landmark status in the Capitola coastal zone. Because of its unique location and environment (on Soquel Creek), the site should continue to be visitor-serving.

### Private Lodging Facilities

Capitola's coastal zone has a limited number of motel and hotel rooms. There are four hotel/motels with a total of 61 rooms. By today's standards the rates for most of these rooms are low to moderately high in cost; rates range from \$20 per night to \$75 per night. These facilities report occupancy rates of approximately 40-60% in the winter and 85-100% in the summer (mid-June through mid-September). Three of the four facilities are located in the Village area; the fourth is located on Depot Hill (El Salto Resort). While all of these overnight facilities are small and do not approach the grandeur and renown of the Old Capitola Hotel (which burned in 1929), they make up an important part of the visitor-serving capabilities of the City. Additional facilities are also available at the Capitola Inn (just outside the Coastal Zone at Bay Avenue & Hwy. 1) which is expanding to eventually incorporate about 90 units.

### PROPOSED VISITOR AND RECREATIONAL FACILITIES

Capitola has very little usable, vacant oceanfront land for new visitor-serving and recreational facilities; however, there are several proposed developments which could allow for more intensive use of existing areas or, in limited cases, new areas for visitor-serving activities. Mentioned above were the restoration and development of the Wharf and possible additions to New Brighton State Park. There are several other projects which have received consideration and if built would add considerably to the City's visitor-serving capabilities both qualitatively and quantitatively. Three of these projects involve the Beach area. One is to install moorings in the offshore area around the Wharf. In the past, temporary anchored buoys were rented out from spring to fall. A renewal of this practice would help satisfy some of the large demand for berths that the Central Coast harbors cannot meet. A second proposal for the Beach area is for the City to install a floating dock just offshore for swimmers to utilize. Again, this would be a temporary structure for the better-weather period when tourist use is high. Another Beach area possibility involves the area of the present bathrooms and parking lot. The County Sanitation District, in a project associated with the demolition of the old sewage pump station, proposed to demolish the present restrooms and relocate them on the inland edge of the parking area, adjacent to the existing building. A possible use of the area could be to convert this asphalted parking area to a City park with benches, landscaping and perhaps barbecue stands. Similar beachside parks have been successful in other parts of California and would be unique in this area. An impact to be weighed against its benefits would be the loss of 15 or more parking spaces. This impact could be mitigated with the permanent commitment of the City to a beach shuttle system and more efficient parking and circulation in the Village. A final Beach area project to consider is the restoration of the Bandstand area for private use. This property is privately owned and has recently

been approved for use as an outdoor restaurant and bar. If that use does not come about, the City should require provisions for public safety and beach access.

Two other possible projects for increased visitor-serving use involve overnight facilities. One is the restoration and development of the Rispin Mansion (Poor Clares) along Soquel Creek on Wharf Road into a conference center. The other is expansion of the El Salto Resort on Depot Hill. The El Salto has experienced a revival of its once popular resort status, as most of the units are being rented for short terms instead of long-term. With the high demand for overnight accommodations in Capitola, the owner of the El Salto believes an expanded resort is economically feasible; however, in the past years, a number of the lots have been sold to individuals and are no longer part of the existing resort.

A final possible visitor-serving facility is outside the City's boundaries but should be noted because the City is considering annexation of the land. This is the Porter-Sesnon property located just east (downcoast) of New Brighton State Park. Considering Coastal Act requirements and the size and location of the land, this property would be a suitable site for recreation and/or visitor-serving facilities in keeping with environmental resource of the site.

#### EXISTING LOCAL POLICIES AND PROGRAMS

The Capitola General Plan does not contain many policies which relate directly to recreation and visitor-serving facilities for other than City residents. A policy in the Land Use Element encourages some visitor-serving uses in the Village, such as hotels, restaurants, and bars. There are many policies concerning the Village which protect and further its character as a pedestrian-oriented visitor-serving center. The Open Space Element recommends an open space designation for the Rispin Mansion property and all beach areas within the City of Capitola. It also includes designation of the area between New Brighton State Park and State Highway 1 as an expansion area for the State Park. This area is outside the present City boundaries but the City is considering annexation.

#### Recreation And Visitor-Serving Facilities Component

Policy IV-1 The City shall designate the following areas as visitor-serving and/or recreation uses:

- a) The Capitola Village commercial area (retail, restaurants, lodging, etc.)
- b) All sandy beaches;
- c) The Wharf;
- d) New Brighton State Beach;

- e) The El Salto Resort properties;
- f) The Shadowbrook Restaurant property.
- g) The Rispin parcel.
- h) The vacant lands between New Brighton State Park and McGregor Drive.

Implementation:

Revise Zoning Ordinance to include a visitor serving designation and designate these locations identified in the Land Use Policies consistent with Policy IV-2.

Policy IV-2 Areas designated as visitor serving and/or recreational shall be reserved for visitor support services or recreational uses. Permissible uses include, but are not limited to hotels, motels, hostels, campgrounds, food and drink service establishments, public facilities, public beaches, public recreation areas or parks, and related rental and retail establishments. Residential uses are also permitted on dual designated “visitor-serving/residential” parcels; specifically, a portion of the El Salto Resort, and in the Village area. Development can be accomplished through private or public means.

Implementation:

- a) Revise Zoning Ordinance to include a Visitor-Serving designation and designate these locations identified in the Land Use Policies consistent with Policy IV-2.
- b) Investigate public and private funding sources for implementation of visitor serving projects; adopt Capital Improvements Program to identify timing and scope of projects.

Policy IV-3 If the City annexes the following areas, those areas shall be designated as visitor serving and/or recreation uses:

- a) The Porter-Sesnon properties; subject to guidelines enumerated in the City’s 1979 General Plan Amendment related to Porter-Sesnon properties.

Implementation:

None.

Policy IV-4 The City shall develop and acquire active park and passive open-space

sites sufficient to meet the recreational needs of the community.

Implementation:

- a) City shall identify areas for park acquisition and development.
- b) Seek available Park-Bonds, State Grants and Federal Matching Programs for acquisition and development of identified sites.

## VI. NATURAL SYSTEMS

### BACKGROUND

Although Capitola is a highly urbanized area, it contains many natural features that serve as habitat areas valuable to wildlife. These natural areas are not as extensive as in other parts of Santa Cruz County's coastal zone, but, because of their urban setting, are important and unique. This component deals with preservation and restoration of Capitola's natural resources, including Monterey Bay, Soquel Creek, groundwater, and unique habitat areas.

### DEFINITIONS

Environmentally sensitive areas are defined in Coastal Act Section 30107.5:

“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The Coastal Act defines wetland in Section 30121:

“Wetland” means lands within the coastal zone which may be covered periodically or permanently with shallow water and includes saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.

### RELEVANT COASTAL ACT POLICIES

There are many Coastal Act policies that pertain to habitat areas. These are as follows:

#### SEC. 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance.

Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

#### SEC. 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

SEC. 30232

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

SEC. 30233

a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- 1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- 2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- 3) In wetland areas only, entrance channels or new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.
- 4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.

- 5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake or outfall lines.
  - 6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
  - 7) Restoration purposes.
  - 8) Nature study, aquaculture, or similar resource-dependant activities.
- b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.
- c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California," shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of South San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that no less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

SEC. 30236

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to 1) necessary water supply projects, 2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or 3) developments where the primary function is the improvement of fish and wildlife habitat.

SEC. 30240

- a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

- b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

## MONTEREY BAY

Monterey Bay is a complex ecosystem that supports a variety of different habitat types including kelp forests, tidepools, subtidal, intertidal, and deepwater areas. The waters of the Bay are inhabited by a wide range of marine organisms such as fish, invertebrates, kelp, sea birds and marine mammals. Many of these organisms are harvested for recreational and commercial purposes. Monterey Bay has high value due to its scenic, recreational, educational, commercial and biological resources. The City of Capitola has a vital interest in maintaining the water quality and marine resources of Monterey Bay. Water sports (sailing, swimming, surfing, diving, fishing) are attractions that bring revenue to the City from associated sales and services. Therefore, protection and improvement of Bay water quality and habitat populations is an important goal.

Perhaps the most significant resource in Capitola's coastal waters is the area of kelp beds. The kelp beds are a center of marine activity; the habitat for hundreds of species including the endangered sea otter.

Another important habitat associated with Monterey Bay is the waterbird foraging area below Depot Hill. The shoreline between the rock groin of Capitola Beach and the mouth of Tannery Gulch is frequented by numerous shorebirds during low tide. Many other waterbirds, including cormorants, gulls and the endangered California Brown Pelican, commonly forage immediately offshore in the waters adjacent to the kelp beds.

Currently, the water quality of Monterey Bay is being degraded by urban runoff entering the Bay from Soquel Creek and through pipes and culverts located along the cliffs. This non-point source of pollution is likely to increase with greater urbanization unless effective measures are taken to control its adverse impacts. Water quality is further threatened by the potential for oil and gas spillage, which could occur as use of the Wharf increases. A more substantial threat would be present if there is offshore oil drilling in the future.

## EXISTING POLICIES AND REGULATIONS

The Capitola General Plan contains two policies in the Conservation Element that concern Monterey Bay. These are as follows:

- Public views of and public access to the Monterey Bay should be conserved and enhanced for the benefit of the entire community.

- Conserve the balance between existing fish and plant communities in Monterey Bay and public usage.

The Conservation Element also calls for preventing polluted runoff from entering Soquel Creek, a goal that also would protect Monterey Bay water quality.

#### METHODS TO PROTECT AND ENHANCE THE MONTEREY BAY HABITAT

The water quality of the Bay can be improved by directing storm runoff away from Soquel Creek and coastal bluffs. The City should regulate oil and gas use on the Wharf to insure that the nearby kelp beds and Soquel Creek lagoon are not degraded by spills. The construction of an underwater reef by the California Department of Fish and Game will provide an enhancement of the Bay's fishery habitat. Although this reef is outside of Capitola's tidelands grant (1.5 miles offshore of Capitola Beach), it is expected to improve nearby areas by attracting fish and other marine organisms. Future expansion of the reef should be encouraged, possibly into Capitola's jurisdiction, if justifiable from a habitat standpoint.

#### SOQUEL CREEK AND OTHER STREAM AND WETLAND HABITATS

Soquel Creek is one of the more important water and wildlife habitats in Santa Cruz County. It is an invaluable habitat for resident and migratory wildlife due to its extensive riparian corridor. The woodland along the west bank is one of the three best examples of riparian corridors in Santa Cruz County. Other significant riparian corridors in Capitola's coastal zone are Noble Gulch and Tannery Gulch. Although clearing, filling, and invasion by non-native plant species has diminished the size, diversity and wildlife value of Capitola's riparian corridors, these areas still provide valuable cover for birds and mammals, including raccoon and deer.

Soquel Creek's waters are also an important natural resource for the area. Approximately 18 of the stream's 40 miles support an annual steelhead run with resident trout and non-sport species also being common.

Threats to the Soquel Creek habitat are decreased water quality and water quantity. The upper watershed outside the coastal zone has many conditions that adversely affect the coastal zone. These are siltation caused by development, logjams, the many impacts that would result from construction of the proposed Glenwood Dam reservoir on the west branch of the stream, and the effects of a possible smaller water diversion just above the town of Soquel. Adverse impacts on Soquel Creek and Noble Creek, which already has very poor water quality, also result from urban runoff.

The mouth of Soquel Creek is considered to be an important wetland habitat. The creek is dammed up at the river mouth, both naturally and deliberately, during much of the year. Although narrow and shallow, the lagoon is the only significant habitat for migratory non-marine waterbirds within the Capitola city limits. Duck, grebes, gulls, spotted

sandpipers and black-crowned night herons are among the birds that can be seen at the lagoon during the winter months.

It should be noted that the City's boundaries include a portion of the drainage area for Moran Lake, an important wetland habitat, which is outside the city limits. The County of Santa Cruz is including Moran Lake in its Local Coastal Program; Capitola should consider the impacts that activities within the City's portion of the Moran Lake watershed have on that wetland.

### EXISTING POLICIES AND REGULATIONS

The Capitola General Plan Open Space and Conservation Elements have several policies for protection and enhancement of Soquel Creek, its environment, and the other riparian habitats in the City. These policies are as follows:

- All tree cover within the major creekways of the Planning area should be conserved except where selective thinning and pruning will either enhance public views or accommodate public trails.
- The creekways should be preserved in essentially their natural state in order to encourage conservation of existing wildlife.
- No building development should take place within the creekways from top of bank to top of bank; and a minimum of 25-foot setback from top of bank should be provided for development except where accompanying soils and geologic reports indicate that a greater or lesser setback is desirable and feasible.
- Soquel Creek and adjoining tree cover and steep banks, with the existing public paths and passive recreation, should be included in the Open Space system in essentially its natural state.
- Water quality of Soquel Creek shall be improved to meet minimum acceptable state standards.

General Plan implementation measures for these goals are identified as improving the sewer system to prevent overflows in the creeks, redirecting storm drains away from the creeks, preparation of a tree ordinance, and construction of public paths in carefully selected portions of natural areas. The City has accomplished some of these suggested measures including adoption of a tree removal ordinance and repair of some of the sewer lines that have caused trouble. The Zoning Ordinance does not have any regulation regarding drainage or erosion control. The City uses the grading provisions included in the adopted Uniform Building Code. Conditions are placed on development projects on a case-by-case basis when provisions beyond those suggested by the Uniform Building Code are necessary.

## METHODS TO PROTECT AND ENHANCE STREAM/RIPARIAN HABITATS

This discussion is divided into three sections: methods related to water quality, to water quantity, and to riparian corridors.

For both water quality and water quantity, an intergovernmental approach is necessary. Since the Soquel Creek watershed is mostly outside of the city limits, it makes sense for the City to work with Santa Cruz County and the Soquel Creek County Water District to plan for and implement a water resources management plan. The Association of Monterey Bay Area Governments is able to assist in the coordination of such a joint effort. A watershed management plan includes regulation of uses and activities that affect water quality, as well as management of water use, including diversions and their impacts.

### Water Quality

The City can do several things to control the water quality of the lower reaches of Soquel Creek and Noble Gulch. Pollutants generally come from two sources: the streets and the land. Street pollution enters streams as runoff during storms or from overflowing sewer lines. The City currently operates a vacuum sweeper, which removes 95% of sediment and nutrients from urban streets, according to the Association of Monterey Bay Area Governments (AMBAG).

To control siltation of the streams, regulations for grading and construction techniques are needed. This is particularly important along Soquel Creek where areas of vacant buildable land front the stream. In other areas, adherence to the standard Uniform Building Code grading ordinance that the City has adopted is adequate.

### Water Quantity

The most significant impact that could affect water quantity in Soquel Creek and its lagoon would come from the proposed Glenwood Dam and smaller diversion. In planning for these diversions, if they are authorized, maintenance of minimum stream flows necessary to support riparian vegetation and wildlife populations is essential. The steelhead population is of paramount concern. The California Department of Fish and Game will be the agency with major responsibility for designating a minimum stream flow.

### Riparian Corridors

Protection and enhancement of the City's riparian corridors can be accomplished by doing the following things: increasing and/or enforcing building setbacks; maintaining existing public paths in a sensitive manner; restrict future intrusions; controlling removal

of native vegetation; removing non-native vegetation. The City's General Plan suggestion of 25-foot setback from the top of the bank should be increased, an action that would also benefit water quality. In most cases, a 50-foot setback is needed for protection of the stream resources.

## GROUNDWATER RESOURCES

Prevention of the depletion of groundwater supplies is required by Coastal Act Section 30231. Capitola is located within the Soquel-Aptos basin, a 50 square-mile area whose boundaries are roughly Branciforte Creek-San Lorenzo River on the west, the divide separating the Pajaro River basin from the Soquel-Aptos basin (located approximately at La Selva) on the east, the San Andreas Fault on the north, and Monterey Bay on the south.

Water for the portion of Capitola west of 41<sup>st</sup> Avenue is supplied by the City of Santa Cruz, from surface sources north of that City. Most of Capitola, however, is served by the Soquel Creek County Water District, which draws its water exclusively from groundwater supplies. In a 1980 report, the District described its capacity as inadequate to serve the existing population and accommodate expected growth in the area. The District's problems of overdraft and seawater intrusion are highlighted in the Locating and Planning New Development Component, and more detailed data is provided in the Background Information Paper.

## EXISTING POLICIES AND REGULATIONS

Capitola has no adopted policies or regulations that relate to protection or enhancement of groundwater resources.

## METHODS TO PROTECT OR RESTORE GROUNDWATER

While only a small portion of Soquel Creek County Water District's groundwater supplies come from within Capitola's boundaries, the City is a significant user of the District's resources. Therefore, Capitola's water consumption pattern can affect the District's overall ability to continue to deliver water in a safe and efficient manner. The institutional means available to Capitola are discussed in the Locating and Planning New Development Component. The City, working with the water district can also help by assisting in a water conservation program.

A public education program aimed at reducing water use could effect positive changes in a situation of short supply. Wasteful uses of scarce water could be discouraged: driveways and walks can be cleaned with a broom instead of a hose; yards can be planted with drought-resistant shrubs and ground covers rather than water-hungry lawns. Applicants for building permits are required to incorporate water-saving devices into construction plans.

## LOCALLY UNIQUE WILDLIFE HABITATS

Habitats of most locally unique wildlife species – such as black-crowned night heron and red-necked grebes – were discussed in previous sections on riparian and marine habitats. In addition, Capitola contains three riparian and marine habitats. In addition, Capitola contains three eucalyptus groves used as overwintering sites by the Monarch butterfly, Danaus plexippus. The Monarch is an insect known to migrate. Each fall Monarchs from all of North America travel up to 3000 miles to reach overwintering sites along the California coast and in Mexico.

Successful overwintering requires protection from destructive winds and freezing temperatures – protection offered by large trees in the moderate climate of the coastal zone. Monarchs hang in clusters from the drooping limbs of eucalyptus trees. In Capitola these “butterfly groves” are located in secluded portions of Soquel Creek, Escalona Gulch, and New Brighton Gulch. The presence of these populations of Monarchs adds color and character to the winter scene in Capitola.

### Escalona Gulch Monarch Butterfly Grove

Between the Southern Pacific Railroad and the Pacific Ocean, Escalona Gulch is heavily forested with eucalyptus trees and some Monterey pines and cypresses. There is little native vegetation except for poison oak, the understory having been overgrown by non-native vines. This grove would be of limited wildlife value except that it is a permanent overwintering site for Monarchs.

### New Brighton Gulch Monarch Butterfly Grove

Just outside the city limits between New Brighton Road and New Brighton State Park campground is another overwintering site for Monarch butterflies. This grove is partly on State Park property and partly on private residential parcels. Butterfly populations have fluctuated, perhaps due to the removal of some large windward trees sheltering the grove, trimming of lower hanging branches on some of the trees.

### Soquel Creek Monarch Butterfly Grove

Monarch butterflies cluster on the branches of eucalyptus trees east of the intersection of Wharf Road and Clares Street. This grove lies within the Soquel Creek riparian corridor on the steep west side of the creek. Monterey pines, redwood and acacia are interspersed within the grove, which is part of the former Rispin Mansion property, recently purchased by the City of Capitola.

## EXISTING POLICIES AND REGULATIONS

Most of the butterfly habitat is covered by inclusion of the various localities in the General Plan Conservation and Open Space elements. Both Escalona Gulch and Soquel Creek Monarch butterfly groves lie within areas designated for preservation as open space.

## METHODS TO PROTECT AND ENHANCE THE BUTTERFLY HABITAT

The most obvious way to ensure the continued health of the Monarch butterfly habitats is to ensure the continued health of the trees. The City has a tree removal ordinance that can be used for this purpose. Many trees adjacent to the Monarch butterfly overwintering trees need protection also, for they form a windbreak that shelters the butterflies. Another threat to the habitat is air pollutants. Capitola does not presently have any industries that produce pollutants that would affect the groves.

## NATURAL SYSTEMS COMPONENT POLICIES

### GENERAL POLICIES

Policy VI-1 It shall be the policy of the City of Capitola to take measures within its purview to preserve and improve the quality of the waters of Monterey Bay, to support Marine Habitats, public recreation, and commercial pursuits consistent with sound resource management principles.

#### Implementation:

- a) Cooperate with AMBAG in the development of erosion control regulations for all new development as required by the regional water quality control board.
- b) Seek funding sources – augmenting the County’s flood control program to upgrade existing inadequate facilities, specifically the onsite retention of contaminants.

Policy VI-2 It shall be the policy of the City of Capitola to protect, maintain and, where possible, enhance the environmentally sensitive and locally unique habitats within its coastal zone, including dedication and/or acquisition of scenic conservation easements for protection of the natural environment. All developments approved by the City within or adjacent to these areas must be found to be protective of the long-term maintenances of these habitats.

#### Implementation:

Prepare specific guidelines and regulation for development along Soquel Creek, Noble Gulch, Escalona Gulch and other environmentally sensitive habitats with specific emphasis on Monarch Butterfly habitats.

Policy VI-3 It shall be the policy of the City of Capitola to maintain the maximum amount of native vegetation along Soquel Creek and other riparian areas, and to strongly support the California Department of Fish and Game in requiring a minimum flow that will support a healthy riparian habitat and permanent fishing resource in Soquel Creek.

Implementation:

The City shall maintain existing water rights to Soquel Creek to ensure adequate flows for safety and recreational purposes and support the Department of Fish and Game pursuant to the stated policy.

SPECIFIC POLICIES

Marine and Stream Quality Water

Policy VI-4 Parking lot and stream drains, and storm water run-off culverts shall be improved by installing energy dissipators and sand traps or other types of grease/sediment traps in conjunction with new development or intensification of use.

Implementation:

Cooperate with AMBAG and Santa Cruz County Zone V Drainage District in the development and implementation of erosion control and runoff control regulations for all development.

Policy VI-5 The City shall, as a condition of new development, ensure that run-off does not significantly impact the water quality of Capitola's creeks and wetlands through increased sedimentation, biochemical degradation or thermal pollution.

Implementation:

Cooperate with AMBAG and Santa Cruz County Zone V Drainage District in the development and implementation of erosion control and runoff control regulations for all development.

Policy VI-6 The City shall enact regulations to control erosion and runoff

Implementation:

Cooperate with AMBAG and Santa Cruz County Zone V Drainage District in the development of erosion control and runoff control regulations for all development.

Policy VI-7 The City should coordinate with Santa Cruz County and AMBAG to investigate and implement sound watershed management methods for the lands within Capitola to:

- a) maintain adequate stream flow for fish, wildlife, and riparian vegetation;
- b) control contaminated urban run-off, and
- c) encourage water conservation.

Implementation:

- a) Cooperate with AMBAG in the development of erosion control and runoff control regulations for all new development as required by the regional Water Quality Control Board.
- b) Seeking funding sources – augmenting the County’s flood control program to upgrade existing inadequate facilities, specifically the onsite retention of contaminants.
- c) Prepare specific guidelines and regulations for development along Soquel Creek, Noble Gulch, Escalona Gulch.
- d) Develop regulations to require the use of water conservation fixtures in all new developments.
- e) Develop ordinances protecting solar access rights, and encourage new and existing developments to utilize solar resources.
- f) Encourage energy-efficient site planning, construction methods, and building materials in new and redevelopment.

Soquel Creek Riparian Corridor and Lagoon

Policy VI-8 The City shall maintain and, as feasible, continue to enhance the habitat values of Soquel Creek through the use of the Automatic Review Zone for the Soquel Creek Riparian Corridor and Lagoon (as designated on Map VI-1). When considering or granting a permit in this area, the City shall give special consideration to the environmental sensitivity of this area, including dedication of scenic conservation easements. In addition, the City shall encourage the use of appropriate native local riparian vegetation.

Implementation:

Prepare specific guidelines and regulations for development along Soquel Creek, Noble Gulch, Escalona Gulch and other environmentally sensitive habitats with specific emphasis on Monarch Butterfly habitats.

Noble Gulch

Policy VI-9 The City shall maintain the habitat values of Noble Gulch where existing natural riparian corridors exist.

Implementation:

- a) Cooperate with AMBAG in the development of erosion control regulations for all new development as required by the Regional Water Quality Control Board.
- b) Seek funding sources – augmenting the County’s flood control program to upgrade existing inadequate facilities, specifically the onsite retention of contaminants.

Locally Unique Wildlife Habitats – Monarch Butterfly Groves

Policy VI-10 a) It shall be the policy of the City of Capitola to protect the winter resting sites of the Monarch Butterfly in the eucalyptus groves of Escalona Gulch, New Brighton Gulch, and Soquel Creek as designated on Map VI-2 by requiring detailed analysis of the impacts of development on the habitat.

Implementation:

Prepare specific guidelines and regulations for development along Soquel Creek, Noble Gulch, Escalona Gulch, and other environmentally sensitive habitats with specific emphasis on Monarch Butterfly habitats.

- b) It is the goal of the City to preserve the monarch butterfly overwintering site in the area known as Escalona Gulch. Preservation, based on the information presented in the Environmental Impact Report dated March 1991 prepared for the site, requires that development be limited to 6,000 square feet and does not have a total footprint of more than 4,000 square feet. The building(s) shall be located and designed so that they do not have a significant adverse impact on the Monarch butterfly habitat. The habitat, and area around it necessary to preserve the habitat, shall be placed in a conservation easement at the time of

development.

Any significant change in the site conditions, relevant new scientific information, or change in proposal shall be reviewed through a supplemental environmental evaluation and could require an amendment to this policy.

## Energy and Water Conservation

Policy VI-11 The City shall encourage energy and water conservation by supporting public education programs, and shall require low water use fixtures in new developments, as well as, encouraging energy conservation techniques in site development and construction.

### Implementation:

- a) Develop regulations to require the use of water conservation fixtures in all new development.
- b) Develop ordinances protecting solar access rights, and encourage new and existing developments to utilize solar resources.
- c) Encourage energy efficient site planning, construction methods, and building material for new and redevelopment.



## VII. NATURAL HAZARDS

### BACKGROUND

The hazards policy group of the land use plan concerns the following: seismic shaking, liquefaction, tsunamis, landslides, flooding, and bluff and beach erosion. A brief definition of each type of hazard is given along with a summary of the hazards existing in Capitola's coastal zone. For a more detailed discussion of each type of hazard and the remainder of the background information below, see Capitola LCP Working Paper #2 (May 1980; available at Commission or City offices).

### SEISMIC SHAKING

Seismic shaking is caused by movement of the earth's crust in fault zones. Active faults are located offshore from Capitola in Monterey Bay and in the Santa Cruz mountains. While no active faults underlie the City, a high magnitude earthquake along any of the nearby faults would result in intense shaking.

### LIQUEFACTION

Liquefaction occurs in areas underlain by unconsolidated water-saturated sediments. During seismic shaking, these areas acquire liquid-like properties which can result in ground failure and buildings sinking, tilting, or toppling. The hazard areas in the coastal zone are the Village, the Soquel Creek mouth and banks, and Noble Gulch. A map is attached which shows the areas subject to liquefaction.

### TSUNAMIS

Tsunamis or seismic sea waves are large oceanic waves, resulting from submarine volcanic eruptions, seismic events, or landslides. The maximum probable tsunami to hit Capitola's shoreline is estimated to be 20 feet in height. Portions of the Village and mouth of Soquel Creek could be inundated as indicated on the attached map.

### LANDSLIDES

Landslides occur as a result of ground failure in inherently unstable materials, as well as during seismic shaking on steep slopes. Several human-induced factors contribute to slope instability. These activities include removal of vegetation, alteration of slopes by grading and construction, top loading of slopes with structures, and alteration of slope drainage patterns by channeling runoff from impervious surfaces or otherwise blocking natural drainage paths.

There exist in the coastal zone several areas with slopes of 30 percent or greater. These areas are located along Soquel Creek, Noble Gulch, and Escalona Gulch. The Escalona Gulch landsliding potential is compounded by the fact that the area is covered by highly erodible soils.

## FLOODING

The lowlands along Soquel Creek, most of the Village, and the lowlands immediately adjacent to Noble Gulch lie within the 100 year floodplain (i.e. all this area is expected to flood at least once every 100 years). Soquel Creek has flooded several times in the past and will probably flood again. Development within the floodplain increases the severity of floods by obstructing waterflow and supplying debris which can accumulate, causing flood waters to back up and rise.

## BLUFF AND BEACH EROSION

The beaches and bluffs of most of the California coastline are eroding. In the City of Capitola the bluffs are eroding at a moderate to high rate (from 1.5 to 3 feet per year). Both private and public development is presently threatened by bluff retreat. The most important public property immediately endangered is Grand Avenue. Several residential structures are also threatened. Presently the only seawall or protective device to reduce the rate of erosion is the rip-rap placed at the base of the bluff just upcoast of Hooper Beach. Capitola Beach has experienced periodic episodes of erosion and lost sand after the Santa Cruz Small Craft Harbor was completed, apparently because the harbor jetties have interfered with downcoast transport of beach sand. The City had a groin installed in 1970 and imported sand to fully recharge the beach, which has so far successfully kept a fairly wide beach in place. A concrete seawall at the inland boundary of the beach protects the parking lot and Village businesses from wave attack unless the waves are large enough to top the wall, an event which has occurred in recent past winters.

## RELEVANT COASTAL ACT POLICIES

The following Coastal act policies pertain to natural hazards in Capitola's coastal zone:

### SEC. 30253 (1) AND (2)

New development shall:

- 1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- 2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

### SEC. 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

SEC. 30212

- a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

SEC. 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

SEC. 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

SEC. 30233 (a)

- a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
- 1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
  - 2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

- 3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.
- 4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.
- 5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake or outfall lines.
- 6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- 7) Restoration purposes.
- 8) Nature study, aquaculture, or similar resource-development activities.

#### SEC. 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

#### SEC. 30244

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation shall be required.

#### SEC. 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the

character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

## EXISTING POLICIES AND REGULATIONS

### SEISMIC SHAKING & LIQUEFACTION

The City of Capitola has adopted and enforced the Uniform Building Code which stipulates standard construction methods for areas subject to earthquakes. The Seismic Safety Element of the General Plan has a policy which requires that in areas identified in the General Plan EIR as having high to very high seismic shaking hazard, a geologic study shall be done which delineates adequate structural mitigation measures prior to approval of development plans.

### TSUNAMIS

The General Plan states that any development, redevelopment, or major rehabilitation along the beachfront and mouth of Soquel Creek that may be subject to runup shall require a report demonstrating measures of mitigation for potential flooding. The General Plan also requires an adequate setback from bluff edges to reduce the hazard of wave runup. This setback is to be determined in a geologic report which the City is to require for all bluff top developments.

### LANDSLIDES

Although the City's General Plan does not have a specific section on landslides, unstable slopes are treated by the Open Space Element. The Open Space Element prohibits development along riparian areas which are susceptible to landslides.

### FLOODING

The General Plan states that no new development should take place within the 100 year flood plain of Soquel Creek unless federal flood plain standards are met. The zoning ordinance includes a flood plain zoning overlay and flood plain regulations which are applied to the 100-year flood plain as designated by FEMA. The flood plain ordinance does not allow new construction or substantial improvement in the designated flood way and requires that such development in the flood plain be elevated above the flood height for residential construction or flood-proofed for commercial development.

### BLUFF AND BEACH EROSION

The City's General Plan includes the Coastal Commission's interim guideline (of 1974) on bluff top development as a policy in the Seismic Safety Element. However, the

Coastal Commission has revised its bluff top policy to make it more clear and stringent; this indicates a need for the City to possibly update its policy. The Conservation Element has policies on both beach and bluff erosion. It recommends replacement of sand lost from erosion and stabilization measures for Capitola Beach. The Conservation Element also includes a policy that shoreline protection works can be placed after detailed study of the subject area. It also ranks the types of permissible shoreline works as follows:

- 1) Addition of rip-rap at the base of the cliffs;
- 2) Provision of additional rock groins to encourage permanent expansion of beaches if feasible;
- 3) Provision of seawalls as a last resort where other methods are not satisfactory.

### STATE AND FEDERAL REGULATIONS

Several agencies have jurisdiction over areas that are involved in the above hazard types. These are:

- California Coastal Commission – Even after the City’s LCP has been certified and is being implemented, the Coastal Commission will retain permit control over tidelands, submerged lands, and public trust lands (pursuant to Coastal Act Section 30519).
- State Department of Fish and Game – Requires a permit for any activity in Soquel Creek and the immediate banks, and reviews any project proposed for ocean waters.
- State Lands Commission – Requires a permit for any project which is seaward of the Mean High Tide line or which would alter the MHT line, i.e. the State’s boundary.
- State Department of Parks and Recreation – If their property is to be utilized for any project, including as access to another site, the Department’s permission is necessary.
- U.S. Army Corps of Engineers – Requires a permit for any activity which is seaward of the Mean High Tide line or is in any navigable water or wetland.

### Natural Hazards Component Policies

#### GENERAL POLICIES

Policy VII-1 It shall be the policy of the City of Capitola to adequately plan for natural hazards in new development, reduce risks to life and property, and revise all plans and Zoning Ordinances to be in conformance with all the policies of the Coastal Act relating to hazards and shoreline structures.

Implementation:

- a) Requires geologic/engineering reports in areas of high seismic shaking for structures subject to public use or multi-residential as required by the UBC.
- b) Revise Zoning Ordinance to require geologic reports for all development proposed on coastal bluffs or beaches, including shoreline structures such as seawalls and including provisions of Policy VII-8.

Policy VII-2 All geologic/engineering reports required by the City pursuant to the policies of this component shall be prepared according to the guidelines for practice issued by the California Division of Mines and Geology, specifically CDMG notes Numbers 37 (Guidelines to Geologic/Seismic Reports), 43 (Recommended Guidelines for Determining the Maximum Probably Earthquakes), 44 (Recommended Guidelines for Preparing Engineering Geologic Reports) and interpretive Coastal Commission for Bluff Top Development.

Implementation:

Incorporate policy requirements for all development proposals subject to Policy VII-2.

SPECIFIC POLICIES

Seismic Safety Policies

Policy VII-3 The City shall require all new building plans, for public use structures or multi-residential (more than three units), to conform with the Uniform Building Code construction standards.

Implementation:

Requires geologic/engineering reports in areas or high seismic shaking for structures subject to public use or multi-residential as required by the UBC.

Tsunamis

Policy VII-4 Measures to mitigate possible flooding shall be submitted for all new structures that will be occupied by the public located in areas as shown on Map VII-3.

Implementation:

Develop regulations limiting development in coastal flood hazard areas as designated by FEMA.

Landslides

Policy VII-5 A geologic/engineering report which indicated methods of achieving structural stability and mitigation measures to prevent erosion shall be submitted for any structure which is to be constructed on a slope in excess of 30 percent.

Implementation:

Revise Zoning Ordinance to require geologic/engineering report for structures to be built on slopes in excess of 30 percent.

Flooding

Policy VII-6 It shall be the policy of the City to adopt a local flood plain ordinance consistent with the Federal Emergency Management Agency (FEMA) requirements for designated 100 year flood plains

Implementation:

Adopt flood plain ordinance.

Beach and Bluff Erosion

Policy VII-7 Bluff and cliff top development shall be approved only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic lifespan (at least 50 years) of the development and if the development (including storm runoff, foot traffic, grading, and irrigation) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding are. This policy shall be carried out by requiring geologic reports as per Policy VII-8.

Implementation:

Revise Zoning Ordinance to require geologic reports for all development proposed on coastal bluffs or beaches, including shoreline structures such as seawalls and with specific emphasis on provisions outlined in Policy VII-7.

Policy VII-8 A geologic/engineering report shall be submitted for any bluff top or cliff development proposed within 200 feet of the cliff edge.

The City may designate a lesser area of demonstration in specific areas of known geologic stability (as determined by adequate geologic evaluation and historic evidence) or where adequate protective works already exist. The City may designate a greater area of demonstration or exclude development entirely in areas of known high instability.

The geology report shall be prepared by a registered geologist or professional civil engineer with expertise in soils or foundation engineering or by a certified engineering geologist. The report shall consider and analyze any information required by Policy VII-2.

Implementation:

- a) Revise Zoning ordinance to require geologic reports for all development proposed on coastal bluffs or beaches, including shoreline structures, such as seawalls and including provisions of Policy VII-8.
- b) Develop maps for public information showing areas and parcels requiring the submittal of geologic reports.

Policy VII-9 Shoreline structures such as seawalls, revetments, groins, and breakwaters shall be permitted only to serve coastal dependent uses, to protect existing development (other than accessory structures), or to protect public beaches in danger of erosion, and shall be permitted only if nonstructural solutions (such as artificial beach nourishment and relocating structures) have proved to be infeasible. Such structures shall be designed to eliminate or mitigate adverse impacts on local shoreline sand supply, public access, marine habitats and paleontological resources. It is further the policy of the City of Capitola that no permanent channelization of the mouth of Soquel Creek shall be permitted. The seasonal movement of sand to form the lagoon, maintenance dredging and infill of bulkheads shall not be considered permanent channelization.

Implementation:

Incorporate policy direction in Planning Commission and Architectural and Site Review for projects involving shoreline structures.

Policy VII-10 The City should continue to participate with the State Department of Boating and waterways in studying the bluff erosion problem and possible solutions. The City should participate in any proposed shoreline project only if the project is in conformance with other LCP policies.

Implementation:

- a) Present results of bluff erosion study by the Department of Boating and Waterways to the public for review. Pursue funding for proposed measures, if any, if they appear feasible.
- b) Develop an ordinance to require notification of potential erosion hazards to any new owner, upon sale of properties along Coastal bluffs within Capitola.

Policy VII-11 The City shall construct future drainage projects and improve existing drainage facilities where feasible so that runoff is directed away from the coastal bluffs or if it cannot be, it should be discharged in a place and manner so as not to contribute to erosion of a bluff or beach.

Implementation:

Cooperate with AMBAG in the development of erosion control regulations for all new development as required by the regional Water Quality Control Board with specific emphasis on reducing erosion impacts on coastal bluffs and beaches.

## MAP NOTES

The LCP Land Use Plan Map has been prepared by using the same format as the City of Capitola General Plan Map, in order to make it easier to use. The land use designations in the General Plan are carried over into the Land Use Plan where they are consistent with the Coastal Act of 1976. The maps included in the text should be considered as part of the Land Use Plan Map and provide further interpretation of the Land Use Plan policies. The full-size versions of these reduced maps will be available for review in the City offices.

Also, as in a General Plan Map, this Land Use Plan Map is not meant to be a parcel-by-parcel description of appropriate land uses. Rather, the Map should be used in conjunction with the Policies to guide development of individual parcels. Other map notes follow.

- 1) The Map shows land use designations only for those areas that are both in the Coastal Zone and the City limits.
- 2) The Coastal Zone boundary line is approximate. Official boundary maps are available in the Coastal Commission and the City of Capitola offices.
- 3) As under the current Capitola General Plan, in some cases, the designated land use is not representative of the existing land use. The designated use should direct future permits and planning.
- 4) The location of coastal bluffs that are shown are only approximate. Policies of the Natural Hazards Component should guide land use involving bluffs.
- 5) In areas designated residential, public facilities (e.g. fire station, parks, schools) are permitted uses.
- 6) The V-5 symbol on the map denotes that a site is designated for a visitor-serving use. Visitor-serving uses are defined in the Recreation and Visitor-Serving Component.
- 7) The Mixed Commercial-Residential land use indicates that combined commercial and residential uses are appropriate on a single site. This land use designation is defined in the Housing Component.
- 8) The map has 6 high-density residential uses designated. Two of these sites have been identified in the Housing Component Policies as suitable for low and moderate income housing projects.
- 9) The Village Center area is outlined. Design and Development Guidelines for the Village are included in the Visual Resources and Special Communities Component. Land areas in the Village are designated for Residential or Mixed Commercial-Residential, Visitor-Serving and Public Facilities compatible with land use patterns.