

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST AREA OFFICE

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Filed: 3/11/98  
49th day: 04/29/98  
180th day: 09/07/98  
Staff: JC  
Staff Report: 03/16/98  
A3CP9829  
Hearing Date: 04/07-10/98  
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE: OPEN AND CONTINUE

LOCAL GOVERNMENT: City of Capitola

DECISION: Approval with conditions

APPEAL NO.: A-3-CAP-98-029

APPLICANT: OPAL CLIFFS EAST HOMEOWNERS ASSOCIATION  
Attn: Ms. Jean Thompson

AGENT: STEVE GRAVES, Steve Graves and Associates

APPELLANTS: Rusty Areias, Chairman, California Coastal Commission  
Sara Wan, Vice Chairman, California Coastal CommissionPROJECT LOCATION: 4820 Opal Cliffs Drive, Capitola, Santa Cruz County  
APN's 034-252-01, 02, -03, and -04

PROJECT DESCRIPTION: Shoreline protective work: removal riprap, construct concrete seawall at base of bluff, 31 feet long, 21 feet high, 8 feet wide at base; remove old shotcrete, install new shotcrete wall/bluff facing on upper bluff, 60 lineal feet, 22 feet high; relocate portion of riprap to southeast corner of site.

SUBSTANTIVE FILE DOCUMENTS: City of Capitola Certified Local Coastal Program;  
Capitola Conditional Use Permit and Coastal Permit  
#CUP/CP/AS/97-88, approved February 5, 1998.SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission open and continue the public hearing to determine whether a substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons:

Pursuant to Section 30621 of the Coastal Act, a hearing on a Coastal Development Permit appeal shall be set no later than 49 days after the date on which the appeal is filed with the Commission. An appeal of the above described decision was received in the Commission office on March 10, 1998 and filed on March 11 1998. The 49th day falls on April 29, 1998, prior to the May 12-15, 1998 Commission hearing.

In accordance with Section 13112 of the California Code of Regulations, on March 11, 1998 staff notified the City of Capitola of the appeal and requested that all relevant documents and materials regarding the subject permit be forwarded to the Commission's Central Coast Area Office. The deadline for the submission of staff reports for the Commission's April hearing is March 20. The Commission staff has not received a copy of the complete administrative record for this project, and is therefore unable to prepare a staff report and recommendation for the next available Commission meeting. The proposed project raises questions regarding, but not limited to the protection of environmentally sensitive habitat, public coastal access, and archaeological resources and the full record is needed in order to perform the required analysis of the proposed project. Due to the lack of sufficient time between the filing of the appeal and the deadline for the submission of staff reports for the April hearing, a full analysis of the appealed project and a recommendation is not possible at this time.

Therefore, pursuant to Section 13112 of the California Code of Regulations, the Commission should open and continue the Substantial Issue hearing at its April meeting. As required by Section 13112, the Substantial Issue hearing will be reopened at the next available Commission meeting after all relevant materials are received from the City of Capitola.