

Capitola Planning Commission

Agenda Report



Meeting: March 2, 2023

From: Community Development Department

Topic: 2000 Wharf Road – Park at Rispin Mansion

Permit Number: #23-0021

APN: 035-371-01

Conditional Use Permit, Historic Alteration Permit, and Coastal Development Permit for a public park located within the P/OS (Parks and Open Space) zoning district and VS (Visitor Serving) overlay district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: EIR Addendum

Property Owner: City of Capitola

Representative: Kailash Mozumder, Filed: 02.06.23

Applicant Proposal:

This is a request for a Conditional Use Permit, Design Permit, and Coastal Development Permit (CDP) to allow restoration of the grounds at Rispin Mansion to create an approximately .86-acre public park. The property is located in the P/OS (Parks and Open Space) and VS (Visitor Serving) overlay district and is designated as Public/Quasi-Public by the General Plan. This application allows the for the continued restoration of the grounds at Rispin Mansion as a historic site and as a community park.

Background:

In 2014, the City of Capitola was awarded with a \$383,000 grant from the California Housing Related Parks Program to restore the Rispin Mansion grounds and to construct Americans with Disabilities Act (ADA) compliant pathways through the park. The City Council approved conceptual design plans for the park on May 28, 2015 (Attachment 1).

On October 1, 2015, the Planning Commission approved a conditional use permit, design permit, and CDP (application #15-151) to construct ADA compliant pathways and turn the Rispin Mansion (Mansion) grounds into a .86-acre community park. The project also included the restoration of several historic features.

On October 22, 2015, the City Council considered options for the wall along Wharf Road and the Amphitheater location and directed staff to proceed with the design included in the current application.

On October 1, 2017, the planning permits expired due to inactivity. Work discontinued following the completion of the first phase, which finished in 2016.

On February 11, 2021, City Council approved a revised conceptual plan for the project.

On July 28, 2022, City Council approved the revised plans and amended budget for the construction of the park.

Discussion:

The current application under review matches the 2015 application with the final Wharf Road wall design and amphitheater design as directed by City Council. The proposed project would restore the Mansion grounds to create an approximately .86-acre community park that provides primarily passive recreational opportunities with a focus on the site's cultural, historical, and open space resources. The project has been designed to be consistent with the historic architectural style of the mansion and provide public awareness of the Mansion's contribution to Capitola's history.

The original project was approved with multiple design options for the treatment of the exterior perimeter wall which runs along Wharf Road and for the size and location of the proposed amphitheater. In 2015, the City Council directed staff to pursue the following options:

- Perimeter Wall Option 1: Portions of the wall would be removed to improve visibility, access, and public safety, while restoring and preserving other segments to retain the historical ambiance of the site. Sections of the wall would be lowered to 30-inches with a decorative, 30-inch wrought iron fence placed on top of the remaining wall. The archway above the entry staircase would be retained.
- Amphitheater Option 1: Construct an approximately 430-square-foot amphitheater as shown in the plans.

Since the original approval in 2015, the Public Works department has completed new ADA pathways at the Peery Park entrance via the Nob Hill shopping center, and at the Wharf Road/Clares Street intersection, which included the partial removal of the perimeter wall.

The current application includes the restoration of several historic features of the property, including the entry staircase, grand staircase, reflection pool, sundial, fountain, arbor, interior walls, and other ornamental elements. New amenities proposed for the park include an amphitheater, a bocce ball court, a children's nature play area, chess tables, benches, planters, bike racks, a drinking fountain, security lighting, interpretative displays and signage, ADA compliant pathways, gardens, trash receptacles, and landscaping, including a native oak demonstration garden and a Monarch butterfly demonstration garden. Site development would require approximately 380 cubic yards of earthwork (cut/fill/offhaul). There are no improvements or alterations proposed to the Mansion.

Historic Resources/Alteration Permit

To ensure the proposed park design would be consistent with the historic context of the Rispin Mansion, the City commissioned Archives and Architecture, LLC to evaluate the proposed project for consistency with the Secretary of Interior's Standards and compatibility with the district's historical and cultural character. Their findings are presented in the *Proposed Rispin Mansion Park Landscape Rehabilitation Project at the Historic Rispin Mansion* (Attachment 2).

Based on their review of the proposed design, Archives and Architecture concluded the project was consistent with the U.S. Secretary of Interior's Standards for the Treatment of Historic Properties and that the project would not result in a significant impact on historic resources as defined by the California Environmental Quality Act (CEQA). Archives and Architecture found that the project would require minimal changes to the property's distinctive materials, features, spaces, and spatial relationships while providing a catalyst for restoration and interpretation of the historic grounds. The authors also stated that proposed alterations were respectful of the

historic fabric while replacement and new elements are compatible, yet differentiated, from original materials and form.

Archives and Architecture also concluded that the proposed demolition and modification of portions of the perimeter wall along Wharf Road would be consistent with the U.S. Secretary of Interior's Standards for the Treatment of Historic Properties, and therefore, would not constitute a potentially significant impact to historic resources under CEQA.

Conditional Use Permit

A public park within the Visitor Serving overlay district requires a conditional use permit (CUP). In considering an application for a CUP, the Planning Commission must consider characteristics of the proposed use, including operational characteristics, availability of public services and infrastructure, potential impacts to the natural environment, and physical suitability of the subject site for the proposed use (§17.124.060).

There are no additional requirements for public parks within the zoning ordinance. In issuing the CUP for the public park, the Planning Commission may impose requirements and conditions with respect to location, design, siting, maintenance, and operation of the use as may be necessary for the protection of the adjacent properties and in the public interest. The proposed park improvements would enhance an existing public property for passive recreational uses which is consistent with community character and the historic context of the Rispin Mansion property. The conditions of approval incorporate the previously adopted mitigation measures in the Addendum EIR and are also consistent with development standards for visitor serving zones (§17.28.030) and for development in the Rispin-Soquel Creek area as identified in the City's environmentally sensitive habitats areas (§17.64.050).

CEQA:

An Addendum to the Rispin Mansion Environmental Impact Report (Attachment 3) has been prepared for the project.

Recommendation:

Staff recommends the Planning Commission **adopt** the 2015 EIR Addendum (previously adopted in 2015) and **approve** application #23-0021 based on the following Conditions and Findings for Approval. This item does not require City Council approval.

Attachments:

1. Park at Rispin Mansion – 2022 Plan Set
2. Rispin Mansion Park Landscape Rehabilitation – 2015 Historic Review
3. EIR Addendum for the Park at Rispin Mansion - 2015
4. List of Previously Adopted and Currently Proposed Mitigation Measures

Conditions of Approval:

1. The project approval consists of a Conditional Use Permit, Coastal Development Permit, and Historic Alteration Permit for a public park located on the Rispin Mansion property. The proposed use and development is approved as indicated on the final plans reviewed and approved by the Planning Commission on the March 2, 2023, except as modified through the conditions imposed by the Planning Commission during the hearing.
2. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.

3. The Conditions of Approval shall be printed in full on the cover sheet of the construction plans.
4. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any changes must be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.

Aesthetics/Visual Quality

6. All site improvements, including signs, fences, walls, entry gates, and other park features must be designed consistent with the character of the Mansion and the historic district.
7. Lighting must be designed to minimize off-site glare. The type, height, and spacing of lighting shall be approved by the City. Lighting must be directed downward and away from Soquel Creek and residences to the east. Lights must be of minimum intensity necessary for safety lighting. Light standards shall be a maximum of 15 feet high.

Air Quality

8. Require implementation of construction practices to minimize exposed surfaces and generation of dust that include the following measures, at a minimum:
 - Exposed earth surfaces shall be watered during clearing, excavation, grading, and construction activities. All construction contracts shall require watering in late morning and at the end of the day.
 - Grading and other earthmoving shall be prohibited during high wind.
 - Cover all inactive storage piles.
 - Maintain at least 2 feet of freeboard for all loaded haul trucks.
 - Throughout excavation activity, haul trucks shall use tarpaulins or other effective covers at all times for off-site transport.
 - Install wheel washers at the entrance to construction sites for all exiting trucks.
 - Sweep streets if visible soil material is carried out from the construction site.
 - Upon completion of construction, measures shall be taken to reduce wind erosion.
 - Revegetation shall be completed as soon as possible.
 - Post a publicly visible sign that specifies the telephone number and person to contact regarding dust complaints and who shall respond to such complaints, and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (nuisance).

Biological Resources

9. Pre-construction surveys for nesting raptors shall be performed by a qualified biologist to be retained by the applicant. If raptor nests are located during pre construction surveys, a 300-foot buffer shall be established around each nest for the duration of the breeding season (August 1st, or until such time as the young are fully fledged as determined by a qualified biologist in coordination with the California Department of Fish and Game) to prevent nest harassment and brood mortality. Every effort shall be made to avoid removal of, or impact to,

known raptor nests within project boundaries. If trees known to support raptor nests cannot be avoided, limbing or removal of these trees may only occur during the non-breeding season.

10. The applicant shall take proper measures to avoid damage to oaks, cypress and redwood trees. Specifically, grading or construction shall not occur within 15 feet of the base of all oak, cypress and redwood trees unless performed under the supervision of a qualified on-site arborist.
11. Prior to commencement of site preparation, a certified arborist shall be retained to review the construction plans and to provide recommendations to protect trees and their root zones from construction activities. Trees which are removed or mortally damaged during site preparation and construction activities shall be replaced with appropriate native species at a minimum 2:1 ratio.
12. Landscape and ground maintenance workers must be informed of conservation issues regarding overwintering monarch habitat. Leaf blowers shall not be used in monarch habitat areas or outside designated park areas.
13. Site preparation (e.g., tree trimming, tree removal, grading, excavation, and construction) on the project site shall not occur when monarchs are potentially present (October 1 through February 28) unless a qualified monarch biologist determines that monarchs are not present or that activities would not disturb overwintering populations.
14. Use of biological insecticides (including bacteria, viruses, protozoans and nematodes) that are effective in the control of all lepidoptera shall be prohibited throughout the habitat. Chemical insecticides shall not be applied during the overwintering season (October 1 through February 28). Use of chemical insecticide agents during the non-roosting season may be done only if approved by the consulting butterfly expert. Grounds maintenance workers shall be made aware of monarch habitat conservation requirements as they pertain to grounds management.
15. The following measures, at a minimum, shall be implemented during the time when monarchs are potentially present in the habitat (October 1 through February 28, or as determined by the monarch biologist):
 - All pedestrians/visitors/guests shall be kept outside of the monarch roosting area by monarch biologist approved fencing.
 - Outdoor events will be limited to designated portions of the Mansion property (i.e., amphitheater and developed park areas) to avoid roosting area disruption.
 - Outside night-lighting shall utilize low wattage bulbs and fixtures that are mounted close to ground level and directed away from the roosts. In addition, lighting shall not be directed toward Soquel Creek or on-site riparian vegetation.
16. The removal of any riparian or upland trees on the Rispin site that provide shade to Soquel Creek shall not be allowed unless immediately replaced. The amount of shading within the creek currently supplied by Rispin property trees shall be established as a baseline, and any actions reducing this percentage shall require management to improve stream shading by a City approved forester/botanist. Such management shall include planting of native riparian tree species along the creek (i.e. big-leaf maple, sycamore, alder, cottonwood, box elder, willow), to provide shade and aid in cooling of the creek, and to enhance habitat.

17. Protect the eucalyptus grove and patches of redwood trees as valuable sources of shade to the stream, erosion prevention on the steep slope, and as monarch butterfly habitat.
18. The addition of impermeable surfaces at the Rispin Mansion site shall be accompanied with an effective drainage plan. This drainage plan shall ensure the capture of any increase in runoff on the bench (as much as is feasible), without additional overland movement of water down the steep slope toward the creek (to minimize erosion and sedimentation, and the introduction of pollutants).
19. Replace the fence above the retaining wall of the Rispin Mansion to exclude people from accessing the creek through created footpaths.
20. To avoid disturbance to steelhead (and other aquatic or semi-aquatic wildlife), nighttime lighting of the riparian habitat and/or Soquel Creek shall not be allowed. On-site lighting required for Mansion grounds shall not be oriented towards the creek.

Cultural Resources

21. In the event that any archaeological or paleontological resources or human remains are discovered during grading or construction anywhere on the site, work shall be ceased within 150 feet of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented in accordance with CEQA Section 15064.5. All identified archaeological sites should be evaluated using the California Register of Historical Resources criteria, established by the State Office of Historic Preservation. Any discoveries shall be reported to the City Planning Director.
22. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:
 - 1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - A. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - B. If the coroner determines the remains to be Native American:
 1. The coroner shall contact the Native American Heritage Commission within 24 hours.
 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American.
 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98, or
 - 2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

- A. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the Commission.
- B. The descendent identified fails to make a recommendation; or
- C. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Noise

23. Construction activity shall be subject to a noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
24. Events and entertainment provided on the property shall meet the following conditions:
- Hours of operation for events and live entertainment must be restricted to 8:00 a.m. to 10:00 p.m. (consistent with Chapter 9.12 of the Municipal Code, the Noise Ordinance).
 - Hours of operation for amplified outdoor music use or microphones shall be restricted to 8:00 a.m. to 9:00 p.m.
 - Events shall be limited to four hours or less per day.
25. The City shall require that the construction contractor implement noise control measures (Best Construction Management Practices) during project construction, as outlined below:
- Require use of construction equipment and haul trucks with noise reduction devices, such as mufflers, that are in good condition and operating within manufacturers' specifications.
 - Require selection of quieter equipment (e.g., gas or electric equipment rather than diesel-powered equipment), proper maintenance in accordance with manufacturers' specifications, and fitting of noise-generating equipment with mufflers or engine enclosure panels, as appropriate.
 - Prohibit vehicles and other gas or diesel-powered equipment from unnecessary warming up, idling, and engine revving when equipment is not in use and encourage good maintenance practices and lubrication procedures to reduce noise.
 - Construct temporary plywood barriers around particularly noisy equipment or activities at appropriate heights.
 - Locate stationary noise sources, when feasible, away from residential areas and perform functions such as concrete mixing and equipment repair off-site.

Public Services

26. The applicant shall apply for water connection approval ("will serve" letter) from the SCWD.
27. The number and size of all water meters shall be determined by SCWD.
28. The final design shall satisfy all conditions for water conservation required by SCWD at the time of application for service (as detailed in their water efficiency checklist package), including the following:

- Plans for a water efficient landscape and irrigation system that meet SCWD's conservation requirements;
- All interior plumbing fixtures shall be low-flow and all applicant-installed water-using appliances (e.g., dishwashers, clothes washers, etc.) shall have the EPA Energy Star label;
- Inspection by SCWD staff of the completed project for compliance with all conservation requirements prior to commencing water service.

Stormwater & Drainage

29. The owner/developer/applicant shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation.

The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall be developed and amended or revised by a Qualified SWPPP Developer (QSD). The SWPPP shall be designed to address the following objectives:

- All pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled;
- All storm water discharges are identified and either eliminated, controlled, or treated;
- Site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in storm water discharges and authorized non-storm water discharges from construction activity to the BAT/BCT(best available technology/best conventional technology) standard;
- Calculations and design details as well as BMP controls for site run-on are complete and correct, and;
- Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed. To demonstrate compliance with requirements of this General Permit, the QSD shall include information in the SWPPP that supports the conclusions, selections, use and maintenance of BMPs. Section XIV of the Construction General Permit describes the elements that must be contained in the SWPPP.

30. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID). (Disconnect direct discharge of drainage). The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.

31. Grading during the rainy season (October 1 – April 30) shall be restricted to the approval, installation, and maintenance of an erosion and sediment control plan.

32. Graded slopes shall be revegetated with appropriate native plant species immediately following completion of grading.

33. The use of fertilizers and herbicides applied to the Rispin landscaping and gardens shall be minimized to the extent possible. Utilize slow-release chemical fertilizers and herbicides and avoid application prior to scheduled irrigation. The use of fertilizers and herbicides on-site must not conflict with the relevant mitigation intended to protect monarch butterflies.
34. The City of Capitola shall continue its efforts to implement the Soquel Creek Lagoon Enhancement project, and work with the County to ensure that other storm drain and water quality improvements are implemented to reduce cumulative watershed impacts.

Conditional Use Permit Findings:

A. The proposed use is allowed in the applicable zoning district.

The proposed public park is a principally permitted use within the P/OS (Parks and Open Space) zoning district and a conditionally allowed use within the VS (Visitor Serving) overlay district. The use is therefore allowed with the approval of a Conditional Use Permit.

B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

Planning Commission have reviewed the proposed public park and determined it complies with all development standards and meets the intent and purpose of the P/OS (Parks and Open Space) zoning district and VS (Visitor Serving) overlay district zoning district.

C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.

The Planning Commission reviewed the application and determined the improvements and planned use will be compatible with the surrounding neighborhood.

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

The Planning Commission reviewed the project and imposed conditions to ensure the construction and operation of the proposed park will not be detrimental to the public health, safety, or welfare.

E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

The proposed park is located on the Rispin Mansion grounds along Wharf Road within the city and will be adequately served by existing services and infrastructure.

Historic Alteration Permit Findings:

A. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.

The Planning Commission reviewed the proposed park and determined that the proposed community park project requires minimal changes to distinctive materials, features, spaces, and spatial relationships. Furthermore, the project enhances access and opportunity for interpretation on historic grounds.

B. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property are preserved.

The proposed project will preserve numerous character-defining features of the Rispin Mansion site, including but not limited to: A large portion of the full-height perimeter wall,

the front entry arch and its side walls, the existing front entry gate will be removed and stored for display, the Overlook columns and base wall, the reflecting pool, the majority of the grand staircase.

C. Any new additions complement the historic character of the existing structure. New building components and materials for the addition are similar in scale and size to those of the existing structure.

The project has been designed to protect the historic fabric of the larger historic resource while replaced elements and new site elements/features are compatible and differentiated.

D. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials.

Deteriorated historic features have been identified on drawings for repair and replacement, as appropriate for the condition of each element. Other historic materials and features are to be preserved.

E. Archeological resources are protected and preserved in place. If such resources must be disturbed, mitigation measures are undertaken.

Conditions and mitigation measures have been included to ensure adequate protections are afforded to discovered archeological resources.

Coastal Development Permit Findings:

F. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

G. The project maintains or enhances public views.

The proposed project is located at the Rispin Mansion property along Wharf Road. The project will enhance public views through site restoration, new improvements, and increased public access.

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

Conditions of approval and mitigation measures have been included to ensure the protection of vegetation, natural habitats, and natural resources. The project has been conditioned to avoid, minimize, and mitigate potential impacts to monarch butterfly habitat as documented in an Addendum to a previously certified Environmental Impact Report.

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

The project will positively impact low-cost public recreational access through new and enhanced access and new amenities.

J. The project maintains or enhances opportunities for visitors.

The project involves a public park which is designed to enhance on-site visitor serving opportunities.

K. The project maintains or enhances coastal resources.

The property will remain open to the public as a public park. The project will not negatively impact coastal resources.

- L. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**

The project and operating characteristics are consistent with all applicable design guidelines, area plans, and development standards. The operating characteristics are consistent with the underlying zones.

- M. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**

The project involves the restoration of the historic Rispin Mansion for use as a public park. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is a conditionally allowed use consistent with the P/OS (Parks and Open Space) zoning district and VS (Visitor Serving) overlay district.

CEQA Findings:

- A. The proposed project is consistent with the general plan, any applicable specific plan, the zoning code, and the California Environmental Quality Act (CEQA) and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The Planning Commission reviewed the proposed park and determined the project is consistent with the general plan and zoning code. The proposed project will not result in any new or more severe environmental impacts than what was previously evaluated and reported in the certified Rispin Mansion EIR (September 2004) as documented in the attached EIR Addendum (2015) for the Rispin Park project.

Prepared by: Sean Sesanto