



## STAFF REPORT

TO: PLANNING COMMISSION  
FROM: COMMUNITY DEVELOPMENT  
DATE: JUNE 4, 2020  
SUBJECT: **1400 Wharf Road**                      **#20-0141**                      **APN: 034-072-01&02**

Design Permit, Conditional Use Permit, and Initial Study/Mitigated Negative Declaration for the rehabilitation and repair of the historic Capitola Wharf located within the PF (Public Facilities) zoning district.

This project requires a Coastal Development Permit issued by the California Coastal Commission which is appealable.

Environmental Determination: Mitigated Negative Declaration

Property Owner: City of Capitola

Representative: Kailash Mozumder, Filed: 04.29.2020

### **APPLICANT PROPOSAL**

The City of Capitola is proposing a 7,400 square-foot widening of the existing Capitola Wharf, a new 400 square-foot restroom facility to replace the existing restroom facility on the wharf, a new restroom facility at the base of the wharf, a new security gate, and modifications to the wharf entrance gates and trestle circulation. The Capitola Wharf is located at 1400 Wharf Road in the PF (Public Facilities) zoning district.

### **BACKGROUND**

The Capitola Wharf was constructed in 1857 and has been modified, repaired, and rebuilt multiple times. The most recent structural changes were in 1981, where significant portions of the Wharf were replaced, and during the in 2019-2020 storm season, where the Wharf required emergency repairs due to wave damage. Uses for the wharf varied during its early existence, but since the 1920s it has been utilized for sport fishing and recreation. In 1999, the Capitola City Council adopted the Historic Structures List, which identified the Capitola Wharf as a historic structure.

On May 13, 2020, the Architectural and Site Review Committee reviewed application #20-0141 and provided the applicant with the following direction:

Public Works Representative, Kailash Mozumder: informed the Committee that the 30-day California Environmental Quality Act (CEQA) comment period for the project ended on May 9, 2020, and that comments had been received from the California Coastal Commission (CCC) and the California Department of Fish and Wildlife (DFW).

Building Department Representative, Robin Woodman: stated that the guardrail height will not be an issue and that all other aspects of the project can be addressed during building permit

phase. Ms. Woodman informed the applicant that a lower guardrail could potentially be used for Americans with Disability Act (ADA) fishing access and that any single-use restrooms must be ADA-accessible and gender neutral.

Local Architect, Frank Phanton: approved of the design. Mr. Phanton inquired as to why the new piles are all vertical rather than splayed, similar to the existing piles and Mr. Mozumder clarified that new piles will be vertical but the jacketed steel piles will remain slanted.

Local Architectural Historian, Carolyn Swift: inquired about whether the memorial entry gate will be retained, even though it is not historic, and was informed by Mr. Mozumder that the memorial gate will remain, but the security gate will be replaced. Mrs. Swift stated that she appreciated the effort that was made to maintain the historic appearance of the wharf and that she agreed with architectural historian Leslie Dill's recommendations.

Assistant Planner, Sean Sesanto: had no comments.

## **DISCUSSION**

The Capitola Wharf is located next to the Capitola Village within the Capitola Beach Cultural Landscape District and adjacent to the Venetian Historic District. The Village is one of the original settlement areas and has a high concentration of historic structures. The Wharf begins at the terminus of Wharf Road and spans approximately 866 feet in length. The Wharf is publicly accessed by foot travel but is also accessed by motor vehicles primarily for handicap access and boat launching. The Wharf contains several small structures, including two commercial structures, a restroom facility, a boat ramp, and an entrance gate.

### **Design Permit**

The applicant is proposing to widen the existing 20-foot-wide trestle by 16 feet for a total width of 36 feet. The expanded portion would match the initial 85 feet of the trestle. The expansion would increase the wharf area by approximately 7,400 square feet, includes a separation of travel for pedestrians and vehicles, and would utilize wooden materials compatible with the existing design supported by 120 new fiberglass piles with polyethylene sleeves.

Other features of the proposal include a new metal security gate situated before the wharf restaurant and adjacent structures, modifications to the existing decorative entrance gate, a new bathroom at the foot of the wharf, and replacement of the existing bathroom facility behind the restaurant. The new metal security gate will match the existing one but span the width of the expanded wharf. The new decorative entrance gate will match the style of the existing one but be modified to span the width of the expanded wharf. Initial design elements for the new and replacement bathroom facilities include vertical wooden batten siding with stainless steel metal roof and doors. The final bathroom design will maintain a utilitarian aesthetic that is differentiated from the historic elements of the wharf itself.

### **Conditional Use Permit**

The proposed project includes significant alterations to the historic Capitola Wharf structure at 1400 Wharf Road. Significant alterations to a historic structure require approval of a Conditional Use Permit by the Planning Commission. Also, historic resources are identified as environmental resources within the California Environmental Quality Act (CEQA). Any modification to a historic resource must comply with the Secretary of Interior Standards for Rehabilitation before a Mitigated Negative Declaration (MND) for the project can be adopted.

Architectural Historian Leslie Dill reviewed the project and identified the following character-defining features of the wharf:

1. The location and orientation, including the connection to the end of Wharf Road.
2. The visually abundant round wooden piles, some in a regular pattern and some irregular.
3. The continuous-height wood-plank deck, at the height of the end of Wharf Road.
4. Its narrower entrance width and wider end (a design effected during the 1950s).
5. The inclusion of hoists and other technical boating and fishing equipment.

Ms. Dill found that the proposed wharf rehabilitation, additions, and alterations have been designed to comply as well as feasible with the Standards. Four project elements did not include detailed elevations or complete details due to the public bidding process and were outlined in Standards 6 and 9 as warranting further study to assess historical compatibility. With the recommended review of the following design elements prior to construction, Ms. Dill found the proposal to be substantially compatible with the Secretary of the Interior's Standards:

- The exterior of the new and repaired piles are of compatible texture and finish.
- The prefabricated restrooms are of compatible design, scale, materials, and location.
- The modified entrance gates utilize appropriate design, scale, and materials.
- The new security gates utilize appropriate design, scale, and materials.

The historic report is included as Attachment 3.

Staff included Condition of Approval #2 requiring the final plans be reviewed by the Community Development Director for consistency with the Secretary of Interior Standards 6 and 9 prior to building plan approval.

#### Flood Zone

The project is located within the 100-year flood zone, based on the Federal Emergency Management Agency (FEMA) 2016 map. However, the project does not involve increasing conditioned/habitable space. The project consists primarily of structural and public access improvements. As part of the project, utility lines would be relocated to above the wharf deck, reducing likelihood of sustaining wave damage.

#### Coastal Permit

The California Coastal Commission's (CCC) is responsible for authorizing the Coastal Development Permit (CDP) for the entirety of the proposed project because the entire wharf is located within the Commission's retained coastal permitting jurisdiction. A Coastal Development Application is required through the CCC subsequent to the Capitola's adoption of the IS/MND.

#### CEQA

This project is subject to the requirements of the California Environmental Quality Act (CEQA). The City of Capitola is the lead agency for the proposed project.

Under §15070 of the CEQA Guidelines, a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

- a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
- b) The initial study identifies potentially significant effects, but:
  1. Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are

- released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
2. There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared by Moffat & Nichol (Attachment 1). The IS/MND determined that the proposed project could result in potentially significant effects on biological resources, cultural resources, hydrology and water quality, and noise, but that the potential impacts could be reduced to less than significant with mitigation measures.

A Mitigation Monitoring and Reporting Program (MMRP) was prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (Appendix F of Attachment 1).

A Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was circulated for a 30-day public review period between April 9, 2020 and May 9, 2020 (Attachment 4). Comments were received from the California Department of Fish and Wildlife (DFW) and the California Coastal Commission (CCC).

The DFW letter provided context regarding their role as a Trustee Agency under CEQA, provided a summary of the marine resources in California’s central coast and Monterey Bay and their associated commercial and recreational value, and expressed concerns about the treated timber piles and the nesting bird survey proposed for the project. In response, mitigation measures MM HWQ-2 and MM BIO-4 were modified to reflect the proposed DFW changes.

The CCC letter: (1) provided clarification on the CCC’s jurisdictional authority over the Project; (2) provided Coastal Act policy context regarding Coastal Development Permit approval; (3) summarized attributes of the Project that fulfill Coastal Act objectives related to public access, recreation, and fishing; (4) requested that the proposed restrooms, security gate, and entryway should be designed to be aesthetically pleasing and to maximize public view opportunities; (5) stated a preference for vibratory pile installation over impact pile driving installation to minimize sediment dispersal and noise impacts on marine mammals; and (6) inquired about the life expectancy of the proposed project elements. In response, Table 1 and Section 3.4 of the IS/MND were modified to include stronger language about the CCC’s coastal permitting jurisdiction over the project. The City response also noted CCC concerns, identified areas of the IS/MND that addressed the other concerns, and answered the additional questions.

The DFW and CCC comment letters and full responses are included in Appendix G of Attachment 1.

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis. The lead agency shall also adopt a program for reporting

on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

The Mitigation Monitoring and Reporting Program (MMRP) prepared for the project addresses potentially significant impacts related to biological resources, cultural resources, hydrology and water quality, and noise and includes mitigation measures that will mitigate or avoid significant effects on the environment. The MMRP is included as Appendix F of Attachment 1.

### **RECOMMENDATION**

Staff recommends the Planning Commission review the application and approve project #20-0141 based on the following Conditions of Approval and Findings.

### **CONDITIONS OF APPROVAL**

1. The project approval consists of a Design Permit, Conditional Use Permit, and Initial Study/Mitigated Negative Declaration for the rehabilitation and repair of the historic Capitola Wharf, including a 7,400 square-foot widening of the existing Capitola Wharf, construction of a new 400-square-foot restroom facility at the base of the wharf, replacement of the existing restroom facility on the wharf, construction of a new security gate, and modifications to the wharf entrance gates and trestle circulation. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 4, 2020, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Final plans are subject to review and approval by the Community Development Director for consistency with the Secretary of the Interior's Standards for Rehabilitation. Specifically, based on the recommendations in the architectural historian's report, the Community Development Director shall review the following elements for compatibility with the historic resource:
  - a. Texture and finish of proposed exterior of the new piles and repaired piles
  - b. Design, scale, materials, location, etc., of the prefabricated restrooms
  - c. Design, scale, materials, etc., of the altered entrance gates: scale, materials, etc.
  - d. Design, scale, materials, etc., of the new security gates
3. The applicant shall comply with the Mitigation Monitoring and Reporting Program (MMRP) in Appendix F of the Initial Study and Mitigated Negative Declaration prepared by Moffat and Nichol in June 2020.
4. Prior to construction of any occupied building, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. 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.
5. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
6. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
7. During construction, any construction activity shall be subject to a construction 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

8. This permit shall expire 48 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.

### **DESIGN PERMIT FINDINGS**

#### **A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed 7,400 square-foot widening of the existing Capitola Wharf, construction of a new 400-square-foot restroom facility at the base of the wharf, replacement of the existing restroom facility on the wharf, construction of a new security gate, and modifications to the wharf entrance gates and trestle circulation comply with the development standards of the PF (Public Facilities) zoning district. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.

#### **B. The project will maintain the character and integrity of the neighborhood.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed 7,400 square-foot widening of the existing Capitola Wharf, construction of a new 400-square-foot restroom facility at the base of the wharf, replacement of the existing restroom facility on the wharf, construction of a new security gate, and modifications to the wharf entrance gates and trestle circulation will fit nicely with the existing neighborhood and the surrounding coastal area. The project will maintain the character and integrity of the neighborhood.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

A Mitigated Negative Declaration has been prepared based upon the findings of an Initial Study which identified that the project may have a significant effect on the environment. The Mitigated Negative Declaration was circulated for a 30-day public review period between April 9, 2020 and May 9, 2020. Based on the analysis in the IS/MND and the comments received, a Mitigation Monitoring and Reporting Program (MMRP) was included in the IS/MND as Appendix F. The Planning Commission finds, on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis. The MMRP has been incorporated into the conditions of approval by reference to ensure that impacts are reduced to a less than significant level.

### **CONDITIONAL USE PERMIT FINDINGS**

#### **A. The action proposed will not be significantly detrimental to the historic feature in which the change in use is to occur.**

Architectural Historian Leslie Dill reviewed the project for compatibility with the Secretary of the Interior's Standards for Rehabilitation and found that, with the recommended future review of four components of the design, the Capitola Wharf Resiliency and Public Access Improvement Project is substantially compatible with the Secretary of the

Interior's Standards for the Treatment of Historic Properties. The architectural historian also found that the project can be found to preserve substantially the historic integrity of the historic resource and of the identified Capitola Beach Cultural Landscape District. The Planning Commission reviewed the project and weighed the benefits of the proposed change against the detriment to the public welfare caused by a change in the feature and found that the project will not be significantly detrimental to the historic feature in which the change in use is to occur.

**ATTACHMENTS:**

1. 1400 Wharf Road - MND - Final with Comments and Responses
2. 1400 Wharf Road - Full Plan Set
3. 1400 Wharf Road - Historical Review
4. 1400 Wharf Road - Notice of Intent to Adopt MND - 04.06.2020

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