

FINAL LOCAL ACTION NOTICE AND ZONING PERMIT

June 19, 2020

Kailash Mozumder – City of Capitola
420 Capitola Avenue
Capitola, CA 95010

RE: Notice of Final Action on Application #20-0141

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

The above matter was presented to the Planning Commission on June 4, 2020, and was **approved**, with the following findings and conditions. Any modifications to the conditions and findings are indicated below in strikeout and underline notation.

CONDITIONS

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. Within three years, final plans for the two bathrooms shall be brought back to the Planning Commission for review. Final plans are subject to review and approval by the ~~Community Development Director~~ Planning Commission 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~~ Planning Commission 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.
 9. No new commercial uses or structures shall be allowed between the foot of the wharf and the first existing commercial building.

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.

This permit is issued to the owner of the property. In executing this permit, owner agrees to comply with all terms of permit, including conditions of approval, if any. Permit must be exercised within 24 months of date of issuance (June 19, 2022) unless otherwise indicated in conditions of approval. Should you have any questions on this matter, do not hesitate to call.

Respectfully,



Sean Sesanto
Assistant Planner