

Capitola City Council

Agenda Report



Meeting: November 21, 2024

From: Community Development Department

Subject: 1760 Wharf Road Consolidated Coastal Development Permit

Recommended Action: Based on the findings in the staff report, authorize the property owner and the Coastal Commission to proceed with a consolidated coastal development permit for emergency repair work at 1760 Wharf Road.

Background: On August 1, 2024, the Santa Cruz County Sanitation District Board of Directors reviewed recent emergency repairs done to Shadowbrook Restaurant's cross-stream sewer lateral in response to storms in 2022 and 2023. The Sanitation District Board took action to modify its conditions for the continued use of the cross-stream lateral. The modification included conditions that required Shadowbrook Restaurant to obtain permits from all appropriate agencies for the emergency work already completed and requires any future cross-stream sewer lateral repairs to obtain a Sanitation District-issued temporary emergency permit to resolve the immediate break and trigger permanent relocation of the cross-stream sewer lateral.

On November 4, 2024, Shadowbrook Restaurant submitted a request to the City of Capitola to authorize a Consolidated Coastal Development Permit (CDP) for emergency repairs at 1760 Wharf Road. The location of the lateral extends from 1760 Wharf Road through Soquel Creek and connecting to the sanitation line on the opposite bank (Attachment 1).

Discussion: Section 30601.3 of the Coastal Act allows for a consolidated CDP process in cases where projects cross the California Coastal Commission's permitting jurisdiction and the jurisdiction of a local government with a certified LCP, as is the case here since the California Coastal Commission retains permitting jurisdiction within the Soquel Creek. A consolidated CDP will assist Shadowbrook Restaurant in streamlining the review process and ensures a more consistent approach to reviewing this project for compliance with the Coastal Act. The City Council may authorize a consolidated CDP, rather than requiring a second CDP by Capitola's Planning Commission.

Fiscal Impact: None

Findings:

1. On August 1, 2024, the Santa Cruz County Sanitation District Board of Directors reviewed 1760 Wharf Road emergency repairs to cross-stream sewer lateral in response to storms in 2022 and 2023. The Board modified its conditions for the continued use of the cross-stream lateral to included conditions that required Shadowbrook Restaurant to obtain permits from all appropriate agencies for the emergency work completed and requires any future cross-stream sewer lateral breaks to obtain a Sanitation District-issued temporary emergency permit to resolve the immediate break and trigger permanent relocation of the cross-stream sewer lateral.
2. The 1760 Wharf Road cross-stream sewer lateral is located within the Soquel Creek; therefore, the California Coastal Commission retains permitting jurisdiction for the lateral. The City of Capitola retains permitting jurisdiction for the portion of the lateral on the adjacent land. Section 30601.3 of the Coastal Act allows for a consolidated CDP process in cases where projects cross the California Coastal Commission's permitting jurisdiction and the jurisdiction of a local government with a certified LCP.
3. The City Council authorization to the property owner and the Coastal Commission to proceed with a consolidated coastal development permit for emergency repair work at 1760 Wharf Road will ensure compliance with the California Coastal Act.

Attachments:

1. Aerial of sewer lateral location
2. Santa Cruz County Sanitation District Resolution 24-07

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Julia Gautho, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager