



Item #: 4.A

CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 27, 2008

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: March 18, 2008

SUBJECT: **RISPIN MANSION (APPLICATION #08-014)** Public Hearing on the Rispin Mansion Restoration & Hotel: Project Application #08-014 to Amend Applications #97-95 and #05-005: Conditional Use Permit, Architectural and Site Review, and Coastal Permit for the Proposed 25-Room Hotel at Rispin Mansion Project located at 2000 and 2005 Wharf Road in the AR/VS/PD "Automatic Review/Visitor Serving/Planned Development" Zoning District. [APNs 035-371-01 and -02 (Rispin) and APN 034-541-34 (Clares Street/Wharf Road) Presentation: Community Development Department

Recommended Action: Conduct a Public Hearing on the Rispin Mansion Project amendments. By motion and roll call vote adopt the Resolution (Attachment 1), approving Application #08-014, Amending Conditional Use Permit, Architectural and Site Review Design Permit, and Planned Development Permit #97-95 and Coastal Permit #05-005, based upon adoption of Findings, Conditions, Mitigation Measures and a Mitigation Monitoring Program for the Rispin Development Project.

BACKGROUND

The City Council completed a series of public hearings and approved the proposed Rispin Development Project (Application #97-95 as amended) on September 1, 2004 by adopting Resolution No. 3393 (Attachment 2). On March 24, 2005 the City Council held a public hearing and issued the Coastal Permit for the Rispin Project (Application #05-005) by adopting Resolution No. 3443 (Attachment 3). With both actions Council certified the Environmental Impact Report, adopted a Statement of Overriding Considerations, incorporated mitigation measures into the conditions of approval, and adopted a mitigation monitoring plan.

Since the time the project zoning entitlements were approved the applicant, The Rispin LLC, has worked to develop construction plans for a building permit, meet the requirements of the conditions of approval and mitigations, obtain the approvals from various responsible agencies, and further develop a business model and financing plan to build and operate a successful project. Through that process it has become clear that amendments to the original zoning permits are required in order to build the approved project, and to accommodate modifications requested by the developer partner. This application is to obtain the necessary amendments to the zoning permits.

On October 30, 2007, the City Council held a public meeting to discuss these modifications to the Rispin project and permits. Plan sets illustrating the modifications were distributed and discussed.

Council agreed with the changes in concept. Additionally, the Council directed staff to continue to work with the applicant, other agencies, and parties to the Stipulated Judgment to complete the necessary processes to approve modifications to the project, and bring back to Council all necessary permit amendments at a public hearing in the near future. The changes that were discussed by the Rispin Partners, the public, and the City Council included:

1. Addition of a spa facility.
2. Placing two guest units above two of the ground-level units.
3. A new design for the conservatory building, and a request to build it during the same time as the Mansion construction project.
4. Location of and design for the PG&E electrical transformer box, utility shed room attached to the Well House, the ADA paths (design), the entrance gate, the emergency gate, the wrought iron fence, and the trash enclosure.
5. Replace concrete walk on the southeast side of the Mansion for access to the basement room.
6. Tree removal and replacement necessary to construct the project.

These amendments are not considered major, and are recommended for approval by staff.

DISCUSSION

PROJECT DESCRIPTION

Approved Project. The Rispin Project is a Public/Private Partnership with the City of Capitola, the Capitola Redevelopment Agency, and The Rispin, LLC. The project is designed to restore the historic Rispin Mansion and grounds, to provide visitor-serving accommodations, to enhance public access to the site, and to preserve and enhance the habitats on site, including the Monarch butterfly over-wintering habitat.

The approved Rispin Mansion Hotel Project includes visitor-serving accommodations for 25 hotel guest units and a pavilion/meeting/multi-use facility at the site. As the Mansion and grounds are listed on the National Historic Register, an important part of the project includes restoration of the Mansion and the formal gardens, the fountain, the balustraded walkway, the belvedere (or overlook), the rose garden, and the well house at Wharf Road.

Under the plans approved in September 2004 and March 2005, the Mansion building would contain 13 guest rooms on three levels and in the basement, a living room, a dining room, a concierge area, a small service kitchen, a storage room, balconies on the west side, and an accessible entrance on the west side. In addition, historic and educational displays are proposed in the hallways, and two existing open terraces will be improved. The building is to be completely rehabilitated and distinctive elements of the building are to be restored.

The approved project also includes eight "North End" units adjacent to the Mansion in three buildings separated by stairwells. In addition, there are four units located in four buildings separated by entry stairwells and small courtyards north of the Mansion, known as "the Poor Clares Foundation Units," and west of the North End units.

The project approved by Permits #97-95 and #05-005 also includes:

- Construction of the Rispin Conservatory in the northern portion of the site as a second phase no sooner than two years after the beginning of the hotel operations;
- Restoration of the well-house;
- Reconstruction of the driveway south of the Mansion;

- Installation of a wrought iron fence along south end of site to property line, and at the north end near the Conservatory and pedestrian path;
- Construction of a glass-covered pavilion and kitchen to be used for morning and afternoon food and beverage services and for afternoon wine for hotel guests. This facility will be open to the public for small groups on a reservation system, which will allow the Rispin/library parking lot to be switched to valet mode when necessary
- Construction of a valet kiosk (which will also house refuse bins for the library and ZEV parking) in the joint-use parking lot at the Clares/Wharf site (no parking spaces are proposed south of the Mansion); and
- Realignment of the pedestrian and bike pathway that leads from Wharf Road to the Peery Park Bridge over Soquel Creek.

The approved project incorporated the Environmental Impact Report (EIR) Alternative 2 project (the environmentally superior alternative site configuration), because of its ability to reduce significant and unavoidable impacts, and achieve the basic project objectives. Alternative 2 removed hotel units, parking and other development from the southerly portion of the site, thereby, reducing potential impacts to the monarch butterfly habitat.

EIR Alternative 2 included the following additional construction, which was not incorporated in the final approval:

- Restoration and expansion (approximately 300 square feet) of the Well House as an interpretive center, and would contain security office/quarters; no construction below the Well House is proposed. (The City Council, as part of approved Condition #15, required the Well House to be historically restored, but not expanded in any way, including no patio/hardscape addition. No use of well house for caretaker's quarters/security, or for public restrooms, or for historical/butterfly interpretive center. Proposed use of Well House for storage/ancillary uses only. Final plans to include historic rehabilitation of the full Well House, including lattice tank enclosure);
- Reconstruction of the historic Rispin aviary. (The City Council, as part of Condition #15, eliminated the Aviary);

When the City Council approved the Rispin project, the permits included 121 adopted conditions of approval, mitigation measures, and a mitigation monitoring program that can be found in Resolution 3393 (Attachment 2). Included were the following changes to the Alternative 2 project, memorialized in Condition 15:

- Use of tile on all roofs rather than planted roofs on certain structures
- No excavated game/exercise/laundry/storage area
- Meandering pathway eliminated from south area
- No formalized parking area on site; only existing paved driveway/parking area to be used by facility operation and service vehicles in accordance with the approved Mode A/B operation.
- No incubation program for monarch butterflies.
- South end driveway to be restored with porous material; no expansion beyond existing dimensions.
- Revised joint use parking lot design to provide a 57-space parking lot to meet combined demand of the library and Rispin uses, while also ensuring independent access at all times to 17 "library" parking spaces/loading zone, and 40 "Rispin" spaces during "normal" mode and 70 spaces during possible "valet" mode.
- Reduction of size of Conservatory building by 180 square feet, to a 1,628 square foot facility to accommodate 49 persons. Conservatory to be constructed as a second phase, no sooner than 2 years after completion of Phase 1 improvements.
- Refined ADA-compliant access pathways through the site.

- No woodburning fireplaces.

The historic renovation of the Mansion and new construction on site is required to follow the Secretary of Interior's Standards and Guidelines to prevent impacts to historic resources. All of the landscape enhancements, preservation and conservation easements, habitat management and monitoring, and all operational guidelines that were described as part of the proposed project, were also be included in this alternative and the approved project.

The Plans for the original approved project are included as Attachment 6.

Proposed Amended Project. The amended Rispin Hotel project includes the same facilities and improvements as the original approved project, with the addition of a spa facility. The distinct buildings of the project are described separately for ease of understanding. These buildings are: The Mansion; The Creekside; The Villas, and The Conservatory.

Plans submitted with Application #08-014 reflect the proposed revised project, and are included with the staff report as Attachment 4. The plan sheets stamped "Information Only" do not require amendment to the zoning entitlements, but are included to provide background information.

The proposed amended Rispin Hotel project will maintain 25 guest rooms, maintain two meeting/multi-use facilities (Pavilion and Conservatory), and add a Spa Facility. The hotel will have a small dining room that serves 10 people at a time with the terrace being used for casual gatherings. The General Public and the Hotel Guests may share all Rispin facilities during normal operating hours, subject to limitations on the total number of hotel/spa guests on site. However, on occasion, the Rispin facilities may be reserved for private parties, weddings, business meetings and other similar activities. The only change in the proposed use from that which was originally approved would be adding the spa services.

The following describes the proposed facilities of each building and summarizes the proposed changes to each.

The Mansion

With the proposed amended project "The Mansion," includes 10 guest rooms, three fewer rooms than the currently approved project, a Library and Office, Living Room, Dining Room, Kitchen, small storage area, and two terraces. (See Sheets A-2.1.1, A-2.1.2, and A-2.1.3 of Attachment 4 Proposed Plan Set) As with the approved project, historic and educational displays are proposed in the hallways. The building is to be completely rehabilitated, and distinctive elements of the building are to be restored.

The State Historic Preservation Officer (SHPO) preferred that the rooms with more public functions and unique qualities of the original mansion be maintained for similar use, allowing greater access for interpretation of the mansion. For this reason, and to provide a functional office for the hotel, the original mansion library is proposed to remain a library/office rather than a guest room. As well, the kitchen would be rebuilt in its original location, rather than as a guest room. Guest rooms were adjusted for better circulation and design within the Mansion. The California State Historic Preservation Office (SHPO) has approved all of the proposed changes, except for the final roof design for the enclosed outdoor terrace (See Attachment 9).

The existing paved/bricked path on the east side of the Mansion will be abandoned, and a new much shorter stair and elevated walk is proposed in order to access one of the guest rooms in the basement level (See Sheet A-1.0 of Attachment 4 Proposed Plan Set). The new walk would be in the location of the existing walkway at grade. As shown in the photo below, the area is currently disturbed and degraded. Therefore, the new walk would not create an impact on vegetation or

supporting habitat, nor create a newly disturbed area. This new walkway is slightly within the conservation easement area, therefore, the conservation easement map would need to be amended (See conservation easement illustration, Attachment 8).



The Creekside Buildings

The new “wing” of buildings northerly of the Mansion is now referred to as “The Creekside.” The amended Creekside portion of the project adds two guest rooms to this wing, for a total of 10 guest rooms and includes the originally approved Pavilion (See Sheets A-2.2.1, A-2.2.2, A-2.2.3, and A-4.4 of Attachment 4 Proposed Plan Set). SHPO requires the Creekside buildings to be subordinate in appearance and detail to the Mansion; therefore, these buildings are separated with stairs in between to limit the overall massing. The amended project is located in approximately the same area as the approved project, except that the Rispin/Peery path adjacent to this area will be moved in a northerly direction an additional 6 feet. A very small portion of the redesigned project (a portion of the stair and landing) is within the conservation easement area; therefore the conservation easement map will need to be amended (See Attachment 8).

The Villas Buildings

The row of new hotel units between the garden and the Creekside buildings is now referred to as “The Villas.” The proposed amended project would add one guest room and a spa facility to The Villas. This results in two of the guest units located within a second story (See Sheets A-2.2.4, and A-4.5 of Attachment 4 Proposed Plan Set). Each guest unit is the same size as the rest of the units in this location. The architecture of these units, and the colors are the same as the approved units, including Spanish tile roofs. The footprint of the proposed amended project for this location is 2,892 square feet, which is 624 square feet larger than the approved project located in this area. The changed footprint is the result of the combined effect of adding the spa facility, responding to SHPO’s request to maintain the original uses and more public areas within the Mansion, and responding to Council’s direction in May 2007 to strive to maintain 25 guest rooms. Likewise, The

Rispin LLC developers have determined 25 rooms are necessary for a viable business operation. The proposed second story units and Spa were reviewed and approved by SHPO. (See Attachment 10.)

The Conservatory

The approved project includes a Conservatory building, with a dining/meeting room that serves 49 people per event, a kitchen, bathroom, and storage. A separate 200 square foot building for the zero emission vehicle (ZEV) parking was approved to be built nearby. The timeline for building the currently approved Conservatory can be found in Resolution 3393 (Attachment 2). Condition number 2 for the approved Rispin Hotel project allows the Conservatory project to be developed two years after the beginning of the hotel operation. At the end of the two years the City Council would have to approve a final Conservatory Use Program and Parking Management Program at a public hearing. The Parking Management Program may include a proposal for shared parking, shuttle program, and/or valet parking, all of which is subject to final approval by the City Council.

The proposed amended Conservatory is 4,379 square feet total in a 2,396 square foot footprint, with a new lower level containing support facilities for the site. The building would contain a kitchen, two bathrooms, hotel storage, a chiller/air conditioner for the Hotel, ZEV parking, elevator, and a dining/meeting room that serves 49 people per event. SHPO has approved the proposed conceptual changes for the amended Conservatory project, but they cannot approve the Conservatory until they review the final design. (See Sheet A-2.4.1 of Attachment 4 Proposed Plan Set.)

The Rispin LLC would like to amend the approved conditions of approval found in Attachment 2 to allow the Conservatory Building to be constructed at the same time as the rest of the project. Under this proposal the Conservatory would not be issued a Certificate of Occupancy until a Conservatory Use Program, and Parking Management Program is approved by City Council at a public hearing. The amended conditions are shown as Exhibit B to Attachment 1.

There are a few reasons to construct the Conservatory simultaneous with the hotel and restoration project. First, construction of a significant new building on site two years after opening the Hotel facility would be extremely disruptive of the newly establishing business. Such disruption could create a financial drain, and could diminish the facility's establishing reputation. It would require deconstruction and demolition of newly restored grounds, landscape features like the rose arbor, and the pedestrian pathway. In addition, the newly designed Conservatory efficiently incorporates facilities and improvements that would otherwise be built in various locations around the site. These include the ZEV parking, newly housed under the Conservatory, and the chiller/air conditioning equipment.

The certified EIR anticipated construction and operation of the Conservatory simultaneous with the Hotel and public access uses of the site. Therefore, approval of this amendment would not result in additional significant environmental impacts.

Rispin-Peery Pathway and ADA Paths

The Rispin-Peery Pathway and ADA Path will be built in general conformance with the design approvals on March 24, 2005. The Rispin-Peery Pathway will be rebuilt and paved. ADA paths will be installed to improve ADA access by providing an equivalent facilitation for the stair from Wharf Road to the Rispin-Peery Path, and rebuilding the path in certain sections to meet ADA standards. The path will continue to include a paved bike and pedestrian trail (See Sheet A-0.4, L-3, and C-5.2 of Attachment 4 Proposed Plan Set). Also, the historic rock wall will be restored and integrated with new masonry in the vicinity of the path. Construction of the pathways will require removal of Coast live oaks, and a hedgerow of Pittosporum.

Staff evaluated the option of eliminating the ADA access path from Wharf Road near the stairway, and possibly requesting a variation from standards from the City's ADA Compliance Committee. However, upon consideration and evaluation by the Building Official it is not possible to design an acceptable alternative project that would qualify for the findings needed to grant such a variation.

Parking

Parking is provided for the project consistent with the original approved project and certified EIR. Addition of the Spa will not require additional parking, as the number of guests on site will remain the same as was originally approved.

Parking for the Hotel and Spa guests is provided across the street at 2005 Wharf Road on the Capitola Library site. There are 57-striped parking spaces, of which three (3) are ADA spaces. (See Sheet A-0.6 of Attachment 4 Proposed Plan Set.) The Hotel and the Library share this site with 17 spaces assigned to the Library, and 40 spaces assigned to the Hotel. When the Library is closed, the Hotel may use the Library's 17 spaces as part of its parking inventory. During large events, the Rispin Hotel plans to use a Valet parking program and is able to park up to 70 autos when the Library is open and 87 autos when the Library is closed.

The certified EIR for the Rispin project proposed improvements to the joint-use parking at the corner of Clares Street to provide 60 spaces for the Rispin project, and the existing library. The certified EIR stated, "For special events, a valet parking system will be used that will allow for up to 90 parking spaces at the joint-use site."

The original Rispin project included 28 rooms, and a conservatory for 49 people, which the certified EIR's *Table 10* included as part of the baseline for determining parking adequacy. The final approved project room number was reduced to 25, and continued to include the conservatory for 49 people. The amended project also is for 25 rooms, and a conservatory for 49 people, however, the amended project includes a 1,192 square foot spa facility.

The certified EIR's parking analysis included *Table 10*, which summarizes parking under a worst-case scenario. *Table 10* demonstrates that the proposed joint use parking lot would provide adequate parking for the Rispin Mansion project and the existing library at the Clares/Wharf site during a special event.

Staff evaluated the parking impact with the Spa. Spas are a common amenity for this type of hotel development. If the Spa were treated separately, and the City applied the City's parking standard for commercial uses at 1 parking space per 240 square feet there would be a requirement for 5 parking spaces for the Spa. However, this standard would not be used to analyze a Spa, because the Zoning Ordinance Section 17.51130D defines the parking standards for a Hotel, which is one space for each guest room, and any additional spaces that the planning commission determines are necessary for the owners and employees. Nevertheless, if one did apply a commercial standard for the Spa there would still be enough parking under the amended plan. The certified EIR shows there are 60 approved spaces for Rispin and the Library. *Table 10* shows 10 spaces for the Library, but the City eventually allocated 17 for the Library, and 43 for the Rispin Mansion. *Table 10* shows that the worst-case scenario required a total of 53 spaces for the Rispin project, which leaves seven available spaces that would address the parking need for the Spa.

Table 10 demonstrates that the proposed joint use parking lot would provide adequate parking for the Rispin Mansion project and the existing library at the Clares/Wharf site during a special event; i.e., weddings. *Table 10* shows that the peak parking demand would occur on Saturdays between 8:00 p.m. and 9:00 p.m. when there is expected to be a minimum parking surplus of 37 spaces. The actual conditions are expected to require less parking for the following reasons:

- In addition to parking for the uses detailed above during the Saturday worst-case scenario, there may be additional demand for parking by the general public coming to visit the open space. However, this type of use would typically occur during daytime hours when parking demands from the other uses in *Table 10* would be below the peak parking demand, and would thus be accommodated within the proposed parking supply. Based on this analysis, the Rispin Mansion project with the Spa Facility would have a less-than-significant impact on parking in the local area.

Worst-Case Hourly Parking Analysis – Saturday							
Hour of Day	RISPIN MANSION					LIBRARY	TOTAL
	HOTEL		Wedding Spaces	Total Spaces		Spaces Required	Spaces Required
	% of Peak	Spaces					
0:00	100%	29	0	29		0	29
1:00	100%	29	0	29		0	29
2:00	100%	29	0	29		0	29
3:00	100%	29	0	29		0	29
4:00	100%	29	0	29		0	29
5:00	100%	29	0	29		0	29
6:00	90%	26	0	26		0	26
7:00	70%	20	0	20		0	20
8:00	60%	17	0	17		0	17
9:00	50%	15	0	15		3	18
10:00	40%	12	20	32		10	42
11:00	35%	10	27	37		10	47
12:00	30%	9	27	36		10	46
13:00	30%	9	27	36		10	46
14:00	35%	10	5	15		10	25
15:00	40%	12	5	17		10	27
16:00	50%	15	20	35		10	45
17:00	60%	17	27	44		0	44
18:00	70%	20	27	47		0	47
19:00	80%	23	27	50		0	50
20:00	90%	26	27	53		0	53
21:00	95%	28	5	33		0	33
22:00	100%	29	0	29		0	29
23:00	100%	29	0	29		0	29
Maximum Hourly Parking Demand							53
Proposed Special-Event Parking Supply							90
PARKING SURPLUS AT WORST-CASE PARKING DEMAND							37

Emergency Access Gate

In order to provide emergency access to the site, and meet Fire Standards, an emergency gate is required onto the Mansion grounds near the intersection with Clares Street, via the gardens to the Conservatory. In addition the garden path and turf will be constructed to carry the necessary loads for emergency vehicles. In appearance this change in landscaping will be imperceptible. (See Sheets L-1, C-5.1, and C-5.2 of Attachment 4 Proposed Plan Set.)

Mansion ADA Ramp

An ADA ramp is required to access the Mansion and Hotel from the gardens and grounds. The design originally approved would have required removal of significant oak trees and could not be engineered to meet the standards for required path grades. Conditions of approval and building codes require provision of ADA access throughout the site. The revised location is immediately south of the garden and reflecting pool. This location is outside of the identified Monarch butterfly overwintering areas. It is in a location that contains non-native invasive vinca understory plants. Entomologist Richard Arnold reviewed the design of the pathway in this location and determined it would not result in impacts to Monarch butterflies or their habitat. (See Sheets A-0.4, L2, and A-1.2.)

Well House Relocation

As required by condition of approval and authorized by SHPO, the Well House will be reconstructed to meet historic rehabilitation standards. However, in order to save significant large eucalyptus trees that have grown into the Well House foundations, the structure will be moved approximately 12 feet northeasterly. The Well House will be reconstructed to the exact same size and appearance. This relocation has been approved in concept by SHPO per a staff phone consultation. An amendment to the SHPO approval will be required. The new location is in an area overgrown with non-native invasive vinca. Entomologist Richard Arnold was consulted about this new design and finds it to be a superior plan as the eucalyptus trees would be maintained.

The Rispin Garden

The Rispin Garden will be restored to its historic grandeur and used as a public garden. The Rispin Garden, on occasion, may be reserved for private parties, weddings, business meetings, and other similar activities. No changes are proposed.

Monarch Over-wintering Habitat

The Monarch Habitat will be preserved in compliance with the certified EIR and adopted mitigation measures. No new development is proposed for this area.

Tree Removal, Replacement, and Management

The project and the EIR anticipated trees would be removed and replaced with construction of the project, and over time as a tool to manage and enhance the habitats on site.

The EIR found that the Alternative 2 project eliminated development in the environmentally sensitive habitat area, and that beneficial habitat enhancement programs were proposed as part of the project. However, an impact was identified that outdoor guest/visitor activities during butterfly roosting season may disturb the roost area. Therefore, the adopted conditions of approval and mitigation measures (R-12 through R-26) provide measures to address this impact with significant requirements for evaluating trees, protecting them during construction, monitoring their long term health, trimming trees, tree removal, and replacement. The conditions require the oversight of a Monarch expert biologist, a botanist, and an arborist over the long term to assure the important habitats on site are protected and maximum tree protection is provided.

Condition 55 (also a EIR mitigation measure) requires a final landscaping and tree replacement/mitigation plan be reviewed by the Planning Commission for final approval. In April

2007, the Planning Commission considered the plan prepared by Nathan Lewis and approved it, with the understanding that its implementation would be in the context of a long-term adaptive management plan for enhancement of the habitats on site. Condition 55 prescribes replacement requirements for tree removal that will be followed. As well, it requires replacement of the existing acacias as determined by the consulting monarch biologist.

Since last April a more restrictive tree removal plan has been prepared, which reduces the number of trees expected to be removed to 22 (counting the Pittosporum hedgerow as 5 trees). The reduction reflects modifications to the proposed project (such as moving the well house, relocating the sewer pump station) and re-evaluating construction methods and tolerances to protect trees (such as re-designing the area near the garage door). The project arborist, Nathan Lewis, would supervise construction near trees to direct activities and methods during critical construction phases. (See Attachment 12.) Where possible trees will be relocated on site.

In order to clarify the tree removal associated with the project and to be consistent with the mitigation measures for tree removal and habitat enhancement, Condition 17 would be amended. Condition 17 is not a mitigation measure. The new section of Condition 17 relative to tree removal would read:

~~“Removal of no more than two oaks (Rispin Conservatory and Pathway to Rear), and one other tree for ADA pathway modification, and minor trees and shrubs currently growing within building envelopes; Any tree removal shall be consistent with conditions of approval, and mitigations regarding habitat protection and restoration, tree removal, tree protection, and replacement.”~~

Rispin Main Gate and Driveway Entrance

Condition of Approval 38 (and EIR Mitigation Measure 38) requires fire and paramedic rescue access and egress into and within the site. Condition 41 (EIR Mitigation Measure 72) requires all buildings to comply with all current, applicable codes, standards, and ordinances. The EIR finding relative to compliance with these fire and life safety codes noted that the mitigation must not conflict with, and should be in coordination with, the mitigation measures to protect habitats on site.

In order to comply with Fire Standards the main entrance driveway must be constructed to carry the weight and load of emergency vehicles. This requires a certain base compaction and grading for the driveway length. As a result, 4 acacia trees near the entrance must be removed since their roots would be substantially damaged. All of these acacia have significant lean to them and/or are in failing health. Staff and the applicant's engineers evaluated a number of options to determine if a design could be developed to maintain the trees. There is no other feasible option that would meet safety standards.

Condition 55 (mitigation R-15) allows for and requires removal of the acacia as suitable replacement trees are planted, per consultation with the monarch biologist. In order to remove these acacia for the driveway improvements, significant replacement trees will be planted in the vicinity of the entrance driveway under the direction of the biologists and the arborist. Under supervision of the monarch biologist, this will be carried out to protect the habitat values on site, in coordination with the mitigation measures. As there are acacia and other trees serving to provide windbreaks and dappled light in the immediate vicinity, with tree replacement, removal of these acacia will not conflict with the overall mitigating impacts of mitigation measures R-12 through R-26.

Coastal Permit

A portion of the project site is within the Coastal Zone of Capitola. Capitola has a certified Local Coastal Program and the authority to issue Coastal Permits within the City, including on the Rispin site.

The City issued a Coastal Permit for the original approved project on March 24, 2005. (See Attachment 3, Resolution 3443.) Some of the proposed amendments to the plans are located in the Coastal Zone and require amendment to the Coastal Permit. These include:

- Addition of the elevated path in the back of the Mansion,
- Modifying the entry gate and access design,
- Modifying the ADA path from the garden to the Mansion,
- Relocating the Well House

This project contains a Coastal Permit, approval of which is appealable to the California Coastal Commission, as it includes development within 100 feet of a stream. Any appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of final local action.

California Environmental Quality Act (CEQA)

The City Council certified the Final EIR for the Rispin project for the purpose of approving the zoning entitlements in September 2004 and again in March 2005. Council adopted a Statement of Overriding Considerations and approved the project based upon adoption of Findings, Conditions and a Mitigation Monitoring Program (See Attachments 2 & 3.) The amended project is substantially the same as the project evaluated in the certified EIR and approved by the City Council on September 1, 2004 and March 24, 2005; therefore, the certified EIR mitigations apply to the amended project. The project amendment will not create any adverse impacts, nor would it increase impacts that have been addressed in the certified EIR as mitigated, as it is substantially the same project that was approved by the City Council and referenced in the Environmental Impact Report, which was certified by the City Council.

RECOMMENDATION

Staff recommends adoption of the proposed Resolution (Attachment 1) and approval of the proposed project modifications and amendments to the adopted conditions of approval, consistent with the certified EIR and subject to all mitigation measures previously included in Resolution 3393.

1. Approval of the revised Plan Set entitled "Application 08-014: Amendments to Permits #97-95 and #05-005) Submittal March 27, 2008" date stamped March 21, 2008, including the following modifications:
 - a. Addition of a 1,192 square foot Spa facility,
 - b. Relocate guest rooms and construct two as a partial second story on the "Villas" buildings,
 - c. Modify the Conservatory building design and increase the size by adding a lower level with consolidation of other site improvements into the building,
 - d. Add an emergency access gate,
 - e. Modify the entrance gate design,
 - f. Move the restored Well House about 12 feet northeasterly,
 - g. Add an elevated access walkway to the back of the Mansion in the location of an existing walkway,
 - h. Move the rebuilt pedestrian/bicycle path an additional 6 feet north,
 - i. Modifications to comply with ADA pathway design requirements, and

- j. Construction of a concrete plaster wall instead of wrought iron in the vicinity of the Conservatory.
2. Modify Conditions of Approval as shown in Exhibit B to the Draft Resolution (Attachment 1), including:
- a. Amend Conditions 2, 3, and 104 to allow construction of the Conservatory at the same time as the rest of the project construction, restricting occupancy until a Conservatory Use Program and Parking Management Program is approved by the City Council,
 - b. Amend Conditions 12 and 59 to clarify conditions relative to vehicles on the Rispin Site consistent with mitigation measures of the EIR and other conditions,
 - c. Amend Condition 17 relative to tree removal consistent with mitigation measures of the EIR and other conditions,
 - d. Amend Condition 15 and 56 to require a handrail along the Rispin/Peery path as determined necessary by the Building Official.
 - e. Amend conditions directly related to the project changes described in Item 1. above, and
 - f. Other minor condition amendments for clarification.

FISCAL IMPACT

The financial details and fiscal impact will be discussed by the City Council and Redevelopment Agency Directors at a joint public hearing in the near future regarding compliance with the terms of the Lease and Development Agreement and approval of a Lease Agreement.

Report Prepared By: Anthony J. "Bud" Carney, AICP, Consulting Planner
and Juliana Rebagliati, Community Development Director

Reviewed and Forwarded By:
City Manager: _____

ATTACHMENTS

- 1. Draft Resolution Approving Application #08-014.
- 2. RESOLUTION NO 3393: Resolution of the City Council of Capitola certifying the Final Environmental Impact Report and adopting a statement of overriding considerations, and approving Application #97-95 as amended, based upon adoption of findings, conditions, and a mitigation monitoring program for the Rispin Development project adopted by the city council on September 1, 2004 (incorporated by reference into new coastal permit).
- 3. RESOLUTION NO 3443: Resolution of the City Council of Capitola certifying the Final EIR and adopting a Statement of Overriding Considerations, and Approving Coastal Permit Application #05-005, based upon adoption of Findings, conditions and a mitigation monitoring program.
- 4. Proposed Project Plan Set (Application #08-014) *
- 5. Tree Removal Plan Sets *
- 6. Approved Project Plan Set (Application #97-95 and #05-005) *

7. Summary of Approved Project Plan set *
8. Conservation Easement Illustration
9. State Historic Preservation Office (SHPO) Certification Application for Amendment Two, date signed 10/11/2007
10. SHPO Approval Transmittal to National Park Service, date signed 10/11/2007
11. Letter from John Kasunich, Geotechnical Engineer, dated January 11, 2008
12. Letter from Nathan Lewis, Consulting Arborist, dated March 27, 2008
13. Letter from Bill Davila, Biologist, Ecosystems West, dated March 21, 2008
14. The Rispin Application Materials Binder, Barry Swenson Builder & The Rispin, LLC *

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