

# Capitola Planning Commission

## Agenda Report



**Meeting:** February 2, 2023  
**From:** Community Development Department  
**Topic:** 517 Oak Drive

**Permit Number: #22-0394**

**APN: 035-082-06**

Variance for the required parking dimensions to construct first-story additions without meeting current parking standards. The project is located in the R-1 (Single-Family Residential) zoning district.

The project is located in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption 15332

Property Owner: Michael & Sara Moore

Representative: Michael & Sara Moore, Filed: 10.20.22

### Applicant Proposal:

The applicant is requesting a variance for the minimum parking dimensions in order to construct 217 square-feet of first-story additions to an existing single-family residence located at 517 Oak Drive within the R-1 (Single-Family Residential) zoning district.

### Background:

On, December 30, 2021, the Planning Department approved an administrative permit to construct an attached Accessory Dwelling Unit and demolish the accessory structure.

### Development Standards:

The following table outlines the zoning code requirements for development in the R-1 (Single-family Residential) zoning district. Proposed figures are based on pending construction plans.

<b>Floor Area Ratio (FAR)</b>			
	<b>Existing</b>		<b>Proposed</b>
<b>Lot size</b>	2,345 sq. ft.		2,345 sq. ft.
<b>Maximum Floor Area Ratio</b>	58% (Max 1,360 sq. ft.)		58% (Max 1,360 sq. ft.)
First Story Floor Area	673 sq. ft.		890 sq. ft.
Detached Garage	175 sq. ft.		Demolished
<b>Total FAR</b>	<b>34.4% (807 sq. ft.)</b>		<b>38% (890 sq. ft.)</b>
<b>Parking</b>			
Up to 1,500 sq. ft	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
	2 spaces total 0 covered 2 uncovered	2 spaces total 0 covered 2 uncovered	2 spaces total 0 covered 2 uncovered <b>Variance Required</b>

### **Discussion:**

The existing residence at 517 Oak Drive a one-story, single-family residence located in the Riverview Terrace neighborhood near Wharf Road and is surrounded by one- and two-story single-family residences.

The application includes a variance to the minimum parking dimensions of two uncovered parking spaces in order to expand the existing dwelling. Capitola Municipal Code Section 17.76.020(C)(2) requires residential uses to provide the full amount of parking when the structure's floor area is increased by more than ten percent. The proposed 217 square-foot addition will increase the existing 675 square-foot structure by 32 percent.

### Design Permit

Pursuant to §17.120.030(B)(1), ground-floor single-story additions up to four hundred square feet in size are exempt from design permit requirements if they are located at the rear of a home. The proposed addition is limited in size and located in the rear and therefore qualifies for the design permit exemption. If the parking variance is granted, the applicant would only need to apply for a building permit, which is a ministerial permit.

### Non-Conforming Structure

The existing single-family dwelling does not comply with minimum require first-story side setback along the south property line and is therefore a legal non-conforming structure. Pursuant to code section 17.92.070, structural alterations to an existing non-complying structure may not exceed 80 percent of the present fair market value of the structure. Staff estimates that the project cost represents at approximately 40 percent of the present fair market value, therefore the additions are permissible.

### Variance

The applicant is seeking approval of a variance to allow two uncovered spaces which measure approximately 7-feet wide by 16-feet, 6-inches deep. Uncovered tandem spaces are required to be a minimum of 9-feet by 18-feet. Pursuant to §17.128.060, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds:

**A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.**

Staff Analysis: There are unique circumstance applicable to the subject property, including the lot dimensions and the shared parking development pattern of the adjacent property. The subject property measures 33-feet, 6-inches wide by 70 feet deep, which is narrower than most properties in the vicinity and in underlying zoning district. With the exception of three adjacent lots, the majority of properties in the Riverview Terrace subdivision have lot widths of at least 40 feet. As a result of the width, the lot is also proportionally smaller than other lots. 40-foot by 70-foot lots are already among the smallest development patterns found in the R-1 zoning district.

**B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.**

Staff Analysis: The substandard lot width and overall size limits parking solutions, regardless of the existing conditions. The strict application of the zoning code requirements for parking dimensions would deprive the subject property of privileges enjoyed by other properties in the same zone.

**C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance is necessary to preserve the ability to construction additions that only require two uncovered parking spaces.

**D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance will not impose any detrimental impacts on the public health, safety, or welfare, or be injurious to properties or improvements in the vicinity or in the same zone as the subject property. The project will provide the required number parking spaces and comply with all other development standards.

**E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance does not grant privileges in excess of the objective development standards applicable to all properties in the vicinity and the within the same zone. The variance allows the property to expand a structure without addressing an existing nonconformity due to the substandard lot dimensions.

**F. The variance will not have adverse impacts on coastal resources.**

Staff Analysis: The variance will not adversely impact coastal resources.

**CEQA:**

Section 15332 of CEQA Guidelines exempts in-fill development projects which meet all conditions within the exemption. The project involves a variance for minimum parking dimensions. The project allows for the ministerial approval of residential additions to an existing single-family residence. The project is located in the R-1 (single-family residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

**Recommendation:**

Staff recommends the Planning Commission **approve** the application #22-0394 based on Conditions and Findings for Approval.

**Attachments:**

1. 517 Oak Drive – Plan Set
2. 517 Oak Drive – Variance Request

**Conditions of Approval:**

1. The project approval consists of a variance to the minimum parking dimensions for two uncovered parking spaces. The proposed project is approved as approved by the Planning Commission on February 2, 2023, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, 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 Planning Commission approval and the residential design permit exemption or non-discretionary permit.

3. 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.
4. Prior to issuance of building permit, all Planning fees associated with permit #22-0394 shall be paid in full.
5. This permit shall expire 24 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 17.156.080.
6. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

### **Variance Findings**

**A. There are There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.**

Staff Analysis: There are unique circumstance applicable to the subject property, including the lot dimensions and the shared parking development pattern of the adjacent property. The subject property measures 33-feet, 6-inches wide by 70 feet deep, which is narrower than most properties in the vicinity and in underlying zoning district. With the exception of three adjacent lots, the majority of properties in the Riverview Terrace subdivision have lot widths of at least 40 feet. As a result of the width, the lot is also proportionally smaller than other lots. 40-foot by 70-foot lots are already among the smallest development patterns found in the R-1 zoning district.

**B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.**

Staff Analysis: The substandard lot width and overall size limits parking solutions, regardless of the existing conditions. The strict application of the zoning code requirements for parking dimensions would deprive the subject property of privileges enjoyed by other properties in the same zone.

**C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance is necessary to preserve the ability to construction additions that only require two uncovered parking spaces.

**D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance will not impose any detrimental impacts on the public health, safety, or welfare, or be injurious to properties or improvements in the vicinity or in the same zone as the subject property. The project will provide the required number parking spaces and comply with all other development standards.

**E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance does not grant privileges in excess of the objective development standards applicable to all properties in the vicinity and the within the same zone. The variance allows the property to expand a structure without addressing an existing nonconformity due to the substandard lot dimensions.

**F. The variance will not have adverse impacts on coastal resources.**

Staff Analysis: The variance will not adversely impact coastal resources.

**G. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**

Section 15332 of CEQA Guidelines exempts in-fill development projects which meet all conditions within the exemption. The project involves a variance for minimum parking dimensions. The project allows for the ministerial approval of residential additions to an existing single-family residence. The project is located in the R-1 (single-family residential) zoning district. The project meets all applicable general plan policies and zoning regulations; the project site does not have any identified habitat value; the project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is and can be adequately served by all required utilities and public services.

Prepared by Sean Sesanto