

January 27, 2025

Property Address: 511 Escalona Drive, Capitola, CA 95010
APN: 036-125-02
Existing FAR: 2,901 sq.ft. (52.6%)
Proposed FAR: 2,629 sq.ft. (47.7%)
MAXIMUM FAR: 2,701 sq.ft. (49%)

Proposed variance to reduce the rear yard setback on a reverse corner lot at 511 Escalona Drive from 26'-0" to 11'-9.5, and to allow the deck to extend from the building 9'-6" as opposed to 6'-0". The proposed deck dimensions are 41'-7.5" x 9'-6", with a total area of 389 square feet, same as the current roof.

Please explain your Variance request and the development standard(s) which you would like to modify.

1. We are requesting a variance to allow the rear yard setback for a second story deck to be 11'-9.5" as opposed to a 25% percent of property depth setback, which would be 25% of 104.31' equaling 26'. Important to note is that this property is considered a **reverse corner lot**. Reverse corner lot setbacks are calculated differently than typical rear yard setbacks and the current deck code does not take that into account. Reverse corner lot rear yard setbacks are calculated as equal to the neighboring side yard setback. The neighbor's side yard setback allowance for decks is 10'-0" and we are asking for 11'-9.5".
2. We are requesting a variance to allow the upper floor deck to project 9'-6" from the exterior building wall instead of the current allowance of 6'-0". The only change to the exterior of the building would be French doors in lieu of windows leading out to the deck, which has parapet walls 42" high. The deck would be within the required 10' setback from the exterior side yard property line.

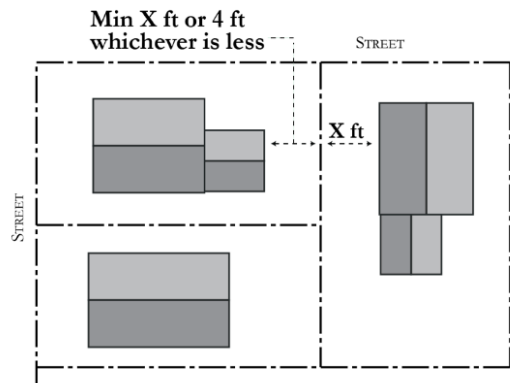
Please provide the reasons you believe the following findings can be made to support your Variance request. Note any special circumstances related to your property, including lot size, dimensions, shape, structure, topography, and/or historic structure. Attach additional pages as necessary.

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.

1. The lot is a **reverse corner lot**. Setbacks are determined differently for reverse corner lots in that it's recognized that the rear of the property is backing up to a side yard as opposed to another rear yard. Per 17.16.4.a of the municipal code:

The minimum rear setback for reverse corner lots shall be the minimum interior side yard of the adjacent property, but no less than four feet. See Figure 17.16-2.

Figure 17.16-2: Reverse Corner Lot Rear Setback



We are proposing the second story deck uses the same methodology for the unusual circumstances of a reverse corner lot to determine the 2nd story deck setback- using the side yard setback for decks of the neighboring property, which is 10'-0". We are proposing a deck that is 11-9.5" from the rear property line. The deck fully fronts public space on all sides.

2. "Normal" lots have setbacks that allow for the front yard (15 feet), interior side yards (10% of parcel width- no less than 3', no greater than 7'), street side setback of 10', and a rear yard equal to 20% of the parcel depth. In the case of reverse corner lots, the rear yard is equal to the neighboring side yard setback, in this case, 4'. The ground level of the existing home has not changed in the plans currently under construction. The garage is located on the street side portion of the property, so the driveway and parking take up approximately 540 sq.ft. of outdoor area. With the existing unique configuration of the home, and the conditions allowed with the reverse corner lot, there is little usable outdoor private area. The deck facing the street would allow for another space providing the outdoor usable area other properties enjoy. The current maximum deck projection of 6'-0" creates an uncomfortably narrow and long area and does not allow the same enjoyment of deck area that other properties enjoy. Recently, the city recognized that 6'-0" is insufficient and the city council approved a maximum of 10'-0", which is up for review by the coastal commission before becoming fully part of the new code. While the new deck code has not been instituted, the fact remains that there is consensus that 6' is inadequate and too restrictive a projection.

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.

By limiting the upper deck to 25% of the property depth (26'-0") the subject property is unable to enjoy the same side yard deck length that other properties do. The deck does not project beyond the approved rear yard setback (see discussion A above) and would simply be located upon existing construction. All other requirements- setbacks, FAR, lot coverage, height are complying with the current code. The overall height from the ground to the top of the railings on the proposed deck will not exceed 13', keeping the massing down. In theory, this area could be developed up to 25'-0", as habitable area, meeting code requirements. We are simply proposing a deck which is less imposing. Other decks on Depot Hill are not restricted by the 6'-0" limitations, and in fact, the current limitations are currently going before the coastal commission as the city planners and commissioners determined 10'-0" to be a more reasonable maximum.

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.

Other properties can have their decks fronting the public Right of Way span the frontage, with the newly required 10' side yard deck setback minimums. That is what we are asking for. The subject property would like the ability to span the area to within 10' of the property line. It will have no impact on the neighbor's privacy as it is fronting public spaces.

Other properties enjoy decks not constricted by the 6'-0" maximum rule, which was put in place back in April of 2023 after a 1.5-year span where there were **zero** maximums and no restrictions on FAR. We are only asking for a reasonable extension where we still meet the exterior side yard setback maximum of 10'-0" and apply the same rule for reverse corner lots to determine the setback for the deck at the rear (same as the neighbor's setback, which would be 10'-0")

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

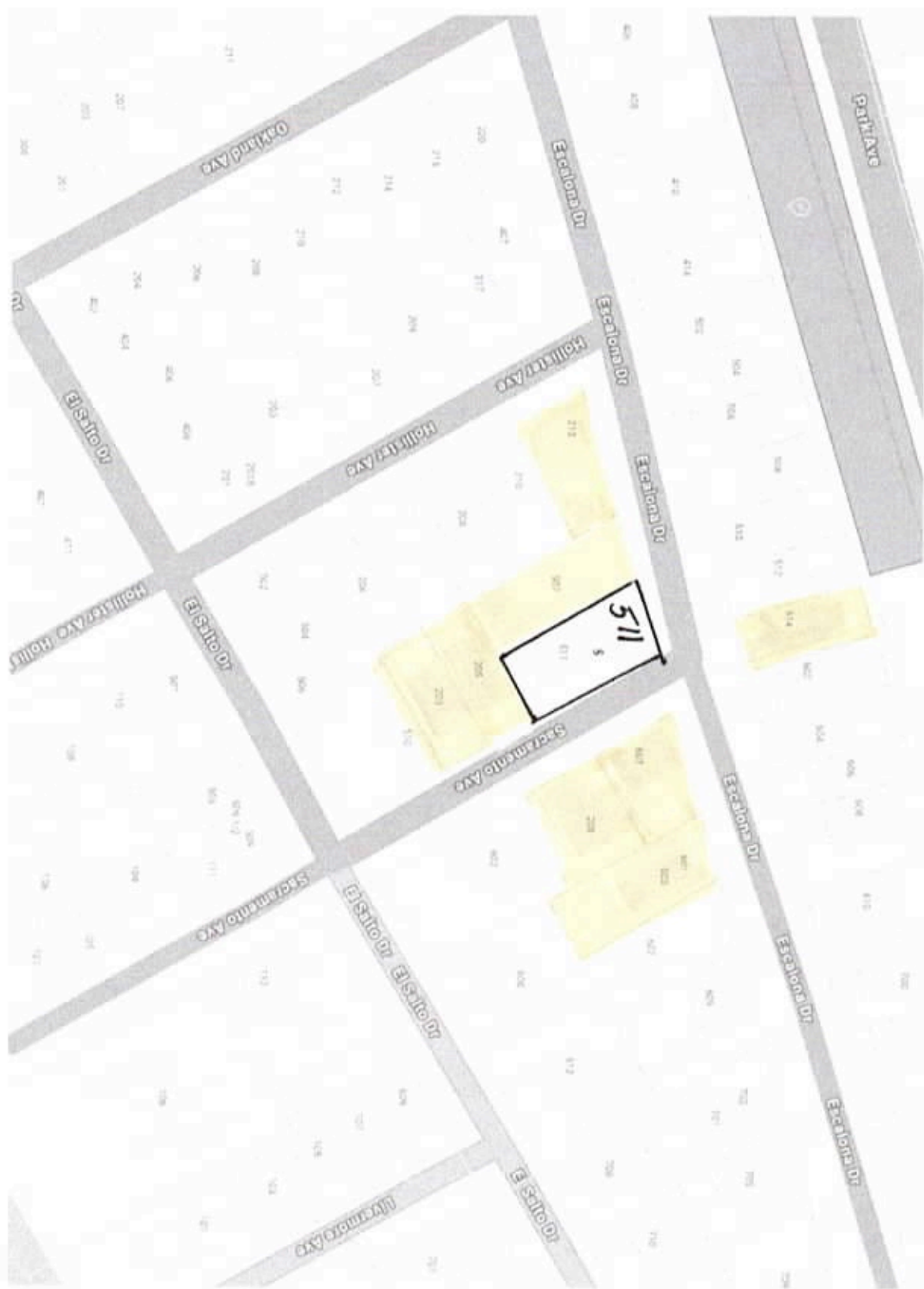
Allowing the deck to extend to within 11'-9.5" of the neighboring property has no impact on public health, safety, or welfare and will not adversely impact the neighboring properties or improvements in the vicinity. The parapet is already in place. The only change would be to change the approved window to a French door out to the deck. Nothing and no one are impacted by this change. This applies to both variance requests.

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.

Other properties on typical lots are allowed to have decks facing the public right of way with allowances for the side yard setbacks- the intent being that the neighbor's privacy is not being impeded. The same intent and privilege should be extended to this reverse corner lot, where the street facing deck would impede nothing and no one's privacy.

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

No coastal resources are affected by allowing a reduction in the rear yard setback for the subject property.



WRITTEN OR VERBAL Support
FOR VARIANCE