

# Capitola Planning Commission

## Agenda Report

**Meeting:** June 5, 2025

**From:** Community Development Department

**Address:** 4770 Opal Street



**Project Description:** Application #25-0143. APN: 034-065-04. Design Permit and Accessory Dwelling Unit (ADU) Permit for the demolition of an existing single-family residence and construction of a new residence and attached JADU. The project is located within the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

**Recommended Action:** Consider application #25-0143 and **approve** the project based on the attached Conditions and Findings for Approval.

Property Owner: Catherine Wittig

Representative: Taylor Bode, Filed: 03/26/25

**Background:** On April 23, 2025, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works: requested clarification on drainage from the rear yard. Public Works staff also discussed encroachment permit requirements and additional information necessary at time of building permit submittal.

Interim Building Official, Robin Woodman: asked for clarification ADU egress and noted the City will need MBARD approval for the demolition.

Associate Planner, Sean Sesanto: discussed planning comments which included required upper-floor deck standards and tree planting requirements.

Following the Development and Design Review meeting, the applicant resubmitted plans clarifying and addressing staff comments, including parking, landscape and drainage, deck design, and street interface.

**Development Standards:** The following table outlines the zoning code requirements for development in the R-1 zoning district. The project complies with all applicable R-1 development standards.

Development Standards	
Building Height	
R-1 Regulation	Proposed
25 ft.	22 ft. 9 in.
Floor Area Ratio (FAR)	
	Proposed
Lot size	3,280 sq. ft.
Maximum Floor Area Ratio	56% (Max 1,837 sq. ft.)
First Story Floor Area	SFD: 1,099 sq. ft. ADU: 336 sf. ft.
Second Story Floor Area	SFD: 732 sq. ft. 63 sq. ft. deck area exempt

Total FAR			66.1% (2,167 sq. ft.) <i>Guaranteed Allowance for 330 sq. ft. of JADU</i>	
Setbacks				
	R-1 regulation		Proposed	
Front Yard 1 <sup>st</sup> Story	15 ft.		Primary: 22 ft.	
Front Yard 2 <sup>nd</sup> Story & Garage	20 ft.		Primary: 26 ft. 4 in. Garage: 20 ft.	
Side Yard 1 <sup>st</sup> Story	10% lot width	Lot width 41 ft. 4 ft. 1 in. min.	East: 4 ft. 1 in. West: 4 ft. 1 in.	
Side Yard 2 <sup>nd</sup> Story	15% of width	Lot width 41 ft. 6 ft. 2 in. min	East: 6 ft. 2 in. West: 6 ft. 2 in.	
Rear Yard 1 <sup>st</sup> Story	20% of parcel depth	Lot depth 80 ft.	16 ft.	
Rear Yard 2 <sup>nd</sup> Story		16 ft. min.	25 ft. 2 in.	
Attached Accessory Dwelling Unit				
	JADU Regulation		Proposed	
ADU Height	Same as Primary		12 ft. 6 in.	
Front Yard 1 <sup>st</sup> Story	Same as Primary		15 ft.	
Side Yard 1 <sup>st</sup> Story	4 ft.		East: 23 ft. 9 in. West: 4 ft. 1 in.	
Rear Yard 1 <sup>st</sup> Story			38 ft. 3 in.	
Parking				
SFD 1,501-2,000 sq. ft.	Required		Proposed	
	2 total, 1 covered		2 total, 1 covered	
Underground Utilities: Required with 25% increase in area			Required	

**Discussion:** The subject property is located within the Jewel Box neighborhood, surrounded by one- and two-story single-family residences. The existing site includes a 1960's single-story, single-family residence. The structure is not identified as a historic resource.

**Design Permit:** The proposal is to level the existing single-family development and construct a new single-family residence with a junior ADU (JADU). The project utilizes contemporary design and materials, with light-colored stucco on the ground level, horizontal redwood board on the second story, and wood-trimmed windows. The home uses a shallow-framed open gable roof with exposed rafter tails and composition shingle. The rear upper-story deck is covered by the primary roof and screen wall along the side yard, giving a recessed appearance.

**Design Review Criteria:** When considering design permit applications, the city shall evaluate applications to ensure that they satisfy the following criteria, comply with the development standards of the zoning district, conform to policies of the general plan, the local coastal program, and any applicable specific plan, and are consistent with any other policies or guidelines the city council may adopt for this purpose. To obtain design permit approval, projects must satisfy these criteria to the extent they apply. Planning staff has prepared specific analysis for the following list of Design Review Criteria that are more directly applicable to the proposed project. The complete list of Design Review Criteria is included as Attachment #2.

#### Design Review Criteria:

- F. Privacy. The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimize privacy impacts on adjacent properties and provide adequate privacy for project occupants.

The proposed upper-story deck has been designed to meet all applicable deck standards including setbacks, rear-facing with walls screening from side property lines, and a projection not exceeding six feet from the building wall.

Junior Accessory Dwelling Unit: The application includes a Junior ADU. The guaranteed allowance specifies that development standard may not prohibit an ADU provided it does not exceed 800 square feet in size and complies with maximum height and minimum setbacks; however, JADUs are limited to a maximum size of 500 square feet. The proposed JADU is 336 square feet and complies with height and setback requirements. Property owners must also occupy either the primary or accessory dwelling unit. The project has been conditioned with an associated deed restriction requirement.

Parking: The primary dwelling includes two parking spaces, including one garage space, which complies with standards for a dwelling of the proposed size. The JADU is exempt from minimum parking requirements.

Trees: The application proposes to retain an existing Japanese maple tree in the front yard and plant an additional maple, also in the front yard. The project includes the removal of three existing palm trees. Staff note the addition of one tree should satisfy the 15% canopy coverage requirement for new construction projects but recommend planting the maple tree in the back yard to limit canopy crowding.

**CEQA:** §15303(a) of the CEQA Guidelines exempts a single-family residence or second dwelling unit in a residential zone. The project includes the construction of a new single-family residence with a junior accessory dwelling unit.

#### **Design Permit Findings:**

- A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed replacement single-family dwelling and attached junior accessory dwelling unit comply with the development standards of the R-1 zoning district. Specifically, all of the requirements of Capitola Municipal Code §17.74.060 have been met. The project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

- B. The proposed project complies with all applicable provisions of the zoning code and municipal code.**

Community Development Staff and the Planning Commission have reviewed the application for a single-family dwelling and attached junior accessory dwelling unit, which are allowed uses within the R-1 zoning district. The project complies with all applicable provisions of the zoning code and municipal code.

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

Section §15303(a) of the CEQA Guidelines exempts a single-family residence or accessory dwelling unit in a residential zone and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves the construction of a single-family dwelling and an attached junior accessory dwelling unit within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

- D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed residence and accessory dwelling unit will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

- E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).**

The Community Development Staff and the Planning Commission have reviewed the application. The proposed residential project complies with all applicable design review criteria in Section 17.120.070.

- F. For projects in residential neighborhoods, The proposed project maintains the character, scale, and development pattern of the neighborhood.**

Community Development Staff and the Planning Commission have all reviewed the application for the single-family residence and junior ADU. The design of the home, with stucco and horizontal redwood board, wood-trimmed windows, shallow-framed open gable roof with exposed and rafter tails, will fit in nicely with the existing neighborhood. The JADU is fully integrated into the overall design. The project will maintain the character, scale, and development pattern of the neighborhood.

**Coastal Development Permit Findings:**

- G. The project is consistent with the LCP land use plan, and the LCP implementation program.**

The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

- H. The project maintains or enhances public views.**

The proposed project is located on private property at 4770 Opal Street. The project will not negatively impact public landmarks and/or public views.

- I. The project maintains or enhances vegetation, natural habitats and natural resources.**

The proposed project is located at 4770 Opal Street. The home is not located in an area with natural habitats or natural resources. The project will maintain or enhance vegetation, consistent with the allowed use and will not have an effect on natural habitats or natural resources.

- J. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**

The site is private property which does not possess coastal access or resources. The project will not negatively impact low-cost public recreational access.

- K. The project maintains or enhances opportunities for visitors.**

The project involves the construction of a single-family dwelling and attached junior accessory dwelling unit and will not negatively impact visitor serving opportunities.

- L. The project maintains or enhances coastal resources.**

The project involves the construction of a single-family dwelling and attached junior accessory dwelling unit and will not negatively impact coastal resources.

**M. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**

The proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

**N. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**

The project involves the construction of a single-family dwelling and attached junior accessory dwelling unit on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

**Conditions of Approval:**

1. The project approval consists of the demolition of an existing single-family residence and construction of an 1,831 square-foot single-family dwelling and a 336 square-foot junior accessory dwelling unit. The maximum Floor Area Ratio for the 3,280 square foot property is 56% (1,837 square feet). The total FAR of the project is 66.1% with a total of 2,167 square feet. The project is subject to the guaranteed allowance for the 336 square-foot JADU. The effective FAR without the JADU is 55.8%, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 5, 2025, 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 plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
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. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.

8. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 3 trees to be removed from the property. At least two trees shall be planted and/or remaining on site, not including the fern tree. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans.
9. Prior to issuance of building permit, all Planning fees associated with permit #25-0143 shall be paid in full.
10. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
11. 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.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection. Site runoff shall not drain onto adjacent parcels or over sidewalks.
13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. 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
17. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
18. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

19. This permit shall expire 24 months from the date of issuance unless exercised. 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.
20. 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.
21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
22. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
23. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.
24. Prior to a Building Department final and/or issuance of a Certificate of Occupancy, final inspections by the Planning and Public Works Departments are required.
25. Prior to issuance of a Certificate of Occupancy for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
  - a. The accessory dwelling unit may not be used for vacation rentals; and
  - b. The accessory dwelling unit shall not be sold separately from the primary dwelling; and
  - c. The dwelling shall be restricted to the allowable size; and the property owner must occupy occupancy either the primary dwelling unit or the junior accessory dwelling unit on the property.
  - d. The deed restriction shall lapse upon removal of the accessory dwelling unit.

**Attachments:**

1. 4770 Opal Street – Plan Set
2. Design Permit Design Review Criteria

Report Prepared By: Sean Sesanto, Associate Planner

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director