

Capitola Planning Commission

Agenda Report



Meeting: April 6, 2023

From: Community Development Department

Topic: 520 Riverview Drive

Permit Number: #22-0056

APN: 035-081-10

Design Permit to remodel a two-story residence with Variance requests for the required minimum setbacks and maximum floor area ratio. The project is located within the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption 15301(e)

Property Owner: Tarra Gundersgaard

Representative: Martha Matson, Filed: 02.22.22

Applicant Proposal:

The applicant is proposing to modify an existing single-family residence with additions totaling 115 square feet. The residence is located at 520 Riverview Drive on a triangular shaped lot within the R-1 (Single-Family Residential) zoning district. The application requires variance requests to the maximum floor area ratio and for the rear and side setbacks.

Background:

On March 2, 2023, the Planning Commission continued the application to the next hearing, so the applicant could address Public Works Department concerns relating to site distance visibility for the proposed driveway. Following the hearing, the applicant provided revised drawings and updated the proposed scope of work removing the ADU. These modifications sufficiently addressed concerns raised by the Public Works Department (Attachment 3).

On July 27, 2022, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representative: noted missing elements on the drainage/erosion control plan. Public Works staff noted concern regarding the proposed curb cut safety and site distance, specifically due to its proximity to the Riverview-Sunset intersection.

Building Official, Robin Woodman: informed the applicant that fire-rated walls would be necessary in areas near property lines and noted a demolition plan will be necessary with the building permit submittal.

Associate Planner, Sean Sesanto: discussed front-yard setbacks and parking requirements as well as the proposed driveway.

Development Standards:

The following table outlines the zoning code requirements for development in the Single-Family (R-1) zoning district. The additions require a variance to the required rear and side-yard setbacks.

R-1 (Single Family Residential) Zoning District

Lot Standards			
Building Height			
R-1 Regulation	Existing		Proposed
Primary Structure: 25 ft.	21 ft.		24 ft. 5 in.
Floor Area Ratio (FAR)			
	Existing		Proposed
Lot Size	2,241 sq. ft.		2,241 sq. ft.
Maximum Floor Area Ratio	58% (Max 1,300 sq. ft.)		58% (Max 1,300 sq. ft.)
First Story Floor Area	794 sq. ft.		880 sq. ft. (Total)
Second Story Floor Area	442 sq. ft. Deck: 133 sq. ft.		492 sq. ft. Deck: 133 sq. ft.
Exemptions	154 sq. ft.		175 sq. ft.
TOTAL FAR	54.2% (1,215 sq. ft.)		59.3% (1,330 sq. ft.) Variance Required
Yards			
	R-1 Regulation	Existing	Proposed
Front Yard 1 st Story	15 ft.	6 ft. 3 in. Existing Nonconforming	6 ft. 3 in.
Front Yard 2 nd Story	20 ft.	6 ft. 3 in. Existing Nonconforming Deck: 3 ft. 8 in.	6 ft. 3 in. Deck: 3 ft. 8 in.
Side Yard 1 st Story (North Property Line)	10% lot width Lot width 70 ft. 1 in. 7 ft. min.	2 ft. 3 in. Existing Nonconforming	Expansion: 4 ft. Variance Required
Side Yard 2 nd Story	15% of width Lot width 70 ft. 1 in. 10 ft. min	9 ft. 5 in. Existing Nonconforming	Expansion: 9 ft. 9 in. Variance Required
Rear Yard 1 st Story (East Property Line)	Minimum interior side yard of adjacent property. 7 ft.	3 ft. 11 in. Existing Nonconforming	Existing: 3 ft. 11 in. Expansion: 4 ft. Variance Required
Rear Yard 2 nd Story	Minimum interior side yard of adjacent property. 7 ft.	3 ft. 11 in. Existing Nonconforming	Existing: 3 ft. 11 in. Expansion: 7 ft. 6 in.
Encroachments (list all)	Existing raised deck encroaches front and rear setbacks		
Parking			
	Required	Existing	Proposed
SFD up to <u>1500</u> sq. ft. 2 spaces	2 spaces total 0 covered 2 uncovered	0 spaces total 0 covered 0 uncovered	0 spaces total* One substandard space proposed. See parking section below.
Underground Utilities: required with 25% increase in area			No

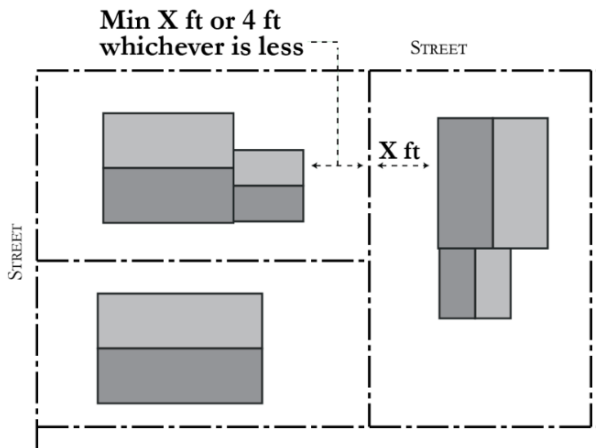
Discussion:

The existing single-family residence is located within the Riverview Terrace neighborhood near the intersection of Riverview Drive and Sunset Drive. The subject property is elevated above the street with a mild upslope. The lot has a highly irregular triangular shape. The lot is surrounded by one- and two-story single-family residences. The neighborhood is located in close proximity to the village and is challenged with limited on-street and off-street parking.

The project includes additions to the first- and second story. While the proposal seeks to substantially modify the shape and appearance of the existing structure, the net increase in floor area is about 115 square feet. The project simplifies the existing irregular articulation with a combination of minor structural additions and removals, particularly on the side and rear (north and east) elevations. Materially, the design replaces the existing shingle exterior with stucco siding and horizontal wood siding that accents the existing second-story deck.

Setbacks

Pursuant to §17.48.030(B), when unique circumstances exist, the community development director has the authority make determinations for lot configuration based on existing conditions and functions of the lot. The subject property is a three-sided triangular lot with limited space between the property lines and the existing structure. The community development director determined the northern property line (adjacent 502 Sunset Drive) functions as the side property line and the eastern property line (adjacent 505 Gilroy Drive) functions as the rear property. The rear setbacks of seven feet were determined using corner lot standards pursuant to §17.16.030(B)(5), which establishes a minimum rear setback using the minimum interior side yard of the adjacent property, but not less than four feet. The adjacent lot of 502 Sunset Drive has a minimum interior side yard setback of 7 feet.



Non-Conforming Structure

The existing structure is located within the required front, side, and rear setbacks and is therefore considered legal non-conforming. Pursuant to code section 17.92.070, structural alterations to an existing non-conforming structure may not exceed 80 percent of the present fair market value of the structure. Staff estimates that the project cost represents approximately 60 percent of the present fair market value, therefore the additions are permissible.

Variance

The applicant is seeking a variance to the minimum side and rear setbacks and maximum floor area ratio. The minimum side-setbacks are seven feet and ten feet for the first and second stories. The applicant is proposing additions within four feet and nine-feet, nine-inches of the north-side property line, respectively. The minimum first-story rear setback is four feet. The applicant is proposing additions with a four foot rear setback. The applicant is also proposing to exceed the maximum FAR of 58% (1,300 square feet) to 59.3% (1,330 square 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: The lot has a highly irregular right triangle shape, with its widest face being the street frontage. The lot is also small by Capitola standards at 2,241 square feet, whereas the smallest standard lots in the R-1 zone are typically 2,800 square feet. Due to its shape, if standard setback rules were applied, they would effectively impose side and rear setbacks equivalent to a lot nearly twice its size.

- 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 strict application of conventional setback standards would create a building envelope insufficient to reasonably develop the property in a manner similar to that of properties of the same zone and in the vicinity of the property. Furthermore, the smallest standard lots in the R-1 zone, typically 2,800 square feet, would have a maximum floor area of 1,596 square feet, twenty percent larger than what is allowed on the subject property.

- 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: A variance is necessary to preserve the ability to develop the site. Any new development on the subject property would likely require a variance to reasonably develop the site.

- 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 project involves a remodel of an existing single-family dwelling. Approval of the variance would allow a residence that maintains neighborhood scale and provides setbacks similar to those applied by code to typical corner lots. The variance will not negatively impact the public, properties, or improvements in the vicinity or in the same zone as the subject property.

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: Granting a variance for setbacks would allow the subject property to be developed using setbacks commonly applied to properties in the vicinity and would not constitute a grant of special privilege. Granting a variance for the floor area ratio would allow a larger residence closer in size to residences commonly found in the vicinity or zone.

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

Staff Analysis: The granting of a variance will not have adverse impacts on coastal resources.

Parking

Single-family dwellings with a floor area less than 1,500 square feet are required to provide two parking spaces, neither of which must be covered. The lot currently provides no on-site parking and is therefore nonconforming in terms of parking. The proposal includes one substandard parking space which measures 9 feet wide by sixteen-feet, 6-inches deep. Pursuant to CMC §17.76.020(C)(2), the full amount of parking to serve the residential use is required when the floor area is increased by more than ten percent. The proposed project will not increase the floor area more than ten percent (9.5%) and is therefore not required to bring onsite parking into compliance.

Initial designs of an on-site driveway created were not supported by the Public Works Department due to safety concerns and limited visibility of the street and nearby intersection. The applicant submitted revised drawings that located the proposed driveway further from the intersection and included the removal of a front yard fence and two small trees to improve visibility. The applicant also provided a signed informal agreement from the owner of 502 Sunset Drive consenting to remove their garage wing-wall that projects into the public right-of-way towards the Riverview Drive and Sunset Drive intersection. Following the resubmittal, the Public Works Director provided a memo (Attachment 3) stating that the safety concerns were now addressed provided the front yard fence and small trees were removed as noted on the plans. Staff has included those stipulations as condition #4. The Public Works Director also supports the removal of the adjacent property's garage wing wall.

CEQA:

This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations, which exempts minor additions and alterations of existing private structures that will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The project increases the floor area by less than 10% and less than 2,500 square feet.

Recommendation:

Staff recommends the Planning Commission **approve** application #22-0056 based on the Conditions and Findings for Approval.

Attachments:

1. 520 Riverview Drive – Plan Set
2. 520 Riverview Drive – Material Information
3. Public Works Updated Memo on 520 Riverview Drive Parking
4. Design Review Criteria

Conditions of Approval:

1. The project approval consists of 120 square-feet of first- and second-story additions. The maximum Floor Area Ratio for the 2,241 square foot property is 58% (1,300 square feet). The total FAR of the project is 59.3% with a total of 1,330 square feet. The approval includes a variance for the required setbacks and maximum floor area ratio. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 6, 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 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. Prior to issuance of building permits, the construction plans shall indicate the removal of the existing front yard fence, lattice, and two small trees. Prior to a project final, the front yard between the residence and the adjacent property at 502 Sunset Drive shall be clear of any obstruction that would impact driveway visibility and safety to the satisfaction of the Public Works Director.
5. 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.
6. 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.
7. 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.
8. 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.
9. Prior to issuance of building permit, all Planning fees associated with permit #22-0056 shall be paid in full.
10. 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.

11. 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.
12. 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).
13. 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.
14. 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.
15. 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
16. 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.
17. 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.
18. 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.
19. 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.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

21. 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.

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. With approval of a variance, the proposed remodel of a single-family residence complies with the development standards of the R-1 (Single-Family Residential) zoning district. 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 the remodel of a single-family residence. With approval of a variance, 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 15301(e) of the CEQA Guidelines exempts additions and alterations of existing private structures that will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The project involves the remodel of an existing single-family residence which will increase the net floor area by less than 10% and less than 2,500 square feet. The project is located 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 remodel of a single-family residence 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 project complies with all applicable design review criteria in Section 17.120.070.

- F. 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 proposed project. The design of the home will fit nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

Variance Findings:

- 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.**

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