

Capitola Planning Commission

Agenda Report



Meeting: November 6, 2025

From: Community & Economic Development Department

Address: 108 Fairview Avenue

Project Description: Application #25-0190. APN: 036-111-11. Accessory Dwelling Unit (ADU) Design Permit to replace an existing detached garage with a new two-story detached garage and ADU behind an existing primary residence. The project includes deviation requests for the ADU parking requirement and the ADU guaranteed allowance. 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 appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Recommended Action: Consider application #25-0190 and **approve** the project based on the attached Conditions and Findings for Approval.

Property Owner: Leland Evans

Representative: Derek Van Alstine Residential Design Inc., Filed: 4/14/25

Background: On May 28, 2025, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works staff, Kailash Mozumder and Erika Senyk: Discussed site drainage and noted the site parking access is through an alley.

Interim Building Official, Robin Woodman: Noted the significant cantilevering in the project and informed the applicant a soils report will be required.

Associate Planner, Sean Sesanto: Discussed several requirements and limitations related to parking, height, privacy for detached ADUs, and circumstances an ADU may exceed the maximum allowed floor area ratio (FAR) through the "guaranteed allowance".

On September 25, 2025, the City Council adopted an ordinance amending Chapter 17.74: Accessory Dwelling Units, which removed height as a criterion for the guaranteed allowance. Within the Coastal Zone, the ordinance is subject to Coastal Commission certification prior to taking effect.

Following the development and design review meeting and the adoption of ADU amendments, the applicant submitted a significant redesign of the proposed structure addressing staff comments. The resubmittal included an ADU deviation requests to waive the single required parking space for the ADU and the guaranteed allowance.

Development Standards: The following table outlines the zoning code requirements for development in the R-1 zoning district. No changes to the existing dwelling are proposed and it is omitted from the table except for Floor Area Ratio and parking calculations. The applicant is seeking ADU deviation requests related to the guaranteed allowance and parking requirements.

Lot Standards			
Floor Area Ratio (FAR)			
R-1 Regulation		Proposed	
Lot size		2,944 sq. ft.	
Maximum Floor Area Ratio		57% (Max 1,678 sq. ft.)	
Primary Dwelling Unit		832 sq. ft.	
Accessory Dwelling Unit		First-Story: 487 sq. ft. 72 sq. ft. garage area exempt Second-Story: 559 sq. ft. 108 sq. ft. deck area exempt	
Total FAR		63.8% (1,878 sq. ft.) ADU Deviation Request for FAR	
Development Standards – Accessory Dwelling Units			
ADU, Detached Two-Story		Proposed	
Height	22 ft.	21 ft. 6 in.	
ADU Setbacks			
	ADU Regulation	Proposed	
Front Yard 1 st Story	15 ft.	60 ft. 4 in.	
Front Yard 2 nd Story	20 ft.	62 ft Deck: 56 ft.	
Side Yard 1 st Story	4 ft.	East: 4 ft. West: 4 ft.	
Side Yard 2 nd Story		East: 4 ft. West: 4 ft.	
Rear Yard 1 st Story		4 ft.	
Rear Yard 2 nd Story		4 ft.	
Private Open Space, Minimum			
Regulation	Proposed		
48 sq. ft.	108 sq. ft. (2 nd Story Deck)		
Parking			
	Required	Existing	Proposed
SFD – Two Spaces ADU – One Space	3 spaces total	3 spaces total	2 spaces total (SFD) ADU Deviation Request
Underground Utilities: required with 25% increase in area			No

Discussion: The property is located within the Depot Hill neighborhood and is surrounded by one- and two-story single-family residences, many of which are identified as historic resources. The existing site includes an 832 square-foot, single-story residence and a 310 square-foot detached garage. The existing residence is identified on the 1986 Capitola Architectural Survey as a historic resource. The existing garage is not included in the historic resource description, not readily visible to the public, and appears to have been constructed in the decades following the dwelling's construction based on assessor records. The application proposes the demolition of the existing garage with the replacement ADU structure situated in the same approximate location.

ADU Design Permit: The proposed structure has simplified massing to comply with setbacks and maximize floor area while preserving a small courtyard between the two dwellings. The exterior of the ADU is proposed with horizontal board siding and extensive aluminum clad windows and doors along the front elevation. The gable roof is pitched to match the existing cottage with an expansive dormer along the front face to accommodate clerestory windows and a vaulted interior.

ADU Objective Design Standards: Two-story ADUs are subject to the objective design standards in CMC §17.74.090. The objective design standards are included below with staff analysis.

- A. Entrance Orientation – Detached ADU. The primary entrance to a detached accessory dwelling unit shall face the front or interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.

Staff Analysis: The primary entrance to the ADU faces both the interior and front of the parcel.

- B. Privacy Impacts. To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within eight feet of an interior side or rear property line abutting a residential use:

1. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:
 - a. A six-foot solid fence on the property line; or
 - b. Clerestory or opaque windows for all windows facing the adjacent property.
2. For a second-story wall, all windows facing the adjacent property shall be clerestory or opaque.

Staff Analysis: The project has minimized side-facing upper-story openings to a single opaque window.

- C. Second-Story Decks and Balconies. Second-story decks and balconies shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the Planning Commission through the design permit approval process.

Staff Analysis: The proposed ADU includes a second-story deck which is oriented toward the center of lot. Although there are adjacent residential uses on both side property lines, deck area is at least ten feet from either side property line and more than 25% away from the rear lot line. The Planning Commission may require permanent screening elements along one or both sides of the deck if privacy is a concern. Staff does not have privacy concerns as the deck is limited in size and complies with the 10-foot side setback

- D. Architectural Details. – Applicable architectural detail requirements in Table 17.74-2 include

1. Primary exterior materials are horizontal wood, fiber cement, or board and batten siding, or shingles, unless the primary dwelling is predominantly stucco, in which case stucco may be used for the ADU.

Staff Analysis: The proposed exterior material is horizontal fiber cement boards.

2. Window and door material be finished with wood, composite, pre-finished metal with a nonreflective finish.

Staff Analysis: The proposed windows and doors are aluminum-clad, and trim is fiber cement.

3. Windows proportions being taller than they are wide or match proportions of the primary dwelling window(s), except for bathrooms.

Staff Analysis: Window proportions are taller than wide.

4. Windowpane divisions be true or simulated divided lights.

Staff Analysis: The windows do not include pane divisions.

5. Roof materials to match the primary dwelling; or architectural composition shingles, clay tiles, slate, or nonreflective standing seam metal.

Staff Analysis: Composition shingles are on the primary dwelling and are proposed for the ADU.

6. The roof pitch is at least 4:12 or greater. If the primary dwelling has a roof pitch shallower than 4:12, the ADU roof pitch may match the primary dwelling.

Staff Analysis: The primary roof pitch is 4:12.

E. Building Additions to Historic Structures.

Staff Analysis: The proposed ADU is located on a site with a historic resource but is detached.

Parking: The project proposes demolishing and replacing the existing detached garage with a new two-car garage. Two onsite parking spaces are required for the single-family home and a third space is required for the ADU. The project retains parking for the primary dwelling and includes a deviation request for the ADU parking space, described further in the following section.

Accessory Dwelling Unit Deviations:

The applicant is seeking approval of two ADU deviation requests related to required parking and the “guaranteed allowance” to exceed the maximum allowed Floor Area Ratio (FAR).

The project proposes two onsite parking spaces via the new garage, which meets the parking requirement for the primary dwelling. A deviation has been requested to waive the required ADU parking space. Most types of ADUs do not have parking requirements, such as an ADU attached to a primary dwelling, conversion of existing structures into an ADU, or a single-story detached ADU which does not exceed 800 square feet. A single parking space must be provided for a detached ADU that is either greater than sixteen feet in height or 800 square feet in size. The proposed ADU is greater than sixteen feet in height and therefore requires a parking space.

The project proposes exceeding the maximum allowed FAR by 200 square feet, which includes the 559 square-foot accessory dwelling unit. The guaranteed allowance (Attachment 3) is an ADU code provision that guarantees approvability of an ADU even if it does not comply with all development standards such as the maximum allowed FAR, provided it meets limited standards. Under the current zoning code, those standards include being “up to eight hundred square feet of floor area, up to sixteen feet in height, and four-foot side and rear yard setbacks”. The proposed ADU has a height exceeding 16 feet and is not eligible under the guaranteed allowance provision. The applicant is requesting a second deviation to waive the 16-foot height limit to utilize the guaranteed allowance and exceed the maximum FAR by 200 square feet.

Related to the second deviation request, the City Council adopted an ordinance amending Chapter 17.74: Accessory Dwelling Units on September 25, 2025, which removed height as a criterion for the guaranteed allowance (see Attachment 3 for comparison). The code amendments reflect the City’s ongoing effort to comply with current state law and promote new infill housing opportunities. Outside the coastal zone, an application to build a two-story ADU would be eligible for the guaranteed allowance. However, within the coastal zone, the existing zoning code is still in effect until the ordinance is certified by the Coastal Commission.

Pursuant to §17.74.100, the Planning Commission, based on the evidence submitted at the hearing, may grant a deviation from ADU standards when it finds:

J. The project deviation (if applicable) is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Staff Analysis, Parking: The 2,944 square foot lot is smaller than typical Capitola lots, limiting the placement of the ADU on the site. Furthermore, vehicle access to the property is limited to a narrow alley. Multiple arrangements were contemplated for a two-car garage with a third space located alongside the ADU or behind it (adjacent the alley), which resulted in one or more issues, including: access of onsite spaces, circulation of vehicles for the subject property and adjacent residences, and exceeding maximum driveway width. The proposed arrangement maintains two covered, off-street parking spaces which do not impact other alley users. The strict application of the chapter would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical R-1 zoning, as most ADUs do not require additional onsite parking, such as a unit attached to the primary dwelling. Approval of the current design enables the same benefits as an attached ADU without altering the existing historic structure.

Staff Analysis, Guaranteed Allowance (FAR): As explained above, the majority of ADUs are subject to a guaranteed floor area allowance of 800 square feet. Therefore, the strict application of the chapter would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical R-1 zoning.

Trees: The applicant is proposing to plant one tree within the courtyard, which at maturity, will secure the 15% canopy coverage requirement for new construction projects, pursuant to CMC §12.12.190(C). The project does not include the removal of existing trees.

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 second dwelling (ADU) replacement of an existing garage.

Accessory Dwelling Unit Design Permit Findings:

- A. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.**

The project complies with the objective design requirements for ADUs, including standards for detached ADUs on lots with historic structures.

- B. The exterior design is in harmony with, and maintains the scale of, the neighborhood.**

The proposed ADU has similar materials to the primary dwelling and a two-story building form common within the neighborhood. The structure complies with the 22-foot maximum ADU height limit and is well within the zone height limit of 25 feet. Therefore, the exterior design is in harmony with and maintains the scale of the neighborhood.

- C. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.**

The proposed project is a single-bedroom ADU on a site with existing parking for the primary dwelling. The project includes a deviation request for the additional parking space requirement, with specific finding(s) below (J). With approval of the parking deviation, the ADU will not create excessive noise, traffic, or parking congestion.

- D. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.**

The proposed ADU is located on a developed lot in a residential neighborhood with adequate water and sewer service.

- E. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.**

The proposed project provides adequate open space for the accessory dwelling unit and the primary residence. The second-story deck serves as both access and dedicated private open space for the ADU. The deck is setback at least ten feet from both side property lines.

- F. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.**

The proposed ADU is located in the rear of the property. Potential impacts to privacy, light, air, solar access, and parking have been considered and mitigated. The location and design of the ADU maintains a compatible relationship with adjacent properties.

- G. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.**

The external staircase to the proposed second-story ADU faces the interior of the lot and the primary residence. Windows facing adjacent properties are either clerestory or opaque. The design of the ADU, with siding materials similar to the primary residence and similar roof pitch, complements the design of the primary residence and does not visually dominate it or the surrounding properties.

- H. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.**

The location of the proposed ADU complies with the development standards in CMC §17.74.080. The project is within the coastal zone and complies with the local coastal plan.

- I. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.**

The project does not impair public views of the ocean or scenic coastal areas.

- J. The project deviation is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.**

Parking: The 2,944 square foot lot is smaller than typical Capitola lots, limiting the placement of the ADU on the site. Furthermore, vehicle access to the property is limited to a narrow alley. Multiple arrangements were contemplated for a two-car garage with a third space located alongside the ADU or behind it (adjacent the alley), which resulted in one or more issues, including: access of onsite spaces, circulation of vehicles for the subject property and adjacent residences, and exceeding maximum driveway width. The proposed arrangement maintains two covered, off-street parking spaces which do not impact other alley users. The strict application of the chapter would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical R-1 zoning, as most ADUs do not require additional onsite parking, such as a unit attached to the primary dwelling. Approval of the current design enables the same benefits as an attached ADU without altering the existing historic structure.

Guaranteed Allowance (FAR): The majority of ADUs are subject to a guaranteed floor area allowance of 800 square feet. Therefore, the strict application of the chapter would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical R-1 zoning.

Coastal Development Permit Findings:

- A. 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.
- B. The project maintains or enhances public views.**
The proposed project is located on private property at 108 Fairview Avenue. Site improvements are located behind the primary dwelling, away from immediate public view and will otherwise maintain public views.
- C. The project maintains or enhances vegetation, natural habitats and natural resources.**
The proposed project is located at 108 Fairview Avenue. The home is not located in an area with natural habitats or natural resources. The project will maintain or enhance vegetation and will not negatively affect natural habitats or natural resources.
- D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**
The site is private property which does not have public coastal access. The project will not negatively impact low-cost public recreational access.
- E. The project maintains or enhances opportunities for visitors.**
The project involves the construction of a single-family dwelling will not negatively impact visitor serving opportunities.
- F. The project maintains or enhances coastal resources.**
The project involves an ADU and will not negatively impact coastal resources.

G. 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.

With the granting of ADU deviations related to ADU parking and ADU floor area (guaranteed allowance), 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.

H. 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 detached garage and 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 detached garage and construction of a 1,046 square foot detached structure, including a 487 square-foot garage and 559 square-foot accessory dwelling unit. The maximum Floor Area Ratio for the 2,944 square foot property is 57% (1,678 square feet). The total FAR of the project is 63.8% with a total of 1,878 square feet. The project approval includes approval of a deviation to utilize the guaranteed allowance, so they ADU may exceed the FAR equal to the size of the ADU. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 6, 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. Best management practices shall be used to protect the existing olive trees during construction, including preconstruction root exploration, preconstruction root pruning and canopy pruning, and tree protection structures. The applicant shall notify the City immediately upon evidence of tree death or decline. Tree death or trees in an irreversible state of decline shall be replaced to the satisfaction of the Community Development Department.
9. Prior to issuance of building permit, all Planning fees associated with permit #25-0190 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 deed restriction shall lapse upon removal of the accessory dwelling unit.

Attachments:

1. 108 Fairview Avenue – Plan Set
2. 108 Fairview Avenue – Deviation Request
3. Guaranteed Allowance Code Comparison

Report Prepared By: Sean Sesanto, Associate Planner

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community and Economic Development Director