

Capitola Planning Commission

Agenda Report



Meeting: March 7, 2024

From: Community Development Department

Address: 413 Capitola Avenue

Project Description: Design Permit to demolish an existing small office building and construct a new two-story, single-family residence with an attached JADU; located within the MU-N (Mixed Use Neighborhood) zoning district. The proposal includes a request for a Parking Variance to provide one parking space where two are required.

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.

Recommended Action: Review and approve project application #23-0524 with the recommended Conditions and based on the Findings for Approval.

Property Owner: Ed Pearson

Representative: Ed Pearson, Filed: 11.22.23

Background: The applicant is proposing to demolish an existing cottage/commercial office building and construct a new, two-story single-family residence with a loft and attached Junior Accessory Dwelling Unit (JADU). The proposal includes a single car garage where two parking spaces are required, and a Parking Variance is part of the request. The owner considered alternatives, however, decided to pursue a Variance due to lot size limitations. The JADU is internal, has its own entry through a foyer, and is exempt from required parking. The exterior is proposed to be smooth stucco siding with a flat roof, new aluminum clad windows, arches, and indigo accent features.

On January 10, 2024, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representative, Erika Senyk: Requested that the applicant consider that the north side yard concrete walkway be an alternate Low Impact Development material of decomposed granite, flagstones, or permeable pavers.

Building Official, Eric Martin: Discussed the need for a construction operations plan and pedestrian plan for sidewalk closures and proximity of utilities.

Senior Planner, Brian Froelich: Commented that the applicant should study if tandem parking is feasible by modeling out the dimensions.

Following the Development and Design Review meeting, the applicant filed a parking variance request for one parking space where two are required, provided several diagrams to justify the variance request related to lot depth and setbacks, and modified the driveway and side yard walkway to include permeable pavers to address Public Works comments.

Development Standards: The following table outlines the zoning code requirements for development in the MU-N zoning district. The applicant is seeking the approval of a Variance for the reduction of one parking space.

Development Standards		
Building Height		
MU-N Regulation	Proposed	
27 ft.	26 ft. 11 in.	
Floor Area Ratio (FAR)		
	Proposed	
Lot size	1,456 sq. ft.	
Maximum Floor Area Ratio	100% (Max 1,456 sq. ft.)	
First Story Floor Area	174 sq. ft. Living space 275 sq. ft. Garage <i>-250 sq. ft. Garage Exemption</i> 25 sq. ft. of garage counts toward FAR	
Second Story Floor Area	Internal: 843 sq. ft. Deck: 54 sq. ft. <i>-150 sq. ft. Deck Exemption</i>	
Loft Floor Area	Internal: 342 sq. ft.	
Total FAR	95% (1,384 sq. ft.)	
Setbacks		
	MU-N	Proposed
Front Yard 1st Story	Min: 0 ft. from property line or 10 ft. from curb, whichever is greater Max: 25 ft.	10 ft. from curb
Front Yard 2nd Story		10 ft. from curb
Side Yard 1st Story	10% lot width	Lot width 27 ft. 11 in. North: 3 ft. South: 0 ft. Exception Request South
Side Yard 2nd Story		2 ft. 9 in. min. North: 3 ft. South: 0 ft. Exception Request South
Rear Yard 1st Story	20% parcel depth for residential uses	Lot depth 47 ft. 11 in. 6 ft. Exception Request
Rear Yard 2nd Story		9 ft. 7 in. min. 6 ft. Exception Request
Parking		
Less than 1,500 sq. ft.: 2 spaces 0 covered	Required	Proposed
	2 spaces total 2 uncovered	1 space total 1 covered 0 uncovered Variance Request
Underground Utilities: Required with 25% increase in area		Required

Discussion: 413 Capitola Avenue is located across from City Hall and close to Capitola Village. The site is adjacent to tightly spaced residential uses of varied heights and architecture. The broader surroundings also include several public facilities and small commercial uses. As with most other properties on this block, the subject property is small and narrow relative to typical lots citywide.

Design Permit: The proposed single-family home exhibits a coastal Mediterranean architectural design with a flat roof, arches, indigo wood, tile and ceramic block accents. On the front elevation, relief in the massing is provided with a recessed entry and inset upper-story balcony. Exterior finish materials used include smooth white stucco, aluminum windows, exposed decorative wood rafter tails and wood trellis.

The proposed form, style, and use of colors fits well within the block and immediate area along Capitola Avenue.

Design Review Criteria: When considering design permit applications, the Planning Commission 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 #4.

- A. Community Character. The overall project design including site plan, height, massing, architectural style, materials, and landscaping contributes to Capitola's unique coastal village character and distinctive sense of place.

Staff Comment: As a neighborhood, the nearby developments display a variety of original architecture, historic buildings, and contemporary architecture. The proposed building fits with the mix of architectural styles. Each primary element of the proposed building can be seen in the immediate vicinity; however, there are no coastal Mediterranean buildings on the block. The proposed building strikes a balance between uniqueness, visual interest, and blending with the surroundings.

- B. Neighborhood Compatibility. The project is designed to respect and complement adjacent properties. The project height, massing, and intensity are compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.

Staff Comment: The project's height and massing is similar and compatible with surrounding buildings. The proposed setbacks are generally reflective of neighboring structures on the sides and rear.

- J. Articulation and Visual Interest. Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.

Staff Comment: The proposed building utilizes a single car garage door and recessed entry that maintains scale with the pedestrian space in front of the building. The indigo painted wood trellis and exposed tails define the first floor and provide visual interest and contrast with the smooth white stucco. Ceramic block and decorative tiling add additional interest to the front and side façade.

- K. Materials. Building facades include a mix of natural, high-quality, and durable materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.

Staff Comment: The architect has prepared a project inspiration narrative that describes their process in design and materials selections. The blend and use of high-quality materials is represented throughout the exterior design.

Floodplain Management: The subject property is located within a Special Flood Hazard Area, Zone AE, as defined by the Federal Emergency Management Agency (FEMA). Projects within flood zones are subject to all applicable floodplain management provisions of Chapter 15.20. The applicant has submitted an elevation certificate showing a site base flood elevation (BFE) of 19.45 feet with an existing grade that ranges between 16.4 feet to 17.2 feet. The project has been designed to elevate the first-

story entry hall and JADU above the flood elevation level in compliance with floodplain building standards at 19.5 feet.

Setback Exception: The new structure is proposed within the required side and rear setbacks, as identified in the development standards table above. Pursuant to Table 17.20-3[3], the Planning Commission may reduce front, side, and rear setback requirements for properties fronting Capitola Avenue north of the trestle up to and including 431 Capitola Avenue. This standard was added to the code due to the existing buildout along the sidewalk and the small, shallow lots along this section of Capitola Avenue. The setback exceptions do not require a variance or specific findings be made, so the Planning Commission should consider whether the request(s) result in a project that is compatible within the Mixed-Use Neighborhood district and is consistent with applicable design review criteria.

The applicant's methodology was to generally match the average six foot setback from the single-family home to the rear. They also wanted to maintain a minimum three-foot wide access on the north side of the building, which complies with setback standards. The property line at the south side has two jogs and the proposal includes a partial zero lot-line condition along this irregular property line.

Parking Variance: The applicant is requesting a parking variance by providing one parking space where two are required. The existing lot is approximately 28 feet wide by 48 feet deep. Typical Capitola lots are 40 feet wide by 80 feet deep or larger. Due to the substandard lot size, the applicant has provided an exhibit that demonstrates that even if they had proposed a variance for substandard 9 foot by 18-foot parking spaces, the rear building wall would need to be moved closer to the rear property line, which is already an exception request. There would further be no remainder area for typical garage functions like garbage bin storage, general storage, or work area. A substandard tandem garage also limits the options to the JADU floor plan. Due to the substandard lot size and resulting functional floor plan limitations, the applicant is proposing a variance to reduce parking from two spaces to one rather than further impact setbacks and propose two substandard parking spaces. Variance findings are included below.

CEQA Determination: Section 15303 of the CEQA Guidelines exempts the construction of small facilities or structures, including a single-family residence in a residential zone, or up to three single-family residences in an urbanized area. The proposed project includes the construction of a new residential structure which includes one JADU in the MU-V (Mixed-Use Village) zoning district.

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 for reduction of one parking space and exception requests for the rear and side setbacks, the proposed single-family residence complies with the applicable development standards of the MU-N (Mixed Use Neighborhood) zoning district.

- 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 residence. With approval of a Variance for reduction of one parking space and exception requests for the rear and side setbacks, the proposed single-family residence will comply 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 the construction of small facilities or structures, including a single-family residence in a residential zone, or up to three single-family

residences in an urbanized area, and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves a new single-family residence in an urbanized area, located within the MU-N (Mixed Use Neighborhood) 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 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 single-family residence 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 single-family residence. The coastal Mediterranean design is unique and still maintains the character of the neighborhood, which has a variety of traditional and modern architectural styles. The project complies with height standards for the zone and is similar in scale to nearby developments on Capitola Avenue.

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 413 Capitola Avenue. The project will not negatively impact public landmarks and/or public views.

C. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project is located at 413 Capitola Avenue. 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.

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

The project involves a single-family residence and will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves a single-family residence and will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves a single-family residence 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.

The proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the MU-N (Mixed Use Neighborhood) zoning district.

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 a new single-family residence on an existing mixed-use zoned lot. The proposed project is consistent with the LCP goals for appropriate coastal development and land uses. The residential use is consistent with allowed uses of the MU-N (Mixed Use Neighborhood) zoning district.

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.

Staff Analysis: The lot is small by Capitola standards, which is acknowledged by section 17.20.040[3] that allows the Planning Commission to reduce setbacks for lots between the Trestle and 431 Capitola Avenue without requiring a Variance. This specific area of the City includes 15 lots that average 1,594 square feet and the subject property is 1,384 square feet. The property is also irregular in shape with angled front, side, and rear lot lines, and several jogs on the south side property line. The property is located within a flood zone, which limits new development of habitable space below the base flood elevation. On a typical small to medium sized lot (2,800-4,000 sf) two parking spaces account for 10-14% of the lot size. In this case, two standard parking spaces would account for 29% of the lot area.

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: Numerous properties within the vicinity and/or same zoning district provide no parking or less than required. Several have received parking variances while others are long-standing nonconforming properties. The subject property has limited space for parking, driveway access, setbacks, and accommodating a reasonable development. The applicant is seeking a reduction for one parking space in an area that has many properties with a similar parking deficiency condition.

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: Numerous properties within the vicinity and/or same zoning district have less than the required parking. The subject property has limited adequate space to provide parking, a driveway, and accommodate setbacks. Granting a variance for one parking space enables the subject property to develop a two-bedroom home with a JADU.

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 single-family residence and JADU and 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: Most of the R-1 and MU-N zoned properties in the vicinity have some parking deficiency relative to the current standard. Several of the properties were issued variances while

others are long standing conditions. Mitigating this existing condition in the area is that this block has the unique option of the City's largest public parking facility within 500 feet.

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

Staff Analysis: The property will not impact nearby coastal resources.

Conditions of Approval:

Planning

1. The project approval consists of construction of a new 1,384 square-foot single-family dwelling. The maximum Floor Area Ratio for the 1,456 square foot property is 100% (1,456 square feet). The total FAR of the project is 95% with a total of 1,384 square feet, 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 March 7, 2024, 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 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.
5. Prior to issuance of building permit, all Planning fees associated with permit #-23-0524 shall be paid in full.
6. 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.
7. 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.
8. 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.
9. Prior to issuance of building permits, submit construction operation plans showing the area to be used for scaffolding, debris box, and port-o-john during construction of the 2nd and 3rd story to ensure necessary OSHA clearances from power lines are met.
10. 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.

11. 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.
12. 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.
13. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
14. 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.
15. 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. Please provide all exterior lighting manufacturer's specifications on the plans for Building permit plan check.
16. At the time of building permit application for construction within the floodplain or floodway, the applicant shall provide a No Rise Study, performed by a licensed engineer, in which verification of the structure's impact on the floodplain or floodway is provided.
17. Elevation certificates shall be provided at the following stages of construction: 1) prior to building permit issuance; 2) at the time of rough frame inspection; and 3) prior to the finalization of the building permit. The certificates shall be prepared by a licensed engineer or surveyor. The certificate shall document that all residential occupancies are constructed above the Base Flood Elevation (BFE) as per the latest edition of the FEMA Flood Insurance Rate Map.
18. Plans submitted for Building Permit plan check shall replace the concrete with permeable pavers at the north side walkway.
19. The proposed pittosporums to be installed in the rear yard shall be a tree subspecies. Please provide additional species information on the plans for Building Permit plan check.
20. Prior to issuance of Building Permits 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.

Public Works

21. Prior to a project final inspection, 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.

22. Prior to issuance of building permits, submit a utility plan and sidewalk improvement plan that shows the location of utility vaults, proposed curb cut, cross slope, running slope and elevation of the driveway.
23. 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.
24. 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).
25. Applicant shall notify the Public Works Department 24 hours in advance of the commencement of work. A pre-construction inspection must be conducted by the grading official, or appointed staff to verify compliance with the approved erosion and sediment control plan. All BMPs, sediment and erosion control measures shall be installed prior to the start of construction and shall be maintained throughout project duration.
26. 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.
27. 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.

Attachments:

1. 413 Capitola Avenue – Plan Set
2. Variance Exhibits & Owner's Justification
3. Architect's Project Narrative
4. Design Permit Review Criteria

Report Prepared By: Brian Froelich, Senior Planner

Reviewed By: Austin Westly, Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director