

Capitola Planning Commission

Agenda Report



Meeting: April 2, 2026

From: Community and Economic Development Department

Address: 714 Escalona Drive

Project Description: Coastal Development Permit, Design Permit, Variance and Accessory Dwelling Unit (ADU) Application No. 25-0484 for an attached ADU and addition to an existing single-family residential unit located at 714 Escalona Drive (APN 036-141-23), within the Single-Family Residential (R-1) zone district. A Variance is requested to reduce the rear setback for the garage from 22 feet to four feet. This project is located within an Environmentally Sensitive Habitat Area (ESHA) and the appealable Coastal Zone and requires a Coastal Development Permit.

Recommended Action: Planning Commission consider Permit #25-0484, and approve Coastal Development Permit, Design Permit, Variance, and the ADU pursuant to the findings and analysis included in the staff report and subject to the Conditions of Approval.

Property Owner: Trevor Whitcomb, Owner

Applicant Proposal: The project consists of a Coastal Development Permit (CDP), Design Permit (DP), Variance, and ADU Permit for an attached ADU and addition to an existing single-family residential unit. The project would include the demolition of the existing 496 square foot garage; construction of a new 912 square foot garage, a 154 square foot entry addition, and a 993 square foot attached ADU; and legalization of a 333 square foot unpermitted detached ADU. A Variance is requested to reduce the rear setback from the required 22 feet to four feet, to allow the new garage to be constructed in the existing garage location. Project plans are included as Attachment 1.

The project site is located in the R-1 zone district within Depot Hill. The subject site is bordered to the north, south, and west by residential development. A eucalyptus grove ends beyond the site to the east. The property is at the end of Escalona Drive and located within ESHA due to the proximity of the eucalyptus grove just beyond the property.

Background: The 15,942 square foot lot is developed with an existing 1,303 square foot single-family residential unit, a detached garage, an unpermitted ADU, paved driveway, and landscaping. The Planning Department received the subject application on October 22, 2025. The application was deemed complete on March 10, 2026.

Development and Design Review: The project was reviewed by the Development and Design Review team on March 11, 2026, and the following directions and recommendations were made:

Public Works Representatives, Erika Senyk and Kailash Mozumder: Mr. Mozumder noted the portion of Escalona Drive in front of the applicant's property and entrance is private property and not managed by the City. In response to a question about site septic, the property owner clarified that the site was integrated into the county sewer system in 2023.

Building Officials, Lihn Tran and Joe Granda: Inquired about the age and status of electrical and water connections. Mr. Tran believed a one-inch water line may be sufficient for service to the primary unit and two ADUs but must be confirmed by Soquel Creek Water. Tran and Granda noted a number of requirements, including the need for a soil report and fire rated separation and possibly sprinklers, between the attached units. They informed the applicant the plans would be reviewed by Central Fire during building plan review.

Sean Sesanto, Associate Planner: Mr. Sesanto discussed setbacks and survey requirements, to which the owner noted a new boundary survey had been prepared. He also discussed the Variance request for the rear setback and its relation to site limitations due to ESHA. The property owner inquired into project timing and the possibility of separate processing of detached dwelling unit.

Development Standards: The following table outlines the Zoning Code requirements for development in the R-1 zoning district and for ADU's. Based upon this analysis, the proposed project complies with the City's standards.

Development Standards			
	Development Requirement	Proposed	Compliance
Building Height			
	25 feet	22 feet	Two-story ADUs greater than 16 feet in height require a Design Permit.
Floor Area Ratio (FAR)			
Maximum FAR	Lot Size: 15,942 sq. ft. 48% or 7,652 sq. ft.	20% or 3,199 sq. ft.	Complies
Primary Dwelling/Garage			
Setbacks			
Entry Addition	20 feet	27 feet	Complies
Front Yard 2nd Story and Garage	20 feet	67 feet	Complies
Side Yard	10% of width or no greater than 7 feet (lot width 145 feet)	10 feet	Complies
Rear Yard	20% of lot depth or 22 feet (lot depth 110 feet)	4 feet	Variance Requested
Attached Accessory Dwelling Unit			
Unit Size, Maximum-More than one bedroom	50% of existing primary dwelling or 1,000 sq. ft., whichever is greater	993 sq. ft.	Complies
Setbacks			
Front	20 feet	67 feet	Complies
Interior/Exterior Side/Rear	4 feet	4 feet	Complies
Detached Unpermitted Accessory Dwelling Unit			
Unit Size, Maximum	1,200 sq. ft.	333 sq. ft.	Complies
Setbacks			
Front	20 feet	78 feet	Complies
Interior/Exterior Side/Rear	4 feet	Less than 4 feet	For existing structures within four feet of a property line, a survey must demonstrate the structure does not cross the property line.
Encroachments			
Decks	Extend over the property line.		To be removed with permit.

Development Standards			
	Development Requirement	Proposed	Compliance
Private Open Space			
Minimum Open Space for each ADU	48 square feet	48 square feet	Complies
Parking			
Primary Unit 2 ADUs	4 total	2 covered, 2 uncovered	Complies
Underground Utilities: Required with 25% increase in area		96%	Required

Discussion: The project consists of a new garage, an attached ADU, and the legalization of an unpermitted detached ADU. ADUs are often exempt from Planning Commission review; however, the attached ADU is two stories, and the property is in the Coastal Appeal Zone and ESHA and is therefore subject to Planning Commission review.

Building Height: Pursuant to CMC Section 17.48.020.A (Measurement of Height), height is measured as the vertical distance from the assumed ground surface to the highest point of the building. Assumed ground surface means a line on the exterior wall of a building that connects the points where the perimeter of the wall meets the finished grade. The project is proposing a 22-foot building height. The roof of the main structure has a 5.5:12 pitch. The attached ADU is on the “rake” end of the gable which has a slope of 3.9:12. The ADU roof will run parallel to the existing eaves. A design permit is required for a two-story ADU greater than 16 feet in height. The application complies with the maximum height limit of 25 feet within the R-1 zone district.

Private and Common Open Space: Pursuant to CMC Section 17.74.080, each ADU is required to have at minimum 48 square feet of private open space. The project has been designed with private open space for each unit, compliant with the code requirements.

Parking Requirements: In accordance with Table 17-76-2 of CMC Chapter 17.76 (Parking and Loading), each single-family dwelling must provide two parking spaces. Each ADU requires one parking space. The project will provide two covered spaces for the single-family dwelling and two uncovered parking spaces for the ADUs.

Unpermitted ADU: The existing detached ADU is unpermitted and located partially over the rear property line. The City cannot deny a permit for an unpermitted ADU; however, it can require compliance with Health and Safety Code. The application has been conditioned to require the detached unit be connected to sanitary sewer (Condition No. 21) and to remove all encroachments crossing the property line (Condition No. 22). The applicant will be required to submit a survey demonstrating that the structure does not cross the property line prior to issuance of building permit (Condition No. 23).

Design Permit: A Design Permit is required for the new garage, as it exceeds 400 square feet. When considering a Design Permit, the Planning Commission shall evaluate the project to ensure that it satisfies the Design Review Criteria provided in CMC Section 17.120.070 (Attachment 4), complies with the City’s development standards, conforms to policies of the general plan, the local coastal program, and any applicable specific plan, and is consistent with any other policies or guidelines adopted by the City.

The project is subject to the Design Review Criteria, with the following specific criteria applicable to the project, as follows in underline:

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 Analysis: The existing garage would be demolished, with a new attached garage with second-story ADU replaced in the same location. The proposed design, roof elements, and decks have been designed to be compatible and attached to the existing structure seamlessly. The garage will be wrapped in a stone veneer, and the garage door will have a wood finish. The scale of the existing structure and proposed addition is consistent with other homes in the Depot Hill neighborhood.

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.

Staff Analysis: The garage and second-story attached ADU with upper story deck would be setback 67 feet from the front property line. The second-story deck extends from the primary residence and wraps around the front and east side of the attached ADU. The attached ADU is setback from the street and complies with the City's applicable development standards. The proposed second-story deck would not impact adjacent properties.

ADU Objective Design Standards: The proposed attached ADU is subject to the objective design standards provided in CMC Section 17.74.090 (effective within the coastal zone), as outline below in underline:

- A. Entrance Orientation. Not applicable to attached ADUs.
- 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 property backs up to the Santa Cruz Branch Rail Line right-of-way and Park Avenue, with no neighboring structures at the rear of the site. No window openings are proposed on the north elevation. There is a single-family home located to the west of the property. The attached ADU is located over 50 feet away from the adjacent property, therefore these privacy standards are not applicable to the west elevation of the attached ADU.

- 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 that extends from the primary residence and wraps around the front and east side of the attached ADU. The attached ADU is setback from the street and complies with the City's applicable development standards. The proposed second-story deck would not impact adjacent properties.

- D. Architectural Details. The following table outlines the applicable architectural detail requirements for an Attached ADU as specified in CMC Table 17.74-2:

Architectural Detail Standards: Non-Historic Property		
Requirement	Attached ADU	Compliance
Primary Exterior Materials	Same as primary dwelling	Complies
Window and Door Materials	No requirement	Not applicable
Window Proportions	No requirement	Not applicable
Window Pane Divisions	No requirement	Not applicable
Roof Material	Same as primary dwelling	Complies
Roof Pitch	No requirement	Not applicable

The project has demonstrated compliance with the City’s objective design standards for attached ADUs.

Coastal Development Permit: Pursuant to CMC Section 17.44.080 (CDP exemptions) a CDP is required for improvements to existing single-family residences in the following cases because they involve a risk of adverse environmental effects:

1. Improvements to a single-family residence if the residence and/or improvement is located on a beach, in a wetland, seaward of the mean high tide line, within an ESHA, in an area designated highly scenic in the LCP, or within fifty feet of the edge of a coastal bluff.
2. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, within fifty feet of the edge of a coastal bluff, or within an ESHA.
3. The expansion or construction of water wells or septic systems.
4. On property not included in subsection (A)(1) of this section that is located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated within the land use plan, when one of the following circumstances apply:
 - a. Improvement that would result in an increase of ten percent or more of internal floor area of an existing structure.
 - b. An additional improvement of ten percent or less where an improvement to the structure has previously been undertaken pursuant to this section.
 - c. An increase in height by more than ten percent of an existing structure and/or any significant non-attached structure such as garages, shoreline protective works, or docks.

The project site is located within an ESHA and is between the sea and the first public road paralleling the sea, and would result in an increase of ten percent or more of the internal floor area of the existing structure; and therefore, requires a CDP, which is appealable to the Coast Commission. A CDP may be granted by the Planning Commission upon finding the proposal is consistent with the City’s Local Coastal Program and as applicable consistent with the finding for approval outlined in 17.44.130, which are included in the findings section at the end of the staff report.

ESHA: The site is in a developed residential setting in Capitola and consists primarily of existing structures, paved surfaces, and landscaped vegetation. Ornamental shrubs and trees are planted throughout the site. The eastern portion of the site includes an intermittent stream and is primarily composed of blue gum eucalyptus (*Eucalyptus globulus*) and pittosporum (*Pittosporum* spp.) trees with a mix of barren and invaded understory. The existing home and driveway in the middle of the site are surrounded by various ornamental shrubs and trees, a few native trees, and ruderal herbaceous vegetation.

Pursuant to CMC Section 17.64.030.G, a Biological Resources Assessment by the City’s consultant, Dudek, was prepared for the project. Dudek’s biologist conducted a reconnaissance-level field survey of the project site on December 22, 2025. The focus of the survey was to identify existing biological resources, including vegetation and wildlife habitat values and habitat suitability for special-status plant and wildlife species, as well as to document the presence of aquatic resources or sensitive natural

vegetation communities. Dudek concluded the following within the biological study area (BSA):

- No special-status plant species were identified in the BSA.
- Approximately 10 foraging monarch butterflies were observed in the BSA. While no monarch overwintering clusters were observed, the BSA is within a known overwintering location for monarch butterflies, and suitable trees are present within the BSA.
- Due to the absence of suitable habitat conditions and existing developed and disturbed conditions on and in the vicinity of the project site, no special-status plant or wildlife species are expected to occur within the BSA.
- The BSA offers potential nesting habitat for native migratory birds.
- A potentially jurisdictional intermittent stream was identified adjacent to the BSA.
- No sensitive natural communities were identified on the BSA.
- The proposed project will have no effect on critical habitat since the project site is not located within a designated critical habitat unit (USFWS 2025a). The nearest proposed critical habitat for monarch butterfly is at Moran Lake County Park in Santa Cruz (overwintering site #2983, Unit 5 – Santa Cruz County), approximately two miles southwest of the site (89 FR 100662).

Best Management Practices and standard conditions of approval have been included in the project approval to address nesting and migratory birds, the Monarch butterfly, and potentially jurisdictional aquatic resources. These conditions include the following:

Condition No. 28 Preconstruction Surveys for Nesting Birds. Within 14 days prior to any ground-disturbing activities or vegetation clearing during the nesting season (February 1 to August 31), a qualified biologist or biological monitor shall conduct a pre-construction nesting bird survey of all potential nesting habitat within the BSA, including a 100-foot buffer for passerine species and a 300-foot buffer for raptors. If there is a lapse between the survey time and initiation of work activities of 14 days or greater, the nesting bird survey shall be repeated. If active nests are found during the survey, work in that area shall stop and a qualified biologist or biological monitor shall determine an appropriate no-work buffer around the nest based on the activity and species and mark the buffer using flagging, pin flags, lathe stakes, or similar marking method. No work shall occur within the buffer until the young have fledged or the nest(s) are no longer active, as determined by the biologist or biological monitor.

Condition No. 29 Preconstruction Surveys for Monarch Overwintering Clusters. If construction occurs during the monarch butterfly overwintering period (October to March), a qualified biologist or biological monitor shall conduct a preconstruction survey for clusters of overwintering monarchs within the BSA. All large trees shall be inspected for butterflies clustering in dense groups on branches, leaves, and trunks. If any overwintering monarch clusters are found during the survey, the qualified biologist or biological monitor shall establish a 100-foot no-construction buffer around the occupied tree and mark the buffer using flagging, pin flags, lathe stakes, or similar marking method. No construction activity shall occur within the buffer until the end of the overwintering period, with confirmation by the biologist that roosting has concluded.

Condition No. 30 Avoidance of the Intermittent Stream. All construction activities shall occur outside of the potentially jurisdictional stream. Best Management Practices (BMPs) for stream avoidance (e.g., no-work buffers) should be incorporated into the project description to prevent impacts to potentially jurisdictional aquatic resources.

Variance: The applicant is requesting a Variance to the rear yard setback for the new garage, with attached second-story ADU. The applicant is requesting to reduce the required 22-foot rear yard setback to four feet, consistent with the ADU setbacks and consistent with the existing garage location. To approve a Variance, the Planning Commission must make all the findings specified in CMC Section 17.128.060, as follows in underline:

- 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 subject property is located within an environmentally sensitive habitat area (ESHA). The new garage and second-story ADU have been sited in the area of the existing garage to avoid impacts within the habitat area, including excessive grading and tree removal. The sensitive habitat area is a unique physical feature to the subject property warranting the granting of the setback variance, thereby avoiding impacts to the ESHA.

- 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 property backs up to the Santa Cruz Branch Rail Line right-of-way and Park Avenue. Although the garage would have a reduced rear setback, the second story ADU above the garage would comply with the rear yard setback. There are approximately 16 properties located along Escalona Drive that have nonconforming rear yard setbacks. The granting of the variance would allow the project to be developed with similar setbacks as other residential improvements along Escalona Drive.

- 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: The 0.36-acre lot is large for the Depot Hill neighborhood; however, the ESHA limits the development opportunities for the property. Due to the ESHA located on the subject property, the Variance is necessary to allow the property to be improved similar to other properties in the neighborhood, while avoiding impacts to the ESHA.

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

Staff Analysis: The project would comply with Best Management Practices and standard conditions of approval that address Nesting and Migratory Birds, the Monarch Butterfly, and Potentially Jurisdictional Aquatic Resources. The granting of the variance for a reduced rear yard setback would have no materially detrimental impact on the public or surrounding improvements because the new garage structure would remain in the current location while avoiding impacts on the ESHA.

- 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: The granting of the Variance would not constitute a grant of special privilege, as there are approximately 16 properties located along Escalona Drive that have nonconforming rear yard setbacks.

- F. The Variance will not have adverse impacts on coastal resources.

Staff Analysis: The project would not have an adverse impact on coastal resources, as the project would comply with Best Management Practices and standard conditions of approval that address nesting and migratory birds, the Monarch butterfly, and potentially jurisdictional aquatic resources.

California Environmental Quality Act (CEQA): This project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(b) - New Construction, and 15304(b) - Minor Alterations to Land. The Community Development Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

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. Specifically, the project would comply with Best Management Practices and standard conditions of approval that address Nesting and Migratory Birds, the Monarch Butterfly, and Potentially Jurisdictional Aquatic Resources.

B. The project maintains or enhances public views.

Improvements, including the new garage and attached ADU have been designed to maintain public views, with a greater front yard setback along Escalona Drive.

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

The project site is located within an ESHA. The project will maintain or enhance vegetation, will not negatively affect natural habitats or natural resources, and would comply with Best Management Practices and standard conditions of approval that address Nesting and Migratory Birds, the Monarch Butterfly, and Potentially Jurisdictional Aquatic Resources.

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

The project site does not possess coastal access or resources. 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 new garage with attached ADU and will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project has been designed with consideration to adjacent coastal resources and the ESHA, and would comply with Best Management Practices and standard conditions of approval that address Nesting and Migratory Birds, the Monarch Butterfly, and Potentially Jurisdictional Aquatic 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 variance to allow a reduction of the rear setback from 22 feet to four feet, 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 reconstruction of an existing garage, with attached ADU. The project is consistent with the LCP goals for appropriate coastal development and land uses, and would comply with Best Management Practices and standard conditions of approval that address Nesting and Migratory Birds, the Monarch Butterfly, and Potentially Jurisdictional Aquatic Resources. The use is an allowed use consistent with the R-1 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.

The subject property is located within an environmentally sensitive habitat area (ESHA). The new garage and second-story ADU have been sited in the area of the existing garage to avoid impacts within the habitat area, including excessive grading and tree removal. The sensitive habitat area is a unique physical feature to the subject property warranting the granting of the setback variance,

thereby avoiding impacts to the ESHA.

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.

The property backs up to the Santa Cruz Branch Rail Line right-of-way and Park Avenue. Although the garage would have a reduced rear setback, the second story ADU above the garage would comply with the rear yard setback. There are approximately 16 properties located along Escalona Drive that have nonconforming rear yard setbacks. The granting of the variance would allow the project to be developed with similar setbacks as other residential improvements along Escalona Drive.

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.

The 0.36-acre lot is large for the Depot Hill neighborhood; however, the ESHA limits the development opportunities for the property. Due to the ESHA located on the subject property, the Variance is necessary to allow the property to be improved similar to other properties in the neighborhood, while avoiding impacts to the ESHA.

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

The project would comply with Best Management Practices and standard conditions of approval that address Nesting and Migratory Birds, the Monarch Butterfly, and Potentially Jurisdictional Aquatic Resources. The granting of the Variance for a reduced rear yard setback would have no materially detrimental impact on the public or surrounding improvements because the new garage structure would remain in the current location while avoiding impacts on the ESHA.

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.

The granting of the Variance would not constitute a grant of special privilege, as there are approximately 16 properties located along Escalona Drive that have nonconforming rear yard setbacks.

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

The project would not have an adverse impact on coastal resources, as the project would comply with Best Management Practices and standard conditions of approval that address Nesting and Migratory Birds, the Monarch Butterfly, and Potentially Jurisdictional Aquatic Resources.

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.

The Community Development Department, Development and Design Review Committee, and Planning Commission have reviewed the project. The proposed project, as conditioned, is consistent with local long range and implementation planning documents. The project complies with the City's Design Review Criteria.

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

The Community Development Department, Design and Development Review Committee, and Planning Commission have reviewed the project. The proposed garage with attached ADU complies with all development standards of the R-1 zoning district, except for the identified rear

setback variance. The proposed project complies with all applicable requirements of local law and is conditioned to comply with any relevant approvals and permits from the City of Capitola.

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

The project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(b) - New Construction, and 15304(b) - Minor Alterations to Land. None of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2). The project will not have a significant adverse effect on the environment.

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.

The proposed development will not have an impact on public health, safety, and welfare. The buildings will be fire sprinkled and will be served by all necessary public utilities.

E. The proposed project complies with all applicable design review criteria in CMC Section 17.120.070 (Design Review Criteria).

The Community Development, Design and Development Review Committee, and Planning Commission have reviewed the project. The proposed project and supporting improvements will comply with the applicable design review criteria as described within the staff report.

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

The project site is located within the R-1 zoning District, surrounded by residential uses. The design complies with the City of Capitola standards. The proposed use would not introduce any new or unusual impacts.

Conditions of Approval:

General Conditions

1. The project consists of a Coastal Development Permit, Design Permit, Variance, and ADU Permit for an attached ADU, and addition to an existing single-family residential unit. The project would include the demolition of the existing 496 square foot garage, construction of a new 912 square foot garage, a 154 square foot entry addition, a 993 square foot attached ADU, and legalization of a 333 square foot unpermitted detached ADU. A Variance is requested to reduce the rear setback from the required 22 feet to four feet, to allow the new garage to be constructed in the existing location at 714 Escalona Drive. Coastal Development Permit, Design Permit, Variance and Accessory Dwelling Unit (ADU) Permit No. 25-0484, is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 2, 2026, except as modified through conditions imposed by the Planning Commission during the hearing.
2. 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.
3. 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.
4. At the time of submittal for building permit review, the Conditions of Approval must be printed in full on the construction plans.

5. 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.
6. 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.
7. 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.
8. The project applicant shall designate a “disturbance coordinator” who will be responsible for responding to any local complaints regarding construction noise or activity. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. The name and telephone number of the disturbance coordinator shall be conspicuously posted at the construction site fence and on any notifications sent to neighbors. The sign/banner must also list an emergency after-hours contact number for emergency personnel.
9. Green Waste is the City’s exclusive hauler for recycling and disposal of construction and demolition debris. For all debris boxes, contact Green Waste. Using another hauler may violate City Code Section 8.04 and result in Code Enforcement action.
10. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

Planning Department Conditions

11. Prior to making any changes to the 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.
12. Prior to issuance of a building permit, all Planning fees associated with Permit #25-0484 shall be paid in full.
13. Air-conditioning equipment or other mechanical equipment shall be screened from view and fall within allowable city-permitted decibel levels. Additional details showing equipment locations and any mechanical screens shall be shown on the building permit plans.
14. Outdoor luminaires shall be energy-efficient fixtures controlled by motion sensors and incorporate cut-off controls and outdoor lighting controls. 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.
15. Prior to issuance of a building permit, the Building Permit plans will be routed for plan approval to the following entities: Santa Cruz County Sanitation Department, Santa Cruz County

Environmental Health Services, Soquel Creek Water District, and Central Fire Protection District.

16. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's Project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, reasonable attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. The City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.
17. Prior to issuance of building permits, the building plans must show that any existing overhead utility lines within the property, and any new utility lines will be underground to the nearest utility pole.
18. At time of submittal for demolition and/or building permit review, the applicant shall include a demolition work of scope statement and a demolition plan clearly identifying all areas of walls and floors to be demolished. The City may require a letter from a structural engineer. Any modifications to the demolition plans, including modifications to the scope of work, means and methods of demolition/construction, or changes to the framing, windows, or any other exterior elements shall be submitted to the Building Department for review and approval prior to proceeding with demolition and/or construction. In the course of construction, the City may require additional plans as they deem necessary.
19. No building permit record exists for the existing detached ADU with exterior decks as shown on site plan. A separate building permit shall be obtained for the unpermitted ADU, and it shall comply with Health and Safety Code requirements as determined by the Building Official prior to building final.
20. Final plans shall clearly show the locations of all existing OWTS components (serving the unpermitted ADU) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with Santa Cruz County Environmental Health Services.
21. It is required that all buildings intended for human habitation or used by human beings shall be connected to an available public sewerage system in accordance with the Uniform Plumbing. The unpermitted ADU shall be connected to the City's available public sewerage system, and all permits for connection shall be obtained prior to issuance of a building permit.
22. All encroachments crossing the property line shall be removed prior to building final.
23. A wet-stamped and wet-signed survey shall be prepared for the project site by a registered civil engineer or surveyor. The survey shall include the following:
 - a. Property boundaries with bearings, distance, monuments, iron rods, or other markers shown;
 - b. Show existing and proposed lot lines;
 - c. North, date, scale, dimensions, and record boundaries of ownership;

- d. Location of the existing OWTS;
 - e. All existing improvements; and,
 - f. All easements, deed restrictions, and description of adjacent uses.
24. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.
25. Prior to demolition of the existing structure, a pest control company shall resolve any pest issue and document that all pest issues have been mitigated. Documentation shall be submitted to the City at time of demolition permit application.
26. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, disposed of in full compliance with all applicable federal, state, and local regulations.
27. 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;
 - 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.
28. Within 14 days prior to any ground-disturbing activities or vegetation clearing during the nesting season (February 1 to August 31), a qualified biologist or biological monitor shall conduct a pre-construction nesting bird survey of all potential nesting habitat within the BSA, including a 100-foot buffer for passerine species and a 300-foot buffer for raptors. If there is a lapse between the survey time and initiation of work activities of 14 days or greater, the nesting bird survey shall be repeated. If active nests are found during the survey, work in that area shall stop and a qualified biologist or biological monitor shall determine an appropriate no-work buffer around the nest based on the activity and species and mark the buffer using flagging, pin flags, lathe stakes, or similar marking method. No work shall occur within the buffer until the young have fledged, or the nest(s) are no longer active, as determined by the biologist or biological monitor.
29. If construction occurs during the monarch butterfly overwintering period (October to March), a qualified biologist or biological monitor shall conduct a preconstruction survey for clusters of overwintering monarchs within the BSA. All large trees shall be inspected for butterflies clustering in dense groups on branches, leaves, and trunks. If any overwintering monarch clusters are found during the survey, the qualified biologist or biological monitor shall establish a 100-foot no-construction buffer around the occupied tree and mark the buffer using flagging, pin flags, lathe stakes, or similar marking method. No construction activity shall occur within the buffer until the end of the overwintering period, with confirmation by the biologist that roosting has concluded.
30. All construction activities shall occur outside of the potentially jurisdictional stream. Best Management Practices (BMPs) for stream avoidance (e.g., no-work buffers) should be incorporated into the project description to prevent impacts on potentially jurisdictional aquatic resources.
31. If archaeological resources from either precontact or historic eras are exposed during site clearing or construction-related ground disturbance operations shall stop within 50 feet of the find.
- a. A qualified archaeologist shall be contacted as quickly as possible to assess the discovery and make recommendations for treatment.
 - b. The property owners and/or project manager shall notify the Community Development Department immediately.

- c. If the find is determined to be potentially significant, appropriate mitigation measures will be formulated and implemented, to the satisfaction of the Community Development Department.
32. If human bones are discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Public Works Department Conditions

33. Submit a site drainage plan, completed and stamped by a licensed civil engineer or a licensed landscape architect competent in site grading and drainage, which includes the following:
- a. Drainage plan including the location of all existing and proposed downspouts and indicate direction of flow. Incorporate a runoff reduction measure into the site plan (e.g., disperse runoff to vegetated area, pervious paving, install rain barrels);
 - b. Notation that site runoff shall not drain onto adjacent parcels or over sidewalks; and,
 - c. Notation that plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
34. The City's Post Construction Requirements (CMC Section 13.16.090) require all projects to incorporate a runoff reduction measure into the site plans (e.g., disperse runoff to vegetated area, pervious pavers, rain barrel, or cistern). Complete and include on a plan sheet the Storm Water and Low Impact Development Assessment Checklist. Clearly mark all LID design measures on the site plans.
35. Prior to issuance of building permits, submit a site plan that includes stormwater temporary construction sediment and erosion control measures (e.g., access to construction site, equipment and material storage locations and duration of placement, stockpile protection location and detail, wattle locations and detail, inlet protection detail, containment of trash/debris, location of portable toilet and containment/protection, etc.). The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
36. Public Works Standard Detail STRM-BMP (Stormwater Pollution Prevention and Protection for Construction Projects) shall be printed in full and incorporated as a sheet in the Public Works Department construction plans with the date and signature. All construction shall be done in accordance with the Public Works Standard Detail STRM-BMP. Public Works Standard Details can be accessed on the City's website at the following link: <https://www.cityofcapitola.org/publicworks/page/standard-details-public-works>

Public Works Project Conditions (to be printed in the plan set)

37. 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.
38. 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 9:00 p.m. and 7:30 a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between 9:00 a.m. and 4:00 p.m. or emergency work approved by the building official. §9.12.010B.

39. General Site Maintenance: Keep work site clear of debris and be aware of tracking mud, dirt, gravel into the street, and sweep daily, cover all stockpiles and excavation spoils. Practice good housekeeping and maintain temporary construction BMPs.
40. Prior to project final, any areas onsite with disturbed soils or denuded of vegetation must be stabilized or replanted so as to inhibit erosion by wind or water and are consistent with the project's approved drainage plan.
41. Prior to project final, any cracked or broken driveway approaches, curbs, gutters, or sidewalks must be identified, documented, and replaced pursuant to Public Works Standard Details and approved by the Public Works Department. A pre-construction inspection by Public Works staff is required to review and approve these conditions. All replaced features shall meet current Accessibility Standards. Public Works Standard Details can be accessed on the City's website: <https://www.cityofcapitola.org/publicworks/page/standard-details-public-works>
42. Prior to any work in the City right-of-way (most often roads and sidewalks), an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the City right-of-way. To apply for an encroachment permit, please visit the City's website: <https://www.cityofcapitola.org/publicworks/page/encroachment-permits>

Encroachment Permits – all proposed work interfacing with the public right of way or outside of the limits of the private property will require an Encroachment Permit review.

Standard Encroachment Permit – any work in the City right-of-way.

Revocable Encroachment Permit – any work between the limits of the private property and City right-of-way.

Attachments:

1. 714 Escalona Drive-Project Plans
2. 714 Escalona Drive-Applicant's Variance Findings
3. 714 Escalona Drive-Applicant's Design Review Findings
4. Design Review Criteria

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Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director