

# Capitola Planning Commission

## Agenda Report



**Meeting:** May 5, 2022

**From:** Community Development Department

**Address:** 519 Monterey Avenue

---

**Permit Number:** #22-0032

**APN:** 034-022-03

Design Permit for a 140 square foot stacked addition to the ground and upper floors, upper floor decks off the front and rear of the residence, and an interior remodel in the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Boguslaw J. Marcinkowski

Representative: John Hofacre, Filed: 01.20.2022

### **Applicant Proposal**

The applicant is proposing an interior remodel that includes a 140 square-foot stacked bathroom addition that is split between the first and second story of the single-family residence. The proposal also includes two upper floor decks; one projecting off the rear of the home (north) that is 329 square feet, another that faces the front of the property (south) and Monterey Avenue that is 88 square feet, and a metal picket fence and driveway gate with brick columns along the front of the property. The application complies with all measurable development standards of the R-1 zone but is required to be reviewed by the Planning Commission for a Design Permit due to the second story addition and rear deck.

### **Background**

On April 13, 2022, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: Noted that they had received the Encroachment Permit application for the front yard fence, gate, and columns.

Building Official, Robin Woodman: Had no comments.

Senior Planner, Brian Froelich: Advised that the Planning Commission is in the process of reviewing development standards and policy for upper floor decks. Privacy impacts and neighborhood context may be discussed in detail during the Planning Commission meeting and the proposal carries a level of risk if findings cannot be made to support the project. Staff and the applicant agreed to meet at the property to further assess privacy, potential impacts, and mitigation measures.

Following the Development and Design Review meeting, staff met with the applicant onsite. The applicant modified the plans to address privacy.

## Development Standards

The following table outlines the zoning code requirements for development in the Single-Family Residential Zoning District. The additions and decks comply with all development standards of the R-1 zone.

<b>Building Height</b>				
<b>R-1 Regulation</b>	<b>Existing</b>		<b>Proposed</b>	
25 ft.	22 ft. 9 in.		22 ft. 9 in.	
<b>Floor Area Ratio (FAR)</b>				
	<b>Existing</b>		<b>Proposed</b>	
<b>Lot size</b>	7,780 sq. ft.		7,780 sq. ft.	
<b>Maximum Floor Area Ratio</b>	48% (Max 3,112 sq. ft.)		48% (Max 3,112 sq. ft.)	
First Story Floor Area	978 sq. ft.		1,036 sq. ft.	
Second Story Floor Area	820 sq. ft.		902 sq. ft.	
Attached Garage	412 sq. ft.		412 sq. ft.	
<b>Total FAR</b>	27% (2,110 sq. ft.)		30% (2,350 sq. ft.)	
<b>Setbacks</b>				
	<b>R-1 regulation</b>		<b>Existing</b>	<b>Proposed</b>
<b>Front Yard 1<sup>st</sup> Story</b>	15 ft.		25 ft. 1 in.	25 ft. 1 in.
<b>Front Yard 2<sup>nd</sup> Story</b>	20 ft.		35 ft.	35 ft. Deck: 24 ft. 6 in.
<b>Side Yard 1<sup>st</sup> Story</b>	10% lot width	Lot width 62 ft. 6 ft. 3 in. min.	East: 9 ft. 2 in. West: 5 ft. 10 in. <b>Nonconforming</b>	East: 9 ft. 2 in. West: 5 ft. 10 in.
<b>Side Yard 2<sup>nd</sup> Story</b>	15% of width	Lot width 62 ft. 9 ft. 4 in. min	East: 21 ft. West: 5 ft. 10 in. <b>Nonconforming</b>	East: 20 ft. West: 5 ft. 10 in. Deck East: 21 ft. Deck West: 9 ft. 5 in.
<b>Rear Yard 1<sup>st</sup> Story</b>	20% of parcel depth	Lot depth 125 ft. 25 ft. min.	58 ft. 6 in.	58 ft. 6 in.
<b>Rear Yard 2<sup>nd</sup> Story</b>	20% of parcel depth	Lot depth 125 ft. 25 ft. min.	65 ft. 7 in.	58 ft. 6 in. Deck 53 ft. 6 in.
<b>Encroachments (list all)</b>	West side of first and second floors encroach in setback.			
<b>Parking (325 sf. FAR Exemption for Garage Parking Area)</b>				
2,001 – 2,600 sq. ft.: 3 per unit, 1 covered	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	
	3 spaces total 1 covered 2 uncovered	2 spaces total 1 covered 1 uncovered	3 spaces total 1 covered 2 uncovered	
<b>Underground Utilities: Required with 25% increase in area</b>			No	

## **Discussion**

The existing residence located at 519 Monterey Avenue is a nonconforming, two-story, single-family residence. The lot is in the Cliffwood Heights neighborhood and is flanked by two-story single-family homes on both sides, the rear of the property is adjacent to the Brookvale Terrace Mobile Home Park, and New Brighton Middle School is across Monterey Avenue. At the rear of the property there is a 50 foot wooded downslope to Plum Street in Brookvale Terrace that has an approximate 30 foot elevation drop from the rear property line.

The applicant is proposing to construct a 140 square-foot first and second-story addition in a stacked configuration. The additions will rebuild and add to an existing first floor bathroom that projects out from the first floor. The applicant is also proposing to construct a new 88 square-foot deck over the garage located off the front of the building and a 329 square foot deck off the upper floor of the rear of the dwelling. The proposed bathroom additions have a gable end roof facing the rear of the property with a ridge that is below the existing cross-ridge of the upper floor. Other specifications of the renovation include new white frame vinyl windows, horizontal board siding painted a tan color, and new roofing will be composition shingle to match existing.

### Fence, Gate and Columns

The project includes a new metal picket fence, driveway gate, and brick columns along the property frontage at the sidewalk. The proposed location is in the right-of-way and the applicant has submitted a permit to the Public Works Department for a Minor Encroachment Permit. Fences up to three and one-half feet in height are subject to an administrative minor encroachment permit. The fence, gate and columns otherwise comply with Zoning Ordinance standards. The fence, gate, and columns are primarily 30 inches tall and comply with City fence and sight distance standards.

### Non-Conforming Structure

The existing structure is nonconforming due to both floors being located within the required west (left) side setback. Pursuant to code section 17.92.070, structural alterations to an existing non-complying structure may not exceed 80 percent of the present fair market value of the structure. Staff has estimated that alterations to the primary structure represent approximately 20 percent of the present fair market value of the structure, so the alterations are permissible.

### Parking

Required parking for the project is three total spaces (one covered and two uncovered). The proposed driveway can accommodate two 10'x20' parking spaces and the garage can accommodate a 10'x 20' covered parking space.

### Design Permit

When considering design permit applications, the Planning Commission must evaluate applications to ensure that they satisfy the design review criteria A – S pursuant to §17.12.070. (Attachment ADD). Capitola *Design Review Criteria F* includes privacy considerations to the orientation and location of features including windows, doors, and decks to minimize privacy impacts on adjacent properties and provide adequate privacy for project occupants.

- Front Deck 88 square feet: Front decks are generally exempted from design permit requirements, pursuant to §17.120.030(B)(8). Additionally, the front deck is recessed into the roof slope of the garage attic space and complies with the increased side yard setback for upper floors (15% of lot width – 9 ft. 5 in.).

- Rear Deck 329 square feet: The second story rear deck is accessible from both the master bedroom and bedroom #3. The deck projects 12 feet from the building but wraps around the proposed second floor bathroom addition. The deck space, therefore, will function more like two smaller decks (approximately 12 feet x nine feet six inches) connected by a four feet three inch walkway.

Planning staff advised the applicant of the City's current work on a potential policy amendment for upper floor decks and worked with the applicant to mitigate impacts. The applicant has added the following mitigation measures

- The applicant has added privacy partition walls consisting of solid board on board siding to match the proposed exterior siding along the sides of the rear deck to railing height (42" and below). Above 42" and up to six feet above the deck surface the applicant is proposing an opaque frosted glass or wood lattice.
- The applicant is proposing landscape screening in two areas along both side property boundaries. Specifically, they have marked two, five foot wide by 20 foot long areas on the site plan to be planted with Bay Laurel evergreen screening. The plants will be 10 feet tall at installation and planted with four foot separation.
- The applicant has also reported performing neighborhood outreach to the two neighbors on either side. One neighbor has submitted a letter of support for the project (515 Monterey Avenue – Attachment #5).

The mitigation measures incorporated by the applicant will be effective immediately with the privacy partition walls and over time as the screening plants grow. Planning staff remains concerned by an upper floor deck that projects 12 feet from the building and is just over 30 feet across. The deck would be additionally mitigated by reducing the projection to seven (7) feet and eliminating the four (4) foot three (3) inch walkway connection. Further, a reduced deck projection would also reduce the massing and scale of the project and still allow the owner access and use of these spaces. Staff included condition of approval #13 as follows:

“13. With the submittal of plans for Building Department plan check, the applicant shall reduce the projection of rear yard upper decks to a maximum of seven (7) feet from the building.”

### **CEQA**

Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence and accessory structures in a residential zone. This project involves additions and permitted accessory structures for an existing single-family residence within the R-1 (single-family residence) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

### **Recommendation**

Staff recommends the Planning Commission approve application #22-0032 with a reduction in the rear deck projection to a maximum of seven (7) feet from the building and based on the following Conditions and Findings of Approval.

## **Attachments**

1. Plan Set
2. Construction Cost Calculation
3. Color Board
4. Design Permit Design Review Criteria
5. Neighbor Support Letter

## **Conditions of Approval**

### General

1. 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 on May 5, 2022. All construction and site improvements shall be completed according to the approved plans.
2. 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.
3. Construction activity shall be subject to a 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

### Planning

4. The project approval consists of construction of a 140 square foot first and second-story addition to an existing nonconforming single-family residence and new upper floor decks of 329 and 88 square feet. The maximum Floor Area Ratio for the 7,780-square-foot property is 48% (3,112 square feet). The FAR of the project is 30% with a total of 2,350 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 May 5, 2022, except as modified through conditions of approval or as required by the Planning Commission during the hearing.
5. 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.
6. 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 17.156.080.
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. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
9. 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.
10. Prior to issuance of building permit, all Planning fees associated with permit #22-0032 shall be paid in full.
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. Exterior lights for the second story deck areas shall comply with CMC Section 17.96.110 and be limited to the Building Code required minimum. Fixtures shall be shielded and directed downward to meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light and prevent light trespass on adjacent lots.
13. With the submittal of plans for Building Department plan check, the applicant shall reduce the projection of rear yard upper decks to a maximum of seven (7) feet from the building.
14. The owner shall verify that all new fence, gate and columns are on the subject property or in the City Right of Way where approved by an Encroachment Permit.

#### Public Works

15. Submit a temporary construction sediment and erosion control plan (construction bmp's), The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
16. Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans.
17. 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).
18. 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.
19. Prior to any work in the City Road right of way, an encroachment permit shall be acquired by the contractor performing the work. All sidewalk, curb and gutter improvements shall be constructed per city standard. No material or equipment storage may be placed in the road right-of-way.

## 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, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed 140 square foot addition and upper floor decks are consistent with the general plan and the local coastal program.

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

Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed 140 square foot addition with upper floor decks complies with all measurable development standards of the R-1 (Single-Family Residential) zoning district.

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

Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence and accessory structures in a residential zone. This project involves an addition to a single-family residence and new upper floor decks in the R-1 (single-family residence) 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, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed 140 square foot addition and upper floor decks 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).**

Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed 140 square foot addition with upper floor decks complies with the applicable design review criteria as described in the staff report and through conditions of approval.

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

Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the application for the proposed 140 square foot additions and upper floor decks. The design of the additions with a gable roof, composition shingles, and horizontal lap board siding, will blend appropriately with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.