

# Capitola Planning Commission

## Agenda Report



**Meeting:** May 5, 2022

**From:** Community Development Department

**Topic:** 1515 Prospect Avenue

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**Permit Number: #22-0094**

**APN: 034-045-12**

Design Permit amendment for additions and design modifications to a single-family dwelling with an ADU located within the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Peter Shamshoian

Representative: Peter Shamshoian, Filed: 02.16.22

### **Applicant Proposal:**

The applicant is proposing an amendment to the previous design permit for second-story design modifications. The application involves an existing two-story, nonconforming single-family residence located at 1515 Prospect Avenue within the R-1 (Single-Family Residential) zoning district. The application complies with all development standards of the R-1 zone.

### **Background:**

On April 2, 2020, the Planning Commission approved design permit #19-0267 for first- and second-story additions. However, with the 2020 modifications to the state ADU laws, the owner decided to revise the plans to accommodate an ADU and first- and second-story additions to the primary residence.

On November 12, 2020, the Community Development Department approved application #20-0464 for a ministerial detached accessory dwelling unit.

On December 3, 2020, the Planning Commission approved design permit #20-0379 for first- and second-story additions.

On September 21, 2021, the applicant submitted application #21-0425 to amend the design of the primary residence, which was approved during December 3, 2020, Planning Commission meeting (permit #20-0379). The permit amendment included revisions to the exterior finishes, the floor plan, and added a new rear deck. On January 20, 2022, the Planning Commission approved design permit #21-0425 for amendments to the previous design permit approval but denied the rear second-story deck.

On February 16, 2022, the applicant submitted a permit amendment to modify the previous design.

**Development and Design Review:**

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: No comment.

Building Official, Robin Woodman: No comment.

Associate Planner, Sean Sesanto: informed the applicant they would need to include the existing floor plans and elevations for reference. Mr. Sesanto confirmed with the applicant that the roof height is not changing between the current proposal and previously approved plans.

**Development Standards:**

The following table outlines the zoning code requirements for development in the R-1 (Single-Family Residential) Zoning District. The application complies with all development standards of the R-1 zone.

**R-1 (Single Family Residential) Zoning District**

Development Standards			
Building Height			
R-1 Regulation	Existing		Proposed
25 ft.	21 ft. 10 in.		24 ft. 8 in.
Floor Area Ratio (FAR)			
	Existing		Proposed
<b>Lot Size</b>	3,200 sq. ft.		3,200 sq. ft.
<b>Maximum Floor Area Ratio</b>	57% (Max 1,824 sq. ft.)		57% (Max 1,824 sq. ft.)
First Story Floor Area	720 sq. ft.		882 sq. ft.
Second Story Floor Area	720 sq. ft.		923 sq. ft.
<i>Decks Exemption</i>	-170 sq. ft.		-192 sq. ft.
<b>TOTAL FAR</b>	45% (1,440 sq. ft.)		56.4% (1,805 sq. ft.)
Yards (setbacks are measured from the edge of the public right-of-way)			
	R-1 Regulation	Existing	Proposed
<b>Front Yard 1<sup>st</sup> Story</b>	15 ft.	15 ft.	15 ft.
<b>Front Yard 2<sup>nd</sup> Story &amp; Garage</b>	20 ft.	2 <sup>nd</sup> Story: 15 ft. Garage: 15 ft.	2 <sup>nd</sup> Story: 15 ft. Garage: 18 ft. <b>Existing Nonconforming</b>
<b>Side Yard 1<sup>st</sup> Story</b>	10% lot width	Lot width: 40 ft. 4 ft. min.	North: 4 ft. South: 8 ft. South: 6 ft. 9 in.
<b>Side Yard 2<sup>nd</sup> Story</b>	15% of width	Lot width: 40 ft. 6 ft. min	North: 4 ft. <b>Existing Nonconforming</b> South: 6 ft. 9 in.

<b>Rear Yard 1<sup>st</sup> Story</b>	20% of lot depth	Lot depth: 80 ft. 16 ft. min.	35 ft.	30 ft.
<b>Rear Yard 2<sup>nd</sup> Story</b>	20% of lot depth	Lot depth: 80 ft. 16 ft. min.	35 ft.	30 ft. 3 in.
<b>Encroachments (list all)</b>	Retention of second-story front deck projects two feet into front setback. No new encroachments.			
<b>Accessory Dwelling Unit - Approved ministerially under CMC §17.74.050(B)</b>				
	<b>ADU Regulation</b>		<b>Approved – No Change</b>	
<b>Side &amp; Rear Setbacks</b>	4 ft.		4 ft.	
<b>Maximum Floor Area</b>	800 sq. ft.		540 sq. ft.	
<b>Height</b>	16 ft.		13 ft. 5 in.	
<b>Parking</b>	1 space		1 space	
<b>Parking</b>				
	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	
<b>Residential (from <u>1,501</u> up to <u>2,000</u> sq. ft.)</b>	2 spaces total 1 covered 1 uncovered	2 spaces total 2 covered 0 uncovered	3 spaces total 1 covered 1 uncovered 1 uncovered for ADU	
<b>Underground Utilities: required with 25% increase in area</b>			Required	

**Discussion:**

The existing residence at 1515 Prospect Avenue is a nonconforming, two-story, single-family residence. The lot is in the Jewel Box neighborhood and is surrounded by one- and two-story single-family homes.

The applicant is proposing a number of changes to the layout and exterior appearance from the previously approved plans:

1. Modified gable ends on the front and rear elevations.
2. New second-story bay windows on rear elevation where the door to the previous deck had been proposed.
3. Modify second-story windows and doors on all elevations.
4. Remove existing conditioned space on front second-story to expand the existing front deck and add a pantry to the back of the second story.

The modification will result in a 192 square-foot second-story deck in the front yard. The previously approved front deck measured 205 square feet. The kitchen area will be expanded into a portion of the previously approved flat roof on the rear of the primary structure. The proposed remodel will otherwise retain the previously approved design features, including eight-inch horizontal board siding, a new roof with fish scale tile in the gable ends and slate tile roof, and a stucco wall extending into the public right-of-way along Prospect Avenue.

Design Permit

When considering design permits, the Planning Commission evaluates applications to ensure that the proposed design satisfies applicable *Design Review Criteria* (attachment 4). This includes privacy considerations for 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. The proposal modifies the existing front deck with an expansion in size on the south (left) side. Staff has included photos of both the existing deck and views looking south at the adjacent property of 1505 Prospect Avenue (attachment 3). Under current zoning code, upper-floor decks and balconies immediately adjacent to a street or public open space are generally exempted from design permit requirements, pursuant to §17.120.030(B)(8). The applicant is proposing to minimize window impacts along the south side by using opaque glass and smaller raised windows.

#### Parking

The previously approved site plan included three parking spaces, one of which was covered. One uncovered parking space (space #3) serves the detached accessory dwelling unit. The proposed permit amendment does not increase the floor area and no parking modifications are proposed.

#### Non-Conforming Structure

The existing residence is nonconforming because the second story encroaches into the required front and second-story side setbacks and the garage encroaches into the front setback. Pursuant to §17.92.070, structural alterations to an existing non-conforming structure may not exceed 80 percent of their present fair market value. The applicant submitted the required Construction Cost Breakdown, demonstrating that the proposed alterations are within 80 percent of the present fair market value of the structure, therefore the alterations are permissible.

#### Minor Encroachment Permit

The application is proposing several improvements within the public right-of-way, including new curb and gutter, depressed driveway approach, landscaping, and a 42-inch-tall stucco wall. The Public Works Department has reviewed the plans and support the proposed improvements with the issuance of a minor encroachment permit. The applicant is not proposing any alterations to the previous encroachment permit.

#### **CEQA:**

Section 15301(e) of the CEQA Guidelines exempts the additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. This project involves 365 square-feet of additions to an existing 1,440-square-foot single-family residence within the R-1 (Single-Family Residence) zoning district that will increase the floor area by 25%. No adverse environmental impacts were discovered during review of the proposed project.

#### **Recommendation:**

Staff recommends the Planning Commission consider application #22-0094 and approve the application as proposed based on the following Conditions and Findings for Approval

#### **Attachments:**

1. Plan Set
2. Construction Cost Breakdown
3. Existing Conditions Photos
4. Design Review Criteria

**Conditions of Approval:**

1. The project approval consists of the construction of 365-square-feet of first- and second-story additions to a 1,440-square-foot, two-story, nonconforming, single-family residence, a new 540-square-foot accessory dwelling unit (approved ministerially under CMC §17.99.050(B)), and a minor encroachment permit for a 42-inch-tall stucco wall in the public right of way. The maximum Floor Area Ratio for the 3,200 square-foot property is 57% (1,824 square feet). The total FAR of the project is 56.4% with a total of 1,805 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 imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permits #22-0094 shall be paid in full.
8. Prior to issuance of building permit, the developer shall pay Affordable housing in-lieu fees as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. 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.
10. 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.

11. 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).
12. 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.
13. 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.
14. 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
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. 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.
17. 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.
18. 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.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. 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.

**Design Permit & CEQA 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. The proposed remodel of a single-family residence complies with the development standards of the R-1 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 the remodel of a single-family residence. The project complies with all applicable provisions of the zoning code and municipal code.

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

Section 15301(e) of the CEQA Guidelines exempts the additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. This project involves 365 square-feet of additions to an existing 1,440-square-foot single-family residence within the R-1 (Single-Family Residence) zoning district that will increase the floor area by 25%. 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 residential remodel 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 remodel 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 residential remodel. The design of the remodel with horizontal Hardie Board siding, Hardie Board fish scale tile at the gable ends, and new Brava slate tile roof will fit in nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.