

# Capitola Planning Commission

## Agenda Report



**Meeting:** May 5, 2022

**From:** Community Development Department

**Address:** 106 Cliff Avenue

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**Permit Number: #21-0404**

**APN: 036-112-17**

Design Permit and Historical Alteration Permit for additions to a historic single-family residence, a new detached single-story accessory structure that includes an accessory dwelling unit (ADU) and garage, and Variances for the maximum height of the primary structure and the maximum Floor Area calculation. The permit includes the demolition of two non-historic accessory structures behind the primary residence. The project is located within the R-1 (Single-Family Residential) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Sam Abbey

Representative: Cove Britton, Filed: 09.07.21

### **Applicant Proposal:**

The applicant is proposing to add 673 square-feet to the first- and second-story of the existing single-family residence. The proposal includes the demolition of two non-historic accessory structures. A new detached accessory structure that includes a 457 square-foot garage and a 698 square-foot detached accessory dwelling unit (ADU) is proposed behind the primary structure. The ADU is subject to limited standards. The project is located at 106 Cliff Avenue within the R-1 (Single-Family Residential) zoning district. The application requires variances to exceed the maximum allowed height and floor area calculation methodology.

### **Background:**

On December 14, 2021, architectural historian Seth Bergstein provided a preliminary design review letter evaluating the proposed remodel and new accessory structure.

On February 9, 2022, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representative, Kailash Mozumder: stated that the utilities will need to be placed underground and likely cross underneath Cliff Avenue. Mr. Mozumder stated this will need to be done to City standards.

Building Official, Robin Woodman: Noted that the proposed fireplace will likely need to be braced to the roof due to height.

Assistant Planner, Sean Sesanto: made comments regarding maximum allowable floor area ratio, concern that a portion of the attic was not calculated in the floor area ratio and the and the required garage and ADU elevations would need to be reincluded and drawn to scale. Planner Sesanto discussed the architectural historian comments and requested updating the plans to identify where new materials are proposed and where historic materials will be preserved. Mr. Sesanto stated a variance would be required to exceed the maximum height limit for the second-story additions and new chimney.

Following the Development and Design Review meeting, the applicant resubmitted plans and variance application on March 11, 2022, which included revised elevation details on existing and proposed materials preservation and differentiation details to the elevations. The updated plans provided a detailed section of the attic area which show lowering of the ceiling height so the area will not be calculated toward floor area.

On April 7, 2022, the Planning Commission heard the application and continued the item to a date uncertain. The Commission requested the applicant modify the fireplace in the ADU from woodburning to gas and suggested applying for a variance to the calculation of floor area relative to the attic and turret space. Some Commissioners suggested the applicant modify the chimney to decrease the height. In response, the applicant applied for a variance to the floor area calculation and agreed to a condition that the ADU be required to have a gas fireplace. They did not modify the design of the chimney on the main house and are requesting a variance to height for this feature.

Development Standards:

The following table outlines the general zoning code requirements for development in the R-1 Zoning District relative to the floor area and parking standards of the lot. Specific development standards for each structure are included as attachments. The application requires a variance for the maximum height limit of the primary residential structure, for the proposed chimney height, and for the floor area ratio calculation of the third-story turret and central attic spaces.

<b>Development Standards</b>		
<b>Floor Area Ratio (FAR)</b>		
	<b>Existing</b>	<b>Proposed</b>
<b>Lot size</b>	7,095 sq. ft.	7,095 sq. ft.
<b>Maximum Floor Area Ratio</b>	48% (Max 3,406 sq. ft.)	48% (Max 3,406 sq. ft.)
First Story Floor Area	1,132 sq. ft.	1,450 sq. ft.
Second Story Floor Area	816 sq. ft.	1,241 sq. ft.
Third Story Floor Area	321 sq. ft.	Turret and Central Attic: Approximately 165 sq. ft. <b>Variance Requested</b>
Detached Garage	325 sq. ft.	Rearmost Room: 251 sq. ft. 457 sq. ft.
<b>Total FAR</b>	36.6% (2,594 sq. ft.)	47.9% (3,399 sq. ft.) <b>With Variance to FAR methodology</b>

<b>Parking</b>			
Residential (from 2,601 – 4,000 sq. ft.)	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
	4 spaces total 1 covered 3 uncovered	3 spaces total 1 covered 2 uncovered	4 spaces total 2 covered 2 uncovered
<b>Underground Utilities: Required with 25% increase in area</b>			Yes

**Discussion:**

The existing residence at 106 Cliff Avenue is a historic, three-story single-family home with a detached garage. The property is a large, gently up sloping lot located within the Depot Hill neighborhood. The property is situated along the bluff overlooking the Capitola Village. The home is listed on the 1986 Capitola Architectural Survey and the 2004 Depot Hill Feasibility Study. Early records show original construction of the residence to be 1904.

The applicant is proposing to construct 673 square feet of first- and second-story additions to the primary home. The proposal includes the demolition of a non-historic detached garage and shed. A new single-story accessory structure that is a combined 457 square foot garage and 698 square foot ADU. The proposed garage shares a common wall with the ADU but serves the primary residence.

Design Permit

When considering design permits, the Planning Commission evaluates applications to ensure that the proposed design satisfies applicable *Design Review Criteria* (attachment 9). The remodel of the primary structure has new massing focused on the rear and north side elevations. The new second-story addition closest to the street is incorporated into the existing roofline with a lower gable roof. The rearward first- and second-story additions are connected by a new cross-gable roof. The upper-additions predominantly utilize shingle siding and composition roofing. The first-story addition is largely obscured from the public view by existing massing and utilizes horizontal board siding. Rear additions include a new second-story deck and spiral staircase with wooden railings to match the front elevation. Alterations to the existing front elevation include converting the enclosed front room into a covered porch similar to the original porch seen in the historical evaluation. New windows are proposed on the first- and second-stories along the front elevation as well as a new second-story deck railing. The applicant is also proposing to construct a new brick chimney located behind the turret.

The accessory structure will utilize board and batten siding and a varied hipped and gabled roof pattern. The applicant is requesting an exception to the detached garage to allow it to create continuity between the shared garage and ADU roofline. Single-story detached accessory dwelling units have a maximum height of 16 feet, whereas other accessory structures have a maximum allowed height of 15 feet. Pursuant to Capitola Municipal Code (CMC) §17.52.020(B)(2), the Planning Commission may approve an exception to allow additional height of an accessory structure if necessary to match the architectural style of the existing primary structure. The applicant is requesting a height exception for the garage to match the height of the proposed accessory dwelling unit, which has a common roofline.

Privacy

*Design Review Criteria F* relates to privacy with respect to the orientation and location of buildings, entrances, windows, doors, decks, and other building features to minimize privacy impacts on adjacent properties and provide adequate privacy for project occupants. The project

includes a new 244 square-foot second-story deck in the backyard. The deck is within approximately 18 feet the residence at 108 Cliff Avenue to the north and 38 feet of 104 Cliff Avenue to the south. Visibility of properties to the rear will be limited by the proposed ADU and garage. Staff has included photos which overlook the area of the proposed deck and the nearby residence at 108 Cliff Avenue (attachment 7).

#### Floor Area Calculation

The three-story single-family home includes a unique third level with varying ceiling heights. The layout of the third story includes a large room with normal ceiling heights at the top of the stairs, a central attic space within the pitched roof with varying heights, and the turret space. Pursuant to 17.48.040(5)(a), floor area is calculated for all upper-floor area greater than four feet in height, measured between the bottom of the upper floor and the top of the ceiling. The existing rearmost room and turret space would be included in the floor area ratio calculation, as they both exceed four feet in height, along with a portion of the central attic. Based on existing heights, the third-story contributes 416 square feet towards the floor area calculation. The applicant is requesting a variance to section 17.48.040(5)(a) and the inclusion of floor area greater than four feet in height for the central attic space and turret due to its original construction as an attic and a decorative architectural feature, and the inability to change historic roof elements. The variance would offset approximately 165 of the total 416 square feet from the floor area ratio calculation. Photos of the existing third-story spaces are included as Attachment 8. The variance request for the floor area calculation is discussed later in this report.

#### Accessory Dwelling Unit

The application includes a new detached accessory dwelling unit. The unit must comply with the requirements for "Units subject to limited standards" in CMC §17.74.050(B), which require the unit to be less than 16 feet in height, less than 800 square feet of floor area, and to have at least four-foot side and rear yard setbacks. The proposed accessory dwelling unit is 15-feet, 10-inches in height, has a floor area of 457 square feet, and is situated behind the primary structure and five feet from the rear and side property lines.

Pursuant to 17.74.030(D), when a proposed detached accessory dwelling unit is dependent on the construction of a new building or a new portion of a building which is not a part of the accessory dwelling unit, the applicant may request the ADU be reviewed and acted on together with the separate construction as part of a single application or request that the ADU be reviewed independently after Planning Commission review of the proposed design permit and variance. The current application includes the review of the ADU and the additions to the main home as one application.

#### Historic Alteration Permit

The proposed project would alter all elevations of the existing primary structure including additions located on the rear and side of the structure, therefore the project requires approval of a Historic Alteration Permit by the Planning Commission. Also, historic resources are identified as environmental resources within the California Environmental Quality Act (CEQA). Any modification to a historic resource must comply with the Secretary of Interior Standards to qualify for a CEQA exemption.

Architectural Historian Seth Bergstein evaluated the proposed design for compatibility with the *Secretary of the Interior's Standards for Rehabilitation (Standards)*, including the identification of character-defining features and recommendations to limit alterations to those significant elements (attachment 5). Character defining features include:

- Complex roof massing with west-elevation hipped roof nested with a gable roof and southwest corner tower.
- Decorative wood detailing, including wide fasciae, cornice returns, cornice boards between the first and second stories and wood window surrounds.
- Second-floor wood-sash windows with decorative, diamond-pattern upper sash.
- Variation of exterior cladding, with horizontal V-groove siding finishing the lower story and patterned wood shingles on the upper story.

During initial review of the design, City staff and architectural historian Seth Bergstein noted the proposed chimney would comply with *Standard 10* as a reversible feature but noted it as a conjectural element that did not contribute to the overall design of the historic style, was highly publicly visible, and would eliminate original second-story windows on south side of the structure. It was recommended that the chimney be removed or redesigned to preserve the original windows and reduce its prominence. The applicant subsequently inset the chimney to preserve the windows but did not decrease the height or relocate the chimney to a less visible location. The variance requirement for height is discussed later in this report.

Mr. Bergstein subsequently evaluated the final revised design for compatibility with the *Standards*. Specifically, Mr. Bergstein cited *Standards 1-3, 5-7, 9-10* as most applicable and provided findings of compliance (Attachment 6) and was supportive of the proposed design of the detached garage and ADU, identifying that the existing accessory structures are not character defining and materials on the proposed accessory structure will be sufficiently differentiated from the primary structures' Queen Anne style.

Mr. Bergstein found the project in compliance with the *Standards*, provided the City approval require the applicant document and submit additional exterior details prior to construction. Conditions #26 and #27 outline the requirement of a preservation plan including the input described within the *Standards* review letter.

#### Non-Conforming Structure

The existing single-family dwelling exceeds the maximum allowable height limit and is located within the required front and side setbacks and is therefore a legal non-conforming structure. 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. The applicant provided a construction cost breakdown demonstrating that the project will not exceed 80 percent of the present fair market value of the structure.

#### Variance

The property is located along Cliff Avenue, a highly visible street lined with historic structures. The subject property slopes downwards towards the street with a drop in elevation of approximately two feet from end to end of the structure. The applicant is requesting consideration of a variances to the maximum height limit of the primary structure to allow second-story additions to exceed 27 feet in height, the floor area calculation methodology (as described above), and a new chimney to exceed the 29 feet in height. The proposed additions have a maximum total height of 27-feet, 8-inches. The proposed chimney has a maximum height of approximately 41 feet. A short chimney exists near the front ridgeline with narrow metal chimney pipes that extend slightly above the primary gable roof. The proposed chimney and spark arrestor would extend approximately nine feet higher, crested only by the turret's lightning rod and would be visible from all sides of the structure.

The Planning Commission may approve variances consistent with the required findings pursuant to §17.128.060 A-F, as follows.

**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.**

Roof and Floor Area Ratio: The unique circumstance applicable to the subject property is that the existing residence is historic and protected within the municipal code and under CEQA. The existing residence is also on a gently sloped lot with a difference of two feet and features a raised ground floor level with steeply pitched rooves which impose difficulties in designing second-story additions that comply with height limitations and blend with the historic design. The variances would allow additions to the home while complying with the Secretary of Interior Standards for historic preservation.

Chimney: The proposed brick chimney meets the same unique circumstance, but is a conjectural feature not found on the original residence and does not enhance any of the goals within local, state, or federal standards for historic preservation.

**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.**

Roof and Floor Area Ratio: Most properties have more design options at their disposal in meeting height standards, including the redesign of existing roof pitches. To substantially preserve and compliment the character-defining roof, the applicant has designed the project to match the existing roof pitch and style. The existing third-story rooms are calculated as floor area within Capitola Municipal Code but with exception to the rearmost space, do not provide additional habitable space. The roof heights cannot be modified to either increase habitable function or lowered to be exempted as floor area, therefore the strict application of zoning code requirements would deprive the subject property of development potential enjoyed by other properties in the same zone.

Chimney: The structure has an existing chimney and vent near the central ridgeline; therefore, the strict application of the zoning code requirements would not deprive the subject property.

**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.**

Roof and Floor Area Ratio: Second-story additions to residences are commonplace within the City. The variance requests are necessary to preserve the right to expand the residence within all other development standards.

Chimney: The structure has an existing chimney and vent near the central ridgeline; therefore, the variance is not necessary to preserve a substantial property right. The project could instead utilize new gas fireplaces and venting that met building code and zoning requirements.

**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.**

Roof, Floor Area Ratio, and chimney: The variance request 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.**

Height: Of the eight residential properties along the street, 106 Cliff Avenue is one of three that exceed the 25 foot height limitation.

Floor Area Ratio: Although staff did not identify nearby properties that exceed the FAR, there are unique circumstances that directly relate to the third story spaces and the preservation of the historic roofline such that it cannot be modified. A variance specific to the floor area of the forward two third-story spaces would allow the property to be developed in a manner consistent with other properties in the vicinity, therefore it does not constitute a grant of special privilege.

Chimney: The applicant is proposing a chimney that exceeds 41 feet in height measured from grade. No other structure along Cliff Avenue has a chimney of similar size. The nearby historic structure at 114 Cliff Avenue has a large chimney that measures approximately 30 feet from grade. The grant of a variance to allow the chimney would constitute a special privilege.

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

Roof, Floor Area Ratio, and chimney: The variance request will not negatively impact coastal resources.

The Planning Commission has several options in considering the variance:

Option 1. Grant the variance requests for the height of the second-story additions, floor area ratio, and the chimney.

Option 2. Grant the variance requests for the height of the second-story additions and floor area calculation but deny the variance for the chimney.

Option 3. Deny the variances.

Staff recommends Option 2, to approve the variances for the height of the additions and the floor area calculation but deny the variance for the chimney.

Trees

The applicant is proposing to remove up to five of the six existing trees as part of the development application. Arborist Nigel Belton evaluated all trees (attachment 3) and provided positive removal recommendations of the specified trees due to health and condition, necessity for construction, or both. Mr. Belton recommended that the sixth tree, a healthy coast redwood, be preserved. Condition #16 requires the applicant to replace the trees at a 2:1 ratio or a lesser ratio that meets the 15 percent minimum canopy coverage requirement for development applications. The applicant is proposing two Chinese Pistache trees as replacements.

**CEQA:**

Section 15332 of the CEQA Guidelines exempts in-fill development projects which meet all conditions within the exemption. The project involves modifications to an existing single-family residence structure and the construction of a new detached garage and accessory dwelling unit subject to 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** the project but deny the variance for the proposed chimney and include the recommended conditions and findings.

**Attachments:**

1. Plan Set
2. Applicant Variance Letter
3. Arborist Report
4. Development Standards Tables
5. Preliminary Historic Design Review Letter
6. Secretary of the Interior Standards Review Letter
7. Existing Conditions Photos – Second Story
8. Existing Conditions Photos – Third Story
9. Design Review Criteria

**Conditions of Approval:**

1. The project approval consists of construction of a 673 square-foot first- and second-story additions to an existing historic residence, the demolition of two accessory structures, and the construction of a new accessory structure that includes a 718 square-foot accessory dwelling unit and 457 square-foot garage. The approval includes a variance for the second-story additions to exceed the maximum height and a variance for the floor area calculation of the forward two sections of the third-story but does not include the approval of a variance for the primary dwelling chimney. The maximum Floor Area Ratio for the 7,095 square foot property is 47.9% (3,399 square feet). The total FAR of the project is 47.9% with a total of 3,399 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 permit #21-0404 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, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 5 trees to be removed from the property. Replacement trees shall be planted at a 2:1 ratio or so as to meet the minimum lot canopy coverage of 15 percent. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans. Any modifications to the tree plan must be approved by the Community Development Department.

17. 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.
18. 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.
19. 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.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
21. 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.
22. Before obtaining a building permit 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 secondary dwelling unit shall not be sold separately from the primary dwelling.
23. Prior to issuance of building permits, the plans must be revised to provide scaled elevations of the new accessory dwelling unit and garage. The detached accessory dwelling unit and garage may not exceed the allowed heights by the Planning Commission. The ADU chimney shall not exceed 19 feet in height and all other appurtenances shall be consistent with development standards for allowed projections stated in Table 17.48-1.
24. Prior to issuance of building permits, the plans must show that the ADU chimney is not wood-burning.
25. Prior to issuance of a building permits, the applicant shall submit a preservation plan to the satisfaction of the Community Development Department. In addition to Condition #27(a), the plan shall include:
  - a. The details of the porch replacement and first-floor windows, including the type/configuration of the windows and the type/style of the wood columns. The information for the porch detail shall be based on the photographic evidence which exists.
  - b. Provide dimensions of the rear addition's existing and proposed wood wall cladding, including the proposed upper-floor shingle pattern and the proposed lower-floor wood siding exposure width to ensure it differentiates from the historic house.

26. Secretary of the Interior's Standards and Guidelines for preservation, rehabilitation, restoration, or reconstruction shall be followed.
- a. Prior to the remodel of the historic residence, the applicant shall catalog all existing details of the structure. Once the existing structure is ready to be remodeled, the applicant is required to have an inspection by the City Planner and Building Inspector to ensure all existing materials are documented in accordance with the preservation plan. Existing materials must be stored in a weatherproof area.
  - b. Any removal of existing building materials or features on historic buildings shall be approved by the Community Development Department prior to removal.
  - c. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Community Development Department for further direction, prior to construction.

### **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 proposed additions to an existing residence, a replacement garage, and new accessory dwelling unit. With the granting of a variance to the maximum height of the roof on the primary residence, the project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

- 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 additions to an existing residence, a replacement garage, and new accessory dwelling unit. With a granting of a variance to the maximum height of the roof on the primary 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 15332 of the CEQA Guidelines exempts in-fill development projects which comply the described conditions. This project involves additions to an existing residence, a replacement garage, and new accessory dwelling unit within the R-1 (Single-Family Residential) zoning district. The project meets all applicable general plan policies and zoning regulations; the project site does not have any identified habitat value; the project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is and can be adequately served by all required utilities and public services.

- 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 all reviewed the reviewed the application. The proposed additions, replacement garage, and new accessory dwelling unit 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. With the granting of a variance to the maximum height of the roof on the primary residence, the proposed 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. The design of the remodeled historic residence and new accessory dwelling unit and garage will fit in nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

**Variance Findings**

**G. 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.**

Roof and Floor Area Ratio: The unique circumstance applicable to the subject property is that the existing residence is historic and protected within the municipal code and under CEQA. The existing residence is also on a gently sloped lot with a difference of two feet and features a raised ground floor level with steeply pitched rooves which impose difficulties in designing second-story additions that comply with height limitations and blend with the historic design. The variances would allow additions to the home while complying with the Secretary of Interior Standards for historic preservation.

Chimney: The proposed brick chimney meets the same unique circumstance, but is a conjectural feature not found on the original residence and does not enhance any of the goals within local, state, or federal standards for historic preservation.

**H. 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.**

Roof and Floor Area Ratio: Most properties have more design options at their disposal in meeting height standards, including the redesign of existing roof pitches. To substantially preserve and compliment the character-defining roof, the applicant has designed the project to match the existing roof pitch and style. The existing third-story rooms are calculated as floor area within Capitola Municipal Code but with exception to the rearmost space, do not provide additional habitable space. The roof heights cannot be modified to either increase habitable function or lowered to be exempted as floor area, therefore the strict application of zoning code requirements would deprive the subject property of development potential enjoyed by other properties in the same zone.

Chimney: The structure has an existing chimney and vent near the central ridgeline; therefore, the strict application of the zoning code requirements would not deprive the subject property.

- I. 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.**  
Roof and Floor Area Ratio: Second-story additions to residences are commonplace within the City. The variance requests are necessary to preserve the right to expand the residence within all other development standards.  
Chimney: The structure has an existing chimney and vent near the central ridgeline; therefore, the variance is not necessary to preserve a substantial property right. The project could instead utilize new gas fireplaces and venting that met building code and zoning requirements.
- J. 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.**  
Roof, Floor Area Ratio, and chimney: The variance request will not negatively impact the public, properties, or improvements in the vicinity or in the same zone as the subject property.
- K. 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.**  
Height: Of the eight residential properties along the street, 106 Cliff Avenue is one of three that exceed the 25 foot height limitation.  
Floor Area Ratio: Although staff did not identify nearby properties that exceed the FAR, there are unique circumstances that directly relate to the third story spaces and the preservation of the historic roofline such that it cannot be modified. A variance specific to the floor area of the forward two third-story spaces would allow the property to be developed in a manner consistent with other properties in the vicinity, therefore it does not constitute a grant of special privilege.  
Chimney: The applicant is proposing a chimney that exceeds 41 feet in height measured from grade. No other structure along Cliff Avenue has a chimney of similar size. The nearby historic structure at 114 Cliff Avenue has a large chimney that measures approximately 30 feet from grade. The grant of a variance to allow the chimney would constitute a special privilege.
- L. The variance will not have adverse impacts on coastal resources.**  
Roof, Floor Area Ratio, and chimney: The variance request will not negatively impact coastal resources.

#### **Historic Alteration Findings**

- A. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.**

Community Development Staff and the Planning Commission have reviewed the proposed remodel of the historic structure and determined the majority of additions are located such that they limit publicly visible alterations that would impact the historic character and the structure will retain the character-defining features identified by the architectural historian.

**B. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property are preserved.**

Community Development Staff and the Planning Commission have reviewed the proposed project and determined that distinctive design will be preserved by preserving the distinctive wood shingle siding, wood-sash windows, and complex roof massing.

**C. Any new additions complement the historic character of the existing structure. New building components and materials for the addition are similar in scale and size to those of the existing structure.**

Community Development Staff and the Planning Commission have reviewed the proposed additions to the structure and determined that they are focused to the rear of the structure. Work to the most publicly visible east and south elevations is focused on restoration of the original design and removal of conjectural windows.

**D. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials.**

Community Development Staff and the Planning Commission have reviewed the proposed project and determined that historic features will be preserved, reused, and repaired to the extent possible. The applicant is proposing to replace existing siding only as necessary due to deterioration or approved additions. Original siding and windows removed due to additions will be reused on the structure where possible. Replacements shall be done to match.

**E. Archeological resources are protected and preserved in place. If such resources must be disturbed, mitigation measures are undertaken.**

Community Development Staff and the Planning Commission have reviewed the proposed involves additions to an existing residence, a replacement garage, and new accessory dwelling unit and determined it will not impact archeological resources.

### **Coastal 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 106 Cliff 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 106 Cliff Avenue. The residence is not located in an area with coastal access. The residence 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 additions to an existing residence, a replacement garage, and new accessory dwelling unit, which will not negatively impact low-cost public recreational access.

**E. The project maintains or enhances opportunities for visitors.**

The project involves additions to an existing residence, a replacement garage, and new accessory dwelling unit, which will not negatively impact visitor serving opportunities.

**F. The project maintains or enhances coastal resources.**

The project involves additions to an existing residence, a replacement garage, and new accessory dwelling unit, which 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 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 additions to an existing residence, a replacement garage, and new accessory dwelling unit, on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.