

Capitola City Council

Agenda Report



Meeting: September 22, 2022

From: Community Development Department

Subject: Appeal of 1410 Prospect Avenue Design Permit, Historical Alteration Permit, Variance, and Coastal Development Permit to demolish an existing residence and construct a new home.

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: Alex Johnson,

Appellant: SCC Regional Transportation Commission, Filed: 04.18.22

Recommended Action: 1) Uphold the Planning Commission's decision to approve the variance; and 2) adopt a resolution with additional conditions of approval and findings that address the matter appealed.

Background: On August 24, 2021, the City received an application proposing to demolish an existing 1,606 square-foot, two story, single family residence and construct a new 1,422 square-foot, two story, single family residence with a 796 square foot basement. The applicant sought a design permit, historical alterations permit, variance, and coastal development permit.

On January 26, 2022, the application was reviewed by the Development and Design Review Committee. The committee provided guidance on several items which the applicant addressed in a revised plan.

On April 7, 2022, the Planning Commission unanimously approved the application for a Design Permit, Historic Alteration Permit, Variance, and Coastal Development Permit (CDP), to demolish an existing residence and construct a new home.

On April 18, 2022, the City received an appeal from Santa Cruz County Regional Transportation (RTC) (Attachment 1). RTC appealed the Planning Commission's decision granting a variance.

On August 18, 2022, the City received an independent peer review letter for slope stability analysis from Pacific Crest Engineering.

On August 31, 2022, the applicant submitted a revised plan set which relocated the primary structure three feet away from the rear property line.

On September 8, 2022, the RTC submitted a follow-up letter in response to the peer review findings and proposed design revisions, indicating the revised proposal was generally satisfactory and that the RTC would agree to retract its appeal provided several considerations were addressed (Attachment 2).

Discussion: As proposed, the project revisions and proposed conditions of approval have addressed the RTC's concerns with the project. Nevertheless, the City Council must take action on the appeal in order for the revised conditions to take effect.

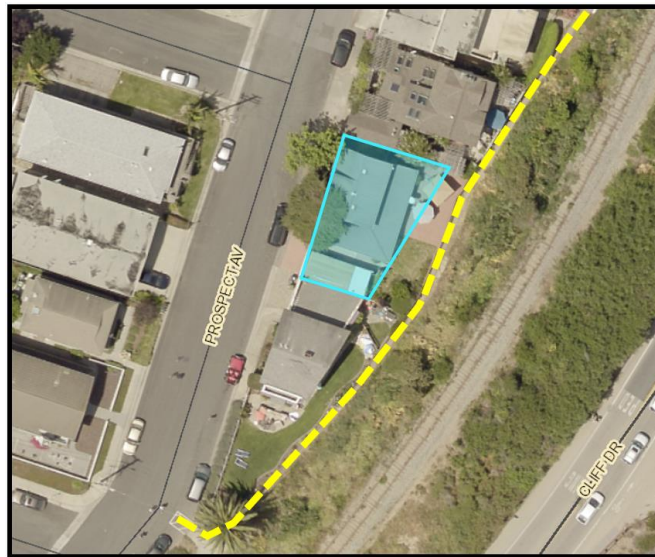
The analysis in this staff report is focused on the appeal, including the variance to the rear setback and slope stability issues. The staff report for the April 7, 2022, Planning Commission meeting includes in-depth analysis on the Design Permit, Historic Alteration Permit, Variance, and CDP, to demolish an existing residence and construct a new home and modify the detached garage (Attachment 7).

The subject property is located on the southeast side of Prospect Avenue on a gently sloping terrace above a coastal bluff which overlooks the Capitola Village. The property shares its rear boundary with the RTC right-of-way, which includes the railway corridor and a public walking path. The RTC property

is terraced, with the pathway level with the residences and the railway closer to the ocean and twenty feet lower.

The existing residence is non-conforming as it does not comply with setback and floor area ratio requirements. The approved design includes a variance for setbacks and floor area, however the extent of the nonconformities is reduced. Specifically, the variance allowed for the future structure to be constructed within five feet of the front property line and a zero-lot-line condition at the rear property line. Also, the structure exceeds the floor area ratio by 39 square feet.

Development along the southeast side of Prospect Avenue is typified by a near-continuous span of fences and residential structures located along the front property line. Parcels towards the southern end of Prospect Avenue decrease in both lot size and depth. The irregular shape, minimum size, and shallow depths of the subject property support the required variance findings of unusual circumstances. The image below shows the unique property boundaries of 1410 Prospect Avenue and the adjacent pedestrian pathway.



Appeal: Rather than appeal the Planning Commission's decision on all approvals, the RTC appealed the Commission's decision to grant a variance for the rear setback that would allow the applicant to construct the home along the rear property line adjacent to the RTC property. The RTC also appealed conditions of approval #8, #11, and #12, requiring a geotechnical report; a drainage, grading, sediment and erosion control plan; and stormwater management plan prior to issuance of building permits. The appeal letter describes several concerns regarding reduced setbacks towards RTC property, including potential to interfere with the RTC's uses, operations, inspections and maintenance, to constrain public access, to increase erosion, and to reduce stability of the bluff.

Since the appeal was received, the property owner has taken steps to address the concerns of the RTC. The property owner and RTC are now in agreement on a modified design and added conditions of approval. The following outlines the steps that have been taken since the appeal was submitted.

On August 31, 2022, the applicant submitted modified plans which relocate the proposed residence three feet, three inches away from RTC property and towards Prospect Avenue. Moving the home forward reduced the front yard from five feet to one-foot, seven-inches. Historically, the home was located on the front property line, similar to those on adjacent properties. The updated plans do not alter the siting of the detached garage.

The property owner also addressed RTC's concerns related to slope stability. In July of 2021, the property owner of 1410 Prospect Avenue had a geotechnical investigation report prepared by Dees and Associate (Attachment 6). Following the filing of appeal, the City contracted Pacific Crest Engineering to perform an independent peer review of the geotechnical investigation (Attachment 7). The peer review

provides an overview of different types of slope stability analysis and concludes that original geotechnical investigation is adequate, and no additional study should be required.

On September 8, 2022, the RTC submitted a follow-up letter in response to the peer review findings and proposed design revisions, indicating the revised proposal was generally satisfactory (Attachment 2). The RTC outlined five considerations related to the RTC pathway and stairs, runoff from the site, right-of-entry onto RTC property, and review of future building permit submittals. Conditions of approval have been added to address the RTC concerns. Attachment 4 includes analysis of each RTC consideration and the resulting condition of approval, as necessary.

Options for Ruling on the Appeal: Pursuant to CMC Section 17.152.030(F), as the review authority for the appeal, the City Council has three options:

1. Affirm, affirm in part, or reverse the action that is the subject of the appeal;
2. Adopt additional conditions of approval that address the matter appealed; or
3. Remand the appeal for further review, recommendation, or action of the previous review authority.

Since the property owner has addressed the concerns of the RTC, staff recommends the City Council adopt the additional conditions of approval as drafted and shown in underline that address the issues raised in the appeal.

Fiscal Impact: None.

Attachments:

1. Appeal Filing – 04.18.22
2. Appeal Follow-Up Letter – 09.08.22
3. Revised Plan Set – 08.29.22
4. Response to Appeal Follow-Up Letter
5. Development Standards table for revised plan set
6. Geotechnical Investigation Report
7. Peer Review of Geotechnical Investigation
8. Previous Staff Report with attachments – 04.07.22
9. Resolution

Report Prepared By: Sean Sesanto, Associate Planner

Reviewed By: Chloé Woodmansee, Assistant to the City Manager; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager