

Capitola Planning Commission

Agenda Report



Meeting: July 20, 2023

From: Community Development Department

Topic: 4610 Crystal Street

Permit Number: #22-0396

APN: 034-193-03

Design Permit, for second-story additions to a single-family residence with a Minor Modification for the required covered parking dimensions. The project is located 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: Diedre McRobie

Representative: John Craycroft, Filed: 09.21.22

Applicant Proposal:

The applicant is proposing to construct a 550 square-foot second-story addition to a single-family residence at 4610 Crystal Street within the R-1 (Single-Family Residential) zoning district. A minor modification is required to for the minimum covered parking dimensions.

Background:

On July 5, 2023, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Department Representative: suggested a rain catchment barrel near the garage and if included, show it on the construction plans.

Building Department Representative, Eric Martin: inquired about the structural load of the second-story addition. The applicant informed staff that a structural engineer has been hired for the construction plans.

Senior Planner, Brian Froelich: noted the applicant incorporated staff recommendations and raised the sill height of most upper-story windows to five feet above top-of-floor.

No alterations were made to the plans following the Development and Design Review meeting.

Development Standards:

The following table outlines the zoning code requirements for development in the Single-Family (R-1) zoning district. The additions require a Minor Modification to the minimum required depth for covered parking spaces.

R-1 (Single Family Residential) Zoning District

Building Height					
R-1 Regulation		Existing		Proposed	
25 ft.		15 ft.		21 ft. 7 in.	
Floor Area Ratio (FAR)					
		Existing		Proposed	
Lot size		3,040 sq. ft.		3,040 sq. ft.	
Maximum Floor Area Ratio		57% (Max 1,733 sq. ft.)		57% (Max 1,733 sq. ft.)	
First Story Floor Area		1,314 sq. ft.		1,178 sq. ft.	
Second Story Floor Area		N/A		550 sq. ft.	
Exemptions		N/A		-39 sq. ft.	
Total FAR		43.2% (1,314 sq. ft.)		55.6% (1,689 sq. ft.)	
Setbacks					
Corner lot? If yes, update regulations for corner lots					
		R-1 regulation		Existing	Proposed
Front Yard 1st Story		15 ft.		20 ft. 1 in.	20 ft. 1 in.
Front Yard 2nd Story & Garage		20 ft.		2 nd Story: N/A Garage: 57 ft. 10 in.	2 nd Story: 40 ft. Garage: 57 ft. 10 in.
Side Yard 1st Story		10% lot width	Lot width 38 ft. 3 ft. 10 in. min.	West: 4 ft.7 in. East: 0 ft.	West: 4 ft. 7 in. East: 0 ft. Existing Nonconforming
Side Yard 2nd Story		15% of width	Lot width 38 ft. 5 ft. 8 in. min	N/A	West: 5 ft. 9 in. East: 8 ft. 9 in.
Rear Yard 1st Story		20% of parcel depth	Lot depth 80 ft. 16 ft. min.	2 ft.	2 ft. Existing nonconforming
Rear Yard 2nd Story		20% of parcel depth	Lot depth 80 ft. 16 ft. min.	N/A	16 ft.
Parking					
Up to <u>1,500</u> sq. ft.: 2 spaces required, neither of which must be covered.	Required		Existing	Proposed	
	2 spaces total 0 covered 2 uncovered		2 spaces total 1 covered 1 uncovered	2 spaces total 1 covered* 1 uncovered One substandard space. See Minor Modification.	
Underground Utilities: Required with 25% increase in area				Required	

Discussion:

The property is located in the Jewel Box neighborhood, surrounded by one- and two-story single-family homes. The lot is developed with an existing one-story, single-family residence.

Design Permit

The project creates a new second-story with two bedrooms, for a total addition of 550 square feet. The proposal also removes an existing first-story bedroom located in the rear setback. The existing home has horizontal wood siding, which will be replaced to match the new wood shingle pattern of the upper-story addition. The design includes a second-story cross-gable roof with composition shingle roofing, a new metal seam roof accent over the covered porch. New windows will match the existing assortment of cottage-style windows. The garage will be refurbished with a new wooden garage door. Attachment 2 includes details of the front elevation in color with all exterior finishes.

When considering design permit applications, the Planning Commission evaluates applications to ensure that they satisfy the applicable design permit criteria of Zoning Code section 17.120.070.A-S, to ensure the proposed design satisfies the 19 listed criteria, to the extent the criteria apply. The design criteria to be considered are included as Attachment 4. The proposed single-family home satisfies all the applicable design criteria; therefore, the required findings to issue a design permit are included in the findings section at the report.

Non-Conforming Structure

The existing structure is located within the first-story side and rear setbacks to the east and south, respectively. The existing structure does not comply with the setback regulations of the zoning code and therefore is a legal non-conforming structure. Pursuant to Capitola Municipal Code (CMC) §17.72.070, if proposed structural alterations to an existing non-complying structure exceed 80% of the present fair market value of the structure, the proposed structural alterations may not be made. Staff reviewed the submitted construction cost breakdown and estimates the proposed structural alterations are approximately 66.5% of the present fair market value of the structure, so the alterations are permissible. The construction cost breakdown is included as Attachment 3.

Minor Modification

Pursuant to CMC §17.76.020(C)(2), if the floor area for a residential use is enlarged by more than ten percent, the full parking requirements must be met. The proposed additions are approximately 29 percent of the existing gross floor area, so parking must be brought into compliance. With the proposed addition, two parking spaces are required, neither of which must be covered. Although the project is not required to provide a covered parking space, one of the two proposed spaces is covered and therefore must comply with the covered parking standards. The existing driveway supports one 10-foot by 20-foot parking space. The applicant is proposing to keep the existing nonconforming garage space, which measures approximately 10 feet and 5 inches wide by 19 feet and 2 inches deep. Interior parking spaces are required to be a minimum of 10-feet by 20-feet. The Planning Commission may approve a minor modification up to ten percent of the required development standard. The deviation is within ten percent of the required standard space width and depth and is therefore eligible for consideration.

Pursuant to §17.136.060, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a minor modification when it finds:

- A. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.**

Staff Analysis: The modification allows the property to maintain the existing parking arrangement and capacity which is both compliant in terms of minimum parking spaces and similar to that of many properties of the neighborhood.

- B. The modification will not adversely impact neighboring properties or the community at large.**

Staff Analysis: The proposal maintains the existing parking capacity of the lot, which already complies in terms of minimum parking spaces.

- C. The modification is necessary due to unique characteristics of the subject property, structure, or use.**

Staff Analysis: The existing garage is located within the required side and rear setbacks. Modification of the existing garage to meet the depth requirement would not be possible without also meeting modern setback requirements, effectively requiring the complete demolition of the garage and partial demolition of the residence's habitable space.

- D. The modification will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.**

Staff Analysis: The proposed parking arrangement provides the required number of on-site spaces and does not exacerbate any existing nonconformities. Although the existing garage is substandard in terms of required depth and current industry practice for height, it can still accommodate most modern vehicles.

- E. The modification will not establish a precedent.**

Staff Analysis: A significant number of single-family residences in the Jewel Box neighborhood have nonconforming setbacks because much of the neighborhood was built prior to the city's incorporation and under different development standards. The Jewel Box neighborhood has a largely consistent size and shape of lots; however, the subject property is slightly narrower at 38 feet compared to the neighborhood average of 40-foot lot widths. The project also results in maintaining ideal functional parking opportunities.

- F. The modification will not adversely impact coastal resources.**

Staff Analysis: The subject property does not contain coastal resources. The proposed on-site parking arrangement will not adversely impact coastal resources in the area.

CEQA:

This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations, which exempts minor additions and alterations of existing private structures that 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. The project involves a net increase of 375 square feet to a single-family residence which will increase the net floor area by approximately 29%.

Recommendation:

Staff recommends the Planning Commission **approve** application #22-0396 based on the Conditions and Findings for Approval.

Attachments:

1. 4610 Crystal Street – Plan Set
2. 4610 Crystal Street – Color and Material Finishes
3. 4610 Crystal Street – Construction Cost Breakdown
4. Design Permit Design Review Criteria

Conditions of Approval:

1. The project approval consists of construction of a new 550 square-foot second-story addition. The maximum Floor Area Ratio for the 3,040 square foot property is 57% (1,732 square feet). The total FAR of the project is 55.6% with a total of 1,689 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 July 20, 2023, 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 a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
8. Prior to issuance of building permit, all Planning fees associated with permit #22-0396 shall be paid in full.

9. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
10. 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.
11. 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.
12. 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).
13. 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.
14. 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.
15. 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
16. 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.
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. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.

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 project. With the granting of a Minor Modification to the required dimensions for covered parking spaces, 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 proposed project. With the granting of a Minor Modification to the required dimensions for covered parking spaces, 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 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. The project involves a net increase of 375 square feet to a single-family residence which will increase the net floor area by approximately 29%. 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 remodel of a single-family residence 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 project 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 proposed project. The design of the home will fit nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

Minor Modification Findings:

G. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.

The Modification allows the property to maintain the existing parking arrangement and capacity which is both compliant in terms of minimum parking spaces and similar to that of many properties of the neighborhood.

H. The modification will not adversely impact neighboring properties or the community at large.

The proposal maintains the existing parking capacity of the lot, which already complies in terms of minimum parking spaces.

I. The modification is necessary due to unique characteristics of the subject property, structure, or use.

The existing garage is located within the required side and rear setbacks. Modification of the existing garage to meet the depth requirement would not be possible without also meeting modern setback requirements, effectively requiring the complete demolition of the garage and partial demolition of the residence's habitable space.

J. The modification will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.

The proposed parking arrangement provides the required number of on-site spaces and does not exacerbate any existing nonconformities. Although the existing garage is substandard in terms of required depth and current industry practice for height, it can still accommodate most modern vehicles.

K. The modification will not establish a precedent.

A significant number of single-family residences in the Jewel Box neighborhood have nonconforming setbacks because much of the neighborhood was built prior to the city's incorporation and under different development standards. The Jewel Box neighborhood has a largely consistent size and shape of lots; however, the subject property is slightly narrower at 38 feet compared to the neighborhood average of 40-foot lot widths. The project also results in maintaining ideal functional parking opportunities.

L. The modification will not adversely impact coastal resources.

The subject property does not contain coastal resources. The proposed on-site parking arrangement will not adversely impact coastal resources in the area.

Associate Planner