

Capitola Planning Commission

Agenda Report



Meeting: September 1, 2022

From: Community Development Department

Address: 1830 47th Avenue

Permit Number: #22-0239

APN: 034-022-35

Design Permit, Coastal Development Permit, and Tree Removal Permit for demolition of an existing residence and construction of a new single-story residence with an attached garage and ADU located within the R-1 (Single-Family Residential) zoning district. The project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to California Coastal Commission.

Environmental Determination: Categorical Exemption 15303

Property Owner: Alex Westervelt

Representative: Kieran Martin, Filed: 06.03.2022

Applicant Proposal

The applicant is proposing to demolish the existing single-story residence and replace it with a new single-story 954 square foot primary residence, 220 square foot attached garage, and a 342 square foot attached ADU. The application requires Planning Commission approval of a design permit, coastal development permit, and tree removal permit.

Background

On August 10, 2022, Development and Design Review staff reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: Noted that the sidewalk and driveway apron will need to be replaced to current standards.

Building Official, Robin Woodman: Commented that the ship ladder access and head height for the ADU would need to be represented by a cross section detail drawing and the Architect should review applicable Building Code provisions, prior to making submittal for Building Permit plan check.

Senior Planner, Brian Froelich: Advised that the garage and ADU could be attached to the residence if access to the ADU was relocated and required private open space to be defined on the plans. Planner Froelich also requested to visit the property to observe existing conditions and trees proposed for removal.

Following the Development and Design Review meeting, staff met with the applicant onsite. The applicant also modified the plans to increase floor-to-ceiling clearance for the ADU, redesigned the access stairs, and attached the garage and ADU to the primary residence.

Development Standards

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

Building Height				
R-1 Regulation	Existing		Proposed	
25 ft.	12 ft.		16 ft.	
Floor Area Ratio (FAR)				
	Existing		Proposed	
Lot size	4,000 sq. ft.		4,000 sq. ft.	
Maximum Floor Area Ratio	54% (Max 2,160 sq. ft.)		54% (Max 2,160 sq. ft.)	
First Story Floor Area	1,050 sq. ft. (approx.)		982 sq. ft.	
ADU	0 sq. ft.		343 sq. ft.	
Attached Garage	0 sq. ft.		260 sq. ft.	
Total FAR	26.3% (1,050 sq. ft.)		39.6% (1,586 sq. ft.)	
Setbacks				
	R-1 regulation		Existing	Proposed
Front Yard	15 ft.		23 ft.	15 ft.
Side Yard	10% lot width	Lot width 40 ft. 4 ft. min.	North: 12 ft. South: 6 ft..	North: 4 ft. South: 4ft.
Rear Yard Residence	20% of parcel depth,	Lot depth 100ft. 20 ft. min.	30 ft.	20 ft.
ADU	ADU 4ft		4 ft.	4 ft.
Parking (325 sf. FAR Exemption for Garage Parking Area)				
> 1,500 sq. ft.: 2 per unit ADU: 1 per unit Total required: 3	Required		Existing	Proposed
	3 spaces total 3 uncovered		2 spaces total 2 uncovered	3 spaces total 1 covered 2 uncovered
Underground Utilities: Required with 25% increase in area				Yes

Discussion

The property at 1830 47th Avenue is a 4,000 square foot, mid-block rectangular lot within the North Forties neighborhood, surrounded by primarily one and two story single-family residences. Single story homes outnumber two story homes by about a 2:1 ratio in the immediate area. The lot contains a modest cottage style home which is proposed to be demolished.

Design Permit

The applicant is proposing to construct a new single story, single-family residence with an attached garage and accessory dwelling unit (ADU). The application complies with all measurable development standards of the R-1 zone but is required to be reviewed by the Planning Commission for a Design Permit due to being a new single-family home. The architectural design is contemporary in nature with single plane roofs, extended overhangs, and uses narrow vertical windows. Exterior materials include vertically raked, uncolored cement plaster, resawn redwood horizontal siding, bronze anodized aluminum windows and doors, and built-up roofing. The

proposed single-family home satisfies all applicable design review criteria per Zoning Code section 17.120.070(A-S), which is included as Attachment 2.

Parking

Required parking for the project is three total spaces (three uncovered). The proposed driveway can accommodate two 10 feet by 20 feet parking spaces and the garage can accommodate a single 10 feet by 20 feet covered parking space. The proposed uncovered parking area in the driveway is designed with horizontal concrete pavers interspersed with rock. The applicant has chosen this style of paving to reduce impacts to the root zone of a large Japanese Maple tree in the center of the lot. The project was designed around this tree as a focal point. The third parking space is a covered space in the garage. All three parking spaces are in a row (tandem) formation. Three parking spaces is the maximum permitted without Planning Commission approval, per Section 17.76.060E2.

Off-site Improvements

Currently, a substandard width sidewalk exists along the street frontage of the subject property. The existing sidewalk is also in a state of disrepair. The Public Works Department has conditioned the project to remove and install new sidewalk, curb, gutter, and ADA compliant driveway apron improvements be constructed per city standard.

Landscape and Trees

The application includes the proposed removal of five trees:

- one ficus tree
- one yucca tree
- three fruit trees

The applicant is proposing to replace the removed trees with two, 15-gallon arbutus marina trees. Even with the removed trees the site retains the goal of fifteen percent canopy coverage for new residential construction projects, pursuant to Section 12.12.190(C). The proposed plantings replace the lost canopy coverage in-full.

CEQA

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

Recommendation

Staff recommends the Planning Commission approve application #22-0239 based on the following Conditions and Findings of Approval.

Attachments

1. Plan Set
2. Design Permit Design Review Criteria

Conditions of Approval

General

1. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission on September 1, 2022. All construction and site improvements shall be completed according to the approved plans.
2. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
3. Construction activity shall be subject to a noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. 9.12.010B

Planning

4. The project approval consists of construction of a 954 primary residence, 343 square foot ADU, and 260 square foot garage. The maximum Floor Area Ratio for the 4,000 square-foot property is 54% (2,160 square feet). The FAR of the project is 39.6% with a total of 1,586 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 September 1, 2022, except as modified through conditions of approval or as required by the Planning Commission during the hearing.
5. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
6. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code 17.156.080.
7. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
8. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
9. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any

significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.

10. Prior to issuance of building permit, all Planning fees associated with permit #22-0239 shall be paid in full.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Exterior lights shall comply with CMC Section 17.96.110 and be limited to the Building Code required minimum. Fixtures shall be shielded and directed downward to meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light and prevent light trespass on adjacent lots. Exterior lighting shall be shown and specified on the plans for Building Permit plan check.
13. The applicant shall install two, 15-gallon arbutus marina with functional irrigation, prior to final inspection.
14. Prior to issuance of building permits, the building permit plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
15. 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 accessory dwelling unit shall not be sold separately from the primary dwelling.
 - c. The deed restriction shall lapse upon removal of the accessory dwelling unit.
16. Prior to demolition of the existing structure, a pest control company shall resolve any pest issue and document that all pest issues have been mitigated. Documentation shall be submitted to the city at time of demolition permit application.

Public Works

17. Prior to issuance of building permits, submit a stormwater temporary construction sediment and erosion control plan, e.g., wattle, contain trash/debris, stockpile protection, location of portable toilet and containment/protection, stockpile protection detail, wattle location, etc. All BMPs, sediment and erosion control measures shall be installed prior to the start of construction; and shall be maintained throughout project duration.
18. Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans.
19. Prior to issuance of building permits, submit a site drainage plan. Sheet L-2 of plan set dated 5/23/22 – Show the location of all downspouts, direction of flow and specify where the overflow will dissipate to and provide verification the retention areas are properly sized to handle the flow. Site runoff shall not drain onto the adjacent parcels.

20. Prior to issuance of building permits, the applicant shall submit plans detailing all improvements that impact or interface with the public right of way. At a minimum these details will include the limits of any existing or proposed curb drains, ADA compliant driveway approach, and installation of curb/gutter/sidewalk along the property frontage. The extent of all improvements or modifications shall be limited to those areas fronting the property boundary and shall not impact the frontage of adjacent parcels.
21. Prior to project final, all vegetation encroaching onto the existing sidewalk shall be removed. The applicant shall contact the Public Works Department for an inspection to evaluate the condition of the existing sidewalk, curb and gutter.
22. Prior to 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.
23. Prior to any work in the City Road right of way, an encroachment permit shall be acquired by the contractor performing the work. All sidewalk, curb and gutter improvements shall be constructed per city standard. No material or equipment storage may be placed in the road right-of-way.

Design Permit Findings

- A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.**

Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed new residence, ADU, and garage are consistent with the general plan and the local coastal program.

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

Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed new residence, ADU, and garage comply with all measurable development standards of the R-1 (Single-Family Residential) zoning district.

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

Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence and accessory structures in a residential zone. This project involves demolition and reconstruction of a single family residence and typical accessory structures. No adverse environmental impacts were discovered during review of the proposed project.

- D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.**

Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed new residence, ADU, and garage will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

- E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).**

Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed new residence, ADU, and garage comply with the applicable design review criteria as described in the staff report and through conditions of approval.

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

Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the application for the proposed new residence, ADU, and garage. The contemporary design of the residence with single plane roofs and narrow vertical windows are less common but these architectural elements currently exist on the block at 1760, 1770, and 1775 47th Avenue. The single story nature of the project allows it to blend appropriately with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood with a measure of unique style.

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 1830 47th 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 1830 47th Avenue. The project has no impact on landmarks or public views.

D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project involves the demolition and replacement of an existing residence, an ADU and a garage, which will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves the demolition and replacement of an existing residence and remodel of an existing garage, which will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves the demolition and replacement of an existing residence, an ADU and a garage, which will not negatively impact coastal resources. There are no coastal resources in the immediate area of the subject property.

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 the demolition and replacement of an existing residence, and ADU and a garage 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.

Prepared By: Brian Froelich