

Capitola Planning Commission

Agenda Report



Meeting: December 1, 2022
From: Community Development Department
Address: 121 Cabrillo Street

Permit Number: #22-0221

APN: 036-185-10

Design Permit and Accessory Dwelling Unit (ADU) for a new single-family residence and attached ADU 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 not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Chris & Lee Heck

Representative: Kurt Useldinger, Filed: 06.08.22

Applicant Proposal:

The applicant is proposing to demolish an existing single-family home and construct a new 2,350 square-foot single-family residence with a 341 square-foot attached accessory dwelling unit at 121 Cabrillo Street in the R-1 (Single-Family Residential) zoning district.

Background:

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

Public Works Representative, Danielle Uharriet: discussed curb approach requirements and separately noted the limited drainage capacity of properties in the Cliffwood Heights neighborhood with respect to the proposed landscaping.

Building Official, Robin Woodman: had no comments.

Associate Planner, Sean Sesanto: discussed general site layout and noted the proposed master deck was large but over 20 feet from any property line.

Development Standards:

The following table outlines the zoning code requirements for development in the Single-Family Residential Zoning District.

Development Standards		
Building Height		
R-1 Regulation	Existing	Proposed
25 ft.	Proposed for demolition	24 ft.
Floor Area Ratio (FAR)		
	Existing	Proposed
Lot size	6,003 sq. ft.	6,003 sq. ft.

Max. Floor Area Ratio	48% (Max 2,881 sq. ft.)	48% (Max 2,881 sq. ft.)
First Story Floor Area	Proposed for demolition	Primary: 1,687 sq. ft. ADU: 341 sq. ft.
Second Story Floor Area	Proposed for demolition	663 sq. ft.
Total FAR		44.8% (Max 2,691 sq. ft.)
Setbacks		
	R-1 regulation	Proposed
Front Yard 1st Story	15 ft.	15 ft.
Front Yard 2nd Story & Garage	20 ft.	Primary: 48 ft. 10 in. Garage: 28 ft. 5 in.
Side Yard 1st Story	10% lot width Lot width 60 ft. 6 ft. min.	North: 7 ft. 3 in. South: 6 ft. 3 in.
Side Yard 2nd Story	15% of width Lot width 60 ft. 9 ft. min	North: 9 ft. 3 in. South: 21 ft. (Deck and Primary)
Rear Yard 1st Story	20% of parcel depth Lot depth 100 ft. 20 ft. min.	20 ft.
Rear Yard 2nd Story	20% of parcel depth Lot depth 100 ft. 20 ft. min.	Deck: 20 ft. Primary: 26 ft. 3 in.
Parking		
1,501 – 2,000 sq. ft.: 2 per unit, 1 covered	Required	Proposed
	2 spaces total 1 covered 2 uncovered	4 spaces total 2 covered 2 uncovered
Underground Utilities: Required with 25% increase in area		Required

Discussion:

The subject property is located within the Cliffwood Heights neighborhood, surrounded by a variety of one-story single-family residences on Cabrillo Street and also behind the property on Wesley Street. The lot consists of an existing one-story, single-family residence which is proposed to be demolished.

Design Permit

The applicant is proposing to construct a new two-story, single-family residence with an attached ADU. The contemporary design includes stucco siding, stone veneer, and horizontal board accents with long mono-pitch rooflines.

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 175 square-foot, second-story deck which is accessible from the master bedroom, facing the rear and side yard. The deck is 20 feet from the rear property line and 21 feet from the south-side yard. The Planning Commission could add a condition that privacy screening be utilized along the side property line.

Accessory Dwelling Unit

The project includes an attached 341 square-foot ADU located on the front of the primary dwelling. The ADU complies with all development standards for accessory dwelling units. Attached ADUs are also subject to the objective review standards in CMC §17.74.090. The objective design standards are included below with staff analysis.

- A. Entrance Orientation – Detached ADU. The primary entrance to a detached accessory dwelling unit shall face the front or interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.

Staff Analysis: The primary entrance to the ADU faces front of the parcel along Cabrillo Street.

- B. Privacy Impacts. To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within eight feet of an interior side or rear property line abutting a residential use:

1. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:

- a. A six-foot solid fence on the property line; or
- b. Clerestory or opaque windows for all windows facing the adjacent property.

Staff Analysis: The proposed ADU includes a six-foot solid fence along the adjacent property line.

- C. Second-Story Decks and Balconies. Second-story decks and balconies shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the Planning Commission through the design permit approval process.

Staff Analysis: Not applicable.

- D. Architectural Details. – Table 17.74-2 specifies that attached ADUs must have the same exterior materials and the same roof materials as the primary dwelling.

Staff Analysis: The attached ADU has an exterior finish of horizontal wood and stucco and also an asphalt shingle roof which are also utilized throughout the primary structure.

- E. Building Additions to Historic Structures. A building addition to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources) for an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least eighteen inches from the parallel side or rear building wall to distinguish it from the historic structure.

Staff Analysis: Not applicable.

Landscape

The application includes the planting of three new red Japanese maple trees; two in the front yard and one in the backyard. The three trees will secure the goal of fifteen percent canopy coverage for new residential development, pursuant to CMC §12.12.190(C).

CEQA:

Section 15303(a) of the CEQA Guidelines exempts one single-family residence, and/or a second dwelling unit in a residential zone. The project involves the demolition of an existing single-family residence and construction of a new single-family residence with an attached accessory dwelling unit in a residential zoning district. No adverse environmental impacts were discovered during review of the proposed project.

Attachments:

1. 121 Cabrillo Street – Plan Set
2. 121 Cabrillo Street – Color and Material Information
3. Design Permit Design Review Criteria

Conditions of Approval:

1. The project approval consists of construction of a 2,350 square-foot single-family dwelling and an attached 341 square-foot accessory dwelling unit. The maximum Floor Area Ratio for the 6,003 square foot property is 48% (2,881 square feet). The total FAR of the project is 44.8% with a total of 2,691 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 December 1, 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 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.
7. 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.
8. 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.

9. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree planting requirements by planting three trees on the property. Required tree plantings shall be of the same size, species and planted on the site as shown on the approved plans unless approved by the Community Development Director.
10. Prior to issuance of building permit, all Planning fees associated with permit #22-0221 shall be paid in full.
11. 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.
12. 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.
13. 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.
14. 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. Include all measures relating to low impact development (LID) e.g., disperse runoff to vegetated area, pervious paving, install a rain barrel. Site runoff shall not drain onto the adjacent parcels.
15. 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.
16. 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.
17. 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.
18. 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

19. 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.
20. 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.
21. 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.
22. 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.
23. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
24. 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.
25. 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.
26. 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.

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 application and determined 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 and determined 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 15303(a) of the CEQA Guidelines exempts one single-family residence, and/or a second dwelling unit in a residential zone. The project involves the demolition of an existing single-family residence and construction of a new single-family residence with an attached accessory dwelling unit in a residential zoning district. 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.

The proposed project 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 and determined that it 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 reviewed the application. The contemporary design, with stucco siding, stone veneer, horizontal board accents and long mono-pitch rooflines, will maintain the character, scale, and development pattern of the neighborhood.

Coastal Development Permit 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 121 Cabrillo Street. 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 121 Cabrillo Street. The proposed project 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 will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves a new single-family residence and ADU on private property and 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 a new single-family residence and attached ADU 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.