

Capitola Planning Commission

Agenda Report



Meeting: December 5, 2024

From: Community Development Department

Address: 709 Riverview Drive

Project Description: Application #24-0429. APN: 035-042-28. Design Permit, Coastal Development Permit, Tree Removal Permit for a new two-story residence and attached Accessory Dwelling Unit (ADU) within the R-1 (single-family) 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

Recommended Action: Staff recommends the Planning Commission approve application #24-0429 based on the Findings and Conditions of Approval.

Property Owner: Brad Suchomel

Representative: Dennis Norton, Filed: 11.01.2024

Background: The property at 709 Riverview Drive is a 5,367 square foot, mid-block rectangular lot within the Riverview neighborhood that is surrounded by one- and two-story single-family residences. The lot currently contains a modest ranch-style home built in 1952 with an attached garage. At the rear of the property is City owned land, and Soquel Creek lies about 80 feet downslope from the rear property line.

On October 3, 2024, the Planning Commission denied a proposal to remove a healthy 85-inch diameter Monterey Cypress tree from the property. The property owner had proposed to remove the tree without a defined development project and the accompaniment of development plans.

On November 20, 2024, Development and Design Review staff reviewed the application and provided the applicant with the following direction:

Public Works, Erika Senyk: Discussed the need for 3/8th inch joints for permeable pavers. Confirmed that the applicant intends to install two rain barrels. Informed the applicant that a replacement sidewalk, curb, and gutter will be a condition of approval. Confirmed that the applicant intends to relocate the rear property fence back to the property line.

Building Department, Robin Woodman: Had no comments.

Senior Planner, Brian Froelich: Reviewed the public noticing requirements and schedule.

The project representative responded to comments by providing an updated plan set that incorporated the Public Works comments.

Development Standards: The following table outlines the zoning code requirements for development of a two story ADU in the R-1 Zoning District. The project complies with all quantitative development standards.

Development Standards			
Building Height			
R-1 Regulation	Existing		Proposed
25 ft. ridge 28 ft. cupola	Proposed for demolition		23 ft. 8 in. 26 ft. 8 in.
Floor Area Ratio (FAR)			
	Existing		Proposed
Lot size	5,367 sq. ft.		No change
Maximum Floor Area Ratio	49% (Max 2,630sq. ft.)		49% (Max 2,630 sq. ft.)
First Story Floor Area	Proposed for demolition		1,102 sq. ft.
Second Story Floor Area			1,005 sq. ft.
Attached Garage			401 sq. ft.
Total FAR			49% (2,630 sq. ft.)
ADU	N/A		363 sq. ft. (241 sq. ft. exempt)
Setbacks			
	R-1 regulation		Proposed
Front Yard 1 st Story	15 ft.		15 ft.
Front Yard 2 nd Story	20 ft.		22 ft.
Side Yard 1 st Story South	10% lot width	Lot width 40 ft. 5 ft. 4 in. min.	5 ft. 6 in.
Side Yard 2 nd Story South	15% of width	Lot width 40 ft. 8 ft. 1 in. min	11 ft. 5 in.
Side Yard 1 st Story North	10% lot width	Lot width 40 ft. 5 ft. 4 in. min.	6 ft. 1in.
Side Yard 2 nd Story North	15% of width	Lot width 40 ft. 8 ft. 1 in. min	8 ft. 2 in.
Rear Yard	20% of depth	Lot depth 100 ft. 20 ft. min	31 ft. 5 in.
Side Yard ADU	4 ft.		5 ft. 6 in.
Rear Yard ADU	4 ft.		65 ft.
Encroachments	None		
Parking			
Residential (2,001 – 2,600 sf.) Limited Standards ADU exempt from parking.	Required		Proposed
	3 spaces total 1 covered 2 uncovered		3 spaces total 1 covered (garage) 2 uncovered (driveway)
Underground Utilities: Required with 25% increase in area			Required

Discussion: The lot includes an approximately 1,200-square-foot single-story home with an attached garage, proposed for demolition. The new two-story residence with an attached ADU and garage complies with all measurable development standards.

Design Permit: The new home includes a covered entryway and a street-facing garage. It features a metal seam roof and a combination of horizontal lap and board-and-batten siding. The internal ADU is not architecturally distinguishable from the main residence. A cupola over the stairway provides natural light and complies with the standard permitting architectural appurtenances to extend up to three feet above the height limit.

To address privacy concerns from the second floor, the design incorporates clerestory windows and setbacks for other windows from property boundaries.

The primary residence and garage most of the allowable floor area ratio (FAR). However, ADUs are permitted to exceed the maximum FAR if they comply with the following requirements as specified in Section 17.74.040(H):

- The ADU is less than 800 square feet in area.
- The ADU is less than 16 feet in height.
- The ADU maintains a minimum of four-foot side and rear setbacks.

Design Review Criteria: When considering design permit applications, the city shall evaluate applications to ensure that they satisfy the design review criteria, comply with the development standards of the zoning district, conform to policies of the general plan, the local coastal program, any applicable specific plan, and are consistent with any other adopted policies or guidelines. To obtain design permit approval, projects must satisfy the criteria to the extent they apply. Planning staff notes that criteria F (privacy) has been well addressed in the design. The complete list of Design Review Criteria is included as Attachment #4.

F. Privacy. The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimize privacy impacts on adjacent properties and provide adequate privacy for project occupants.

The project has upper floor windows sized and located in areas that minimize privacy impacts. The upper floor deck is similarly recessed into the first-floor roof structure and provides a solid exterior wall along the side.

Upper Floor Deck: The proposal includes an upper floor deck accessed off the master bedroom. The deck is less than 150 square feet and does not factor into the floor area. The deck complies with the 10-foot side yard setback requirement and proposes a solid six-foot tall exterior wall along the side that is parallel with the side property line. The open side of the deck faces the rear of the property.

Parking: The 2,230-square-foot habitable area of the primary residence requires three on-site parking spaces, one of which must be covered. The proposal includes two driveway spaces and one space in the attached single-car garage, meeting the requirement. The ADU, classified as a "Limited Standards ADU" under Section 17.74.050, does not require additional parking.

Tree Removal: The existing landscape includes a 14-inch Live Oak Tree near the rear property line that provides a canopy of approximately 500 square feet (9%), a juniper bush next to the driveway, and an 85-inch Monterey Cypress tree in the rear yard that is proposed for removal. The Planning Commission has full authority to approve or deny tree removal in conjunction with development projects and is not bound by required findings.

Considerations

- The tree is a large specimen at 85 inches diameter and has a canopy spread of 60 feet.
- General ISA (International Society of Arboriculture) practices define the critical root zone as following the drip line (canopy).
- The property's buildable area (lot area excluding setback area) is 2,695 square feet.

- The critical root zone covers 1,100 square feet or 41% of the buildable area.
- Accommodation of the tree would require major efforts to design around the tree and/or the use an atypical foundation type (piers) to minimize impacting the critical root zone.
- The tree is past the mid-point of its typical lifespan.
- Solar access and orientation are considerations in the Tree Ordinance (12.12.020k & 12.12.070C).

Planning staff is recommending that the tree be removed based on the following analysis related to buildable area, solar access, age, and alignment with the City's canopy goal.

In analyzing the request, staff evaluated the buildable area of the property. The buildable area is the center lot area that is not encumbered by setbacks. This area is approximately 2,750 square feet or 51% of the lot area. The critical root zone of the tree covers an area of approximately 1,550 square feet or 56% of the buildable area leaving an irregularly shaped footprint of approximately 1,200 square feet to locate structures. The property's maximum floor area is 2,630 square feet, which is incompatible with a building footprint of 1,200 square feet and any conceivable redevelopment of the property.

Solar exposure is another factor that was evaluated. The property is oriented relatively true to the east-west axis with the front of the property facing east and rear of the property facing west. The Monterey Cypress tree is located toward the southwest corner of the property and effectively blocks out the midday and afternoon sun. The rear of the residence and most of the rear yard do not have any access to sunlight. Additionally, the southwest is the primary orientation for solar panels, which would be ineffective if the tree were to remain. The owner has communicated an intent to install solar panels.

Additional consideration was given to the age of the tree and useful life of structures. The existing structure is in poor condition and at the end of its useful life. A new structure is expected to have a useful life of 50-75 years. Monterey Cypress trees typically live about 100 years and pursuant to the arborist, the tree is approximately 50-60 years old. A new building is expected to outlive the tree. Removal of the tree in conjunction with the new development minimizes risk in the actual removal operation and allows the property owner to select new landscaping that is compatible with the new development.

Pursuant to Section 12.12.180D, the city's goal is to maintain at least 15% canopy coverage for individual properties. Staff reviewed the existing and proposed tree canopy during the plan review process. The existing canopy coverage is 2,745 square feet, which is 51% of the property. If the Monterey Cypress tree were removed the canopy coverage would be reduced to 9%. The applicant acknowledges that the tree is large and is proposing mitigation that will increase the canopy coverage to 30% at maturity. The replacement plantings include three, 24-inch box Manzanita trees.

Underground Utilities: New construction requires underground utilities per Section 17.96.120. Condition #13 has been included to ensure this requirement is enforced.

CEQA: §15303(a) of the CEQA Guidelines exempts one single-family residence and accessory structures in a residential zone. No adverse environmental impacts were discovered during the review of the proposed project.

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 project. The proposed single-family residence and ADU comply with the development standards of the R-1 zoning district. The project is consistent with 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 a new single-family residence and ADU. As conditioned 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 accessory structures in single family zones. This project involves a single-family residence within the Single-Family Residential (R-1) 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.

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence and ADU 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 single-family residence 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 for the single-family residence and attached ADU. The design of the structures with standing metal seam roof, and horizontal and batten board siding will fit appropriately with the existing neighborhood. The project 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 709 Riverview Drive. 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 709 Riverview Drive in the Riverview Terrace neighborhood. The home is not located in an area with natural habitats or natural resources. The project, as conditioned, will mitigate vegetation and tree removal with new plantings and maintain the tree canopy goal defined by the City's Community Forest Management goals.

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

The project involves the construction of a single-family residence and ADU in a developed neighborhood and will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves the construction of a single-family residence and ADU in a developed neighborhood and will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves the construction of a single-family residence and ADU in a developed neighborhood 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 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.

Accessory Dwelling Unit Design Permit Findings:

A. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.

The proposed ADU exterior design matches all existing primary dwelling materials and colors.

B. The exterior design is in harmony with, and maintains the scale of, the neighborhood.

The proposed ADU utilizes materials and is on the first floor of the proposed residence. The exterior design is in harmony with and maintains the scale of the neighborhood.

C. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.

The proposed project includes a studio ADU on a site that has compliant parking facilities. The ADU will not create excessive noise, traffic, or parking congestion.

- D. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.**

The proposed ADU is located on a developed lot in a residential neighborhood with adequate water and sewer service.

- E. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.**

The proposed project provides adequate open space for the accessory dwelling unit and the primary residence. The yard provides ample outdoor open space for both units.

- F. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.**

The proposed ADU is internal with the primary structure. Potential impacts to privacy, light, air, solar access, and parking have been considered and mitigated in design and with conditions of approval. The location and design of the ADU maintain a compatible relationship with adjacent properties.

- G. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.**

The proposed ADU is located on the first floor of the primary dwelling and minimizes privacy impacts to the greatest degree possible. The design of the ADU is indistinguishable from the design of the primary residence with siding materials matching the primary residence.

- H. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.**

The location of the proposed ADU complies with the development standards in CMC §17.74.080. The project is within the coastal zone and complies with the local coastal plan.

- I. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.**

The project does not impair public views of the ocean or scenic coastal areas.

Conditions of Approval:

Planning

1. The project approval consists of construction of a new 2,508 square-foot single-family dwelling and 363 square-foot Accessory Dwelling Unit (ADU). The maximum Floor Area Ratio for the 5,367 square foot property is 49% (2,630 square feet). The project utilizes the Guaranteed Maximum

Allowance to allow the ADU to exceed the maximum Floor Area allowance. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on December 5, 2024, 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. Prior to making any changes to the 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.
5. Prior to issuance of building permit, all Planning fees associated with permit #24-0429 shall be paid in full.
6. Prior to issuance of a 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.
7. Prior to issuance of a building permit, the applicant plan approval may be required by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
8. 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.
9. 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.
10. 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.
11. 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.
12. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

13. 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.
14. 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. Please provide all exterior lighting manufacturer's specifications on the plans for Building permit plan check.
15. 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.
16. To the extent practicable, tree removal shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If tree removal cannot be performed during this period, precutting surveys will be performed no more than two days prior to beginning work activities to locate any active nests as follows: The owner/applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 300' for active nests—with particular emphasis on nests of migratory birds—if tree cutting will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the project owner/applicant, in coordination with the appropriate city staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100' for perching birds and 300' for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for three days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.
17. Prior to issuance of Building Permits 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.

Public Works

18. Prior to project final, the applicant shall install new curb, gutter, and sidewalk along the property frontage to city standard 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.
19. Prior to issuance of building permits, submit a utility plan and sidewalk improvement plan that shows the location of utility vaults, proposed curb cut, cross slope, running slope and elevation of the driveway.
20. 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.
21. 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).

22. Applicant shall notify the Public Works Department 24 hours in advance of the commencement of work. A pre-construction inspection must be conducted by the grading official, or appointed staff to verify compliance with the approved erosion and sediment control plan. All BMPs, sediment and erosion control measures shall be installed prior to the start of construction and shall be maintained throughout project duration.
23. 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.
24. 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.

Attachments:

1. 709 Riverview Drive – Plan Set
2. Arborist Report
3. Owner's Statement
4. Design Criteria

Report Prepared By: Brian Froelich, Associate Planner

Reviewed By: Rosie Wyatt, Acting Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director