

Capitola Planning Commission

Agenda Report



Meeting: May 04, 2023

From: Community Development Department

Address: 603 Escalona Drive

Permit Number: #23-0076

APN: 036-142-16

Design Permit and Coastal Development Permit for an Accessory Dwelling Unit (ADU) above an existing garage within the R-1 (single-family) zoning district.

Environmental Determination: Categorical Exemption 15301(e) Existing Facilities

Property Owner: Stanley Ketner

Representative: Stanley Ketner, Filed: 02.10.2023

Applicant Proposal

The applicant is proposing to construct a second story above an existing detached garage with a 440 square-foot ADU on the upper floor in the R-1 (single-family) zoning district. The project meets all standards and code requirements but requires Planning Commission review per Section 17.74.030 Two-Story Units.

Background

Per county records, the existing residence was originally built in 1939 and underwent a major renovation in 1966. City records include several minor permits including an interior renovation in 2003.

On April 25, 2023, Development and Design Review staff reviewed the application and provided the applicant with the following direction:

Public Works: Completed a plan review and provided conditions of approval in advance of the meeting.

Building Inspector, Eric Martin: Commented that the electrical panel may need to be upgraded and the proposed stairs tread and riser dimensions will need to be included in Building permit plan submittal.

Senior Planner, Brian Froelich: Had no 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 building addition complies with all quantitative development standards.

Building Height			
ADU/R-1 Regulation	Existing		Proposed
22 ft.	-		21 ft.5 in.
Floor Area Ratio (FAR)			
	Maximum		Proposed
Lot size	4,400 sq. ft.		4,400 sq. ft.
Maximum Floor Area Ratio	0.52 (Max 2,288 sq. ft.)		-
Garage	440 sq. ft.		440 sq. ft.
ADU Second Story	-		440 sq. ft.
(e) House no change	-		1,085 sq. ft.
Total FAR	52% (2,288 sq. ft.)		44.7% (1,965 sq. ft.)
Setbacks			
	ADU/R-1 regulation	Existing	Proposed
Front Yard	20 ft.	-	50 ft.
Street Side Yard	4 ft. min.	-	4 ft.
Interior Side Yard	4 ft. min.	-	21 ft. 6 in.
Rear Yard	4 ft. min.	-	4 ft.
Parking			
> 1,500 sq. ft.: 2 per unit plus 1 per ADU	Required	Existing	Proposed
	3 spaces total	0 spaces total	3 spaces total
	0 covered	2 covered*	2 covered*
	3 uncovered	0uncovered	1 uncovered
Underground Utilities: Required with 25% increase in area			Yes, for ADU

*The two existing garage parking spaces (covered) are legal nonconforming in width. Government Code Section 65852.2 (e)(2) prohibits local agencies from requiring correction of nonconforming zoning conditions as a requirement to approve an ADU.

Discussion

The applicant is proposing to construct a 440 square-foot ADU adding an upper floor to the existing garage. The upper floor will stack over the existing garage and is the same size as the garage (440 sq. ft.).

The property is a corner lot. For the purpose of development standards, the narrowest street frontage is the front property line (Sacramento Avenue). (CMC § 17.160.020 P7)

The proposal shows matching existing exterior materials and colors of the primary residence with, white vinyl windows, composition shingle roof, and horizontal lap siding painted in Benjamin Moore Weston Flax color.

Objective Design Standards

Two-story ADUs are subject to the objective design standards in CMC §17.74.090. The objective design standards are included below in underline format with staff analysis following.

1. 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 the interior of the parcel.

2. 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:
 - a. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:
 - i. A six-foot solid fence on the property line; or
 - ii. Clerestory or opaque windows for all windows facing the adjacent property.
 - b. For a second-story wall, all windows facing the adjacent property shall be clerestory or opaque.

Staff Analysis: There are two proposed windows that are within eight feet of the rear property line. A shower sliding bathroom window above the shower is proposed and is a clerestory window. The other window is a single hung window at the kitchen sink that is proposed to be made of obscured glass.

3. 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: The proposal has no upper floor decks or balconies. It includes a minimal landing for ingress and egress that is designed for functional purposes.

4. Architectural Details. –only architectural detail requirement in Table 17.74-2 that applies to detached ADUs is the requirement that the roof pitch be 4:12 or match the primary structure.

Staff Analysis: The proposed ADU utilizes a 4:12 roof pitch, which matches the primary structure.

5. Building Additions to Historic Structures.

Staff Analysis: Not applicable.

Parking

The proposed ADU is over 16 feet in height, is not a Limited Standards ADU, is in the Coastal Zone, and therefore requires the addition of a single uncovered parking space. The existing dwelling is served by two covered parking spaces in the two-car garage, which satisfies the required quantity of parking for the primary dwelling. However, the existing garage parking layout is slightly nonconforming with an interior width of 19 foot 5 inches but a compliant length dimension of 21 feet 5 inches. Standard parking spaces in the R-1 zone are 10 feet wide by 20 feet long, so the garage should be 20 feet wide at the interior dimension but is seven inches deficient in accommodating compliant parking spaces. Notwithstanding the nonconformity, Government Code Section 65852.2 (d)(2) prohibits local agencies from requiring correction of existing nonconforming zoning conditions as a condition of approval for ADUs. Thus, the existing nonconforming garage parking spaces are adequate relative to the subject proposal.

The applicant is proposing the required new parking space as a ribbon style space parallel to Escalona Drive. The proposed parking space accommodates the required 10 ft. by 20 ft. dimension and complies with the design requirements for parking in the setback by using permeable pavers in a ribbon style per Section 17.74.080 (C)(1)(c).

CEQA

Section 15301 (e) of the CEQA Guidelines exempts the construction of additions that will not result in an increase of more than 50% of the existing floor area. No adverse environmental impacts were discovered during review of the proposed project.

Recommendation

Staff recommends the Planning Commission approve application #23-0076 based on the following Conditions and Findings of Approval.

Attachments

1. Plan Set

Conditions of Approval

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 May 4, 2023. All construction and site improvements shall be completed according to the approved plans.
2. At the 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 an upper floor ADU of 440 square-feet over and existing two car garage on the first floor that is the same size. The maximum Floor Area Ratio for the 4,400-square-foot property is 0.52 (2,288 square feet). The FAR of the project is 44.7% with a total of 1,965 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 May 4, 2023, except as modified through conditions imposed 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. No other modifications to the approved plans are allowed except as otherwise first reviewed and approved by the Planning Director or the Planning Commission, depending on the scope of the changes. 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 #-23-0076 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. Prior to issuance of building permits, the building permit plans must show that any new utility lines or extensions will be installed underground.
13. Exterior lighting shall comply with CMC Section 17.96.110 and be limited to the Building Code required minimum. Fixtures shall be shielded or frosted 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. Lighting details and fixture cutsheets shall be included with the Building Permit plan submittal.
14. The applicant shall provide a demolition plan with the plans for Building permit plan check showing all walls and floors to be demolished clearly identified in the drawings.
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.

Public Works

16. Submit a temporary construction sediment and erosion control plan (construction bmp's), The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
17. 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.
18. Prior to issuance of building permits, the applicant shall submit a stormwater applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).

19. 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.
20. 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.

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 a two-story building form common within the neighborhood. Also, the ADU complies with the 22-foot maximum ADU height limit and is well within the zone height limit of 25. Therefore, the exterior design is in harmony with, and maintains the scale of the neighborhood. The proposal also includes window treatments to minimize privacy impacts.

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

The proposed project is a single-bedroom 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 is well landscaped and 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 over an existing 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 maintains 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 external staircase to the proposed second-story ADU faces the interior of the lot with a 21 ft. 6 in. setback. The design of the ADU, with siding materials matching the primary residence and roof pitch does not visually dominate it or the surrounding properties.

- 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.

- J. The project deviation (if applicable) is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.**

The applicant is not requesting any deviations from the applicable development standards.

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 603 Escalona 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 accessory dwelling unit (ADU) 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 involves an ADU and will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves an ADU and will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves an ADU 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 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) 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 an ADU on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses.

Prepared By: Brian Froelich