

Capitola Planning Commission

Agenda Report



Meeting: October 06, 2022

From: Community Development Department

Address: 529 Capitola Avenue

Permit Number: #22-0153

APN: 035-093-01

Design Permit and Coastal Development Permit for the demolition of an existing detached garage and construction of a new two-story building with a two-car garage on the first floor and an ADU on the upper floor located within the MU-N (Mixed Use Neighborhood) zoning district.

Environmental Determination: Categorical Exemption 15301

Property Owner: Jim LaTorre

Representative: Dennis Norton, Filed: 04.19.2022

Applicant Proposal

The applicant is proposing to construct a two-story detached building with a 485 square-foot two car garage on the first floor and a 563 square-foot ADU on the upper floor in the MU-N (Mixed Use Neighborhood) zoning district. The applicant is requesting consideration of a deviation from standards for two windows at the south façade of the ADU to be clear rather than opaque or clerestory, as required by code. With the proposed conditions of approval, the application complies with all development standards of the MU-N zone.

Background

On June 6, 2019, the Planning Commission approved the addition of two dormers and a renovation to the historic primary residence on the property. The city contracted with a consultant to prepare a Secretary of Interior Standards Review. The review did not evaluate the detached garage, which is now proposed for demolition.

The city contracted with consultant, Leslie Dill to prepare a Preliminary Historic Evaluation for the detached garage as an addendum to the prior review. On September 9, 2022, the consultant furnished the report to city with a conclusion that the garage does not meet the criteria for designation as a Historic Resource (attachment #2).

On September 14, 2022, 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 Official, Robin Woodman: Commented that the sewer lateral for the ADU would need to be independent or tie into the existing main down gradient from the cleanout. Also, a single line drawing showing the gas line would be required for the Building Permit plan submittal.

Senior Planner, Brian Froelich: Advised that the proposed fence and gate adjacent to the driveway were in the sight distance triangle. He noted that the parallel parking configuration is atypical and would functionally benefit from a widened driveway approach with permeable pavers. Also, Planner Froelich commented that the upper floor windows facing neighboring properties are required to be clerestory or opaque (17.74.090 B2)

The applicant responded with revised plans that show a widened driveway apron that utilizes permeable pavers. The applicant is requesting a Deviation from Standards for the south facing upper floor windows to remain clear per section 17.74.100.

Development Standards

The following table outlines the zoning code requirements for development of a detached, two story ADU in the MU-N Zoning District. The new building complies with all quantitative development standards.

Building Height			
ADU/MU-N Regulation	Existing		Proposed
22 ft.	-		22 ft.
Floor Area Ratio (FAR)			
	Maximum		Proposed
Lot size	4,000 sq. ft.		4,000 sq. ft.
Maximum Floor Area Ratio	1.0 (Max 4,000 sq. ft.)		-
ADU First Story	-		485 sq. ft.
ADU Second Story	-		563 sq. ft.
(e) House no change	-		1,380 sq. ft.
Total FAR	100% (4,000 sq. ft.)		60.7% (2,428 sq. ft.)
Setbacks			
	ADU/MU-N regulation	Existing	Proposed
Front Yard	0 ft.	-	72 ft.
Street Side Yard	4 ft. min.	-	15 ft. first floor 13 ft. upper floor
Interior Side Yard	4 ft. min.	-	4 ft.
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 3 uncovered	0 covered 0uncovered	2 covered 1 uncovered
Underground Utilities: Required with 25% increase in area			Yes, for ADU

Discussion

The applicant is proposing to construct a 485 square-foot two car garage with a 563 square foot ADU on the upper floor.

Historic Evaluation

The property located at 529 Capitola Avenue is listed on the city's Historic Structures list. In 2019, the owner was approved for a remodel/addition to the primary structure. The application required the city to hire a consultant to prepare a Secretary of Interior Standards Review. The review did not address the detached garage that is now proposed for removal. With the current application, the city contracted the same consultant, Leslie Dill to prepare an analysis of the detached garage. The investigation concluded that the garage was built by at least 1927, however, does not meet the criteria for designation.

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 and front 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: The applicant is requesting consideration of a deviation from standards to allow two windows on the south façade of the ADU to be clear. Planning staff is recommending that the windows be raised with a minimum sill height of 60 inches or be treated with an opaque coating at 60 inches and below (condition #15).

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.
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 2:12 roof pitch, which matches the dormer roof pitch on the primary structure. The primary structure is historic and has an 8.5:12 pitch, which is generally not feasible for a two-story building with a 22-foot height limit. The design is compatible with the primary structure by relating to the portion of the roofline that is not historic.
5. Building Additions to Historic Structures.
Staff Analysis: The city contracted with a consultant to prepare a Historic Evaluation of the existing garage propose for demolition. The consultant found that the garage was not eligible for designation as a resource.

Deviation from Standards

The applicant is requesting consideration of one deviation from standards for two windows in the ADU. Section 17.74.100 allows the Planning Commission to allow deviations from objective standards for ADUs without necessity of a variance. Specifically, the applicant wants to install clear windows on the south façade of the building at the kitchen and living room windows. Planning staff met the owner at the property and viewed existing conditions and visibility toward the neighboring property to the south. The nearest structure is a single story cottage that is screened by vegetation at the property line. After review, Planning staff is recommending an alternative that sill heights be raised to 60 inches above the finished floor or portions of the windows below 60 inches be opaque.

Parking

Pursuant to Zoning Code section 17.76.020(C)(2), parking must be brought up to standard when the floor area is increased by more than ten percent. The proposed garage increases the floor area by more than ten percent and therefore parking must be brought up to standard, including three uncovered parking spaces (2 primary residence and 1 ADU). The applicant is proposing three total parking spaces (two garage spaces and one uncovered in the driveway). The lot currently provides no parking spaces.

In concept, the proposed parking layout complies with the basic dimensions of parking spaces required onsite. The uncovered driveway parking space is oriented in an atypical, parallel formation to the street. Inherent site constraints and considerations of no existing parking, historic primary structure, no existing curb cut on Capitola Avenue, and a lot width of 40 feet result in a necessity for flexibility in parking design. The applicant is proposing a flared driveway apron that is 40 feet wide at the property line. The applicable standard in the MU-N zone for driveways and curb cut limits width to 40% of lot width or 20 feet, like the R-1 zone, except the provision only applies where a new driveway crosses a public sidewalk (17.20.040). No sidewalk is planned at this location, so the proposed driveway apron and parking space complies with standards. The flared driveway increases the functionality, visibility, and safety of the proposed parallel parking space. The city is requiring completion of a deferred sidewalk agreement so in the event a sidewalk is built along Beverly, the owner would be required to pay for the installation of new curb, gutter, sidewalk, and curb ramp improvements (Condition #20).

Recommended Conditions of Approval

Planning staff is recommending the following project specific condition of approval to address the proposed deviation during the Building Permit stage of the project:

15. The applicant shall raise the sill height of the windows on the south side of the ADU to be a minimum of 60 inches above finished floor or treat any portion of the windows below 60 inches above finished floor with an opaque coating.

CEQA

Section 15301 of the CEQA Guidelines exempts the construction of ADUs and garages on properties that are developed with a primary residence. No adverse environmental impacts were discovered during review of the proposed project.

Recommendation

Staff recommends the Planning Commission approve application #22-0153 based on the following Conditions and Findings of Approval.

Attachments

1. Plan Set
2. Historic Evaluation – September 9, 2022

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 October 6, 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 two-story detached building with a 485 square-foot two car garage on the first floor and a 563 square-foot ADU on the upper floor. The maximum Floor Area Ratio for the 4,000-square-foot property is 1:1 (4,000 square feet). The FAR of the project is 60.7% with a total of 2,428 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 October 6, 2022, 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. 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 #22-0153 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 the new overhead utility lines will be underground to the nearest utility pole and/or meter.
13. Exterior lighting 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.
14. 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.
15. The applicant shall raise the sill height of the windows on the south side of the ADU to be a minimum of 60 inches above finished floor or treat any portion of the windows below 60 inches above finished floor with an opaque coating.

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. The applicant shall work with the Public Works Department to complete a Deferred Sidewalk Agreement in place of installing new curb, gutter, sidewalk, and curb ramp improvements.

21. 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.
22. The new driveway approach shall not change the existing flowline along the Beverly Drive frontage.

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 utilizes a board and batten siding with colors consistent to the primary dwelling and a 2:12 roof pitch to coordinate with the dormer roof line of the primary dwelling. The exterior design is compatible with the primary dwelling on the parcel.

- 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.

- 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 is being brought into parking compliance. 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 and mixed-use 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 in the rear of the property. 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 internal staircase to the proposed second-story ADU faces the interior of the lot and the primary residence. The applicant is requesting consideration for clear windows facing the property on the south. Planning staff is recommending a condition that windows on the south façade have a minimum sill height of 60 inches or be opaque for portions of the windows below 60 inches. The design of the ADU, with siding materials similar to the primary residence and similar roof pitch to the dormer, complements the design of the primary residence and 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 requesting consideration for clear windows on the south façade. The applicant asserts that there is adequate landscape screening a distance between structures to maintain privacy. Planning staff has added condition #15, which represents a compromise between strict code compliance and the applicant's proposal.

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 529 Capitola 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 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 MU-N (Mixed-Use Neighborhood) 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 mixed-use lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses.

Prepared By: Brian Froelich