



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: FEBRUARY 6, 2020

SUBJECT: **511 Escalona Drive**                      **#20-0002**                      **APN: 036-125-02**

Design Permit for a second-story addition to an existing single-family residence, an Accessory Dwelling Unit (ADU), and a Major Revocable Encroachment Permit for a wall in the public right of way located within the R-1 (Single-Family) zoning district. Permit is a revision to increase size of ADU from previous 2019 approval.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Christine Meserve

Representative: Valerie Hart, Filed: 01.02.2020

### **APPLICANT PROPOSAL**

The applicant is proposing to expand a second-story living space above an attached garage and convert a portion of the conditioned space within the garage into a 761-square-foot Accessory Dwelling Unit (ADU) located at 511 Escalona Drive within the R-1 (Single-Family Residential) zoning district. The application also includes a Major Revocable Encroachment Permit for an existing fence in the public right of way.

### **BACKGROUND**

On July 18, 2019, a design permit (#19-0165) for a second story addition, ADU, and encroachment permit was approved by the Planning Commission.

On January 2, 2020, the applicant submitted updated plans reflecting the new allowances to ADU minimum unit size and parking requirements under the state law governing ADUs that went into effect on January 1, 2020. The new application is proposing to expand the ADU to include a portion of the garage that previously provided a covered parking space. All other aspects of the July 18, 2019, approval remain unchanged. The applicant chose to submit a new application because the previous approval included a condition requiring the applicant to record several deed restrictions related to the ADU, including an owner-occupancy requirement and size restriction, that are no longer regulated under state law.

Neither Capitola Municipal Code Chapter 17.99 Secondary Dwelling Units (Inside Coastal Zone) nor Chapter 17.74 Accessory Dwelling Units (Outside Coastal Zone) are currently in compliance

with the new state law, therefore the ADU portion of the proposed project is being reviewed under Government Code 65852.2.

The Architectural and Site Review Committee reviewed the original application (#19-0165) on June 12, 2019. Because there were no additional changes to the exterior of the building, staff did not require another review by the committee. During the June 12, 2019, meeting, the committee provided the applicant with the following direction:

Public Works, Kailash Mozumder: informed the applicant that they would need to submit a copy of the deed and legal description of the lot to complete the revocable encroachment permit application.

Building Official, Robin Woodman: informed the applicant that windows adjacent to a bathtub are required to be tempered.

Local Architect, Frank Phanton: liked the revisions to the attached garage, including the flat roof, and thought that the design did a good job of respecting the privacy of neighboring properties.

City Planner, Matt Orbach: informed the applicant that windows adjacent to the flat roof should be at least four feet from the finished floor to prevent use of the flat roof as a deck. Mr. Orbach also pointed out the potential for the living space above the garage to be used as a third separate unit, which is not allowed, and stated that a condition of approval would be included limiting the kitchen area in that living space to a “mini-bar/convenience area.”

Following the meeting, the applicant submitted revised plans that incorporated all the modifications requested by the architectural and site review committee, including windows adjacent to the flat roof with sills at 42 inches above the floor and the stairwell from the second-story living space above the garage terminating in the garage rather than the exterior. The applicant also submitted a copy of the deed and the legal description of the lot.

## **DISCUSSION**

The existing residence at 511 Escalona Drive is a nonconforming two-story single-family residence. The applicant is proposing to expand a second-story living space above an attached garage and convert an existing home office space and a portion of the unconditioned space within the first story of the garage into a 761-square-foot accessory dwelling unit. The lot is surrounded by one- and two-story single-family homes. The proposed residence is a Spanish-style home featuring stucco siding and tile roofs.

### **Accessory Dwelling Unit**

The proposal includes the conversion of 761 square feet of existing floor area inside the home and a portion of the attached garage into an accessory dwelling unit. Changes to the exterior of the structure for the ADU include a new first-floor window on the north elevation and new first-floor window and entry door on the west elevation where the garage door was previously located.

The criteria of Government Code §65852.2(e)(1)(A), apply to the internal ADU conversion project and are as follows:

- i. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space or a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An

expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

- ii. The space has exterior access from the proposed or existing single-family dwelling.
- iii. The side and rear setbacks are sufficient for fire and safety.
- iv. The junior accessory dwelling unit complies with the requirements of Section 65852.22

Under Government Code (GC) §65852.2(a)(1)(D)(xi), when a garage is converted to an ADU, a local agency cannot require those off-street parking spaces to be replaced. Therefore, the covered parking space that is lost as a result of the project does not need to be replaced.

The application before the Planning Commission includes the design permit for the second story addition and the revocable encroachment permit. The proposed ADU meets the criteria under GC §65852.2(e)(1)(A), so the application for the ADU must be approved ministerially, without any discretionary review. Because the addition to the primary structure requires Planning Commission review, the details of the ADU have been included in the analysis.

#### Revocable Encroachment Permit

The application includes a major revocable encroachment permit for unpermitted improvements in the public right of way. The encroachments include an existing stucco wall along Escalona Drive and Sacramento Avenue that was built without the required permits. The portion of the wall along the corner of Escalona Drive and Sacramento Avenue is two feet five inches high with pillars that are three feet eleven inches high. The rest of the wall is four feet one inch high with pillars that are five feet five inches high (Attachment 3). The wall, which was built without permits, was red-tagged in 1997 for being constructed without a building permit or an encroachment permit and constituting a sight distance hazard for traffic at the intersection. It appears that, as a result, the fence height along the corner of Escalona Drive and Sacramento Avenue was reduced to less than 30 inches, in compliance with line of sight requirements for fences on corner lots. The existing wall is in compliance with the fence height regulations of three and a half feet maximum for front yards and six feet maximum for side and rear yards.

The existing wall does not comply with the location standard for fences on corner lots. Capitola Municipal Code §17.54.020.A.3 requires corner lots to set back a fence at least five feet from the property line on that side of the lot which has the greatest length along the street. The applicant is requesting a revocable encroachment permit to permit the existing wall within the public right-of-way. Pursuant to CMC §17.54.020(B), the Planning Commission may approve alternative locations, height, and materials for fences.

Pursuant to §12.56.060, the City may issue permits to allow certain improvements to be installed and maintained by abutting private property owners, within the private improvements area. Minor permits may be issued by the Public Works Director for mailboxes, fences up to three and a half feet in height, walkways, driveways, and landscaping that comply with specific standards. Major Permits, for improvements beyond those listed under the discretion of the Public Works Director, require approval by the Planning Commission.

The Planning Commission must evaluate the following considerations when deciding whether or not to issue a major encroachment permit:

1. The expense and difficulty that will be entailed in removing the improvement in the event of street widening;

Staff analysis: Within the revocable/hold harmless agreement, the owner must agree that the removal of the wall, when so ordered by the City, shall be at the permittee's expense and not the expense of the City.

2. Whether the proposed improvements are in conformity with the size, scale, and aesthetics of the surrounding neighborhood;  
Staff analysis: The proposed wall is of exceptional quality and fits well with the aesthetics of the community.
3. Preservation of views;  
Staff analysis: Public views would not be impacted by the proposed wall.
4. Whether granting the permit would tend to result in the granting of a special privilege, in the sense that granting this permit would tend to preclude granting similar permits to neighboring property. If the benefit to the applicant and community is determined to exceed the detriment to the community, the permit shall be approved. The planning commission may, by providing reasonable notice to neighboring property owners, develop standards or criteria applicable to the entire block within which the property is located.  
Staff analysis: Staff has not identified any potential detriments to the City or community that the proposed wall would create. On-street parking will not be affected by the proposed wall.

#### Nonconforming

The existing structure is nonconforming because the east side of the structure along Sacramento Avenue encroaches two inches into the ten-foot required side yard setback. The applicant submitted the required 80% nonconforming calculation (Attachment 2), which demonstrates that the proposed structural alterations do not exceed 80 percent of the present fair market value of the structure, so the alterations are permissible.

#### Future Deck

The property is located within the Coastal Zone and therefore subject to the 1975 zoning code rather than the 2018 updated zoning code. The addition to the attached garage includes a 372-square-foot flat roof with a parapet wall that seems to be designed as a second-story deck. The proposed structure is only seven square feet under the maximum floor area for the property, so the flat roof may not currently be used as a deck because a deck counts as floor area under the 1975 code. Under the new zoning code, however, second-story decks will not count towards the floor area, so the area could potentially be used as a deck with future approval of a design permit from the Planning Commission.

The original submittal included tall windows with a bottom edge close to the floor that could provide easy access to the flat roof so that it could be used as a deck. On previous projects with similar situations, the Planning Commission has restricted access to these unpermitted deck areas by only allowing windows that are at least four feet off the floor on walls adjacent to flat roofs. In this case, however, the proposed windows are egress windows, so they cannot be four feet (48 inches) off of the floor. Following the Architecture and Site Review Committee meeting, the applicant revised the windows adjacent to the flat roof to have sills at 42 inches above the floor, which meets the building code requirements for egress windows and addresses staff concerns about easy access to the flat roof.

#### Potential Third Unit

Under GC §65852.2, only one accessory dwelling unit is allowed on a parcel with a single-family dwelling unless it is a junior ADU with a detached ADU. Staff has concerns regarding the addition to the upstairs of the attached garage, which includes two bedrooms, one bathroom, living room, wet bar that is designed similar in layout to a full-sized kitchen, independent access

from a first-story entryway staircase and a second access from the garage. Although all improvements comply with the zoning standards, the area could be easily closed off from the rest of the single-family home by installing one door and inhabited separately.

To prevent an illegal third unit, conditions of approval have been added to clarify that the approval is limited to one single-family home with one accessory dwelling unit and ensure the “wet bar” in the living space above the garage is limited to a “mini-bar/convenience area.” A mini-bar/convenience area is a supplemental food preparation area within a single-family home. Under Capitola Municipal Code §17.03.340: *“Such an area is limited to a small refrigerator, a microwave oven and a small sink with a drain size less than one and one-half inches. No gas line or two hundred twenty electric service is permitted within this area. Only one such area is permitted within a dwelling in addition to the kitchen, and internal access within the dwelling must be maintained.”* Condition of approval #20 reflects these restrictions.

### **CEQA**

Section 15303(a) of the CEQA Guidelines exempts one single family residence, or a second dwelling unit in a residential zone. No adverse environmental impacts were discovered during review of the proposed project.

### **RECOMMENDATION**

Staff recommends the Planning Commission review the application and approve project application #20-0002.

### **CONDITIONS OF APPROVAL**

1. The project approval consists of construction of a second-story addition and a 761-square-foot Accessory Dwelling Unit (approved ministerially under Government Code §65852.2(e)(1)(A)). The maximum Floor Area Ratio for the 5,513-square-foot property with an Accessory Dwelling Unit is 60% (3,312 square feet). The total FAR of the project is 59.9% with a total of 3,305 square feet, compliant with the maximum FAR within the zone. The 761-square-foot accessory dwelling unit is located on first story of the home adjacent to the garage. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on February 6, 2020, 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 issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #20-0002 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. 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.
10. 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.
11. 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).
12. 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.
13. 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.
14. 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
15. 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.
16. 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.

17. 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 17.81.160.
18. 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.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. The food preparation area within the second-story living space above garage is limited to a mini-bar/convenience area. The mini-bar/convenience area is limited to a small refrigerator, a microwave oven, and a small sink with a drain size less than one and one-half inches. No gas line or two hundred twenty electric service is permitted within this area. Only one such area is permitted within a dwelling in addition to the kitchen, and internal access within the dwelling must be maintained. The internal access must be maintained between the conditioned space of the main home and the mini-bar/convenience area. The staircase to the garage from the second story is not considered internal access within the dwelling, as the garage is unconditioned space.
21. At time of submittal for building permit review, a water will serve letter for the second dwelling unit must be submitted to the City.
22. Before obtaining a building permit for a secondary 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 secondary dwelling unit shall not be sold separately from the primary dwelling.

## **FINDINGS**

### **A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The second-story addition and Accessory Dwelling Unit comply with the development standards of the R-1 District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.

### **B. The project will maintain the character and integrity of the neighborhood.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the second-story addition and Accessory Dwelling Unit. The design of the addition, with board and batten siding and composition shingle roof, will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

**C. This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50% of the existing structure or more than 2,500 square feet, whichever is less. This project involves an addition and the removal of several covered outdoor open spaces that result in a reduction of the floor area by 3%. No adverse environmental impacts were discovered during review of the proposed project.

**COASTAL FINDINGS**

**D. Findings Required.**

1. **A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:**
  - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
  - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
  - c. A description of the legitimate governmental interest furthered by any access conditioned required;
  - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
    - The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090(D) are as follows:
2. **Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D)(2)(a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.**
  - a. Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its



- proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;
- The proposed project is located at 511 Escalona Drive. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along Escalona Drive. No portion of the project is located along the shoreline or beach.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.
- d. Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on Escalona Drive. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

e. Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.

**3. Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F)(2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:**

- a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;
- b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;
- c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.

- The project is not requesting a Public Access Exception, therefore these findings do not apply.

**4. Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**

- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;

- The project is located in a residential area without sensitive habitat areas.

- b. Topographic constraints of the development site;

- The project is located on a flat lot.

- c. Recreational needs of the public;

- The project does not impact the recreational needs of the public.

- d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;

- e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
- f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.

**5. Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**

- No legal documents to ensure public access rights are required for the proposed project.

**6. Project complies with visitor-serving and recreational use policies;**

**SEC. 30222**

**The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.**

- The project involves construction of a second-story addition and an Accessory Dwelling Unit on a residential lot of record.

**SEC. 30223**

**Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.**

- The project involves construction of a second-story addition and an Accessory Dwelling Unit on a residential lot of record.

**c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.**

- The project involves construction of a second-story addition and an Accessory Dwelling Unit on a residential lot of record.

**7. Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;**

- The project involves the construction of a second-story addition and an Accessory Dwelling Unit. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.

**8. Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;**

- The project complies with the design guidelines and standards established by the Municipal Code.
- 9. Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;**
- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.
- 10. Demonstrated availability and adequacy of water and sewer services;**
- The project is located on a legal lot of record with available water and sewer services.
- 11. Provisions of minimum water flow rates and fire response times;**
- The project is located 0.4 miles from the Central Fire Protection District Capitola Station. Water is available at the location.
- 12. Project complies with water and energy conservation standards;**
- The project is for a second-story addition and an Accessory Dwelling Unit. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.
- 13. Provision of park dedication, school impact, and other fees as may be required;**
- The project will be required to pay appropriate fees prior to building permit issuance.
- 14. Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;**
- The project does not involve a condo conversion or mobile homes.
- 15. Project complies with natural resource, habitat, and archaeological protection policies;**
- Conditions of approval have been included to ensure compliance with established policies.
- 16. Project complies with Monarch butterfly habitat protection policies;**
- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.
- 17. Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;**
- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

**18. Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;**

- Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

**19. All other geological, flood and fire hazards are accounted for and mitigated in the project design;**

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

**20. Project complies with shoreline structure policies;**

- The proposed project is not located along a shoreline.

**21. The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;**

- This use is an allowed use consistent with the R-1 zoning district.

**22. Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures; and**

- The project conforms to the requirements of all city ordinances, zoning requirements, and project development review and development procedures.

**23. Project complies with the Capitola parking permit program as follows:**

- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
- b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
- c. The village area preferential parking program shall be limited to three hundred fifty permits.
- d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
  - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
  - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
- e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.

- f. Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
- g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
- h. No additional development in the village that intensifies use and requires additional parking shall be permitted. Changes in use that do not result in additional parking demand can be allowed and exceptions for onsite parking as allowed in the land use plan can be made.
  - The project site is not located within the area of the Capitola parking permit program.

**ATTACHMENTS:**

1. 511 Escalona Drive - Full Plan Set - 01.07.2020
2. 511 Escalona Drive - Nonconforming Calculation - 01.28.2020
3. 511 Escalona Drive - Wall Elevations for Major Revocable Encroachment Permit

Prepared By: Matt Orbach  
Associate Planner