

Capitola Planning Commission

Agenda Report



Meeting: October 5, 2023
From: Community Development Department
Subject: 1435 41st Avenue – Best Western

Permit Number: #23-0397

APN: 034-151-51

Conditional Use Permit Amendment to add five guestrooms by converting double-bay suites to standard guestrooms. The conversion is entirely internal, adds no floor area, and results in 59 total guestrooms. The proposal complies with required parking standards and is located in the C-C (Community Commercial) zoning district.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorically Exempt 15301 – Existing Facilities

Property Owner: Capitola By-the-Sea Inn & Suites, LLC

Representative: Nielsen Architects, Filed: 09.05.2023

Recommendation:

Staff recommends the Planning Commission review and **approve** project application #23-0397 with the updated Conditions and Findings for Approval.

Applicant Proposal:

The applicant is requesting a Conditional Use Permit (CUP) Amendment for an existing hotel that was built in 1999/2000. The hotel was approved originally with 54 guestrooms and one manager's unit. The applicant is now proposing to convert the manager's unit to two guestrooms, to convert two double bay suites to four standard guestrooms on the second floor, and to convert one double bay suite to two guestrooms on the third floor. The result is a net increase of five guestrooms for a total of 59 guestrooms.

The proposed interior conversion work was completed without the benefit of permits. The applicant is voluntarily proposing to remedy the situation by pursuing permits.

Background:

On August 6, 1998, the Planning Commission approved a 54 room, three story hotel and associated facilities. The original conditions of approval are in Attachment #2.

On July 19, 2023, the Building Department issued a tenant improvement permit for interior upgrades and modifications to the meeting room, fitness room, and commercial kitchen. The applicant simultaneously approached the Planning Department about adding guestrooms and obtaining permits for nonpermitted work.

On August 18, 2023, the Building and Planning Departments performed a life-safety inspection of the nonpermitted guestroom conversions and did not identify any life-safety concerns.

On September 5, 2023, the applicant made the formal submittal to the Planning Department for a Conditional Use Permit Amendment.

Analysis:

The applicant is proposing an amendment to the CUP to approve internal modifications to double bay suites and a manager's unit resulting in a net increase of five guestrooms. Guestroom count is a fundamental component of an original hotel approval, so adding guestrooms requires an amendment to the existing CUP. The proposed conversion is entirely interior and adds no floor area. A Design Permit and Coastal Development Permit are therefore not required.

Efficiencies in hotel construction result in stacking of guestroom types vertically and creation of uniform bays horizontally. The original approval created several double bay suites that had half-bathrooms stacked over or under full bathrooms in standard guestrooms above or below. The term "double bay" refers to the arrangement of merging two horizontal bay units with an interior communicating door and renting it as a one-bedroom suite. The non-permitted conversions were relatively simple to execute by adding a new entry door from the corridor, conversion of half-bathrooms to a full bathrooms where plumbing and electrical was already in the walls, and adding a lock to the communicating door.

The proposed project will require a Building Permit and inspections. In cases where the work is completed currently onsite and was done without permits, it is expected that exploratory demolition, disassembly, and further review of required clearances and assemblies to meet current code will be necessary to verify compliance in order to pass the same inspection sequence that would have been required if the work was originally permitted. The City's Building Inspector will work with the applicant and contractor to determine the appropriate course of action through the Building Permit and inspection process.

ADA

None of the new rooms are required to be ADA or hearing-impaired rooms. Code requirements for how many ADA and hearing impaired rooms are required at a hotel property are determined by the total guestroom count in tiers of 25 guestrooms. For example, hotels with 51-75 guestrooms require three accessible rooms and three hearing impaired rooms. The change from 54 to 59 guestrooms does not change the tier and thus, the property maintains the same requirement of accessible rooms.

Parking

Parking is the primary zoning standard that was analyzed due to the project being internal. Per table 17.76-2, hotels require one parking space per guestroom and one parking space per 300 square feet of office. The manager's office and reception desk combine for under 300 square feet and result in a requirement of one parking space. The total required for the proposal is 60 (59 guestrooms +1 office). The property was originally approved with 60 parking spaces and is currently stripped with 60 parking spaces. The property provides the required parking to accommodate the project.

Updated/Recommended Conditions

Existing conditions of approval are attached (attachment #2). Most of the conditions associated with the 1998 approval are related to the original construction project. Staff is recommending that those conditions be omitted and that the recommended conditions below be approved with the CUP modification. The recommended conditions are consistent with more recently approved hotels.

California Environmental Quality Act (CEQA):

Section 15301(a) of the CEQA Guidelines exempts interior modifications to an existing building that primarily involve alterations to partition walls, plumbing, and electrical. No adverse environmental impacts were discovered during project review by Planning Department Staff.

Attachments:

1. Project Plans
2. Original Conditions of Approval - August 18, 1998

Recommended Conditions of Approval:

1. The project approval consists of a Conditional Use Permit Amendment for the internal conversion of guestroom suites and manager's unit to create five new standard guestrooms for a total of 59 guestrooms for the hotel at 1435 41st Street. The Modified CUP application #23-0397 was approved by the Planning Commission on October 5, 2023.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this conditional use 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. 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 except for Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B.
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 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 obtained an approved building permit and commenced construction before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration.
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.

Conditional Use Permit Conditions

8. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
9. Hours for deliveries to the hotel shall be limited to 8:00 A.M. – 8:00 P.M. Monday through Friday, to minimize noise impacts to neighboring residents. Delivery vehicles shall not be permitted to remain idle, shall utilize the loading zones, and shall not stop or park within 50 feet of the residential property boundaries.
10. Bicycle parking is required to be accommodated with six short-term bike parking spaces.
11. Amplified sound is limited to interior areas only.

Planning Department Conditions

12. 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.
13. Prior to issuance of building permit, all Planning fees associated with permit #23-0397 shall be paid in full.
14. 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.

Public Works Department Conditions

15. Prior to issuance of building permits, any improvements that interface with the public right of way, e.g., sidewalks, crosswalks, curb, gutter and sidewalks, shall submit plans for review and approval by the Public Works Department.
16. 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.

Conditional Use Permit Findings

A. The proposed use is allowed in the applicable zoning district.

Hotels are a conditional use in the Community Commercial zone. The Best Western was originally approved in 1998 with a conditional use permit.

B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

The proposal to add five guestrooms is consistent with the general plan, local coastal program, and zoning code.

C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.

The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.

D. The proposed use will not be detrimental to the public health, safety, and welfare.
Community Development Department staff, Building Department staff, and the Planning Commission have reviewed the project and determined that it will not be detrimental to the public health, safety, and welfare.

E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.
The proposed use is located within the City of Capitola and is adequately served by existing services and infrastructure.

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