

# Capitola Planning Commission

## Agenda Report



**Meeting:** April 07, 2022

**From:** Community Development Department

**Address:** 1835 48<sup>th</sup> Avenue

---

**Permit Number: #21-0301**

**APN: 034-022-03**

Design Permit for a second-story addition and a new detached garage for an existing nonconforming single-family residence located within the R-1 (Single-Family Residential) zoning district.

Environmental Determination: Categorical Exemption

Property Owner: Dana Glusovich

Representative: Dennis Norton, Filed: 07.07.2021

### **Applicant Proposal**

The applicant is proposing to construct a 413 square-foot second-story addition to a single-family residence and a new 336 square-foot detached garage located at 1835 48<sup>th</sup> Avenue in the R-1 (Single-Family Residential) zoning district. The project also includes a new upper floor deck facing 48<sup>th</sup> Avenue. With the identified changes made, the application would comply with all development standards of the R-1 zone.

### **Background**

On January 26, 2022, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: Discussed site drainage and notified the applicant that the curb, gutter, sidewalk, and driveway approach will be required to be installed/replaced.

Building Official, Robin Woodman: Had no comments.

Assistant Planner, Sean Sesanto: Advised that exterior lighting on the second story deck will be conditioned to be shielded to eliminate light trespass and noted that the detached garage plate height will need to be reduced to nine (9) feet when making the submittal for building permit plan check.

### **Development Standards**

The following table outlines the zoning code requirements for development in the Single-Family Residential Zoning District. The new addition to the single-family residence complies with all development standards of the R-1 zone. The proposed detached garage exceeds the maximum plate height standard and will be required to be in compliance at time of building permit submittal.

<b>Building Height</b>			
<b>R-1 Regulation</b>	<b>Existing</b>		<b>Proposed</b>
25 ft.	13 ft. 9 in.		23 ft.
<b>Floor Area Ratio (FAR)</b>			
	<b>Existing</b>		<b>Proposed</b>
<b>Lot size</b>	4,000 sq. ft.		4,000 sq. ft.
<b>Maximum Floor Area Ratio</b>	54% (Max 2,160 sq. ft.)		54% (Max 2,160 sq. ft.)
First Story Floor Area	1,230 sq. ft.		1,199 sq. ft.
Second Story Floor Area	N/A		413 sq. ft.
Detached Garage	N/A		336 sq. ft.
<b>Total FAR</b>	30.8% (1,230 sq. ft.)		48.7% (1,948 sq. ft.)
<b>Setbacks</b>			
	<b>R-1 regulation</b>		<b>Existing</b>
			<b>Proposed</b>
<b>Front Yard 1<sup>st</sup> Story</b>	15 ft.		10 ft. 3 in. <b>Existing nonconforming</b>
<b>Front Yard 2<sup>nd</sup> Story</b>	20 ft.		N/A 28 ft. 9 in.
<b>Side Yard 1<sup>st</sup> Story</b>	10% lot width	Lot width 40 ft. 4 ft. min.	North: 14 ft. 2 in. South: 3 ft. 8 in. <b>Existing nonconforming</b>
<b>Side Yard 2<sup>nd</sup> Story</b>	15% of width	Lot width 40 ft. 6 ft. min	N/A North: 12 ft. 2 in. South: 6 ft. 2 in.
<b>Rear Yard 1<sup>st</sup> Story</b>	20% of parcel depth	Lot depth 100 ft. 20 ft. min.	33 ft. 8 in. 33 ft. 8 in.
<b>Rear Yard 2<sup>nd</sup> Story</b>	20% of parcel depth	Lot depth 100 ft. 20 ft. min.	N/A 49 ft. 2 in.
<b>Detached Garage</b>			
	<b>R-1 Regulation</b>		<b>Proposed</b>
Height	15 ft.		13 ft. 6 in.
Plate Height	9 ft		10 ft.
Front	40 ft.		75 ft.
Interior Side	3 ft.		North: 4 ft. South: 20 ft.
Rear	3 ft.		4 ft.
Encroachments (list all)	None		
<b>Parking</b>			
1,501 – 2,000 sq. ft.: 2 per unit, 1 covered	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
	2 spaces total	2 spaces total	3 spaces total
	1 covered 1 uncovered	0 covered 2 uncovered	1 covered 2 uncovered
<b>Underground Utilities: Required with 25% increase in area</b>			Yes

## **Discussion**

The existing residence located at 1835 48<sup>th</sup> Avenue is a nonconforming, one-story, single-family residence. The lot is located in the North Forties neighborhood and is surrounded by a mix of one- and two-story single-family homes and multi-family apartments.

The applicant is proposing to construct a 413 square-foot second-story addition. The applicant is also proposing to construct a new 336 square-foot detached garage located in the rear yard. The proposed second story will feature a gable roof, horizontal lap siding and an 88 square-foot second-story deck. The proposed remodel will retain the existing first-story design with a mix of shingle and horizontal board siding and a cross-gable roof. The proposed garage features a gable roof and shingle siding which will complement the primary structure.

The proposed detached garage is currently shown with a 10 foot plate height. Section 17.52.020 B limits detached structure height to 15 feet and plate height to nine (9) feet. The applicant has been made aware of this requirement and will be making corrections to the building permit plans.

### Non-Conforming Structure

The existing single-story residence is located within the required first-story front and south-side setbacks and is therefore a legal non-conforming structure. Pursuant to code section 17.92.070, structural alterations to an existing non-complying structure may not exceed 80 percent of the present fair market value of the structure. Staff has estimated that alterations to the primary structure represent approximately 40 percent of the present fair market value of the structure, so the alterations are permissible.

### 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 project increases the floor area by more than ten percent and is required to provide two uncovered parking spaces. The applicant is proposing three total parking spaces (two uncovered and one garage space). The lot currently provides one uncovered conforming parking space.

### Recommended Conditions of Approval

Planning staff is recommending the following project specific conditions of approval to address several minor items during the Building Permit stage of the project:

13. Exterior lights for the second story deck area 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. With the submittal of plans for Building Department plan check, the applicant shall reduce the plate height of the detached garage to nine (9) feet or less to comply with section 17.52.020 (table 17.52-1).
15. The applicant shall work with Planning staff to verify if permits were issued for the existing front yard fence. The fence does not comply with height and sight distance standards (Sections 17.60.030 & 17.96.050). The City does not have a record of issuing a permit. If the applicant is unable to document a previous permit, the fence shall be brought into compliance as part of the building permit. The applicant may need to obtain permits, modify, or remove the fence. This condition shall be addressed prior to final certificate of occupancy sign off by the Planning Department.

## **CEQA**

Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence and garages in a residential zone. This project involves an addition to a new single-family residence and a new detached garage subject to the R-1 (single-family residence) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

## **Recommendation**

Staff recommends the Planning Commission approve application #21-0301 based on the following Conditions and Findings of Approval.

## **Attachments**

1. Plan Set
2. Construction Cost Calculation
3. Color Board
4. Design Permit Design Review Criteria

## **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 April 7, 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 413 square foot second-story addition to an existing nonconforming single-family residence and a new detached 336 square foot garage. The maximum Floor Area Ratio for the 4,000-square-foot property is 54% (2,160 square feet). The FAR of the project is 48.7% with a total of 1,948 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 April 7, 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 #21-0301 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 existing overhead utility lines will be underground to the nearest utility pole.
13. Exterior lights for the second story deck area 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. With the submittal of plans for Building Department plan check, the applicant shall reduce the plate height of the detached garage to nine (9) feet or less to comply with section 17.52.020 (table 17.52-1).
15. The applicant shall work with Planning staff to verify if permits were issued for the existing front yard fence. The fence does not comply with height and sight distance standards (Sections 17.60.030 & 17.96.050). The City does not have a record of issuing a permit. If the applicant is unable to document a previous permit, the fence shall be brought into compliance as part of the building permit. The applicant may need to obtain permits, modify, or remove the fence. This condition shall be addressed prior to final certificate of occupancy sign off by the Planning Department.

## 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 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).
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 issuance of building permits, the applicant shall submit plans detailing all improvements that impact or interface with the public right of way. At a minimum these details will include the limits of any existing or proposed curb drains, ADA compliant driveway approach, and installation of curb/gutter/sidewalk along the property frontage. The extent of all improvements or modifications shall be limited to those areas fronting the property boundary and shall not impact the frontage of adjacent parcels.
21. Prior to any work in the City Road right of way, an encroachment permit shall be acquired by the contractor performing the work. All sidewalk, curb and gutter improvements shall be constructed per city standard. No material or equipment storage may be placed in the road right-of-way.

## **Design Permit Findings**

- A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.**

Community Development Staff, the Design and Development Review Committee, and the Planning Commission have all reviewed the project. The proposed 413 square foot second-story addition with a 336 square foot detached garage is consistent with the general plan and the local coastal program.

- B. The proposed project complies with all applicable provisions of the zoning code and municipal code.**

Community Development Staff, the Design and Development Review Committee, and the Planning Commission have all reviewed the project. The proposed 413 square foot second-story addition with a 336 square foot detached garage complies with all other development standards of the R-1 (Single-Family Residential) zoning district.

- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**

Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence and garages in a residential zone. This project involves an addition to a new

single-family residence and a new detached garage subject to the R-1 (single-family residence) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

**D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.**

Community Development Staff, the Design and Development Review Committee, and the Planning Commission have all reviewed the project. The proposed 413 square foot second-story addition with a 336 square foot detached garage will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

**E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed 413 square foot second-story addition with a 336 square foot detached garage complies with the applicable design review criteria as described in the staff report.

**F. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for The proposed 413 square foot second-story addition with a 336 square foot detached garage. The design of the home, with a gable roof, composition shingles, and horizontal cement lap board siding, will blend appropriately with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

Prepared By: Brian Froelich