

Capitola Planning Commission

Agenda Report



Meeting: April 7, 2022

From: Community Development Department

Topic: 1410 Prospect Avenue

Permit Number: 21-0376

APN: 034-046-19

Design Permit, Historical Alteration Permit and Variance to demolish an existing residence and construct a new home that retains nonconformities for size and setbacks. The project is located within the R-1-GH (Single-Family Residential) zoning district and (Geologic Hazards) overlay zone.

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: Alex Johnson

Representative: Derek Van Alstine, Filed: 08.24.21

Applicant Proposal:

The applicant is proposing to demolish an existing 1,606 square-foot, two-story, single-family residence and construct a new 1,422 square-foot, two-story, single family residence with a 796 square-foot basement. The proposal includes the relocation and remodel of an existing detached garage, and a variance request to construct a residence that retains current nonconformities for the required setbacks and maximum allowable floor area. Overall, the project decreases the degree of existing non-conformities, improves onsite parking, and retains the development pattern along the street. The project is located at 1410 Prospect Avenue within in the R-1-GH (Single-Family Residential, Geologic Hazards) zoning district.

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: stated that the drainage must be prepared by an engineer and that a minor revocable encroachment permit will be required for improvements in the public right of way. She also stated that improvements along Prospect Avenue must maintain the existing street flowline.

Building Official, Robin Woodman: inquired about the scale of work to the existing garage and asked about basement bedroom egress.

Assistant Planner, Sean Sesanto: noted the proposed locations of the new second-story deck, the basement, and the garage remodel should not exacerbate or create nonconformities and made suggestions to better comply with setbacks and height.

Following the Development and Design Review meeting, the applicant submitted the required applications for a variance and encroachment permit. The plans were revised to address development standard comments.

Development Standards:

The following table outlines the zoning code requirements for development in the R-1 Zoning District. The applicant is seeking a variance to construct a new residence with similar setbacks to the existing residence which has nonconforming setbacks and, in conjunction with the existing garage, exceeds the maximum allowable floor area ratio (FAR).

Development Standards				
Building Height				
R-1 Regulation	Existing		Proposed	
25 ft.	21 ft. 7 in.		24 ft. 4 in.	
Floor Area Ratio (FAR)				
	Existing		Proposed	
Lot size	2,416 sq. ft.		2,416 sq. ft.	
Maximum Floor Area Ratio	58% (Max 1,401 sq. ft.)		58% (Max 1,401 sq. ft.)	
First Story Floor Area	1,197 sq. ft.		978 sq. ft.	
Second Story Floor Area	409 sq. ft.		444 sq. ft.	
Basement	N/A		796 sq. ft. Exempt for floor area, Included in parking calc.	
Detached Garage	300 sq. ft. -250 sq. ft. exempt		280 sq. ft. -250 sq. ft. exempt	
Total FAR	68.5% (1,656 sq. ft.)		60.1% (1,452 sq. ft.) Variance Required	
Setbacks				
	R-1 regulation		Existing	Proposed
Front Yard 1st Story	15 ft.		7 in. into ROW	5 ft. Variance
Front Yard 2nd Story	20 ft.		7 in. into ROW	5 ft. Variance
Side Yard 1st Story	10% lot width	Lot width 64 ft. 3 in. 6 ft. 5 in. min.	North: 5 ft. 9 in. South: 19 ft. 1 in.	North: 10 ft. South: 20 ft. 11 in.
Side Yard 2nd Story	15% of width	Lot width 64 ft. 3 in. 9 ft. 8 in. min.	North: 5 ft. 9 in. South: 31 ft. 2 in.	10 ft. South: 26 ft. 5 in.
Rear Yard 1st Story	20% of parcel depth	Lot depth 38 ft. 2 in.	2 ft. 10 in.	0 ft. Variance

		7 ft. 7 in. min.		
Rear Yard 2nd Story	20% of parcel depth	Lot depth 38 ft. 2 in. 7 ft. 7 in. min.	19 ft. 1 in.	10 ft. 10 in. 7 ft. 7 in. Deck
Detached Garage				
	R-1 Regulation		Existing	Proposed
Height	12 ft. when less than 8 feet from side property line		11 ft. 9 in.	10 ft. 11 in.
Front	40 ft.		1 ft. into ROW	1 ft. 6 in. Existing nonconforming
Side	3 ft.		North: 52 ft. 1 in. South: 0 ft.	North: 52 ft. 2 in. South: 3 in. Existing nonconforming
Rear	3 ft.		1 ft.	3 ft.
Encroachments (list all)				
Parking				
2,001 – 2,600 sq. ft.: 3 per unit, 1 covered	Required		Existing	Proposed
	3 spaces total		1 spaces total	3 spaces total
	1 covered 2 uncovered		1 covered 0 uncovered	1 covered 2 uncovered
Underground Utilities: Required with 25% increase in area				Yes

Discussion:

The existing residence at 1410 Prospect Avenue is a historic, two-story single-family home with a detached garage. The property is located within the Jewel Box neighborhood along the western bluffs overlooking the Capitola Village. The lot is located within the Geologic Hazards overlay. The homes along Prospect Avenue are predominantly two-story, single-family residences. The project requires a Design Permit, Historic Alteration Permit, Coastal Development Permit, and Variance.

Design Permit

The existing residence and detached garage are non-conforming with existing encroachments over the front property line into the public right of way. The existing detached garage is also located directly along the south-side property line with no setback. The proposal establishes new building footprints entirely within the subject property. The home is moved toward the center-rear of the lot and the existing detached garage will be relocated a few inches away from the south side setback and 18 inches behind the front property line.

The applicant is proposing to construct a new home that maintains similar scale, massing, materials, and placement as the existing residence. The home will utilize composition roofing,

square-cut shingle siding, and an asymmetrical gable roof with one centered wall-dormer facing Prospect Avenue. The garage will be remodeled in a style similar to the home with shingle siding, a new forward-facing gable roof and shed roof accent over the garage doors.

In addition to the front doors, the proposed garage design includes swinging doorways on the east (rear) elevation which when opened would extend over the Santa Cruz County Regional Transportation Commission property. For property and slope stability considerations, staff has included condition #24 requiring any rear access doorway(s) not extend beyond the property line and not be wide enough to allow vehicular access.

Historic Alteration Permit

The proposed project would demolish the existing residence at 1410 Prospect Avenue and requires approval of a Historic Alteration Permit by the Planning Commission. Also, historic resources are identified as environmental resources within the California Environmental Quality Act (CEQA). Any modification to a historic resource must comply with the Secretary of Interior Standards to qualify for a CEQA exemption.

Architectural Historian Leslie Dill prepared an initial evaluation of the property for its potential historical significance prior to design submittal (Attachment 4). She noted that numerous modifications have been made to the roof and windows, that exterior siding was largely replaced, and that the original porch was enclosed and obscured much of the original design. She concluded that although much of the historic materials have been lost, the property would still be eligible for historic designation on the basis of 'broad historical patterns in the early development of the city'. During a preliminary design meeting, based on this initial evaluation, staff recommended that the design maintain the scale of the historic pattern along the street.

Historic Architect, Seth Bergstein, subsequently evaluated the proposed design for compatibility with the *Secretary of the Interior's Standards for Reconstruction*. Specifically, Mr. Bergstein cited *Standards 4-6* as most applicable with the following findings:

4. *The reconstructed building will be recreated using existing documentary evidence taken from the site prior to demolition. The new building will match the existing house in scale, massing, design, and the use of historic wood materials.*
5. *While the reconstruction will match the appearance of the original building, the new building will utilize modern window technology and detailing to clearly identify it as a contemporary re-creation, in keeping with this Standard.*
6. *While the subject house's appearance has been altered substantially over time, it's overall scale, massing, materials, and placement within the historic Prospect Avenue streetscape are the priorities in this reconstruction. These aspects of the original building will be maintained in the new construction to enable it to contribute to the established historic setting of altering rooflines and building facades along Prospect Avenue.*

Of note, the construction will maintain the unique streetscape of continuous rooflines paired with in-kind replacement of materials and preservation of massing from existing documentary evidence. Mr. Bergstein concluded that the construction would preserve the site's contribution to the historic neighborhood setting to meet the *Standards*. Therefore, the project would be a less than significant impact on the historic resource and conform with CEQA requirements.

Nonconforming Structure - Garage

The existing detached garage encroaches within the required front, rear, and 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. Based on a full remodel and relocation under the construction cost breakdown with no additions, the alterations will not exceed 50 percent of the present fair market value of the structure, so the alterations are permissible. The project will also correct the garage encroachment into the public right of way and comply with the rear setback.

Floor Area

The maximum allowed floor area ratio for the site is 58% (1,401 square feet). Currently, the site exceeds the maximum floor area ratio by over 250 square feet (68.5%). The proposed application reduces the floor area but exceeds the maximum FAR by 50 square feet (60.1%), and therefore requires a variance. The application includes a new 796 square-foot basement which is exempt from the floor area calculation.

Parking

Although basements are excluded from floor area calculations, they are included in parking requirements pursuant to §17.48.030(6)(g). The combined conditioned space equals 2,218 square feet which requires three parking spaces, one of which must be covered. The applicant is proposing to retain the detached garage and provide two new uncovered spaces in a tandem configuration.

Variance

The applicant is seeking approval of a variance to the required setbacks and floor area ratio.

Pursuant to §17.128.060, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds:

A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.

Staff Analysis: The unique circumstance applicable to the subject property is that the property is a historic site, with an irregularly shaped lot that is both small and shallow by Capitola standards. The variance allows the construction of a residence that is comparably-sized with improved siting on the lot and will continue to contribute to the historic context of the Prospect Avenue streetscape.

B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.

Staff Analysis: The substandard lot size is unique with depths ranging from 29 to 46 feet. Incorporating the required 15 feet front yard setback and 8 feet rear yard setback, results in an extremely limited building pad of 778 square feet. The existing primary structure has a footprint 1200 square feet, and the proposed footprint is 978 square feet. The overwhelming majority of properties along the bluff side of Prospect Avenue do not comply with all minimum setbacks for primary structures, accessory structures, or both. In particular, many structures are located along the front lot lines. Lots decrease in size towards the southern end of the block and are typified by increased FAR and reduced setbacks. The subject property is the second most southern lot and is also one of the smallest on Prospect Avenue. A breakdown of the estimated floor area ratios of adjacent properties is included as Attachment 6.

C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.

Staff Analysis: The variance is necessary to preserve the use already enjoyed by the subject property and is already enjoyed in the vicinity with respect to lot siting and massing.

D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.

Staff Analysis: The variance will not impose any detrimental impacts on the public health, safety, or welfare, or be injurious to properties or improvements in the vicinity or in the same zone as the subject property. In particular, proposed project has been designed to remove existing structural encroachments into the public right of way and improve parking.

E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.

Staff Analysis: The majority of properties on the bluff-side of Prospect Avenue do not comply with required setbacks. On the southern half of the block many properties additionally do not comply with current floor area ratio standards.

F. The variance will not have adverse impacts on coastal resources.

Staff Analysis: The variance will not adversely impact coastal resources. Although there are no coastal resources on the subject property, a public pathway exists between the rear of the lot and the railway. Conditions have been added to limit construction impacts to the site and surrounding area.

In conclusion, the variance request for setbacks and floor area ratio is consistent with the historic development pattern of the block. The substandard lot size is unique with depths ranging from 29 to 46 feet. Overall, the application decreases the existing nonconformities on the site, including a 200 square foot reduction in above-ground massing.

Geological Hazards Overlay

The property is located in the Geological Hazards Overlay. The property is located more than 200 feet from the coastal bluff; therefore, no increased setback regulations apply. Condition #8 requires a geotechnical report prior to issuance of building permit to ensure no impacts from the proposed development.

Archeological Sensitive Areas

The property is also within the archaeological sensitive area. Conditions of Approval #25–31 require an archaeological survey and monitoring plan with procedures to follow if cultural resources are discovered. A qualified archaeological monitor shall be retained to oversee the excavation activities.

CEQA:

Section 15302 of the CEQA Guidelines exempts the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. This project involves the replacement of an existing single-family residence and remodel of an existing 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 review the application and consider approving the Design Permit, Historical Alteration Permit, and Variance as conditioned **or** continuing the application to the next hearing with direction on necessary modifications to the plans.

Attachments:

1. Plan Set
2. Material Information
3. Variance Application
4. Preliminary Historic Evaluation Letter
5. Secretary of the Interior Standards Review Letter
6. Floor Area Neighborhood Survey

Conditions of Approval:

1. The project approval consists of Design Permit, Historical Alteration Permit, and Variance to allow the demolition of an existing historic structure and construction of a 1,422 square-foot single-family residence with a 796 square-foot basement. The project includes a remodel of an existing 280 square-foot detached garage, and variance for the primary structure setbacks and maximum floor area ratio. The maximum Floor Area Ratio for the 2,416 square foot property is 58% (1,401 square feet). The total FAR of the project is 60.1% with a total of 1,452 square feet, exceeding the maximum FAR by 51 feet. The application does comply with front, side, and rear yard setbacks. A variance for setbacks and floor area ratio was approved for the project. 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.
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 landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.

7. Prior to issuance of building permit, all Planning fees associated with permit #21-0376 shall be paid in full.
8. Prior to issuance of building permit, the applicant shall provide a geotechnical report and demonstrate compliance with its recommendations to the satisfaction of the Building Department.
9. Prior to issuance of building permit, the developer shall pay Affordable housing in-lieu fees as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
10. 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.
11. 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.
12. 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).
13. 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.
14. 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.
15. 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
16. 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.
17. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for two trees to be removed from the property. Three replacement trees shall be planted or so as to meet fifteen percent canopy coverage and/or a replacement ratio of 2:1. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans.

18. 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.
19. 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 17.156.080.
20. 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.
21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
22. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
23. Prior to demolition of the existing structure, a pest control company shall resolve any pest issue and document that all pest issues have been mitigated. Documentation shall be submitted to the city at time of demolition permit application.
24. The garage doorway on the east (rear) elevation shall be of a sliding barn-door style or similar in such a way that no portion of the opening extends beyond the subject property and that vehicles may not pass through to the backyard.
25. Prior to issuance of a building permit, an archaeological survey report and monitoring plan shall be prepared for the development.
 - a. The archaeological survey report shall include, at a minimum, a field survey by an archaeologist, survey of available state resource information at the Northwest Regional Information Center of the California Archaeological Inventory, description of the site's sensitivity, and any identified archaeological resources. The city will initiate the preparation of the survey report at the applicant's expense utilizing a qualified archaeologist selected by the community development department.
 - b. The cultural resource monitoring plan shall, at a minimum:
 - i. Identify all areas of proposed grading or earth disturbing activities which have the potential to impact historic or prehistoric resources;
 - ii. Identify the qualified archaeological monitor assigned to the project;
 - iii. Describe the proposed monitoring program, including the areas to be monitored, the duration of monitoring, and monitoring protocols;
 - iv. Outline procedures to be followed if cultural resources are discovered, including requirements to stop work, consultation with the City and any Native

- American participation (as appropriate), resource evaluation, mitigation plan requirements, and protocols if human remains are encountered; and
- v. Include post-monitoring reporting requirements and curation procedures.

26. Prior to issuance of a building or grading permit, the applicant shall submit evidence that a qualified archaeological monitor has been retained to oversee all earthwork activities.
27. The archaeological monitor shall attend a construction meeting to coordinate required grading monitoring activities with the construction manager and contractors.
28. If resources are encountered, the archaeological monitor shall have the authority to stop work until a significance determination is made.
29. If significant resources are discovered, work may remain halted at the archaeologist's discretion until such time that a mitigation plan has been prepared and implemented with the concurrence of the Community Development Department.
30. Following completion of archaeological monitoring, the archaeologist shall submit a summary and findings of the monitoring work.
 - a. If no resources are recovered, a brief letter report shall be completed that includes a site record update on a California Department of Park and Recreation form 523.
 - b. If significant resources are recovered, the report shall include a preliminary evaluation of the resources, a preliminary map of discovered resources, a completed California Department of Park and Recreation form 523, and recommendations for additional research if warranted.
31. If human remains are found at any time, the immediate area of the discovery shall be closed to pedestrian traffic along the Prospect Avenue street frontage and the Santa Cruz County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission shall be notified as required by law.
32. The archaeological monitor may discontinue monitoring with approval by the Community Development Director if he/she finds that site conditions, such as the presence of imported fill or other factors, indicates that significant prehistoric deposits are not possible.
33. The archaeologist shall prepare a grading monitoring letter report summarizing all monitoring work and any recovered resources. The letter report shall be submitted to the Community Development Department within 30 days following completion of grading activities.

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 and the Planning Commission have reviewed the proposed demolition and similar construction of an existing residence and remodel of an existing garage. With the granting of a variance to the required setbacks and maximum floor area ratio, the project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

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

Community Development Staff and the Planning Commission have reviewed the application for the demolition and replacement of an existing residence and remodel of an existing garage. With a granting of a variance to the required setbacks and maximum floor area ratio, the project complies with all applicable provisions of the zoning code and municipal code.

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

Section 15302 of the CEQA Guidelines exempts the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. This project involves replacement of a single-family residence and remodel of an existing 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 and the Planning Commission have all reviewed the reviewed the application. The proposed project will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity. The project will improve parking in the vicinity by meeting on-site requirements.

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

The Community Development Staff and the Planning Commission have reviewed the application. With the granting of a variance to the required setbacks and maximum floor area ratio, the proposed complies with all applicable design review criteria in Section 17.120.070.

F. The proposed project maintains the character, scale, and development pattern of the neighborhood.

Community Development Staff and the Planning Commission have all reviewed the application. The design of the reconstructed residence and remodeled garage will fit in nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood and of the existing dwelling.

Historic Alteration Findings

- A. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.**

Community Development Staff and the Planning Commission have reviewed the proposed similar construction of the historic structure and determined that the building will be recreated using existing documentary evidence taken from the site prior to demolition. The new building will be similar to the existing house in scale, massing, design, and the use of historic wood materials.

- B. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property are preserved.**

Community Development Staff and the Planning Commission have reviewed the proposed project and determined that the new structure will preserve the historic streetscape and alternating rooflines of Prospect Avenue, including the overall scale, massing, materials, placement.

- C. Any new additions complement the historic character of the existing structure. New building components and materials for the addition are similar in scale and size to those of the existing structure.**

Community Development Staff and the Planning Commission have reviewed the proposed determined that alterations from the original design, such as the rear deck, are in similar scale and size and compliment the historic character of the site and structure. The remodeled garage complements the primary structure and pattern of alternating rooflines of Prospect Avenue.

- D. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials.**

Community Development Staff and the Planning Commission have reviewed the proposed project and determined that the existing structure has been subject to numerous structural and material alterations and replacements with limited original materials. The proposed similar construction will recreate distinctive features and incorporate in-kind replication of historic wood materials.

- E. Archeological resources are protected and preserved in place. If such resources must be disturbed, mitigation measures are undertaken.**

Community Development Staff and the Planning Commission have conditioned the project to include mitigation measures should archeological resources be identified.

Variance Findings

- A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.**

The unique circumstance applicable to the subject property is that the property is a historic site, with an irregularly shaped lot that is both small and shallow by Capitola standards. The variance allows the construction of a residence that is comparably-sized with improved siting on the lot and will continue to contribute to the historic context of the Prospect Avenue streetscape.

B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.

The substandard lot size is unique with depths ranging from 29 to 46 feet. Incorporating the required 15 feet front yard setback and 8 feet rear yard setback, results in an extremely limited building pad of 778 square feet. The existing primary structure has a footprint 1200 square feet, and the proposed footprint is 978 square feet. The overwhelming majority of properties along the bluff side of Prospect Avenue do not comply with all minimum setbacks for primary structures, accessory structures, or both. In particular, many structures are located along the front lot lines. Lots decrease in size towards the southern end of the block and are typified by increased FAR and reduced setbacks. The subject property is the second most southern lot and is also one of the smallest on Prospect Avenue.

C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.

The variance is necessary to preserve the use already enjoyed by the subject property and is already enjoyed in the vicinity with respect to lot siting and massing.

D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.

The variance will not impose any detrimental impacts on the public health, safety, or welfare, or be injurious to properties or improvements in the vicinity or in the same zone as the subject property. In particular, proposed project has been designed to remove existing structural encroachments into the public right of way and improve parking.

E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.

The majority of properties on the bluff-side of Prospect Avenue do not comply with required setbacks. On the southern half of the block many properties additionally do not comply with current floor area ratio standards.

F. The variance will not have adverse impacts on coastal resources.

The variance will not adversely impact coastal resources. Although there are no coastal resources on the subject property, a public pathway exists between the rear of the lot and the railway. Conditions have been added to limit construction impacts to the site and surrounding area.

Coastal 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 1410 Prospect 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 project is located at 1410 Prospect Avenue. The near natural landforms and a coastal trail. Conditions have been added to limit impacts during construction, protect vegetation, and maintain natural vegetation cover.

D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project involves the demolition and replacement of an existing residence and remodel of an existing garage, which will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves the demolition and replacement of an existing residence and remodel of an existing garage, which will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves the demolition and replacement of an existing residence and remodel of an existing garage, which will not negatively impact coastal resources. Although there are no coastal resources on the subject property, a public pathway exists between the rear of the lot and the railway. Conditions have been added to limit construction impacts to the site and surrounding area.

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.

With the granting of a variance, the proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) 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 the demolition and replacement of an existing residence and remodel of an existing garage on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.