

Capitola Planning Commission

Agenda Report



Meeting: July 17, 2025

From: Building, Planning, and Economic Development Department

Address: 302 Grand Avenue

Project Description: Application #25-0191. APN: 036-132-09. Design Permit, Coastal Development Permit, and Variance to demolish a single-family residence and construct a new two-story, single-family residence. The application includes variance requests related to the required number of parking spaces and rear and side setbacks for the garage. The project is located within the R-1 (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

Recommended Action: Consider application #25-0191 and **approve** the project based on the attached Conditions and Findings for Approval.

Property Owner: Stephanie and Gary Luck

Representative: Derek Van Alstine Residential Design Inc., Filed: 4/11/25

Background: On October 15, 1998, following damage sustained to the garage at 302 Grand Avenue, the Planning Commission approved variances granting the "repair/reconstruction" of the structure which was located within the minimum required rear and exterior side yard setbacks.

On December 13, 2024, following an evaluation conducted by a city-contracted architectural historian, the property was formally delisted as a potentially significant resource and is not subject to historic preservation requirements of Chapter 17.84.

On May 14, 2025, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works staff, Kailash Mozumder and Erika Senyk: Kailash Mozumder noted the existing encroachments along Saxon Avenue and Grand Avenue should be removed. In response to the applicant, Mr. Mozumder thought it was appropriate for the fence to continue encroaching around the base of the olive tree along Saxon Avenue, provided the rest of the fence followed the property line and the parking wheel stops were also pulled away from the roadway. Mr. Mozumder also stated that the proposed site drainage should be designed in a manner that does not rely on areas within the projected 50-year erosion area.

Interim Building Official, Robin Woodman: Noted an asbestos report will be needed prior to demolition.

Associate Planner, Sean Sesanto: Noted some corrections were needed, including side setbacks of the new residence and the floor area ratio. Mr. Sesanto also noted zoning code amendments had just been certified within the coastal zone and the applicant could request review under the revised standards, which were generally beneficial to the project as designed.

Following the Development and Design Review meeting, the applicant resubmitted plans with corrections to the floor area and setbacks, revised the stormwater plans to move the retention area outside the 50-year setback and formally requested review under the latest zoning code standards.

Development Standards:

The following table outlines the zoning code requirements for development in the R-1 Zoning District. The applicant is seeking variances related to parking and setbacks for the attached garage.

Development Standards			
Building Height			
R-1 Regulation			Proposed
25 ft. 27 ft. when plate height does not exceed 22 ft. §17.16.030(B)(6)(e)			26 ft. 9 in. (plate height 21 ft. 3 in.)
Floor Area Ratio (FAR)			
			Proposed
Lot size			4,216 sq. ft.
Maximum Floor Area Ratio			53% (Max 2,187 sq. ft.)
First Story Floor Area			1,743 sq. ft.
Second Story Floor Area			444 sq. ft. 144 sq. ft. deck exemption
Total FAR			53% (2,187 sq. ft.)
Setbacks			
	R-1 regulation		Proposed
Front Yard 1 st Story	15 ft.		15 ft.
Front Yard 2 nd Story & Garage	20 ft.		Primary: 21 ft. 7 in. Deck: 15 ft.
Interior Side Yard 1 st Story	10% lot width	Lot width 55 ft. 5 ft. 6 in. min.	7 ft. 3 in.
Interior Side Yard 2 nd Story	15% of width	Lot width 55 ft. 8 ft. 3 in. min.	8 ft. 6 in.
Exterior Side Yard (Saxon Avenue)	10 ft.		Primary: 10 ft. 2 in. Garage: 2 ft. 11 in. Variance Requested
Rear Yard 1 st Story	Min. interior side yard of adjacent property, not less than 4 ft.	5 ft. 5 in. min.	Primary: 15 ft. 7 in. Garage: 9 in. Variance Requested
Rear Yard 2 nd Story			34 ft.
Parking			
Two spaces, neither of which must be covered	Required		Proposed
	2 spaces total		1 covered Variance Requested
Underground Utilities: Required with 25% increase in area			Required

Discussion: The subject property is a corner lot along Saxon Avenue with its frontage facing the coastal bluff, formerly Grand Avenue. The property borders a single flag lot, 304 Grand Avenue. The property is also located within the GH (Geologic Hazards) overlay district, which imposes 50-year setback to protect the development from erosion along the bluff.

Design Permit: The applicant is proposing to demolish the existing residence and construct a new residence which would attach to the existing detached garage. The form of the proposed residence is inspired by the existing home with an asymmetrical bonnet-style gabled roof with dormers. The home and garage are proposed with fiber-cement shingles, multi-paned aluminum framed windows, and composition roofing. Each upper-story bedroom includes a small coastal-facing deck.

Design Review Criteria: When considering design permit applications, the city shall evaluate applications to ensure that they satisfy the following criteria, comply with the development standards of the zoning district, conform to policies of the general plan, the local coastal program, and any applicable specific plan, and are consistent with any other policies or guidelines the city council may adopt for this purpose. To obtain design permit approval, projects must satisfy these criteria to the extent they apply. Planning staff has prepared specific analysis for the following list of Design Review Criteria that are more directly applicable to the proposed project. The complete list of Design Review Criteria (§17.120.070) is included as Attachment #3.

B. Neighborhood Compatibility. The project is designed to respect and complement adjacent properties. The project height, massing, and intensity are compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.

Staff analysis: The proposed design is very similar to the previous design of the home with an asymmetrical roof and shed dormers. The architectural style and proposed materials are typical to the Depot Hill neighborhood and Capitola.

C. Historic Character. Renovations and additions respect and preserve existing historic structures. New structures and additions to non-historic structures reflect and complement the historic character of nearby properties and the community at large.

Staff Analysis: The Depot Hill neighborhood is home to a mix of historic and non-historic structures. The proposed design is inspired by the existing home and complements the historic character of the neighborhood in terms of scale, materials, and site planning.

F. Privacy. The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimize privacy impacts on adjacent properties and provide adequate privacy for project occupants.

Staff Analysis: The project includes two upper-story decks, located in the front yard facing the ocean. The decks comply with all relevant development standards for second story decks and do not create any privacy issues as the property is a corner lot and oriented to take in views of Monterey Bay.

Non-Conforming Structure: The existing detached garage received a variance to be re-constructed within the required setbacks along the eastern and northern boundary lines in 1998. The applicant is now proposing to connect the new residence to the existing garage and modify the garage with additional height and massing. The applicant is requesting consideration of a new variance to maintain the location of the significantly modified garage.

Parking: Two onsite parking spaces are required for the single-family home. The project retains the existing single parking space in the garage and includes a variance request for one space.

Variance: The applicant is seeking approval of three variance requests: reducing the minimum required number of parking spaces from two spaces to a single parking space and reducing the minimum required rear and exterior-side yard setbacks related to the garage. As noted in the background, the existing garage received variances in 1998 for renovation within the rear and exterior side yard setbacks. With the demolition of the existing family home and an alteration to the garage, new variances for parking and setbacks are required.

Pursuant to §17.128.060, the Planning Commission, based on the evidence submitted at the hearing, may grant a variance 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 application notes several reasons for the variance, including the preservation of an olive tree behind the existing garage and limited space. The application also references limited site access due to city street abandonment of Grand Avenue and a portion of Saxon Avenue, approximately one third of the lot fronting Saxon Avenue. Staff further note that the lot depth was reduced to provide flag lot access on the adjacent property at 304 Grand Avenue, owing to loss of original road access from Grand Avenue. Therefore, multiple unique circumstances are applicable to the subject property, including lot size, geologic hazards, site access, and the preservation of trees.

- 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 subject property underwent a lot line adjustment to provide the adjacent property at 304 Grand Avenue with off-street parking opportunities, which were lost with the closure of Grand Avenue. The road closure and subsequent lot line adjustment limit parking space and siting on the subject property, leading to the variances originally approved for the existing garage. Therefore, the strict application of this requirement on a would deprive the subject property of a design commonly enjoyed on similar properties in the same zone.

- 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: Properties abutting the Grand Avenue bluff are characterized by irregular parking configurations including flag lots, nonconforming garage setbacks, and substandard parking availability. The granting of variances for a reduction of required on-site parking and for minimum rear and side yard setbacks related to the garage are necessary to preserve development opportunities possessed by other properties in the vicinity.

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

Staff Analysis: The granting of variances results in a project which complies with geologic hazard regulations, preservation of on-site trees, without any materially detrimental impacts to the public or surrounding improvements and amounts to a continuation of existing conditions.

- 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: Over half of the 18 properties abutting the Grand Avenue bluff between Central Avenue and Livermore Avenue exhibit one or more irregular parking configurations including flag lots, nonconforming garage setbacks, and substandard parking availability. The granting of variances does not constitute a grant of special privilege.

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

Staff Analysis: The project has been designed with consideration to adjacent coastal resources. This includes removing existing encroachments within the public right-of-way and improving public parking spaces adjacent to the residence with deeper parking stalls. The project will not have adverse impacts on coastal resources.

Geologic Hazards: The project is located within the Geologic Hazards Overlay within two hundred feet from the coastal bluff. Pursuant to §17.68.100, geologic/engineering analysis is required to analyze the nature and rate of geologic hazard of the site determine a setback sufficient to provide stability and structural integrity of the project for a fifty-year timeframe. Geologic and geotechnical evaluation was conducted by Easton Geology and Rock Solid Engineering, respectively. A fifty-year hazard line was

established, extending approximately ten-and-a-half feet into the front yard. Accordingly, this line is reflected in the plans and elements of the primary dwelling and site drainage are proposed leeward of this line.

Archaeological Requirements: The property is located within one hundred feet of a bluff edge and is therefore required to obtain an archaeological survey pursuant to §17.56.020(A)(2). In 2024, a phase 1A archaeological assessment was prepared by Patricia Paramour Archaeological Consulting, which concluded without discovery of archaeological resources, nor expected discovery during demolition. Recommended mitigations were limited to the unanticipated event of discovering archaeological resources or human remains. Staff included Conditions #26-27 to reflect these recommendations.

Trees: The applicant is proposing to keep the existing mature trees, which satisfies the 15% canopy coverage requirement for new construction projects.

CEQA: §15303(a) of the CEQA Guidelines exempts a single-family residence or second dwelling unit in a residential zone. The project includes the construction of a new single-family residence and renovations to an existing garage.

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 project. The proposed replacement single-family dwelling complies with the development standards of the R-1 zoning district. With the granting of variances, 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 a single-family dwelling within the R-1 zoning district. With a granting of the requested variances, 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 §15303(a) of the CEQA Guidelines exempts a single-family residence in a residential zone and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves the construction of a single-family dwelling within the R-1 (Single-Family Residential) 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 reviewed the project. The proposed residence 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).**

The Community Development Staff and the Planning Commission have reviewed the application. The proposed residential project complies with all applicable design review criteria in Section 17.120.070.

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

Community Development Staff and the Planning Commission have reviewed the residential application. The residence and garage utilize fiber-cement shingles, fractional windows, and composition roofing. The form of the new residence retains similarities with the existing home including bonnet-style gabled roof and dormers. The project maintains the character, scale, and development pattern of the neighborhood.

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 application notes several reasons for the variance, including the preservation of an olive tree behind the existing garage and limited space. The application also references limited site access due to city street abandonment of Grand Avenue and a portion of Saxon Avenue, approximately one third of the lot fronting Saxon Avenue. Staff further note that the lot depth was reduced to provide flag lot access on the adjacent property at 304 Grand Avenue, owing to loss of original road access from Grand Avenue. Therefore, multiple unique circumstances are applicable to the subject property, including lot size, geologic hazards, site access, and the preservation of trees.

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 subject property underwent a lot line adjustment to provide the adjacent property at 304 Grand Avenue with off-street parking opportunities, which were lost with the closure of Grand Avenue. The road closure and subsequent lot line adjustment limit parking space and siting on the subject property, leading to the variances originally approved for the existing garage. Therefore, the strict application of this requirement on a would deprive the subject property of a design commonly enjoyed on similar properties in the same zone.

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.

Properties abutting the Grand Avenue bluff are characterized by irregular parking configurations including flag lots, nonconforming garage setbacks, and substandard parking availability. The granting of variances for a reduction of required on-site parking and for minimum rear and side yard setbacks related to the garage are necessary to preserve development opportunities possessed by other properties in the vicinity.

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 granting of variances results in a project which complies with geologic hazard regulations, preservation of on-site trees, without any materially detrimental impacts to the public or surrounding improvements and amounts to a continuation of existing conditions.

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.

Over half of the 18 properties abutting the Grand Avenue bluff between Central Avenue and Livermore Avenue exhibit one or more irregular parking configurations including flag lots, nonconforming garage setbacks, and substandard parking availability. The granting of variances does not constitute a grant of special privilege.

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

The project has been designed with consideration to adjacent coastal resources. This includes removing existing encroachments within the public right-of-way and improving public parking spaces adjacent to the residence with deeper parking stalls. The project will not have adverse impacts on coastal resources.

Coastal Development Permit Findings:

- A. The project is consistent with the LCP land use plan, and the LCP implementation program.**
The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program. Specifically, the project has been designed for consistency with a fifty-year development life related to geologic hazards.
- B. The project maintains or enhances public views.**
The proposed project is located on private property at 302 Grand Avenue. Improvements, including the new dwelling and landscape features have been designed to maintain or enhance public views.
- C. The project maintains or enhances vegetation, natural habitats and natural resources.**
The proposed project is located at 302 Grand Avenue. The home is not located in an area with natural habitats or natural resources. The project will maintain or enhance vegetation and will not negatively affect natural habitats or natural resources.
- D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**
The site is private property which does not possess coastal access or resources. The project will not negatively impact low-cost public recreational access.
- E. The project maintains or enhances opportunities for visitors.**
The project involves the construction of a single-family dwelling will not negatively impact visitor serving opportunities.
- F. The project maintains or enhances coastal resources.**
The project has been designed with consideration to adjacent coastal resources and incorporates improvements to public parking adjacent to the residence.
- 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 variances related to on-site parking and garage setbacks, 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 construction of a single-family dwelling 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.

Conditions of Approval:

1. The project approval consists of the demolition of an existing single-family residence and construction of an 1,867 square-foot single-family dwelling and attached 320 square-foot garage. The maximum Floor Area Ratio for the 4,126 square foot property is 53% (2,187 square feet). The total FAR of the project is 53% with a total of 2,187 square feet. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on

July 17, 2025, 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 a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
8. Best management practices shall be used to protect the existing olive trees during construction, including preconstruction root exploration, preconstruction root pruning and canopy pruning, and tree protection structures. The applicant shall notify the City immediately upon evidence of tree death or decline. Tree death or trees in an irreversible state of decline shall be replaced to the satisfaction of the Community Development Department.
9. Prior to issuance of building permit, all Planning fees associated with permit #25-0191 shall be paid in full.
10. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
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, 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. Site runoff shall not drain onto adjacent parcels or over sidewalks.
13. 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).

14. 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.
15. 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.
16. 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
17. 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.
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 unless exercised. 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. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.
24. Prior to a Building Department final and/or issuance of a Certificate of Occupancy, final inspections by the Planning and Public Works Departments are required.
25. 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.

26. If archaeological resources from either precontact or historic eras are exposed during site clearing or construction-related ground disturbance operations shall stop within 50 feet of the find.
 - a. A qualified archaeologist shall be contacted as quickly as possible to assess the discovery and make recommendations for treatment.
 - b. The property owners and/or project manager shall notify the Community Development Department immediately.
 - c. If the find is determined to be potentially significant, appropriate mitigation measures will be formulated and implemented, to the satisfaction of the Community Development Department.
27. If human remains are found at any time, the immediate area of the discovery shall be closed to pedestrian traffic along Saxon Avenue street frontage and the Santa Cruz County Coroner must be notified immediately.
 - a. If the Coroner determines that the remains are Native American, the Native American Heritage Commission shall be notified as required by law
 - b. Condition #26 shall also be followed as applicable.

Attachments:

1. 302 Grand Avenue – Plan Set
2. 302 Grand Avenue – Variance Request
3. Design Permit Design Review Criteria

Report Prepared By: Sean Sesanto, Associate Planner

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director