

Capitola Planning Commission

Agenda Report



Meeting: May 2, 2024

From: Community Development Department

Address: 602 El Salto Drive

Project Description: Application #23-0543. APN: 036-142-03. Design Permit for first- and second-story additions to an existing two-story single-family residence, including an attached accessory dwelling unit. The project is located within the R-1 (Single-Family Residential) zoning district.

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 #23-0543 and approve the project based on the attached Conditions and Findings for Approval.

Property Owner: Hadden Family Trust

Representative: Derek Van Alstine Residential Design, Inc., Filed: 12.22.23

Background: In 1985, the Planning Commission approved a variance to allow construction into the side yard setback under permit #85-53, which enabled the circular tower staircase to encroach into the required street side setback along Sacramento Avenue.

On November 3, 2022, the Planning Commission approved an application to demolish the existing single-family residence and construct a new single-family residence with a detached garage. The project was not constructed, and the property was subsequently sold.

On February 28, 2024, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representative, Erika Senyk: Noted that an encroachment permit would be needed for the flatwork improvements along Sacramento Avenue.

Building Official, Eric Martin: Discussed the level of demolition with the applicant and noted if further demolition work was necessary, the building permit would be classified as new construction, which affects applicable building code requirements and fees.

Associate Planner, Sean Sesanto: Discussed placement concerns of the proposed generator along the rear property line adjacent to the neighboring resident at 208 Sacramento, further noting that generators may only be active for emergencies and maintenance. The applicant described placement limitations and stated that products would be selected to limit noise. Also discussed were necessary site plan changes and the need for additional information, such as a survey and proposed changes to the site trees. Based on information provided by the applicant, Mr. Sesanto did not believe any new trees would be required, even with the removal of some existing trees. The applicant also informed staff that they were working on a survey, landscape plan, and tree plan.

Following the Development and Design Review meeting, the applicant resubmitted the application with the required changes and included a survey, landscape plan, tree plan, and product specifications on the proposed generator and siding materials.

Development Standards: The following table outlines the zoning code requirements for development in the R-1 Zoning District.

Development Standards				
Building Height				
R-1 Regulation	Existing		Proposed	
25 ft.	24 ft. 9 in.		24 ft. 10 in.	
Floor Area Ratio (FAR)				
	Existing		Proposed	
Lot size	9,108 sq. ft.		9,108 sq. ft.	
Maximum FAR	48% (Max 4,372 sq. ft.)		48% (Max 4,372 sq. ft.)	
First Story Floor Area	Primary: 2,171 sq. ft.		Primary: 2,235 sq. ft. ADU: 788 sq. ft.	
Second Story Floor Area	1,610 sq. ft. 150 sq. ft. (deck exemption)		2,123 sq. ft. 150 sq. ft. (deck exemption)	
Total FAR	41.5% (3,781 sq. ft.)		Without ADU: 47.8% (4,358 sq. ft.) 56.5% (5,140 sq. ft.) Guaranteed Allowance ADU	
Setbacks				
	R-1 regulation		Existing	Proposed
Front Yard 1st Story	15 ft.		42 ft. 3 in.	42 ft. 3 in.
Front Yard 2nd Story	20 ft.		42 ft. 3 in.	42 ft. 3 in.
Interior Side Yard 1st Story	10% lot width	7 ft. min.	7 ft. 4 in.	Primary: 16 ft. 4 in. ADU: 4 ft.
Interior Side Yard 2nd Story	15% of width	10 ft. min	7 ft. 4 in.	16 ft. 3 in.
Exterior Side Yard 1st and 2nd Story	10 ft.		7 ft. 2 in.	First Story: 20 ft. Second Story New: 10 ft. 2 in. Second Story: 7 ft. 2 in. Existing Variance
Rear Yard 1st Story	10% of adjacent parcel width	6 ft. 5 in. min.	17 ft.	Primary: 11 ft. 4 in. ADU: 11 ft. 8 in.
Rear Yard 2nd Story			22 ft. 11 in.	22 ft. 6 in.
Encroachments				Generator
Parking				
Residential (2,601 sq. ft. or more)	Required			Proposed
	4 spaces total 1 covered 3 uncovered			4 spaces total 2 covered 2 uncovered
Underground Utilities: Required with 25% increase in area				Required

Discussion: The existing property is on the corner of El Salto Drive and Sacramento Avenue within the Depot Hill neighborhood, surrounded by one- and two-story single-family residences. The existing residence was constructed around 1986 and is not listed as a historic structure.

On corner lots, the narrowest street frontage is considered the front parcel line; therefore, El Salto Drive is considered the front for the purposes of determining setbacks. Corner lots have decreased rear yard setbacks, with the rear yard setback being equal to the side yard setback of the adjacent property. The

parcel has historically had driveway access from Sacramento Avenue, and the current application keeps the same orientation with the main entrance and driveway along Sacramento Avenue.

Design Permit: The applicant is proposing substantial renovations to the existing single-family residence, including a new attached ADU. The project rearranges the internal layout of the dwelling with expansion towards the center of the lot, resulting in an increase of 577 square feet. A large second-story terrace will be removed from the west side of the home and replaced with a smaller balcony off the master bedroom. Improvements also include a new 788 square-foot accessory dwelling unit on the back of the home. The ADU is only subject to limited standards and is eligible for the guaranteed allowance, exceeding the maximum Floor Area Ratio equal to the size of the ADU, up to 800 square feet. Egress is possible both through the primary dwelling and along the side yard.

The remodel seeks to retain some of its mid-century influence while utilizing modern materials. The project preserves the prominent circular staircase tower, round living room, and flat roofs. The new exterior utilizes a combination of concrete paneling, composite shiplap, and stucco siding. Cladding is not separated by floor but instead is used to create added relief and variation between architectural elements and massing.

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 is included as Attachment #3.

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 Comment: The design includes three second-story decks; two rear-facing decks and a larger deck in the front yard facing El Salto Drive. All three proposed decks have been designed to comply with development standards for upper-story decks and minimize privacy impacts on adjacent properties.

S. Mechanical Equipment, Trash Receptacles, and Utilities. Mechanical equipment, trash receptacles, and utilities are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by landscaping.

Staff Comment: The proposed emergency generator is located along the rear property line which is the side property line for the adjacent neighbor at 208 Sacramento near an adjacent residential use. Staff believes the added condition of approval will mitigate noise impacts. The generator is discussed further below.

Parking and Driveway: The project exceeds 2,600 square feet and must provide four on-site parking spaces, one of which must be covered. The proposal includes four full-size parking spaces: two in the driveway and two in the garage.

Emergency Generator: The application includes a permanent generator located 18 inches from the rear property line. CMC Section 17.96.190 outlines the development standards and regulations for generators. The standards are listed below followed by staff analysis:

Home generators to provide backup electricity in case of a power outage must comply with the following:

A. Noise. Generators may not exceed noise levels of sixty-five dBA as measured from the property line of a residentially zoned property or a residential use.

Staff Analysis: The generator will not exceed the maximum noise level of sixty-five dBA. Condition of approval #24 has been added, stating “At time of building permit, the applicant must provide documentation demonstrating the emergency generator does not exceed noise levels of sixty-five dBA as measured from the property line.” The applicant is also proposing a sound enclosure to mitigate the noise from generator.

B. Allowed Use. Other than periodic testing as required by the manufacturer, a generator may be operated only in case of a power outage or emergency.

Staff Analysis: Condition of approval #25 has been added, stating “The generator may be operated only in case of a power outage or emergency or for periodic testing as required by the manufacturer. The generator may be tested only during the hours of eight a.m. and eight p.m.”

C. Testing Hours. A generator may be tested only during the hours of eight a.m. and eight p.m.

Staff Analysis: This standard is covered within condition of approval #25, as stated above.

D. Placement on Lot.

1. Generators are prohibited in required front and side setback areas.

2. A generator may project a maximum of five feet into a rear setback if necessary to locate the generator behind the rear wall of the home.

Staff Analysis: As previously noted, staff notified the applicant of concerns related to the proposed generator’s proximity to a shared residential property line. The minimum required rear setback for the corner lot is six-feet, five-inches. The code allows a generator to project five feet into a rear setback if necessary to locate the generator behind the rear wall of a home. This standard allows the generator to be within 18 inches of the rear property line. The applicant is proposing the generator be located 2-feet, 6-inches from the rear property line. The reason for the request is limited space between rear wall of the home and the property line, required building code separation standards from the ADU doorway, and optimal proximity to the electric panel. The applicant is also including a sound enclosure to further reduce noise impacts.

Landscaping and Trees: Pursuant to CMC Section 12.12.190(C), applications for major remodels trigger a canopy coverage review, which requires that the site maintain or provide a tree canopy coverage of fifteen percent of lot area. One cherry tree and two small palm trees would be unavoidably impacted by the additions and are proposed for removal. The applicant provided a canopy coverage analysis demonstrating a post-removal canopy to exceed 30 percent of the lot size. Staff notes the high number of existing and remaining trees and has not required plantings in the conditions of approval. Additionally, the applicant is removing considerable hardscape in the front and back yards and intends to preserve as much of the existing mature vegetation as feasible.

CEQA: Section 15301(3) of the CEQA Guidelines exempts minor alterations of existing private structures involving negligible or no expansion of existing or former use. This project involves additions to an existing single-family residence that will not result in an increase of more than 50 percent of floor area or 2,500 square feet.

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 single-family remodel and attached accessory dwelling unit complies with the development standards of the R-1 (Single-Family Residential) zoning district. 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 proposed additions and new ADU. 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 §15301(3) of the CEQA Guidelines exempts minor alterations of existing private structures involving negligible or no expansion of existing or former use and is subject to Section 753.5 of Title 14 of the California Code of Regulations. The exemption includes single-family residential additions that do not result in an increase of more than 50 percent of floor area or 2,500 square feet. The project involves additions to a single-family residence and a new accessory dwelling unit that will result in an increase of 36 percent or 1,365 square feet. The project is located 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 single-family additions and new ADU 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 remodel and attached accessory dwelling unit 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 for additions to the single-family residence and new ADU. The remodeled structure replaces much of the existing stucco siding to include modern alternatives such as concrete panels, composite shiplap. Some signature elements of the original structure are preserved, including the circular staircase tower, round living room, and flat parapet roof. Larger volumes are located towards the street and away from adjacent lots. The project introduces a contemporary style while maintaining the overall character and scale of the neighborhood.

Limited Standards ADU Permit Findings:

A. The ADU provides a minimum rear and side setback of four feet.

The proposed ADU is four feet from the nearest side property line and more than 11 feet from the rear property line.

B. The ADU does not exceed eight hundred square feet in size.

The proposed ADU is 788 square feet.

C. The ADU has a maximum height of sixteen feet.

The proposed ADU does not exceed sixteen feet in height.

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.
- B. The project maintains or enhances public views.**
The proposed project is located on private property at 602 El Salto Drive. 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 residential project is not located in an area with natural habitats or natural resources. The project will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.
- D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**
The project involves the remodel of a single-family residence and new accessory dwelling unit will not negatively impact low-cost public recreational access.
- E. The project maintains or enhances opportunities for visitors.**
The project involves the remodel of a single-family residence and new accessory dwelling unit and will not negatively impact visitor serving opportunities.
- F. The project maintains or enhances coastal resources.**
The project involves the remodel of a single-family residence and new accessory dwelling unit and will not negatively impact coastal resources.
- 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.**
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 remodel of a single-family residence and new accessory dwelling unit 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 includes the renovation and addition of 577 square-feet to the existing primary dwelling and a new 788 square-foot attached accessory dwelling unit. The maximum Floor Area Ratio for the 9,108 square foot property is 48% (4,372 square feet). The total FAR of the project is 56.5% with a total of 5,146 square feet. The project is subject to the guaranteed allowance for the 788 square-foot ADU. The effective FAR is 47.8% with a total of 4,358 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 May 2, 2024, 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. Prior to issuance of building permit, all Planning fees associated with permit #23-0543 shall be paid in full.
9. 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.
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, 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.
18. 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.
19. 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.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
21. 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.
22. 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.
23. At time of submittal for demolition and/or building permit review, the applicant shall include a demolition work of scope statement and a demolition plan clearly identifying all areas of walls and floors to be demolished. The City may require a letter from a structural engineer. Any modifications to the demolition plans, including modifications to the scope of work, means and methods of demolition/construction, or changes to the framing, windows, or any other exterior elements shall be submitted to the Building Department for review and approval prior to proceeding with demolition and/or construction. In the course of construction, the City may require additional plans as they deem necessary.
24. At time of building permit, the applicant must provide documentation demonstrating the emergency generator does not exceed noise levels of sixty-five dBA as measured from the property line.
25. The generator may be operated only in case of a power outage or emergency or for periodic testing as required by the manufacturer. The generator may be tested only during the hours of eight a.m. and eight p.m.

26. Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
- a. The accessory dwelling unit may not be used for vacation rentals; and
 - b. The accessory dwelling unit shall not be sold separately from the primary dwelling; and
 - c. The deed restriction shall lapse upon removal of the accessory dwelling unit.

Attachments:

1. 602 El Salto Drive – Plan Set
2. 602 El Salto Drive – Material and Generator Details
3. Design Review Criteria

Report Prepared By: Sean Sesanto, Associate Planner

Reviewed By: Austin Westly, Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director