AGENDA

CAPITOLA PLANNING COMMISSION
Thursday, August 20, 2020 – 7:00 PM

Chairperson       Ed Newman
Commissioners     Courtney Christiansen
                    Mick Routh
                    TJ Welch
                    Peter Wilk

REVISED

NOTICE OF REMOTE ACCESS ONLY:

In accordance with the current Order from Santa Cruz County Health Services and Executive Order regarding social distancing, the Planning Commission meeting will not be physically open to the public and in person attendance cannot be accommodated.

To watch:
2. Spectrum Cable Television channel 8
3. Zoom Meeting (link and phone numbers below)

To participate remotely and make public comment:
1. Send email:
   a. As always, send additional materials to the Planning Commission via planningcommission@ci.capitola.ca.us by 5 p.m. the Wednesday before the meeting and they will be distributed to agenda recipients.
   b. During the meeting, send comments via email to publiccomment@ci.capitola.ca.us
      ▪ Identify the item you wish to comment on in your email’s subject line. Emailed comments will be accepted during the Public Comments meeting item and for General Government / Public Hearing items.
      ▪ Emailed comments on each General Government/ Public Hearing item will be accepted after the start of the meeting until the Chairman announces that public comment for that item is closed.
      ▪ Emailed comments should be a maximum of 450 words, which corresponds to approximately 3 minutes of speaking time.
      ▪ Each emailed comment will be read aloud for up to three minutes and/or displayed on a screen.
      ▪ Emails received by publiccomment@ci.capitola.ca.us outside of the comment period outlined above will not be included in the record.

2. Zoom Meeting (Via Computer or Phone)
   a. Please click the link below to join the meeting:
      ▪ https://us02web.zoom.us/j/88908973394?pwd=NzdjZ21MYnZYYV3d0WlhaWU5SYlt1dz09 (link is external)
      ▪ If prompted for a password, enter 694466
▪ Use participant option to “raise hand” during the public comment period for
the item you wish to speak on. Once unmuted, you will have up to 3 minutes
to speak

b. Dial in with phone:
▪ Before the start of the item you wish to comment on, call any of the numbers
below. If one is busy, try the next one
▪ 1 669 900 6833
▪ 1 408 638 0968
▪ 1 346 248 7799
▪ 1 253 215 8782
▪ 1 301 715 8592
▪ 1 312 626 6799
▪ 1 646 876 9923
▪ Enter the meeting ID number: 889 0897 3394
▪ When prompted for a Participant ID, press #
▪ Press *6 on your phone to “raise your hand” when the Chairman calls for
public comment. It will be your turn to speak when the Chairman unmutes
you. You will hear an announcement that you have been unmuted. The timer
will then be set to 3 minutes.
REGULAR MEETING OF THE PLANNING COMMISSION - 7 PM

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Planning Commission Meeting will be distributed to Commissioners to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Commissioners, nor be read by them prior to consideration of an item.

All matters listed on the Regular Meeting of the Capitola Planning Commission Agenda shall be considered as Public Hearings.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

Short communications from the public concerning matters not on the Agenda. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes.

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

A. Planning Commission - Regular Meeting - Jul 16, 2020 7:00 PM

4. CONSENT CALENDAR

All matters listed under “Consent Calendar” are considered by the Planning Commission to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Planning Commission votes on the action unless members of the public or the Planning Commission request specific items to be discussed for separate review. Items pulled for separate discussion will be considered in the order listed on the Agenda.

A. 514 Escalona Drive #20-0212 APN: 036-121-20

Design Permit for first- and second-story additions to an existing nonconforming single-family residence located within the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Phil Collyer & Susan Marfise

Representative: John Craycroft, Filed: 06.10.2020

5. PUBLIC HEARINGS

Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is as follows: 1) Staff Presentation; 2) Public Discussion; 3) Planning Commission Comments; 4) Close public portion of the Hearing; 5) Planning Commission Discussion; and 6) Decision.
A. 212 Cherry Avenue #19-0737 APN: 035-161-09
Design Permit for a remodel and third-story addition with a variance for the maximum height limit and to relocate nonconforming areas of the structure for a single-family residence located within the RM-LM (Multi-Family Residential Low-Medium Density) zoning district.
This project is in the Coastal Zone but does not require a Coastal Development Permit.
Environmental Determination: Categorical Exemption
Owner: Marti Formico
Representative: Dennis Norton, Filed: 12.16.2019

6. DIRECTOR’S REPORT
   A. Discussion on planning application requirement for a color and materials board.

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT
APPEALS: The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Conditional Use Permit, Variance, and Coastal Permit. The decision of the Planning Commission pertaining to an Architectural and Site Review Design Permit can be appealed to the City Council within the (10) working days following the date of the Commission action. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a five hundred dollar ($500) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

Notice regarding Planning Commission meetings: The Planning Commission meets regularly on the 1st Thursday of each month at 7 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.cityofcapitola.org. Need more information? Contact the Community Development Department at (831) 475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Materials that are a public record under Government Code § 54957.5(A) and that relate to an agenda item of a regular meeting of the Planning Commission that are distributed to a majority of all the members of the Planning Commission more than 72 hours prior to that meeting shall be available for public inspection at City Hall located at 420 Capitola Avenue, Capitola, during normal business hours.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the Community Development Department at least 24 hours in advance of the meeting at (831) 475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Televised Meetings: Planning Commission meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be replayed on the following Monday and Friday at 1:00 p.m. on Charter Channel 71 and Comcast Channel 25. Meetings can also be viewed from the City's website: www.cityofcapitola.org.
1. ROLL CALL AND PLEDGE OF ALLEGIANCE
Commissioners Christiansen, Routh, Welch, Wilk, and Chair Newman were present.

2. ORAL COMMUNICATIONS
   A. Additions and Deletions to Agenda
   B. Public Comments
   C. Commission Comments
   D. Staff Comments

3. APPROVAL OF MINUTES
   A. Planning Commission - Regular Meeting - Jun 4, 2020 7:00 PM
      RESULT: APPROVED [UNANIMOUS]
      MOVER: Peter Wilk
      SECONDER: Courtney Christiansen
      AYES: Newman, Welch, Wilk, Routh, Christiansen

4. CONSENT CALENDAR
   A. 111 Saxon Avenue #20-0098 APN: 036-131-03
      Design Permit for the conversion of an attached garage to living space and a new detached carport for an existing, two-story, single-family residence located within the R-1 (Single-Family Residential) zoning district.
      This project is in the Coastal Zone but does not require a Coastal Development Permit.
      Environmental Determination: Categorical Exemption
      Owner: Christine Herberg
      Representative: Daniel Silvernail, Architect, Filed: 03.06.2020

      MOTION: Approve the Design Permit with the following conditions and findings.

      CONDITIONS:
      1. The project approval consists of the conversion of an attached garage to living space and a new detached carport and a full interior and exterior remodel. The maximum Floor Area Ratio for the 4,000-square-foot property is 54% (2,160 square feet). The total FAR of the project is 54% with a total of 2,160 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 July 16, 2020, 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 #20-0098 shall be paid in full.

8. 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.

9. 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.

10. 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.

11. 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).

12. 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.

13. 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.
14. 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

15. 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.

16. 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.

17. 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 17.81.160.

18. 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.

19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

FINDINGS:

A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed conversion of an attached garage to living space and a new detached carport and a full interior and exterior remodel complies with the development standards of the R-1 (Single-Family Residential) District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.

B. The project will maintain the character and integrity of the neighborhood.
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the conversion of an attached garage to living space and a new detached carport and a full interior and exterior remodel. The design of the home with stucco siding on the first story and board and batten siding on the second story, will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.
C. This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.
Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition. The proposed project, even with the addition of the new 209-square-foot carport, reduces the total floor area on the lot. No adverse environmental impacts were discovered during review of the proposed project.

RESULT: APPROVED [UNANIMOUS]
MOVER: TJ Welch
SECONDER: Mick Routh
AYES: Newman, Welch, Wilk, Routh, Christiansen

5. DIRECTOR’S REPORT
Assistant Planner Sesanto gave the Director’s report.

Restaurants have been closed to indoor dining, however, all restaurants are eligible for free outdoor dining permits.

The two Queen Palms at 4199 Clares Street will be preserved and relocated to the rear yard of the adjacent property at 4191 Clares Street.

6. COMMISSION COMMUNICATIONS
Commissioner Wilk said a lot of people like the Queen Palms so he was pleased they will be preserved.

Chair Newman commented on the Corona Virus cases in Santa Cruz County and inquired about how the City of Capitola could be more proactive to protect the community.

7. ADJOURNMENT
The meeting was adjourned at 7:18 p.m. to the next regular meeting of the Planning Commission on August 20, 2020.

Liz Nichols, Clerk to the Commission
STAFF REPORT

TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT
DATE: AUGUST 20, 2020
SUBJECT: 514 Escalona Drive #20-0212 APN: 036-121-20

Design Permit for first- and second-story additions to an existing nonconforming single-family residence located within the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption

Property Owner: Phil Collyer & Susan Marfise Representative: John Craycroft, Filed: 06.10.2020

APPLICANT PROPOSAL
The applicant is proposing to enclose a portion of an existing second-story rear deck and extend the first-story covered front porch on an existing nonconforming single-family residence located at 514 Escalona Drive within the R-1 (Single-Family Residential) zoning district. The proposed project complies with all development standards of the R-1 zoning district.

BACKGROUND
The Architectural and Site Review Committee reviewed the application on July 8, 2020, and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: informed the applicant that the building plans should include a standard best management practices (BMP) sheet, recommended that the building plans include some type of site erosion protection to be installed prior to project construction, and requested that the applicant be conscious of general site housekeeping BMPs during the project construction. Mrs. Uharriet also provided several standard conditions for inclusion with the conditions of approval.

Building Official, Robin Woodman: informed the applicant that there were no immediate concerns and that any issues could be addressed during the building permit phase.

Local Architect, Frank Phanton: informed the applicant that he approved of the design.

Associate Planner, Matt Orbach: had no comments.

ZONING SUMMARY
The following table outlines the zoning code requirements for development in the R-1 Zoning District.

**R-1 (Single Family Residential) Zoning District**

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Height</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1 Regulation</td>
<td>25 ft.</td>
<td>23 ft. 4 in.</td>
</tr>
<tr>
<td><strong>Floor Area Ratio (FAR)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Size</td>
<td>4,000 sq. ft.</td>
<td>4,000 sq. ft.</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>54% (Max 2,160 sq. ft.)</td>
<td>54% (Max 2,160 sq. ft.)</td>
</tr>
<tr>
<td>First Story Floor Area</td>
<td>1,776 sq. ft.</td>
<td>1,776 sq. ft.</td>
</tr>
<tr>
<td>Second Story Floor Area</td>
<td>306 sq. ft.</td>
<td>333 sq. ft.</td>
</tr>
<tr>
<td>Deck/Covered Open Space</td>
<td>163 sq. ft.</td>
<td>187 sq. ft.</td>
</tr>
<tr>
<td>Deck Exception</td>
<td>-150 sq. ft.</td>
<td>-150 sq. ft.</td>
</tr>
<tr>
<td>TOTAL FAR</td>
<td>52.4% (2,095 sq. ft.)</td>
<td>53.7% (2,146 sq. ft.)</td>
</tr>
</tbody>
</table>

| **Yards** |  |  |
| (setbacks are measured from the edge of the public right-of-way) | | |
| R-1 Regulation | Existing | Proposed |
| Front Yard 1st Story | 15 ft. | 25 ft. 6 in. |
| Front Yard 2nd Story & Garage | 20 ft. | 3 ft. (Garage) Existing Nonconforming |
| Side Yard 1st Story | 10% lot width | Lot width: 40 ft. 4 ft min. | 4 ft. (West) 4 ft 5 in. (East) 4 ft. (South) 4 ft 5 in. (North) |
| Side Yard 2nd Story | 15% of width | Lot width: 40 ft. 6 ft min | 6 ft. (West) 16 ft 5 in. (East) |
| Rear Yard 1st Story | 20% of lot depth | Lot depth: 100 ft. 20 ft min. | 22 ft. 3 in. |
| Rear Yard 2nd Story | 20% of lot depth | Lot depth: 100 ft. 20 ft min. | 25 ft. 3 in. |

| **Encroachments** (list all) | Garage (front setback) |

<table>
<thead>
<tr>
<th><strong>Parking</strong></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (from 2,001 up to 2,600 sq. ft.)</td>
<td>3 spaces total 1 covered 2 uncovered</td>
<td>1 spaces total 1 covered 0 uncovered Existing</td>
<td>1 spaces total 1 covered 0 uncovered Existing</td>
</tr>
</tbody>
</table>
DISCUSSION
The existing structure at 514 Escalona Drive is a nonconforming two-story single-family residence. The applicant is proposing to enclose 27 square feet of an existing second-story rear deck and extend the first-story covered front porch by four feet. The extended front porch will have a new gabled roof with composition shingle roof and horizontal siding matching the existing residence and will add a total of 50 square feet of floor area. The lot is surrounded by one- and two-story single-family homes.

Nonconforming Structure
The existing structure is located within the first-story front yard setback and therefore is a legal non-conforming structure. Pursuant to code section 17.72.070, an existing non-conforming structure that will be improved beyond 80% of the present fair market value of the structure may not be made unless the structure is brought into compliance with the current zoning regulations. The applicant has submitted a construction cost breakdown demonstrating that the new addition is 2% of the present fair market value of the structure (Attachment 2), so the alterations can be made.

Parking
514 Escalona Drive currently only provides one on-site parking space in the attached garage. The code requires three spaces total, one covered and two uncovered. Additions of more than ten percent of the existing floor area require parking to be brought into compliance. The proposed additions add 77 square feet (3.6%) to the floor area, so the nonconforming parking does not need to be brought into compliance.

CEQA
Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed additions add 77 square feet (3.6%) of floor area, so this exemption applies. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION
Staff recommends the Planning Commission review the application and approve project #20-0212 based on the following Conditions of Approval and Findings.

CONDITIONS OF APPROVAL
1. The project approval consists of the enclosure of a portion of an existing second-story rear deck and extension of the first-story covered front porch. The maximum Floor Area Ratio for the 4,000-square-foot property is 54% (2,160 square feet). The total FAR of the project is 53.7% with a total of 2,146 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 August 20, 2020, 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 #20-0212 shall be paid in full.

8. 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.

9. 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.

10. 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).

11. 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.

12. 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.

13. 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

14. 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.

15. 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.

16. 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 17.81.160.

17. 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.

18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

DESIGN PERMIT FINDINGS
A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan. Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed enclosure of a portion of an existing second-story rear deck and extension of the first-story covered front porch comply with the development standards of the R-1 (Single-Family Residential) District.

B. The project will maintain the character and integrity of the neighborhood. Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the enclosure of a portion of an existing second-story rear deck and extension of the first-story covered front porch. The design of the home with gabled roof over the extended-front porch will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS
A. This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.
   Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the
floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed additions add 77 square feet (3.6%) of floor area, so this exemption applies. No adverse environmental impacts were discovered during review of the proposed project.

**ATTACHMENTS:**

1. 514 Escalona Drive - Full Plan Set - 07.23.2020
2. 514 Escalona Drive - Nonconforming Calculation - 07.23.2020

Prepared By: Matt Orbach  
Associate Planner
**Existing Elevations**

- **North Elevation**
  - Scale: 1/4" = 1'-0"
  - 1st Fl. Level
  - 2nd Fl. Level
  - Composition Shingle Roofing (typ.)

- **East Elevation**
  - Scale: 1/4" = 1'-0"
  - 1st Fl. Level
  - 2nd Fl. Level
  - Composition Shingle Roofing (typ.)

- **West Elevation**
  - Scale: 1/4" = 1'-0"
  - 1st Fl. Level
  - 2nd Fl. Level
  - Composition Shingle Roofing (typ.)

- **Front (South) Elevation**
  - Scale: 1/4" = 1'-0"
  - 1st Fl. Level
  - 2nd Fl. Level
  - Composition Shingle Roofing (typ.)

**SURVEYOR**
- Olin Edmundson, PLS
  - 1512 Seabright Ave.
  - Santa Cruz, CA 95062
  - 831-425-1796

**STRUCTURAL ENGINEER**
- Leonard Willis, PE
  - Redwood Engineering
  - 1535 Seabright Ave.
  - Suite 200
  - Santa Cruz, CA 95062
  - (831) 426-8444

**CLIENT**
- Susan Marfise
  - 514 Escalona Drive
  - Capitola, CA

**PROJECT**
- 514 Escalona Drive
  - Capitola, CA

**APN:** 036-121-20

**CRAYCROFT DESIGN**
- 495 Happy Valley Way
  - Santa Cruz, CA 95065
  - 831-427-3048

**Version Date:** 6/4/20

**Design Permit Submittal Set:** 6/4/20

**Packet Pg. 18**
Attachment: 514 Escalona Drive - Full Plan Set - 07.23.2020 (514 Escalona Drive)
# CONSTRUCTION COST BREAKDOWN PER Section 17.72.070

### Existing Building Costs: 514 Escalona Drive

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Residence</td>
<td>1822</td>
<td>$364,400.00</td>
</tr>
<tr>
<td>Existing Garage</td>
<td>260</td>
<td>$23,400.00</td>
</tr>
<tr>
<td>Existing Deck</td>
<td>164</td>
<td>$4,100.00</td>
</tr>
</tbody>
</table>

**Total Existing Value:** $391,900.00  
80% of Total Existing Value: $313,520.00

### New Construction Costs:

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Conditioned Space</td>
<td>27</td>
<td>$5,400.00</td>
</tr>
<tr>
<td>New Garage</td>
<td>0</td>
<td>$ -</td>
</tr>
<tr>
<td>New deck/porch</td>
<td>50</td>
<td>$1,250.00</td>
</tr>
</tbody>
</table>

**Total New Construction Value:** $6,650.00

### Remodel Costs: (50% of "new construction" costs)

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remodel Conditioned Space</td>
<td>0</td>
<td>$ -</td>
</tr>
<tr>
<td>Remodel Garage</td>
<td>0</td>
<td>$ -</td>
</tr>
<tr>
<td>Remodel Deck</td>
<td>0</td>
<td>$ -</td>
</tr>
</tbody>
</table>

**Total Remodel Value:** $ -

**Total Construction/Remodel Cost:** $6,650.00

**% of Existing Value:** 2%
STAFF REPORT

TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT
DATE: AUGUST 20, 2020

SUBJECT: 212 Cherry Avenue #19-0737 APN: 035-161-09

Design Permit for a remodel and third-story addition with a variance for the maximum height limit and to relocate nonconforming areas of the structure for a single-family residence located within the RM-LM (Multi-Family Residential Low-Medium Density) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption
Owner: Marti Formico
Representative: Dennis Norton, Filed: 12.16.2019

APPLICANT PROPOSAL
The applicant is seeking approval of a design permit for a remodel and third-story addition with a variance request to exceed the maximum height limit and to relocate nonconforming areas of the structure for a single-family residence located at 212 Cherry Avenue in the RM-LM (Multiple-Family Low-Medium Density) zoning district.

BACKGROUND
On July 17, 2020, the Architectural and Site Review Committee reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: stated that the applicant should provide a detail of the drainage bioswale with the building permit submittal and additional information on detail #6 on sheet 9.

Building Department Representative, Robin Woodman: noted the new windows and siding along the property line would need to be fire rated. Ms. Woodman asked if the eaves overhang the sides and the applicant confirmed they did not.

Local Architect, Frank Phantom: noted that the home to the west of 212 Cherry Avenue appears to be about a story taller because of the slope difference. Mr. Phantom noted that the homeowner to the north may not approve of the structure’s added height with respect to the neighbors’ rear yard. Overall Mr. Phantom approved of the project and believed it would adequately meet findings for a variance, adding that the structure would remove the significant nonconformity which crosses the property line.
Assistant Planner, Sean Sesanto, informed the applicant that the roof deck may not be extended over the top of the second-story bay window on the south elevation. The plans should be modified to show a reduction of the bay window height and the new guardrail along the south edge of the rooftop deck restricting access to the area.

Following the Architecture and Site Review meeting, the applicant submitted revised plans that reduced the height of the bay window and incorporated a new guardrail along the south edge of the rooftop deck to prevent use of the bay window roof as a deck area.

**Development Standards**

The following table outlines the zoning code requirements for development in the RM-LM Zoning District. Development of single-family homes in the RM-LM Zoning District is governed by the process and standards contained in Chapter 17.15 “R-1 Single Family Residence District.” The applicant is seeking a variance to the maximum height limit and to relocate nonconforming areas of the structure.

### Development Standards

<table>
<thead>
<tr>
<th>Building Height</th>
<th>R-1 Regulation</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 ft.</td>
<td>23 ft. 9 in.</td>
<td>27 ft. 6 in. (roof)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>28 ft. 5 in. (arbor)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Variance requested</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Floor Area Ratio (FAR)</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>2,265 sq. ft.</td>
<td>2,265 sq. ft.</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>58% (Max 1,314 sq. ft.)</td>
<td>58% (Max 1,314 sq. ft.)</td>
</tr>
<tr>
<td>First Story Floor Area</td>
<td>532 sq. ft.</td>
<td>532 sq. ft.</td>
</tr>
<tr>
<td>Second Story Floor Area</td>
<td>978 sq. ft.</td>
<td>984 sq. ft.</td>
</tr>
<tr>
<td>Third Story Floor Area</td>
<td>540 sq. ft.</td>
<td>540 sq. ft.</td>
</tr>
<tr>
<td>Decks, Covered Ext. Space</td>
<td>488 sq. ft.</td>
<td>444 sq. ft.</td>
</tr>
<tr>
<td>Deck exception</td>
<td>-150 sq. ft.</td>
<td>-150 sq. ft.</td>
</tr>
<tr>
<td><strong>TOTAL FAR</strong></td>
<td>105.4% (2,388 sq. ft.)</td>
<td>103.7% (2,350 sq. ft.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Yards (setbacks are measured from the edge of the public right-of-way)</th>
<th>R-1 Regulation</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front Yard</strong> 1st Story</td>
<td>15 ft.</td>
<td>25 ft. 8 in.</td>
<td>25 ft. 8 in.</td>
</tr>
<tr>
<td><strong>Front Yard</strong> 2nd Story</td>
<td>20 ft.</td>
<td>24 ft.</td>
<td>24 ft.</td>
</tr>
<tr>
<td><strong>Front Yard</strong> 3rd Story</td>
<td>20 ft.</td>
<td>45 ft. 6 in.</td>
<td>44 ft. 6 in.</td>
</tr>
<tr>
<td><strong>Side Yard</strong> 1st Story</td>
<td>10% lot width</td>
<td>Lot width 25 ft.</td>
<td>1 ft. 10 in. (West)</td>
</tr>
<tr>
<td><strong>Side Yard</strong> 2nd Story</td>
<td>15% of width</td>
<td>Lot width 25 ft.</td>
<td>1 ft. 10 in. (West)</td>
</tr>
</tbody>
</table>

Existing nonconforming

0 ft. 11 in. (East)

Existing nonconforming

0 ft. 11 in. (East)
**Side Yard 3rd Story**

- **15% of width**: Lot width 25 ft., 3 ft. 9 in. min
- **Existing nonconforming**: 1 ft. 10 in. (West)
- **Existing nonconforming**: 1 ft. 10 in. (West)

**Rear Yard 1st Story**

- **20% of lot depth**: Lot depth 89.89 ft. 18 ft. min.
- **Existing nonconforming**: 40 ft. 1 in.
- **Existing nonconforming**: 40 ft. 1 in.

**Rear Yard 2nd Story**

- **20% of lot depth**: Lot depth 89.89 ft. 18 ft. min.
- **Existing nonconforming**: 20 ft. 11 in.
- **Existing nonconforming**: 20 ft. 11 in.

**Rear Yard 3rd Story**

- **20% of lot depth**: Lot depth 89.89 ft. 18 ft. min.
- **Existing nonconforming**: 20 ft. 11 in.
- **Existing nonconforming**: 20 ft. 11 in.

**Encroachments (list all)**

- **All floors encroach into side yard setbacks**

**Parking**

<table>
<thead>
<tr>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (from 2,001 up to 2,600 sq. ft.)</td>
<td>3 spaces total 1 covered 2 uncovered</td>
<td>0 spaces total 0 covered 0 uncovered</td>
</tr>
</tbody>
</table>

**Underground Utilities: required with 25% increase in area**

- **Not required**

**DISCUSSION**

The existing single-family residence is located on the north side of Cherry Avenue within the upper Capitola Village. The lot is surrounded by a variety of single- and multi-family homes which includes three-story homes which step up the Cherry Avenue-Fanmar Way hill.

The applicant is proposing to remodel the existing single-family residence. The applicant is proposing stucco siding on the first floor and tongue-and-groove siding on the two upper floors. The existing asymmetrical gable roof will be replaced with two flat roofs with several clerestory windows. A new nine-and-a-half-foot tall arbor is proposed on the deck. The remodel will increase total height by five-feet seven-inches.

There is an existing 49-square-foot cantilevered area of the living room on the east side of the third story that encroaches over the property line and into the adjacent lot. The applicant is proposing to remove the cantilevered area and add the equivalent area to the south elevation of the third story, enclosing 49 square feet of the existing third-story deck. This would remove the encroachment into the neighbor’s property. The project does not increase the total floor area ratio (FAR) of the structure.

**Non-Conforming Structure**

The existing structure is located within the first-, second-, and third-story side setbacks on the east and west sides. On the eastern side, the cantilevered section of the third story encroaches over the adjacent property. The structure also exceeds the maximum allowable floor area ratio.
of the lot. The existing structure does not comply with the minimum setback and maximum FAR regulations of the zoning code and therefore is a legal non-conforming structure. Pursuant to code section 17.72.070, an existing non-complying structure that will be improved beyond 80% of the present fair market value of the structure may not be made unless the structure is brought into compliance with current zoning regulations. The applicant has submitted a construction cost breakdown demonstrating that the alterations are 28.6% of the present fair market value of the structure. The proposal includes removing the cantilevered area so that the structure is situated entirely within the property lines of 212 Cherry Avenue and within the existing building footprint. The proposed addition aligns with the second story exterior wall but does not conform to the required three-foot nine-inch side yard setback setbacks. The applicant is requesting a variance to allow the existing nonconforming floor area to be moved within the property and maintain the existing non-conforming 11-inch side yard setbacks.

Parking
Residential lots with a floor area between 2,001 square feet up to 2,600 square feet are required to provide three parking spaces, one of which must be covered. The lot currently provides no parking and therefore is considered nonconforming. Pursuant to CMC §17.51.135(B), no additional parking shall be required for reconstruction or structural alteration of an existing residential structure, so long as the floor area of the structure is not increased by more than ten percent of the existing gross floor area. The existing gross floor area of the structure will not increase, so the applicant is not required to provide any new parking.

Variances
Pursuant to §17.66.090, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds:

A. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;
B. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

Variance - Height
The applicant is seeking approval of a variance to exceed the 25-foot height limit. The clerestory windows and associated secondary roof element, a portion of the lower roof eave, and the entire upper section of the arbor exceed the 25-foot height limit.

In relation to variance finding A, there are special circumstances applicable to the subject lot's topography with a steep slope that increases 13 feet from the lowest to highest point of the structure's footprint. Currently the third floor is a split-level with a variation in height stepping from the front roof deck, interior space, and rear deck. The remodel would raise the interior floors to remove the split level. The proposed remodel includes a nine-and-a-half foot tall arbor, an expanded three-foot-tall clerestory and secondary roof element, and new eaves extending three feet from the main roof. The proposed arbor is 28 feet 5 inches above existing grade, and the roof element is 27 feet 6 inches above existing grade. The north side of Cherry Avenue consists of larger structures with massing that steps up the hill due to the steep slope of the lots. The application is comparable in height to the majority of residences to the west. With respect to elevation, the structure would remain visibly lower than those residences because 212 Cherry Avenue is on a lower portion of the hill. Due to lot topography, the strict application of the height
limitations would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

To analyze whether or not the approval of a variance would be a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated (variance finding B), staff reviewed the characteristics of the residences on the north side of Cherry Avenue, consisting of eleven properties. At least five of the properties reviewed have three stories and appear to exceed the 25-foot height limit. Staff did not include 207 Terrace Way because it does not front Cherry Avenue, and did not include 202 Cherry Avenue, a large multi-family property. The grant of a variance would not constitute a grant of special privilege because approximately half the block exceeds the height limit.

**Variance – Relocate Nonconforming Areas**
The applicant is also requesting a variance to relocate existing nonconforming areas of the structure in relation to side setbacks. The proposal would remove the cantilevered portion of the third story which encroaches over the adjacent property to the east and construct a third-story addition equal to the removed floor area. The relocated area would follow the existing exterior walls which are within the property lines but encroach into both the eastern and western side setbacks by two-feet ten-inches and one-foot eleven-inches, respectively.

In relation to variance finding A, the subject property is narrow by Capitola standards (25 feet). The average property width on the north side of Cherry Avenue is approximately 35 feet, excluding 207 Terrace Way, which does not front Cherry Avenue, and 202 Cherry Avenue, which is a large multi-family property. The project would also correct a significant nonconformity by removing the cantilevered third-story portion of the home that encroaches six inches over the property line of the adjacent property. Due to the property width, the strict application of the development standards for setbacks and nonconformities would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

To analyze whether or not the approval of a variance would be a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated (variance finding B), staff visually surveyed the characteristics of the residences in relation to lot size and dimension along the north side of Cherry Avenue, consisting of eleven properties. At least nine of the properties appear to have encroachments into the required side setbacks. The eight properties to the west of 212 Cherry Avenue appear to be well in excess of any allowable floor area ratio for the zoning district. The grant of a variance would not constitute a grant of special privilege because the majority of properties exceed the maximum FAR and have nonconforming setbacks. It should also be noted that the proposed movement of the existing floor area will remove the encroachment within the neighboring property and will not increase the existing FAR.

**CEQA**
Section 15301 of the CEQA Guidelines exempts alterations to existing structures involving negligible or no expansion of use. This project involves interior and exterior modifications with no increase of floor area to an existing single-family residence subject to the R-1 (single-family residence) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

**RECOMMENDATION**
Staff recommends the Planning Commission approve project application #19-0737 based on the following Conditions and Findings for Approval.
CONDITIONS OF APPROVAL

1. The project approval consists of a remodel of an existing single-family residence with a variance to the maximum height limit and to relocate nonconforming areas of the structure within the required side yard setback. The maximum Floor Area Ratio for the 2,265 square foot property is 58% (1,314 square feet). The existing FAR of the structure is 105.4% with a total of 2,388 square feet. The proposed FAR of the project is 103.7% with a total of 2,350 square feet, which exceeds the maximum FAR within the zone but does not increase the existing floor area. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on August 20, 2020, 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 #19-0737 shall be paid in full.

8. 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.

9. 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.

10. 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.
11. 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).

12. 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.

13. 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.

14. 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

15. 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.

16. 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.

17. 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 17.81.160.

18. 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.

19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

20. Prior to issuance of building permits, the applicant shall include a complete detail of the bioswale proposed in the rear yard area planter area.

**DESIGN PERMIT FINDINGS**

A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. With a variance to the maximum height and to relocate a portion of nonconforming floor area, the proposed remodel of an existing single-family residence complies with the development standards of the R-1 (Single-Family Residence) Zoning District.

B. The project will maintain the character and integrity of the neighborhood.
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the remodel of an existing single-family residence. The design of the home with stucco and tongue-and-groove siding, clerestory windows, and flat roof will fit in with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

VARIANCE FINDINGS - Height
A. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;
   The special circumstance applicable to the subject property is the steep rising slope beneath the majority of the structure. Due to the topography of the lot, the strict application of the height limitations would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

B. The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.
   The subject property has one of the narrowest widths on the north side of the Cherry Avenue block, consisting of eleven properties. Among those properties, only six of the observed eleven appear to comply with the 25-foot height limit. The grant of this variance would not constitute a special privilege because many Cherry Avenue properties do not comply with the 25-foot height limit.

VARIANCE FINDINGS – Relocate Nonconforming Areas
A. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;
   The special circumstance applicable to the subject property is that the existing lot is only 25 feet wide, below the City average width of 40 feet and the neighborhood average of 35 feet. The proposal will also correct a significant nonconformity by removing the portion of the home that encroaches six inches over the property line of the adjacent property. Due to the property width, the strict application of the side setback limitations would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

B. The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.
   Nine of the eleven similar properties on the north side of the Cherry Avenue block appear to encroach into the required side setbacks. Eight of the eleven properties appear to be in excess of any allowable floor area ratio for the zoning district. The grant
of a variance would not constitute a grant of special privilege because the majority of properties in the vicinity and zone in which the subject property is situated exceed the maximum FAR and have nonconforming setbacks.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS
A. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations. Section 15301 of the CEQA Guidelines exempts additions to existing structures involving negligible or no expansion of use. This project involves interior and exterior modifications to an existing single-family residence within the RM-LM (Multi-Family Residential Low-Medium) Zoning District. The project reduces the total floor area ratio. No adverse environmental impacts were discovered during review of the proposed project.

ATTACHMENTS:
1. 212 Cherry Avenue - Plan Set
2. 212 Cherry Avenue - Construction Cost Breakdown
3. 212 Cherry Avenue - Public Comments

Prepared By: Sean Sesanto
LEGEND

PROPERTY LINES

ADJOINING
PROPERTY LINES

(RECORD DATA

MONUMENT
AS NOTED

VERTICAL DATUM:
NAD 83

B. M.

175.00

BASE

BANK OF BEARING

THE BEARING "NORTH 14° 20' 30" EAST"

HELD FROM POINT "A"

NORTH 14° 20' 30" EAST 86.21 FEET AND
NORTH 20° 07' 11" WEST 48.88 FEET

FROM POINT "B"

STOCKTON AVENUE

(30' WIDE)

CHERRY AVENUE

(30' WIDE)

REFERENCE

19 M 13
DOC. # 2011015403
DOC. # 2015017041
DOC. # 2017019760
DOC. # 1686-00852

NOTE

THIS IS NOT A BOUNDARY SURVEY. THE PROPERTY LINES SHOWN ARE DRAWN FROM RECORD DATA AND MAY BE FOUND TO BE DIFFERENT FROM THE RESULTS OF A FULL BOUNDARY SURVEY.

PAUL JENSEN
PROFESSIONAL LAND SURVEYOR
SANTA CRUZ, CALIFORNIA

SCALE 1" = 5'

DECEMBER, 2019

212 CHERRY AVENUE,
CAPITOLA, CALIFORNIA.

ATTACHMENT: 212 Cherry Avenue - Plan Set (212 Cherry Avenue)
## CONSTRUCTION COST BREAKDOWN PER Section 17.72.070

### Existing Building Costs:

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
<th>Cost</th>
<th>Cost per Square Foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Residence</td>
<td>1873</td>
<td>$374,600.00</td>
<td>$200.00</td>
</tr>
<tr>
<td>Existing Garage</td>
<td>0</td>
<td>$0.00</td>
<td>$90.00</td>
</tr>
<tr>
<td>Existing Deck</td>
<td>470</td>
<td>$11,750.00</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

Total Existing Value: $386,350.00

80% of Total Existing Value: $309,080.00

### New Construction Costs:

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
<th>Cost</th>
<th>Cost per Square Foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Conditioned Space</td>
<td>50</td>
<td>$10,000.00</td>
<td>$200.00</td>
</tr>
<tr>
<td>New Garage</td>
<td>0</td>
<td>$0.00</td>
<td>$90.00</td>
</tr>
<tr>
<td>New deck/porch</td>
<td>100</td>
<td>$2,500.00</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

Total New Construction Value: $12,500.00

### Remodel Costs (50% of "new construction" costs)

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
<th>Cost</th>
<th>Cost per Square Foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remodel Conditioned Space</td>
<td>970</td>
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<td>$100.00</td>
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<tr>
<td>Remodel Deck</td>
<td>80</td>
<td>$1,000.00</td>
<td>$12.50</td>
</tr>
</tbody>
</table>

Total Remodel Value: $98,000.00

Total Construction/Remodel Cost: $110,500.00

% of Existing Value: 28.6%
For the record
212 Cherry

---------- Forwarded message ----------
From: Cheryl Wightman <cherwight@sbcglobal.net>
Date: Tue, Aug 11, 2020 at 3:29 PM
Subject: 212 Cherry remodel
To: dennis@dennisnortondesign.com <dennis@dennisnortondesign.com>

We are neighbors of Marte and Linda Formico living at 212 Cherry in Capitola Village and understand that he is requesting a variance for his remodel project which we would like to support. The remodel he is proposing requires two variances to be approved to transfer square footage to the deck area and add an arbor that extends from the top floor. These changes would not impact us at 217 Stockton Ave., or any of his neighbors that we are aware of and would greatly enhance the usability of his deck. Please take action to approve this remodel project.

George and Cheryl Wightman
Sean

Another letter from neighbor at 212 Cherry
Thanks Dennis

---------- Forwarded message ----------
From: Jennifer Willoughby <jentwillo@gmail.com>
Date: Wed, Aug 12, 2020 at 9:39 AM
Subject: 212 Cherry
To: <dennis@dennisnortondesign.com>

To: City of Capitola Planning

I am the neighbor (208 Cherry) next door and would like to support Marte and Linda Formico's remodel project at 212 Cherry.
I understand that they would like 2 variances approved to transfer square footage to the deck area and add an arbor that extends from the top floor. I hope they can make this happen.
Thanks!
Jennifer Willoughby

--
Jen:}
Sesanto, Sean

From: Dennis Norton <dennis@dennisnortondesign.com>
Sent: Tuesday, August 11, 2020 9:33 AM
To: Sesanto, Sean
Subject: Fwd: Support neighbors remodel 212 cherry

-------- Forwarded message --------
From: Tony Lazzerini <tonylazz1@gmail.com>
Date: Tue, Aug 11, 2020 at 9:32 AM
Subject: Support neighbors remodel 212 cherry
To: <dennis@dennisnortondesign.com>

Dennis, I’m the neighbor, Big White House next door to Marte and Linda Formico. I understand they would like 2 variances approved to transfer square footage to the deck area and add an arbor that extends from the top floor. I would like to support there plan.
Sincerely, Tony Lazzerini. 302 Cherry. Cell 707-372-7220
Sent from my iPad