

Capitola Planning Commission

Agenda Report



Meeting: May 2, 2024

From: Community Development Department

Address: 210 Fanmar Way

Project Description: Application #23-0523. APN: 035-151-14. Design Permit for the demolition of an existing residence and construction of a new two-story, single-family residence. The project includes Minor Modification requests for the maximum second-floor balcony depth and the minimum side yard setback for second-floor decks. The project is located within the RM-L (Multi-Family Residential, Low Density) zoning district but is subject to R-1 (Single-Family Residential) development standards. This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.

Recommended Action: Consider Application #23-0523 and approve the project based on the attached Conditions and Findings for Approval.

Property Owner: Dan Bald & Melissa Bartolomei

Representative: William C. Kempf Architects, Filed: 12.11.23

Background: On February 14, 2024, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representative, Erika Senyk: Discussed stormwater requirements, management of construction runoff, changes to the rear yard, and recommended the use of permeable or semi-permeable pavers for hardscaping.

Building Official, Eric Martin: Asked if the existing foundation would be removed. The applicant confirmed complete removal and stated that the building application will include a full demolition plan and soils report. When asked about the existing grade, the applicant acknowledged the lot was low relative to the street and stated they would try to feather it to the street to improve the path of stormwater. Mr. Martin informed the applicant that sprinkler requirements would necessitate a larger water line.

Associate Planner, Sean Sesanto: Noted that the proposed upper story deck did not comply with all deck standards and pushed the project over the allowed floor area ratio. Also discussed were plans for trees and yard improvements, outdoor lighting, the requirement to underground utilities, and for the possibility of privacy treatments on upper windows facing the adjacent property.

Following the Development and Design Review meeting, the application was resubmitted with a survey and revisions to the landscape, and upper deck area. The second story deck revisions included minor modification requests for deck dimensions. The applicant did not modify the second story window as they overlook the rooftop of the neighboring structure.

Development Standards: Pursuant to §17.16.030(C)(1), Single-family dwellings in RM zoning districts shall comply with the development standards that apply in the R-1 zoning district. With approval of the minor modification requests, the application complies with all development standards.

Development Standards			
Building Height			
R-1 Regulation		Proposed	
25 ft.		24 ft. 8 in.	
Floor Area Ratio (FAR)			
		Proposed	
Lot size		3,245 sq. ft.	
Maximum Floor Area Ratio		57% (Max 1,850 sq. ft.)	
First Story Floor Area		991 sq. ft.	
Second Story Floor Area		857 sq. ft. <i>-110 sq. ft. deck exemption</i>	
Total FAR		57% (1,848 sq. ft.)	
Setbacks			
	R-1 regulation		Proposed
Front Yard 1 st Story	15 ft.		15 ft. 3 in.
Front Yard 2 nd Story & Garage	20 ft.		Garage: 27 ft. 11 in. Primary: 25 ft. 10 in. Deck: 21 ft. 6 in.
Side Yard 1 st Story	10% lot width	Lot width 47 ft. 2 in. 4 ft. 9 in. min.	West: 7 ft. 6 in. East: 5 ft. 3 in.
Side Yard 2 nd Story	15% of width	Lot width 47 ft. in 7 ft. 1 in. min	West: 7 ft. 9 in. West (deck): 9 ft. Minor Modification Request East: 7 ft. 1 in.
Rear Yard 1 st Story	20% of parcel depth	Lot depth 68 ft. 6 in. 13 ft. 8 in. min.	13 ft. 8 in.
Rear Yard 2 nd Story			13 ft. 8 in.
Encroachments	Exterior staircase		
Parking			
1,501 – 2,000 sq. ft.: 2 per unit, 1 covered	Required		Proposed
	2 spaces total 1 covered 1 uncovered		2 spaces total 1 covered 1 uncovered
Underground Utilities: Required with 25% increase in area			Required

Discussion: The subject property is located on the north side of Fanmar Way, halfway between the Cherry Avenue and Monterey Avenue intersections. The property abuts the Regional Transportation Commission rail corridor to the north. The Upper Village neighborhood has multifamily zoning but like most of the surrounding lots, is occupied by a single-family residence. The proposed project would continue as a single-family use. The existing structure will be demolished and is not a historic resource.

Design Permit: The proposed design includes ground level with stucco siding, second-story board and batten, and low-pitched gable roofs with composition shingle. The front façade on the ground level has a stone wainscot wrap and the upper story features a wall of folding glass doors that open onto the deck.

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

E. Pedestrian Environment. The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.

Staff Comment: The covered entryway, stepped massing, open second-story balcony, and new landscaping create an engaging and aesthetically pleasing street frontage.

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 generally limits possible privacy impacts, notably with the design of the deck, which is located on the front of the residence. East-facing windows are close to the small lot at 208 Fanmar Way but overlook the top of the neighboring residence.

Minor Modification - Second-Story Deck:

Pursuant to CMC §17.16.030(B)(11), second-story decks and balconies have a minimum side setback requirement of ten feet. Additionally, decks may not project further than six feet from the exterior building wall. The application is requesting minor modifications to deviate from the referenced standards by ten percent. The applicant is proposing to increase the maximum deck projection to six-feet, six-inches. The second request reduces the side yard setback for upper-story decks to nine feet, affecting only the north side. The Planning Commission may grant a minor modification that deviates up to ten percent from a physical development standard when it can make findings pursuant to §17.136.060, as follows:

- A. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
- B. The modification will not adversely impact neighboring properties or the community at large.
- C. The modification is necessary due to unique characteristics of the subject property, structure, or use.
- D. The modification will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.
- E. The modification is consistent with the general plan, local coastal program, and any applicable specific plan or area plan adopted by the city council.
- F. The modification will not establish a precedent.
- G. The modification will not adversely impact coastal resources.

The findings for a minor modification are supported by this application with full analysis in the findings section below. In summary, the lot is substandard in terms of dimensions, with an average depth of 68-feet, 6-inches. Typical single-family lots in Capitola have a depth of at least 80 feet. Smaller lots are disproportionately affected by standards that are fixed as opposed to standards relative to lot size. Approving the modifications may also result in a superior design with respect to the small lot next door at 208 Fanmar Way, encouraging the deck to be built in the front yard rather than in the rear and preserving mutual open space and privacy between homes.

Parking: Residences between 1,501-2,000 square feet require two on-site parking spaces, one of which must be covered. The project includes two parking spaces, including one full-sized garage space and one tandem space in the driveway.

Landscaping: Pursuant to CMC Section 12.12.190(C), applications for new construction triggers a canopy coverage review, which requires that the site maintain or provide a tree canopy coverage of fifteen percent of lot area. The project includes removal of an existing palm tree and strawberry tree and the planting of two muskogee crape myrtles. The two proposed trees will satisfy canopy coverage goals for new construction.

CEQA: §15303(a) of the CEQA Guidelines exempts a single-family residence in a residential zone. No adverse environmental impacts were discovered during review of the proposed project.

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 project is located within the RM-L zoning district but is subject to the standards of the R-1 (Single-Family Residential) zoning district. With approval of the minor modification requests, the proposed single-family residence complies with the development standards of the R-1 zone. 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 single-family residence. The project complies with all applicable provisions of the zoning code and municipal code.

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

Section §15303(a) of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone and is subject to Section 753.5 of Title 14 of the California Code of Regulations. The project involves a new single-family residence. 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 residence will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

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

The Community Development Staff and the Planning Commission have reviewed the application. The proposed single-family residence 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 the new single-family residence. The contemporary two-story residence replaces a single-story cottage but maintains much of the overall character and scale of the neighborhood. The proposed design includes ground level with stucco siding with stone veneer wrap visible along street, second-story board and batten, and low-pitched gable roofs with composition shingle. The covered entryway, stepped massing, open second-story balcony, and new landscaping create an engaging and aesthetically pleasing street frontage.

Minor Modification Permit Findings:

A. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.

Staff Analysis: The proposed modifications are compatible with adjacent structures and uses and are consistent with the neighborhood and district. Finding F cites several examples of similar improvements along Fanmar Way.

B. The modification will not adversely impact neighboring properties or the community at large.

Staff Analysis: The modifications affect an upper-story deck located in the front yard. Approval of the modifications will not adversely impact neighboring properties or the community at large.

C. The modification is necessary due to unique characteristics of the subject property, structure, or use.

Staff Analysis: As with most lots along Fanmar Way, the subject property is curved and has substandard dimensions, with an average depth of 68.5 feet. Smaller lots are disproportionately affected by development standards for upper decks, limited by both the fixed side setbacks and a maximum projection from the structure. The subject property is also adjacent to 208 Fanmar Way; a small, narrow lot with limited separation and open space between it and 210 Fanmar Way. Approval of the modifications may be of modest mutual benefit between the two properties, enabling a larger deck in front of the residence in exchange for more open space and privacy in their respective backyards.

D. The modification will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.

Staff Analysis: The proposed modifications enable the proposed upper deck to modestly exceed the depth and side setback limitations and are consistent with the purpose of the zoning district, general plan, and local coastal program.

E. The modification is consistent with the general plan, local coastal program, and any applicable specific plan or area plan adopted by the city council.

Staff Analysis: The modifications are consistent with the general plan and local coastal program.

F. The modification will not establish a precedent.

Staff Analysis: Fanmar Way is characterized by curved and often substandard lots. Many residential structures do not meet all current development standards, particularly setbacks. There are five residences on the north side of Fanmar Way that have non-complying upper-story decks. Two of the properties exceed the maximum deck projection of six feet and five of the properties have decks that encroach into the required ten-foot side setback.

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 210 Fanmar Way. 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 impact 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 construction of a new single-family residence and will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves the construction of a new single-family residence and will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves the construction of a new single-family residence 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 project is located within the RM-L zone but is subject to development standards of the R-1 zone. The operating characteristics are consistent with the R-1 zone.

H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project involves the construction of a new single-family residence 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 RM-L zoning district.

Conditions of Approval:

1. The project approval includes the demolition of an existing residence and the construction of a single-family residence. The maximum Floor Area Ratio for the 3,245 square foot property is 57% (1,850 square feet). The total FAR of the project is 57% with a total of 1,848 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 #23-0523 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.

Attachments:

1. 210 Fanmar Way – Plan Set
2. 210 Fanmar Way – Minor Modification
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