

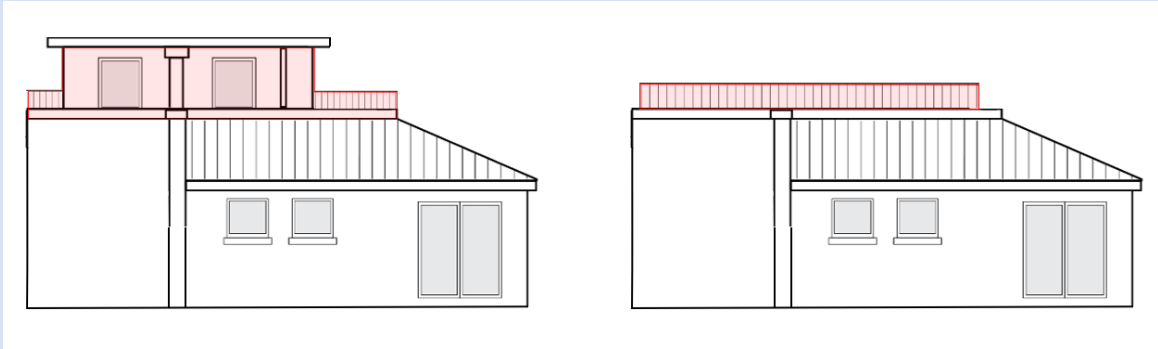
#	Code Section	Description of Issues and/or Suggested Amendments	Other	Staff
	17.16.030(B)(11) Second-Story Decks and Balconies.	<ul style="list-style-type: none"> 11.a. states: An upper floor deck in excess of one hundred fifty square feet is included in the floor area ratio calculation. Edit: Clarify if this is per deck or cumulative. 11.b. states: A second-story deck or balcony may not face an interior side parcel line abutting a lot with a single-family dwelling. Edit: A second-story deck or balcony may not <u>predominately</u> face an interior side parcel line abutting a lot with a single-family dwelling. 11.c.2. states: Front setback 20 feet. Edit: Consider allowing second-story decks at 15 feet from the front property line to encourage decks on the front of home. Front yard setback for the first story of a home is 15 feet and the second story is 20 feet. This creates an area suitable for a second story deck on the front façade above the first story. 11.d. states: A permanent privacy screen (e.g., opaque glass) is required for rear deck along the railing parallel to the interior side property line facing a single-family dwelling. Edit: specify the height of the privacy screen at 6 feet. 11.e. states: a second-story deck or balcony may not project further than six feet from the exterior building wall to which it is attached. Edit: Add an exception to the six foot depth for areas recessed into the structure on three sides. Also, specify projection is from <u>second</u> story wall. 		SS
	17.20.030(E)(6)(a) and 17.20.040(F)(1) – No minimum allowed curb cut widths specified.	<p>17.20.030.E. is specific to MU-V and states:</p> <p>6. Driveways and Curb Cuts.</p> <p>a. The maximum width of a new driveway crossing a public sidewalk may not exceed forty percent of the parcel width or twenty feet, whichever is less. The community development director may approve an exception to this standard in the case of shared or joint use of driveways and parking lots.</p> <p>b. New curb cuts, where allowed, shall be located and designed to maximize safety and convenience for pedestrians, bicycles and mass transit vehicles, as determined by the community development director. Considerations for determination include separation between curb cuts, displaced parking, and sight lines.</p> <p>Suggestion: 1. Add reference to parking chapter section 17.76.040.C.3. which identifies when curb cuts are prohibited in Village.</p> <p>2. Add exception consistent with the rest of code “except that all lots may have a parking space of up to fourteen feet in width regardless of lot width.”</p>	8/21/2023	SS

#	Code Section	Description of Issues and/or Suggested Amendments	Other	Staff
	<p>Consideration of CDP Waiver or Categorical Exclusion for J/ADUs</p> <p>If considered, also consider SB 9.</p>	<p>Coastal Development Permit Exclusion, Exemptions, and Waivers</p> <p>https://documents.coastal.ca.gov/assets/rflg/ADU-Memo.pdf</p> <p>Pursue CDP waivers for ADUs under most circumstances (Not in a hazard area, nor ESHA, nor near a beach or bluff, no on-site coastal resources or access).</p> <p><i>“Most, if not all, LCPs with CDP waiver provisions do not allow for waivers in areas where local CDP decisions are appealable to the Coastal Commission... However, under the state’s J/ADU provisions, public hearings are not required for qualifying development... Because of this, the above-described public hearing issue would not be a concern, so it could be appropriate for LCPs to allow CDP waivers in both appealable and non-appealable areas at least related to this criterion... Any LCP amendment applications that propose to allow waivers in appealable areas should ensure that there are appropriate procedures for notifying the public and the Commission regarding approvals of individual, appealable waivers (such as Final Local Action Notices) so that the proper appeal period can be set, and any appeals received are properly considered.”</i></p> <p><i>“The Coastal Act also provides for other streamlined processing for certain types of development, including for minor development. (Pub. Res. Code § 30624.9.) In certain cases, categories of development can also be excluded from CDP requirements if certain criteria are met (see box). In any case, local governments without such CDP waiver and other processing and streamlining tools are encouraged to work with Commission staff to amend their LCP to include such measures.”</i></p>		SS
	<p>17.48-2, 17.72.020, -050,</p>	<p>Consider standards and permitting for flatwork/hardscape. Regulated with Design Permits but not as a stand-alone project.</p>	7/26/2023	BF
	<p>Floor Area & Parking Req. 17.48.040(B)(6) and 17.76.030(C)(1)</p>	<p>Suggest adding an exemption for the Floor Area of residential decks from parking requirements.</p>	7/2023	BF/SS
	<p>17.74 Limited Standards ADUs within the required front setback.</p>	<p>As of 2022 per the HCD ADU Handbook, front setbacks must be waived if necessary to allow construction of a limited standards ADU. <i>“A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude an ADU of at least 800 square feet and must not unduly constrain the creation of all types of ADUs. (Gov. Code, §65852.2, subd. (c) and (e).)”</i> Page 16 of the HCD handbook. HCD ADU Handbook Link</p> <p>Within limited standards add <i>“The community development director shall determine which standards must be adjusted, if any, to comply with this section.”</i></p>	7/25/2023	SS

#	Code Section	Description of Issues and/or Suggested Amendments	Other	Staff
	17.74 Definition of multifamily for ADU chapter – consistency with state law	<p>Capitola defines multifamily as 3 or more units in a single structure (Mixed use more broadly defines multifamily as 2 or more residential units in any configuration on a lot with at least one nonresidential use).</p> <p>CA HCD guidance defines multifamily (for the purposes of ADUs) as 2 or more units in a structure.0</p>	9/14/2023	SS
	17.80 Signs	Current maximum sign size is 1 ft per linear foot of frontage up to 50 feet. For large parcels, this is very limiting. Suggest adding ½ ft per linear foot beyond 50 to allow signs similar to what already exists.	7/2023	BF
	17.84.080(C)	Replace “CDD” with “community development director”. Acronym is not used anywhere else in Municipal Code.	7/27/2023	SS
	17.84.070(C)(2)	<p>Outline format. 17.84.070.C.2 should be 17.84.070.<u>D</u></p> <p>C. Requirement for Potential Historic Resource.</p> <p>1. When Permit Is Required. A historic alteration permit is required for an alteration to a potential historic resource if:</p> <p>a. The project requires a discretionary approval (e.g., design permit, coastal development permit); and</p> <p>b. The community development director determines that the project may result in a significant adverse impact of a historic resource as defined in the California Environmental Quality Act (CEQA) Guidelines Section 15064.5. A structure found not to be historically significant through a historic evaluation does not require a historic alteration permit.</p> <p>2. <u>D.</u> Historic Resource Assessment and Consultation. A proposed alteration to a designated historic resource or a potential historic resource that requires a discretionary permit will be reviewed by the city’s architectural historian to assess if the project may result in a significant adverse impact of a historic resource. The community development director shall use this assessment to determine if the findings of approval for the historic alteration permit can be made. Review by the city’s architectural historian is not required for in-kind repairs in accordance with subsection E of this section (Exception for Preservation and In-Kind Rehabilitation).</p>	7/27/2023	SS

#	Code Section	Description of Issues and/or Suggested Amendments	Other	Staff
	17.89.090 Historic Preservation Incentives - Language	<p>17.89.090D. states: Permitting Fees. The city council shall waive application and review fees for planning permits required for development projects that preserve, retain, and rehabilitate a historic structure. Planning permit fees shall be waived only for significant rehabilitations of noteworthy historic structures, not for remodels or additions to older homes that would not substantially advance the city's historic preservation goals. Required third-party reviews shall be paid for by the applicant.</p> <p>The provision's intent is to provide relief for projects that protect historic resources, but it is unclear under what circumstances they may apply.</p> <ol style="list-style-type: none"> 1. Does a project need to go before City Council to receive a waiver/reimbursement and if they do, is the waiver automatic or must the Council make findings? <ol style="list-style-type: none"> a. Consider rewriting the first sentence of 17.89.090(D) "The city council shall <u>may</u> waive application fees..." 2. Similarly, can fees be waived for historic applications that are approved administratively or by the Planning Commission? <ol style="list-style-type: none"> a. Consider specifying who can make fee waiver determinations, such as the review authority (review authority could include staff for some historic applications), Planning Commission, City Council, etc. 3. Historic Alteration Permits and Historic Determinations of Significance are billed on an hourly basis for staff time rather than a set permit fee. <ol style="list-style-type: none"> a. Consider modifying second sentence "Planning permit fees <u>application and review fees</u> shall be waived only for..." 		SS
	17.96.040 Home Occupations	<p>17.96.040.A. states A. Required Permit. An administrative permit is required to establish or operate a home occupation.</p> <p>Edit: Remove requirement for administrative permit and keep all the standards in the code. The administrative permit is staff intensive and unnecessary. The business license application can be updated with a box to check for home occupancy. There is a guidance document available to home occupations which outlines all the standards. Code enforcement would be applicable to any home occupation not following the standards.</p>		SS
	17.104 Wireless Communication Facilities	<p>Update Federal CFR references throughout chapter. 47 CFR § 1.40001 appears to have been changed to 47 CFR 1.6100</p>		SS
	17.112.090 (new) 17.148.030 (E)	<p>The Planning Director may refer any application to the Planning Commission when the proposal may result in unusual public sensitivity, controversy, or complexity.</p>	7/28/2023	BF

#	Code Section	Description of Issues and/or Suggested Amendments	Other	Staff
	<p>17.156.080 Time limits and extensions.</p>	<p>Item #1 Existing code does not have provisions to accommodate public agencies or complicated private projects under the original approval. Permits are valid for two years unless an extension is granted by the original review authority. Consider a provision for flexibility where longer timeframes are considered likely and reasonable. Provision(s) could be limited to City/public projects and could reserve authorization to only the Planning Commission or City Council rather than by administrative decision.</p> <p>17.156.080(A). Expiration of Permit. 1. A permit not exercised within two years shall expire and become void, except where <u>the review authority establishes a later expiration in its approval or an extension of time is approved as allowed by subsection C of this section (Extension of Time).</u> 2. A permit shall expire and become void if the permitted land use is abandoned or discontinued for one year or longer.</p> <p>Item #2 Reword the first line of Section 17.156.080(C):</p> <p>17.156.080(C) Extension of Time. The community development director may approve <u>Extensions to a permit may be approved consistent with</u> in the following manner: 1. Extensions to a permit may be approved by the review authority which originally approved the permit. 2. In instances where the community development director was the approval authority, the community development director may choose to refer any action to extend a permit to the planning commission for review and final decision. 3. The review authority may approve up to two two-year extensions (four years total) to a permit. The review authority may also approve an extension up to the expiration date of a valid tentative map as allowed by the Subdivision Map Act for projects involving a subdivision of land if such an extension is necessary to prevent a substantial hardship for the project applicant. 4. The applicant shall submit to the community development department a written request for an extension of time no later than ten days before the expiration of the permit. 5. The review authority may extend the permit if the applicant has proceeded in good faith and has exercised due diligence in efforts to exercise the permit in a timely manner. 6. The burden of proof is on the applicant to demonstrate that the permit should be extended.</p>	11/29/2023	SS
	<p>17.160 Glossary. Define clerestory windows (height)</p>	<p>Sections 17.74 (ADUs) and 17.75 (SB9) require clerestory and/or opaque windows under some circumstances but do not define them or establish a minimum height. Consider either: Edit: Add definition of clerestory and describing a minimum window height, such as 6 feet above finished floor height.</p>	6/23/2023	SS
	<p>17.160 Glossary. (and Commercial Districts)</p>	<p>Definition of to-go restaurant should specifically not include bars.</p>		BF

#	Code Section	Description of Issues and/or Suggested Amendments	Other	Staff
	17.160.020.R.9	<p>17.16.030(11)(f) prohibits “roof decks” in the R-1 zoning district.</p> <p>17.160.120.R.9 defines rooftop decks as a walkable exterior floor system located above and supported by the roof of a building. The definition is broad and includes all decks that are supported by the roof of a lower floor, which can include a deck on a second story located above first-story habitable space (i.e. a 2nd-story master bedroom with a deck that is located above the kitchen).</p> <p><i>CURRENT: “Roof deck” means a walkable exterior floor system located above and supported by the roof of a building.</i></p> <p><i>POSSIBLE ALTERNATIVE: “Roof Deck” means a walkable exterior floor system located above the top story of a structure, not including access, and is supported by the roof of a building.</i></p> 		SS