

# Capitola Planning Commission

## Agenda Report



**Meeting:** March 3, 2022

**From:** Community Development Department

**Address:** SB9 Ordinance Applicable to Single-Family Zone

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**Permit Number:** #22-0079

**APN: Applicable to all parcels in R-1 (Single-Family) Zone**

**Project Description:** Request to Continue. Amendments to the Capitola Municipal Code, Adding Section 17.75 Two-Unit Developments to Title 17, Part 3 (Zoning, Citywide Standards), Adding Section 16.78 Urban Lot Splits to Title 16 (Subdivisions), Amending Section 17.74 Accessory Dwelling Units, and Amending Section 16.08 Definitions for the implementation of Government Code Sections 66411.7 and 65852.21 Related to Urban Lot Splits and Two-Unit Developments. **Environmental Determination:** Implement of Government Code sections 65852.21 and 66411.7, are not considered a project under CEQA.

**Property Owner:** Ordinance applies in the R-1 (Single-Family) zoning district

**Representative:** Katie Herlihy, Community Development Director

**Background:** Senate Bill 9 (SB 9) was passed in September of 2021 and went into effect on January 1, 2022. SB 9 enacted Government Code Sections 66411.7 and 65852.21 which allows ministerial review of two-lot subdivisions with up to two residential units on each new lot. SB9 applies solely to properties within a single-family zone. The ministerial review is limited to the review of the objective standards established within the municipal code by city staff. Application under SB9 are not subject to a public hearing.

On February 3, 2022, a public review draft of the ordinance was presented to the Planning Commission. The Planning Commission provided feedback on draft ordinance with suggested revisions and areas of concern. The Planning Commission also requested that staff reach out to Coastal Commission staff to request their comments on the draft ordinance prior to making a recommendation to the City Council.

Staff is currently working with Ben Noble Planning on site layout scenarios for different lot sizes based on Planning Commission feedback at the February hearing. Staff is requesting the ordinance review be continued to the April 7, 2022, meeting.

**Recommendation:** Continue SB9 Ordinance review to the April 7, 2022, Planning Commission meeting.