

Capitola City Council

Agenda Report



Meeting: May 26, 2022

From: Community Development Department

Subject: Senate Bill 9 Residential Developments and Urban Lot Splits Ordinance

Recommended Action: Adopt an ordinance of the City of Capitola adding Municipal Code Chapters 16.78 and 17.75, adding Municipal Code section 16.08.020, and amending section 17.74.040 for the implementation of government code sections 66411.7 and 65852.21 related to Urban Lot Splits and Senate Bill 9 Residential Developments.

Background: The State legislature passed Senate Bill 9 (SB 9) in 2021; the bill went into effect on January 1, 2022. SB 9 enacted Government Code Sections 66411.7 and 65852.21, which apply solely to properties within a single-family (R-1) zone. The bill allows the subdivision on R-1 lots into two lots with up to two residential units on each new lot.

On February 3, 2022, the Planning Commission reviewed the draft SB9 ordinance and provided feedback.

During a special meeting on March 31, 2022, the Commission reviewed SB9 buildout models designed to fit on typical Capitola lots and provided policy direction regarding height, setbacks, and parking options for smaller lots that cannot accommodate SB9 development without adding additional height or allowing parking within the entire front yard.

On April 15, 2022, the City republished the draft ordinance, including the Planning Commission redlines. During a special meeting on April 21, 2022, the Planning Commission recommended City Council adopt the ordinance.

On April 28, 2022, the City Council received staff presentation on SB9 and the draft ordinance and on May 12, 2022, City Council approved a first reading of the ordinance, with the inclusion of a definition for "rideshare".

Discussion: The proposed ordinance establishes two new chapters of the Capitola Municipal Code: Chapter 16.78 for Urban Lots Splits and Chapter 17.75 for Two Unit Developments. The ordinance establishes eligibility requirements, review procedures, and objective standards for review of urban lot splits and SB-9 residential development applications.

Consistent with State law requirements, the ordinance includes the following:

Eligibility:

- All properties located in the single family (R-1) zoning district Subdivision
- Up to two new parcels of at least 1,200 square feet in area
- Created lots at least 40 percent of the lot area of the original parcel
- Lots with access to the public right-of-way

Allowed Development:

- Up to two units allowed on each lot. Maximum of four units, total.
- Guaranteed allowance of up to 800 square feet per unit, regardless of setbacks, parking, and height
- 4 feet maximum side and rear yard setback

Ministerial Review:

- Ministerial review by staff. Not subject to discretionary review by the Planning Commission.
- Review limited to applying objective development standards
- Review cannot apply subjective standards, such as compatibility within the neighborhood.

CEQA: This action is statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Government Code sections 65852.21(j) and 66411.7(n), as this action is to adopt an ordinance to implement the requirements of sections 65852.21 and 66411.7 of the Government Code.

Fiscal Impact: None.

Attachments:

1. Proposed Senate Bill 9 Ordinance

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Reviewed By: Chloé Woodmansee, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager