

ORDINANCE NO. 1049

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 TWO-UNIT DEVELOPMENTS

WHEREAS, SB-9 (Chapter 162, Statutes of 2021) enacted sections 66411.7 and 65852.21 to the Government Code, effective January 1, 2022; and

WHEREAS, these provisions require the City to provide ministerial approval of urban lot splits, (“Urban Lot Splits”) and the construction of up to two residential dwelling units (“Two-Unit Developments”) on each single-family residential zoned lot within the City, subject to certain limitations; and

WHEREAS, Government Code section 66411.7(a) limits eligibility of Urban Lot Splits by size and proportionality; and

WHEREAS, Government Code sections 66411.7(a)(3)(C) and 65852.21(a)(2) limit Urban Lot Splits and Two-Unit Developments, respectively, to sites that are not located on or within certain farmland, wetlands, very high fire hazard severity zones, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, habitats for protected species, and historic properties, unless projects on such sites meet specified conditions; and

WHEREAS, Government Code sections 66411.7(a)(3)(D) and 65852.21(a)(3) through (a)(5) limit eligibility of an Urban Lot Split and a Two-Unit Development, respectfully, that proposes to demolish or alter housing subject to affordability restrictions, housing subject to rent or price controls, housing that has been occupied by a tenant in the last three years, housing that has been withdrawn from rent or lease within the past 15 years, and housing that requires demolition of existing structural walls unless authorized by local ordinance or has not been tenant-occupied within the past 3 years; and

WHEREAS, Government Code sections 65852.21(a)(6) and 66411.7(a)(3)(E) allow a city to deny an Urban Lot Split for properties within an historic district or listed on the State’s Historic Resource Inventory or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance; and

WHEREAS, Government Code sections 66411.7(c) and 65852.21(b) allow a city to establish objective zoning standards, objective subdivision standards, and objective

design review standards for Urban Lot Splits and Two-Unit Developments, respectively, subject to limits within state law; and

WHEREAS, such objective zoning standards, objective subdivision standards, and objective design review standards may not have the effect of “precluding the construction of two units on either of the resulting parcels from an Urban Lot Split or that would result in a unit size of less than 800 square feet” for a Two-Unit Development; and

WHEREAS, Government Code sections 66411.7 and 65852.21 allow a city to deny a proposed Two-Unit Development or Urban Lot Split, respectively, if the project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

WHEREAS, pursuant to Government Code sections 65852.21(j) and 66411.7(n), the City may adopt an ordinance to implement the provisions of Government Code sections 65852.21 and 66411.7, and such an ordinance shall not be considered a project under the California Environmental Quality Act (“CEQA”); and

WHEREAS, in recognition of the City of Capitola’s unique geography and proximity to the Pacific Ocean, the City Council desires to implement objective standards and an application process for projects undertaken pursuant to Government Code Sections 65852.21 and 66411.7 by the adoption of such an ordinance;

BE IT ORDAINED by the City of Capitola as follows:

Section 1. The above findings are adopted and incorporated herein.

Section 2. Section 16.08.120 (Urban Lot Split) is added to Chapter 16.08 (Definitions) to read as follows:

16.08.020 Urban Lot Split.

The subdivision of a parcel within a residential single-family (R-1) zone into two parcels pursuant to Section 66411.7 of the Government Code and Chapter 16.78 of the Capitola Municipal Code.

Section 3. Chapter 16.78 (Urban Lot Splits) is added to Title 16 (Subdivisions) of the Capitola Municipal Code to read as follows:

CHAPTER 16.78

URBAN LOT SPLITS

16.78.010 Purpose and Intent

It is the purpose of this Chapter to provide procedures necessary for the implementation of section 66411.7 of the Government Code pertaining to Urban Lot Splits, as defined in Section 16.08.020 herein. To accomplish this purpose, the regulations outlined herein are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. Except where such provisions directly conflict with Section 66411.7 of the Government Code, the provisions of this Chapter shall apply.

16.78.020 - Eligibility

A parcel map shall be required for all Urban Lot Splits pursuant to section 66411.7 of the Government Code. An application for an Urban Lot Split shall comply with all of the following requirements:

- A. The proposed Urban Lot Split will create no more than two new parcels, and each of the newly created parcels meets the following requirements:
 - 1. Is at least 1,200 square feet in size,
 - 2. Is at least 40 percent of the lot area of the original parcel,
 - 3. Has access to or adjoins the public right-of-way, sufficient to allow development on the parcel to comply with all applicable property access requirements under the California Fire Code section 503 (Fire Apparatus Access Roads) and California Code Regulations Title 14, section 1273.00 et seq. (Intent), and
- B. The parcel to be subdivided is located within the residential single-family (R-1) zone.
- C. The development is not located on a site as specified in Government Code subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.; which describe sites that meet specific qualifications related to certain farmland, wetlands, very high fire hazard severity zones, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, habitats for protected species, and historic properties, unless projects on such sites meet specified conditions.

- D. The proposed urban lot split would not require demolition or alteration of any of the following types of housing:
1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 3. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code (the Ellis Act) to evict tenants due to the property owner's decision to no longer use the property for rental housing within 15 years before the date that the development proponent submits an application.
 4. Housing that has been occupied by a tenant in the last three years based on the date of the application for an Urban Lot Split.
- E. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or city heritage resource, or a Designated Historic Resource as defined in Capitola Municipal Code Section 17.84.020.A.
- F. The parcel is not located on a site which includes a structure that is a Designated Historic Resource or that meets the criteria provided in Capitola Municipal Code Section 17.84.020.B. to qualify as a Designated Historic Resource.
- G. The parcel has not been established through prior exercise of an Urban Lot Split provided for in Section 66411.7 of the Government Code or this section.
- H. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided for in this chapter.
- I. The proposed new parcels are intended for exclusively residential use.
- J. The owner of the parcel to be subdivided signs an affidavit under penalty of perjury declaring all of the following to be true:

1. The housing units proposed to be demolished or altered have not been occupied by a tenant at any time within three years of the date of the application for an urban lot split.
2. The owner of the parcel intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. Owner-occupancy is not required if the owner is a community land trust or qualified nonprofit corporation under Sections 214.15 or 402.1 of the Revenue and Taxation Code.
3. The owner has not previously subdivided an adjacent parcel using an Urban Lot Split.
4. The owner has not previously acted in concert with any person to subdivide an adjacent parcel using an Urban Lot Split. "Acted in concert" means that the owner, or a person acting as an agent or representative of the owner, knowingly participated with another person in joint activity or parallel action toward a common goal of subdividing the adjacent parcel.

16.78.030 Objective Standards

All Urban Lot Splits under this chapter shall comply with the following standards, unless the applicant can demonstrate that the standards would have the effect of physically precluding the construction of two units on either of the resulting parcels or would preclude a unit size of 800 square feet for either unit:

- A. New parcel lines that abut a street shall maintain right angles to streets or radial to the centerline of curved streets, or be parallel to existing parcel lines.
- B. Lots without twenty feet or more of frontage on a street will not be permitted, except that frontage requirements for flag lots may be satisfied by a driveway or private road accessing a street with a minimum of ten feet in width or maximum of 40% of the lot width or 20 feet, whichever is less.
- C. A minimum of one off-street parking space shall be provided on each parcel except that no parking shall be required where the parcel satisfies one or both of the following circumstances:
 1. The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
 2. There is a car share vehicle located within one block of the parcel.

- D. No setback shall be required for an existing structure or a structure reconstructed in the same location and to the same dimensions as an existing structure, and in all other circumstances a setback of four feet from the side and rear lot lines shall be provided. Verification of size and location of the existing and proposed structure requires pre- and post-construction surveys by a California licensed land surveyor.
- E. The proposed lot split shall not result in the splitting of any structure between the two lots or create a new encroachment of an existing structure over a property line.
- F. The parcel map satisfies the objective requirements of the Subdivision Map Act and this chapter regarding parcel maps, including Chapter 16.24 Design Standards except as provided herein.

16.78.040 Filing, processing, and action

- A. An application for an Urban Lot Split must be made through submittal of a city application and requisite fees. At a minimum, an application package shall include:
 - 1. Title report less than 30 days old
 - 2. Copies of deeds for all properties included in the request.
 - 3. A plat map drawn to scale by a licensed land surveyor or registered civil engineer depicting all of the following:
 - a. Existing and proposed lot lines.
 - b. Location of easements required for the provision of public services and facilities to each of the proposed parcels.
 - c. Location of any easements necessary for each parcel to have access to the public right-of-way.
 - 4. Survey of existing conditions signed and stamped by licensed land surveyor.
 - 5. Site plan with existing conditions, proposed lot lines, driveways, and location of utility easements.

- B. The city shall act on an application for an Urban Lot Split within fifty days from the date the city receives a completed application. If the applicant requests a delay in writing, the fifty-day time period shall be tolled for the period of the delay. The city has acted on the application if it:
 - 1. Approves or denies the application for the Urban Lot Split; or
 - 2. Informs the applicant in writing that changes to the proposed project are necessary to comply with this chapter; or
- C. The Community Development Director shall deny the Urban Lot Split if either of the following is found:
 - 1. The Urban Lot Split fails to meet or perform one of more objective requirements imposed by the Subdivision Map Act or by this chapter. Any such requirement or condition shall be specified.
 - 2. The building official makes a written finding, based upon a preponderance of the evidence, that the proposed subdivision would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- D. The Community Development Director shall not reject an application solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.
- E. The Community Development Director shall condition approval on the dedication of any easements deemed necessary for the provision of public services to the proposed parcels and any easements deemed necessary for access to the public right-of-way.
- F. The Community Development Director shall not require the correction of nonconforming zoning conditions.
- G. Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect of application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code), except that a public hearing for a CDP application for an Urban Lot Split shall not be required.

16.780 Use and Development Requirements

- A. It shall be unlawful to rent, offer to rent or lease, or to advertise for rent or lease, any dwelling unit or portion thereof constructed on a lot created under this chapter for a term that is thirty days or less.
- B. It shall be unlawful to use any dwelling unit constructed on a lot created under this chapter for any use other than a residential use.
- C. New dwelling units constructed under this chapter shall be no more than 800 square feet in floor area.
- D. Development of new Two-Unit Developments on any lot created under this chapter shall be subject to the requirements of CMC Chapter 17.75, and shall also comply with all applicable objective zoning requirements set forth in Section 17.16 applicable to the subject parcels and any objective requirements in the City’s design guidelines. The standards described in this paragraph shall apply to all Urban Lot Splits except where such standard directly conflicts with a provision of this chapter, or whether the applicant demonstrates that such zoning district standard or design standard would have the effect of physically precluding the construction of two units on either of the resulting parcels or would necessarily result in a unit size of less than 800 square feet.
- E. Notwithstanding any other provision of this code, no more than two dwelling units shall be permitted on any parcel created under the provisions of this chapter.

Section 4. The following subsection M is added to Section 17.74.040 (General Requirements) of Chapter 17.74 (Accessory Dwelling Units) of the Capitola Municipal Code to read as follows:

M. Pursuant to the authority provided by section 65852.21(f) of the Government Code, no accessory dwelling unit or junior accessory dwelling unit shall be permitted on any lot in a single-family zoning district if: 1) an Urban Lot Split has been approved pursuant to Chapter 16.78 herein; and 2) a Two-Unit Development with two units has been approved for construction pursuant to Chapter 17.75 herein.

Section 5. Chapter 17.75 (Two-Unit Developments) is added to Title 17, Part 3 (Zoning, Citywide Standards) of the Capitola Municipal Code to read as follows:

CHAPTER 17.75

TWO-UNIT DEVELOPMENTS

17.75.010 Purpose and Intent

The purpose of this Chapter is to provide regulations for the establishment of Two-Unit Developments pursuant to and as defined in Government Code section 65852.21. To accomplish this purpose, the regulations outlined herein are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. Except where such provisions directly conflict with section 66411.21 of the Government Code, the provisions of this Chapter shall apply.

17.75.020 Definitions

- A. Two-Unit Development. A Two-Unit Development is a development which proposes no more than two residential units in total on each parcel created within an Urban Lot Split. The two units may be either two new units on a vacant lot or the addition of one new unit to a lot with one existing residential unit.
- B. Urban Lot Split. The subdivision of a parcel within the residential single-family (R-1) zone into two parcels pursuant to Section 66411.7 of the Government Code and Chapter 16.78 of the Capitola Municipal Code (CMC).

17.75.30 Eligibility

- A. Notwithstanding anything in this section to the contrary, a residential development is eligible for a Two-Unit Development if the development complies with all of the following criteria:
 - 1. Where Allowed. A Two-Unit Development is permitted in the Single-Family (R-1) Residential Zone on a lot which was established within an Urban Lot Split pursuant to CMC Chapter 16.78
 - 2. Maximum Number per Lot. Not more than two dwelling units are allowed per Lot.
 - 3. The application complies with all standards in this chapter.
- B. A residential development that does not comply with all standards in this chapter is not eligible for Two-Unit Development.

- C. Density Limitations. Incompatibility with the City's density limitations shall not provide a basis to deny a Two-Unit Development that otherwise conforms to the requirements of this section.
- D. Ineligible Circumstances. A Two-Unit Development shall not be approved in each of the following circumstances:
1. The Two-Unit Development would require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - c. Housing that has been occupied by a tenant in the last three years.
 2. The parcel subject to the proposed Two-Unit Development is a parcel on which an owner of residential real property has exercised the owner's rights under Government Code Section 7060 et seq. (the Ellis Act) to evict tenants due to the property owner's decision to no longer use the property for rental housing within 15 years before the date that the Two-Unit Development proponent submits an application.
 3. The parcel subject to the proposed Two-Unit Development is located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
 4. The parcel is not located on a site which includes a structure that is a Designated Historic Resource or that meets the criteria provided in Capitola Municipal Code Section 17.84.020.B. to qualify as a Designated Historic Resource.
 5. The parcel subject to the proposed Two-Unit Development does not satisfy the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as provided in Section 16.78.030(C), respective to sites that meet specific

qualifications related to certain farmland, wetlands, very high fire hazard severity zones, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, habitats for protected species, and historic properties, unless projects on such sites meet specified conditions.

17.75.040 Permitting Process

- A. Administrative Permit. A residential unit within a Two-Unit Development that complies with all standards in this chapter and CMC Chapter 16.78 shall be approved ministerially with an administrative permit. No discretionary review or public hearing is required.

- B. The city shall act on an application for a Two-Unit Development within sixty days from the date the city receives a completed application. If the applicant requests a delay in writing, the sixty-day time period shall be tolled for the period of the delay. The city has acted on the application if it:
 - 1. Approves or denies the building permit for the Two-Unit Development;
or
 - 2. Informs the applicant in writing that changes to the proposed project are necessary to comply with this chapter.

- C. Coastal Permit. A proposed Two-Unit Development that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval).
 - 1. A public hearing for a CDP application for a Two-Unit Development shall not be required.
 - 2. Nothing in this chapter shall be construed to supersede or in any other way alter or lessen the effect of application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code).

- D. The Community Development Director shall deny the Two-Unit Development if either of the following is found:
 - 1. The Two-Unit Development fails to comply with any objective requirements imposed by this Chapter. Any such requirement or condition that is the basis for denial shall be specified by the Community Development Director in writing.

2. The building official makes a written finding, based upon a preponderance of the evidence, that the proposed development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

E. Building Permit. A building permit may be submitted subsequent to:

1. Approval of an Administrative Permit for a Two-Unit Development; and
2. Recordation of the Urban Lot Split parcel map by the Santa Cruz County Recorder.

17.75.050 Objective Development Standards.

The objective development standards in this section apply to all Two-Unit Developments.

A. General. Table 17.75-1 shows development standards that apply to the individual units within a Two-Unit Development.

Residential Unit within Two-Unit Development	Standard
Unit Size, Maximum	800 sq. ft.
Setbacks, Minimum	
Front	Ground floor: 15 ft
	Second story: 20 ft.
	Garage: 20 ft
Rear	4 ft
Side yard	4 ft
Height, Maximum [1]	16 ft. First story
	22 ft. Second story
Story, Maximum	Single Story
Private Open Space, Minimum	48 sq. ft.

[1] Residential unit is limited to a single story and 16 ft. except as allowed pursuant 17.75.070.G: Guaranteed Allowance.

B. Parking.

1. Required Parking. One off-street parking space is required per residential unit within a Two-Unit Development, except as provided in subsection (B)(4) of this section.

2. Tandem Spaces. Required off-street parking for two separate residential units within a Two-Unit Development shall not be provided as tandem parking.
3. Parking Design.
 - a. Required off-street parking may be located within minimum required setback areas from front, side, and rear property lines.
 - b. A parking space in a required front setback area shall be a “ribbon” or “Hollywood” design with two parallel strips of pavement. The paving strips shall be no wider than two and one-half feet each and shall utilize permeable paving such as open-joint pavers and turf grids. Unpaved areas between the strips shall be landscaped with turf or low-growing ground cover.
 - c. Parking accessed from an alley shall maintain a twenty-four-foot back-out area, which may include the alley.
4. Exceptions to Required Parking. No off-street parking is required for a residential unit within a Two-Unit Development in the following cases:
 - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
 - b. There is a car share vehicle located within one block of the parcel.

C. Separation Between Residential Units.

1. Each unit in a Two-Unit Development shall be separated by a distance of at least ten feet from any other structure on the parcel, except as provided in subsection (C)(2) of this section and section 17.75.070.G: Guaranteed Allowance.
2. Units may be adjacent or connected if the structures meet building code safety standards and are sufficient to allow a separate conveyance.

D. Exceptions to Development Standards

1. Non-conforming Structures.

- a. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

17.75.060 Objective Design Standards.

The objective design standards in this section apply to all Residential Units within a Two-Unit Developments:

- A. Entrance Orientation. The primary entrance to each new dwelling unit shall face the front or interior of the parcel unless the unit is directly accessible from an alley or a public street.
- B. Privacy Impacts. To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within eight feet of an interior side or rear property line abutting a residential use:
 1. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:
 - a. A six-foot solid fence on the property line; or
 - b. Clerestory or opaque windows for all windows facing the adjacent property.
 2. For a second-story wall, all windows facing an adjacent property shall be clerestory or opaque.
- C. Decks and Balconies. Second story exterior decks and balconies, and rooftop decks, shall be prohibited on dwelling units constructed under this section.
- D. Exterior covered space that is attached to each dwelling unit, including but not limited to covered porches and patios, shall not exceed a total of 150 square feet, and at least one third of the square footage of the attached exterior covered space shall be attached to the front of the dwelling unit.
- E. When construction of a new dwelling unit is proposed on a parcel with an existing dwelling unit, any new dwelling unit shall utilize the same exterior materials and colors as the existing dwelling unit, subject to any restrictions on use of building materials. Where two new units are proposed to be constructed on a parcel, each unit shall utilize the same exterior materials and colors as the other unit.

17.75.070 General Requirements

The following requirements apply to all units within a Two-Unit Development:

- A. Utility Connections.
 - 1. Each dwelling unit constructed under this section shall be on a separate utility connection directly between each dwelling unit and the utility for water, sewer, and electrical utilities.
 - 2. The Community Development Director shall condition approval on the dedication of any easements deemed necessary for the provision of public services to the proposed residential units and any easements deemed necessary for access to the public right-of-way.
- B. Fire Sprinklers. The city shall not require a Two-Unit Development to provide fire sprinklers if they would not be required for the primary residence under the current fire code.
- C. Vacation Rentals Prohibited. A Two-Unit Development may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).
- D. Separate Sale from Primary Dwelling. The units within a Two-Unit Development on the same lot may not be sold or conveyed separately.
- E. Guaranteed Allowance. The objective development standards and objective design standards of this chapter shall not prohibit a Two-Unit Development with up to eight hundred square feet of floor area, provided the accessory dwelling unit complies with all other applicable standards. The guaranteed allowance of eight hundred square feet of floor area is in addition to the maximum floor area of a property.
- F. Converting and Replacing Existing Structures.
 - 1. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.
 - 2. The application shall not require the correction of an existing legal nonconforming zoning conditions.
- G. Land Use. It shall be unlawful to use any dwelling unit under this chapter for any use other than a residential use.

Section 6: Environmental Review.

The City Council finds and determines that enactment of this Ordinance 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.

Section 7: Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption except that it will not take effect within the coastal zone until certified by the California Coastal Commission. This Ordinance shall be transmitted to the California Coastal Commission and shall take effect in the coastal zone immediately upon certification by the California Coastal Commission or upon the concurrence of the Commission with a determination by the Executive Director that the Ordinance adopted by the City is legally adequate.

Section 8: Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Section 9: Certification.

The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the ____ day of _____ 2022, and was adopted at a regular meeting of the City Council on the ____ day of _____ 2022, by the following vote:

AYES:
NOES:
ABSENT:

Sam Story, Mayor

Attest: _____
Chloe Woodmansee, City Clerk

Approved as to form:

Samantha Zutler, City Attorney