

Capitola Planning Commission

Agenda Report



Meeting: February 3, 2022
From: Community Development Department
Topic: SB9 Ordinance

Project #: 2022-0079

APN: Applicable to all parcels in Single-Family Zone

Project description: 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: 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.

Discussion: The draft ordinance will establish two new chapters of the Capitola Municipal Code, including Chapter 16.68 for Urban Lots Splits and Chapter 17.75 for Two-Unit Developments. The ordinance establishes review procedures and objective standards for review of SB-9 applications.

Chapter 16.68: Urban Lot Splits

Within Chapter 16.68, Urban Lot Splits, the ordinance includes the following sections:

16.78.010 Purpose and Intent	<ul style="list-style-type: none"> • Production of housing • Implementation of Government Code Section 66411.7 pertaining to Urban Lot Splits
16.78.020 Eligibility	<ul style="list-style-type: none"> • Located in the single family (R-1) zoning district • 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 have access to the public right-of-way. • Additional eligibility requirements tied to natural conditions, hazards, historic properties, special conditions, and previous rental use.

16.78.030 Objective Standards	<ul style="list-style-type: none"> • Quantifiable standards for a lot split not subject to discretionary review. • Incorporated Capitola's existing design requirements within Title 16 related to design of lots, including parcel lines at right angles to the street, minimum frontage standards, flag lot driveway standards, onsite parking, and encroachments. • Includes state allowance that no setbacks be required for an existing structure or reconstructed structure. • State allowance for minimum setbacks of four feet for the side and rear yards. • State allowance that the establish standards do not preclude the construction of two units on either of the resulting parcels of up to 800 square feet.
16.78.040 Filing, processing, and action	<ul style="list-style-type: none"> • Application submittal requirements • State required timing of sixty-day review • Coastal development permit • Standards for denial
16.78.050 Use and Development Requirements	<ul style="list-style-type: none"> • Prohibits vacation rental • Limited to residential • Maximum unit size of 800 square feet • Subject to Chapter 17.75 Two Unit Developments

Chapter 17.75: Two-Unit Developments

Within Chapter 17.75, Two-Unit Developments, the ordinance includes the following sections:

17.75.010 Purpose and Intent	<ul style="list-style-type: none"> • Implement Government Code section 65852.21 pertaining to Two-Unit Developments
17.75.020 Definitions	<ul style="list-style-type: none"> • New definitions for two-unit development and urban lot split
17.75.030 Eligibility	<ul style="list-style-type: none"> • Lists eligibility requirements of SB-9 • Maximum two units per lot • Lot established within an Urban Lot Split • R-1 Zone • Additional eligibility requirements tied to natural conditions, hazards, historic properties, special conditions, and previous rental use apply.
17.75.040 Permitting Process	<ul style="list-style-type: none"> • Administrative permit no discretionary review or hearing • State required timing of sixty-day review • Coastal Development Permit • Standards for denial
17.75.050 Objective Development Standards	<ul style="list-style-type: none"> • Quantifiable standards for a lot split not subject to discretionary review.

	<ul style="list-style-type: none"> • Maximum size, minimum setbacks, maximum height, maximum story, minimum open space, parking, separation between units, non-conforming structures
17.75.060 Objective Design Standards	<ul style="list-style-type: none"> • Entrance orientation • Privacy • Decks and balconies • Porches and patios • Exterior materials and colors
17.75.070 General Requirements	<ul style="list-style-type: none"> • Required utility connections and fire sprinklers • Prohibits vacation rental • Separate sale allowed • Guaranteed allowance of two 800 square foot units • Allowance for converting existing structures

The City can guide the design of the urban lot splits and two-unit developments through the application of objectives standards. The draft ordinance includes objectives standards geared at allowing densification of the single-family zoning district in a manner that maintains the patterns and scale of the residential neighborhood.

At the February 3, 2022, Planning Commission meeting, staff will provide an overview of the proposed objective standards and request feedback from the Planning Commission. The Planning Commission may either forward a positive recommendation to the City Council or continue the item to the March 3, 2022, meeting.

CEQA: 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.

Recommendation: Accept staff presentation on Ordinance #1049 and either forward a positive recommendation to the City Council or continue the item to the March 3, 2022 Planning Commission meeting.