



# Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Mary Linden, Executive Assistant

Approved by: Steve McClary, Interim City Manager

Date prepared: October 4, 2021 Meeting date: November 2, 2021

Subject: Public Hearings for Coastal Development Permits (CDP) under Senate Bills (SB) 9 and 10 (Mayor Grisanti and Mayor Pro Tem Silverstein)

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**RECOMMENDED ACTION:** At the request of Mayor Grisanti and Mayor Pro Tem Silverstein, direct the City Attorney to bring back an item with a new a City Council policy rejecting the invitation to forego public hearings and to reaffirm the City's existing process for considering Coastal Development Permits (CDP) despite the permissibility of easing that process pursuant to Senate Bills (SB) 9 and 10.

**FISCAL IMPACT:** There is no fiscal impact associated with the recommended action. Funding for the City Attorney is included in the Adopted Budget of Fiscal Year 2021-2022 in Account No. 100-7005-5101 (Legal Counsel – General).

**WORK PLAN:** This item was not included in the Adopted Work Plan for Fiscal Year 2021-2022. This project is part of normal staff operations.

**DISCUSSION:** SB 9, which was signed by the Governor on September 16, 2021, allows property owners to split a single-family lot into two lots, add a second home to their lot, or split their lot into two and place duplexes on each. The last option would create four housing units on a property currently limited to a single-family home. SB 10, signed on the same day, allows cities to forego environmental review and override local land use restrictions when approving developments of up to 14 units on single-family lots.

Despite the fact that SB 9 generally does not apply within the Coastal Zone, it does permit local agencies to forego public hearings on CDPs that fall within the scope of the two bills. Specifically, SB 9 Section 65852.21(k) provides as follows:

"Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section."

Mayor Grisanti and Mayor Pro Tem Silverstein propose that the Council direct the City Attorney to bring back an item with a new City Council policy rejecting the invitation to forego public hearings and to continue with the City's existing public hearing process despite the permissibility of easing that process pursuant to SB 9 and SB 10.

ATTACHMENTS: None.