



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

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TO: Joshua Huntington, AICP, Subdivisions
Rob Glaser, Coastal Development Services
Maria Masis, AICP, Puente Whittier Development Services
Kevin Finkel, AICP, Foothills Development Services
Samuel Dea, North County Development Services
Carmen Sainz, Metro Development Services
Edward Rojas, AICP, Operations & Major Projects

FROM: David DeGrazia, Deputy Director 

SENATE BILL 9: MINISTERIAL APPROVALS OF UP TO TWO PRINCIPAL DWELLING UNITS AND URBAN LOT SPLITS ON SINGLE FAMILY RESIDENTIAL - ZONED PARCELS

BACKGROUND

On September 16, 2021, the Governor signed Senate Bill (SB) 9 (Atkins), which adds Section 65852.21 to the Government Code to require a ministerial review process for eligible development of up to two principal dwelling units on a parcel in a single-family residential zone. The bill also adds Section 66411.7 to require a ministerial review process for eligible "urban lot splits," to create two new parcels for residential uses in a single-family residential zone.¹

A copy of the State law (Attachment A) is attached for your reference. Please be aware of the following changes pertaining to the approval of eligible projects effective January 1, 2022. These changes supersede any contrary provisions in Titles 21 and 22 of the County Code.

¹ SB 9 also amends Government Code Section 66452.6 which is covered by a separate memo: *SB 9: Extended Lifespan of Certain Approved or Conditionally Approved Tentative Maps, January 3, 2022.*"

I. Eligibility for Ministerial Review

A. Project Components. The project is one of the following:

1. The project consists of up to two principal dwelling units, which may be attached or detached, with no other principal uses or primary structures, subject to the approval of a Ministerial Site Plan Review (Chapter 22.186) application:²
 - a. One principal dwelling unit with no other principal uses or structures;
 - b. One principal dwelling unit attached to or detached from an existing principal dwelling unit on a parcel with no other principal uses or structures; or
 - c. Two principal dwelling units attached or detached on a parcel with no other principal uses or structures.
2. The project is an urban lot split creating two new parcels for residential uses³ with no structures proposed, subject to the approval and recordation of a parcel map (Title 21).
3. The project is an urban lot split creating two new parcels for residential uses, with no more than two dwelling units (including ADUs or JADUs), attached or detached, proposed on each new parcel, subject to the approval and recordation of a parcel map (Title 21) and a Ministerial Site Plan Review (Chapter 22.186) application.

B. Project Location. The project satisfies all of the following:⁴

1. The project site is located within Zone R-1 or R-A;⁵ or within the following zones in the following specific plans zones:
 - a. West Carson Residential 1
 - b. Willowbrook Residential 1

² Pursuant to Section 22.140.640.E of the County Code, new ADU(s) may only be permitted in this instance if both principal dwelling units (existing and/or proposed) were/are legally built prior to the ADU application submittal. In total, sites developed with two principal dwelling units may have one ADU converted from spaces within an existing residential building and two detached ADUs.

³ Parcels created pursuant to SB 9 are restricted to residential uses only, with the exception of home-based occupations as permitted by Title 22 of the County Code and home-based cottage food operations per state law.

⁴ The SB 9 Eligibility layer can be viewed on GIS-NET.

⁵ For split-zoned parcels, refer to Section 22.06.070.D of the County Code.

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- c. Connect Southwest (CSLA) Residential 1
2. The project site is a legal parcel located wholly within an urbanized area or urban cluster, as designated by the U.S. Census Bureau.
3. No portion of the project site is located in any of the following:
 - a. A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code;
 - b. 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 County landmark or historic property or district⁶;
 - c. Prime Farmland or Farmland of Statewide Importance, as identified by the State Department of Conservation;⁷
 - d. Wetlands, as defined in the U.S. Fish and Wildlife Service Manual;
 - e. A High or Very High Fire Hazard Severity Zone as identified by the State Department of Forestry and Fire Protection;
 - f. A hazardous waste site listed in Section 65962.5 of the Government Code (the Cortese List, which is available at <https://calepa.ca.gov/SiteCleanup/CorteseList>), or a hazardous waste site designated by the State Department of Toxic Substances Control (which is available at <https://www.envirostor.dtsc.ca.gov/public/map/>), pursuant to Section 25356 of Health and Safety Code, unless the site has been cleared for residential or residential mixed uses by the State Department of Public Health, State Water Resources Control Board, or State Department of Toxic Substances Control;
 - g. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the project complies with

⁶ State and County historic resources can be found by turning on the Historic Resources layer in GIS-NET. You can also check for County listed properties on the official County register at: <http://hlrc.lacounty.gov/HLRC/pdf/Registry%202020.pdf?ver=2020-06-24-172750-153>.

⁷ Or land zoned or designated for agricultural protection or preservation by any future approved local ballot measure.

applicable seismic protection building code standards adopted by the State Building Standards Commission under the State Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by Public Works under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2;⁸

- h. A special flood hazard area subject to inundation by the 1 percent annual flood (100-year flood) as determined by Federal Emergency Management Agency (FEMA) in any official maps, unless:
 - i. The project site has been subject to a Letter of Map Revision prepared by FEMA and issued to the County; or
 - ii. The project site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations;⁹
- i. A regulatory floodway as determined by FEMA in any official maps published by FEMA, unless the project has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations;
- j. A Significant Ecological Area or lands under conservation easement or identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act [Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code], or in a habitat conservation plan pursuant to the Federal Endangered Species Act of 1973, or other adopted natural resource protection plan; or
- k. A critical habitat designated by state or federal agencies.

C. Pre-Existing Site Conditions. The project satisfies all of the following:

- 1. The project does not require demolition or alteration of any of the following:

⁸ Public Works verifies compliance with seismic protection standards in the Building Code during their review process.

⁹ Documentation must be submitted to and reviewed by Public Works in order to determine the site's compliance with all applicable FEMA requirements for flood plain management criteria.

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- a. Dwelling units that are subject to the County's Rent Stabilization Ordinance (Chapter 8.52 of Title 8 of the County Code);
 - b. Dwelling units that are subject to a recorded covenant and agreement restricting rents to levels affordable to moderate, lower, or very low-income households; or
 - c. Dwelling units that have been tenant-occupied in the three years before the date of application.
 - d. For Urban Lot Splits Only - A parcel or parcels on which an owner of residential real property has exercised their rights under the Ellis Act to withdraw accommodations from rent or lease within 15 years before the date of application.
2. For Non-Lot Split Projects Only - The project is not on a parcel in which an owner of residential real property has exercised their rights under the Ellis Act to withdraw accommodations from rent or lease within 15 years before the date of application.
 3. The applicant shall submit the Pre-Existing Site Conditions and Occupant Income Certification Form (Attachment B).

D. Standards. Notwithstanding Titles 21 and 22 of the County Code, the project complies with the following:

1. Except as provided in 2.b, below, objective planning, zoning, and subdivision requirements shall not be imposed if such requirements would physically preclude either of the following:
 - a. The construction of up to two dwelling units per parcel; or
 - b. Any of the dwelling units being at least 800 square feet in floor area.
2. Setbacks and Building Separation.
 - a. Existing setbacks shall be deemed conforming, including in the event of demolition of an existing structure or building, and reconstruction to the same dimensions and in the same footprint.

- b. In all other cases, the required side and rear yard depths for the proposed dwelling units shall be four feet, unless a narrower width is allowed pursuant to Title 22 of the County Code.
- c. No building separation between dwelling units or structures shall be required as long as all the structures meet minimum building code safety standards and allow for separate conveyance.¹⁰

3. Parking.

a. Principal Dwelling Units.

- i. All existing and proposed dwelling units shall be exempt from any parking requirements if any one of the following applies:

- 1. The parcel is located within ½ mile walking distance of a high-quality transit corridor or a major transit stop;¹¹ or
- 2. There is a car share vehicle located within one block of the subject parcel.¹² For example, this can be verified by checking the maps on Zipcar (<https://www.zipcar.com>).

- ii. If the principal dwelling units do not fall within any of the criteria described, one off-street covered parking space per unit shall be required.

- b. ADUs and JADUs. All ADUs and JADUs shall be subject to the parking requirements in Section 22.140.640.G.1.d of the County Code.

4. Short-Term Rentals. No dwelling unit created pursuant to SB 9 shall be used as a short-term rental (30 consecutive days or less).

E. Additional Requirements

1. All SB 9 Projects.

- a. The applicant shall submit the SB 9 Applicant Acknowledgement Form (Attachment C), acknowledging that the review and approval of the proposed

¹⁰ The requirements of Section 22.110.050 of the County code do not apply.

¹¹ These layers can be viewed on GIS Net, and walking distance should be verified on Google Maps.

¹² A block can be up to 1,000 linear feet of pedestrian travel along a public street from the subject parcel.

project by Regional Planning does not guarantee approval or clearance by other departments.

- b. Private Sewer. For principal dwelling units connected to an onsite wastewater system, the applicant shall be required to obtain clearance from the County Department of Public Health.¹³

2. Urban Lot Splits.

a. Future and Adjacent Urban Lot Splits.

- i. Future urban lot splits on parcels created through SB 9 shall be prohibited.
- ii. Urban lot splits on adjacent parcels by the same owner(s) or someone acting in concert with the owner(s) shall be prohibited.

b. Total Number of Dwelling Units.

- i. A maximum of two dwelling units shall be permitted on a parcel created through an urban lot split. For the purpose of this requirement, “dwelling unit” means any principal dwelling unit, ADU, or JADU.
- ii. Notwithstanding Section 22.140.640.E of the County Code, one ADU or one JADU is permitted on each parcel created through an urban lot split if there is only one proposed or existing, legally-built principal dwelling unit on the newly created parcel with no other existing or proposed principal uses or structures.

c. Lot Area.

- i. Either newly created parcel shall be a minimum of 40 percent of the original lot area; and
- ii. Each newly created parcel shall have a minimum of 1,200 square feet lot area.

- d. Owner Occupancy. The applicant of the urban lot split shall occupy one of the dwelling units as their principal residence for a minimum of three years from the date of recordation of the urban lot split, unless the applicant is a community

¹³ Public Health reviews the onsite wastewater system during their approval process. Verification of a percolation test performed within the last five years, or the last 10 years if the percolation test has been recertified, will be required for clearance.

land trust¹⁴ or a qualified nonprofit corporation.¹⁵ The applicant is required to sign the Owner Occupancy Affidavit (Attachment D) prior to the date of recordation of the urban lot split.

II. Decision

A. Findings and Denial. A project pursuant to SB 9 may only be denied if the County¹⁶ makes a written finding, based on a preponderance of evidence, that the project 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.

B. Additional Considerations for Urban Lot Splits.

1. No dedication of rights-of-way or construction of offsite improvements shall be imposed on parcels being created through an urban lot split as a condition of approving a tentative parcel map, unless required for easements for public services or facilities, or for access to the parcel.
2. No correction of nonconforming standards shall be required for urban lot splits approved pursuant to SB 9.

If you have any questions regarding this memo, please contact Tina Fung in the Housing Policy Section at (213) 974-6417 or tfung@planning.lacounty.gov.

DD:CC:TF:TF:Im

Attachments:

- A. Government Code Section 65852.21 and 66411.7
- B. Pre-Existing Site Conditions and Occupant Income Certification Form
- C. SB 9 Applicant Acknowledgement Form
- D. Owner Occupancy Affidavit

¹⁴ As defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

¹⁵ As described in Section 214.15 of the Revenue and Taxation Code.

¹⁶ As specified in Section 65852.21(d) and 66411.7(d).

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c: Amy J. Bodek, AICP, Director of Regional Planning
Dennis Slavin, Chief Deputy Director
Elaine Lemke, Chief Legal Counsel
Connie Chung, AICP, Deputy Director
Jon Sanabria, Deputy Director
Mitch Glaser, AICP, Assistant Administrator
Susan Tae, AICP, Assistant Administrator
County Counsel
Public Works
Fire Department
Public Health
Parks and Recreation

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