


August 12, 2025

TO: Staff

FROM: Amy J. Bodek, AICP 
Director of Regional Planning

SENATE BILL 684, SENATE BILL 1123, AND ASSEMBLY BILL 130: MINISTERIAL APPROVAL PROCESS FOR HOUSING DEVELOPMENT PROJECTS WITH 10 OR FEWER LOTS AND 10 OR FEWER PRINCIPAL DWELLING UNITS

BACKGROUND

On October 11, 2023, the Governor signed [Senate Bill \(SB\) 684 \(Caballero\)](#), which added [section 65852.28](#), [section 65913.4.5](#), and [section 66499.41](#) to the Government Code to require a ministerial review of a housing development project (“project”) in a multi-family residential zone that includes a subdivision resulting in 10 or fewer lots and principal dwelling units.

On September 19, 2024, the Governor signed SB 1123 (Caballero), which incorporates various amendments to [section 65852.28](#) and [section 66499.41](#) and adds provisions for projects in single-family residential zones. Finally, on June 30, 2025, the Governor signed [Assembly Bill \(AB\) 130](#), a budget trailer bill which, among other things, clarifies that a remainder parcel in a project does not count toward the 10-lot limit. AB 130 also prohibits the sale of a lot created by the project, unless it contains a residential structure; is reserved for internal circulation, open space, or common area; or is the last remaining lot. These amendments took effect on July 1, 2025. A copy of the relevant code sections (Attachments A through C) are attached for your reference.

This memo supersedes any contrary provisions in [Titles 21](#) and [22](#) of the County Code, and shall apply until such time when the County Code is amended.

- I. ELIGIBILITY FOR MINISTERIAL REVIEW.** A project is eligible for the ministerial review process specified in this memo if all of the following criteria are met:
- A. Project Components.** The project includes a subdivision on a lot resulting in 10 or fewer lots and 10 or fewer principal dwelling units, subject to the following:

1. The project shall not result in any existing dwelling unit being alienable separate from the title to any other existing dwelling unit on the lot; and
2. The subdivision may designate a remainder parcel, as defined in Government Code section 66424.6, which retains existing land uses or structures, does not contain any new dwelling units, and is not exclusively dedicated to serving the project. The remainder parcel shall not count towards the 10-lot limit.

B. Application Requirements. The project shall be subject to the ministerial approval of the following applications:

1. A tentative map and a final map or a parcel map; and
2. An Administrative Housing Permit ([Section 22.166.040](#)) application if the project is subject to Chapter 22.121 (Inclusionary Housing) and/or the affordability requirement specified in Paragraph I.F.1, below.

C. Project Location and Site Requirements. The project is proposed on a lot that satisfies all of the following:

1. The lot is a legal parcel¹ located wholly within an urbanized area or urban cluster, as designated by the U.S. Census Bureau.
2. The lot has at least 75% of its perimeter adjoining² parcels that are developed with any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses with the remainder of the perimeter adjoining² parcels that are designated for those uses;
3. The lot is one of the following:
 - a. A maximum of five acres and located within a zone where multi-family residential development is permitted or conditionally permitted.
 - b. Vacant³ and a maximum of 1 ½ acres and located within zone R-1 or R-A,⁴ or within one of the following specific plan zones:
 - i. West Carson TOD Specific Plan: West Carson Residential 1
 - ii. Willowbrook TOD Specific Plan: Willowbrook Residential 1
 - iii. Connect Southwest LA TOD Specific Plan: CSLA Residential 1

¹ Pursuant to the Subdivision Map Act.

² Parcels that are only separated by a street or highway shall be considered adjoining.

³ “Vacant” means having no permanent structure, unless the permanent structure is abandoned or uninhabitable. The housing types specified in Paragraph D.1, D.2 and D.3 of this memo shall not be defined as vacant.

⁴ For split-zoned parcels, refer to Section 22.06.070.D of the County Code.

4. The lot was not created pursuant to Government Code section 66411.7 (SB 9/SB 450).
5. The lot was not created pursuant to this memo (SB 684/SB 1123).
6. The lot is not a designated remainder parcel from a previous subdivision pursuant to this memo (SB 684/SB 1123).
7. No portion of the project site is located in any of the following:
 - a. Prime farmland or farmland of statewide importance,⁵ as identified by the State Department of Conservation;
 - b. Wetlands,⁵ as defined in the U.S. Fish and Wildlife Service Manual;
 - c. Within a very high fire hazard severity zone,⁵ as determined by the Department of Forestry and Fire Protection pursuant to Public Resources Code section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Public Resources Code section 4202;
 - d. A hazardous waste site listed in Government Code [section 65962.5](#) (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 pursuant to former Health and Safety Code section 25356 (see <https://www.envirostor.dtsc.ca.gov/public/map/>), unless either of the following apply:
 - i. The site is an underground storage tank site that received a uniform closure letter issued pursuant to Health and Safety Code section 25296.10(g) based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses.
 - ii. The State Department of Public Health, State Water Resources Control Board, State Department of Toxic Substances Control, or a local agency making a determination pursuant to Health and Safety Code section 25296.10(c), has otherwise determined that the site is suitable for residential use or residential mixed uses.
 - e. A delineated earthquake fault zone⁵ as determined by the State Geologist in any official maps published by the State Geologist, unless the project complies with applicable seismic protection building code standards adopted by the State Building Standards Commission pursuant to the State Building Standards Law commencing with Health and Safety Code [section 18901](#), and verified by Public Works⁶ pursuant to Government Code [section 8875](#);
 - f. A special flood hazard area⁵ subject to inundation by the one percent annual flood

⁵ This layer is available on GIS-NET.

⁶ Public Works verifies compliance with seismic protection standards in the Building Code during their review process.

- (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 [sections 59.1 and 60.1 of Title 44](#) of the Code of Federal Regulations;⁷
- g. A regulatory floodway⁵ 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;
- h. A Significant Ecological Area⁵ or lands under conservation easement or identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act in accordance with Fish and Game Code [section 2800](#), or in a habitat conservation plan pursuant to the [Federal Endangered Species Act of 1973](#), or another adopted natural resource protection plan; or
- i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the [Federal Endangered Species Act of 1973](#), the California Endangered Species Act in accordance with Fish and Game Code [section 2050](#), or the Native Plant Protection Act in accordance with Fish and Game Code [section 1900](#).

D. Pre-Existing Site Conditions. The project does not require demolition or alteration of any of the following:

1. Dwelling units that are subject to a recorded covenant and agreement restricting rents to levels affordable to low, very low, or extremely low-income households;
2. Dwelling units that are subject to the County's [Rent Stabilization Ordinance \(Title 8, Chapter 8.52\)](#) or California Civil Code [section 1947.12](#);
3. Dwelling units occupied by tenants in the five years preceding the date of application; or
4. Dwelling units that have been withdrawn from the rental housing market under the Ellis Act pursuant to Government Code [section 7060](#) within the 15 years preceding the date of application.

⁷ 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.

E. Housing Types and Tenures. The proposed principal dwelling units are one of the following:

1. Single-family residences on fee simple ownership lots.
2. Part of a common interest development including but not limited to part of:
 - a. A “limited-equity housing cooperative” or a “workforce housing cooperative trust” as defined in the Civil Code section 817; or,
 - b. A tenancy in common as described in Civil Code section 685.
3. Constructed on land owned by a community land trust defined as a nonprofit corporation organized pursuant to section 501(c)(3) of the Internal Revenue Code whose primary purpose is to create and maintain permanently affordable single-family or multi-family residences. All units or interests shall either be:
 - a. Rented to households of moderate income or below; or,
 - b. Sold as primary residences to qualified households of moderate income or below with the land leased to the qualified owner for a renewable term of 99 years.

F. Required Density. The following shall apply to the proposed project:

1. Project sites identified in the Housing Element.⁵ The project shall achieve at least as many dwelling units as projected in the Housing Element,⁸ including at least as many dwelling units affordable to lower and very low income households⁹ if applicable.
2. Project sites not identified in the Housing Element. The project shall achieve at least 66% of the maximum allowable residential density pursuant to the General Plan land use designation or 66% of 30 du/ac, whichever is greater, as indicated in Table A, below.

| TABLE A: REQUIRED PROJECT DENSITY ¹ | |
|--|-------------------------------|
| General Plan Land Use Designations | Required Density ² |
| H2, H5, H9, H18, CR, or MU-R | 20 du/ac |
| H30 | 20 - 30 du/ac |
| H50 | 33 - 50 du/ac |
| H100 | 66 - 100 du/ac |
| CG | 33 - 50 du/ac |
| MU | 99 - 150 du/ac |

⁸ More units may be achievable pursuant to the maximum allowable density specified by the General Plan land use designation or through a density bonus pursuant to Chapter 22.120 of Title 22, provided that in no event shall the total number of units exceed 10.

⁹ Units are subject to a recorded affordability restriction of at least 45 years.

Note:

1. This table only includes the required density for select land use designations in the General Plan Land Use Legend. If the project is located in an area plan with a land use legend that differs from the General Plan Land Use Legend, the required density shall be at least 66% of the maximum allowable residential density pursuant to the General Plan land use designation or 66% of 30 du/ac, whichever is greater.
2. If the size of the parcel to be subdivided is too big to achieve the specified densities due to the 10-unit cap, the portion of land that is excessive shall be designated as a remainder pursuant to Government Code section 66424.6. The area of the remainder parcel shall be excluded from the density calculation.

G. Standards. The project shall comply with all applicable objective zoning, subdivision and design standards pursuant to Title 21 and 22, except those that physically preclude the project from being built at the minimum density specified in Paragraph I.F, above.¹⁰ In addition, the following shall supersede any conflicting provisions of the County Code:

1. Floor Area Ratio (FAR). The project shall be allowed at least the following FARs:
 - a. Three to seven principal dwelling units: 1.0
 - b. Eight to 10 principal dwelling units: 1.25
 - c. Any development standard that would physically preclude the project from achieving the specified FAR shall not be imposed.
2. Minimum Lot Area. Where single-family residential fee simple ownership lots are proposed:
 - a. The newly created lots shall be no smaller than 1,200 square feet in zones R-1, R-A, or one of the following specific plan zones:
 - i. West Carson TOD Specific Plan: West Carson Residential 1
 - ii. Willowbrook TOD Specific Plan: Willowbrook Residential 1
 - iii. Connect Southwest LA TOD Specific Plan: CSLA Residential 1
 - b. The newly created lots in all other zones shall be no smaller than 600 square feet.
 - c. The minimum lot area specified in this Paragraph I.F.2 shall supersede any contrary provisions in Title 21 and 22 pertaining to the minimum requirement on the size, width, depth, frontage, or dimensions of a newly created lot.
3. Maximum Floor Area. The average total floor area shall not exceed 1,750 net habitable square feet per dwelling unit.¹¹
4. Project Site Setbacks and Building Separation.

¹⁰ On lots that are vacant and zoned R-1, R-A, West Carson Residential 1, Willowbrook Residential 1, or CSLA Residential 1, the project shall comply with the height limits in those zones. Other objective subdivision, zoning, and design standards may be modified or waived in order for the project to comply with the minimum density in Paragraph F.

¹¹ "Net habitable square feet" means the finished and heated floor area fully enclosed by the inside surface of walls, windows, doors, and partitions and having a headroom of at least six and one-half feet, including working, living, eating, cooking, sleeping, stair, hall, service, and storage areas but excluding garages, carports, parking spaces, cellars, half-stories, and unfinished attics and basements.

- a. Existing side and rear 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 location.
 - b. In all other cases, the required side and rear yard depths for the proposed principal dwelling units shall be four feet, unless a narrower width is allowed pursuant to Title 22.
 - c. Building separation between the principal dwelling units is not required except as specified by the California Building Code pursuant to Title 24 of the California Code of Regulations.
5. Parking. One off-street parking space per principal dwelling unit, which may be unenclosed and uncovered. No parking shall be required if one of the following applies:
- a. The project site is located within $\frac{1}{2}$ mile walking distance¹² of a high-quality transit corridor^{5, 13} or a major transit stop;^{5, 14} or
 - b. There is a car share vehicle located within one block of the project site. For example, this can be verified by checking the maps on Zipcar (<https://www.zipcar.com>).
6. Water and Sewer. Any lot created pursuant to this memo shall be served by public water and sewer systems.

II. REVIEW, DECISION AND POST-ENTITLEMENT PERMITS

A. Review and Decision.

1. Review Timeline. Applications for a parcel map or a tentative map and the concurrent Administrative Housing Permit for a project subject to this memo shall be approved or denied within 60 days from the date a completed application is received. The application shall be deemed approved if an approval or a denial is not issued within this time period.
2. Denial.
 - a. A project subject to this memo may be denied if the County makes a written finding, based on a preponderance of evidence, that the project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
 - b. If the County denies the application, the County shall, within 60 days from the date a completed application is received, return in writing a full set of comments (from all applicable reviewing Departments) to the applicant with a list of items that are

¹² Walking distances should be verified on Google Maps.

¹³ As defined in Public Resources Code section 21155(b).

¹⁴ As defined in Public Resources Code section 21064.3.

defective or deficient and a description of how the application can be remedied by the applicant.

B. Building Permit. Issuance of a building permit for one or more dwelling units in a project subject to this memo shall be permitted only when all of the following criteria have been met:

1. Approval of a tentative map;
2. Building permit application has been deemed complete pursuant to Government Code section 65913.3(b);
3. Submittal of a recorded covenant and agreement that the building permit is issued on the condition that a certificate of occupancy or final approval for the building permit will not be issued unless the final map has been recorded; and
4. Evidence of bonding for any dedication, improvement, and sewer requirements as part of the condition of approval to the satisfaction of the County.

C. Certificate of Occupancy. The final map shall be recorded prior to the final sign off of any building permit and issuance of a Certificate of Occupancy for any dwelling units in the project.

III. LIMITATIONS ON SALE, LEASE, OR FINANCING OF LOTS¹⁵

A. General. No person shall sell, lease, or finance any lot resulting from a subdivision pursuant to this memo separately from any other such lots, unless each lot that is sold, leased, or financed meets one of the following criteria:

1. The lot contains a residential structure in compliance with all applicable provisions of the California Building Standards Code that includes at least one dwelling unit;
2. The lot contains an existing legally permitted residential structure;
3. The lot is reserved for internal circulation, open space, or common area; or
4. The lot is the only remaining lot within the subdivision that is not developed with a residential structure constructed in compliance with all applicable provisions of the California Building Standards Code.

B. Exceptions. The limitations specified in Paragraph III.A., above, do not apply to the following:

1. Any designated remainder parcel; and

¹⁵ Violation shall be subject to the penalties and remedies set forth in Chapter 7 (commencing with section 66499.30) of the Government Code.

2. Where a map condition specifies otherwise.

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.

AJB:CC:ER:TF:LF:lj

Attachments:

- A. Government Code section 65852.28
- B. Government Code section 65913.4.5
- C. Government Code section 66499.41

c: County Counsel
Public Works
Fire Department
Public Health
Parks and Recreation
Los Angeles County Development Authority