

June 8, 2026

TO: Staff

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

SENATE BILL 9, SENATE BILL 450, AND ASSEMBLY BILL 1061: 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 added [Section 65852.21](#) to the Government Code requiring 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 added [Section 66411.7](#) requiring a ministerial review process for eligible “urban lot splits” to create two new parcels for residential uses in a single-family residential zone.¹ [SB 450 \(Atkins\)](#) subsequently amended the locational criteria for project eligibility and the required permit processing time in 2025, and [Executive Order N-32-25](#), among other things, suspended the applicability of the SB 9 statutes in certain areas within the boundaries of the Palisades and Eaton fires.

Assembly Bill (AB) 1061 (Quirk-Silva), effective January 1, 2026, extends the provisions of SB 9 to certain properties with historic resources, focusing eligibility on parcel-specific criteria instead of a broad exclusion of historic districts or properties. A copy of AB 1061 (Attachment A) is attached for your reference.

This memo clarifies existing policies, 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. Major changes are *italicized and underlined*.

I. Eligibility for Ministerial Review

¹ SB 9 also amends Government Code [Section 66452.6](#) which is covered by [a separate memo titled “Senate Bill 9: Extended Lifespan of Certain Approved or Conditionally Approved Tentative Maps” dated January 3, 2022.](#)

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

1. Non-Lot Split Project. 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:
 - a. One new principal dwelling unit with no other principal uses or structures;
 - b. One new 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 new principal dwelling units attached or detached on a parcel with no other principal uses or structures; or
2. Urban Lot Split. The project is an urban lot split creating two new parcels for residential uses² subject to the approval and recordation of a parcel map ([Title 21](#)).

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

1. The project site is located within Zone R-1 or R-A,³ or within one of the following specific plan zones:
 - a. West Carson TOD Specific Plan: West Carson Residential 1
 - b. Willowbrook TOD Specific Plan: Willowbrook Residential 1
 - c. Connect Southwest LA TOD Specific Plan: CSLA Residential 1
2. The project site is a legal parcel⁴ 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 or on any of the following:

² 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.

³ For split-zoned parcels, refer to [Section 22.06.070.D](#) of the County Code.

⁴ Pursuant to the Subdivision Map Act.

- a. A coastal zone, as defined in [Division 20 \(commencing with Section 30000\)](#) of the Public Resources Code;⁵
- b. Historic Resources⁶
 - i. Non-lot Split Projects.
 - (a) A historic district listed on the State Historic Resources Inventory (Public Resources Code Section 5020.1) or pursuant to Chapter 22.124 (Historic Preservation) of Title 22, unless the project is not on a lot with a contributing structure to that district; or
 - (b) A historic property or parcel individually listed on the State Historic Resources Inventory or designated as a landmark pursuant to Chapter 22.124 (Historic Preservation) of Title 22;
 - ii. Urban Lot Split Projects
 - (a) A historic district listed on the State Historic Resources Inventory or designated under Chapter 22.124 (Historic Preservation) of Title 22, unless the project will not require demolition or alteration of either a contributing structure or any existing exterior structural wall of a structure within a historic district; or
 - (b) A historic landmark property listed on the State Historic Resources Inventory or designated pursuant to Chapter 22.124 (Historic Preservation) of Title 22;
- c. Prime Farmland or Farmland of Statewide Importance, as identified by the State Department of Conservation;⁷

⁵ Until such time as the Santa Monica Mountains Local Coastal Program (LCP) is amended to harmonize the SB 9 requirements with the LCP and Coastal Act policies.

⁶ County designated historic resources are identified on the Department's Historic Resources layer in GIS-NET. For State and Nationally listed historic resources, staff must download and search the Built Environment Resource Directory (BERD) spreadsheet, which is available on the [California Office of Historic Preservation website](#) (select "Los Angeles" under "Resources by County").

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

- d. Wetlands, as defined in the U.S. Fish and Wildlife Service Manual;
- e. A Very High Fire Hazard Severity Zone as identified by the State Department of Forestry and Fire Protection pursuant to Government Code [Section 51178](#), or within a High or Very High Fire Hazard Severity Zone as indicated on maps adopted by the State Department of Forestry and Fire Protection pursuant to Public Resources Code [Section 4202](#), unless:
 - i. All new and existing structures on the project site will be in compliance with fire hazard mitigation measures pursuant to current building standards or state fire safety regulations; and
 - ii. The project site is not located within 1) the boundaries of the Palisades⁸ or Eaton fires in Los Angeles County and 2) a Very High Fire Hazard Severity Zone as identified by the State Fire Marshal pursuant to Government Code [Section 51178](#), where Government Code [Sections 65852.21](#) and [66411.7](#) are suspended pursuant to [Executive Order N-32-25](#). A project site that is subject to Executive Order N-32-25 is not eligible for the ministerial review and approval specified in this memo.
- 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/>), 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 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

⁸ Until such time as the Santa Monica Mountains Local Coastal Program (LCP) is amended to harmonize the SB 9 requirements with the LCP and Coastal Act policies.

by Public Works under [Chapter 12.2 \(commencing with Section 8875\) of Division 1 of Title 2](#) of the Government Code;⁹

- 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;¹⁰
- 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:

⁹ Public Works verifies compliance with seismic protection standards in the Building Code during their review process.

¹⁰ 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.

- a. Rent-stabilized dwelling units pursuant to the County's [Rent Stabilization Ordinance \(Chapter 8.52 of Title 8 of the County Code\)](#) or [Section 1947.12](#) of the Civil 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 Split Only – Dwelling units that have been withdrawn from the rental housing market under the Ellis Act ([Chapter 12.75 \(commencing with Section 7060\)](#) of Division 7 of Title 1 of the Government Code) within 15 years before the date of application.
2. For Non-Lot Split Project Only – The project site does not contain dwelling units that have been withdrawn from the rental housing market under the Ellis Act ([Chapter 12.75 \(commencing with Section 7060\)](#) of Division 7 of Title 1 of the Government Code) 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 any contrary provisions in [Titles 21](#) and [22](#) of the County Code, the project shall comply with the following:

1. General. Except as provided in part D.2, 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 units¹¹ per parcel; or
 - b. Any of the dwelling units being at least 800 square feet in floor area.
2. Setbacks and Building Separation.

¹¹ In an urban lot split, "dwelling unit" means any principal dwelling unit, including those created pursuant to Government Code Section 65852.21 (SB 9 non-lot split provisions), accessory dwelling unit (ADU), or junior accessory dwelling unit (JADU).

- 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.¹²
3. Parking.
- a. In addition to projects that are already exempt from any parking requirements pursuant to Title 22, no parking is required for existing and proposed dwelling units if either of the following applies:
 - i. The project site is located within ½ mile walking distance of a high-quality transit corridor or a major transit stop;¹³ or
 - ii. There is a car share vehicle located within one block of the project site.¹⁴ For example, this can be verified by checking the maps on Zipcar (<https://www.zipcar.com>).
 - b. If a principal dwelling unit does not qualify for the exemption provided in part I.D.3.a, above, one off-street parking space per unit shall be required.¹⁵
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.

¹² The requirements of [Section 22.110.050](#) of the County code do not apply.

¹³ These layers can be viewed on GIS Net, and walking distance should be verified on Google Maps.

¹⁴ A block can be up to 1,000 linear feet of pedestrian travel along a public street from the subject parcel.

¹⁵ The parking space shall be covered unless uncovered spaces are explicitly permitted in Title 22.

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- a. The applicant shall submit the [SB 9 Applicant Acknowledgement Form \(Attachment C\)](#), acknowledging that the review and approval of the proposed 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.¹⁶
 - c. Maximum Units. SB 9 does not require the County to permit more than four dwelling units on a single lot.¹⁷ For an urban lot split, part I.E.2.e applies to each newly created parcel. For a non-lot-split project, up to two principal dwelling units are permitted under this memo, in addition to any accessory and junior accessory dwelling units permitted under State ADU Law (Gov. Code, §§ 66314, 66323).
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. Lot Area.
 - i. One of the newly created parcels shall be a minimum of 40 percent of the lot area of the original parcel proposed for the lot split; and
 - ii. Each newly created parcel shall have a minimum of 1,200 square feet lot area.
 - c. Owner Occupancy. Prior to the recordation of the urban lot split, an applicant who is neither a community land trust¹⁸ nor a qualified nonprofit corporation¹⁹ is required to sign the [Owner Occupancy Affidavit \(Attachment D\)](#) stating the applicant's intent to occupy one of the units as their principal residence for a minimum of three years from the date of the recordation of the urban lot split.

¹⁶ 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.

¹⁷ *Cal. Dept. of Housing & Com. Dev., SB 9 Fact Sheet: On the Implementation of Senate Bill 9 (Chap. 162, Stats. 2021) (Sept. 2024) p. 7.*

¹⁸ As defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of [Section 402.1](#) of the Revenue and Taxation Code.

¹⁹ As described in [Section 214.15](#) of the Revenue and Taxation Code.

d. All structures proposed on a parcel created through an urban lot split shall be subject to a Ministerial Site Plan Review ([Chapter 22.186](#)) application.

*e. Maximum Units. The total number of dwelling units permitted on each parcel created through an urban lot split shall not exceed two, including any combination of principal dwelling units, accessory dwelling units (ADUs), and junior accessory dwelling units (JADUs).*²⁰

II. Decision

A. Permit Processing Timeline. All SB 9 project applications shall be considered and approved or denied within 60 days from the date a completed application is received. The application for a Ministerial Site Plan Review ([Chapter 22.186](#)) (for a non-lot split project) or a parcel map ([Title 21](#)) (for an urban lot split) shall be deemed approved if an approval or a denial is not issued within this time period.

B. Findings and Denial.

1. A project pursuant to SB 9 may only be denied if the County Building Official makes a written finding,²¹ 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 for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
2. If the County denies an application for an SB 9 project, the County shall, within the time period described in paragraph II.A, return in writing a full set of comments (from all applicable reviewing Departments) to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

C. 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

²⁰ *Gov. Code, § 66411.7, subs. (j)(1) & (j)(2).*

²¹ As specified in [Section 65852.21\(d\)](#) or [66411.7\(d\)](#) of the Government Code.

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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.

AJB:CC:ER:TF:jd:lj

Attachments:

- A. [AB 1061](#)
- B. [Pre-Existing Site Conditions and Occupant Income Certification Form](#)
- C. [SB 9 Applicant Acknowledgement Form](#)
- D. [Owner Occupancy Affidavit](#)

c: County Counsel
Public Works
Fire Department
Public Health
Parks and Recreation

Assembly Bill No. 1061

CHAPTER 505

An act to amend Sections 65852.21 and 66411.7 of the Government Code, relating to land use.

[Approved by Governor October 10, 2025. Filed with Secretary of State October 10, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1061, Quirk-Silva. Housing developments: urban lot splits: historical resources.

Under the Planning and Zoning Law, the legislative body of a county or city may adopt ordinances that, among other things, regulate the use of buildings, structures, and land, as provided. The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps. Existing law requires a local agency to consider ministerially a specified proposed housing development or to ministerially approve a parcel map for an urban lot split if the development or parcel meets specified requirements, including, that the development or parcel is not located within a historic district or property included on the State Historic Resources Inventory or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to city or county ordinance, as specified. Existing law authorizes a local agency to impose specified objective standards on the development or parcel created by an urban lot split, except as specified.

With respect to ministerial review of a proposed housing development under the above-described provisions, this bill would, if the other specified requirements are met, instead require a local agency to consider ministerially the development that is not located in either a contributing structure within a historic district included on the State Historical Resources Inventory or within a historic property or district pursuant to city or county ordinance or in a parcel individually listed as a historical resource included in the State Historical Resources Inventory or within a property individually designated or listed as a city or county landmark under a city or county ordinance. The bill would also authorize a local agency to adopt objective standards for the purposes of maintaining the historical value of a historic district listed in the California Register of Historical Resources, as specified.

With respect to an urban lot split under the above-described provisions, this bill would, if the other specified requirements are met, instead require a local agency to ministerially approve the urban lot split if the parcel is not

located within a historic landmark property included on the State Historical Resources Inventory or within a site that is designated or listed as a city or county landmark pursuant to a city or county ordinance. The bill would additionally require that the proposed urban lot split not require demolition or alteration of specified structures.

By imposing additional duties on local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65852.21 of the Government Code is amended to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as that section read on September 16, 2021.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not 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.

(4) The parcel subject to the proposed housing development is not a parcel 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 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The development is not located in either the following:

(A) A contributing structure within a historic district included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or historic property or district pursuant to a city or county ordinance.

(B) A parcel individually listed as a historical resource included in the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a property individually designated or listed as a city or county landmark under a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraphs (2) and (3), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (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.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(3) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This subdivision shall not prevent a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on development authorized by this section if those standards are more permissive than applicable standards within the underlying zone.

(4) A local agency may adopt objective standards for the purposes of maintaining the historical value of a historic district listed in the California Register of Historical Resources.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(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.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development 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 for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) (1) An application for a proposed housing development pursuant to this section shall be considered and approved or denied within 60 days from the date the local agency receives a completed application. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(2) If a permitting agency denies an application for a proposed housing development pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(i) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(j) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(k) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(l) 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.

SEC. 2. Section 66411.7 of the Government Code is amended to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as that section read on September 16, 2021.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) 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.

(ii) Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.

(iii) 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 to withdraw accommodations from

rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historical landmark 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 or county landmark pursuant to a city or county ordinance.

(F) The proposed urban lot split does not require demolition or alteration of either of the following:

(i) A contributing structure located within either a historic district that is included on the California Register of Historical Resources or within a historic district listed or designated pursuant to a city or county ordinance.

(ii) An existing exterior structural wall of a structure located within either a historic district that is included on the California Register of Historical Resources or within a historic district listed or designated pursuant to a city or county ordinance.

(G) The parcel has not been established through prior exercise of an urban lot split as provided for in 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 section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) (A) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(B) An application for an urban lot split shall be considered and approved or denied within 60 days from the date the local agency receives a completed application. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(C) If a permitting agency denies an application for an urban lot split pursuant to subparagraph (B), the permitting agency shall, within the time period described in subparagraph (B), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that are related to the design or to improvements of a parcel, consistent with paragraph (3)

of subdivision (b) and with subdivision (e), and are applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), 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.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development 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 for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(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.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant 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.

(2) This subdivision shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.21, 65915, Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, “unit” means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in subdivision (a) of Section 66313, or a junior accessory dwelling unit as defined in subdivision (d) of Section 66313.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) “Objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) 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 urban lot splits pursuant to this section.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O



Pre-existing Site Conditions & Household Income Certification

State law (Article 2 in Chapter 12 of the California Government Code) and County Code (Title 22 Chapter 22.119) require the replacement of existing or pre-existing residential units prior to or concurrently with a development project if the existing or pre-existing residential units are proposed to be or have been demolished or converted from rental to for sale.

The information provided on this form will be used to determine the number, types, sizes, and affordability of the replacement units.

Additionally, projects utilizing Section 65852.21 of the Government Code (SB 9) shall not demolish or alter any rent-stabilized units that are subject to the State or County Rent Stabilization Ordinance; subject to a recorded covenant and agreement restricting rents to levels affordable to moderate, lower, or very low-income households; housing that has been tenant-occupied in the last three (3) years. Projects shall not propose development on a site that has withdrawn accommodations from rent or lease within the last fifteen (15) years under the Ellis Act.

Failure to provide accurate and complete information will delay review or result in project denial.

1. Subject Property

Assessor's Parcel Number(s): _____

Property Address or Site Location: _____

2. Pre-Existing Site Condition – Check “Yes” or “No” for each^{1,2}

- | | | |
|--|---|--|
| <p>a. Is the project any of the following?</p> <ul style="list-style-type: none"> • New construction of a primary building • Change of a primary residential use to another primary use • Change in the number of principal units • Subdivision • Legalization of existing unpermitted principal unit | <p>No
(REPLACEMENT
REQUIREMENTS DO
NOT APPLY)</p> | <p>Yes</p> |
| <p>b. Is the project any of the following?</p> <ul style="list-style-type: none"> • One single-family residence (SFR) on a lot with no principal uses/buildings other than one existing SFR which has been or will be demolished/vacated • New construction or legalization of an accessory dwelling unit (ADU) or Junior ADU • Conversion to resident ownership of all rented spaces in a mobilehome park • Addition of mobilehome spaces or mobilehomes in a mobilehome park | <p>No</p> | <p>Yes
(REPLACEMENT
REQUIREMENTS DO
NOT APPLY)</p> |
| <p>c. Is the project a lease project subdivision per County Code Section 21.08.090?</p> | <p>No</p> | <p>Yes
(REPLACEMENT
REQUIREMENTS DO
NOT APPLY)</p> |

PRE-EXISTING SITE CONDITIONS &
HOUSEHOLD INCOME CERTIFICATION

PROJECT NO.: _____

- | | | |
|---|---|-----|
| d. At any time in the last ten (10) years, has the subject property contained a dwelling unit(s) (whether vacant, occupied or demolished)? | No
(REPLACEMENT
REQUIREMENTS DO
NOT APPLY) | Yes |
| e. Are/were any of the dwelling units rented at any time in the last five (5) years? | No | Yes |
| f. If you answered “yes” to 2e, are/were any of the dwelling units rented at any time in the last three (3) years? | No | Yes |
| g. Are/were any of the dwelling units subject to a recorded covenant and agreement restricting rents to levels affordable to moderate, lower, very low and/or extremely low-income households?
<i>(If yes, attach copy of the covenant and agreement.)</i> | No | Yes |
| h. Is the project located on a site where residential units were withdrawn from rent or lease under the Ellis Act – Chapter 12.75 of Division 7 of Title 1 of the Government Code , in the fifteen (15) - year period prior to your application submittal? ² | No | Yes |
| i. Is the project located on a site where residential units were withdrawn from rent or lease under the Ellis Act in the ten (10) - year period prior to your application submittal? | No | Yes |
| j. Are you proposing to alter or demolish any of the existing units? | No | Yes |

¹If you answer “yes” to 2f or 2g, and you also answer “yes” to 2j, your project is **not** eligible for review under SB 9.

²If you answer “yes” to 2h, your project is **not** eligible for SB 9.

If answers to 2b-2g are all “no,” replacement requirements do not apply, skip to Section 4.

Rent stabilization screening questions^{3,4}

<p>k. Are/were the dwelling units in any of the following?</p> <ul style="list-style-type: none"> • Duplex (including if owner-occupied) • Multi-unit development • Accessory dwelling unit (with proof of continuous occupancy) 	No	Yes
<p>If answered yes to the above, were the units built in 1995 or later?</p>	No	Yes
<p>l. Is/was the dwelling unit an unpermitted dwelling unit?</p>	No	Yes
<p>m. Are/were the dwelling unit(s) built in the last fifteen (15) years?</p>	No	Yes
<p>n. Have the dwelling unit(s) been rented since November 20, 2018?</p> <p>A “no” answer means the unit(s) have not had a tenant since November 20, 2018.</p> <p>A “yes” answer means the unit(s) have had a tenant since November 20, 2018.</p>	No	Yes
<p>o. If the unit(s) are/were condominiums or single-family homes (units that can be sold separately), are/were they owned by any of the following after January 1, 2020?:</p> <ul style="list-style-type: none"> ▪ An individual owner(s); ▪ LLC with NO corporate member; ▪ Family trust. 	No	Yes

³ If you answer “yes” to 2j above, **and** answer “yes” to any of the questions 2k through 2m and 2o, **and** “no” to 2n, project is still eligible for SB 9.

⁴ If you answer “yes” to any of the questions 2k through 2m and 2o, and “no” to 2n, the unit(s) are **not** rent-stabilized. However, if you answered “yes” to 2k, 2l, or 2m, above, they still must be replaced if they were occupied by lower, very low, or extremely low-income tenants within the last five years.

3. Income Levels of Households in Rental Units

Use this section to indicate the number of dwelling units that currently exist or existed on the site within the last five years (or 10 years, if you answered “yes” to question 2d, above).

Indicate the size (number of bedrooms) and household income level of the household renting the unit of each unit. ([See Los Angeles County Affordable Housing Income Limits](#))

If some or all of the existing units are unoccupied, refer to the income information for the last household in occupancy.

For rental properties that have been vacated or demolished, use the greatest number of units that were occupied by extremely low, very low- or lower-income households, or were rent-stabilized and rented by moderate or above moderate-income households, during the last five years.

Please attach additional pages if more than twenty-five (25) units need to be documented.

Total number of units:

Existing Unit	Household Income Level (Check One)					Unit Size (Check One)				
	Unknown	Extremely Low	Very Low	Low(er)	Moderate	Studio	1 bedroom	2 bedroom	3 bedroom	4 or more bedrooms
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
25										

4. Owner / Applicant Certification

I certify under penalty of perjury that the foregoing is true and correct. Furthermore, I certify that I will provide the following to any tenants of occupied units requiring replacement, as applicable: 1) relocation benefits pursuant to the County's Rent Stabilization Ordinance, and 2) a right of first refusal for a comparable replacement unit at an affordable rent in the proposed development that is the subject of this certification.

I understand that I may be asked to provide documentation to support the household income information provided here, and that failure to produce said documentation to the satisfaction of the Department of Regional Planning will result in a presumption that extremely low, very low and/or lower income households occupied units on the site in accordance with Section 22.119.050.B of the Los Angeles County Code.⁵

Signature (Wet Ink): _____ Date: _____

Print Name: _____

Check One: Owner Applicant

⁵ Pursuant to Section 22.119.050.B of the Los Angeles County Code, when tenant incomes are unknown, extremely low, very low and/or lower income renter households are assumed to have occupied the units in the same proportion as they occupy all renter households within the unincorporated County, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

Approval of an SB 9 project by the Department of Regional Planning (Regional Planning) **does not** guarantee approval/clearance by other Los Angeles County (County) departments or other agencies. Additional fees and studies from other County departments or agencies may be required, including but not limited to those listed below. Project feasibility can be negatively impacted by the following, which are not verified during Regional Planning review:

Earthquake Fault Zones

- Properties within delineated earthquake fault zone do not qualify for SB 9 unless the project complies with applicable seismic protection building code standards.
- The County Department of Public Works (Public Works) – Geotechnical and Materials Engineering Division and Building and Safety Division identify earthquake fault hazards and verify compliance with seismic protection building code standards during their review process.

100-Year Flood Zones

- Properties within a Federal Emergency Management Agency (FEMA) 100-year flood zone do not qualify for SB 9 unless the property is subject to a Letter of Map Revision prepared by FEMA and issued to the County or meets FEMA requirements necessary for minimum flood plain management criteria.
- A Letter of Map Revision issued by FEMA or evidence demonstrating the property meets FEMA requirements necessary for minimum flood plain management criteria must be submitted and verified by Public Works.

Regulatory Floodway

- Properties located within a regulatory floodway as determined by FEMA do not qualify for SB 9 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, to be submitted and verified by Public Works.

Sewer Capacity and Engineering

- Properties with private wastewater (septic) systems must also demonstrate that the system meets all requirements of the County Department of Public Health (Public Health).
 - Verification of a percolation test performed within the last five years, or the last ten years if the percolation test has been recertified, will be required by Public Health in addition to other studies.
- A Grading and Drainage Plan may be required by Public Works to determine a property's capacity to support additional units.

I, the property owner, have read and understand that review and approval of the proposed project by Regional Planning does not guarantee approval/clearance by other County departments or agencies. I further acknowledge I am continuing with the review of the project by Regional Planning at my own risk. If the project's development is not allowed by another County department or agency, Regional Planning fees will not be refunded.

Project Site Address/APN _____

Owner/Applicant Name: _____

Signature: _____

Date: _____

OWNER OCCUPANCY AFFIDAVIT – URBAN LOT SPLITS

This is to certify under penalty of perjury of the laws of the State of California that the undersigned is/are the record owner(s) of the real property located in unincorporated Los Angeles County that is legally described as:

_____ and
Assessor's Map Book, Page and Parcel (APN)

_____ and
Legal Description (Please Attach as Exhibit A on a Separate Page)

_____ and
Street Address (if applicable)

I/we do hereby agree to occupy at least one (1) of the units located at the above listed location(s) as my/our principal residence for a minimum period of three (3) years from the date of final map recordation of an urban lot split¹. I/We declare under penalty of perjury of the laws of the State of California that I/we have reviewed this Affidavit and the information furnished is true and correct.

Executed this _____ day of _____, 20____ at _____

California, under penalty of perjury of the laws of the State of California.

MUST BE NOTARIZED, NOTARY TO BE ATTACHED (To be signed by all record owners)

Signature: _____ Print Name: _____

Signature: _____ Print Name: _____

Signature: _____ Print Name: _____

Signature: _____ Print Name: _____

(For additional names, please use a separate sheet of paper)

¹An Affidavit shall not be required of an applicant that is either a "community land trust: (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a "qualified nonprofit corporation" (as defined by Rev. & Tax Code § 214.15).

EXHIBIT "A"
LEGAL DESCRIPTION