



**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

DATE: September 27, 2023

TO: Planning Commission

FROM: Talyn Mirzakhania, Director of Community Development

BY: Tari Kuvhenguhwa, Associate Planner

SUBJECT: Senate Bill 9 (SB 9) Ordinance Study Session

RECOMMENDATION

Staff recommends that the Planning Commission conduct a study session to discuss a proposed ordinance related to Senate Bill 9 (SB 9) and provide direction to staff.

BACKGROUND

On September 16, 2021, Governor Newsom signed into law SB 9 to take effect on January 1, 2022. SB 9 is among the many housing bills passed by the State in recent years in response to the State declaring a housing shortage and passing legislation aimed at facilitating housing production by preempting local land use regulations.

In essence, SB 9 is a two-part housing bill that is applicable in zoning districts that limit housing to single-family homes and as such, is only applicable in the City's RS Single-Family Residential District. Specifically, SB 9 requires local jurisdictions to ministerially approve: 1) housing developments containing up to two residential units on a lot in a single-family residential zone, exclusive of Accessory Dwelling Units (ADU) and Junior ADUs, and/or 2) an urban lot split, which is a subdivision of one lot in a single-family residential zone into two lots of approximately equal size. In other words, the property owner of an original lot in a single-family residential zone may opt to utilize only one part of the SB 9 regulations or both simultaneously through a ministerial process (i.e., reviewed with no public hearing or

discretion, provided that the proposed development is in compliance with established objective standards and requirements). This would effectively allow property owners to:

- A. Increase the density beyond that prescribed in single-family residential zones by allowing the development of up to two residential units that are not ADU/JADUs;
- B. Subdivide a lot into two smaller lots that may not comply with the typical minimum lot size required in single-family residential zones; and
- C. Further extend the time limits under the Subdivision Map Act, which is also applicable to non-SB 9 projects.

On December 21, 2021, the City Council adopted [Urgency Ordinance No. 21-0009-U](#), to establish objective standards in addition to State SB 9 regulations, with an initial expiration date of February 4, 2022. Subsequently, on February 1, 2022 and December 6, 2022, the City Council adopted [Urgency Ordinance No. 22-0003-U](#) and [No. 22-0012-U](#), respectively, which ultimately extended the original Urgency Ordinance No. 21-0009-U to expire on December 19, 2023. A summary of provisions adopted through Urgency Ordinance No. 21-0009-U is provided in Table 1 below:

Table 1. Summary of SB 9 Urgency Ordinance

Urban Lot Splits	SB 9 Unit Development
<ul style="list-style-type: none"> • Area/Quantity - No more than 2 resulting parcels at least 1,200 square feet allowed. • Number of Units - Resulting parcels may have a maximum of 2 units. • Lot Width - The new lot must be at least 20 feet wide. • Existing Residences - The split must result in the existing residence(s) being located fully on a split parcel. • 60:40 - Neither resulting lot shall be smaller than 40% of the original lot area. • Flag Lot - Prohibited, if adjacent to an alley, is a corner lot, or a through lot. • Limits - Subsequent lot split prohibited. • Owner Occupancy - Required on one of the parcels for a minimum of 3 years. • Access - Perpetual access from each split parcel to the street/alley is required. 	<ul style="list-style-type: none"> • Number of Units - An existing single-family zoned property may have a maximum of two units and a maximum of 2 detached ADU/JADUs. • Size - Minimum 800 square feet allowed. • Setbacks - Require 4 feet side or rear setbacks; must comply with front setback requirement. • Existing Setbacks - Existing residential units or those reconstructed in the same location and dimensions may maintain their current setbacks. • Prohibited - Short-term rentals and non-residential uses. • Parking - One off-street parking space per new residential unit is required. Existing parking to be maintained.

In the event a permanent ordinance is not adopted by December 19, 2023, the City is required to review proposed SB 9 projects pursuant to the State SB 9 regulations. In order to continue applying additional provisions that acknowledge the City's character and development patterns, staff has researched and evaluated SB 9 regulations during the interim to draft a permanent ordinance. By doing so, the draft permanent ordinance is also intended to improve the clarity and ease-of-use as presented in this report.

DISCUSSION

A local jurisdiction is allowed to voluntarily adopt an SB 9 ordinance with objective development standards to supplement the State regulations, provided that the ordinance is not more restrictive than the State's provisions. Additionally, a local jurisdiction's SB 9 ordinance cannot individually or cumulatively reduce a site's residential development capacity to accommodate additional residential units or an urban lot split. Accordingly, staff has prepared a draft ordinance (Attachment A) that will further clarify and refine Urgency Ordinance 22-0012-U with additional code language where necessary. Specifically, the draft ordinance includes the creation of Chapter 10.78 (SB 9 Unit Development) and Chapter 11.40 (Urban Lot Splits), as well as amendments to existing Sections 10.12.020 (Land Use Regulations: RS, RM, RH, RPD, and RSC Districts), 11.04.030 (Required Maps), and 11.12.040 (Expiration) in the Manhattan Beach Municipal Code (MBMC). The Planning Commission's future review and recommendation of the draft ordinance to the City Council is limited to Chapter 10.78 (SB 9 Unit Development) of Title 10 (Planning and Zoning). However, as urban lot splits are closely related to SB 9 unit developments in that one can apply for both simultaneously, draft code language related to Chapter 11.40 (Urban Lot Splits) is also included in this report to provide the Commission with a full picture of the changes proposed.

1. Draft Ordinance

As the SB 9 housing bill largely consists of two different components, two independent chapters in the respective Title of the MBMC are proposed with similar verbiage and content for consistency. To illustrate, the same or slightly modified language is used for the purpose, definitions, general requirements, and local standards that were derived from the Urgency Ordinance No. 21-0009-U or the MBMC. Specific examples of newly added provisions that are included in both chapters include, but are not limited to:

- New definitions such as flag lot, primary dwelling unit, and principal residence.
- Restrictions on demolition or alteration of certain existing housing types (i.e., rented to moderate, low or very low income families, or occupied by a tenant in the last three years).
- The maximum number of units allowed.

Overall, a number of similar provisions are included in both chapters that reflect the original intent of SB 9 while being more specific to the type (i.e., SB 9 unit development or urban lot split) of project being regulated within the City's context. It should also be noted that provisions in the Urgency Ordinance No. 21-0009-U have been cleaned up or revised to be more consistent with the standards and language found in the MBMC.

A summary of the proposed ordinance as it relates to Chapter 10.78 (SB 9 Unit Development) and Chapter 11.40 (Urban Lot Splits) is provided below with key provisions identified in *italics*, followed by a discussion on the proposed amendment.

2. Chapter 10.78 (SB 9 Unit Development)

1) *Clarified the maximum number of units permitted (Section 10.78.040.A)*

A new provision is proposed to clarify the maximum number of units allowed in conjunction with ADU law, as the State designed SB 9 to be complementary to ADU law and can be used simultaneously. In general, lots that were not created through an urban lot split can have up to four units on the same lot, which can be a mix of primary dwelling units, ADUs, and JADUs. It is important to note that there can be no more than two primary dwelling units on the lot, which is defined in Section 10.78.020 as a single-family residence that is not an ADU or JADU.

2) *Included a provision related to demolition restrictions (Section 10.78.040.B.1)*

A provision directly from the State SB 9 housing bill is incorporated to ensure that the City's regulations regarding demolition is consistent with the State requirements, which prohibits demolition of more than 25 percent of the exterior walls when there has been a tenant in the existing dwelling within the last three years.

3) *Included additional objective standards (Section 10.78.040.B.2 - 4)*

Additional provisions were included to provide further guidance on what can be developed:

- Configuration of the primary dwelling units can be attached, adjacent to or detached from other units.
- The height of the new unit is subject to the base zoning district and Area District standards.
- Setbacks are specified as follows:
 - Four feet side and rear
 - Based on base zoning district for front, including how front setbacks are measured for flag lots
 - No new setbacks for existing structures
 - Ten feet between detached primary dwelling units

4) *Supplemented the parking provisions (Section 10.78.040.B.5.c-d.)*

Two provisions are added to ensure all new and replaced parking will comply with requirements set forth in Chapter 10.64 (off-street parking and loading regulations).

5) *Specified limitations on separate conveyance (Section 10.78.040.B.6.d.)*

A provision was added to clarify separate conveyance of attached or detached primary dwelling units on the same lot is prohibited.

6) *Other related amendments*

The existing 'Land Use Regulations' table found in Section 10.12.020 (Land use regulations: RS, RM, RH, RPD, and RSC districts) will be updated as below in **bold underline** to ensure that it reflects the new residential use category.

	RS	RM	RH	RPD	RSC	Additional Regulations
Residential Uses						(A)
Day Care, Small Family Home	P	P	P	P	P	(P)
Day Care, Large Family Home	L-22	L-22	L-22	L-22	L-22	(P)
Group Residential	-	-	U	-	U	
Multi-family Residential						
<u>SB 9 unit development</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(Q)</u>
5 or fewer units	-	P	P	P	U	(B)(C)(L)(P)
6 or more units	-	PDP/SDPPDP/SDPPDP/SDPU				(B)(C)(L)(O)(P)

RS, RM, RH, RPD, and RSC Districts: Additional Use Regulations

(Q) Only for SB9 unit development projects pursuant to Government Code Section 65852.21, as may be amended from time to time, and in accordance with Chapter 10.78.

3. Chapter 11.40 (Urban Lot Splits)

1) *Included a provision on the area and size of the parcel (Section 11.40.040.A)*

A provision from the State SB 9 housing bill regarding the size and proportion of the resulting lots for urban lot splits is being incorporated to ensure the ordinance clearly states the base requirements.

2) *Clarified the maximum number of units permitted (Section 11.40.040.B)*

A new provision is proposed to clarify the maximum number of units allowed on lots with an urban lot split. Specifically, lots that are created through an urban lot split can have up to two units on each resulting lot, inclusive of ADUs and JADUs.

3) *Included a requirement for parcel maps (Section 11.40.040.C.5)*

A provision is included to require that an applicant for an urban lot split submit a parcel map that clearly states that it is an “urban lot split” pursuant to Government Code Section 66411.7 and Chapter 11.40 of the MBMC. This will assist the City in ensuring that no subsequent urban lot splits are granted in the future per State SB 9 regulations.

4) *Included provisions on separate conveyance (Section 11.40.040.D)*

New provisions are proposed on separate conveyance within and between the resulting lots. Specifically, attached or detached primary dwelling units within the resulting lot (i.e., a lot created by an urban lot split) may not be owned or conveyed separately. However, separate conveyance of the resulting lots is possible and structures that span the lot line may be allowed if building code safety standards are met and necessary documentation that allocates the rights and responsibilities between the two owners are recorded.

5) *Other related amendments*

Sections 11.04.030 (Required Maps) and 11.12.040 (Expiration) are amended to include verbiage on urban lot splits, as the application will be subject to Title 11 (Subdivisions).

Extension of Subdivision Map Expiration Timeline

The third component of SB 9, which is not as commonly known as the other two parts, amends Government Code Section 66452.6 (Attachment D). This is a section of the Subdivision Map Act (SMA) where SB 9 allows an additional 12 month extension to the expiration date of tentative subdivision maps. Per the SMA, a tentative subdivision map ordinarily expires a minimum of 24 months after approval, which (prior to SB 9) could be extended by 12 months for a total of 36 months. Under SB 9, this period can be further extended by an additional 12 month period which results in a total of 48 months. For maps that are not filed under urban lot splits, SB 9 establishes a property owner’s right to an extension of 48 months (previously 36 months) after the filing of the final map(s) if at least \$236,790 was expended on off-site public improvements.

While SB 9 extended the timeline in the SMA, the City’s current provision related to the subdivision map expiration is more relaxed in that the approval is valid for 36 months with the allowance to extend up to 36 months for a total of 72 months. However, given that urban lot splits were part of the same housing bill and the fact that a relatively shorter timeline can

ensure there is an adequate and timely follow-through from the applicant, staff is proposing to apply the 48-month SMA timeline instead as incorporated in Section 11.12.040 (Expiration).

Potential Implications of SB 9

The City's RS zone is located in Area Districts I, II and portions of III, generally consisting of single-family neighborhoods east of Vista Drive, Grandview Drive, Valley Drive, and Crest Drive. There are approximately 8,440 lots in the RS zone that are eligible to apply for an SB 9 project. In anticipating the number of applications the City is likely to receive for construction of additional SB 9 residential units, staff analyzed the number of ADU applications processed since January 2021, at which time amendments to the previous ADU ordinance were adopted by the City Council that relaxed the regulations. Based on data from the past two years (2021-2022), the City permitted 26 ADUs, averaging 13 ADUs per year. This indicates that a very small fraction in the City has pursued additional units on their lot under ADU regulations. Compared to SB 9, ADU regulations are more permissive in that they can be built in single- and multi-family residential zones, and do not require additional parking as all parcels in the City are within a ½ mile radius from a public transit stop. Given that no SB 9 applications have been submitted to the City thus far, and that the applicability is limited to single-family residential zoning districts, the number of residential units produced under SB 9 will likely be few and far between, which is also the case throughout most of the State.

While the majority of lots in the RS zone are eligible for urban lot splits, the feasibility depends on several factors, which include: the scope of the existing development on the lot; access to the public right-of-way; existing lot width, setbacks, and open space requirements; and the ability to accommodate additional parking and a new driveway. Given that the majority of residential development in recent years has approached the maximum buildable floor area of the lot, urban lot splits may be feasible only on properties where there has been no additional development since original construction in the 1950s-1960s. During that time, many lots were developed with smaller homes, ranging between 600 and 1,200 square feet, with undeveloped areas remaining as open space on the lot. Based on these factors, staff estimates that approximately 3% of RS zone lots will be able to pursue urban lot splits. This aligns with a study performed by The Turner Center for Housing Innovation at University of California, Berkeley, which estimated that it would be feasible to develop between 1.5% and 5.4% of single-family lots in the State when utilizing SB 9 provisions.

ENVIRONMENTAL REVIEW

This activity, a study session with the Planning Commission, is not a "Project" as defined under Section 15378 of the California Environmental Quality Act (CEQA); therefore, the activity is not subject to CEQA pursuant to Section 15060(c)(3). Furthermore, the proposed permanent ordinance implementing SB 9 is not a "Project" for purposes of CEQA pursuant to Government

Code Sections 65852.21(j) and 66411.7(n); therefore, no environmental review will be required under CEQA.

PUBLIC OUTREACH

A courtesy notice for the study session was published in The Beach Reporter on September 14, 2023, and the City's Planning webpage containing information specific to SB 9 regulations has been updated by posting the study session information. Additionally, staff utilized the City's social media platforms during the week of September 18th and 25th, to inform the public of the upcoming study session.

CONCLUSION

Staff recommends that the Planning Commission conduct a study session with the information presented, accept public comments, and direct Staff to return to the Planning Commission for a public hearing on the proposed ordinance related to SB 9.

ATTACHMENTS

- A. Draft SB 9 Ordinance and related amendments
- B. Excerpt of Government Code Section 65852.21 (related to SB 9 Unit Development)
- C. Excerpt of Government Code Section 66411.7 (related to Urban Lot Splits)
- D. Excerpt of Government Code Section 66452.6 (related to Subdivision Map Act)

ATTACHMENT A

Title 10 - PLANNING AND ZONING
PART IV - —SITE REGULATIONS
Chapter 10.78 SB 9 UNIT DEVELOPMENTS

Chapter 10.78 SB 9 UNIT DEVELOPMENTS

10.78.010 Purpose and applicability.

The purpose of this chapter is to implement the requirements of Government Code Section 65852.21 to allow a proposed housing development containing no more than two residential units on a single lot within a single-family residential zone. Except as expressly provided in this chapter or Government Code Section 65852.21, all other applicable regulations in the Municipal Code shall apply.

10.78.020 Definitions.

"Existing residence," for purposes of this chapter, means a dwelling unit that has been constructed legally.

"Flag lot," for purposes of this chapter, means a lot resulting from a subdivision of land wherein the lots or parcels of land are laid out one behind the other, with only one lot or parcel of land (referred to as the front lot) having frontage on a public street, other than a driveway or access easement for the rear lot.

"Primary dwelling unit," for purposes of this chapter, means a single-family residence that is not an ADU or JADU.

"Principal residence," for purposes of this chapter, means the owner-occupied residence on the property.

10.78.030 General requirements and application procedure.

- A. The project is located on a parcel within the RS Single-Family Residential Zoning District.
- B. Applicants are required to submit an application, accompanied by a fee set by the City Council, including submittal documents required by the Community Development Director.
- C. The applicant and the property owner shall provide a sworn statement affirming eligibility with the regulations contained in this chapter.
 1. The City, at the applicant's expense, may conduct independent inquiries and investigation to ascertain the veracity of any or all portions of the sworn statement.
- D. All new residential units shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.
- E. Applications submitted pursuant to this chapter shall be considered ministerially, without discretionary review or a hearing, consistent with state law.

10.78.040 Local standards.

Residential developments pursuant to Government Code Section 65852.21 shall also comply with the following standards:

- A. **Number of Units Permitted**
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1. A maximum of two primary dwelling units may be permitted on an RS zoned lot that has not undergone an urban lot split pursuant to Chapter 11.40.
2. A maximum of four total units shall be permitted on a lot that has not undergone an urban lot split pursuant to Chapter 11.40, inclusive of ADUs and JADUs. The maximum number of units permitted may be any combination of primary dwelling units, ADUs, or JADUs, provided that the total permitted number of units per lot is not exceeded, and is subject to the limitations on the development of ADUs and JADUs found in Chapter 10.74 (Accessory Dwelling Units).
3. A maximum of two units shall be permitted on a lot that has been created by an urban lot split pursuant to Chapter 11.40, inclusive of ADUs and JADUs.

B. Development Standards

1. **Demolition Cap.** Residential development pursuant to Government Code Section 65852.21 may not involve the demolition of more than 25 percent of the existing exterior structure walls of an existing dwelling, unless the site has not been occupied by a tenant in the last three years.
2. **Configuration.** Primary dwelling units, may be attached to, adjacent to, or detached from, any other dwelling unit on the parcel, subject to subsection (B)(1).
3. **Height.** New units shall be subject to the RS base district and Area District regulations as defined in Section 10.12.030.
4. **Setbacks**
 - a. New units, inclusive of attached garages, shall be built no less than four feet from the side and rear property lines, and comply with the underlying zoning district front setback requirement.
 - i) Exception. For flag lots, the front setback shall be measured from the portion where the “flag pole” meets the flag portion of the lot and to the face of the structure.
 - b. No new setbacks shall be required for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure.
 - c. Detached primary dwelling units shall have a minimum ten-foot building separation from each other.
5. **Parking**
 - a. Required parking shall be accessed via an alley for a parcel abutting an alley.
 - b. One enclosed or partially enclosed parking space is required for each new unit created pursuant to the regulations in this chapter, except when the parcel upon which the unit is created is located within one block of a car share vehicle or within one-half (½) mile walking distance to:
 - i) A high quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code.

- ii) A major transit stop, as defined in Section 21064.3 of the Public Resources Code.
- c. If the residential development requires the conversion or demolition of a garage, carport, or covered parking structure required under Chapter 10.64, replacement parking space(s) shall be provided in any configuration on the same lot, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts, without adversely impacting traffic flow and public safety.
- d. The placement and dimensions of all new and replaced parking spaces, driveways, vehicular access, turning radius and similar parking standards shall comply with the requirements set forth in Chapter 10.64.

6. **Additional Requirements**

- a. Non-public utility electrical elements such as wires, conduits, junction boxes, and switch and panel boxes shall be screened from view from adjacent public rights-of-way.
- b. Refuse containers shall comply with Section 5.24.030.
- c. All flashing, sheet metal vents, and pipe stacks shall be painted to match the adjacent roof or wall material.
- d. Residential units developed pursuant to this chapter shall not be owned or conveyed separately from the other primary unit on the same lot.
- e. Notwithstanding any provision of Government Code Section 65852.21 or any local law, the proposed housing development 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 has been occupied by a tenant in the last three years.

7. **Exceptions.** The Community Development Director shall approve an exception to any of the objective standards specified herein that would have the effect of physically precluding the construction of up to two primary dwelling units or that would physically preclude either of the two primary dwelling units from being at least 800 square feet in floor area.

8. **Covenant Required.** The property owner shall record a declaration of restrictions, in a form approved by the City Attorney prior to issuance of a building permit, placing the following restrictions on the property, the property owner, and all successors in interest:

- a. Non-residential uses on the site shall be prohibited except as allowed by Section 10.52.070;
- b. Short-term rentals for periods less than 30 days of any unit on the site shall be prohibited;
- c. Access to the public right-of-way/alley shall be maintained in perpetuity;
- d. All required parking shall be maintained; and
- e. The property owner and all successors in interest shall maintain the residential development(s) and the property in accordance with all applicable Government Code Section 65852.21 requirements and standards.

9. **Denial.** The Community Development Director may deny an application for an urban lot split pursuant to Government Code Section 65852.21 by making the following findings in writing based upon a preponderance of evidence:
 - a. The proposal would have a specific, adverse impact upon the public health and safety or the physical environment as defined in Government Code Section 65589.5(d)(2); and
 - b. There is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

DRAFT

Chapter 11.40 URBAN LOT SPLITS

11.40.010 Purpose and applicability.

The purpose of this chapter is to implement the requirements of Government Code Section 66411.7 to allow an urban lot split for a parcel within a single-family residential zone. Except as expressly provided in this chapter or Government Code Section 66411.7, all other applicable regulations in the Municipal Code and Subdivision Map Act shall apply.

11.40.020 Definitions.

"Flag lot," for purposes of this chapter, means a lot resulting from a subdivision of land wherein the lots or parcels of land are laid out one behind the other, with only one lot or parcel of land (referred to as the front lot) having frontage on a public street, other than a driveway or access easement for the rear lot.

"Primary dwelling unit," for purposes of this chapter, means a single-family residence that is not an ADU or JADU.

"Principal residence," for purposes of this chapter, means the owner-occupied residence on the property.

"Urban Lot Split," for purposes of this chapter, means a parcel map subdivision permitted pursuant to Government Code Section 66411.7.

11.40.030 General requirements and application procedure.

- A. The parcel is located within the RS Single-Family Residential Zoning District.
- B. An urban lot split application shall be submitted and processed in accordance with Title 11 (Subdivisions).
- C. The applicant and the property owner shall provide a sworn statement affirming eligibility with the regulations contained in this chapter.
 1. The City, at the applicant's expense, may conduct independent inquiries and investigation to ascertain the veracity of any or all portions of the sworn statement.
- D. Applications submitted pursuant to this chapter shall be considered ministerially, without discretionary review or a hearing, consistent with state law.

11.40.040 Local standards.

Urban lot splits shall comply with Government Code Section 66411.7 and the following standards:

- A. **Parcel Size.** The resulting parcels shall not be smaller than 40% of the existing parcel proposed for subdivision and must be at least 1,200 square feet in area.
- B. **Number of Units Permitted**

1. Any lot created by an urban lot split pursuant to this chapter shall be limited to a maximum of two units, inclusive of Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU).
2. The maximum number of units permitted on a lot may be any combination of primary dwelling units, ADUs, or JADUs, provided that the total permitted number of units per lot is not exceeded, and is subject to the limitations on the development of ADUs and JADUs found in Chapter 10.74 (Accessory Dwelling Units).

C. Additional Requirements

1. The width of any lot resulting from an urban lot split shall not be less than 20 feet wide.
2. New driveways proposed for parcels created by an urban lot split on interior lots without alley access are limited to a maximum width of 10 feet if the proposed frontage of the new parcel is 30 feet or less.
3. Required parking shall be accessed via an alley for a parcel abutting an alley.
4. No flag lots shall be created as a result of an urban lot split if the subject property is adjacent to an alley, located on a corner, or a through lot.
5. The parcel map shall demonstrate the ability to access the public right-of-way in perpetuity, and state it is for the purpose of an urban lot split in accordance with Government Code Section 66411.7.
6. Notwithstanding any provision of Government Code Section 66411.7 or any local law, the urban lot split shall 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 has been occupied by a tenant in the last three years.

D. Separate Conveyance

1. Within the resulting lot:

Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.
2. Between the resulting lots:

Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate the lots for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

E. Covenant Required

The property owner shall record a declaration of restrictions, in a form approved by the City Attorney prior to recordation of the parcel map, placing the following restrictions on the property, the property owner, and all successors in interest:

1. Non-residential uses on the site shall be prohibited except as allowed by Section 10.52.070;
2. Short-term rentals for periods less than 30 days of any units on the site shall be prohibited;
3. Any subsequent urban lot split of land that was previously subdivided with an urban lot split shall be prohibited;
4. Access to the public right-of-way/alley shall be maintained in perpetuity;
5. All required parking shall be maintained;
6. Except as provided in Government Code Section 66411.7 for community land trusts and qualified non-profit corporations, the owner of the property for which an urban lot split is proposed shall sign an affidavit stating that the owner intends to occupy one of the housing units as their principal residence for at least three years from the date of the approval of the urban lot split; and
7. The property owner and all successors in interest shall maintain the properties in accordance with all applicable Government Code Section 66411.7 requirements and restrictions.

F. **Denial.** The Community Development Director may deny an application for an urban lot split pursuant to Government Code section 66411.7 by making the following findings in writing based upon a preponderance of evidence:

1. The proposal would have a specific, adverse impact upon the public health and safety or the physical environment as defined in Government Code Section 65589.5(d)(2); and
2. There is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Title 11
SUBDIVISIONS
Chapter 11.04 GENERAL PROVISIONS

(New text in red underline)

11.04.010 Purpose.

The purpose of this title is to regulate and control the design and improvement of subdivisions and to coordinate subdivision planning with the City's general and specific plans.

- A. This title is adopted to supplement the Subdivision Map Act, Government Code Section 66410, et seq., and imposes requirements in addition to those set forth in the Subdivision Map Act. The provisions of the Subdivision Map Act shall govern the processing of subdivision application, except as otherwise provided in this title.
- B. Any reference in this title to the Subdivision Map Act or a specific section thereof, shall refer to the Subdivision Map Act as most currently amended. In the event that a cited section has been renumbered, or combined with another section, the reference shall be to the most recent equivalent of the cited section.

(§ 2, Ord. 1990 , eff. December 3, 1998)

11.04.020 Title—Compliance required—Fees.

- A. This title may be cited as the subdivision ordinance of the City.
- B. It is unlawful for any person, as a principal, agent or otherwise, to sell, lease, finance or transfer title to any portion of any subdivision or parcel of land in the City, or to offer to do so, for which a tentative or final map or waiver certificate is required, pursuant to the Subdivision Map Act or this title, unless the required map, in full compliance with the Subdivision Map Act and this title, has been filed for record with the county recorder.
- C. Within the City's coastal zone, as defined in Division 20 of the Public Resources Code and in Chapter 2.A of the certified implementation plan, all development, including but not limited to (a) divisions of land, including lot line adjustments, street vacations, and (b) changes in availability of public access and/or public parking, require a coastal development permit and are governed by the provisions of Chapter 2.A and Division 20 of the Public Resources Code.
- D. Every person submitting a tentative or final map, application for a certificate of compliance, application for a lot line adjustment or petition for reversion to acreage shall pay a processing fee in the amount established by resolution of the City Council.

(§ 2, Ord. 1990 , eff. December 3, 1998)

11.04.030 Required maps.

- A. A tentative and final map shall be required for any subdivision, including urban lot splits pursuant to Government Code section 66411.7, a condominium project, stock cooperative project or community apartment project for which a tentative and final map is required by the Subdivision Map Act.

- B. A tentative and final map shall be required for any subdivision, for which a tentative and final map is not required by the Subdivision Map Act, except when the Subdivision Map Act specifically provides that no map shall be required for a particular type of project.
 - C. No tentative or final map shall be required for lot line adjustments.
- (§ 2, Ord. 1990 , eff. December 3, 1998)

11.04.040 Map requirements.

- A. No tentative map application shall be considered as filed or complete until all required documents, supplemental information and materials have been submitted to the Community Development Department (hereafter referred to as Community Development), including without limitation geotechnical and/or soils reports, as described in Section 11.20.120, Dedications and improvements, which have been approved by the City's staff, and a conceptual grading plan which describes the grading required for development of, and access to, the subdivided lots. If after approval of a map, new geotechnical reports or information is submitted to the City which make any of the conditions of the map no longer appropriate, or necessary, an amendment to the approved tentative map may be requested by the applicant pursuant to the procedures described in Section 11.28.010(G), Correction and amendment of maps, of this title.
- B. Tentative and final maps for initial construction or conversion of existing structures for residential occupancy shall conform to the criteria and standards of Title 10, Zoning, of this Code for the base zoning district in which it is located.
- C. All maps shall specifically provide for proper grading and erosion control, including the prevention of sedimentation or damage to off-site property.
- D. Each lot created by a map shall include a minimum contiguous lot area required by the appropriate residential base zoning district standards.
- E. No map shall be approved unless it complies with the Subdivision Map Act, this title and any other title of this Code, other applicable laws and all conditions or requirements imposed pursuant to the requirements thereof, except; that when the failure of a map to so comply is the result of a technical or inadvertent error which, in the determination of the Planning Commission, does not materially affect the validity of the map, this provision may be waived.

(§ 2, Ord. 1990 , eff. December 3, 1998)

11.04.050 Certificate of compliance.

Any person owning real property or a vendee of that person pursuant to a contract of sale of the real property may request a certificate of compliance to determine whether the real property complies with the provisions of the Subdivision Map Act and this title. Such request shall be submitted with the appropriate forms, fees, and property information as prescribed by Community Development. Such certificate shall be issued and recorded pursuant to the Subdivision Map Act.

(§ 2, Ord. 1990 , eff. December 3, 1998)

Chapter 11.12 SUBDIVISION MAPS

11.12.010 Pre-filing conference.

Prior to filing any tentative map, the prospective subdivider shall, by appointment, meet with Community Development to discuss possible subdivision design, dedication requirements and any supplemental information the Planning Commission may require.

(§ 2, Ord. 1990 , eff. December 3, 1998)

11.12.020 Tentative map—Filing and review.

- A. The subdivider shall file a tentative map (including tentative parcel maps) and all accompanying materials with Community Development. Community Development shall review the map and the accompanying materials and, if the subdivision results in three (3) or more parcels or condominium units or it is otherwise determined to be appropriate, cause a report regarding the same to be forwarded to the Planning Commission and subdivider.
- B. Community Development may either approve, conditionally approve or disapprove a map resulting in not more than two (2) parcels or condominium units. Written notice of the decision shall be given to the subdivider.
- C. The Planning Commission may hold a public hearing on a tentative map under its consideration if it determines that such is appropriate, or the applicant or an abutting property owner requests it. If a public hearing is conducted, notice of the hearing shall be given pursuant to Section 66451.3 of the Subdivision Map Act. Notwithstanding the provisions of said Section 66451.31, mailed notice shall be given to the subdivider and to all property owners within five hundred feet (500') of the proposed subdivision, no less than ten (10) calendar days prior to the hearing.
- D. Dedications and reservations of property and on-site, and off-site improvements may be required by the Planning Commission or director as a condition of approval as authorized by the Subdivision Map Act and Chapter 11.20, Dedications and Improvements, of this title.
- E. The Planning Commission shall review all materials submitted and shall either approve, conditionally approve or disapprove the map within fifty (50) calendar days after the certification of the environmental impact report, adoption of a negative declaration, or the determination that the project is exempt from the requirements of the California Environmental Quality Act (CEQA). This time limit may be extended by mutual consent of the subdivider and Community Development. Written notice of the decision of the Planning Commission shall be given to the subdivider.

(§ 2, Ord. 1990 , eff. December 3, 1998)

11.12.030 Content and form.

The content and form of tentative and final maps shall be governed by the requirements of the Subdivision Map Act and this title, and any map preparation requirements adopted by resolution of the Planning Commission.

(§ 2, Ord. 1990 , eff. December 3, 1998)

11.12.040 Expiration.

- A. Approved or conditionally approved tentative maps shall expire thirty-six (36) months after such approval or conditional approval. Upon application by the subdivider, filed with Community Development prior to the expiration of the tentative map, the Planning Commission may extend the date on which the map expires. Each extension granted shall not exceed twelve (12) months and the total extension period shall not exceed three (3) years.
- B. Urban Lot Splits. Notwithstanding paragraph A., tentative maps that are approved or conditionally approved pursuant to Government Code Section 66411.7 and Chapter 11.40 of this Code shall expire pursuant to Government Code Section 66452.6, no later than forty-eight (48) months after such approval or conditional approval.

(§ 2, Ord. 1990 , eff. December 3, 1998)

11.12.050 Final map—Filing and review.

- A. A final map prepared by or under the direction of a registered civil engineer or licensed surveyor, along with all necessary certificates and acknowledgments, must be submitted to Community Development before the expiration date of the approved or conditionally approved tentative map. If required improvements and dedications are not completed, improvement and dedication agreements must be obtained before the final map can be filed.
- B. The final map shall be consistent with all the conditions, restrictions and corrections upon which the tentative map was approved. Where possible, all conditions and restrictions shall be clearly and graphically denoted on the final map. Where such conditions and/or restrictions cannot be graphically denoted, they shall be clearly and conspicuously written on the final map.
- C. Community Development shall review the final map and, if found to be consistent with the requirements of the Subdivision Map Act and this title and the conditions, restrictions and corrections of the approved tentative map, Community Development shall approve the final map and cause the same to be sent to the subdivider and the County Recorder, provided, however, that whenever dedications are required, the map shall instead be forwarded to the City Council for acceptance of such dedications. If the dedications are accepted by the City Council, the approved final map shall be sent to the subdivider and the County Recorder after such acceptance.

(§ 2, Ord. 1990 , eff. December 3, 1998)

(New text in red underline)

10.12.020 Land use regulations: RS, RM, RH, RPD, and RSC districts.

In the following schedule, the letter "P" designates use classifications permitted in residential districts. The letter "L" designates use classifications subject to certain limitations prescribed under the "Additional Use Regulations" which follows. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Chapter 10.68. The letters "P/U" for accessory uses mean that the use is allowed on the site of a permitted use, but requires a use permit on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

RS, RM, RH, RPD, and RSC DISTRICTS LAND USE REGULATIONS

P — Permitted

PDP — Precise Development Plan

SDP — Site Development Permit

U — Use Permit

L — Limited, (See additional use regulations)

- — **Not Permitted**

	RS	RM	RH	RPD	RSC	Additional Regulations
Residential Uses						(A)
Day Care, Small Family Home	P	P	P	P	P	(P)
Day Care, Large Family Home	L-22	L-22	L-22	L-22	L-22	(P)
Group Residential	-	-	U	-	U	
Multi-family Residential						
<u>SB 9 unit development</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(Q)</u>
5 or fewer units	-	P	P	P	U	(B)(C)(L)(P)
6 or more units	-	PDP/SDP	PDP/SDP	PDP/SDP	U	(B)(C)(L)(O)(P)
Multi-family Transient Use	-	-	-	-	-	
Residential Care, Limited	P	P	P	P	P	
Single-family Residential	P	P	P	P	P	(C)(P)
Single-family Transient Use	-	-	-	-	-	

...

(Q) Only for SB9 unit development projects pursuant to Government Code section 65852.21, as may be amended from time to time, and in accordance with Chapter 10.78.

(Ord. No. 1832 , Amended, 01/17/91; Ord. No. 1838 , Renumbered, 07/05/91, 10-3.502; Ord. No. 1864 , Amended, 02/18/93; Ord. No. 1891 , Amended, 01/06/94; § 2, Ord. 1951 , eff. July 4, 1996; § 2, Ord. 2049 , eff. November 18, 2003; § 3, Ord. 13-0006, eff. August 1, 2013 and §§ 6, 7, Ord. 15-0009, adopted June 16, 2015, § 8, Ord. 16-0029 , eff. Dec. 20, 2016, and § 5, Ord. 18-0022 , eff. Dec. 6, 2018)

ATTACHMENT B

State of California

GOVERNMENT CODE

Section 65852.21

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.

(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 proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within 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 city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraph (2), 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.

(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) Off-street 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 or the physical environment and 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 Section 65852.2 or 65852.22, 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) 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.

(i) 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.

(j) 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.

(k) 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.

(Added by Stats. 2021, Ch. 162, Sec. 1. (SB 9) Effective January 1, 2022.)

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ATTACHMENT C

State of California

GOVERNMENT CODE

Section 66411.7

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.

(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 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 city or county landmark or historic property or district pursuant to a city or county ordinance.

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

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

(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 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 or the physical environment and 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) Off-street 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 65852.2, 65852.21, 65852.22, 65915, 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 Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(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.

(Added by Stats. 2021, Ch. 162, Sec. 2. (SB 9) Effective January 1, 2022.)

ATTACHMENT D

State of California

GOVERNMENT CODE

Section 66452.6

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally

approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for

purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

(Amended by Stats. 2021, Ch. 162, Sec. 3. (SB 9) Effective January 1, 2022.)