



**CITY OF HUNTINGTON BEACH**  
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648-2702

**GRACEY VAN DER MARK**  
**MAYOR**

May 8, 2024

Honorable Toni Atkins  
California State Senate  
1020 O Street, Rm 8610  
Sacramento, CA 95814

Re: SB 450—Oppose

Dear Senator Atkins:

On behalf of the City of Huntington Beach, I write in opposition to SB 450, which would, require a local government to consider and approve an application for a duplex in an area zoned for single-family homes and lot splitting of a residentially zoned parcel within 60 days and prohibit that local government from imposing object standards on a proposed duplex project.

Local control in land use planning and zoning is crucial for ensuring that development aligns with the unique needs, character, and aspirations of a community. This is paramount for the City of Huntington Beach. Our local government should retain the ability to shape land use policies and our decisions can be tailored to reflect the specific socioeconomic, environmental, and cultural context of our city. This process fosters greater community engagement and participation, allowing residents to have a direct voice in shaping the future of their neighborhoods and promotes responsible growth.

SB 450 exacerbates the breakdown of local control that was authorized with the passage of SB 9 (Atkins, Chapter 162, 2021). SB 450 specifies that any duplex or lot splitting permit shall be deemed approved if the city does not respond within 60 days. Moreover, it specifies that we cannot use a project's adverse impact to deny a project. As we work to review all development permits expeditiously, we must use our due diligence to guide our decision making, including reviewing impacts to the surrounding natural and built environment. As a city, it is within our rights and obligation to do so. Removing this responsibility to respond in the best interests of our residents is irresponsible.

Ultimately, by decentralizing decision-making authority to the local level, land use planning and zoning objectives can better serve the interests of the people they impact, fostering a vibrant and resilient community. For these reasons, we oppose SB 450.

Sincerely,

Gracey Van Der Mark  
Mayor

Cc: Huntington Beach City Council

AMENDED IN ASSEMBLY SEPTEMBER 1, 2023

AMENDED IN SENATE MARCH 16, 2023

**SENATE BILL**

**No. 450**

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**Introduced by Senator Atkins**

February 13, 2023

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An act to amend Sections 65585, 65852.21, and 66411.7 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 450, as amended, Atkins. Housing development: approvals.

(1) The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

Existing law requires a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided. Existing law authorizes a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, except as specified, on the proposed housing development. Existing law authorizes a local agency to deny a proposed housing development if specified conditions are met, including that the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, as provided.

This bill would remove the requirement that a proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls to be considered ministerially. The bill would prohibit a local agency from imposing objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. *This zone, but would specify that these provisions do not prohibit a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on the development if the standards are more permissive than applicable standards within the underlying zone.* The bill would remove the authorization for a local agency to deny a proposed housing development if the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon the physical environment. The bill would require the local agency to consider and approve or deny the proposed housing development application within 60 days from the date the local agency receives the completed application, and would deem the application approved after that time. The bill would require a permitting agency, if it denies an application, to provide 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) 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, and the modification of those maps.

Existing law requires a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements. Existing law authorizes a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, except as specified. Existing law authorizes a local agency to deny an urban lot split if specified conditions are met, including that the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, as provided.

This bill would specify that objective zoning standards, objective subdivision standards, and objective design standards imposed by a local agency must be related to the design or improvements of a parcel.

This bill would remove the authorization for a local agency to deny a proposed housing development if the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon the physical environment. The bill would require the local agency to consider and approve or deny the proposed housing development application within 60 days from the date the local agency receives the completed application, and would deem the application approved after that time. The bill would require a permitting agency, if it denies an application, to provide 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.

(3) The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and requires that general plan to include, among other mandatory elements, a housing element. Existing law requires a planning agency to submit a copy of its draft housing element or amendments to its housing element to the department for review, and requires the department to notify the city, ~~city~~, county, or city and county if the department finds that the housing element or the amendment does not substantially comply with or is in violation of specified statutes.

This bill would add the proposed housing development and urban lot split provisions described above to the list of statutes the department is required to notify a city, county, or city and county of when reviewing a housing element or amendment.

~~(4) By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.~~

*(4) This bill would make additional nonsubstantive and conforming changes to these provisions.*

(5) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

*(6) By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.*

~~(6) The~~

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.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1     SECTION 1. Section 65585 of the Government Code is  
2     amended to read:  
3     65585. (a) In the preparation of its housing element, each city  
4     and county shall consider the guidelines adopted by the department  
5     pursuant to Section 50459 of the Health and Safety Code. Those  
6     guidelines shall be advisory to each city or county in the  
7     preparation of its housing element.  
8     (b) (1) At least 90 days prior to adoption of a revision of its  
9     housing element pursuant to subdivision (e) of Section 65588, or  
10    at least 60 days prior to the adoption of a subsequent amendment  
11    to this element, the planning agency shall submit a draft element  
12    revision or draft amendment to the department. The local  
13    government of the planning agency shall make the first draft  
14    revision of a housing element available for public comment for at  
15    least 30 days and, if any comments are received, the local  
16    government shall take at least 10 business days after the 30-day  
17    public comment period to consider and incorporate public  
18    comments into the draft revision prior to submitting it to the  
19    department. For any subsequent draft revision, the local  
20    government shall post the draft revision on its internet website and  
21    shall email a link to the draft revision to all individuals and  
22    organizations that have previously requested notices relating to  
23    the local government's housing element at least seven days before  
24    submitting the draft revision to the department.  
25    (2) The planning agency staff shall collect and compile the  
26    public comments regarding the housing element received by the  
27    city, county, or city and county, and provide these comments to  
28    each member of the legislative body before it adopts the housing  
29    element.  
30    (3) The department shall review the draft and report its written  
31    findings to the planning agency within 90 days of its receipt of the  
32    first draft submittal for each housing element revision pursuant to  
33    subdivision (e) of Section 65588 or within 60 days of its receipt  
34    of a subsequent draft amendment or an adopted revision or adopted  
35    amendment to an element. The department shall not review the

1 first draft submitted for each housing element revision pursuant  
2 to subdivision (e) of Section 65588 until the local government has  
3 made the draft available for public comment for at least 30 days  
4 and, if comments were received, has taken at least 10 business  
5 days to consider and incorporate public comments pursuant to  
6 paragraph (1).

7 (c) In the preparation of its findings, the department may consult  
8 with any public agency, group, or person. The department shall  
9 receive and consider any written comments from any public  
10 agency, group, or person regarding the draft or adopted element  
11 or amendment under review.

12 (d) In its written findings, the department shall determine  
13 whether the draft element or draft amendment substantially  
14 complies with this article.

15 (e) Prior to the adoption of its draft element or draft amendment,  
16 the legislative body shall consider the findings made by the  
17 department. If the department's findings are not available within  
18 the time limits set by this section, the legislative body may act  
19 without them.

20 (f) If the department finds that the draft element or draft  
21 amendment does not substantially comply with this article, the  
22 legislative body shall take one of the following actions:

23 (1) Change the draft element or draft amendment to substantially  
24 comply with this article.

25 (2) Adopt the draft element or draft amendment without changes.  
26 The legislative body shall include in its resolution of adoption  
27 written findings which explain the reasons the legislative body  
28 believes that the draft element or draft amendment substantially  
29 complies with this article despite the findings of the department.

30 (g) Promptly following the adoption of its element or  
31 amendment, the planning agency shall submit a copy to the  
32 department.

33 (h) The department shall, within 90 days, review adopted  
34 housing elements or amendments and report its findings to the  
35 planning agency.

36 (i) (1) (A) The department shall review any action or failure  
37 to act by the city, county, or city and county that it determines is  
38 inconsistent with an adopted housing element or Section 65583,  
39 including any failure to implement any program actions included  
40 in the housing element pursuant to Section 65583. The department

1 shall issue written findings to the city, county, or city and county  
2 as to whether the action or failure to act substantially complies  
3 with this article, and provide a reasonable time no longer than 30  
4 days for the city, county, or city and county to respond to the  
5 findings before taking any other action authorized by this section,  
6 including the action authorized by subparagraph (B).

7 (B) If the department finds that the action or failure to act by  
8 the city, county, or city and county does not substantially comply  
9 with this article, and if it has issued findings pursuant to this section  
10 that an amendment to the housing element substantially complies  
11 with this article, the department may revoke its findings until it  
12 determines that the city, county, or city and county has come into  
13 compliance with this article.

14 (2) The department may consult with any local government,  
15 public agency, group, or person, and shall receive and consider  
16 any written comments from any public agency, group, or person,  
17 regarding the action or failure to act by the city, county, or city  
18 and county described in paragraph (1), in determining whether the  
19 housing element substantially complies with this article.

20 (j) The department shall notify the city, county, or city and  
21 county and may notify the office of the Attorney General that the  
22 city, county, or city and county is in violation of state law if the  
23 department finds that the housing element or an amendment to this  
24 element, or any action or failure to act described in subdivision  
25 (i), does not substantially comply with this article or that any local  
26 government has taken an action in violation of the following:

- 27 (1) Housing Accountability Act (Section 65589.5).  
28 (2) Section 65863.  
29 (3) Chapter 4.3 (commencing with Section 65915).  
30 (4) Section 65008.  
31 (5) Housing Crisis Act of 2019 (Chapter 654, Statutes of 2019,  
32 Sections 65941.1, 65943, and 66300).  
33 (6) Section 8899.50.  
34 (7) Section 65913.4.  
35 (8) Article 11 (commencing with Section 65650).  
36 (9) Article 12 (commencing with Section 65660).  
37 (10) Section 65913.11.  
38 (11) Section 65400.  
39 (12) Section 65863.2.  
40 (13) Chapter 4.1 (commencing with Section 65912.100).

1 (14) Section 65852.21.

2 (15) Section 66411.7.

3 (k) Commencing July 1, 2019, prior to the Attorney General  
4 bringing any suit for a violation of the provisions identified in  
5 subdivision (j) related to housing element compliance and seeking  
6 remedies available pursuant to this subdivision, the department  
7 shall offer the jurisdiction the opportunity for two meetings in  
8 person or via telephone to discuss the violation, and shall provide  
9 the jurisdiction written findings regarding the violation. This  
10 paragraph does not affect any action filed prior to the effective  
11 date of this section. The requirements set forth in this subdivision  
12 do not apply to any suits brought for a violation or violations of  
13 paragraphs (1) and (3) to (9), inclusive, of subdivision (j).

14 (l) In any action or special proceeding brought by the Attorney  
15 General relating to housing element compliance pursuant to a  
16 notice or referral under subdivision (j), the Attorney General may  
17 request, upon a finding of the court that the housing element does  
18 not substantially comply with the requirements of this article  
19 pursuant to this section, that the court issue an order or judgment  
20 directing the jurisdiction to bring its housing element into  
21 substantial compliance with the requirements of this article. The  
22 court shall retain jurisdiction to ensure that its order or judgment  
23 is carried out. If a court determines that the housing element of  
24 the jurisdiction substantially complies with this article, it shall  
25 have the same force and effect, for purposes of eligibility for any  
26 financial assistance that requires a housing element in substantial  
27 compliance and for purposes of any incentives provided under  
28 Section 65589.9, as a determination by the department that the  
29 housing element substantially complies with this article.

30 (1) If the jurisdiction has not complied with the order or  
31 judgment after 12 months, the court shall conduct a status  
32 conference. Following the status conference, upon a determination  
33 that the jurisdiction failed to comply with the order or judgment  
34 compelling substantial compliance with the requirements of this  
35 article, the court shall impose fines on the jurisdiction, which shall  
36 be deposited into the Building Homes and Jobs Trust Fund. Any  
37 fine levied pursuant to this paragraph shall be in a minimum  
38 amount of ten thousand dollars (\$10,000) per month, but shall not  
39 exceed one hundred thousand dollars (\$100,000) per month, except  
40 as provided in paragraphs (2) and (3). In the event that the



1 jurisdiction fails to pay fines imposed by the court in full and on  
2 time, the court may require the Controller to intercept any available  
3 state and local funds and direct-~~such~~ *those* funds to the Building  
4 Homes and Jobs Trust Fund to correct the jurisdiction's failure to  
5 pay. The intercept of the funds by the Controller for this purpose  
6 shall not violate any provision of the California Constitution.

7 (2) If the jurisdiction has not complied with the order or  
8 judgment after three months following the imposition of fees  
9 described in paragraph (1), the court shall conduct a status  
10 conference. Following the status conference, if the court finds that  
11 the fees imposed pursuant to paragraph (1) are insufficient to bring  
12 the jurisdiction into compliance with the order or judgment, the  
13 court may multiply the fine determined pursuant to paragraph (1)  
14 by a factor of three. In the event that the jurisdiction fails to pay  
15 fines imposed by the court in full and on time, the court may  
16 require the Controller to intercept any available state and local  
17 funds and direct-~~such~~ *those* funds to the Building Homes and Jobs  
18 Trust Fund to correct the jurisdiction's failure to pay. The intercept  
19 of the funds by the Controller for this purpose shall not violate any  
20 provision of the California Constitution.

21 (3) If the jurisdiction has not complied with the order or  
22 judgment six months following the imposition of fees described  
23 in paragraph (1), the court shall conduct a status conference. Upon  
24 a determination that the jurisdiction failed to comply with the order  
25 or judgment, the court may impose the following:

26 (A) If the court finds that the fees imposed pursuant to  
27 paragraphs (1) and (2) are insufficient to bring the jurisdiction into  
28 compliance with the order or judgment, the court may multiply  
29 the fine determined pursuant to paragraph (1) by a factor of six.  
30 In the event that the jurisdiction fails to pay fines imposed by the  
31 court in full and on time, the court may require the Controller to  
32 intercept any available state and local funds and direct-~~such~~ *those*  
33 funds to the Building Homes and Jobs Trust Fund to correct the  
34 jurisdiction's failure to pay. The intercept of the funds by the  
35 Controller for this purpose shall not violate any provision of the  
36 California Constitution.

37 (B) The court may order remedies available pursuant to Section  
38 564 of the Code of Civil Procedure, under which the agent of the  
39 court may take all governmental actions necessary to bring the  
40 jurisdiction's housing element into substantial compliance pursuant

1 to this article in order to remedy identified deficiencies. The court  
2 shall determine whether the housing element of the jurisdiction  
3 substantially complies with this article and, once the court makes  
4 that determination, it shall have the same force and effect, for all  
5 purposes, as the department's determination that the housing  
6 element substantially complies with this article. An agent appointed  
7 pursuant to this paragraph shall have expertise in planning in  
8 California.

9 (4) This subdivision does not limit a court's discretion to apply  
10 any and all remedies in an action or special proceeding for a  
11 violation of any law identified in subdivision (j).

12 (m) In determining the application of the remedies available  
13 under subdivision (l), the court shall consider whether there are  
14 any mitigating circumstances delaying the jurisdiction from coming  
15 into compliance with state housing law. The court may consider  
16 whether a city, county, or city and county is making a good faith  
17 effort to come into substantial compliance or is facing substantial  
18 undue hardships.

19 (n) Nothing in this section shall limit the authority of the office  
20 of the Attorney General to bring a suit to enforce state law in an  
21 independent capacity. The office of the Attorney General may seek  
22 all remedies available under law including those set forth in this  
23 section.

24 (o) Notwithstanding Sections 11040 and 11042, if the Attorney  
25 General declines to represent the department in any action or  
26 special proceeding brought pursuant to a notice or referral under  
27 subdivision (j) the department may appoint or contract with other  
28 counsel for purposes of representing the department in the action  
29 or special proceeding.

30 (p) Notwithstanding any other provision of law, the statute of  
31 limitations set forth in subdivision (a) of Section 338 of the Code  
32 of Civil Procedure shall apply to any action or special proceeding  
33 brought by the ~~Office~~ *office* of the Attorney General or pursuant  
34 to a notice or referral under subdivision (j), or by the department  
35 pursuant to subdivision (o).

36 SEC. 2. Section 65852.21 of the Government Code is amended  
37 to read:

38 65852.21. (a) A proposed housing development containing  
39 no more than two residential units within a single-family residential  
40 zone shall be considered ministerially, without discretionary review

1 or a hearing, if the proposed housing development meets all of the  
2 following requirements:

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

9 (2) The parcel satisfies the requirements specified in  
10 subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision  
11 (a) of Section ~~65913.4~~. *65913.4, as that section read on September*  
12 *16, 2021.*

13 (3) Notwithstanding any provision of this section or any local  
14 law, the proposed housing development would not require  
15 demolition or alteration of any of the following types of housing:

16 (A) Housing that is subject to a recorded covenant, ordinance,  
17 or law that restricts rents to levels affordable to persons and  
18 families of moderate, low, or very low income.

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

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

23 (4) The parcel subject to the proposed housing development is  
24 not a parcel on which an owner of residential real property has  
25 exercised the owner's rights under Chapter 12.75 (commencing  
26 with Section 7060) of Division 7 of Title 1 to withdraw  
27 accommodations from rent or lease within 15 years before the date  
28 that the development proponent submits an application.

29 (5) The development is not located within a historic district or  
30 property included on the State Historic Resources Inventory, as  
31 defined in Section 5020.1 of the Public Resources Code, or within  
32 a site that is designated or listed as a city or county landmark or  
33 historic property or district pursuant to a city or county ordinance.

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

38 (2) (A) The local agency shall not impose objective zoning  
39 standards, objective subdivision standards, and objective design  
40 standards that would have the effect of physically precluding the

1 construction of up to two units or that would physically preclude  
2 either of the two units from being at least 800 square feet in floor  
3 area.

4 (B) (i) Notwithstanding subparagraph (A), no setback shall be  
5 required for an existing structure or a structure constructed in the  
6 same location and to the same dimensions as an existing structure.

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

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

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

22 (1) ~~Off-street~~ *Offstreet* parking of up to one space per unit,  
23 except that a local agency shall not impose parking requirements  
24 in either of the following instances:

25 (A) The parcel is located within one-half mile walking distance  
26 of either a high-quality transit corridor, as defined in subdivision  
27 (b) of Section 21155 of the Public Resources Code, or a major  
28 transit stop, as defined in Section 21064.3 of the Public Resources  
29 Code.

30 (B) There is a car share vehicle located within one block of the  
31 parcel.

32 (2) For residential units connected to an onsite wastewater  
33 treatment system, a percolation test completed within the last 5  
34 years, or, if the percolation test has been recertified, within the last  
35 10 years.

36 (d) Notwithstanding subdivision (a), a local agency may deny  
37 a proposed housing development project if the building official  
38 makes a written finding, based upon a preponderance of the  
39 evidence, that the proposed housing development project would  
40 have a specific, adverse impact, as defined and determined in

1 paragraph (2) of subdivision (d) of Section 65589.5, upon public  
2 health and safety for which there is no feasible method to  
3 satisfactorily mitigate or avoid the specific, adverse impact.

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

6 (f) Notwithstanding Section 65852.2 or 65852.22, a local agency  
7 shall not be required to permit an accessory dwelling unit or a  
8 junior accessory dwelling unit on parcels that use both the authority  
9 contained within this section and the authority contained in Section  
10 66411.7.

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

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

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

28 (i) Local agencies shall include units constructed pursuant to  
29 this section in the annual housing element report as required by  
30 subparagraph (I) of paragraph (2) of subdivision (a) of Section  
31 65400.

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

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

36 (2) The terms “objective zoning standards,” “objective  
37 subdivision standards,” and “objective design review standards”  
38 mean standards that involve no personal or subjective judgment  
39 by a public official and are uniformly verifiable by reference to  
40 an external and uniform benchmark or criterion available and

1 knowable by both the development applicant or proponent and the  
2 public official prior to submittal. These standards may be embodied  
3 in alternative objective land use specifications adopted by a local  
4 agency, and may include, but are not limited to, housing overlay  
5 zones, specific plans, inclusionary zoning ordinances, and density  
6 bonus ordinances.

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

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

13 (l) Nothing in this section shall be construed to supersede or in  
14 any way alter or lessen the effect or application of the California  
15 Coastal Act of 1976 (Division 20 (commencing with Section  
16 30000) of the Public Resources Code), except that the local agency  
17 shall not be required to hold public hearings for coastal  
18 development permit applications for a housing development  
19 pursuant to this section.

20 SEC. 3. Section 66411.7 of the Government Code is amended  
21 to read:

22 66411.7. (a) Notwithstanding any other provision of this  
23 division and any local law, a local agency shall ministerially  
24 approve, as set forth in this section, a parcel map for an urban lot  
25 split only if the local agency determines that the parcel map for  
26 the urban lot split meets all the following requirements:

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

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

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

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

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

38 (B) The parcel subject to the proposed urban lot split is located  
39 within a city, the boundaries of which include some portion of  
40 either an urbanized area or urban cluster, as designated by the

1 United States Census Bureau, or, for unincorporated areas, a legal  
2 parcel wholly within the boundaries of an urbanized area or urban  
3 cluster, as designated by the United States Census Bureau.

4 (C) The parcel satisfies the requirements specified in  
5 subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision  
6 (a) of Section ~~65913.4~~, *65913.4, as that section read on September*  
7 *16, 2021*.

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

10 (i) Housing that is subject to a recorded covenant, ordinance,  
11 or law that restricts rents to levels affordable to persons and  
12 families of moderate, low, or very low income.

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

15 (iii) A parcel or parcels on which an owner of residential real  
16 property has exercised the owner's rights under Chapter 12.75  
17 (commencing with Section 7060) of Division 7 of Title 1 to  
18 withdraw accommodations from rent or lease within 15 years  
19 before the date that the development proponent submits an  
20 application.

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

23 (E) The parcel is not located within a historic district or property  
24 included on the State Historic Resources Inventory, as defined in  
25 Section 5020.1 of the Public Resources Code, or within a site that  
26 is designated or listed as a city or county landmark or historic  
27 property or district pursuant to a city or county ordinance.

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

30 (G) Neither the owner of the parcel being subdivided nor any  
31 person acting in concert with the owner has previously subdivided  
32 an adjacent parcel using an urban lot split as provided for in this  
33 section.

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

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

39 (B) An application for an urban lot split shall be considered and  
40 approved or denied within 60 days from the date the local agency

1 receives a completed application. If the local agency has not  
2 approved or denied the completed application within 60 days, the  
3 application shall be deemed approved.

4 (C) If a permitting agency denies an application for an urban  
5 lot split pursuant to subparagraph (B), the permitting agency shall,  
6 within the time period described in paragraph (1), return in writing  
7 a full set of comments to the applicant with a list of items that are  
8 defective or deficient and a description of how the application can  
9 be remedied by the applicant.

10 (2) A local agency shall approve an urban lot split only if it  
11 conforms to all applicable objective requirements of the  
12 Subdivision Map Act (Division 2 (commencing with Section  
13 66410)), except as otherwise expressly provided in this section.

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

19 (c) (1) Except as provided in paragraph (2), notwithstanding  
20 any local law, a local agency may impose objective zoning  
21 standards, objective subdivision standards, and objective design  
22 review standards that are related to the design or to improvements  
23 of a parcel, consistent with paragraph (3) of subdivision (b) and  
24 with subdivision (e), and are applicable to a parcel created by an  
25 urban lot split that do not conflict with this section.

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

31 (3) (A) Notwithstanding paragraph (2), no setback shall be  
32 required for an existing structure or a structure constructed in the  
33 same location and to the same dimensions as an existing structure.

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

37 (d) Notwithstanding subdivision (a), a local agency may deny  
38 an urban lot split if the building official makes a written finding,  
39 based upon a preponderance of the evidence, that the proposed  
40 housing development project would have a specific, adverse



1 impact, as defined and determined in paragraph (2) of subdivision  
2 (d) of Section 65589.5, upon public health and safety and for which  
3 there is no feasible method to satisfactorily mitigate or avoid the  
4 specific, adverse impact.

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

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

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

13 (3) ~~Off-street~~ *Offstreet* parking of up to one space per unit,  
14 except that a local agency shall not impose parking requirements  
15 in either of the following instances:

16 (A) The parcel is located within one-half mile walking distance  
17 of either a high-quality transit corridor as defined in subdivision  
18 (b) of Section 21155 of the Public Resources Code, or a major  
19 transit stop as defined in Section 21064.3 of the Public Resources  
20 Code.

21 (B) There is a car share vehicle located within one block of the  
22 parcel.

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

25 (g) (1) A local agency shall require an applicant for an urban  
26 lot split to sign an affidavit stating that the applicant intends to  
27 occupy one of the housing units as their principal residence for a  
28 minimum of three years from the date of the approval of the urban  
29 lot split.

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

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

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

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

4 (j) (1) Notwithstanding any provision of Section 65852.2,  
5 65852.21, 65852.22, 65915, or this section, a local agency shall  
6 not be required to permit more than two units on a parcel created  
7 through the exercise of the authority contained within this section.

8 (2) For the purposes of this section, “unit” means any dwelling  
9 unit, including, but not limited to, a unit or units created pursuant  
10 to Section 65852.21, a primary dwelling, an accessory dwelling  
11 unit as defined in Section 65852.2, or a junior accessory dwelling  
12 unit as defined in Section 65852.22.

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

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

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

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

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

37 (n) A local agency may adopt an ordinance to implement the  
38 provisions of this section. An ordinance adopted to implement this  
39 section shall not be considered a project under Division 13  
40 (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. 4. The Legislature finds and declares that ~~ensuring the~~ *state faces a severe housing crisis, largely due to the lack of available housing affordable to lower income and moderate-income families. Ensuring* access to affordable ~~housing~~ *housing, particularly on infill sites that promote fair housing in high-resource areas*, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 2 and 3 of this act amending Sections 65852.21 and 66411.7 of the Government Code apply to all cities, including charter cities.

SEC. 5. 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.