

SENATE THIRD READING
SB 1120 (Atkins, et al.)
As Amended August 12, 2020
Majority vote

SUMMARY:

Requires ministerial approval of housing developments with two units (duplexes) and subdivision maps that meet certain conditions, and increases the length of time that cities and counties can extend the validity of existing subdivision maps.

Major Provisions

- 1) Requires cities and counties to ministerially approve a proposed housing development project containing two residential units on parcels zoned for single-family residential development if certain conditions related to the parcel and the development are met.
- 2) Requires cities and counties to ministerially approve a parcel map, or a tentative and final map for an "urban lot split," on a parcel that meets specified conditions.
- 3) Allows cities and counties to adopt an ordinance to implement the provisions of this bill allowing for ministerial approval of two unit residential housing developments and urban lot splits, and specifies that the action to adopt the ordinance is not subject to the California Environmental Quality Act (CEQA).
- 4) Allows cities and counties to extend the life of subdivision maps by an additional 12 months.

COMMENTS:

This bill requires cities and counties to ministerially approve subdivisions of specific types of parcels called urban lot splits, and specific types of housing developments of up to two units (duplexes). Under this bill, a property owner could independently seek ministerial approval for an urban lot split, a duplex, or the owner could seek approval for both an urban lot split and a duplex. Urban lot splits and duplexes are only eligible for ministerial approval if the project meets the applicable objective standards specified in the bill.

The bill allows a local agency to adopt an ordinance to implement the provisions of the bill and provides that such an ordinance is not a project under CEQA. Finally, the bill also increases the length of time a local government can extend the life of a subdivision map.

This bill creates opportunities for greater infill housing density by allowing ministerial approval for urban lot splits and the development of duplexes in existing urban residential zones that are predominated by single-family housing.

According to the Author:

According to the author, "SB 1120 promotes small-scale neighborhood residential development by streamlining the process for a homeowner to create a duplex or subdivide an existing lot in all residential areas. This policy builds upon existing prior successful housing policies such as the state's Accessory Dwelling Unit (ADU) law, which led to a 63% increase in ADU permit requests statewide in the first two years alone. Additionally, the policy leverages valuable but previously untapped resources, such as developed but underutilized land, while building valuable

equity for homeowners. The bill also respects the priorities of local governments in local land use decisions: such applications must meet a specific list of qualifications that ensure protection of local zoning and design standards, historic districts, environmental quality, and existing tenants vulnerable to displacement."

Arguments in Support:

The Turner Center for Housing Innovation writes in support, "The majority of Californians cannot afford a median priced home, and single family-only zoning also prevents the creation of affordable housing in oftentimes high opportunity communities. It should also be noted that our structure of single family zoning has historically been used to reinforce segregation by effectively keeping People of Color out of affluent, White neighborhoods. SB 1120 takes a measured approach to addressing this issue by building off of the success of recent Accessory Dwelling Unit (ADU) reforms, which have resulted in tens of thousands of new units in recent years."

Arguments in Opposition:

Citizens Preserving Venice writes in opposition, "We have serious concerns about the elimination of single-family zoning that this bill will cause statewide. The bill would allow four market-rate homes to replace one single-family home. Those four units could become eight units in areas that allow "accessory dwelling units" (ADUs). There is no affordable housing requirement despite this egregious increase in density. Clearly the people of California who are facing dire economic times are in need of affordable housing."

FISCAL COMMENTS:

According to the Assembly Appropriations Committee:

- 1) HCD estimates costs of \$105,000 (General Fund (GF)) in the first year and \$99,000 (GF) annually thereafter for 0.5 personnel year of staff time to provide technical assistance and outreach education to local agencies and affordable housing developers.
- 2) The state Coastal Commission (Commission) estimates potentially significant costs (GF) for potential litigation due to the bill's disregard for the unique state regulatory, planning and oversight role the Commission plays in local land use approvals subject to the Coastal Act. According to the Commission, this bill raises unintended procedural and regulatory complexities in the coastal zone that will most certainly result in costs, confusion, litigation and uncertainty at the local level with respect to Local Coastal Program (LCP) policies and appeals to the Commission.
- 3) Unknown state-mandated local costs to establish streamlined project review processes for proposed duplex housing developments and tentative maps for urban lot splits, and to conduct expedited design reviews of these proposals. These costs are not state-reimbursable because local agencies have general authority to charge and adjust planning and permitting fees to cover their administrative expenses associated with new planning mandates.

VOTES:**SENATE FLOOR: 39-0-1**

YES: Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire, Melendez, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Stern

ASM LOCAL GOVERNMENT: 5-1-2

YES: Aguiar-Curry, Ramos, Luz Rivas, Robert Rivas, Voepel

NO: Lackey

ABS, ABST OR NV: Bloom, Boerner Horvath

ASM APPROPRIATIONS: 11-3-4

YES: Gonzalez, Bonta, Calderon, Carrillo, Chau, Megan Dahle, Eggman, Gabriel, Eduardo Garcia, Quirk, Robert Rivas

NO: Bigelow, Diep, Voepel

ABS, ABST OR NV: Bauer-Kahan, Bloom, Fong, Petrie-Norris

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