

SENATE THIRD READING
SB 9 (Atkins, et al.)
As Amended August 16, 2021
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

"Senate Bill 9 provides options for homeowners by streamlining the process for a homeowner to create a duplex or subdivide an existing lot. Building off the successes of [Accessory Dwelling Units] (ADU) law, SB 9 strikes an appropriate balance between respecting local control and creating an environment and opportunity for neighborhood housing that benefits the broader community. To that end, the bill includes numerous safeguards to ensure that it responsibly creates duplexes and strategically increases housing opportunities for homeowners, renters, and

families alike. This bill will provide more options for families to maintain and build intergenerational wealth – a currency we know is crucial to combatting inequity and creating social mobility."

Arguments in Support

The California Building Industry Associations (CBIA) writes in support, "SB 9 requires that qualified applications to a local government to create a duplex or subdivide an existing residential parcel be approved ministerially without discretionary review. According to the McKinsey Global Institute, nearly 800,000 units could be developed by adding units the units in existing single-family zones. Per their projections, an additional 600,000 units could be developed in just three counties alone by building housing on small lots near existing residential development. These small-scale development policies build upon successful state housing measures like the promotion of Accessory Dwelling Units (ADUs), which grew to comprise one-fifth of all new housing stock in Los Angeles in just two years, increasing critically necessary housing supply. Additionally, this policy leverages valuable but previously untapped resources, such as developed but underutilized land, while building valuable equity for homeowners."

Arguments in Opposition

The League of California Cities writes in opposition, "SB 9 as currently drafted will not spur much needed housing construction in a manner that supports local flexibility, decision making, and community input. State-driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and housing elements that are certified by the California Department of Housing and Community Development...'

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) The Department of Housing and Community Development (HCD) estimates costs of \$89,000 (General Fund) annually for 0.5 Personnel Years of staff time to provide technical assistance and outreach education to local agencies and affordable housing developers.
- 2) 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: 28-6-6

YES: Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Laird, Leyva, McGuire, Min, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener

NO: Bates, Borgeas, Jones, Melendez, Ochoa Bogh, Wilk

ABS, ABST OR NV: Allen, Glazer, Kamlager, Limón, Newman, 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 HOUSING AND COMMUNITY DEVELOPMENT: 5-1-2

YES: Chiu, Kalra, Kiley, Quirk-Silva, Wicks

NO: Seyarto

ABS, ABST OR NV: Gabriel, Maienschein

ASM APPROPRIATIONS: 12-1-3

YES: Lorena Gonzalez, Calderon, Carrillo, Megan Dahle, Fong, Mullin, Eduardo Garcia, Luz Rivas, Quirk, Kalra, Stone, McCarty

NO: Bigelow

ABS, ABST OR NV: Bryan, Chau, Voepel

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