

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, pending before the State legislature is SB 1120 (Atkins) introduced on February 19, 2020, and amended on May 20, 2020, and which if enacted into law would require cities and counties, including charter cities, to provide for the ministerial ('by right') approval of a housing development containing two residential units (a duplex), and a parcel map dividing a lot into two equal parts ('lot split'), for residential use; and

WHEREAS, enactment into law of SB 1120 would eliminate public hearings by the Planning Department and public notice, inasmuch as the proposed projects would only require administrative review, and proposes to provide ministerial approval of a parcel map (four or less parcels) for a lot split, and thereby amend sections of the Subdivision Map Act by extending from 12 to 24 months the additional time period of an approved or conditionally approved Tentative Map; and

WHEREAS, SB 1120 would exempt environmental review as required by the California Environmental Quality Act (CEQA) by establishing a ministerial review process, without discretionary review or a public hearing, thereby undermining community participation and vetting by local legislative bodies; and

WHEREAS, SB 1120 further stipulates that a city or county cannot require a duplex project to comply with any standard that would prevent two units from being built, and would prohibit a local agency from imposing regulations that require dedications or rights-of-way or the construction of offsite and onsite improvements for parcels created through a lot split; and

WHEREAS, enactment into law of SB 1120 would undermine the Subdivision Map Act, which vests the authority to regulate and control the design and improvement of subdivisions by 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 (five or more parcels), and parcel maps (four or less parcels), and the modification of those maps;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program OPPOSITION to SB 1120 (Atkins), which if enacted into law would require cities and counties, including charter cities, to provide for the ministerial ('by right') approval of a housing development containing two residential units (a duplex), and a parcel map dividing a lot into two equal parts ('lot split'), for residential use; and exempts environmental review; and would approve these projects without discretionary review, or a public hearing; thereby undermining local land use control and the concept of 'Home Rule' by the imposition of State legislation on local government agencies, including charter cities.

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PRESENTED BY:

*David Ryu*

DAVID RYU  
Councilmember, 4<sup>th</sup> District

SECONDED BY:

PAUL KORETZ (verbal)  
Councilmember, 5<sup>th</sup> District

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RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, pending before the State legislature is SB 1120 (Atkins) introduced on February 19, 2020, and amended on June 18, 2020, and which if enacted into law would require cities and counties, including charter cities, to provide for the ministerial ('by right') approval of a housing development containing two residential units (a duplex), and for the approval of a parcel map dividing a lot into two equal parts ('lot split') for residential use; and

WHEREAS, enactment into law of SB 1120 would expedite the approval process by eliminating public hearings by the Planning Department, inasmuch as the proposed projects would only require administrative review, and proposes to also provide ministerial approval of a parcel map (four or less parcels) for a lot split, and proposes to additionally amend sections of the *Subdivision Map Act* by extending from 12 to 24 months the additional time period of an approved or conditionally approved Tentative Map; and

WHEREAS, the California Environmental Quality Act (CEQA) does not apply to the approval of *ministerial projects*, therefore SB 1120 would exempt environmental review for duplexes and for parcel maps dividing a lot into two equal parts ('lot split') for residential use, thereby enabling the construction of vastly needed housing Statewide and in the city, which are in dire need of additional housing at all income levels;

WHEREAS, SB 1120 further stipulates that a city or county cannot require a duplex project to comply with any standard that would prevent two units from being built, and would require off street parking of up to one space per unit, and would eliminate any parking requirements if the parcel is located within one-half mile walking distance of '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; and

WHEREAS, enactment into law of SB 1120 would ministerially approve a parcel map for an urban lot split that meets the following requirements: (1) the parcel is zoned for residential use; (2) the parcel *does not* contain 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; (3) housing that has been occupied by a tenant in the last three years; (4) the parcel *is not* located within a historic district, or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program **SUPPORT of SB 1120 (Atkins)**, which if enacted into law would require cities and counties, including charter cities, to provide for the ministerial ('by right') approval of a housing development containing two residential units (a duplex), and a parcel map dividing a lot into two equal parts ('lot split'), for residential use; and would exempt environmental review inasmuch as CEQA does not apply to the approval of ministerial projects; and therefore, would approve these projects without discretionary review, thereby enabling the construction of vastly needed housing Statewide and in the city, which are in dire need of additional housing at all income levels.

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PRESENTED BY:

  
 GILBERT CEDILLO  
 Councilmember, 1st District

SECONDED BY

BOB BLUMENFIELD (verbal)  
 Councilmember, 3rd District