

TOWNSEND

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MEMO

To: City of Cupertino
Legislative Review Committee

From: Townsend Public Affairs, Inc.

Date: June 19, 2020

Subject: Consider adopting a position on Senate Bill 1120 (Atkins) – Subdivisions: tentative maps

Summary

SB 1120 requires cities and counties to permit ministerially either a housing development of up to two units, or the subdivision of a parcel into two equal parcels, as long as they meet specified conditions.

Under the provisions of the measure, to be eligible, a development or parcel to be subdivided must be located within an urbanized area or urban cluster, and cannot be located on any of the following:

- Prime farmland or farmland of statewide importance
- Wetlands
- Land within the very high fire hazard severity zone, unless the development complies with state mitigation requirements
- A hazardous waste site
- An earthquake fault zone
- Land within the 100-year floodplain or a floodway
- Land identified for conservation under a natural community conservation plan, or lands under conservation easement
- Habitat for protected species
- A site that has been placed on a national, state, or local historic register

SB 1120 requires a housing development containing two units to be considered ministerially in single family zones if the development meets certain conditions, including the requirements on eligible parcels above. The project also cannot require demolition or alteration that would require the evacuation or eviction of an existing housing unit of any of the following types of housing:

- Rent-restricted housing, including deed-restricted affordable housing and housing subject to rent or price control
- Housing that has been the subject of an Ellis Act eviction within the past 15 years
- Housing that has been occupied by a tenant in the last three years.

A city or county may impose objective zoning and design standards that do not conflict with the provisions of the bill, and a city or county cannot require a project to comply with any standard that would prevent two units from being built.

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SB 1120 prohibits demolition of more than one exterior wall of an existing structure unless the local ordinance allows greater demolition or if the site has not been occupied by a tenant in the last three years.

SB 1120 allows a local government to adopt an ordinance to implement its duplex provisions and provides that the adoption of such an ordinance is not subject to CEQA.

SB 1120 requires a city or county to ministerially approve or deny a parcel map for an urban lot split that meets specified requirements, in addition to the requirements for eligible parcels that apply to both duplexes and urban lot splits. Specifically, the urban lot split must meet the following requirements:

- The parcel map subdivides an existing parcel to create two new parcels of equal size.
- Both newly created parcels are no smaller than 1,200 square feet, unless the local agency adopts a smaller minimum lot size.
- The parcel being subdivided is zoned for residential use.
- The parcel does not contain rent-restricted housing, housing where an owner has exercised their rights under the Ellis Act within the past 15 years, or housing that has been occupied by tenants in the past three years.
- The parcel being subdivided was not previously created through an urban lot split, and none of the adjoining parcels were created by an urban lot split and owned by the same owner.

SB 1120 prohibits a local agency from imposing regulations that require dedications of rights-of-way or the construction of reasonable offsite and onsite improvements for parcels created through an urban lot split. However, a local agency may require easements and that the parcel have access to, provide access to, or adjoin the public right-of-way. A local agency can impose objective zoning and design standards that do not conflict with the bill, so long as those standards do not reduce the buildable area on each newly created parcel to less than 50 percent of the buildable area on the parcel being subdivided. SB 1120 allows a local agency to adopt an ordinance to implement the urban lot split requirements and provides that such an ordinance is not a project under the California Environmental Quality Act.

SB 1120 prohibits the development of accessory dwelling units on parcels that use both the urban lot split and duplex provisions of the bill, and it applies the limitations on parking requirements from ADU law to both duplexes and urban lot splits under the bill.

Status

SB 1120 was approved by the Senate Governance and Finance Committee on May 28th on a 7-0 vote. The measure is currently in the Senate Appropriations Committee and has been referred to the Suspense File. The measure is scheduled to be heard on June 18th.

Support

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.”

Supporters of SB 1120 include: California Apartment Assn, California Assn. of Realtors, and Schneider Electric

Opposition

The Subdivision Map Act serves to protect future buyers of land by ensuring that each parcel has the necessary services and improvements to make it functional and accessible. Conditions are imposed at the map level because it becomes much harder for a local government to implement rational development patterns and adequate public infrastructure after a parcel is broken up into smaller parcels with different owners. Local subdivision ordinances also further other important goals: they determine lot sizes, which can affect the feel of a neighborhood or preserve certain types of land uses. For example, in agricultural areas, minimum lot sizes prevent the creation of parcels that are too small to farm, and in urban areas, standardized parcel sizes contribute to the overall look and feel of a neighborhood. SB 1120 shrinks minimum parcel sizes in many parts of the state and limits the conditions that local governments can require, contrary to past legislation and practices on subdivisions. These changes impact the ability that local governments will have to promote orderly development.

Opponents of SB 1085 include: Livable California

Potential Impact

This measure undermines single-family zoning and will reduce the housing choices that are available within our communities. Local jurisdictions should be allowed to determine the appropriate mix of housing solutions that are right for their communities, which may include single-family housing.

Recommended Action

Adopt an oppose position on SB 1120 and authorize the Mayor to send letters to the state legislature.