

SONC 02/08/2021

Item 6b2 SB 9

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 9 (Atkins) introduced on December 7, 2020, 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 in to two equal parts ('lot split'), for residential use; and

WHEREAS, enactment into law of SB 9 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 9 would exempt these projects from 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 9 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 of 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 9 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 2021-2022 State Legislative Program OPPOSITION to SB 9 (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.

PRESENTED BY:



PAUL KORETZ, Councilmember, Fifth District

SECONDED BY:

PAUL KREKORIAN (verbal)
Councilmember, 2nd District

DEC 15 2020