City of
LA HABRA
Planning Commission Report

Item No. 3.

MEETING DATE: September 08, 2025

TO: PLANNING COMMISSION

FROM: SUSAN KIM, DIRECTOR OF COMMUNITY & ECONOMIC DEVELOPMENT
By: Sonya Lui, Planning Manager

SUBJECT: CONSIDER AND PROVIDE A RECOMMENDATION TO THE CITY COUNCIL REGARDING AN ORDINANCE APPROVING ZONE CHANGE 25-0004 (ZCA 25-0004) TO ADD A NEW SECTION 17.12.070 (PARCEL MAPS FOR URBAN LOT SPLITS) TO CHAPTER 17.12 (PARCEL MAPS) OF TITLE 17 (SUBDIVISIONS) AND A NEW SECTION 18.24.060 (TWO-UNIT HOUSING DEVELOPMENT) TO CHAPTER 18.24 (R-1A, R-1B AND R-1C SINGLE-UNIT DWELLING ZONES) OF TITLE 18 (ZONING) OF THE LA HABRA MUNCIPAL CODE TO IMPLEMENT THE PROVISIONS OF SENATE BILL 9 (2021) AND SENATE BILL 450 (2024) RELATING TO TWO-LOT SUBDIVISIONS AND TWO-UNIT HOUSING DEVELOPMENTS IN ORDER TO COMPLY WITH STATE LAW

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):
Zone Change 25-0004 was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be exempt pursuant to the provisions of California Government Code Sections 65852.21(k) and 66411.7(n), which provide that an ordinance adopted to implement these statutes is not considered a project under CEQA.

RECOMMENDATION:
That the Planning Commission approve and adopt:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE 25-0004 TO ADD A NEW SECTION 17.12.070 (PARCEL MAPS FOR URBAN LOT SPLITS) TO CHAPTER 17.12 (PARCEL MAPS) OF TITLE 17 (SUBDIVISIONS) AND A NEW SECTION 18.24.060 (TWO-UNIT HOUSING DEVELOPMENT) TO CHAPTER 18.24 (R-1A, R-1B AND R-1C SINGLE UNIT DWELLING ZONES) OF TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE TO IMPLEMENT THE PROVISIONS OF SENATE BILL 9 (2021) AND SENATE BILL 450 (2024) RELATING TO TWO-LOT SUBDIVISIONS AND TWO-UNIT HOUSING DEVELOPMENTS AND MAKING A DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 65852.21(k) AND 66411.7(n)

DISCUSSION:
Staff have prepared Zone Change 25-0004 (ZCA 25-0004) to update the La Habra Municipal Code (LHMC) to comply with State law requirements resulting from Senate Bill 9 (SB 9), signed into law in 2021, and amended by Senate Bill 450 (SB 450), signed into law in 2024. SB 9 and SB 450 pertain to two-unit developments and urban lot splits, as codified under California Government Code Sections 65852.21, 66411.7, and 66452.6 (see Attachments 2, 3 and 4, respectively), and further described below. In La Habra, these State law requirements only apply to properties within the City's R-1a, R-1b and R-1c Single-Unit Dwelling Zones. Since the La Habra Municipal Code (LHMC) is currently not consistent with State Law, staff have been and will continue to refer to California Government Code Sections 65852.21, 66411.7, and 66452.6 until Zone Change 25-0004 is adopted.

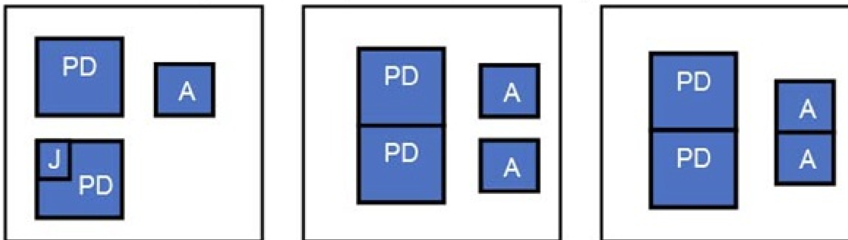
ZCA 25-0004 would modify Title 17 (Subdivisions) and Title 18 (Zoning) of the LHMC to comply with State law

requirements for cities to allow a property owner to construct an additional primary dwelling unit on properties within single-family residential zones (the R-1a, R-1b and R-1c Single-Unit Dwelling Zones), in addition to the one primary dwelling unit that is currently permitted, with certain exceptions that are further described later in the report. In addition, ZCA 25-0004 permits property owners to split existing parcels within the R-1a, R-1b and R-1c Single-Unit Dwelling Zones into two parcels, which is referred to as an "urban lot split." Both the development of the additional unit and the urban lot split are required to be approved ministerially, i.e., by City staff instead of by the Planning Commission or City Council.

As shown below in Exhibit 1, when combined with State law requirements for cities to permit accessory dwelling units (ADU) and junior accessory dwelling units (JADU), permitting an additional primary dwelling unit could result in up to four dwelling units on a single property. However, if the property is subject to an urban lot split, the property owner would only be permitted to develop up to two dwelling units on each of the two newly-created parcels, as shown in Exhibit 2.

EXHIBIT 1

SB 9 Development Options: no lot split

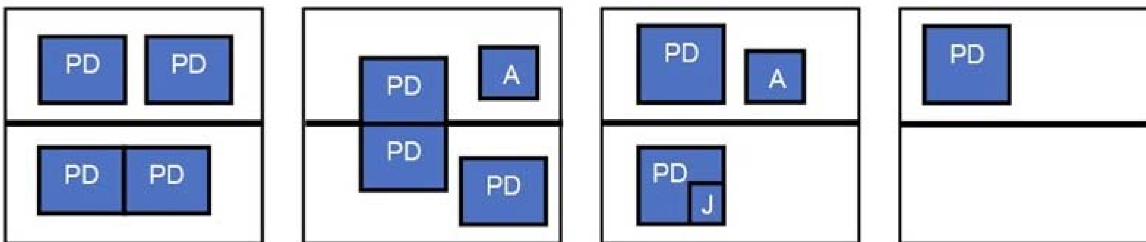


PD = primary dwelling
A = accessory dwelling unit (ADU)
J = junior accessory dwelling unit (JADU)

EXHIBIT 2

SB 9 Development Options: lot split

Lot splits can include development of one or two PDs per lot, one PD + one ADU or JADU per lot, or no development on one lot.



PD = primary dwelling
A = accessory dwelling unit (ADU)
J = junior accessory dwelling unit (JADU)

State law allows for certain exceptions. Properties located in the following areas or within the following categories, as further defined in the ordinance, are not eligible for two-lot developments and/or urban lot splits:

- Historic districts or properties
- Hazardous waste sites
- Special flood hazard areas or floodways
- Protected habitat areas
- Demolishes or alters housing with affordability restrictions, rent or price control and/or occupied by a tenant in the last three years

State law further regulates the way in which the City must approve a two-unit development and/or an urban lot split as follows:

- City must approve or deny an application for a two-unit development and/or urban lot split within 60 days from

the date the City receives a complete application.
- For two-unit developments, the City is prohibited from imposing objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area. For urban lot splits, the City is prohibited from imposing any objective standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.
- City may require one parking space per unit, unless the site is located within a half mile of a high-quality transit corridor or a major transit stop, or there is a car share vehicle located within one block from the site. In such circumstances, the City cannot require any parking spaces.

In addition, the following State law requirements apply to urban lot splits:

- The property owner must live on one of the newly created lots for at least three years from the date of approval of the urban lot split.
- Lots created from an urban lot split must be similar in size (no more than a 60:40 split).
- No lot created can be less than 1,200 square feet.
- Properties that are subject to an urban lot split cannot be split again as an urban lot split.
- A property owner cannot have previously subdivided an adjacent parcel using an urban lot split.
- Each lot must have adequate access to a public right-of-way.
- The City cannot require setbacks from newly created lot lines to existing structures or structures constructed in the same location and to the same dimensions as an existing structure.
- Dedication of easements may be required if necessary for public services and facilities.

FISCAL IMPACT/SOURCE OF FUNDING:
Costs associated with City-initiated amendments to the LHMC are included as part of the Planning Division's annual budget.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):
Not applicable.

GENERAL PLAN RELEVANCE/CITY COUNCIL GOALS & OBJECTIVES:
The following are relevant General Plan Policies:

- LU 2.1 Places to Live. Provide opportunities for a full range of housing types, locations, and densities to address the community's fair share of regional housing needs and to provide market support to economically sustain commercial land uses in La Habra. The mix, density, size, and location of housing shall be determined based on the projected needs specified in the Housing Element, as amended periodically.
- LU 6.4 Housing Type Distribution. Promote an equitable distribution of housing types for all income groups throughout the city and promote mixed-income developments rather than creating concentrations of below-market-rate housing in certain areas.
- H 1.1 Support State Housing Policy. Continue to support State housing policies that aim to facilitate housing production.
- H 1.3 Support Private Sector Housing Production. Facilitate the efforts of the private sector in the production of new housing for all economic segments of the community.
- H 1.4 Variety of Housing. Promote a variety of housing types at scales, values, and locations carefully selected to provide housing opportunities for all economic segments of the population, while emphasizing the protection and conservation of existing single family neighborhoods.

The proposed zoning code amendment will also achieve the following Fiscal Year 2025-2026 City Council Goals and Objectives:

- Goal 5 - Development Activity and Business Assistance
  - Objective I. Update, implement and provide annual performance reports for the General Plan in compliance with State law.
  - Objective J. Review the Zoning Code on an on-going basis and process amendments that ensure compliance with recent State legislation, streamline project processing, remove unnecessary regulations, and/or make the Zoning Code easier to implement.

Attachments

Attachment 1 - Resolution

Attachment 2 - Section 65852.21
Attachment 3 - Section 66411.7
Attachment 4 - Section 66452.6

RESOLUTION NO. 25 – ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE 25-0004 (ZCA 25-0004) ADDING A NEW SECTION 17.12.070 (PARCEL MAPS FOR URBAN LOT SPLITS) TO CHAPTER 17.12 (PARCEL MAPS) OF TITLE 17 (SUBDIVISIONS) AND A NEW SECTION 18.24.060 (TWO-UNIT HOUSING DEVELOPMENT) TO CHAPTER 18.24 (R-1A, R-1B AND R-1C SINGLE-UNIT DWELLING ZONES) OF TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE TO IMPLEMENT THE PROVISIONS OF SENATE BILL 9 (2021) AND SENATE BILL 450 (2024) RELATING TO TWO-LOT SUBDIVISIONS AND TWO-UNIT HOUSING DEVELOPMENTS AND MAKING A DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 65852.21(k) AND 66411.7(n)

THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, the State Legislature has added provisions to State law regarding two-unit housing developments and urban lot splits for two parcels; and

WHEREAS, the City of La Habra wishes to amend the provisions of its Municipal Code to implement and be compliant with State law; and

WHEREAS, on September 8, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed amendments to Title 17 (Subdivisions) and Title 18 (Zoning) of the La Habra Municipal Code under Zone Change 25-0004, at which time it considered all material and evidence presented, whether written or oral.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA HEREBY RESOLVES AS FOLLOWS:

SECTION 1. CALIFORNIA ENVIRONMENTAL QUALITY ACT. The Planning Commission recommends that the City Council find that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the provisions of California Government Code sections 65852.21(k) and 66411.7(n), which provide that an ordinance adopted to implement these statutes is not considered a project under CEQA.

SECTION 2. CONSISTENCY WITH GENERAL PLAN. The Planning Commission finds and determines that the proposed amendments to Title 17 (Subdivisions) and Title 18 (Zoning) of the La Habra Municipal Code are consistent with the goals and objectives of the La Habra General Plan as the changes are required to comply with State law.

SECTION 3. ZONE CHANGE. The Planning Commission recommends that the City Council adopt the ordinance attached hereto as Exhibit A to approve Zone Change 25-0004 to add a new Section 17.12.070 (Parcel Maps for Urban Lot Splits) to Chapter 17.12 (Parcel Maps) of Title 17 (Subdivisions) and a new Section 18.24.060 (Two-unit Housing Development) to Chapter 18.24 (R-1a, R-1b and R-1c Single-Unit Dwelling Zones) of Title 18 (Zoning) of the La Habra Municipal Code to implement the provisions of Senate Bill 9 (2021) and Senate Bill 450 (2024) relating to two-lot subdivisions and two-unit housing developments for compliance with State law.

SECTION 4. RECORD. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the proposed Zone Change. All summaries of information in the findings which precede this section are based on the entire record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately.

SECTION 6. CERTIFICATION. The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, AND ADOPTED this 8th day of September, 2025.

____
Maria Mahecha, Chair

I, Veronica Lopez, Secretary to the Planning Commission of the City of La Habra, do hereby certify that the foregoing Resolution No. 25- _____ was adopted at a regular meeting of the City of La Habra Planning Commission held on September 8, 2025 by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

____
Veronica Lopez, Secretary

EXHIBIT A

DRAFT ORDINANCE

DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, APPROVING ZONE CHANGE 25-0004 (ZCA 25-0004) ADDING A NEW SECTION 17.12.070 (PARCEL MAPS FOR URBAN LOT SPLITS) TO CHAPTER 17.12 (PARCEL MAPS) OF TITLE 17 (SUBDIVISIONS) AND A NEW SECTION 18.24.060 (TWO-UNIT HOUSING DEVELOPMENT) TO CHAPTER 18.24 (R-1A, R-1B AND R-1C SINGLE-UNIT DWELLING ZONES) OF TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE TO IMPLEMENT THE PROVISIONS OF SENATE BILL 9 (2021) AND SENATE BILL 450 (2024) RELATING TO TWO-LOT SUBDIVISIONS AND TWO-UNIT HOUSING DEVELOPMENTS AND MAKING A DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 65852.21(k) AND 66411.7(n)

THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, the State Legislature has added two provisions to State law relating to two-unit housing developments and urban lot splits for two parcels; and

WHEREAS the City of La Habra wishes to amend the provisions of its Municipal Code to be implement and be compliant with State law; and

WHEREAS on September 8, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed amendments to Title 17 (Subdivisions) and Title 18 (Zoning) of the La Habra Municipal Code under Zone Change 25-0004, at which time it considered all evidence presented, both written and oral; and

WHEREAS at the close of the public hearing, the Planning Commission adopted a resolution recommending that the City Council adopt this Ordinance; and

WHEREAS on ________________, 2025, the City Council held a duly noticed public hearing to consider the proposed amendments to Title 17 and Title 18 of the La Habra Municipal Code under Zone Change 25-0004, at which time it considered all material and evidence presented, whether written or oral, including the Planning Commission's recommendation; and

WHEREAS, all legal requirements prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein.

SECTION 2. Consistency with General Plan. The City Council finds and determines that the proposed amendments to Title 17 (Subdivisions) and Title 18 (Zoning) of the La Habra Municipal Code are consistent with the goals and objectives of the La Habra General Plan as the changes are required to comply with State law.

SECTION 3. California Environmental Quality Act. The City Council finds and determines that this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the provisions of California Government Code sections 65852.21(k) and 66411.7(n), which provide that an ordinance adopted to implement these statutes is not considered a project under CEQA.

SECTION 4. Amendment to Chapter 17.12. In compliance with California Government Code Section 66411.7, Chapter 17.12 (Parcel Maps) of Title 17 (Subdivisions) of the La Habra Municipal Code is hereby amended to add a new Section 17.12.070 to read as follows:

17.12.070 Parcel maps for urban lot splits.

A. Definitions. For purposes of this section, the following definition shall apply:

   1. "Urban lot split" means a lot split of a single-unit residential lot into two parcels that meets the requirements of this section.

B. Requirements for Approval. The city shall ministerially approve a parcel map for an urban lot split that meets the following requirements:

   1. The parcel is located within a single-unit residential zone.

   2. The parcel map divides an existing parcel to create no more than two new parcels of approximately equal lot area, provided that one parcel shall not be smaller than forty percent of the lot area of the original parcel.

   3. Each of the newly created parcels is no smaller than one thousand two hundred square feet in area.

   4. The parcel is not located in any of the following areas and does not fall within any of the following categories:

      a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the California Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.

b. A hazardous waste site that is listed pursuant to California Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to California Health and Safety Code Section 25356, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

c. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.

d. A special flood hazard area subject to inundation by the one percent annual chance flood (one-hundred-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subsection if either of the following is met:

    i. The site has been subject to a letter of map revision prepared by FEMA and issued to the city; or

    ii. The site meets FEMA requirements necessary to meet minimum floodplain management criteria of the National Flood Insurance Program as further spelled out in California Government Code Section 65913.4(a)(6)(G)(ii).

e. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.

f. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the California Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the California Fish and Game Code).

5. The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

   a. 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;

   b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;

   c. Housing that has been occupied by a tenant in the last three years; or

   d. A parcel or parcels on which an owner of residential real property exercised rights under California Government Code Section 7060 et seq. to withdraw accommodations from rent or lease within fifteen years before the date of the application.

   e. The application shall provide information regarding the above, signed under penalty of perjury. The application shall indicate that filing false information on an application is a criminal offense.

6. The urban lot split does not result in more than two units on a parcel, including any accessory dwelling units or junior accessory dwelling units.

7. The split does not create a flag lot.

8. The parcel has not been established pursuant to an urban lot split in accordance with this section.

9. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel in accordance with this section. For purposes of this section, "acting in concert" shall include, but not be limited to, where the owner of a property proposed for an urban lot split is the same, related to, or connected by partnership to the

owner, buyer or seller (if transferred within the previous three years) of an adjacent lot.

C. Time Limit for Action. The city shall approve or deny an application within sixty days from the date the city receives a completed application. If the application is denied, the city shall return a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied within the sixty-day time period. Any application not acted upon within this time period shall be deemed approved.

D. Standards and Requirements. Notwithstanding any other provisions of this code to the contrary, the following requirements shall apply:

1. The urban lot split shall conform to all applicable objective requirements of the Subdivision Map Act and this title, except as the same are modified by this section.

2. No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.

3. Except for circumstances described in subsection D.1 of this subsection, the setback for side and rear lot lines shall be four feet.

4. The applicant shall provide easements for the provision of public services and facilities as required.

5. Landlocked parcels created by an urban lot split shall have an access easement over the other parcel on the same map. Unless a larger width is required pursuant to the requirements of a utility company or the fire department, the easement shall be not less than ten feet in width and must connect to the same curb cut and apron as the other parcel on the same map.

6. Residential units developed on a lot created pursuant to this section shall be subject to the provisions of Section 18.24.060 of this code.

E. Limitations. The city shall not require or deny an application based on any of the following:

1. The city shall not require dedications of rights-of-way or the construction of off-site improvements for the parcels being created as a condition of issuing a parcel map.

2. The city shall not impose any subdivision standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than eight hundred square feet.

3. The city shall not require the correction of nonconforming zoning provisions as a condition for the urban lot split.

4. The city shall not deny an application solely because it proposes adjacent or connected structures provided that all building code safety standards are met, and they are sufficient to allow a separate conveyance.

F. Affidavit. An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the city attorney to be recorded against the property stating the following:

1. That applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval. This requirement does not apply when the applicant is a “community land trust” or a “qualified nonprofit corporation” as the same are defined in the California Revenue and Taxation Code.

2. That the uses shall be limited to residential uses.

3. That any rental of any unit created by the urban lot split shall be for a minimum of thirty-one days.

4. That the maximum number of units to be allowed on each parcel is two, including units otherwise allowed as an accessory dwelling units or junior accessory dwelling units.

G. Requirements for Denial. The city may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in California Government Code Section 65589.5(d)(2), upon the public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

SECTION 5. Amendment to Chapter 18.24. In compliance with California Government Code Section 65852.21, Chapter 18.24 (R-1a, R-1b, R-1c Single-Unit Dwelling Zones) of Title 18 (Zoning) of the La Habra Municipal Code is hereby amended to add a new Section 18.24.060 to read as follows:

18.24.060 Two-unit housing development.

A. Definitions. For purposes of this section, the following definitions shall apply:

1. "Housing development" shall mean a development with no more than two primary units on a single lot within a single-unit zone that meets the requirements of this section. The two units may consist of two new units or one new unit and one existing unit.

2. "Primary unit" shall mean a residential unit that is not otherwise classified as an accessory dwelling unit or junior accessory dwelling unit pursuant to California Government Code Section 66313.

3. "Unit" shall mean a primary dwelling unit, as well as an accessory dwelling unit or a junior accessory dwelling unit.

4. "Urban lot split" shall have the same meaning as set forth in Section 17.12.070.

B. Requirements for Ministerial Approval. The city shall ministerially approve a housing development containing no more than two primary units if it meets the following requirements:

1. Number of units:

a. On a lot which has not been divided pursuant to Section 17.12.070 of this code, a maximum of four units, no more than two of which may be a primary unit.

b. On a lot which has been divided pursuant to Section 17.12.070, no more than two units, at least one of which shall be a primary unit.

2. The parcel is not located in any of the following areas and does not fall within any of the following categories:

a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the California Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.

b. A hazardous waste site that is listed pursuant to California Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to California Health and Safety Code Section 25356, unless the State Department of Public Health,

State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

c. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.

d. A special flood hazard area subject to inundation by the one percent annual chance flood (one-hundred-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subsection if either of the following are met:

   i. The site has been subject to a letter of map revision prepared by FEMA and issued to the city; or

   ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program as further spelled out in California Government Code Section 65913.4(a)(6)(G)(ii).

e. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.

f. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the California Fish and Game Code), or the Native Plant Protection Act

(Chapter 10 (commencing with Section 1900) of Division 2 of the California Fish and Game Code).

3. The housing development does not require demolition or alteration of any of the following types of housing:

    a. 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;

    b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or

    c. Housing that has been occupied by a tenant in the last three years.

    d. The application shall provide information regarding the above, signed under penalty of perjury. The application shall indicate that filing false information on an application is a criminal offense.

4. The housing in not on a parcel or parcels on which an owner of residential real property exercised rights under California Government Code Section 7060 et seq. to withdraw accommodations from rent or lease within fifteen years before the date of the application.

C. Approval or Denial of Application. The city shall approve or deny an application within sixty days from the date the city receives a completed application. If the application is denied, the city shall return a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied within the sixty-day time period. Any application not acted upon within this time period shall be deemed approved.

D. Standards and Requirements. Notwithstanding any other provisions of this code to the contrary, the following requirements shall apply in addition to all other objective standards applicable to the underlying zone:

1. Setbacks.

    a. No setback shall be required for an existing structure, or a structure constructed in the same location and within the same dimensions as an existing structure.

    b. Except for those circumstances described in subsection D.1.a of this section, the setback for side and rear lot lines shall be four feet.

c. For landlocked parcels, side yard setback requirements shall apply to all property lines.

2. The applicant shall provide easements for the provision of public services and facilities as required.

3. One parking space per unit shall be required on the lot unless the parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by California Public Resources Code Section 21155(b) or a major transit stop as defined in California Public Resources Code Section 21064.3, or there is a car share vehicle located within one block of the parcel.

4. For units connected to an onsite wastewater treatment system, a percolation test must have been completed within the last five years, or, if the percolation test has been recertified, within the last ten years.

E. Limitations on City Actions.

1. The city shall not impose any zoning or design standards that would have the effect of physically precluding the construction of two units on a lot or that would result in a unit size of less than eight hundred square feet.

2. The city shall not deny an application solely because it proposes adjacent or connected structures, provided that all building code safety standards are met, and they are sufficient to allow a separate conveyance.

F. Affidavit. An applicant for a two-unit housing development on a lot shall be required to sign an affidavit in a form approved by the city attorney to be recorded against the property stating the following:

1. That the uses shall be limited to residential uses.

2. That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one days.

3. That the maximum number of units to be allowed on the parcels shall be as specified in subsection B.1, above.

G. Requirements for Denial. The city may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in California Government Code

Section 65589.5(d)(2), upon the public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

SECTION 6. Inconsistencies. Any provision of the La Habra Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of La Habra declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

SECTION 9. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED, AND ADOPTED this _____ day of _______, 2025.

____
Rose Espinoza, Mayor

ATTEST:

____
Rhonda J. Barone, CMC
City Clerk

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS.
CITY OF LA HABRA }

I, Rhonda J. Barone, CMC, City Clerk of the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. ____ introduced at a regular meeting of the City Council of the City of La Habra held on the ___ day of ______, 2025, and was thereafter adopted at a regular meeting held on the ___ day of _______, 2025, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra this ___ day of _____, 2025.

____
Rhonda J. Barone, CMC
City Clerk

State of California

GOVERNMENT CODE

Section 65852.21

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as that section read on September 16, 2021.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) 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.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraphs (2) and (3), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(3) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This subdivision shall not prevent a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on development authorized by this section if those standards are more permissive than applicable standards within the underlying zone.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality 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.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) (1) An application for a proposed housing development pursuant to this section shall be considered and approved or denied within 60 days from the date the local agency receives a completed application. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(2) If a permitting agency denies an application for a proposed housing development pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(i) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(j) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(k) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(*l*) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

(Amended by Stats. 2024, Ch. 286, Sec. 1. (SB 450) Effective January 1, 2025.)

State of California

GOVERNMENT CODE

Section 66411.7

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as that section read on September 16, 2021.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) 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.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) (A) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(B) An application for an urban lot split shall be considered and approved or denied within 60 days from the date the local agency receives a completed application. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(C) If a permitting agency denies an application for an urban lot split pursuant to subparagraph (B), the permitting agency shall, within the time period described in subparagraph (B), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that are related to the design or to improvements of a parcel, consistent with paragraph (3) of subdivision (b) and with subdivision (e), and are applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the

evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality 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.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.21, 65915, Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in subdivision (a) of Section 66313, or a junior accessory dwelling unit as defined in subdivision (d) of Section 66313.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(*l*) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

(Amended by Stats. 2024, Ch. 286, Sec. 2. (SB 450) Effective January 1, 2025.)

State of California

GOVERNMENT CODE

Section 66452.6

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars ($236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars ($236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally

approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for

purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

(Amended by Stats. 2021, Ch. 162, Sec. 3. (SB 9) Effective January 1, 2022.)