

AMENDED IN ASSEMBLY JUNE 20, 2022  
AMENDED IN ASSEMBLY AUGUST 23, 2021  
AMENDED IN SENATE APRIL 12, 2021  
AMENDED IN SENATE MARCH 8, 2021

## SENATE BILL

**No. 6**

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**Introduced by Senators Caballero, Eggman, and Rubio**  
**(Principal coauthors: Senators Atkins, Durazo, Gonzalez, Hertzberg,**  
**and Wiener)**  
**(Coauthors: Senators Cortese, Hueso, Roth, and McGuire)**  
(Coauthors: Assembly Members Arambula, Carrillo, Cooper, Gipson,  
Quirk-Silva, and Robert Rivas)

December 7, 2020

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An act to amend Section 65913.4 of, and to add and repeal ~~Sections~~  
~~Section 65852.23 and 65852.24~~ of, the Government Code, relating to  
land use.

### LEGISLATIVE COUNSEL'S DIGEST

SB 6, as amended, Caballero. Local planning: housing: commercial  
zones.

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. Existing law requires that the housing element include, among other things, an inventory of land suitable and available for residential development. If the inventory of sites does not identify adequate sites to accommodate the need for groups of all households pursuant to specified law, existing law requires the local government to rezone sites within specified time

periods and that this rezoning accommodate 100% of the need for housing for very low and low-income households on sites that will be zoned to permit owner-occupied and rental multifamily residential use by right for specified developments.

This bill, the Neighborhood Homes Act, would deem a housing development project, as defined, an allowable use on a ~~neighborhood lot, which is defined as a parcel within an office or retail commercial zone that is not adjacent to an industrial use.~~ *parcel that is within a zone where office, retail, or parking are a principally permitted use, if the development and site meet specified requirements, including that the site is not adjacent to an industrial use or agricultural use.* The bill would require the density for a housing development under these provisions to meet or exceed the density deemed appropriate to accommodate housing for lower income households according to the type of local jurisdiction, including a density of at least 20 units per acre for a suburban jurisdiction. The bill would require the housing development to meet all other local ~~requirements for a neighborhood lot,~~ *requirements*, other than those that prohibit residential use, or allow residential use at a lower density than that required by the bill. The bill would provide that a housing development under these provisions is subject to the local zoning, parking, design, and other ordinances, local code requirements, and procedures applicable to the processing and permitting of a housing development in a zone that allows for the housing with the density required by the act. If more than one zoning designation of the local agency allows for housing with the density required by the act, the bill would require that the zoning standards that apply to the closest parcel that allows residential use at a density that meets the requirements of the act would apply. If the existing zoning designation allows residential use at a density greater than that required by the act, the bill would require that the existing zoning designation for the parcel would apply. The bill would also require that a housing development under these provisions comply with public notice, comment, hearing, or other procedures applicable to a housing development in a zone with the applicable density. The bill would require that the housing development is subject to a recorded deed restriction with ~~an unspecified~~ *a 15%* affordability requirement, as provided. The bill would require that a developer ~~make specified certifications to the local agency, including, among others, that all contractors and subcontractors performing work on the project will be required to pay~~ *either certify that the development is a public work, as*

*defined, or is not in its entirety a public work, but that all construction workers will be paid prevailing wages, as provided. For specified projects, the developer would be required to seek bids containing an enforceable commitment that all contractors and subcontractors performing work on the project will use provided, or certify that a skilled and trained workforce, as defined. defined, will be used to perform all construction work on the development, as provided.* The bill would require a local agency to require that a rental of any unit created pursuant to the bill's provisions be for a term longer than 30 days. The bill would authorize a local agency to exempt a ~~neighborhood lot~~ *parcel* from these provisions in its land use element of the general plan if the local agency *makes written findings supported by substantial evidence that the local agency concurrently reallocates* ~~reallocated~~ the lost residential density to other lots so that there is no net loss in residential density in the jurisdiction, as provided. The bill would specify that it does not alter or affect the application of any housing, environmental, or labor law applicable to a housing development authorized by these provisions, including, but not limited to, the California Coastal Act, the California Environmental Quality Act, the Housing Accountability Act, obligations to affirmatively further fair housing, and any state or local affordability laws or tenant protection laws. The bill would require an applicant of a housing development under these provisions to provide notice of a pending application to each commercial tenant of the ~~neighborhood lot~~ *parcel*. The bill would repeal these provisions on January 1, 2029.

The bill would include findings that changes proposed by the Neighborhood Homes Act address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The Housing Accountability Act, which is part of the Planning and Zoning Law, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project, as defined for purposes of the act, for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. That act states that it shall not be construed to prohibit a local agency from requiring a housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need, except as provided.

That act further provides that a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.

The bill would provide that for purposes of the Housing Accountability Act, a proposed housing development project is consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if the housing development project is consistent with the standards applied to the parcel pursuant to specified provisions of the Neighborhood Homes Act and if none of the square footage in the project is designated for hotel, motel, bed and breakfast inn, or other transient lodging use, except for a residential hotel, as defined.

The Planning and Zoning Law, until January 1, 2026, also authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards, including a requirement that the site on which the development is proposed is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least  $\frac{2}{3}$  of the square footage of the development designated for residential use. Under that law, the proposed development is also required to be consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time the development is submitted to the local government.

This bill would permit the development to be proposed for a site ~~zoned for office or retail commercial use~~ *consistent with the above-described Neighborhood Homes Act* if the site has had no commercial tenants on 50% or more of its total usable net interior square footage for a period of at least 3 years prior to the submission of the application. The bill would also provide that a project ~~located on a neighborhood lot, as defined,~~ shall be deemed consistent with objective zoning standards, objective design standards, and objective subdivision standards if the project is consistent with the applicable provisions of the Neighborhood Homes Act.

By expanding the crime of perjury and imposing new duties on local agencies with regard to local planning and zoning, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65852.23 is added to the Government  
2 Code, to read:

3 65852.23. (a) (1) This section shall be known, and may be  
4 cited, as the Neighborhood Homes Act.

5 (2) The Legislature finds and declares that creating more  
6 affordable housing is critical to the achievement of regional  
7 housing needs assessment goals, and that housing units developed  
8 at higher densities may generate affordability by design for  
9 California residents, without the necessity of public subsidies,  
10 income eligibility, occupancy restrictions, lottery procedures, or  
11 other legal requirements applicable to deed restricted affordable  
12 housing to serve very low and low-income residents and special  
13 needs residents.

14 (b) A housing development project shall be deemed an allowable  
15 use on a ~~neighborhood lot~~ parcel that is within a zone where office,  
16 retail, or parking are a principally permitted use if it complies  
17 with all of the following:

18 (1) (A) The density for the housing development shall meet or  
19 exceed the applicable density deemed appropriate to accommodate  
20 housing for lower income households ~~as follows: in that~~  
21 ~~jurisdiction as specified in subparagraph (B) of paragraph (3) of~~  
22 ~~subdivision (c) of Section 65583.2.~~

23 ~~(i) For an incorporated city within a nonmetropolitan county~~  
24 ~~and for a nonmetropolitan county that has a micropolitan area,~~  
25 ~~sites allowing at least 15 units per acre.~~

1     (ii) ~~For an unincorporated area in a nonmetropolitan county not~~  
2 ~~included in subparagraph (A), sites allowing at least 10 units per~~  
3 ~~acre.~~

4     (iii) ~~For a suburban jurisdiction, sites allowing at least 20 units~~  
5 ~~per acre.~~

6     (iv) ~~For a jurisdiction in a metropolitan county, sites allowing~~  
7 ~~at least 30 units per acre.~~

8     (B) ~~“Metropolitan county,” “nonmetropolitan county,”~~  
9 ~~“nonmetropolitan county with a micropolitan area,” and~~  
10 ~~“suburban,” shall have the same meanings as defined in~~  
11 ~~subdivisions (d), (e), and (f) of Section 65583.2.~~

12     (2) (A) The housing development shall be subject to local  
13 zoning, parking, design, and other ordinances, local code  
14 requirements, and procedures applicable to the processing and  
15 permitting of a housing development in a zone that allows for the  
16 housing with the density described in paragraph (1).

17     (B) If more than one zoning designation of the local agency  
18 allows for housing with the density described in paragraph (1), the  
19 zoning standards applicable to a parcel that allows residential use  
20 pursuant to this section shall be the zoning standards that apply to  
21 the closest parcel that allows residential use at a density that meets  
22 the requirements of paragraph (1).

23     (C) If the existing zoning designation for the parcel, as adopted  
24 by the local government, allows residential use at a density greater  
25 than that required in paragraph (1), the existing zoning designation  
26 shall apply.

27     (3) The housing development shall comply with any public  
28 notice, comment, hearing, or other procedures imposed by the  
29 local agency on a housing development in the applicable zoning  
30 designation identified in paragraph (2).

31     (4) The housing development shall be subject to a recorded deed  
32 restriction requiring that at least ~~—~~ 15 percent of the units have  
33 an affordable housing cost or affordable rent for lower income  
34 households.

35     (5) All other local requirements for a ~~neighborhood lot, parcel,~~  
36 other than those that prohibit residential use, or allow residential  
37 use at a lower density than provided in paragraph (1).

38     ~~(6) A developer has certified to the local agency that it has~~  
39 ~~satisfied the requirements of Section 65852.24.~~

40     (6) *The developer has done both of the following:*

1 (A) *Certified to the local agency that either of the following is*  
2 *true:*

3 (i) *The entirety of the development is a public work for purposes*  
4 *of Chapter 1 (commencing with Section 1720) of Part 7 of Division*  
5 *2 of the Labor Code.*

6 (ii) *The development is not in its entirety a public work for which*  
7 *prevailing wages must be paid under Article 2 (commencing with*  
8 *Section 1720) of Chapter 1 of Part 2 of Division 2 of the Labor*  
9 *Code, but all construction workers employed on construction of*  
10 *the development will be paid at least the general prevailing rate*  
11 *of per diem wages for the type of work and geographic area, as*  
12 *determined by the Director of Industrial Relations pursuant to*  
13 *Sections 1773 and 1773.9 of the Labor Code, except that*  
14 *apprentices registered in programs approved by the Chief of the*  
15 *Division of Apprenticeship Standards may be paid at least the*  
16 *applicable apprentice prevailing rate. If the development is subject*  
17 *to this subparagraph, then for those portions of the development*  
18 *that are not a public work all of the following shall apply:*

19 (I) *The developer shall ensure that the prevailing wage*  
20 *requirement is included in all contracts for the performance of all*  
21 *construction work.*

22 (II) *All contractors and subcontractors shall pay to all*  
23 *construction workers employed in the execution of the work at*  
24 *least the general prevailing rate of per diem wages, except that*  
25 *apprentices registered in programs approved by the Chief of the*  
26 *Division of Apprenticeship Standards may be paid at least the*  
27 *applicable apprentice prevailing rate.*

28 (III) *Except as provided in subclause (V), all contractors and*  
29 *subcontractors shall maintain and verify payroll records pursuant*  
30 *to Section 1776 of the Labor Code and make those records*  
31 *available for inspection and copying as provided therein.*

32 (IV) *Except as provided in subclause (V), the obligation of the*  
33 *contractors and subcontractors to pay prevailing wages may be*  
34 *enforced by the Labor Commissioner through the issuance of a*  
35 *civil wage and penalty assessment pursuant to Section 1741 of the*  
36 *Labor Code, which may be reviewed pursuant to Section 1742 of*  
37 *the Labor Code, within 18 months after the completion of the*  
38 *development, or by an underpaid worker through an administrative*  
39 *complaint or civil action, or by a joint labor-management*  
40 *committee through a civil action under Section 1771.2 of the Labor*

1 *Code. If a civil wage and penalty assessment is issued, the*  
2 *contractor, subcontractor, and surety on a bond or bonds issued*  
3 *to secure the payment of wages covered by the assessment shall*  
4 *be liable for liquidated damages pursuant to Section 1742.1 of the*  
5 *Labor Code.*

6 *(V) Subclauses (III) and (IV) shall not apply if all contractors*  
7 *and subcontractors performing work on the development are*  
8 *subject to a project labor agreement that requires the payment of*  
9 *prevailing wages to all construction workers employed in the*  
10 *execution of the development and provides for enforcement of that*  
11 *obligation through an arbitration procedure. For purposes of this*  
12 *clause, “project labor agreement” has the same meaning as set*  
13 *forth in paragraph (1) of subdivision (b) of Section 2500 of the*  
14 *Public Contract Code.*

15 *(VI) Notwithstanding subdivision (c) of Section 1773.1 of the*  
16 *Labor Code, the requirement that employer payments not reduce*  
17 *the obligation to pay the hourly straight time or overtime wages*  
18 *found to be prevailing shall not apply if otherwise provided in a*  
19 *bona fide collective bargaining agreement covering the worker.*  
20 *The requirement to pay at least the general prevailing rate of per*  
21 *diem wages does not preclude use of an alternative workweek*  
22 *schedule adopted pursuant to Section 511 or 514 of the Labor*  
23 *Code.*

24 *(B) Certified to the local agency that a skilled and trained*  
25 *workforce will be used to perform all construction work on the*  
26 *development.*

27 *(i) For purposes of this section, “skilled and trained workforce”*  
28 *has the same meaning as provided in Chapter 2.9 (commencing*  
29 *with Section 2600) of Part 1 of Division 2 of the Public Contract*  
30 *Code.*

31 *(ii) If the developer has certified that a skilled and trained*  
32 *workforce will be used to construct all work on development and*  
33 *the application is approved, the following shall apply:*

34 *(I) The developer shall require in all contracts for the*  
35 *performance of work that every contractor and subcontractor at*  
36 *every tier will individually use a skilled and trained workforce to*  
37 *construct the development.*

38 *(II) Every contractor and subcontractor shall use a skilled and*  
39 *trained workforce to construct the development.*



1     (III) Except as provided in subclause (IV), the developer shall  
2     provide to the local agency, on a monthly basis while the  
3     development or contract is being performed, a report  
4     demonstrating compliance with Chapter 2.9 (commencing with  
5     Section 2600) of Part 1 of Division 2 of the Public Contract Code.  
6     A monthly report provided to the local government pursuant to  
7     this subclause shall be a public record under the California Public  
8     Records Act (Chapter 3.5 (commencing with Section 6250) of  
9     Division 7 of Title 1) and shall be open to public inspection. A  
10    developer that fails to provide a monthly report demonstrating  
11    compliance with Chapter 2.9 (commencing with Section 2600) of  
12    Part 1 of Division 2 of the Public Contract Code shall be subject  
13    to a civil penalty of ten thousand dollars (\$10,000) per month for  
14    each month for which the report has not been provided. Any  
15    contractor or subcontractor that fails to use a skilled and trained  
16    workforce shall be subject to a civil penalty of two hundred dollars  
17    (\$200) per day for each worker employed in contravention of the  
18    skilled and trained workforce requirement. Penalties may be  
19    assessed by the Labor Commissioner within 18 months of  
20    completion of the development using the same procedures for  
21    issuance of civil wage and penalty assessments pursuant to Section  
22    1741 of the Labor Code, and may be reviewed pursuant to the  
23    same procedures in Section 1742 of the Labor Code. Penalties  
24    shall be paid to the State Public Works Enforcement Fund.

25    (IV) Subclause (III) shall not apply if all contractors and  
26    subcontractors performing work on the development are subject  
27    to a project labor agreement that requires compliance with the  
28    skilled and trained workforce requirement and provides for  
29    enforcement of that obligation through an arbitration procedure.  
30    For purposes of this subparagraph, “project labor agreement”  
31    has the same meaning as set forth in paragraph (1) of subdivision  
32    (b) of Section 2500 of the Public Contract Code.

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

35    (d) (1) A local agency may exempt a ~~neighborhood lot parcel~~  
36    from this section ~~in its land use element of the general plan if the~~  
37    ~~local agency concurrently reallocates the lost residential density~~  
38    ~~to other lots so that there is no net loss in residential density in the~~  
39    ~~jurisdiction; if the local agency makes written findings supported~~  
40    ~~by substantial evidence of either of the following:~~

1 (A) *The local agency concurrently reallocated the lost*  
2 *residential density to other lots so that there is no net loss in*  
3 *residential density in the jurisdiction.*

4 (B) *The lost residential density from each exempted parcel can*  
5 *be accommodated on a site or sites allowing residential densities*  
6 *at or above those specified in paragraph (2) of subdivision (b) and*  
7 *in excess of the acreage required to accommodate the local*  
8 *agency's share of housing for lower income households.*

9 (2) A local agency may reallocate the residential density from  
10 an exempt-neighborhood-lot parcel pursuant to this subdivision  
11 only if the site or sites chosen by the local agency to which the  
12 residential density is reallocated meet both of the following  
13 requirements:

14 (A) The site or sites are suitable for residential development.  
15 For purposes of this subparagraph, "site or sites suitable for  
16 residential development" shall have the same meaning as "land  
17 suitable for residential development," as defined in Section  
18 65583.2.

19 (B) The site or sites are subject to an ordinance that allows for  
20 development by right.

21 (e) (1) This section does not alter or lessen the applicability of  
22 any housing, environmental, or labor law applicable to a housing  
23 development authorized by this section, including, but not limited  
24 to, the following:

25 (A) The California Coastal Act of 1976 (Division 20  
26 (commencing with Section 30000) of the Public Resources Code).

27 (B) The California Environmental Quality Act (Division 13  
28 (commencing with Section 21000) of the Public Resources Code).

29 (C) The Housing Accountability Act (Section 65589.5).

30 (D) The Density Bonus Law (Section 65915).

31 (E) Obligations to affirmatively further fair housing, pursuant  
32 to Section 8899.50.

33 (F) State or local affordable housing laws.

34 (G) State or local tenant protection laws.

35 (2) All local demolition ordinances shall apply to a project  
36 developed on a neighborhood-lot pursuant to this section.

37 (3) For purposes of the Housing Accountability Act (Section  
38 65589.5), a proposed housing development project that is consistent  
39 with the provisions of subdivision (b) shall be deemed consistent,

1 compliant, and in conformity with an applicable plan, program,  
2 policy, ordinance, standard, requirement, or other similar provision.

3 (4) Notwithstanding any other provision of this section, for  
4 purposes of the Density Bonus Law (Section 65915), an applicant  
5 for a housing development under this section may apply for a  
6 density bonus pursuant to Section 65915.

7 (f) An applicant for a housing development under this section  
8 shall provide written notice of the pending application to each  
9 commercial tenant on the ~~neighborhood lot~~ *parcel* when the  
10 application is submitted.

11 (g) Notwithstanding Section 65913.4, a project ~~on a~~  
12 ~~neighborhood lot~~ *subject to this section* shall not be eligible for  
13 streamlining pursuant to Section 65913.4 if it meets either of the  
14 following conditions:

15 (1) The site has previously been developed pursuant to Section  
16 65913.4 with a project of 10 units or fewer.

17 (2) The developer of the project or any person acting in concert  
18 with the developer has previously proposed a project pursuant to  
19 Section 65913.4 of 10 units or fewer on the same or an adjacent  
20 site.

21 (h) *Each local agency shall include the number of sites*  
22 *developed and the number of units constructed pursuant to this*  
23 *section in its annual progress report required pursuant to*  
24 *paragraph (2) of subdivision (a) of Section 65400.*

25 ~~(h)~~

26 (i) For purposes of this section:

27 (1) “Housing development project” means a project consisting  
28 of any of the following:

29 (A) Residential units only.

30 (B) Mixed-use developments consisting of residential and  
31 nonresidential retail commercial or office uses, and at least 50  
32 percent of the square footage of the new construction associated  
33 with the project is designated for residential use. None of the square  
34 footage of any such development shall be designated for hotel,  
35 motel, bed and breakfast inn, or other transient lodging use, except  
36 for a residential hotel.

37 (2) “Local agency” means a city, including a charter city, county,  
38 or a city and county.

39 ~~(3) “Neighborhood lot” means a parcel within an office or retail~~  
40 ~~commercial zone that is not adjacent to an industrial use.~~

1     ~~(4)~~

2     (3) “Office or retail commercial zone” means any commercial  
3 zone, except for zones where office uses and retail uses are not  
4 permitted, or are permitted only as an accessory use.

5     ~~(5)~~

6     (4) “Residential hotel” has the same meaning as defined in  
7 Section 50519 of the Health and Safety Code.

8     (i) The Legislature finds and declares that ensuring access to  
9 affordable housing is a matter of statewide concern and is not a  
10 municipal affair as that term is used in Section 5 of Article XI of  
11 the California Constitution. Therefore, this section applies to all  
12 cities, including charter cities.

13     (j) This section shall remain in effect only until January 1, 2029,  
14 and as of that date is repealed.

15     ~~SEC. 2. Section 65852.24 is added to the Government Code,~~  
16 ~~to read:~~

17     ~~65852.24. A developer with a project subject to Section~~  
18 ~~65852.23 shall do all of the following:~~

19     ~~(a) At least seven days prior to issuing a bid solicitation for the~~  
20 ~~project, send a notice of the solicitation that describes the project~~  
21 ~~to the following entities within the jurisdiction of the proposed~~  
22 ~~project site:~~

23     ~~(1) Any bona fide labor organization representing workers in~~  
24 ~~the building and construction trades who may perform work~~  
25 ~~necessary to complete the project.~~

26     ~~(2) Any organization representing contractors that may perform~~  
27 ~~work necessary to complete the project.~~

28     ~~(b) Certify to the local agency that all contractors and~~  
29 ~~subcontractors performing work on the project will be required to~~  
30 ~~pay prevailing wages for any proposed construction, alteration, or~~  
31 ~~repair in accordance with Chapter 1 (commencing with Section~~  
32 ~~1720) of Part 7 of Division 2 of the Labor Code.~~

33     ~~(1) The developer shall ensure that the prevailing wage~~  
34 ~~requirement is included in all contracts for the performance of all~~  
35 ~~construction work.~~

36     ~~(2) All contractors and subcontractors shall pay to all~~  
37 ~~construction workers employed in the execution of the work at~~  
38 ~~least the general prevailing rate of per diem wages, except that~~  
39 ~~apprentices registered in programs approved by the Chief of the~~

1 ~~Division of Apprenticeship Standards may be paid at least the~~  
2 ~~applicable apprentice prevailing rate.~~

3 ~~(3) Except as provided in paragraph (5), all contractors and~~  
4 ~~subcontractors shall maintain and verify payroll records pursuant~~  
5 ~~to Section 1776 of the Labor Code, and make those records~~  
6 ~~available for inspection and copying as provided therein.~~

7 ~~(4) Except as provided in paragraph (5), the obligation of the~~  
8 ~~contractors and subcontractors to pay prevailing wages may be~~  
9 ~~enforced by the Labor Commissioner through the issuance of a~~  
10 ~~civil wage and penalty assessment pursuant to Section 1741 of the~~  
11 ~~Labor Code, which may be reviewed pursuant to Section 1742 of~~  
12 ~~the Labor Code, within 18 months after the completion of the~~  
13 ~~development, or by an underpaid worker through an administrative~~  
14 ~~complaint or civil action, or by a joint labor-management~~  
15 ~~committee through a civil action under Section 1771.2 of the Labor~~  
16 ~~Code. If a civil wage and penalty assessment is issued, the~~  
17 ~~contractor, subcontractor, and surety on a bond or bonds issued to~~  
18 ~~secure the payment of wages covered by the assessment shall be~~  
19 ~~liable for liquidated damages pursuant to Section 1742.1 of the~~  
20 ~~Labor Code.~~

21 ~~(5) Paragraphs (3) and (4) shall not apply if all contractors and~~  
22 ~~subcontractors performing work on the development are subject~~  
23 ~~to a project labor agreement that requires the payment of prevailing~~  
24 ~~wages to all construction workers employed in the execution of~~  
25 ~~the development and provides for enforcement of that obligation~~  
26 ~~through an arbitration procedure. For purposes of this clause,~~  
27 ~~“project labor agreement” has the same meaning as set forth in~~  
28 ~~paragraph (1) of subdivision (b) of Section 2500 of the Public~~  
29 ~~Contract Code.~~

30 ~~(e) (1) For projects with onsite construction, alteration, or repair~~  
31 ~~costs totaling twenty-five million dollars (\$25,000,000) or more~~  
32 ~~the developer shall seek bids containing an enforceable~~  
33 ~~commitment that all contractors and subcontractors performing~~  
34 ~~work on the project will use a skilled and trained workforce to~~  
35 ~~perform any rehabilitation, construction, or alterations work on~~  
36 ~~the project that falls within an apprenticeable occupation in the~~  
37 ~~building and construction trades.~~

38 ~~(A) If the developer receives at least two bids from contractors~~  
39 ~~with an enforceable commitment to employ a skilled and trained~~  
40 ~~workforce, the contract shall be awarded to the lowest qualified~~

1 bidder and the developer shall certify to the local agency that a  
2 skilled and trained workforce will be used to perform all  
3 construction work on the development.

4 (B) If the developer receives fewer than two qualified bids from  
5 contractors with an enforceable commitment to employ a skilled  
6 and trained workforce, the contract may be awarded to the lowest  
7 responsive bidder without the skilled and trained workforce  
8 requirement. In such cases, the project must instead comply with  
9 subdivision (d).

10 (2) The developer shall establish minimum qualifications that  
11 are, to the maximum extent possible, quantifiable and objective.  
12 Only criterion, and minimum thresholds for any criterion, that are  
13 reasonably necessary to ensure that any bidder awarded a project  
14 can successfully complete the proposed scope shall be utilized by  
15 the project proponent.

16 (3) If the developer has certified, pursuant to paragraph (1), that  
17 a skilled and trained workforce will be used to construct all work  
18 on development and the application is approved, all of the  
19 following shall apply:

20 (A) The developer shall require in all contracts for the  
21 performance of work that every contractor and subcontractor at  
22 every tier will individually use a skilled and trained workforce to  
23 construct the development.

24 (B) Every contractor and subcontractor shall use a skilled and  
25 trained workforce to construct the development.

26 (C) Except as provided in subparagraph (D), the developer shall  
27 provide to the local agency, on a monthly basis while the  
28 development or contract is being performed, a report demonstrating  
29 compliance with Chapter 2.9 (commencing with Section 2600) of  
30 Part 1 of Division 2 of the Public Contract Code. A monthly report  
31 provided to the local government pursuant to this subparagraph  
32 shall be a public record under the California Public Records Act  
33 (Chapter 3.5 (commencing with Section 6250) of Division 7 of  
34 Title 1) and shall be open to public inspection. A developer that  
35 fails to provide a monthly report demonstrating compliance with  
36 Chapter 2.9 (commencing with Section 2600) of Part 1 of Division  
37 2 of the Public Contract Code shall be subject to a civil penalty of  
38 ten thousand dollars (\$10,000) per month for each month for which  
39 the report has not been provided. Any contractor or subcontractor  
40 that fails to use a skilled and trained workforce shall be subject to

1 a civil penalty of two hundred dollars (\$200) per day for each  
2 worker employed in contravention of the skilled and trained  
3 workforce requirement. Penalties may be assessed by the Labor  
4 Commissioner within 18 months of completion of the development  
5 using the same procedures for issuance of civil wage and penalty  
6 assessments pursuant to Section 1741 of the Labor Code, and may  
7 be reviewed pursuant to the same procedures in Section 1742 of  
8 the Labor Code. Penalties shall be paid to the State Public Works  
9 Enforcement Fund.

10 (D) Subparagraph (C) shall not apply if all contractors and  
11 subcontractors performing work on the development are subject  
12 to a project labor agreement that requires compliance with the  
13 skilled and trained workforce requirement and provides for  
14 enforcement of that obligation through an arbitration procedure.  
15 For purposes of this subparagraph, “project labor agreement” has  
16 the same meaning as set forth in paragraph (1) of subdivision (b)  
17 of Section 2500 of the Public Contract Code.

18 (4) For purposes of this subdivision, “skilled and trained  
19 workforce” has the same meaning as provided in Chapter 2.9  
20 (commencing with Section 2600) of Part 1 of Division 2 of the  
21 Public Contract Code.

22 (d) For projects with construction, alteration, or repair costs  
23 totaling less than twenty-five million dollars (\$25,000,000) or as  
24 specified in subdivision (c), the developer shall notify the local  
25 agency and the Department of Industrial Relations within five  
26 calendar days of the contract award.

27 (e) This section shall remain in effect only until January 1, 2029;  
28 and as of that date is repealed.

29 SEC. 3. Section 65913.4 of the Government Code is amended  
30 to read:

31 65913.4. (a) A development proponent may submit an  
32 application for a development that is subject to the streamlined,  
33 ministerial approval process provided by subdivision (c) and is  
34 not subject to a conditional use permit if the development complies  
35 with subdivision (b) and satisfies all of the following objective  
36 planning standards:

37 (1) The development is a multifamily housing development that  
38 contains two or more residential units.

39 (2) The development and the site on which it is located satisfy  
40 all of the following:

1     (A) It is a legal parcel or parcels located in a city if, and only  
2 if, the city boundaries include some portion of either an urbanized  
3 area or urban cluster, as designated by the United States Census  
4 Bureau, or, for unincorporated areas, a legal parcel or parcels  
5 wholly within the boundaries of an urbanized area or urban cluster,  
6 as designated by the United States Census Bureau.

7     (B) At least 75 percent of the perimeter of the site adjoins parcels  
8 that are developed with urban uses. For the purposes of this section,  
9 parcels that are only separated by a street or highway shall be  
10 considered to be adjoined.

11     (C) (i) A site that meets the requirements of clause (ii) and  
12 satisfies any of the following:

13     (I) The site is zoned for residential use or residential mixed-use  
14 development.

15     (II) The site has a general plan designation that allows residential  
16 use or a mix of residential and nonresidential uses.

17     (III) The site is zoned for office or retail commercial use and  
18 has had no commercial tenants on 50 percent or more of its total  
19 usable net interior square footage for a period of at least three years  
20 prior to the submission of the application.

21     (ii) At least two-thirds of the square footage of the development  
22 is designated for residential use. Additional density, floor area,  
23 and units, and any other concession, incentive, or waiver of  
24 development standards granted pursuant to the Density Bonus Law  
25 in Section 65915 shall be included in the square footage  
26 calculation. The square footage of the development shall not  
27 include underground space, such as basements or underground  
28 parking garages.

29     (3) (A) The development proponent has committed to record,  
30 prior to the issuance of the first building permit, a land use  
31 restriction or covenant providing that any lower or moderate  
32 income housing units required pursuant to subparagraph (B) of  
33 paragraph (4) shall remain available at affordable housing costs  
34 or rent to persons and families of lower or moderate income for  
35 no less than the following periods of time:

36     (i) Fifty-five years for units that are rented.

37     (ii) Forty-five years for units that are owned.

38     (B) The city or county shall require the recording of covenants  
39 or restrictions implementing this paragraph for each parcel or unit  
40 of real property included in the development.



1     ~~(4) The development satisfies subparagraphs (A) and (B) below:~~

2     ~~(A) Is located in a locality that the department has determined~~  
3 ~~is subject to this subparagraph on the basis that the number of units~~  
4 ~~that have been issued building permits, as shown on the most recent~~  
5 ~~production report received by the department, is less than the~~  
6 ~~locality's share of the regional housing needs, by income category,~~  
7 ~~for that reporting period. A locality shall remain eligible under~~  
8 ~~this subparagraph until the department's determination for the next~~  
9 ~~reporting period.~~

10    ~~(B) The development is subject to a requirement mandating a~~  
11 ~~minimum percentage of below market rate housing based on one~~  
12 ~~of the following:~~

13    ~~(i) The locality did not submit its latest production report to the~~  
14 ~~department by the time period required by Section 65400, or that~~  
15 ~~production report reflects that there were fewer units of above~~  
16 ~~moderate-income housing issued building permits than were~~  
17 ~~required for the regional housing needs assessment cycle for that~~  
18 ~~reporting period. In addition, if the project contains more than 10~~  
19 ~~units of housing, the project does either of the following:~~

20    ~~(I) The project dedicates a minimum of 10 percent of the total~~  
21 ~~number of units to housing affordable to households making at or~~  
22 ~~below 80 percent of the area median income. However, if the~~  
23 ~~locality has adopted a local ordinance that requires that greater~~  
24 ~~than 10 percent of the units be dedicated to housing affordable to~~  
25 ~~households making below 80 percent of the area median income,~~  
26 ~~that local ordinance applies.~~

27    ~~(II) (ia) If the project is located within the San Francisco Bay~~  
28 ~~area, the project, in lieu of complying with subclause (I), dedicates~~  
29 ~~20 percent of the total number of units to housing affordable to~~  
30 ~~households making below 120 percent of the area median income~~  
31 ~~with the average income of the units at or below 100 percent of~~  
32 ~~the area median income. However, a local ordinance adopted by~~  
33 ~~the locality applies if it requires greater than 20 percent of the units~~  
34 ~~be dedicated to housing affordable to households making at or~~  
35 ~~below 120 percent of the area median income, or requires that any~~  
36 ~~of the units be dedicated at a level deeper than 120 percent. In~~  
37 ~~order to comply with this subclause, the rent or sale price charged~~  
38 ~~for units that are dedicated to housing affordable to households~~  
39 ~~between 80 percent and 120 percent of the area median income~~  
40 ~~shall not exceed 30 percent of the gross income of the household.~~

1     ~~(ib) For purposes of this subelause, “San Francisco Bay area”~~  
2     ~~means the entire area within the territorial boundaries of the~~  
3     ~~Counties of Alameda, Contra Costa, Marin, Napa, San Mateo,~~  
4     ~~Santa Clara, Solano, and Sonoma, and the City and County of San~~  
5     ~~Francisco.~~

6     ~~(ii) The locality’s latest production report reflects that there~~  
7     ~~were fewer units of housing issued building permits affordable to~~  
8     ~~either very low income or low-income households by income~~  
9     ~~category than were required for the regional housing needs~~  
10    ~~assessment cycle for that reporting period, and the project seeking~~  
11    ~~approval dedicates 50 percent of the total number of units to~~  
12    ~~housing affordable to households making at or below 80 percent~~  
13    ~~of the area median income. However, if the locality has adopted~~  
14    ~~a local ordinance that requires that greater than 50 percent of the~~  
15    ~~units be dedicated to housing affordable to households making at~~  
16    ~~or below 80 percent of the area median income, that local ordinance~~  
17    ~~applies.~~

18    ~~(iii) The locality did not submit its latest production report to~~  
19    ~~the department by the time period required by Section 65400, or~~  
20    ~~if the production report reflects that there were fewer units of~~  
21    ~~housing affordable to both income levels described in clauses (i)~~  
22    ~~and (ii) that were issued building permits than were required for~~  
23    ~~the regional housing needs assessment cycle for that reporting~~  
24    ~~period, the project seeking approval may choose between utilizing~~  
25    ~~clause (i) or (ii).~~

26    ~~(C) (i) A development proponent that uses a unit of affordable~~  
27    ~~housing to satisfy the requirements of subparagraph (B) may also~~  
28    ~~satisfy any other local or state requirement for affordable housing,~~  
29    ~~including local ordinances or the Density Bonus Law in Section~~  
30    ~~65915, provided that the development proponent complies with~~  
31    ~~the applicable requirements in the state or local law.~~

32    ~~(ii) A development proponent that uses a unit of affordable~~  
33    ~~housing to satisfy any other state or local affordability requirement~~  
34    ~~may also satisfy the requirements of subparagraph (B), provided~~  
35    ~~that the development proponent complies with applicable~~  
36    ~~requirements of subparagraph (B).~~

37    ~~(iii) A development proponent may satisfy the affordability~~  
38    ~~requirements of subparagraph (B) with a unit that is restricted to~~  
39    ~~households with incomes lower than the applicable income limits~~  
40    ~~required in subparagraph (B).~~

1     ~~(5) The development, excluding any additional density or any~~  
2 ~~other concessions, incentives, or waivers of development standards~~  
3 ~~granted pursuant to the Density Bonus Law in Section 65915, is~~  
4 ~~consistent with objective zoning standards, objective subdivision~~  
5 ~~standards, and objective design review standards in effect at the~~  
6 ~~time that the development is submitted to the local government~~  
7 ~~pursuant to this section, or at the time a notice of intent is submitted~~  
8 ~~pursuant to subdivision (b), whichever occurs earlier. For purposes~~  
9 ~~of this paragraph, “objective zoning standards,” “objective~~  
10 ~~subdivision standards,” and “objective design review standards”~~  
11 ~~mean standards that involve no personal or subjective judgment~~  
12 ~~by a public official and are uniformly verifiable by reference to~~  
13 ~~an external and uniform benchmark or criterion available and~~  
14 ~~knowable by both the development applicant or proponent and the~~  
15 ~~public official before submittal. These standards may be embodied~~  
16 ~~in alternative objective land use specifications adopted by a city~~  
17 ~~or county, and may include, but are not limited to, housing overlay~~  
18 ~~zones, specific plans, inclusionary zoning ordinances, and density~~  
19 ~~bonus ordinances, subject to the following:~~

20     ~~(A) A development shall be deemed consistent with the objective~~  
21 ~~zoning standards related to housing density, as applicable, if the~~  
22 ~~density proposed is compliant with the maximum density allowed~~  
23 ~~within that land use designation, notwithstanding any specified~~  
24 ~~maximum unit allocation that may result in fewer units of housing~~  
25 ~~being permitted.~~

26     ~~(B) In the event that objective zoning, general plan, subdivision,~~  
27 ~~or design review standards are mutually inconsistent, a~~  
28 ~~development shall be deemed consistent with the objective zoning~~  
29 ~~and subdivision standards pursuant to this subdivision if the~~  
30 ~~development is consistent with the standards set forth in the general~~  
31 ~~plan.~~

32     ~~(C) It is the intent of the Legislature that the objective zoning~~  
33 ~~standards, objective subdivision standards, and objective design~~  
34 ~~review standards described in this paragraph be adopted or~~  
35 ~~amended in compliance with the requirements of Chapter 905 of~~  
36 ~~the Statutes of 2004.~~

37     ~~(D) The amendments to this subdivision made by the act adding~~  
38 ~~this subparagraph do not constitute a change in, but are declaratory~~  
39 ~~of, existing law.~~

~~(E) A project located on a neighborhood lot, as defined in Section 65852.23, shall be deemed consistent with objective zoning standards, objective design standards, and objective subdivision standards if the project is consistent with the provisions of subdivision (b) of Section 65852.23 and if none of the square footage in the project is designated for hotel, motel, bed and breakfast inn, or other transient lodging use, except for a residential hotel. For purposes of this subdivision, “residential hotel” shall have the same meaning as defined in Section 50519 of the Health and Safety Code.~~

~~(6) The development is not located on a site that is any of the following:~~

~~(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.~~

~~(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.~~

~~(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).~~

~~(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.~~

~~(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, 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.~~

~~(F) Within 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 (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.~~

~~(G) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:~~

~~(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.~~

~~(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.~~

~~(H) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, 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 a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the~~

1 site satisfies this subparagraph and is otherwise eligible for  
2 streamlined approval under this section, a local government shall  
3 not deny the application on the basis that the development  
4 proponent did not comply with any additional permit requirement,  
5 standard, or action adopted by that local government that is  
6 applicable to that site.

7 (I) Lands identified for conservation in an adopted natural  
8 community conservation plan pursuant to the Natural Community  
9 Conservation Planning Act (Chapter 10 (commencing with Section  
10 2800) of Division 3 of the Fish and Game Code), habitat  
11 conservation plan pursuant to the federal Endangered Species Act  
12 of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural  
13 resource protection plan.

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

22 (K) Lands under conservation easement.

23 (7) The development is not located on a site where any of the  
24 following apply:

25 (A) The development would require the demolition of the  
26 following types of housing:

27 (i) Housing that is subject to a recorded covenant, ordinance,  
28 or law that restricts rents to levels affordable to persons and  
29 families of moderate, low, or very low income.

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

32 (iii) Housing that has been occupied by tenants within the past  
33 10 years.

34 (B) The site was previously used for housing that was occupied  
35 by tenants that was demolished within 10 years before the  
36 development proponent submits an application under this section.

37 (C) The development would require the demolition of a historic  
38 structure that was placed on a national, state, or local historic  
39 register.

1     ~~(D) The property contains housing units that are occupied by~~  
2     ~~tenants, and units at the property are, or were, subsequently offered~~  
3     ~~for sale to the general public by the subdivider or subsequent owner~~  
4     ~~of the property.~~

5     ~~(8) The development proponent has done both of the following,~~  
6     ~~as applicable:~~

7     ~~(A) Certified to the locality that either of the following is true,~~  
8     ~~as applicable:~~

9     ~~(i) The entirety of the development is a public work for purposes~~  
10    ~~of Chapter 1 (commencing with Section 1720) of Part 7 of Division~~  
11    ~~2 of the Labor Code.~~

12    ~~(ii) If the development is not in its entirety a public work, that~~  
13    ~~all construction workers employed in the execution of the~~  
14    ~~development will be paid at least the general prevailing rate of per~~  
15    ~~diem wages for the type of work and geographic area, as~~  
16    ~~determined by the Director of Industrial Relations pursuant to~~  
17    ~~Sections 1773 and 1773.9 of the Labor Code, except that~~  
18    ~~apprentices registered in programs approved by the Chief of the~~  
19    ~~Division of Apprenticeship Standards may be paid at least the~~  
20    ~~applicable apprentice prevailing rate. If the development is subject~~  
21    ~~to this subparagraph, then for those portions of the development~~  
22    ~~that are not a public work all of the following shall apply:~~

23    ~~(I) The development proponent shall ensure that the prevailing~~  
24    ~~wage requirement is included in all contracts for the performance~~  
25    ~~of the work.~~

26    ~~(II) All contractors and subcontractors shall pay to all~~  
27    ~~construction workers employed in the execution of the work at~~  
28    ~~least the general prevailing rate of per diem wages, except that~~  
29    ~~apprentices registered in programs approved by the Chief of the~~  
30    ~~Division of Apprenticeship Standards may be paid at least the~~  
31    ~~applicable apprentice prevailing rate.~~

32    ~~(III) Except as provided in subclause (V), all contractors and~~  
33    ~~subcontractors shall maintain and verify payroll records pursuant~~  
34    ~~to Section 1776 of the Labor Code and make those records~~  
35    ~~available for inspection and copying as provided therein.~~

36    ~~(IV) Except as provided in subclause (V), the obligation of the~~  
37    ~~contractors and subcontractors to pay prevailing wages may be~~  
38    ~~enforced by the Labor Commissioner through the issuance of a~~  
39    ~~civil wage and penalty assessment pursuant to Section 1741 of the~~  
40    ~~Labor Code, which may be reviewed pursuant to Section 1742 of~~

1 the Labor Code, within 18 months after the completion of the  
2 development, by an underpaid worker through an administrative  
3 complaint or civil action, or by a joint labor-management  
4 committee through a civil action under Section 1771.2 of the Labor  
5 Code. If a civil wage and penalty assessment is issued, the  
6 contractor, subcontractor, and surety on a bond or bonds issued to  
7 secure the payment of wages covered by the assessment shall be  
8 liable for liquidated damages pursuant to Section 1742.1 of the  
9 Labor Code.

10 (V) Subclauses (III) and (IV) shall not apply if all contractors  
11 and subcontractors performing work on the development are subject  
12 to a project labor agreement that requires the payment of prevailing  
13 wages to all construction workers employed in the execution of  
14 the development and provides for enforcement of that obligation  
15 through an arbitration procedure. For purposes of this clause,  
16 “project labor agreement” has the same meaning as set forth in  
17 paragraph (1) of subdivision (b) of Section 2500 of the Public  
18 Contract Code.

19 (VI) Notwithstanding subdivision (e) of Section 1773.1 of the  
20 Labor Code, the requirement that employer payments not reduce  
21 the obligation to pay the hourly straight time or overtime wages  
22 found to be prevailing shall not apply if otherwise provided in a  
23 bona fide collective bargaining agreement covering the worker.  
24 The requirement to pay at least the general prevailing rate of per  
25 diem wages does not preclude use of an alternative workweek  
26 schedule adopted pursuant to Section 511 or 514 of the Labor  
27 Code.

28 (B) (i) For developments for which any of the following  
29 conditions apply, certified that a skilled and trained workforce  
30 shall be used to complete the development if the application is  
31 approved:

32 (I) On and after January 1, 2018, until December 31, 2021, the  
33 development consists of 75 or more units with a residential  
34 component that is not 100 percent subsidized affordable housing  
35 and will be located within a jurisdiction located in a coastal or bay  
36 county with a population of 225,000 or more.

37 (II) On and after January 1, 2022, until December 31, 2025, the  
38 development consists of 50 or more units with a residential  
39 component that is not 100 percent subsidized affordable housing



1 and will be located within a jurisdiction located in a coastal or bay  
2 county with a population of 225,000 or more.

3 ~~(III) On and after January 1, 2018, until December 31, 2019,~~  
4 ~~the development consists of 75 or more units with a residential~~  
5 ~~component that is not 100 percent subsidized affordable housing~~  
6 ~~and will be located within a jurisdiction with a population of fewer~~  
7 ~~than 550,000 and that is not located in a coastal or bay county.~~

8 ~~(IV) On and after January 1, 2020, until December 31, 2021,~~  
9 ~~the development consists of more than 50 units with a residential~~  
10 ~~component that is not 100 percent subsidized affordable housing~~  
11 ~~and will be located within a jurisdiction with a population of fewer~~  
12 ~~than 550,000 and that is not located in a coastal or bay county.~~

13 ~~(V) On and after January 1, 2022, until December 31, 2025, the~~  
14 ~~development consists of more than 25 units with a residential~~  
15 ~~component that is not 100 percent subsidized affordable housing~~  
16 ~~and will be located within a jurisdiction with a population of fewer~~  
17 ~~than 550,000 and that is not located in a coastal or bay county.~~

18 ~~(ii) For purposes of this section, “skilled and trained workforce”~~  
19 ~~has the same meaning as provided in Chapter 2.9 (commencing~~  
20 ~~with Section 2600) of Part 1 of Division 2 of the Public Contract~~  
21 ~~Code.~~

22 ~~(iii) If the development proponent has certified that a skilled~~  
23 ~~and trained workforce will be used to complete the development~~  
24 ~~and the application is approved, the following shall apply:~~

25 ~~(I) The applicant shall require in all contracts for the~~  
26 ~~performance of work that every contractor and subcontractor at~~  
27 ~~every tier will individually use a skilled and trained workforce to~~  
28 ~~complete the development.~~

29 ~~(II) Every contractor and subcontractor shall use a skilled and~~  
30 ~~trained workforce to complete the development.~~

31 ~~(III) Except as provided in subelause (IV), the applicant shall~~  
32 ~~provide to the locality, on a monthly basis while the development~~  
33 ~~or contract is being performed, a report demonstrating compliance~~  
34 ~~with Chapter 2.9 (commencing with Section 2600) of Part 1 of~~  
35 ~~Division 2 of the Public Contract Code. A monthly report provided~~  
36 ~~to the locality pursuant to this subelause shall be a public record~~  
37 ~~under the California Public Records Act (Chapter 3.5 (commencing~~  
38 ~~with Section 6250) of Division 7 of Title 1) and shall be open to~~  
39 ~~public inspection. An applicant that fails to provide a monthly~~  
40 ~~report demonstrating compliance with Chapter 2.9 (commencing~~

1 with Section 2600) of Part 1 of Division 2 of the Public Contract  
2 Code shall be subject to a civil penalty of ten thousand dollars  
3 (\$10,000) per month for each month for which the report has not  
4 been provided. Any contractor or subcontractor that fails to use a  
5 skilled and trained workforce shall be subject to a civil penalty of  
6 two hundred dollars (\$200) per day for each worker employed in  
7 contravention of the skilled and trained workforce requirement.  
8 Penalties may be assessed by the Labor Commissioner within 18  
9 months of completion of the development using the same  
10 procedures for issuance of civil wage and penalty assessments  
11 pursuant to Section 1741 of the Labor Code, and may be reviewed  
12 pursuant to the same procedures in Section 1742 of the Labor  
13 Code. Penalties shall be paid to the State Public Works  
14 Enforcement Fund.

15 (IV) Subclause (III) shall not apply if all contractors and  
16 subcontractors performing work on the development are subject  
17 to a project labor agreement that requires compliance with the  
18 skilled and trained workforce requirement and provides for  
19 enforcement of that obligation through an arbitration procedure.  
20 For purposes of this subparagraph, “project labor agreement” has  
21 the same meaning as set forth in paragraph (1) of subdivision (b)  
22 of Section 2500 of the Public Contract Code.

23 (C) Notwithstanding subparagraphs (A) and (B), a development  
24 that is subject to approval pursuant to this section is exempt from  
25 any requirement to pay prevailing wages or use a skilled and  
26 trained workforce if it meets both of the following:

27 (i) The project includes 10 or fewer units.  
28 (ii) The project is not a public work for purposes of Chapter 1  
29 (commencing with Section 1720) of Part 7 of Division 2 of the  
30 Labor Code.

31 (9) The development did not or does not involve a subdivision  
32 of a parcel that is, or, notwithstanding this section, would otherwise  
33 be, subject to the Subdivision Map Act (Division 2 (commencing  
34 with Section 66410)) or any other applicable law authorizing the  
35 subdivision of land, unless the development is consistent with all  
36 objective subdivision standards in the local subdivision ordinance,  
37 and either of the following apply:

38 (A) The development has received or will receive financing or  
39 funding by means of a low-income housing tax credit and is subject

1 to the requirement that prevailing wages be paid pursuant to  
2 subparagraph (A) of paragraph (8):

3 (B) The development is subject to the requirement that  
4 prevailing wages be paid, and a skilled and trained workforce used,  
5 pursuant to paragraph (8):

6 (10) The development shall not be upon an existing parcel of  
7 land or site that is governed under the Mobilehome Residency Law  
8 (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2  
9 of Division 2 of the Civil Code), the Recreational Vehicle Park  
10 Occupancy Law (Chapter 2.6 (commencing with Section 799.20)  
11 of Title 2 of Part 2 of Division 2 of the Civil Code), the  
12 Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)  
13 of Division 13 of the Health and Safety Code), or the Special  
14 Occupancy Parks Act (Part 2.3 (commencing with Section 18860)  
15 of Division 13 of the Health and Safety Code):

16 (b) (1) (A) (i) Before submitting an application for a  
17 development subject to the streamlined, ministerial approval  
18 process described in subdivision (c), the development proponent  
19 shall submit to the local government a notice of its intent to submit  
20 an application. The notice of intent shall be in the form of a  
21 preliminary application that includes all of the information  
22 described in Section 65941.1, as that section read on January 1,  
23 2020:

24 (ii) Upon receipt of a notice of intent to submit an application  
25 described in clause (i), the local government shall engage in a  
26 scoping consultation regarding the proposed development with  
27 any California Native American tribe that is traditionally and  
28 culturally affiliated with the geographic area, as described in  
29 Section 21080.3.1 of the Public Resources Code, of the proposed  
30 development. In order to expedite compliance with this subdivision,  
31 the local government shall contact the Native American Heritage  
32 Commission for assistance in identifying any California Native  
33 American tribe that is traditionally and culturally affiliated with  
34 the geographic area of the proposed development:

35 (iii) The timeline for noticing and commencing a scoping  
36 consultation in accordance with this subdivision shall be as follows:

37 (I) The local government shall provide a formal notice of a  
38 development proponent's notice of intent to submit an application  
39 described in clause (i) to each California Native American tribe  
40 that is traditionally and culturally affiliated with the geographic

1 area of the proposed development within 30 days of receiving that  
2 notice of intent. The formal notice provided pursuant to this  
3 subelause shall include all of the following:

- 4 (ia) A description of the proposed development.
- 5 (ib) The location of the proposed development.
- 6 (ic) An invitation to engage in a scoping consultation in  
7 accordance with this subdivision.

8 (H) Each California Native American tribe that receives a formal  
9 notice pursuant to this clause shall have 30 days from the receipt  
10 of that notice to accept the invitation to engage in a scoping  
11 consultation.

12 (H) If the local government receives a response accepting an  
13 invitation to engage in a scoping consultation pursuant to this  
14 subdivision, the local government shall commence the scoping  
15 consultation within 30 days of receiving that response.

16 (B) The scoping consultation shall recognize that California  
17 Native American tribes traditionally and culturally affiliated with  
18 a geographic area have knowledge and expertise concerning the  
19 resources at issue and shall take into account the cultural  
20 significance of the resource to the culturally affiliated California  
21 Native American tribe.

22 (C) The parties to a scoping consultation conducted pursuant  
23 to this subdivision shall be the local government and any California  
24 Native American tribe traditionally and culturally affiliated with  
25 the geographic area of the proposed development. More than one  
26 California Native American tribe traditionally and culturally  
27 affiliated with the geographic area of the proposed development  
28 may participate in the scoping consultation. However, the local  
29 government, upon the request of any California Native American  
30 tribe traditionally and culturally affiliated with the geographic area  
31 of the proposed development, shall engage in a separate scoping  
32 consultation with that California Native American tribe. The  
33 development proponent and its consultants may participate in a  
34 scoping consultation process conducted pursuant to this subdivision  
35 if all of the following conditions are met:

- 36 (i) The development proponent and its consultants agree to  
37 respect the principles set forth in this subdivision.
- 38 (ii) The development proponent and its consultants engage in  
39 the scoping consultation in good faith.

1     ~~(iii) The California Native American tribe participating in the~~  
2     ~~scoping consultation approves the participation of the development~~  
3     ~~proponent and its consultants. The California Native American~~  
4     ~~tribe may rescind its approval at any time during the scoping~~  
5     ~~consultation, either for the duration of the scoping consultation or~~  
6     ~~with respect to any particular meeting or discussion held as part~~  
7     ~~of the scoping consultation.~~

8     ~~(D) The participants to a scoping consultation pursuant to this~~  
9     ~~subdivision shall comply with all of the following confidentiality~~  
10    ~~requirements:~~

11    ~~(i) Subdivision (r) of Section 6254.~~

12    ~~(ii) Section 6254.10.~~

13    ~~(iii) Subdivision (c) of Section 21082.3 of the Public Resources~~  
14    ~~Code.~~

15    ~~(iv) Subdivision (d) of Section 15120 of Title 14 of the~~  
16    ~~California Code of Regulations.~~

17    ~~(v) Any additional confidentiality standards adopted by the~~  
18    ~~California Native American tribe participating in the scoping~~  
19    ~~consultation.~~

20    ~~(E) The California Environmental Quality Act (Division 13~~  
21    ~~(commencing with Section 21000) of the Public Resources Code)~~  
22    ~~shall not apply to a scoping consultation conducted pursuant to~~  
23    ~~this subdivision.~~

24    ~~(2) (A) If, after concluding the scoping consultation, the parties~~  
25    ~~find that no potential tribal cultural resource would be affected by~~  
26    ~~the proposed development, the development proponent may submit~~  
27    ~~an application for the proposed development that is subject to the~~  
28    ~~streamlined, ministerial approval process described in subdivision~~  
29    ~~(c).~~

30    ~~(B) If, after concluding the scoping consultation, the parties~~  
31    ~~find that a potential tribal cultural resource could be affected by~~  
32    ~~the proposed development and an enforceable agreement is~~  
33    ~~documented between the California Native American tribe and the~~  
34    ~~local government on methods, measures, and conditions for tribal~~  
35    ~~cultural resource treatment, the development proponent may submit~~  
36    ~~the application for a development subject to the streamlined,~~  
37    ~~ministerial approval process described in subdivision (c). The local~~  
38    ~~government shall ensure that the enforceable agreement is included~~  
39    ~~in the requirements and conditions for the proposed development.~~

~~(C) If, after concluding the scoping consultation, the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is not documented between the California Native American tribe and the local government regarding methods, measures, and conditions for tribal cultural resource treatment, the development shall not be eligible for the streamlined, ministerial approval process described in subdivision (c).~~

~~(D) For purposes of this paragraph, a scoping consultation shall be deemed to be concluded if either of the following occur:~~

~~(i) The parties to the scoping consultation document an enforceable agreement concerning methods, measures, and conditions to avoid or address potential impacts to tribal cultural resources that are or may be present.~~

~~(ii) One or more parties to the scoping consultation, acting in good faith and after reasonable effort, conclude that a mutual agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources that are or may be present cannot be reached.~~

~~(E) If the development or environmental setting substantially changes after the completion of the scoping consultation, the local government shall notify the California Native American tribe of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribe.~~

~~(3) A local government may only accept an application for streamlined, ministerial approval pursuant to this section if one of the following applies:~~

~~(A) A California Native American tribe that received a formal notice of the development proponent's notice of intent to submit an application pursuant to subclause (I) of clause (iii) of subparagraph (A) of paragraph (1) did not accept the invitation to engage in a scoping consultation.~~

~~(B) The California Native American tribe accepted an invitation to engage in a scoping consultation pursuant to subclause (II) of clause (iii) of subparagraph (A) of paragraph (1) but substantially failed to engage in the scoping consultation after repeated documented attempts by the local government to engage the California Native American tribe.~~

~~(C) The parties to a scoping consultation pursuant to this subdivision find that no potential tribal cultural resource will be~~

1 affected by the proposed development pursuant to subparagraph  
2 (A) of paragraph (2):

3 ~~(D) A scoping consultation between a California Native~~  
4 ~~American tribe and the local government has occurred in~~  
5 ~~accordance with this subdivision and resulted in agreement~~  
6 ~~pursuant to subparagraph (B) of paragraph (2):~~

7 ~~(4) A project shall not be eligible for the streamlined, ministerial~~  
8 ~~process described in subdivision (c) if any of the following apply:~~

9 ~~(A) There is a tribal cultural resource that is on a national, state,~~  
10 ~~tribal, or local historic register list located on the site of the project.~~

11 ~~(B) There is a potential tribal cultural resource that could be~~  
12 ~~affected by the proposed development and the parties to a scoping~~  
13 ~~consultation conducted pursuant to this subdivision do not~~  
14 ~~document an enforceable agreement on methods, measures, and~~  
15 ~~conditions for tribal cultural resource treatment, as described in~~  
16 ~~subparagraph (C) of paragraph (2):~~

17 ~~(C) The parties to a scoping consultation conducted pursuant~~  
18 ~~to this subdivision do not agree as to whether a potential tribal~~  
19 ~~cultural resource will be affected by the proposed development.~~

20 ~~(5) (A) If, after a scoping consultation conducted pursuant to~~  
21 ~~this subdivision, a project is not eligible for the streamlined,~~  
22 ~~ministerial process described in subdivision (c) for any or all of~~  
23 ~~the following reasons, the local government shall provide written~~  
24 ~~documentation of that fact, and an explanation of the reason for~~  
25 ~~which the project is not eligible, to the development proponent~~  
26 ~~and to any California Native American tribe that is a party to that~~  
27 ~~scoping consultation:~~

28 ~~(i) There is a tribal cultural resource that is on a national, state,~~  
29 ~~tribal, or local historic register list located on the site of the project,~~  
30 ~~as described in subparagraph (A) of paragraph (4):~~

31 ~~(ii) The parties to the scoping consultation have not documented~~  
32 ~~an enforceable agreement on methods, measures, and conditions~~  
33 ~~for tribal cultural resource treatment, as described in subparagraph~~  
34 ~~(C) of paragraph (2) and subparagraph (B) of paragraph (4):~~

35 ~~(iii) The parties to the scoping consultation do not agree as to~~  
36 ~~whether a potential tribal cultural resource will be affected by the~~  
37 ~~proposed development, as described in subparagraph (C) of~~  
38 ~~paragraph (4):~~

39 ~~(B) The written documentation provided to a development~~  
40 ~~proponent pursuant to this paragraph shall include information on~~

1 how the development proponent may seek a conditional use permit  
2 or other discretionary approval of the development from the local  
3 government.

4 ~~(6) This section is not intended, and shall not be construed, to~~  
5 ~~limit consultation and discussion between a local government and~~  
6 ~~a California Native American tribe pursuant to other applicable~~  
7 ~~law, confidentiality provisions under other applicable law, the~~  
8 ~~protection of religious exercise to the fullest extent permitted under~~  
9 ~~state and federal law, or the ability of a California Native American~~  
10 ~~tribe to submit information to the local government or participate~~  
11 ~~in any process of the local government.~~

12 ~~(7) For purposes of this subdivision:~~

13 ~~(A) “Consultation” means the meaningful and timely process~~  
14 ~~of seeking, discussing, and considering carefully the views of~~  
15 ~~others, in a manner that is cognizant of all parties’ cultural values~~  
16 ~~and, where feasible, seeking agreement. Consultation between~~  
17 ~~local governments and California Native American tribes shall be~~  
18 ~~conducted in a way that is mutually respectful of each party’s~~  
19 ~~sovereignty. Consultation shall also recognize the tribes’ potential~~  
20 ~~needs for confidentiality with respect to places that have traditional~~  
21 ~~tribal cultural importance. A lead agency shall consult the tribal~~  
22 ~~consultation best practices described in the “State of California~~  
23 ~~Tribal Consultation Guidelines: Supplement to the General Plan~~  
24 ~~Guidelines” prepared by the Office of Planning and Research.~~

25 ~~(B) “Scoping” means the act of participating in early discussions~~  
26 ~~or investigations between the local government and California~~  
27 ~~Native American tribe, and the development proponent if~~  
28 ~~authorized by the California Native American tribe, regarding the~~  
29 ~~potential effects a proposed development could have on a potential~~  
30 ~~tribal cultural resource, as defined in Section 21074 of the Public~~  
31 ~~Resources Code, or California Native American tribe, as defined~~  
32 ~~in Section 21073 of the Public Resources Code.~~

33 ~~(8) This subdivision shall not apply to any project that has been~~  
34 ~~approved under the streamlined, ministerial approval process~~  
35 ~~provided under this section before the effective date of the act~~  
36 ~~adding this subdivision.~~

37 ~~(c) (1) If a local government determines that a development~~  
38 ~~submitted pursuant to this section is in conflict with any of the~~  
39 ~~objective planning standards specified in subdivision (a), it shall~~  
40 ~~provide the development proponent written documentation of~~



1 ~~which standard or standards the development conflicts with, and~~  
2 ~~an explanation for the reason or reasons the development conflicts~~  
3 ~~with that standard or standards, as follows:~~

4 ~~(A) Within 60 days of submittal of the development to the local~~  
5 ~~government pursuant to this section if the development contains~~  
6 ~~150 or fewer housing units.~~

7 ~~(B) Within 90 days of submittal of the development to the local~~  
8 ~~government pursuant to this section if the development contains~~  
9 ~~more than 150 housing units.~~

10 ~~(2) If the local government fails to provide the required~~  
11 ~~documentation pursuant to paragraph (1), the development shall~~  
12 ~~be deemed to satisfy the objective planning standards specified in~~  
13 ~~subdivision (a).~~

14 ~~(3) For purposes of this section, a development is consistent~~  
15 ~~with the objective planning standards specified in subdivision (a)~~  
16 ~~if there is substantial evidence that would allow a reasonable person~~  
17 ~~to conclude that the development is consistent with the objective~~  
18 ~~planning standards.~~

19 ~~(d) (1) Any design review or public oversight of the~~  
20 ~~development may be conducted by the local government's planning~~  
21 ~~commission or any equivalent board or commission responsible~~  
22 ~~for review and approval of development projects, or the city council~~  
23 ~~or board of supervisors, as appropriate. That design review or~~  
24 ~~public oversight shall be objective and be strictly focused on~~  
25 ~~assessing compliance with criteria required for streamlined projects,~~  
26 ~~as well as any reasonable objective design standards published~~  
27 ~~and adopted by ordinance or resolution by a local jurisdiction~~  
28 ~~before submission of a development application, and shall be~~  
29 ~~broadly applicable to development within the jurisdiction. That~~  
30 ~~design review or public oversight shall be completed as follows~~  
31 ~~and shall not in any way inhibit, chill, or preclude the ministerial~~  
32 ~~approval provided by this section or its effect, as applicable:~~

33 ~~(A) Within 90 days of submittal of the development to the local~~  
34 ~~government pursuant to this section if the development contains~~  
35 ~~150 or fewer housing units.~~

36 ~~(B) Within 180 days of submittal of the development to the~~  
37 ~~local government pursuant to this section if the development~~  
38 ~~contains more than 150 housing units.~~

39 ~~(2) If the development is consistent with the requirements of~~  
40 ~~subparagraph (A) or (B) of paragraph (9) of subdivision (a) and~~

1 is consistent with all objective subdivision standards in the local  
2 subdivision ordinance, an application for a subdivision pursuant  
3 to the Subdivision Map Act (Division 2 (commencing with Section  
4 66410)) shall be exempt from the requirements of the California  
5 Environmental Quality Act (Division 13 (commencing with Section  
6 21000) of the Public Resources Code) and shall be subject to the  
7 public oversight timelines set forth in paragraph (1).

8 (e) (1) Notwithstanding any other law, a local government,  
9 whether or not it has adopted an ordinance governing automobile  
10 parking requirements in multifamily developments, shall not  
11 impose automobile parking standards for a streamlined  
12 development that was approved pursuant to this section in any of  
13 the following instances:

14 (A) The development is located within one-half mile of public  
15 transit.

16 (B) The development is located within an architecturally and  
17 historically significant historic district.

18 (C) When on-street parking permits are required but not offered  
19 to the occupants of the development.

20 (D) When there is a car share vehicle located within one block  
21 of the development.

22 (2) If the development does not fall within any of the categories  
23 described in paragraph (1), the local government shall not impose  
24 automobile parking requirements for streamlined developments  
25 approved pursuant to this section that exceed one parking space  
26 per unit.

27 (f) (1) If a local government approves a development pursuant  
28 to this section, then, notwithstanding any other law, that approval  
29 shall not expire if the project includes public investment in housing  
30 affordability, beyond tax credits, where 50 percent of the units are  
31 affordable to households making at or below 80 percent of the area  
32 median income.

33 (2) (A) If a local government approves a development pursuant  
34 to this section and the project does not include 50 percent of the  
35 units affordable to households making at or below 80 percent of  
36 the area median income, that approval shall remain valid for three  
37 years from the date of the final action establishing that approval,  
38 or if litigation is filed challenging that approval, from the date of  
39 the final judgment upholding that approval. Approval shall remain  
40 valid for a project provided that vertical construction of the

1 development has begun and is in progress. For purposes of this  
2 subdivision, “in progress” means one of the following:

3 (i) The construction has begun and has not ceased for more than  
4 180 days.

5 (ii) If the development requires multiple building permits, an  
6 initial phase has been completed, and the project proponent has  
7 applied for and is diligently pursuing a building permit for a  
8 subsequent phase, provided that once it has been issued, the  
9 building permit for the subsequent phase does not lapse.

10 (B) Notwithstanding subparagraph (A), a local government may  
11 grant a project a one-time, one-year extension if the project  
12 proponent can provide documentation that there has been  
13 significant progress toward getting the development construction  
14 ready, such as filing a building permit application.

15 (3) If a local government approves a development pursuant to  
16 this section, that approval shall remain valid for three years from  
17 the date of the final action establishing that approval and shall  
18 remain valid thereafter for a project so long as vertical construction  
19 of the development has begun and is in progress. Additionally, the  
20 development proponent may request, and the local government  
21 shall have discretion to grant, an additional one-year extension to  
22 the original three-year period. The local government’s action and  
23 discretion in determining whether to grant the foregoing extension  
24 shall be limited to considerations and processes set forth in this  
25 section.

26 (g) (1) (A) A development proponent may request a  
27 modification to a development that has been approved under the  
28 streamlined, ministerial approval process provided in subdivision  
29 (b) if that request is submitted to the local government before the  
30 issuance of the final building permit required for construction of  
31 the development.

32 (B) Except as provided in paragraph (3), the local government  
33 shall approve a modification if it determines that the modification  
34 is consistent with the objective planning standards specified in  
35 subdivision (a) that were in effect when the original development  
36 application was first submitted.

37 (C) The local government shall evaluate any modifications  
38 requested pursuant to this subdivision for consistency with the  
39 objective planning standards using the same assumptions and  
40 analytical methodology that the local government originally used

1 to assess consistency for the development that was approved for  
2 streamlined, ministerial approval pursuant to subdivision (b):

3 ~~(D) A guideline that was adopted or amended by the department~~  
4 ~~pursuant to subdivision (j) after a development was approved~~  
5 ~~through the streamlined ministerial approval process described in~~  
6 ~~subdivision (b) shall not be used as a basis to deny proposed~~  
7 ~~modifications.~~

8 ~~(2) Upon receipt of the developmental proponent's application~~  
9 ~~requesting a modification, the local government shall determine~~  
10 ~~if the requested modification is consistent with the objective~~  
11 ~~planning standard and either approve or deny the modification~~  
12 ~~request within 60 days after submission of the modification, or~~  
13 ~~within 90 days if design review is required.~~

14 ~~(3) Notwithstanding paragraph (1), the local government may~~  
15 ~~apply objective planning standards adopted after the development~~  
16 ~~application was first submitted to the requested modification in~~  
17 ~~any of the following instances:~~

18 ~~(A) The development is revised such that the total number of~~  
19 ~~residential units or total square footage of construction changes~~  
20 ~~by 15 percent or more.~~

21 ~~(B) The development is revised such that the total number of~~  
22 ~~residential units or total square footage of construction changes~~  
23 ~~by 5 percent or more and it is necessary to subject the development~~  
24 ~~to an objective standard beyond those in effect when the~~  
25 ~~development application was submitted in order to mitigate or~~  
26 ~~avoid a specific, adverse impact, as that term is defined in~~  
27 ~~subparagraph (A) of paragraph (1) of subdivision (j) of Section~~  
28 ~~65589.5, upon the public health or safety and there is no feasible~~  
29 ~~alternative method to satisfactorily mitigate or avoid the adverse~~  
30 ~~impact.~~

31 ~~(C) Objective building standards contained in the California~~  
32 ~~Building Standards Code (Title 24 of the California Code of~~  
33 ~~Regulations), including, but not limited to, building, plumbing,~~  
34 ~~electrical, fire, and grading codes, may be applied to all~~  
35 ~~modifications.~~

36 ~~(4) The local government's review of a modification request~~  
37 ~~pursuant to this subdivision shall be strictly limited to determining~~  
38 ~~whether the modification, including any modification to previously~~  
39 ~~approved density bonus concessions or waivers, modify the~~  
40 ~~development's consistency with the objective planning standards~~

1 and shall not reconsider prior determinations that are not affected  
2 by the modification.

3 ~~(h) (1) A local government shall not adopt or impose any~~  
4 ~~requirement, including, but not limited to, increased fees or~~  
5 ~~inclusionary housing requirements, that applies to a project solely~~  
6 ~~or partially on the basis that the project is eligible to receive~~  
7 ~~ministerial or streamlined approval pursuant to this section.~~

8 ~~(2) A local government shall issue a subsequent permit required~~  
9 ~~for a development approved under this section if the application~~  
10 ~~substantially complies with the development as it was approved~~  
11 ~~pursuant to subdivision (c). Upon receipt of an application for a~~  
12 ~~subsequent permit, the local government shall process the permit~~  
13 ~~without unreasonable delay and shall not impose any procedure~~  
14 ~~or requirement that is not imposed on projects that are not approved~~  
15 ~~pursuant to this section. Issuance of subsequent permits shall~~  
16 ~~implement the approved development, and review of the permit~~  
17 ~~application shall not inhibit, chill, or preclude the development.~~  
18 ~~For purposes of this paragraph, a “subsequent permit” means a~~  
19 ~~permit required subsequent to receiving approval under subdivision~~  
20 ~~(c), and includes, but is not limited to, demolition, grading,~~  
21 ~~encroachment, and building permits and final maps, if necessary.~~

22 ~~(3) (A) If a public improvement is necessary to implement a~~  
23 ~~development that is subject to the streamlined, ministerial approval~~  
24 ~~pursuant to this section, including, but not limited to, a bicycle~~  
25 ~~lane, sidewalk or walkway, public transit stop, driveway, street~~  
26 ~~paving or overlay, a curb or gutter, a modified intersection, a street~~  
27 ~~sign or street light, landscape or hardscape, an above-ground or~~  
28 ~~underground utility connection, a water line, fire hydrant, storm~~  
29 ~~or sanitary sewer connection, retaining wall, and any related work,~~  
30 ~~and that public improvement is located on land owned by the local~~  
31 ~~government, to the extent that the public improvement requires~~  
32 ~~approval from the local government, the local government shall~~  
33 ~~not exercise its discretion over any approval relating to the public~~  
34 ~~improvement in a manner that would inhibit, chill, or preclude the~~  
35 ~~development.~~

36 ~~(B) If an application for a public improvement described in~~  
37 ~~subparagraph (A) is submitted to a local government, the local~~  
38 ~~government shall do all of the following:~~

1 (i) Consider the application based upon any objective standards  
2 specified in any state or local laws that were in effect when the  
3 original development application was submitted.

4 (ii) Conduct its review and approval in the same manner as it  
5 would evaluate the public improvement if required by a project  
6 that is not eligible to receive ministerial or streamlined approval  
7 pursuant to this section.

8 (C) If an application for a public improvement described in  
9 subparagraph (A) is submitted to a local government, the local  
10 government shall not do either of the following:

11 (i) Adopt or impose any requirement that applies to a project  
12 solely or partially on the basis that the project is eligible to receive  
13 ministerial or streamlined approval pursuant to this section.

14 (ii) Unreasonably delay in its consideration, review, or approval  
15 of the application.

16 (i) (1) This section shall not affect a development proponent's  
17 ability to use any alternative streamlined by right permit processing  
18 adopted by a local government, including the provisions of  
19 subdivision (i) of Section 65583.2.

20 (2) This section shall not prevent a development from also  
21 qualifying as a housing development project entitled to the  
22 protections of Section 65589.5. This paragraph does not constitute  
23 a change in, but is declaratory of, existing law.

24 (j) The California Environmental Quality Act (Division 13  
25 (commencing with Section 21000) of the Public Resources Code)  
26 does not apply to actions taken by a state agency, local government,  
27 or the San Francisco Bay Area Rapid Transit District to:

28 (1) Lease, convey, or encumber land owned by the local  
29 government or the San Francisco Bay Area Rapid Transit District  
30 or to facilitate the lease, conveyance, or encumbrance of land  
31 owned by the local government, or for the lease of land owned by  
32 the San Francisco Bay Area Rapid Transit District in association  
33 with an eligible TOD project, as defined pursuant to Section  
34 29010.1 of the Public Utilities Code, nor to any decisions  
35 associated with that lease, or to provide financial assistance to a  
36 development that receives streamlined approval pursuant to this  
37 section that is to be used for housing for persons and families of  
38 very low, low, or moderate income, as defined in Section 50093  
39 of the Health and Safety Code.

1     ~~(2) Approve improvements located on land owned by the local~~  
2     ~~government or the San Francisco Bay Area Rapid Transit District~~  
3     ~~that are necessary to implement a development that receives~~  
4     ~~streamlined approval pursuant to this section that is to be used for~~  
5     ~~housing for persons and families of very low, low, or moderate~~  
6     ~~income, as defined in Section 50093 of the Health and Safety Code.~~

7     ~~(k) For purposes of this section, the following terms have the~~  
8     ~~following meanings:~~

9     ~~(1) “Affordable housing cost” has the same meaning as set forth~~  
10    ~~in Section 50052.5 of the Health and Safety Code.~~

11    ~~(2) “Affordable rent” has the same meaning as set forth in~~  
12    ~~Section 50053 of the Health and Safety Code.~~

13    ~~(3) “Department” means the Department of Housing and~~  
14    ~~Community Development.~~

15    ~~(4) “Development proponent” means the developer who submits~~  
16    ~~an application for streamlined approval pursuant to this section.~~

17    ~~(5) “Completed entitlements” means a housing development~~  
18    ~~that has received all the required land use approvals or entitlements~~  
19    ~~necessary for the issuance of a building permit.~~

20    ~~(6) “Locality” or “local government” means a city, including a~~  
21    ~~charter city, a county, including a charter county, or a city and~~  
22    ~~county, including a charter city and county.~~

23    ~~(7) “Moderate income housing units” means housing units with~~  
24    ~~an affordable housing cost or affordable rent for persons and~~  
25    ~~families of moderate income, as that term is defined in Section~~  
26    ~~50093 of the Health and Safety Code.~~

27    ~~(8) “Production report” means the information reported pursuant~~  
28    ~~to subparagraph (H) of paragraph (2) of subdivision (a) of Section~~  
29    ~~65400.~~

30    ~~(9) “State agency” includes every state office, officer,~~  
31    ~~department, division, bureau, board, and commission, but does not~~  
32    ~~include the California State University or the University of~~  
33    ~~California.~~

34    ~~(10) “Subsidized” means units that are price or rent restricted~~  
35    ~~such that the units are affordable to households meeting the~~  
36    ~~definitions of very low and lower income, as defined in Sections~~  
37    ~~50079.5 and 50105 of the Health and Safety Code.~~

38    ~~(11) “Reporting period” means either of the following:~~

39    ~~(A) The first half of the regional housing needs assessment~~  
40    ~~cycle.~~

~~(B) The last half of the regional housing needs assessment cycle.~~  
~~(12) “Urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.~~

~~(l) The department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms adopted pursuant to this subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.~~

~~(m) The determination of whether an application for a development is subject to the streamlined ministerial approval process provided by subdivision (c) is not a “project” as defined in Section 21065 of the Public Resources Code.~~

~~(n) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, increased housing supply.~~

~~(o) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.~~

*SEC. 2. Section 65913.4 of the Government Code is amended to read:*

65913.4. (a) A development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (c) and is not subject to a conditional use permit if the development complies with subdivision (b) and satisfies all of the following objective planning standards:

(1) The development is a multifamily housing development that contains two or more residential units.

(2) The development and the site on which it is located satisfy all of the following:

(A) It is a legal parcel or parcels located in a city if, and only if, the city boundaries 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 or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.



1 (B) At least 75 percent of the perimeter of the site adjoins parcels  
2 that are developed with urban uses. For the purposes of this section,  
3 parcels that are only separated by a street or highway shall be  
4 considered to be adjoined.

5 (C) (i) *A site that meets the requirements of clause (ii) and*  
6 *satisfies any of the following:*

7 (I) *The site is zoned for residential use or residential mixed-use*  
8 *development.*

9 (II) *The site has a general plan designation that allows*  
10 *residential use or a mix of residential and nonresidential uses.*

11 (III) *The site is zoned for office or retail commercial use and*  
12 *has had no commercial tenants on 50 percent or more of its total*  
13 *usable net interior square footage for a period of at least three*  
14 *years prior to the submission of the application.*

15 ~~(C) It is zoned for residential use or residential mixed-use~~  
16 ~~development, or has a general plan designation that allows~~  
17 ~~residential use or a mix of residential and nonresidential uses, and~~  
18 ~~at least~~

19 (ii) *At least two-thirds of the square footage of the development*  
20 *is designated for residential use. Additional density, floor area,*  
21 *and units, and any other concession, incentive, or waiver of*  
22 *development standards granted pursuant to the Density Bonus Law*  
23 *in Section 65915 shall be included in the square footage*  
24 *calculation. The square footage of the development shall not*  
25 *include underground space, such as basements or underground*  
26 *parking garages.*

27 (3) (A) The development proponent has committed to record,  
28 prior to the issuance of the first building permit, a land use  
29 restriction or covenant providing that any lower or moderate  
30 income housing units required pursuant to subparagraph (B) of  
31 paragraph (4) shall remain available at affordable housing costs  
32 or rent to persons and families of lower or moderate income for  
33 no less than the following periods of time:

34 (i) Fifty-five years for units that are rented.

35 (ii) Forty-five years for units that are owned.

36 (B) The city or county shall require the recording of covenants  
37 or restrictions implementing this paragraph for each parcel or unit  
38 of real property included in the development.

39 (4) The development satisfies subparagraphs (A) and (B) below:

1 (A) Is located in a locality that the department has determined  
2 is subject to this subparagraph on the basis that the number of units  
3 that have been issued building permits, as shown on the most recent  
4 production report received by the department, is less than the  
5 locality's share of the regional housing needs, by income category,  
6 for that reporting period. A locality shall remain eligible under  
7 this subparagraph until the department's determination for the next  
8 reporting period.

9 (B) The development is subject to a requirement mandating a  
10 minimum percentage of below market rate housing based on one  
11 of the following:

12 (i) The locality did not submit its latest production report to the  
13 department by the time period required by Section 65400, or that  
14 production report reflects that there were fewer units of above  
15 moderate-income housing issued building permits than were  
16 required for the regional housing needs assessment cycle for that  
17 reporting period. In addition, if the project contains more than 10  
18 units of housing, the project does either of the following:

19 (I) The project dedicates a minimum of 10 percent of the total  
20 number of units to housing affordable to households making at or  
21 below 80 percent of the area median income. However, if the  
22 locality has adopted a local ordinance that requires that greater  
23 than 10 percent of the units be dedicated to housing affordable to  
24 households making below 80 percent of the area median income,  
25 that local ordinance applies.

26 (II) (ia) If the project is located within the San Francisco Bay  
27 area, the project, in lieu of complying with subclause (I), dedicates  
28 20 percent of the total number of units to housing affordable to  
29 households making below 120 percent of the area median income  
30 with the average income of the units at or below 100 percent of  
31 the area median income. However, a local ordinance adopted by  
32 the locality applies if it requires greater than 20 percent of the units  
33 be dedicated to housing affordable to households making at or  
34 below 120 percent of the area median income, or requires that any  
35 of the units be dedicated at a level deeper than 120 percent. In  
36 order to comply with this subclause, the rent or sale price charged  
37 for units that are dedicated to housing affordable to households  
38 between 80 percent and 120 percent of the area median income  
39 shall not exceed 30 percent of the gross income of the household.

1 (ib) For purposes of this subclause, “San Francisco Bay area”  
2 means the entire area within the territorial boundaries of the  
3 Counties of Alameda, Contra Costa, Marin, Napa, San Mateo,  
4 Santa Clara, Solano, and Sonoma, and the City and County of San  
5 Francisco.

6 (ii) The locality’s latest production report reflects that there  
7 were fewer units of housing issued building permits affordable to  
8 either very low income or low-income households by income  
9 category than were required for the regional housing needs  
10 assessment cycle for that reporting period, and the project seeking  
11 approval dedicates 50 percent of the total number of units to  
12 housing affordable to households making at or below 80 percent  
13 of the area median income. However, if the locality has adopted  
14 a local ordinance that requires that greater than 50 percent of the  
15 units be dedicated to housing affordable to households making at  
16 or below 80 percent of the area median income, that local ordinance  
17 applies.

18 (iii) The locality did not submit its latest production report to  
19 the department by the time period required by Section 65400, or  
20 if the production report reflects that there were fewer units of  
21 housing affordable to both income levels described in clauses (i)  
22 and (ii) that were issued building permits than were required for  
23 the regional housing needs assessment cycle for that reporting  
24 period, the project seeking approval may choose between utilizing  
25 clause (i) or (ii).

26 (C) (i) A development proponent that uses a unit of affordable  
27 housing to satisfy the requirements of subparagraph (B) may also  
28 satisfy any other local or state requirement for affordable housing,  
29 including local ordinances or the Density Bonus Law in Section  
30 65915, provided that the development proponent complies with  
31 the applicable requirements in the state or local law.

32 (ii) A development proponent that uses a unit of affordable  
33 housing to satisfy any other state or local affordability requirement  
34 may also satisfy the requirements of subparagraph (B), provided  
35 that the development proponent complies with applicable  
36 requirements of subparagraph (B).

37 (iii) A development proponent may satisfy the affordability  
38 requirements of subparagraph (B) with a unit that is restricted to  
39 households with incomes lower than the applicable income limits  
40 required in subparagraph (B).

(5) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section, or at the time a notice of intent is submitted pursuant to subdivision (b), whichever occurs earlier. For purposes of this paragraph, “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 before submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(B) In the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

(C) It is the intent of the Legislature that the objective zoning standards, objective subdivision standards, and objective design review standards described in this paragraph be adopted or amended in compliance with the requirements of Chapter 905 of the Statutes of 2004.

(D) The amendments to this subdivision made by the act adding this subparagraph do not constitute a change in, but are declaratory of, existing law.

1     (E) A project that satisfies the requirements of Section 65852.23  
2     shall be deemed consistent with objective zoning standards,  
3     objective design standards, and objective subdivision standards  
4     if the project is consistent with the provisions of subdivision (b)  
5     of Section 65852.23 and if none of the square footage in the project  
6     is designated for hotel, motel, bed and breakfast inn, or other  
7     transient lodging use, except for a residential hotel. For purposes  
8     of this subdivision, "residential hotel" shall have the same meaning  
9     as defined in Section 50519 of the Health and Safety Code.

10    (6) The development is not located on a site that is any of the  
11    following:

12    (A) A coastal zone, as defined in Division 20 (commencing  
13    with Section 30000) of the Public Resources Code.

14    (B) Either prime farmland or farmland of statewide importance,  
15    as defined pursuant to United States Department of Agriculture  
16    land inventory and monitoring criteria, as modified for California,  
17    and designated on the maps prepared by the Farmland Mapping  
18    and Monitoring Program of the Department of Conservation, or  
19    land zoned or designated for agricultural protection or preservation  
20    by a local ballot measure that was approved by the voters of that  
21    jurisdiction.

22    (C) Wetlands, as defined in the United States Fish and Wildlife  
23    Service Manual, Part 660 FW 2 (June 21, 1993).

24    (D) Within a very high fire hazard severity zone, as determined  
25    by the Department of Forestry and Fire Protection pursuant to  
26    Section 51178, or within a high or very high fire hazard severity  
27    zone as indicated on maps adopted by the Department of Forestry  
28    and Fire Protection pursuant to Section 4202 of the Public  
29    Resources Code. This subparagraph does not apply to sites  
30    excluded from the specified hazard zones by a local agency,  
31    pursuant to subdivision (b) of Section 51179, or sites that have  
32    adopted fire hazard mitigation measures pursuant to existing  
33    building standards or state fire mitigation measures applicable to  
34    the development.

35    (E) A hazardous waste site that is listed pursuant to Section  
36    65962.5 or a hazardous waste site designated by the Department  
37    of Toxic Substances Control pursuant to Section 25356 of the  
38    Health and Safety Code, unless the State Department of Public  
39    Health, State Water Resources Control Board, or Department of

1 Toxic Substances Control has cleared the site for residential use  
2 or residential mixed uses.

3 (F) Within a delineated earthquake fault zone as determined by  
4 the State Geologist in any official maps published by the State  
5 Geologist, unless the development complies with applicable seismic  
6 protection building code standards adopted by the California  
7 Building Standards Commission under the California Building  
8 Standards Law (Part 2.5 (commencing with Section 18901) of  
9 Division 13 of the Health and Safety Code), and by any local  
10 building department under Chapter 12.2 (commencing with Section  
11 8875) of Division 1 of Title 2.

12 (G) Within a special flood hazard area subject to inundation by  
13 the 1 percent annual chance flood (100-year flood) as determined  
14 by the Federal Emergency Management Agency in any official  
15 maps published by the Federal Emergency Management Agency.  
16 If a development proponent is able to satisfy all applicable federal  
17 qualifying criteria in order to provide that the site satisfies this  
18 subparagraph and is otherwise eligible for streamlined approval  
19 under this section, a local government shall not deny the application  
20 on the basis that the development proponent did not comply with  
21 any additional permit requirement, standard, or action adopted by  
22 that local government that is applicable to that site. A development  
23 may be located on a site described in this subparagraph if either  
24 of the following are met:

25 (i) The site has been subject to a Letter of Map Revision  
26 prepared by the Federal Emergency Management Agency and  
27 issued to the local jurisdiction.

28 (ii) The site meets Federal Emergency Management Agency  
29 requirements necessary to meet minimum flood plain management  
30 criteria of the National Flood Insurance Program pursuant to Part  
31 59 (commencing with Section 59.1) and Part 60 (commencing  
32 with Section 60.1) of Subchapter B of Chapter I of Title 44 of the  
33 Code of Federal Regulations.

34 (H) Within a regulatory floodway as determined by the Federal  
35 Emergency Management Agency in any official maps published  
36 by the Federal Emergency Management Agency, unless the  
37 development has received a no-rise certification in accordance  
38 with Section 60.3(d)(3) of Title 44 of the Code of Federal  
39 Regulations. If a development proponent is able to satisfy all  
40 applicable federal qualifying criteria in order to provide that the

1 site satisfies this subparagraph and is otherwise eligible for  
2 streamlined approval under this section, a local government shall  
3 not deny the application on the basis that the development  
4 proponent did not comply with any additional permit requirement,  
5 standard, or action adopted by that local government that is  
6 applicable to that site.

7 (I) Lands identified for conservation in an adopted natural  
8 community conservation plan pursuant to the Natural Community  
9 Conservation Planning Act (Chapter 10 (commencing with Section  
10 2800) of Division 3 of the Fish and Game Code), habitat  
11 conservation plan pursuant to the federal Endangered Species Act  
12 of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural  
13 resource protection plan.

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

22 (K) Lands under conservation easement.

23 (7) The development is not located on a site where any of the  
24 following apply:

25 (A) The development would require the demolition of the  
26 following types of housing:

27 (i) Housing that is subject to a recorded covenant, ordinance,  
28 or law that restricts rents to levels affordable to persons and  
29 families of moderate, low, or very low income.

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

32 (iii) Housing that has been occupied by tenants within the past  
33 10 years.

34 (B) The site was previously used for housing that was occupied  
35 by tenants that was demolished within 10 years before the  
36 development proponent submits an application under this section.

37 (C) The development would require the demolition of a historic  
38 structure that was placed on a national, state, or local historic  
39 register.

1 (D) The property contains housing units that are occupied by  
2 tenants, and units at the property are, or were, subsequently offered  
3 for sale to the general public by the subdivider or subsequent owner  
4 of the property.

5 (8) The development proponent has done both of the following,  
6 as applicable:

7 (A) Certified to the locality that either of the following is true,  
8 as applicable:

9 (i) The entirety of the development is a public work for purposes  
10 of Chapter 1 (commencing with Section 1720) of Part 7 of Division  
11 2 of the Labor Code.

12 (ii) If the development is not in its entirety a public work, that  
13 all construction workers employed in the execution of the  
14 development will be paid at least the general prevailing rate of per  
15 diem wages for the type of work and geographic area, as  
16 determined by the Director of Industrial Relations pursuant to  
17 Sections 1773 and 1773.9 of the Labor Code, except that  
18 apprentices registered in programs approved by the Chief of the  
19 Division of Apprenticeship Standards may be paid at least the  
20 applicable apprentice prevailing rate. If the development is subject  
21 to this subparagraph, then for those portions of the development  
22 that are not a public work all of the following shall apply:

23 (I) The development proponent shall ensure that the prevailing  
24 wage requirement is included in all contracts for the performance  
25 of the work.

26 (II) All contractors and subcontractors shall pay to all  
27 construction workers employed in the execution of the work at  
28 least the general prevailing rate of per diem wages, except that  
29 apprentices registered in programs approved by the Chief of the  
30 Division of Apprenticeship Standards may be paid at least the  
31 applicable apprentice prevailing rate.

32 (III) Except as provided in subclause (V), all contractors and  
33 subcontractors shall maintain and verify payroll records pursuant  
34 to Section 1776 of the Labor Code and make those records  
35 available for inspection and copying as provided therein.

36 (IV) Except as provided in subclause (V), the obligation of the  
37 contractors and subcontractors to pay prevailing wages may be  
38 enforced by the Labor Commissioner through the issuance of a  
39 civil wage and penalty assessment pursuant to Section 1741 of the  
40 Labor Code, which may be reviewed pursuant to Section 1742 of



1 the Labor Code, within 18 months after the completion of the  
2 development, by an underpaid worker through an administrative  
3 complaint or civil action, or by a joint labor-management  
4 committee through a civil action under Section 1771.2 of the Labor  
5 Code. If a civil wage and penalty assessment is issued, the  
6 contractor, subcontractor, and surety on a bond or bonds issued to  
7 secure the payment of wages covered by the assessment shall be  
8 liable for liquidated damages pursuant to Section 1742.1 of the  
9 Labor Code.

10 (V) Subclauses (III) and (IV) shall not apply if all contractors  
11 and subcontractors performing work on the development are subject  
12 to a project labor agreement that requires the payment of prevailing  
13 wages to all construction workers employed in the execution of  
14 the development and provides for enforcement of that obligation  
15 through an arbitration procedure. For purposes of this clause,  
16 “project labor agreement” has the same meaning as set forth in  
17 paragraph (1) of subdivision (b) of Section 2500 of the Public  
18 Contract Code.

19 (VI) Notwithstanding subdivision (c) of Section 1773.1 of the  
20 Labor Code, the requirement that employer payments not reduce  
21 the obligation to pay the hourly straight time or overtime wages  
22 found to be prevailing shall not apply if otherwise provided in a  
23 bona fide collective bargaining agreement covering the worker.  
24 The requirement to pay at least the general prevailing rate of per  
25 diem wages does not preclude use of an alternative workweek  
26 schedule adopted pursuant to Section 511 or 514 of the Labor  
27 Code.

28 (B) (i) For developments for which any of the following  
29 conditions apply, certified that a skilled and trained workforce  
30 shall be used to complete the development if the application is  
31 approved:

32 (I) On and after January 1, 2018, until December 31, 2021, the  
33 development consists of 75 or more units with a residential  
34 component that is not 100 percent subsidized affordable housing  
35 and will be located within a jurisdiction located in a coastal or bay  
36 county with a population of 225,000 or more.

37 (II) On and after January 1, 2022, until December 31, 2025, the  
38 development consists of 50 or more units with a residential  
39 component that is not 100 percent subsidized affordable housing

1 and will be located within a jurisdiction located in a coastal or bay  
2 county with a population of 225,000 or more.

3 (III) On and after January 1, 2018, until December 31, 2019,  
4 the development consists of 75 or more units with a residential  
5 component that is not 100 percent subsidized affordable housing  
6 and will be located within a jurisdiction with a population of fewer  
7 than 550,000 and that is not located in a coastal or bay county.

8 (IV) On and after January 1, 2020, until December 31, 2021,  
9 the development consists of more than 50 units with a residential  
10 component that is not 100 percent subsidized affordable housing  
11 and will be located within a jurisdiction with a population of fewer  
12 than 550,000 and that is not located in a coastal or bay county.

13 (V) On and after January 1, 2022, until December 31, 2025, the  
14 development consists of more than 25 units with a residential  
15 component that is not 100 percent subsidized affordable housing  
16 and will be located within a jurisdiction with a population of fewer  
17 than 550,000 and that is not located in a coastal or bay county.

18 (ii) For purposes of this section, “skilled and trained workforce”  
19 has the same meaning as provided in Chapter 2.9 (commencing  
20 with Section 2600) of Part 1 of Division 2 of the Public Contract  
21 Code.

22 (iii) If the development proponent has certified that a skilled  
23 and trained workforce will be used to complete the development  
24 and the application is approved, the following shall apply:

25 (I) The applicant shall require in all contracts for the  
26 performance of work that every contractor and subcontractor at  
27 every tier will individually use a skilled and trained workforce to  
28 complete the development.

29 (II) Every contractor and subcontractor shall use a skilled and  
30 trained workforce to complete the development.

31 (III) Except as provided in subclause (IV), the applicant shall  
32 provide to the locality, on a monthly basis while the development  
33 or contract is being performed, a report demonstrating compliance  
34 with Chapter 2.9 (commencing with Section 2600) of Part 1 of  
35 Division 2 of the Public Contract Code. A monthly report provided  
36 to the locality pursuant to this subclause shall be a public record  
37 under the California Public Records Act (Chapter 3.5 (commencing  
38 with Section 6250) of Division 7 of Title 1) and shall be open to  
39 public inspection. An applicant that fails to provide a monthly  
40 report demonstrating compliance with Chapter 2.9 (commencing

1 with Section 2600) of Part 1 of Division 2 of the Public Contract  
2 Code shall be subject to a civil penalty of ten thousand dollars  
3 (\$10,000) per month for each month for which the report has not  
4 been provided. Any contractor or subcontractor that fails to use a  
5 skilled and trained workforce shall be subject to a civil penalty of  
6 two hundred dollars (\$200) per day for each worker employed in  
7 contravention of the skilled and trained workforce requirement.  
8 Penalties may be assessed by the Labor Commissioner within 18  
9 months of completion of the development using the same  
10 procedures for issuance of civil wage and penalty assessments  
11 pursuant to Section 1741 of the Labor Code, and may be reviewed  
12 pursuant to the same procedures in Section 1742 of the Labor  
13 Code. Penalties shall be paid to the State Public Works  
14 Enforcement Fund.

15 (IV) Subclause (III) shall not apply if all contractors and  
16 subcontractors performing work on the development are subject  
17 to a project labor agreement that requires compliance with the  
18 skilled and trained workforce requirement and provides for  
19 enforcement of that obligation through an arbitration procedure.  
20 For purposes of this subparagraph, “project labor agreement” has  
21 the same meaning as set forth in paragraph (1) of subdivision (b)  
22 of Section 2500 of the Public Contract Code.

23 (C) Notwithstanding subparagraphs (A) and (B), a development  
24 that is subject to approval pursuant to this section is exempt from  
25 any requirement to pay prevailing wages or use a skilled and  
26 trained workforce if it meets both of the following:

- 27 (i) The project includes 10 or fewer units.  
28 (ii) The project is not a public work for purposes of Chapter 1  
29 (commencing with Section 1720) of Part 7 of Division 2 of the  
30 Labor Code.

31 (9) The development did not or does not involve a subdivision  
32 of a parcel that is, or, notwithstanding this section, would otherwise  
33 be, subject to the Subdivision Map Act (Division 2 (commencing  
34 with Section 66410)) or any other applicable law authorizing the  
35 subdivision of land, unless the development is consistent with all  
36 objective subdivision standards in the local subdivision ordinance,  
37 and either of the following apply:

38 (A) The development has received or will receive financing or  
39 funding by means of a low-income housing tax credit and is subject

1 to the requirement that prevailing wages be paid pursuant to  
2 subparagraph (A) of paragraph (8).

3 (B) The development is subject to the requirement that  
4 prevailing wages be paid, and a skilled and trained workforce used,  
5 pursuant to paragraph (8).

6 (10) The development shall not be upon an existing parcel of  
7 land or site that is governed under the Mobilehome Residency Law  
8 (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2  
9 of Division 2 of the Civil Code), the Recreational Vehicle Park  
10 Occupancy Law (Chapter 2.6 (commencing with Section 799.20)  
11 of Title 2 of Part 2 of Division 2 of the Civil Code), the  
12 Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)  
13 of Division 13 of the Health and Safety Code), or the Special  
14 Occupancy Parks Act (Part 2.3 (commencing with Section 18860)  
15 of Division 13 of the Health and Safety Code).

16 (b) (1) (A) (i) Before submitting an application for a  
17 development subject to the streamlined, ministerial approval  
18 process described in subdivision (c), the development proponent  
19 shall submit to the local government a notice of its intent to submit  
20 an application. The notice of intent shall be in the form of a  
21 preliminary application that includes all of the information  
22 described in Section 65941.1, as that section read on January 1,  
23 2020.

24 (ii) Upon receipt of a notice of intent to submit an application  
25 described in clause (i), the local government shall engage in a  
26 scoping consultation regarding the proposed development with  
27 any California Native American tribe that is traditionally and  
28 culturally affiliated with the geographic area, as described in  
29 Section 21080.3.1 of the Public Resources Code, of the proposed  
30 development. In order to expedite compliance with this subdivision,  
31 the local government shall contact the Native American Heritage  
32 Commission for assistance in identifying any California Native  
33 American tribe that is traditionally and culturally affiliated with  
34 the geographic area of the proposed development.

35 (iii) The timeline for noticing and commencing a scoping  
36 consultation in accordance with this subdivision shall be as follows:

37 (I) The local government shall provide a formal notice of a  
38 development proponent's notice of intent to submit an application  
39 described in clause (i) to each California Native American tribe  
40 that is traditionally and culturally affiliated with the geographic

1 area of the proposed development within 30 days of receiving that  
2 notice of intent. The formal notice provided pursuant to this  
3 subclause shall include all of the following:

- 4 (ia) A description of the proposed development.
- 5 (ib) The location of the proposed development.
- 6 (ic) An invitation to engage in a scoping consultation in  
7 accordance with this subdivision.

8 (II) Each California Native American tribe that receives a formal  
9 notice pursuant to this clause shall have 30 days from the receipt  
10 of that notice to accept the invitation to engage in a scoping  
11 consultation.

12 (III) If the local government receives a response accepting an  
13 invitation to engage in a scoping consultation pursuant to this  
14 subdivision, the local government shall commence the scoping  
15 consultation within 30 days of receiving that response.

16 (B) The scoping consultation shall recognize that California  
17 Native American tribes traditionally and culturally affiliated with  
18 a geographic area have knowledge and expertise concerning the  
19 resources at issue and shall take into account the cultural  
20 significance of the resource to the culturally affiliated California  
21 Native American tribe.

22 (C) The parties to a scoping consultation conducted pursuant  
23 to this subdivision shall be the local government and any California  
24 Native American tribe traditionally and culturally affiliated with  
25 the geographic area of the proposed development. More than one  
26 California Native American tribe traditionally and culturally  
27 affiliated with the geographic area of the proposed development  
28 may participate in the scoping consultation. However, the local  
29 government, upon the request of any California Native American  
30 tribe traditionally and culturally affiliated with the geographic area  
31 of the proposed development, shall engage in a separate scoping  
32 consultation with that California Native American tribe. The  
33 development proponent and its consultants may participate in a  
34 scoping consultation process conducted pursuant to this subdivision  
35 if all of the following conditions are met:

- 36 (i) The development proponent and its consultants agree to  
37 respect the principles set forth in this subdivision.
- 38 (ii) The development proponent and its consultants engage in  
39 the scoping consultation in good faith.

1 (iii) The California Native American tribe participating in the  
2 scoping consultation approves the participation of the development  
3 proponent and its consultants. The California Native American  
4 tribe may rescind its approval at any time during the scoping  
5 consultation, either for the duration of the scoping consultation or  
6 with respect to any particular meeting or discussion held as part  
7 of the scoping consultation.

8 (D) The participants to a scoping consultation pursuant to this  
9 subdivision shall comply with all of the following confidentiality  
10 requirements:

11 (i) Subdivision (r) of Section 6254.

12 (ii) Section 6254.10.

13 (iii) Subdivision (c) of Section 21082.3 of the Public Resources  
14 Code.

15 (iv) Subdivision (d) of Section 15120 of Title 14 of the  
16 California Code of Regulations.

17 (v) Any additional confidentiality standards adopted by the  
18 California Native American tribe participating in the scoping  
19 consultation.

20 (E) The California Environmental Quality Act (Division 13  
21 commencing with Section 21000) of the Public Resources Code)  
22 shall not apply to a scoping consultation conducted pursuant to  
23 this subdivision.

24 (2) (A) If, after concluding the scoping consultation, the parties  
25 find that no potential tribal cultural resource would be affected by  
26 the proposed development, the development proponent may submit  
27 an application for the proposed development that is subject to the  
28 streamlined, ministerial approval process described in subdivision  
29 (c).

30 (B) If, after concluding the scoping consultation, the parties  
31 find that a potential tribal cultural resource could be affected by  
32 the proposed development and an enforceable agreement is  
33 documented between the California Native American tribe and the  
34 local government on methods, measures, and conditions for tribal  
35 cultural resource treatment, the development proponent may submit  
36 the application for a development subject to the streamlined,  
37 ministerial approval process described in subdivision (c). The local  
38 government shall ensure that the enforceable agreement is included  
39 in the requirements and conditions for the proposed development.

1 (C) If, after concluding the scoping consultation, the parties  
2 find that a potential tribal cultural resource could be affected by  
3 the proposed development and an enforceable agreement is not  
4 documented between the California Native American tribe and the  
5 local government regarding methods, measures, and conditions  
6 for tribal cultural resource treatment, the development shall not  
7 be eligible for the streamlined, ministerial approval process  
8 described in subdivision (c).

9 (D) For purposes of this paragraph, a scoping consultation shall  
10 be deemed to be concluded if either of the following occur:

11 (i) The parties to the scoping consultation document an  
12 enforceable agreement concerning methods, measures, and  
13 conditions to avoid or address potential impacts to tribal cultural  
14 resources that are or may be present.

15 (ii) One or more parties to the scoping consultation, acting in  
16 good faith and after reasonable effort, conclude that a mutual  
17 agreement on methods, measures, and conditions to avoid or  
18 address impacts to tribal cultural resources that are or may be  
19 present cannot be reached.

20 (E) If the development or environmental setting substantially  
21 changes after the completion of the scoping consultation, the local  
22 government shall notify the California Native American tribe of  
23 the changes and engage in a subsequent scoping consultation if  
24 requested by the California Native American tribe.

25 (3) A local government may only accept an application for  
26 streamlined, ministerial approval pursuant to this section if one of  
27 the following applies:

28 (A) A California Native American tribe that received a formal  
29 notice of the development proponent's notice of intent to submit  
30 an application pursuant to subclause (I) of clause (iii) of  
31 subparagraph (A) of paragraph (1) did not accept the invitation to  
32 engage in a scoping consultation.

33 (B) The California Native American tribe accepted an invitation  
34 to engage in a scoping consultation pursuant to subclause (II) of  
35 clause (iii) of subparagraph (A) of paragraph (1) but substantially  
36 failed to engage in the scoping consultation after repeated  
37 documented attempts by the local government to engage the  
38 California Native American tribe.

39 (C) The parties to a scoping consultation pursuant to this  
40 subdivision find that no potential tribal cultural resource will be

1 affected by the proposed development pursuant to subparagraph  
2 (A) of paragraph (2).

3 (D) A scoping consultation between a California Native  
4 American tribe and the local government has occurred in  
5 accordance with this subdivision and resulted in agreement  
6 pursuant to subparagraph (B) of paragraph (2).

7 (4) A project shall not be eligible for the streamlined, ministerial  
8 process described in subdivision (c) if any of the following apply:

9 (A) There is a tribal cultural resource that is on a national, state,  
10 tribal, or local historic register list located on the site of the project.

11 (B) There is a potential tribal cultural resource that could be  
12 affected by the proposed development and the parties to a scoping  
13 consultation conducted pursuant to this subdivision do not  
14 document an enforceable agreement on methods, measures, and  
15 conditions for tribal cultural resource treatment, as described in  
16 subparagraph (C) of paragraph (2).

17 (C) The parties to a scoping consultation conducted pursuant  
18 to this subdivision do not agree as to whether a potential tribal  
19 cultural resource will be affected by the proposed development.

20 (5) (A) If, after a scoping consultation conducted pursuant to  
21 this subdivision, a project is not eligible for the streamlined,  
22 ministerial process described in subdivision (c) for any or all of  
23 the following reasons, the local government shall provide written  
24 documentation of that fact, and an explanation of the reason for  
25 which the project is not eligible, to the development proponent  
26 and to any California Native American tribe that is a party to that  
27 scoping consultation:

28 (i) There is a tribal cultural resource that is on a national, state,  
29 tribal, or local historic register list located on the site of the project,  
30 as described in subparagraph (A) of paragraph (4).

31 (ii) The parties to the scoping consultation have not documented  
32 an enforceable agreement on methods, measures, and conditions  
33 for tribal cultural resource treatment, as described in subparagraph  
34 (C) of paragraph (2) and subparagraph (B) of paragraph (4).

35 (iii) The parties to the scoping consultation do not agree as to  
36 whether a potential tribal cultural resource will be affected by the  
37 proposed development, as described in subparagraph (C) of  
38 paragraph (4).

39 (B) The written documentation provided to a development  
40 proponent pursuant to this paragraph shall include information on



1 how the development proponent may seek a conditional use permit  
2 or other discretionary approval of the development from the local  
3 government.

4 (6) This section is not intended, and shall not be construed, to  
5 limit consultation and discussion between a local government and  
6 a California Native American tribe pursuant to other applicable  
7 law, confidentiality provisions under other applicable law, the  
8 protection of religious exercise to the fullest extent permitted under  
9 state and federal law, or the ability of a California Native American  
10 tribe to submit information to the local government or participate  
11 in any process of the local government.

12 (7) For purposes of this subdivision:

13 (A) “Consultation” means the meaningful and timely process  
14 of seeking, discussing, and considering carefully the views of  
15 others, in a manner that is cognizant of all parties’ cultural values  
16 and, where feasible, seeking agreement. Consultation between  
17 local governments and Native American tribes shall be conducted  
18 in a way that is mutually respectful of each party’s sovereignty.  
19 Consultation shall also recognize the tribes’ potential needs for  
20 confidentiality with respect to places that have traditional tribal  
21 cultural importance. A lead agency shall consult the tribal  
22 consultation best practices described in the “State of California  
23 Tribal Consultation Guidelines: Supplement to the General Plan  
24 Guidelines” prepared by the Office of Planning and Research.

25 (B) “Scoping” means the act of participating in early discussions  
26 or investigations between the local government and California  
27 Native American tribe, and the development proponent if  
28 authorized by the California Native American tribe, regarding the  
29 potential effects a proposed development could have on a potential  
30 tribal cultural resource, as defined in Section 21074 of the Public  
31 Resources Code, or California Native American tribe, as defined  
32 in Section 21073 of the Public Resources Code.

33 (8) This subdivision shall not apply to any project that has been  
34 approved under the streamlined, ministerial approval process  
35 provided under this section before the effective date of the act  
36 adding this subdivision.

37 (c) (1) If a local government determines that a development  
38 submitted pursuant to this section is in conflict with any of the  
39 objective planning standards specified in subdivision (a), it shall  
40 provide the development proponent written documentation of

1 which standard or standards the development conflicts with, and  
2 an explanation for the reason or reasons the development conflicts  
3 with that standard or standards, as follows:

4 (A) Within 60 days of submittal of the development to the local  
5 government pursuant to this section if the development contains  
6 150 or fewer housing units.

7 (B) Within 90 days of submittal of the development to the local  
8 government pursuant to this section if the development contains  
9 more than 150 housing units.

10 (2) If the local government fails to provide the required  
11 documentation pursuant to paragraph (1), the development shall  
12 be deemed to satisfy the objective planning standards specified in  
13 subdivision (a).

14 (3) For purposes of this section, a development is consistent  
15 with the objective planning standards specified in subdivision (a)  
16 if there is substantial evidence that would allow a reasonable person  
17 to conclude that the development is consistent with the objective  
18 planning standards.

19 (d) (1) Any design review or public oversight of the  
20 development may be conducted by the local government's planning  
21 commission or any equivalent board or commission responsible  
22 for review and approval of development projects, or the city council  
23 or board of supervisors, as appropriate. That design review or  
24 public oversight shall be objective and be strictly focused on  
25 assessing compliance with criteria required for streamlined projects,  
26 as well as any reasonable objective design standards published  
27 and adopted by ordinance or resolution by a local jurisdiction  
28 before submission of a development application, and shall be  
29 broadly applicable to development within the jurisdiction. That  
30 design review or public oversight shall be completed as follows  
31 and shall not in any way inhibit, chill, or preclude the ministerial  
32 approval provided by this section or its effect, as applicable:

33 (A) Within 90 days of submittal of the development to the local  
34 government pursuant to this section if the development contains  
35 150 or fewer housing units.

36 (B) Within 180 days of submittal of the development to the  
37 local government pursuant to this section if the development  
38 contains more than 150 housing units.

39 (2) If the development is consistent with the requirements of  
40 subparagraph (A) or (B) of paragraph (9) of subdivision (a) and

1 is consistent with all objective subdivision standards in the local  
2 subdivision ordinance, an application for a subdivision pursuant  
3 to the Subdivision Map Act (Division 2 (commencing with Section  
4 66410)) shall be exempt from the requirements of the California  
5 Environmental Quality Act (Division 13 (commencing with Section  
6 21000) of the Public Resources Code) and shall be subject to the  
7 public oversight timelines set forth in paragraph (1).

8 (e) (1) Notwithstanding any other law, a local government,  
9 whether or not it has adopted an ordinance governing automobile  
10 parking requirements in multifamily developments, shall not  
11 impose automobile parking standards for a streamlined  
12 development that was approved pursuant to this section in any of  
13 the following instances:

14 (A) The development is located within one-half mile of public  
15 transit.

16 (B) The development is located within an architecturally and  
17 historically significant historic district.

18 (C) When on-street parking permits are required but not offered  
19 to the occupants of the development.

20 (D) When there is a car share vehicle located within one block  
21 of the development.

22 (2) If the development does not fall within any of the categories  
23 described in paragraph (1), the local government shall not impose  
24 automobile parking requirements for streamlined developments  
25 approved pursuant to this section that exceed one parking space  
26 per unit.

27 (f) (1) If a local government approves a development pursuant  
28 to this section, then, notwithstanding any other law, that approval  
29 shall not expire if the project satisfies both of the following  
30 requirements:

31 (A) The project includes public investment in housing  
32 affordability, beyond tax credits.

33 (B) At least 50 percent of the units are affordable to households  
34 making at or below 80 percent of the area median income.

35 (2) (A) If a local government approves a development pursuant  
36 to this section, and the project does not satisfy the requirements  
37 of subparagraphs (A) and (B) of paragraph (1), that approval shall  
38 remain valid for three years from the date of the final action  
39 establishing that approval, or if litigation is filed challenging that  
40 approval, from the date of the final judgment upholding that

1 approval. Approval shall remain valid for a project provided  
2 construction activity, including demolition and grading activity,  
3 on the development site has begun pursuant to a permit issued by  
4 the local jurisdiction and is in progress. For purposes of this  
5 subdivision, “in progress” means one of the following:

6 (i) The construction has begun and has not ceased for more than  
7 180 days.

8 (ii) If the development requires multiple building permits, an  
9 initial phase has been completed, and the project proponent has  
10 applied for and is diligently pursuing a building permit for a  
11 subsequent phase, provided that once it has been issued, the  
12 building permit for the subsequent phase does not lapse.

13 (B) Notwithstanding subparagraph (A), a local government may  
14 grant a project a one-time, one-year extension if the project  
15 proponent can provide documentation that there has been  
16 significant progress toward getting the development construction  
17 ready, such as filing a building permit application.

18 (3) If the development proponent requests a modification  
19 pursuant to subdivision (g), then the time during which the approval  
20 shall remain valid shall be extended for the number of days  
21 between the submittal of a modification request and the date of its  
22 final approval, plus an additional 180 days to allow time to obtain  
23 a building permit. If litigation is filed relating to the modification  
24 request, the time shall be further extended during the pendency of  
25 the litigation. The extension required by this paragraph shall only  
26 apply to the first request for a modification submitted by the  
27 development proponent.

28 (4) The amendments made to this subdivision by the act that  
29 added this paragraph shall also be retroactively applied to  
30 developments approved prior to January 1, 2022.

31 (g) (1) (A) A development proponent may request a  
32 modification to a development that has been approved under the  
33 streamlined, ministerial approval process provided in subdivision  
34 (c) if that request is submitted to the local government before the  
35 issuance of the final building permit required for construction of  
36 the development.

37 (B) Except as provided in paragraph (3), the local government  
38 shall approve a modification if it determines that the modification  
39 is consistent with the objective planning standards specified in

subdivision (a) that were in effect when the original development application was first submitted.

(C) The local government shall evaluate any modifications requested pursuant to this subdivision for consistency with the objective planning standards using the same assumptions and analytical methodology that the local government originally used to assess consistency for the development that was approved for streamlined, ministerial approval pursuant to subdivision (c).

(D) A guideline that was adopted or amended by the department pursuant to subdivision (l) after a development was approved through the streamlined, ministerial approval process described in subdivision (c) shall not be used as a basis to deny proposed modifications.

(2) Upon receipt of the development proponent's application requesting a modification, the local government shall determine if the requested modification is consistent with the objective planning standard and either approve or deny the modification request within 60 days after submission of the modification, or within 90 days if design review is required.

(3) Notwithstanding paragraph (1), the local government may apply objective planning standards adopted after the development application was first submitted to the requested modification in any of the following instances:

(A) The development is revised such that the total number of residential units or total square footage of construction changes by 15 percent or more. The calculation of the square footage of construction changes shall not include underground space.

(B) The development is revised such that the total number of residential units or total square footage of construction changes by 5 percent or more and it is necessary to subject the development to an objective standard beyond those in effect when the development application was submitted in order to mitigate or avoid a specific, adverse impact, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (j) of Section 65589.5, upon the public health or safety and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact. The calculation of the square footage of construction changes shall not include underground space.

(C) (i) Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of

1 Regulations), including, but not limited to, building plumbing,  
2 electrical, fire, and grading codes, may be applied to all  
3 modification applications that are submitted prior to the first  
4 building permit application. Those standards may be applied to  
5 modification applications submitted after the first building permit  
6 application if agreed to by the development proponent.

7 (ii) The amendments made to clause (i) by the act that added  
8 clause (i) shall also be retroactively applied to modification  
9 applications submitted prior to January 1, 2022.

10 (4) The local government's review of a modification request  
11 pursuant to this subdivision shall be strictly limited to determining  
12 whether the modification, including any modification to previously  
13 approved density bonus concessions or waivers, modify the  
14 development's consistency with the objective planning standards  
15 and shall not reconsider prior determinations that are not affected  
16 by the modification.

17 (h) (1) A local government shall not adopt or impose any  
18 requirement, including, but not limited to, increased fees or  
19 inclusionary housing requirements, that applies to a project solely  
20 or partially on the basis that the project is eligible to receive  
21 ministerial or streamlined approval pursuant to this section.

22 (2) (A) A local government shall issue a subsequent permit  
23 required for a development approved under this section if the  
24 application substantially complies with the development as it was  
25 approved pursuant to subdivision (c). Upon receipt of an  
26 application for a subsequent permit, the local government shall  
27 process the permit without unreasonable delay and shall not impose  
28 any procedure or requirement that is not imposed on projects that  
29 are not approved pursuant to this section. The local government  
30 shall consider the application for subsequent permits based upon  
31 the objective standards specified in any state or local laws that  
32 were in effect when the original development application was  
33 submitted, unless the development proponent agrees to a change  
34 in objective standards. Issuance of subsequent permits shall  
35 implement the approved development, and review of the permit  
36 application shall not inhibit, chill, or preclude the development.  
37 For purposes of this paragraph, a "subsequent permit" means a  
38 permit required subsequent to receiving approval under subdivision  
39 (c), and includes, but is not limited to, demolition, grading,  
40 encroachment, and building permits and final maps, if necessary.

1 (B) The amendments made to subparagraph (A) by the act that  
2 added this subparagraph shall also be retroactively applied to  
3 subsequent permit applications submitted prior to January 1, 2022.

4 (3) (A) If a public improvement is necessary to implement a  
5 development that is subject to the streamlined, ministerial approval  
6 pursuant to this section, including, but not limited to, a bicycle  
7 lane, sidewalk or walkway, public transit stop, driveway, street  
8 paving or overlay, a curb or gutter, a modified intersection, a street  
9 sign or street light, landscape or hardscape, an above-ground or  
10 underground utility connection, a water line, fire hydrant, storm  
11 or sanitary sewer connection, retaining wall, and any related work,  
12 and that public improvement is located on land owned by the local  
13 government, to the extent that the public improvement requires  
14 approval from the local government, the local government shall  
15 not exercise its discretion over any approval relating to the public  
16 improvement in a manner that would inhibit, chill, or preclude the  
17 development.

18 (B) If an application for a public improvement described in  
19 subparagraph (A) is submitted to a local government, the local  
20 government shall do all of the following:

21 (i) Consider the application based upon any objective standards  
22 specified in any state or local laws that were in effect when the  
23 original development application was submitted.

24 (ii) Conduct its review and approval in the same manner as it  
25 would evaluate the public improvement if required by a project  
26 that is not eligible to receive ministerial or streamlined approval  
27 pursuant to this section.

28 (C) If an application for a public improvement described in  
29 subparagraph (A) is submitted to a local government, the local  
30 government shall not do either of the following:

31 (i) Adopt or impose any requirement that applies to a project  
32 solely or partially on the basis that the project is eligible to receive  
33 ministerial or streamlined approval pursuant to this section.

34 (ii) Unreasonably delay in its consideration, review, or approval  
35 of the application.

36 (i) (1) This section shall not affect a development proponent's  
37 ability to use any alternative streamlined by right permit processing  
38 adopted by a local government, including the provisions of  
39 subdivision (i) of Section 65583.2.

1 (2) This section shall not prevent a development from also  
2 qualifying as a housing development project entitled to the  
3 protections of Section 65589.5. This paragraph does not constitute  
4 a change in, but is declaratory of, existing law.

5 (j) The California Environmental Quality Act (Division 13  
6 (commencing with Section 21000) of the Public Resources Code)  
7 does not apply to actions taken by a state agency, local government,  
8 or the San Francisco Bay Area Rapid Transit District to:

9 (1) Lease, convey, or encumber land owned by the local  
10 government or the San Francisco Bay Area Rapid Transit District  
11 or to facilitate the lease, conveyance, or encumbrance of land  
12 owned by the local government, or for the lease of land owned by  
13 the San Francisco Bay Area Rapid Transit District in association  
14 with an eligible TOD project, as defined pursuant to Section  
15 29010.1 of the Public Utilities Code, nor to any decisions  
16 associated with that lease, or to provide financial assistance to a  
17 development that receives streamlined approval pursuant to this  
18 section that is to be used for housing for persons and families of  
19 very low, low, or moderate income, as defined in Section 50093  
20 of the Health and Safety Code.

21 (2) Approve improvements located on land owned by the local  
22 government or the San Francisco Bay Area Rapid Transit District  
23 that are necessary to implement a development that receives  
24 streamlined approval pursuant to this section that is to be used for  
25 housing for persons and families of very low, low, or moderate  
26 income, as defined in Section 50093 of the Health and Safety Code.

27 (k) For purposes of this section, the following terms have the  
28 following meanings:

29 (1) “Affordable housing cost” has the same meaning as set forth  
30 in Section 50052.5 of the Health and Safety Code.

31 (2) (A) Subject to the qualification provided by subparagraph  
32 (B), “affordable rent” has the same meaning as set forth in Section  
33 50053 of the Health and Safety Code.

34 (B) For a development for which an application pursuant to this  
35 section was submitted prior to January 1, 2019, that includes 500  
36 units or more of housing, and that dedicates 50 percent of the total  
37 number of units to housing affordable to households making at,  
38 or below, 80 percent of the area median income, affordable rent  
39 for at least 30 percent of these units shall be set at an affordable  
40 rent as defined in subparagraph (A) and “affordable rent” for the



1 remainder of these units shall mean a rent that is consistent with  
2 the maximum rent levels for a housing development that receives  
3 an allocation of state or federal low-income housing tax credits  
4 from the California Tax Credit Allocation Committee.

5 (3) “Department” means the Department of Housing and  
6 Community Development.

7 (4) “Development proponent” means the developer who submits  
8 an application for streamlined approval pursuant to this section.

9 (5) “Completed entitlements” means a housing development  
10 that has received all the required land use approvals or entitlements  
11 necessary for the issuance of a building permit.

12 (6) “Locality” or “local government” means a city, including a  
13 charter city, a county, including a charter county, or a city and  
14 county, including a charter city and county.

15 (7) “Moderate income housing units” means housing units with  
16 an affordable housing cost or affordable rent for persons and  
17 families of moderate income, as that term is defined in Section  
18 50093 of the Health and Safety Code.

19 (8) “Production report” means the information reported pursuant  
20 to subparagraph (H) of paragraph (2) of subdivision (a) of Section  
21 65400.

22 (9) “State agency” includes every state office, officer,  
23 department, division, bureau, board, and commission, but does not  
24 include the California State University or the University of  
25 California.

26 (10) “Subsidized” means units that are price or rent restricted  
27 such that the units are affordable to households meeting the  
28 definitions of very low and lower income, as defined in Sections  
29 50079.5 and 50105 of the Health and Safety Code.

30 (11) “Reporting period” means either of the following:

31 (A) The first half of the regional housing needs assessment  
32 cycle.

33 (B) The last half of the regional housing needs assessment cycle.

34 (12) “Urban uses” means any current or former residential,  
35 commercial, public institutional, transit or transportation passenger  
36 facility, or retail use, or any combination of those uses.

37 (l) The department may review, adopt, amend, and repeal  
38 guidelines to implement uniform standards or criteria that  
39 supplement or clarify the terms, references, or standards set forth  
40 in this section. Any guidelines or terms adopted pursuant to this

subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(m) The determination of whether an application for a development is subject to the streamlined ministerial approval process provided by subdivision (c) is not a “project” as defined in Section 21065 of the Public Resources Code.

(n) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, increased housing supply.

(o) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

~~SEC. 4.~~

*SEC. 3.* No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.