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SB-35 Planning and zoning: affordable housing: streamlined appro

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Senate Bill No. 35

CHAPTER 366

An act to amend Sections 65400 and 65582.1 of, and to add and repeal Sect
Government Code, relating to housing.

[Approved by Governor September 29, 2017. Filed with Secre
September 29, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 35, Wiener. Planning and zoning: affordable housing: streamlined approval process.

(1) The Planning and Zoning Law requires a city or county to adopt a general plan f
within its boundaries that includes, among other things, a housing element. The F
requires a planning agency, after a legislative body has adopted all or part of a ge
annual report to the legislative body, the Office of Planning and Research, and the De
Community Development on the status of the general plan and progress in meeting f
regional housing needs. Existing law requires the housing element portion of the ann
through the use of forms and definitions adopted by the department pursuant to the
Act.

This bill would require the housing element portion of the annual report to be prep
standards, forms, and definitions adopted by the department. The bill would eliminate

forms and definitions be adopted by the department pursuant to the Administrative Code. The bill would instead authorize the department to review, adopt, amend, and repeal the standards, as provided. The bill would also require the planning agency to include in its annual report regarding units of net new housing, including rental housing and for-sale housing completed entitlement, building permit, or certificate of occupancy. The bill would also require the Department of Housing and Community Development to post an annual report submitted pursuant to the bill above on its Internet Web site, as provided.

(2) Existing law requires an attached housing development to be a permitted use, not a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are at affordable housing costs to very low income, lower income, and moderate-income households and if the project meets specified conditions relating to location and being a discretionary decision other than a conditional use permit. Existing law provides for various incentives to encourage and expedite the construction of affordable housing.

This bill would authorize a development proponent to submit an application for a streamlined development, which satisfies specified planning objective standards, that is subject to a streamlined approval process, as provided, and not subject to a conditional use permit. The bill would require the local government to notify the development proponent in writing if the local government determines that the development conflicts with any of those objective standards by a specified time; otherwise, the development is deemed to comply with those standards. The bill would limit the authority of a local government to impose parking standards or requirements on a streamlined development approved pursuant to the bill as provided. The bill would provide that if a local government approves a project pursuant to the bill, the approval will not expire if that project includes investment in housing affordability, and that the approval of a project expires automatically after 3 years, unless that project receives a one-year extension of that approval. The bill would provide that approval pursuant to the bill is valid for three years and remain valid thereafter so long as vertical construction of the project is in progress, and would authorize a discretionary one-year extension, as provided. The bill would prohibit a local government from adopting any requirement that applies to a project solely or partly because the project receives ministerial or streamlined approval pursuant to these provisions. The bill would become operative on January 1, 2026.

(3) The bill would make findings that ensuring access to affordable housing is a matter of public concern and declare that its provisions would apply to all cities and counties, including a charter city and county.

(4) By imposing new duties upon local agencies with respect to the streamlined approval process requirement described above, 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 a specified reason.

(5) This bill would incorporate additional changes to Section 65400 of the Government Code to be operative only if this bill and AB 879 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65582.1 of the Government Code to be operative only if this bill and AB 73 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65400 of the Government Code is amended to read:

65400. (a) After the legislative body has adopted all or part of a general plan, the plan shall include the following:

(1) Investigate and make recommendations to the legislative body regarding reasons for implementing the general plan or element of the general plan, so that it will serve the public interest, orderly growth and development, preservation and conservation of open-space land and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Department of Housing and Community Development, the Department of Planning and Research, and the Department of Housing and Community Development that includes the following:

(A) The status of the plan and progress in its implementation.

(B) The progress in meeting its share of regional housing needs determined pursuant to the law, local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

The housing element portion of the annual report, as required by this paragraph, shall use the standards, forms, and definitions adopted by the Department of Housing and Community Development. The department may review, adopt, amend, and repeal the standards, forms, or definitions adopted to implement this article. Any standards, forms, or definitions adopted to implement this article shall not conflict with the standards, forms, or definitions adopted by the Department of Planning and Research (commencing with Section 11340) or Part 1 of Division 3 of Title 2. Before and after the housing element portion of the annual report shall include a section that describes the progress of the government towards completion of the programs and status of the local government towards meeting its housing element deadlines in its housing element. That report shall be considered at an annual public hearing of the legislative body where members of the public shall be allowed to provide oral testimony.

The report may include the number of units that have been substantially rehabilitated from nonaffordable to affordable by acquisition, and preserved consistent with the standards of subdivision (c) of Section 65583.1. The report shall document how the units meet the standards in that subdivision.

(C) The degree to which its approved general plan complies with the guidelines established pursuant to Section 65040.2 and the date of the last revision to the general plan.

(D) The number of net new units of housing, including both rental housing and for-sale housing, that have been issued a completed entitlement, a building permit, or a certificate of occupancy, by area median income category, housing element cycle, and the income category, by area median income category, for each income category described in this subparagraph shall be included in the production report shall, for each income category described in this subparagraph, include the number of rental housing units and the number of for-sale housing units that satisfy the requirements of this section. The production report shall include, for each entitlement, building permit, or certificate of occupancy, a unique site identifier, which must include an assessor's parcel number, but may also include other identifiers.

(E) The number of applications submitted pursuant to subdivision (a) of Section 65913.4, the total number of developments approved pursuant to subdivision (b) of Section 65913.4, the number of building permits issued pursuant to subdivision (b) of Section 65913.4, including both rental housing and for-sale housing by area median income category, shall be included in the process provided for in subdivision (b) of Section 65913.4.

(F) The Department of Housing and Community Development shall post a report pursuant to this paragraph on its Internet Web site within a reasonable time of receiving the report.

(b) If a court finds, upon a motion to that effect, that a city, county, or city and county fails to comply with the deadline established in this section, the housing element portion of the report shall be subject to subdivision (B) of paragraph (2) of subdivision (a) that substantially complies with this section, the court shall issue an order or judgment compelling compliance with this section. If a city, county, or city and county fails to comply with the court's order within 60 days, the court may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court may retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its judgment is not carried out within 60 days, the court may issue further orders as provided in this section to ensure the purposes and policies of this section are fulfilled. This subdivision applies to proceedings commenced on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than the date of that adoption.

SEC. 1.5. Section 65400 of the Government Code is amended to read:

65400. (a) After the legislative body has adopted all or part of a general plan, the plan shall include the following:

(1) Investigate and make recommendations to the legislative body regarding reasons for implementing the general plan or element of the general plan, so that it will serve the purposes of orderly growth and development, preservation and conservation of open-space land and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Department of Planning and Research, and the Department of Housing and Community Development that includes

(A) The status of the plan and progress in its implementation.

(B) The progress in meeting its share of regional housing needs determined pursuant to local efforts to remove governmental constraints to the maintenance, improvement, and production of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

The housing element portion of the annual report, as required by this paragraph, shall use the standards, forms, and definitions adopted by the Department of Housing and Community Development. The department may review, adopt, amend, and repeal the standards, forms, or definitions adopted to implement this article. Any standards, forms, or definitions adopted to implement this article shall not be subject to the provisions of (commencing with Section 11340) of Part 1 of Division 3 of Title 2. Before and after the adoption of the housing element portion of the annual report shall include a section that describes the progress of the local government towards completion of the programs and status of the local government's housing element. That report shall be considered at an annual public hearing of the legislative body where members of the public shall be allowed to provide oral testimony.

The report may include the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition, and preserved consistent with the standards of subdivision (2) of subdivision (c) of Section 65583.1. The report shall document how the units meet the standards in that subdivision.

(C) The number of housing development applications received in the prior year.

(D) The number of units included in all development applications in the prior year.

(E) The number of units approved and disapproved in the prior year.

(F) The degree to which its approved general plan complies with the guidelines established pursuant to Section 65040.2 and the date of the last revision to the general plan.

(G) A listing of sites rezoned to accommodate that portion of the city's or county's housing need for each income level that could not be accommodated on sites identified in the housing element required by paragraph (1) of subdivision (c) of Sections 65583 and 65584.09. The report shall include any additional sites that may have been required to be identified by Section 65584.09.

(H) The number of net new units of housing, including both rental housing and for-sale housing, for which a completed entitlement, a building permit, or a certificate of occupancy has been issued during the housing element cycle, and the income category, by area median income category, that satisfies the production goal. That production report shall, for each income category described in this subdivision, compare the number of rental housing units and the number of for-sale units produced during the housing element cycle. The production report shall include, for each entitlement, building permit, or certificate of occupancy, a unique site identifier which must include the assessor's parcel number, street address, or other identifiers.

(I) The number of applications submitted pursuant to subdivision (a) of Section 65913.3, the total number of developments approved pursuant to subdivision (b) of Section 65913.3, and the number of building permits issued pursuant to subdivision (b) of Section 65913.4,

including both rental housing and for-sale housing by area median income category, the process provided for in subdivision (b) of Section 65913.4.

(J) The Department of Housing and Community Development shall post a report s paragraph on its Internet Web site within a reasonable time of receiving the report

(b) If a court finds, upon a motion to that effect, that a city, county, or city and county fails to comply with the court's order within 60 days, the court may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court may retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that the judgment is not carried out within 60 days, the court may issue further orders as provided in this section to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings commenced on or after the first day of October following the adoption of forms and definitions by the Department of Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than the adoption.

SEC. 2. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives the approval and construction of affordable housing. Those reforms and incentives can provisions:

(a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).

(b) Extension of statute of limitations in actions challenging the housing element and affordable housing (subdivision (d) of Section 65009).

(c) Restrictions on disapproval of housing developments (Section 65589.5).

(d) Priority for affordable housing in the allocation of water and sewer hookups (Section

(e) Least cost zoning law (Section 65913.1).

(f) Density bonus law (Section 65915).

(g) Accessory dwelling units (Sections 65852.150 and 65852.2).

(h) By-right housing, in which certain multifamily housing are designated a permitted use.

(i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 242.12)

(j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 529.2 of the Code of Civil Procedure).

- (k) Reduced time for action on affordable housing applications under the approval process (Article 5 (commencing with Section 65950) of Chapter 4.5).
- (l) Limiting moratoriums on multifamily housing (Section 65858).
- (m) Prohibiting discrimination against affordable housing (Section 65008).
- (n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 7, and in particular Sections 12916.2 and 12916.3).
- (o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 9, and in particular Sections 33334.2 and 33413).
- (p) Streamlining housing approvals during a housing shortage (Section 65913.4).

SEC. 2.5. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives to encourage the construction of affordable housing. Those reforms and incentives can be found in the following:

- (a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).
- (b) Extension of statute of limitations in actions challenging the housing element and the construction of affordable housing (subdivision (d) of Section 65009).
- (c) Restrictions on disapproval of housing developments (Section 65589.5).
- (d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65590.5).
- (e) Least cost zoning law (Section 65913.1).
- (f) Density bonus law (Section 65915).
- (g) Accessory dwelling units (Sections 65852.150 and 65852.2).
- (h) By-right housing, in which certain multifamily housing are designated as permitted uses (Section 65852.150).
- (i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65913.1).
- (j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 529.2 of the Code of Civil Procedure).
- (k) Reduced time for action on affordable housing applications under the approval process (Article 5 (commencing with Section 65950) of Chapter 4.5).
- (l) Limiting moratoriums on multifamily housing (Section 65858).
- (m) Prohibiting discrimination against affordable housing (Section 65008).
- (n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 7, and in particular Sections 12916.2 and 12916.3).

(o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 9, the Public Safety Code, and in particular Sections 33334.2 and 33413).

(p) Streamlining housing approvals during a housing shortage (Section 65913.4).

(q) Housing sustainability districts (Chapter 11 (commencing with Section 66200)).

SEC. 3. Section 65913.4 is added to the Government Code, to read:

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

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

(2) The development is located on a site that satisfies all of the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city is an urbanized area or urban cluster, as designated by the United States Census Bureau; 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.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels zoned for urban uses. For the purposes of this section, parcels that are only separated by a public street are considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development or has a development designation that allows residential use or a mix of residential and nonresidential uses, and at least one-third of the square footage of the development designated for residential use.

(3) If the development contains units that are subsidized, the development proponent is required by law to record, a land use restriction for the following applicable minimum term:

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

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

(4) The development satisfies both of the following:

(A) Is located in a locality that the department has determined is subject to this section if the number of units that have been issued building permits is less than the number of units in the regional housing needs, by income category, for that reporting period. A locality is subject to this subparagraph until the department's determination for the next reporting period. A locality is not subject to this subparagraph if it has not submitted an annual housing element pursuant to paragraph (2) of subdivision (a) of Section 65400 for at least two consecutive years. A development submitted an application for approval under this section.

(B) The development is subject to a requirement mandating a minimum percent housing based on one of the following:

(i) The locality did not submit its latest production report to the department by [redacted] by Section 65400, or that production report reflects that there were fewer unit households making below 80 percent of the area median income than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing seeking approval, the project dedicates a minimum of 10 percent of the total number of units to housing making below 80 percent of the area median income. If the locality has an ordinance that requires that greater than 10 percent of the units be dedicated to housing making below 80 percent of the area median income, that zoning or

(ii) The locality did not submit its latest production report to the department by [redacted] by Section 65400, or that production report reflects that there were fewer unit households making below 80 percent of the area median income than were issued building permits for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing seeking approval, the project dedicates 50 percent of the total number of units to housing making below 80 percent of the area median income, unless the locality has an ordinance that requires that greater than 50 percent of the units be dedicated to housing making below 80 percent of the area median income, in which case that ordinance

(iii) The locality did not submit its latest production report to the department by [redacted] by Section 65400, or if the production report reflects that there were fewer unit households making below 80 percent of the area median income than were issued building permits for the regional housing needs assessment cycle for that reporting period, the project chooses between utilizing clause (i) or (ii).

(5) The development, excluding any additional density or any other concessions, shall be deemed consistent with the objective zoning standards and objective design review standards granted pursuant to the Density Bonus Law in Section 65400, if the development is consistent with the objective zoning standards and objective design review standards in effect at the time the development was submitted to the local government pursuant to this section. For purposes of this paragraph, “objective zoning standards” and “objective design review standards” mean standards that involve no subjective judgment by a public official and are uniformly verifiable by reference to an external objective criterion available and knowable by both the development applicant or proponent at the time of submittal. These standards may be embodied in alternative objective land use specifications for the city or county, and may include, but are not limited to, housing overlay zones, specific zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards and objective design review standards, as applicable, if the density proposed is compliant with the maximum density allowed by the land use designation, notwithstanding any specified maximum unit allocation that would otherwise apply to the type of housing being permitted.

(B) In the event that objective zoning, general plan, or design review standards are not in effect, a development shall be deemed consistent with the objective zoning standards pursuant to the Density Bonus Law.

the development is consistent with the standards set forth in the general plan.

(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) Code.

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

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, (1993).

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

(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential or mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist, unless the development complies with applicable building code standards adopted by the California Building Standards Commission pursuant to the 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 18901) of Division 1 of Title 2.

(G) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 60 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Division 44 of Title 44 of the Code of Federal Regulations.

(H) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.1 of the Code of Federal Regulations.

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the federal Endangered Species Act (Chapter 10 (commencing with Section 1531) of Division 2 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act (Chapter 10 (commencing with Section 1531) of Division 2 of the Fish and Game Code), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special concern by the federal agencies, fully protected species, or species protected by the federal Endangered Species Act (Chapter 10 (commencing with Section 1531) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 2 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(K) Lands under conservation easement.

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

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

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts the use of the housing to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public utility or its police power.

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

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

(C) The development would require the demolition of a historic structure that is listed in the state, or local historic register.

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

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

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

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

(ii) If the development is not in its entirety a public work, that all construction costs for the execution of the development will be paid at least the general prevailing rate of wages for the type of work and geographic area, as determined by the Director of Industrial Relations under Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered with the Chief of the Division of Apprenticeship Standards may be paid at least

prevailing rate. If the development is subject to this subparagraph, then the development that are not a public work all of the following shall apply:

(I) The development proponent shall ensure that the prevailing wage requirements apply to all contracts for the performance of the work.

(II) All contractors and subcontractors shall pay to all construction workers employed on the work at least the general prevailing rate of per diem wages, except that in programs approved by the Chief of the Division of Apprenticeship Standards, the applicable apprentice prevailing rate.

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

(IV) Except as provided in subclause (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the wage and penalty assessment pursuant to Section 1741 of the Labor Code, or by an underpaid worker through an administrative complaint or a civil action under Section 1771.2 of the Labor Code, within 18 months after the date of development, by an underpaid worker through an administrative complaint or a civil action under Section 1771.2 of the Labor Code, if a wage and penalty assessment is issued, the contractor, subcontractor, and subcontractor shall be liable for damages pursuant to Section 1742.1 of the Labor Code.

(V) Subclauses (III) and (IV) shall not apply if all contractors and subcontractors on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and the enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of Section 2500 of the Public Contract Code.

(VI) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time wage to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing wage does not preclude use of an alternative workweek schedule adopted pursuant to Section 1773.1 of the Labor Code.

(B) (i) For developments for which any of the following conditions apply, certified workforce shall be used to complete the development if the application is approved:

(I) On and after January 1, 2018, until December 31, 2021, the development shall include units that are not 100 percent subsidized affordable housing and will be located in a coastal or bay county with a population of 225,000 or more.

(IV) Subclause (III) shall not apply if all contractors and subcontractors development are subject to a project labor agreement that requires compliance with a trained workforce requirement and provides for enforcement of that obligation through a dispute resolution procedure. For purposes of this subparagraph, "project labor agreement" means an agreement set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

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

(i) The project includes 10 or fewer units.

(ii) The project is not a public work for purposes of Chapter 1 (commencing with Section 1000) of Division 2 of the Labor Code.

(9) The development did not or does not involve a subdivision of a parcel that is subject to the Subdivision Map Act (Division 2 (commencing with Section 6600) of the Civil Code) or any other applicable law authorizing the subdivision of land, unless either of the following conditions is met:

(A) The development has received or will receive financing or funding by means of a state or federal tax credit and is subject to the requirement that prevailing wages be paid pursuant to paragraph (8).

(B) The development is subject to the requirement that prevailing wages be paid, pursuant to paragraph (8), for the workforce used, pursuant to paragraph (8).

(10) The development shall not be upon an existing parcel of land or site that is subject to the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 18200) of Division 13 of the Health and Safety Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Law (Chapter 18.6 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(b) (1) If a local government determines that a development submitted pursuant to this section conflicts with any of the objective planning standards specified in subdivision (a), it shall provide the written documentation of which standard or standards the development conflicts with, and the reason or reasons the development conflicts with that standard or standards, as follows:

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

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

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

(c) Any design review or public oversight of the development may be conducted by the planning commission or any equivalent board or commission responsible for review and projects, or the city council or board of supervisors, as appropriate. That design review shall be objective and be strictly focused on assessing compliance with criteria required for projects as well as any reasonable objective design standards published and adopted by ordinance within the jurisdiction before submission of a development application, and shall be broadly applied within the jurisdiction. That design review or public oversight shall be completed as far as possible without way inhibit, chill, or preclude the ministerial approval provided by this section or its effect.

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

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

(d) (1) Notwithstanding any other law, a local government, whether or not it has a law governing parking requirements in multifamily developments, shall not impose a requirement that a streamlined development that was approved pursuant to this section in any of the following categories:

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

(B) The development is located within an architecturally and historically significant area.

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

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

(2) If the development does not fall within any of the categories described in this section, the local government shall not impose parking requirements for streamlined developments that would require a section that exceed one parking space per unit.

(e) (1) If a local government approves a development pursuant to this section, then, regardless of any other law, that approval shall not expire if the project includes public investment in housing credits, where 50 percent of the units are affordable to households making below 80 percent of the area median income.

(2) If a local government approves a development pursuant to this section and the project is 50 percent or more of the units affordable to households making below 80 percent of the area median income, the approval shall automatically expire after three years except that a project may receive a one-year extension if the project proponent can provide documentation that there has been significant progress in getting the development construction ready, such as filing a building permit application.

(3) If a local government approves a development pursuant to this section, that approval shall remain in effect for three years from the date of the final action establishing that approval and shall remain in effect for the project so long as vertical construction of the development has begun and is in progress. The project proponent may request, and the local government shall have discretion to grant, a one-year extension to the original three-year period. The local government's decision to grant or deny an extension shall be final.

determining whether to grant the foregoing extension shall be limited to consideration of this section.

(f) A local government shall not adopt any requirement, including, but not limited to, inclusionary housing requirements, that applies to a project solely or partially on the basis of whether the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(g) This section shall not affect a development proponent's ability to use any alternative permit processing adopted by a local government, including the provisions of subdivision (h).

(h) For purposes of this section:

(1) "Department" means the Department of Housing and Community Development.

(2) "Development proponent" means the developer who submits an application pursuant to this section.

(3) "Completed entitlements" means a housing development which has received all necessary approvals or entitlements necessary for the issuance of building permit.

(4) "Locality" or "local government" means a city, including a charter city, a county, or a city and county, including a charter city and county.

(5) "Production report" means the information reported pursuant to subparagraph (a) of Section 65400.

(6) "Subsidized" means units that are price or rent restricted such that the units are affordable to households meeting the definitions of very low and lower income, as defined in Section 50200 of the Health and Safety Code.

(7) "Reporting period" means either of the following:

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

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

(8) "Urban uses" means any current or former residential, commercial, public transportation passenger facility, or retail use, or any combination of those uses.

(i) The department may review, adopt, amend, and repeal guidelines to implement units that supplement or clarify the terms, references, or standards set forth in this section adopted pursuant to this subdivision shall not be subject to Chapter 3.5 (commencing with Section 21000) of Part 1 of Division 3 of Title 2 of the Government Code.

(j) This section shall remain in effect only until January 1, 2026, and as of that date is repealed, unless a later enactment provides otherwise.

SEC. 4. The Legislature finds and declares that ensuring access to affordable housing is a state concern, and not a municipal affair. Therefore, the changes made by this act are applicable to a charter county, and a charter city and county.

SEC. 5. Each provision of this measure is a material and integral part of this measure, measure are not severable. If any provision of this measure or its application is held in shall be null and void.

SEC. 6. (a) Section 1.5 of this bill incorporates amendments to Section 65400 of the Government Code by both this bill and Assembly Bill 879. That section shall only become operative if (1) it becomes effective on or before January 1, 2018, (2) each bill amends Section 65400 of the Government Code, and (3) this bill is enacted after Assembly Bill 879, in which case Section 1 of this bill shall become operative.

(b) Section 2.5 of this bill incorporates amendments to Section 65582.1 of the Government Code by both this bill and Assembly Bill 73. That section shall only become operative if (1) it becomes effective on or before January 1, 2019, (2) each bill amends Section 65582.1 of the Government Code, and (3) this bill is enacted after Assembly Bill 73, in which case Section 2 of this bill shall become operative.

SEC. 7. 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 special taxes or assessments sufficient to pay for the program or level of service mandated by this act pursuant to Section 17556 of the Government Code.