

AMENDED IN SENATE APRIL 13, 2021

AMENDED IN SENATE MARCH 1, 2021

**SENATE BILL**

**No. 37**

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**Introduced by Senator Cortese**

December 7, 2020

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An act to amend Sections 65913.4, 65913.15, 65940, 65941.1, and 65941.5 of, and to repeal Section 65962.5 of, the Government Code, to amend Sections 17021.8, 25220, and 25395.117 of, and to add Chapter 6 (commencing with Section 25000) to Division 20 of, the Health and Safety Code, and to amend Sections 21084, 21092.6, 21155.1, 21159.21, and 21159.25 of the Public Resources Code, relating to ~~hazardous waste~~. *contaminated sites*.

LEGISLATIVE COUNSEL'S DIGEST

SB 37, as amended, Cortese. ~~Contaminated sites: the Hazardous Waste Site Cleanup and Safety Act.~~

(1) Existing law requires the Department of Toxic Substances Control to compile a list of specified information, including, but not limited to, hazardous waste facilities where the department took, or contracted for the taking of, corrective action to remedy or prevent, for example, an imminent substantial danger to public health. Existing law requires the State Department of Health Care Services to compile a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis by local health officers. Existing law ~~also~~ requires the State Water Resources Control Board to compile a list of specified information, including, but not limited to, all cease and desist orders and cleanup and abatement orders issued under the Water Code that concern the discharge of wastes that are hazardous materials. *Existing law requires designated local*

*enforcement agencies to compile and submit to the Department of Resources Recycling and Recovery a list of all solid waste disposal facilities from which there is a known migration of hazardous waste, and requires the department to compile these lists into a statewide list. Existing law requires these agencies to update the information as appropriate, but at least annually, and to submit the information to the Secretary—of for Environmental Protection. Under existing law, the Secretary for Environmental Protection is required to consolidate the information provided by these state agencies and distribute the information in a timely fashion to each city and county in which sites on the lists are located and to any other person upon request.*

*This bill would enact the ~~Hazardous Waste Contaminated Site Cleanup and Safety Act~~ and would recodify the above-described provisions with certain revisions. ~~The bill would require the Department of Toxic Substances Control to also list hazardous waste facilities where the department issued an order for corrective action after determining that there is or has been a release of hazardous waste or constituents into the environment from a facility. The bill would require the State Water Resources Control Board, instead of the State Department of Health Care Services, to compile and update a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis by local health officers. The bill would repeal the requirement for the state agencies to provide their respective lists to the Secretary for Environmental Protection and instead require these agencies to post the lists on their respective internet websites. The bill would repeal the requirement for the Secretary for Environmental Protection to consolidate the information submitted by the state agencies and instead require the Secretary for Environmental Protection secretary to additionally post the consolidated information information, or links to the information, on the California Environmental Protection Agency’s internet website. The bill would repeal the requirement for the Secretary for Environmental Protection to distribute the information to each city and county in which sites on the lists are located and to any other person upon request.~~*

(2) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to

prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the Office of Planning and Research to prepare and adopt guidelines to implement CEQA, which guidelines shall include a list of classes of projects that have been determined not to have a significant effect on the environment and that shall be exempt from CEQA. Existing law provides that a project located on a site that is included on the consolidated list created and distributed by the Secretary for Environmental Protection shall not be exempted from CEQA under this provision.

This bill would expressly provide that a project that is included on ~~the consolidated a list created, distributed, and posted online by the Secretary for Environmental Protection~~ *compiled pursuant to the Contaminated Site Cleanup and Safety Act* shall also not be exempt from CEQA as a project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, commonly known as the “common-sense exemption.”

This bill would make other nonsubstantive, conforming, and technical changes.

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

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

- 1 SECTION 1. Section 65913.4 of the Government Code is
- 2 amended to read:
- 3 65913.4. (a) A development proponent may submit an
- 4 application for a development that is subject to the streamlined,
- 5 ministerial approval process provided by subdivision (c) and is
- 6 not subject to a conditional use permit if the development complies
- 7 with subdivision (b) and satisfies all of the following objective
- 8 planning standards:
- 9 (1) The development is a multifamily housing development that
- 10 contains two or more residential units.
- 11 (2) The development and the site on which it is located satisfy
- 12 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 purposes of this section,  
9 parcels that are only separated by a street or highway shall be  
10 considered to be adjoined.

11 (C) It is zoned for residential use or residential mixed-use  
12 development, or has a general plan designation that allows  
13 residential use or a mix of residential and nonresidential uses, and  
14 at least two-thirds of the square footage of the development is  
15 designated for residential use. Additional density, floor area, and  
16 units, and any other concession, incentive, or waiver of  
17 development standards granted pursuant to the Density Bonus Law  
18 in Section 65915 shall be included in the square footage  
19 calculation. The square footage of the development shall not  
20 include underground space, such as basements or underground  
21 parking garages.

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

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

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

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

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

35 (A) Is located in a locality that the department has determined  
36 is subject to this subparagraph on the basis that the number of units  
37 that have been issued building permits, as shown on the most recent  
38 production report received by the department, is less than the  
39 locality's share of the regional housing needs, by income category,  
40 for that reporting period. A locality shall remain eligible under

1 this subparagraph until the department’s determination for the next  
2 reporting period.

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

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

13 (I) The project dedicates a minimum of 10 percent of the total  
14 number of units to housing affordable to households making at or  
15 below 80 percent of the area median income. However, if the  
16 locality has adopted a local ordinance that requires that greater  
17 than 10 percent of the units be dedicated to housing affordable to  
18 households making below 80 percent of the area median income,  
19 that local ordinance applies.

20 (II) (ia) If the project is located within the San Francisco Bay  
21 area, the project, in lieu of complying with subclause (I), dedicates  
22 20 percent of the total number of units to housing affordable to  
23 households making below 120 percent of the area median income  
24 with the average income of the units at or below 100 percent of  
25 the area median income. However, a local ordinance adopted by  
26 the locality applies if it requires greater than 20 percent of the units  
27 be dedicated to housing affordable to households making at or  
28 below 120 percent of the area median income, or requires that any  
29 of the units be dedicated at a level deeper than 120 percent. In  
30 order to comply with this subclause, the rent or sale price charged  
31 for units that are dedicated to housing affordable to households  
32 between 80 percent and 120 percent of the area median income  
33 shall not exceed 30 percent of the gross income of the household.

34 (ib) For purposes of this subclause, “San Francisco Bay area”  
35 means the entire area within the territorial boundaries of the  
36 Counties of Alameda, Contra Costa, Marin, Napa, San Mateo,  
37 Santa Clara, Solano, and Sonoma, and the City and County of San  
38 Francisco.

39 (ii) The locality’s latest production report reflects that there  
40 were fewer units of housing issued building permits affordable to

1 either very low income or low-income households by income  
2 category than were required for the regional housing needs  
3 assessment cycle for that reporting period, and the project seeking  
4 approval dedicates 50 percent of the total number of units to  
5 housing affordable to households making at or below 80 percent  
6 of the area median income. However, if the locality has adopted  
7 a local ordinance that requires that greater than 50 percent of the  
8 units be dedicated to housing affordable to households making at  
9 or below 80 percent of the area median income, that local ordinance  
10 applies.

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

19 (C) (i) A development proponent that uses a unit of affordable  
20 housing to satisfy the requirements of subparagraph (B) may also  
21 satisfy any other local or state requirement for affordable housing,  
22 including local ordinances or the Density Bonus Law in Section  
23 65915, provided that the development proponent complies with  
24 the applicable requirements in the state or local law.

25 (ii) A development proponent that uses a unit of affordable  
26 housing to satisfy any other state or local affordability requirement  
27 may also satisfy the requirements of subparagraph (B), provided  
28 that the development proponent complies with applicable  
29 requirements of subparagraph (B).

30 (iii) A development proponent may satisfy the affordability  
31 requirements of subparagraph (B) with a unit that is restricted to  
32 households with incomes lower than the applicable income limits  
33 required in subparagraph (B).

34 (5) The development, excluding any additional density or any  
35 other concessions, incentives, or waivers of development standards  
36 granted pursuant to the Density Bonus Law in Section 65915, is  
37 consistent with objective zoning standards, objective subdivision  
38 standards, and objective design review standards in effect at the  
39 time that the development is submitted to the local government  
40 under this section, or at the time a notice of intent is submitted

1 pursuant to subdivision (b), whichever occurs earlier. For purposes  
2 of this paragraph, “objective zoning standards,” “objective  
3 subdivision standards,” and “objective design review standards”  
4 mean standards that involve no personal or subjective judgment  
5 by a public official and are uniformly verifiable by reference to  
6 an external and uniform benchmark or criterion available and  
7 knowable by both the development applicant or proponent and the  
8 public official before submittal. These standards may be embodied  
9 in alternative objective land use specifications adopted by a city  
10 or county, and may include, but are not limited to, housing overlay  
11 zones, specific plans, inclusionary zoning ordinances, and density  
12 bonus ordinances, subject to the following:

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

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

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

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

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

34 (A) ~~A~~The coastal zone, as defined in *Division 20 (commencing*  
35 *with Section 30103 30000)* of the Public Resources Code.

36 (B) Either prime farmland or farmland of statewide importance,  
37 as defined pursuant to United States Department of Agriculture  
38 land inventory and monitoring criteria, as modified for California,  
39 and designated on the maps prepared by the Farmland Mapping  
40 and Monitoring Program of the Department of Conservation, or

1 land zoned or designated for agricultural protection or preservation  
2 by a local ballot measure that was approved by the voters of that  
3 jurisdiction.

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

6 (D) Within a very high fire hazard severity zone, as determined  
7 by the Director of Forestry and Fire Protection pursuant to Section  
8 51178, or within a high or very high fire hazard severity zone as  
9 indicated on maps adopted by the Department of Forestry and Fire  
10 Protection pursuant to Section 4202 of the Public Resources Code.  
11 This subparagraph does not apply to sites excluded from the  
12 specified hazard zones by a local agency, pursuant to subdivision  
13 (b) of Section 51179, or sites that have adopted fire hazard  
14 mitigation measures pursuant to existing building standards or  
15 state fire mitigation measures applicable to the development.

16 (E) A hazardous waste site that is listed pursuant to Section  
17 25001 of the Health and Safety Code or a hazardous substances  
18 release site designated by the Department of Toxic Substances  
19 Control pursuant to Section 25356 of the Health and Safety Code,  
20 unless the State Department of Public Health, State Water  
21 Resources Control Board, or Department of Toxic Substances  
22 Control has cleared the site for residential use or residential mixed  
23 uses.

24 (F) Within a delineated earthquake fault zone as determined by  
25 the State Geologist in any official maps published by the State  
26 Geologist, unless the development complies with applicable seismic  
27 protection building code standards adopted by the California  
28 Building Standards Commission under the California Building  
29 Standards Law (Part 2.5 (commencing with Section 18901) of  
30 Division 13 of the Health and Safety Code), and by any local  
31 building department under Chapter 12.2 (commencing with Section  
32 8875) of Division 1 of Title 2.

33 (G) Within a special flood hazard area subject to inundation by  
34 the 1 percent annual chance flood (100-year flood) as determined  
35 by the Federal Emergency Management Agency in any official  
36 maps published by the Federal Emergency Management Agency.  
37 If a development proponent is able to satisfy all applicable federal  
38 qualifying criteria in order to provide that the site satisfies this  
39 subparagraph and is otherwise eligible for streamlined approval  
40 under this section, a local government shall not deny the application

1 on the basis that the development proponent did not comply with  
2 any additional permit requirement, standard, or action adopted by  
3 that local government that is applicable to that site. A development  
4 may be located on a site described in this subparagraph if either  
5 of the following are met:

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

9 (ii) The site meets Federal Emergency Management Agency  
10 requirements necessary to meet minimum flood plain management  
11 criteria of the National Flood Insurance Program pursuant to Part  
12 59 (commencing with Section 59.1) and Part 60 (commencing  
13 with Section 60.1) of Subchapter B of Chapter I of Title 44 of the  
14 Code of Federal Regulations.

15 (H) Within a regulatory floodway as determined by the Federal  
16 Emergency Management Agency in any official maps published  
17 by the Federal Emergency Management Agency, unless the  
18 development has received a no-rise certification in accordance  
19 with Section 60.3(d)(3) of Title 44 of the Code of Federal  
20 Regulations. If a development proponent is able to satisfy all  
21 applicable federal qualifying criteria in order to provide that the  
22 site satisfies this subparagraph and is otherwise eligible for  
23 streamlined approval under this section, a local government shall  
24 not deny the application on the basis that the development  
25 proponent did not comply with any additional permit requirement,  
26 standard, or action adopted by that local government that is  
27 applicable to that site.

28 (I) Lands identified for conservation in an adopted natural  
29 community conservation plan pursuant to the Natural Community  
30 Conservation Planning Act (Chapter 10 (commencing with Section  
31 2800) of Division 3 of the Fish and Game Code), habitat  
32 conservation plan pursuant to the federal Endangered Species Act  
33 of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural  
34 resource protection plan.

35 (J) Habitat for protected species identified as candidate,  
36 sensitive, or species of special status by state or federal agencies,  
37 fully protected species, or species protected by the federal  
38 Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.),  
39 the California Endangered Species Act (Chapter 1.5 (commencing  
40 with Section 2050) of Division 3 of the Fish and Game Code), or

1 the Native Plant Protection Act (Chapter 10 (commencing with  
2 Section 1900) of Division 2 of the Fish and Game Code).

3 (K) Lands under conservation easement.

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

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

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

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

13 (iii) Housing that has been occupied by tenants within the past  
14 10 years.

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

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

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

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

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

29 (i) The entirety of the development is a public work for purposes  
30 of Chapter 1 (commencing with Section 1720) of Part 7 of Division  
31 2 of the Labor Code.

32 (ii) If the development is not in its entirety a public work, that  
33 all construction workers employed in the execution of the  
34 development will be paid at least the general prevailing rate of per  
35 diem wages for the type of work and geographic area, as  
36 determined by the Director of Industrial Relations pursuant to  
37 Sections 1773 and 1773.9 of the Labor Code, except that  
38 apprentices registered in programs approved by the Chief of the  
39 Division of Apprenticeship Standards may be paid at least the  
40 applicable apprentice prevailing rate. If the development is subject

1 to this subparagraph, then for those portions of the development  
2 that are not a public work all of the following shall apply:

3 (I) The development proponent shall ensure that the prevailing  
4 wage requirement is included in all contracts for the performance  
5 of the work.

6 (II) All contractors and subcontractors shall pay to all  
7 construction workers employed in the execution of the work at  
8 least the general prevailing rate of per diem wages, except that  
9 apprentices registered in programs approved by the Chief of the  
10 Division of Apprenticeship Standards may be paid at least the  
11 applicable apprentice prevailing rate.

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

16 (IV) Except as provided in subclause (V), the obligation of the  
17 contractors and subcontractors to pay prevailing wages may be  
18 enforced by the Labor Commissioner through the issuance of a  
19 civil wage and penalty assessment pursuant to Section 1741 of the  
20 Labor Code, which may be reviewed pursuant to Section 1742 of  
21 the Labor Code, within 18 months after the completion of the  
22 development, by an underpaid worker through an administrative  
23 complaint or civil action, or by a joint labor-management  
24 committee through a civil action pursuant to Section 1771.2 of the  
25 Labor Code. If a civil wage and penalty assessment is issued, the  
26 contractor, subcontractor, and surety on a bond or bonds issued to  
27 secure the payment of wages covered by the assessment shall be  
28 liable for liquidated damages pursuant to Section 1742.1 of the  
29 Labor Code.

30 (V) Subclauses (III) and (IV) shall not apply if all contractors  
31 and subcontractors performing work on the development are subject  
32 to a project labor agreement that requires the payment of prevailing  
33 wages to all construction workers employed in the execution of  
34 the development and provides for enforcement of that obligation  
35 through an arbitration procedure. For purposes of this clause,  
36 “project labor agreement” has the same meaning as set forth in  
37 paragraph (1) of subdivision (b) of Section 2500 of the Public  
38 Contract Code.

39 (VI) Notwithstanding subdivision (c) of Section 1773.1 of the  
40 Labor Code, the requirement that employer payments not reduce

1 the obligation to pay the hourly straight time or overtime wages  
2 found to be prevailing shall not apply if otherwise provided in a  
3 bona fide collective bargaining agreement covering the worker.  
4 The requirement to pay at least the general prevailing rate of per  
5 diem wages does not preclude use of an alternative workweek  
6 schedule adopted pursuant to Section 511 or 514 of the Labor  
7 Code.

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

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

17 (II) On and after January 1, 2022, until December 31, 2025, the  
18 development consists of 50 or more units with a residential  
19 component that is not 100 percent subsidized affordable housing  
20 and will be located within a jurisdiction located in a coastal or bay  
21 county with a population of 225,000 or more.

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

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

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

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

1 (iii) If the development proponent has certified that a skilled  
2 and trained workforce will be used to complete the development  
3 and the application is approved, all of the following shall apply:

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

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

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

34 (IV) Subclause (III) shall not apply if all contractors and  
35 subcontractors performing work on the development are subject  
36 to a project labor agreement that requires compliance with the  
37 skilled and trained workforce requirement and provides for  
38 enforcement of that obligation through an arbitration procedure.  
39 For purposes of this subparagraph, “project labor agreement” has

1 the same meaning as set forth in paragraph (1) of subdivision (b)  
2 of Section 2500 of the Public Contract Code.

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

7 (i) The project includes 10 or fewer units.

8 (ii) The project is not a public work for purposes of Chapter 1  
9 (commencing with Section 1720) of Part 7 of Division 2 of the  
10 Labor Code.

11 (9) The development did not or does not involve a subdivision  
12 of a parcel that is, or, notwithstanding this section, would otherwise  
13 be, subject to the Subdivision Map Act (Division 2 (commencing  
14 with Section 66410)) or any other applicable law authorizing the  
15 subdivision of land, unless the development is consistent with all  
16 objective subdivision standards in the local subdivision ordinance,  
17 and either of the following apply:

18 (A) The development has received or will receive financing or  
19 funding by means of a low-income housing tax credit and is subject  
20 to the requirement that prevailing wages be paid pursuant to  
21 subparagraph (A) of paragraph (8).

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

25 (10) The development shall not be upon an existing parcel of  
26 land or site that is governed under the Mobilehome Residency Law  
27 (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2  
28 of Division 2 of the Civil Code), the Recreational Vehicle Park  
29 Occupancy Law (Chapter 2.6 (commencing with Section 799.20)  
30 of Title 2 of Part 2 of Division 2 of the Civil Code), the  
31 Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)  
32 of Division 13 of the Health and Safety Code), or the Special  
33 Occupancy Parks Act (Part 2.3 (commencing with Section 18860)  
34 of Division 13 of the Health and Safety Code).

35 (b) (1) (A) (i) Before submitting an application for a  
36 development subject to the streamlined, ministerial approval  
37 process described in subdivision (c), the development proponent  
38 shall submit to the local government a notice of its intent to submit  
39 an application. The notice of intent shall be in the form of a  
40 preliminary application that includes all of the information

1 described in Section 65941.1, as that section read on January 1,  
2 2020.

3 (ii) Upon receipt of a notice of intent to submit an application  
4 described in clause (i), the local government shall engage in a  
5 scoping consultation regarding the proposed development with  
6 any California Native American tribe that is traditionally and  
7 culturally affiliated with the geographic area, as described in  
8 Section 21080.3.1 of the Public Resources Code, of the proposed  
9 development. In order to expedite compliance with this subdivision,  
10 the local government shall contact the Native American Heritage  
11 Commission for assistance in identifying any California Native  
12 American tribe that is traditionally and culturally affiliated with  
13 the geographic area of the proposed development.

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

16 (I) The local government shall provide a formal notice of a  
17 development proponent's notice of intent to submit an application  
18 described in clause (i) to each California Native American tribe  
19 that is traditionally and culturally affiliated with the geographic  
20 area of the proposed development within 30 days of receiving that  
21 notice of intent. The formal notice provided under this subclause  
22 shall include all of the following:

23 (ia) A description of the proposed development.

24 (ib) The location of the proposed development.

25 (ic) An invitation to engage in a scoping consultation in  
26 accordance with this subdivision.

27 (II) Each California Native American tribe that receives a formal  
28 notice under this clause shall have 30 days from the receipt of that  
29 notice to accept the invitation to engage in a scoping consultation.

30 (III) If the local government receives a response accepting an  
31 invitation to engage in a scoping consultation under this  
32 subdivision, the local government shall commence the scoping  
33 consultation within 30 days of receiving that response.

34 (B) The scoping consultation shall recognize that California  
35 Native American tribes traditionally and culturally affiliated with  
36 a geographic area have knowledge and expertise concerning the  
37 resources at issue and shall take into account the cultural  
38 significance of the resource to the culturally affiliated California  
39 Native American tribe.

1 (C) The parties to a scoping consultation conducted under this  
2 subdivision shall be the local government and any California Native  
3 American tribe traditionally and culturally affiliated with the  
4 geographic area of the proposed development. More than one  
5 California Native American tribe traditionally and culturally  
6 affiliated with the geographic area of the proposed development  
7 may participate in the scoping consultation. However, the local  
8 government, upon the request of any California Native American  
9 tribe traditionally and culturally affiliated with the geographic area  
10 of the proposed development, shall engage in a separate scoping  
11 consultation with that California Native American tribe. The  
12 development proponent and its consultants may participate in a  
13 scoping consultation process conducted under this subdivision if  
14 all of the following conditions are met:

15 (i) The development proponent and its consultants agree to  
16 respect the principles set forth in this subdivision.

17 (ii) The development proponent and its consultants engage in  
18 the scoping consultation in good faith.

19 (iii) The California Native American tribe participating in the  
20 scoping consultation approves the participation of the development  
21 proponent and its consultants. The California Native American  
22 tribe may rescind its approval at any time during the scoping  
23 consultation, either for the duration of the scoping consultation or  
24 with respect to any particular meeting or discussion held as part  
25 of the scoping consultation.

26 (D) The participants to a scoping consultation under this  
27 subdivision shall comply with all of the following confidentiality  
28 requirements:

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

30 (ii) Section 6254.10.

31 (iii) Subdivision (c) of Section 21082.3 of the Public Resources  
32 Code.

33 (iv) Subdivision (d) of Section 15120 of Title 14 of the  
34 California Code of Regulations.

35 (v) Any additional confidentiality standards adopted by the  
36 California Native American tribe participating in the scoping  
37 consultation.

38 (E) The California Environmental Quality Act (Division 13  
39 (commencing with Section 21000) of the Public Resources Code)

1 shall not apply to a scoping consultation conducted under this  
2 subdivision.

3 (2) (A) If, after concluding the scoping consultation, the parties  
4 find that no potential tribal cultural resource would be affected by  
5 the proposed development, the development proponent may submit  
6 an application for the proposed development that is subject to the  
7 streamlined, ministerial approval process described in subdivision  
8 (c).

9 (B) If, after concluding the scoping consultation, the parties  
10 find that a potential tribal cultural resource could be affected by  
11 the proposed development and an enforceable agreement is  
12 documented between the California Native American tribe and the  
13 local government on methods, measures, and conditions for tribal  
14 cultural resource treatment, the development proponent may submit  
15 the application for a development subject to the streamlined,  
16 ministerial approval process described in subdivision (c). The local  
17 government shall ensure that the enforceable agreement is included  
18 in the requirements and conditions for the proposed development.

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

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

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

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

38 (E) If the development or environmental setting substantially  
39 changes after the completion of the scoping consultation, the local  
40 government shall notify the California Native American tribe of

1 the changes and engage in a subsequent scoping consultation if  
2 requested by the California Native American tribe.

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

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

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

17 (C) The parties to a scoping consultation under this subdivision  
18 find that no potential tribal cultural resource will be affected by  
19 the proposed development pursuant to subparagraph (A) of  
20 paragraph (2).

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

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

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

29 (B) There is a potential tribal cultural resource that could be  
30 affected by the proposed development and the parties to a scoping  
31 consultation conducted under this subdivision do not document  
32 an enforceable agreement on methods, measures, and conditions  
33 for tribal cultural resource treatment, as described in subparagraph  
34 (C) of paragraph (2).

35 (C) The parties to a scoping consultation conducted under this  
36 subdivision do not agree as to whether a potential tribal cultural  
37 resource will be affected by the proposed development.

38 (5) (A) If, after a scoping consultation conducted under this  
39 subdivision, a project is not eligible for the streamlined, ministerial  
40 process described in subdivision (c) for any or all of the following

1 reasons, the local government shall provide written documentation  
2 of that fact, and an explanation of the reason for which the project  
3 is not eligible, to the development proponent and to any California  
4 Native American tribe that is a party to that scoping consultation:

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

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

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

16 (B) The written documentation provided to a development  
17 proponent under this paragraph shall include information on how  
18 the development proponent may seek a conditional use permit or  
19 other discretionary approval of the development from the local  
20 government.

21 (6) This section is not intended, and shall not be construed, to  
22 limit consultation and discussion between a local government and  
23 a California Native American tribe pursuant to other applicable  
24 law, confidentiality provisions under other applicable law, the  
25 protection of religious exercise to the fullest extent permitted under  
26 state and federal law, or the ability of a California Native American  
27 tribe to submit information to the local government or participate  
28 in any process of the local government.

29 (7) For purposes of this subdivision:

30 (A) “Consultation” means the meaningful and timely process  
31 of seeking, discussing, and considering carefully the views of  
32 others, in a manner that is cognizant of all parties’ cultural values  
33 and, where feasible, seeking agreement. Consultation between  
34 local governments and *California* Native American tribes shall be  
35 conducted in a way that is mutually respectful of each party’s  
36 sovereignty. Consultation shall also recognize the tribes’ potential  
37 needs for confidentiality with respect to places that have traditional  
38 tribal cultural importance. A lead agency shall consult the tribal  
39 consultation best practices described in the “State of California

1 Tribal Consultation Guidelines: Supplement to the General Plan  
2 Guidelines” prepared by the Office of Planning and Research.

3 (B) “Scoping” means the act of participating in early discussions  
4 or investigations between the local government and California  
5 Native American tribe, and the development proponent if  
6 authorized by the California Native American tribe, regarding the  
7 potential effects a proposed development could have on a potential  
8 tribal cultural resource, as defined in Section 21074 of the Public  
9 Resources Code, or California Native American tribe, as defined  
10 in Section 21073 of the Public Resources Code.

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

15 (c) (1) If a local government determines that a development  
16 submitted under this section is in conflict with any of the objective  
17 planning standards specified in subdivision (a), it shall provide the  
18 development proponent written documentation of which standard  
19 or standards the development conflicts with, and an explanation  
20 for the reason or reasons the development conflicts with that  
21 standard or standards, as follows:

22 (A) Within 60 days of submittal of the development to the local  
23 government under this section if the development contains 150 or  
24 fewer housing units.

25 (B) Within 90 days of submittal of the development to the local  
26 government under this section if the development contains more  
27 than 150 housing units.

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

32 (3) For purposes of this section, a development is consistent  
33 with the objective planning standards specified in subdivision (a)  
34 if there is substantial evidence that would allow a reasonable person  
35 to conclude that the development is consistent with the objective  
36 planning standards.

37 (d) (1) Any design review or public oversight of the  
38 development may be conducted by the local government’s planning  
39 commission or any equivalent board or commission responsible  
40 for review and approval of development projects, or the city council

1 or board of supervisors, as appropriate. That design review or  
2 public oversight shall be objective and be strictly focused on  
3 assessing compliance with criteria required for streamlined projects,  
4 as well as any reasonable objective design standards published  
5 and adopted by ordinance or resolution by a local jurisdiction  
6 before submission of a development application, and shall be  
7 broadly applicable to development within the jurisdiction. That  
8 design review or public oversight shall be completed as follows  
9 and shall not in any way inhibit, chill, or preclude the ministerial  
10 approval provided by this section or its effect, as applicable:

11 (A) Within 90 days of submittal of the development to the local  
12 government under this section if the development contains 150 or  
13 fewer housing units.

14 (B) Within 180 days of submittal of the development to the  
15 local government under this section if the development contains  
16 more than 150 housing units.

17 (2) If the development is consistent with the requirements of  
18 subparagraph (A) or (B) of paragraph (9) of subdivision (a) and  
19 is consistent with all objective subdivision standards in the local  
20 subdivision ordinance, an application for a subdivision pursuant  
21 to the Subdivision Map Act (Division 2 (commencing with Section  
22 66410)) shall be exempt from the requirements of the California  
23 Environmental Quality Act (Division 13 (commencing with Section  
24 21000) of the Public Resources Code) and shall be subject to the  
25 public oversight timelines set forth in paragraph (1).

26 (e) (1) Notwithstanding any other law, a local government,  
27 whether or not it has adopted an ordinance governing automobile  
28 parking requirements in multifamily developments, shall not  
29 impose automobile parking standards for a streamlined  
30 development that was approved under this section in any of the  
31 following instances:

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

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

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

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

1 (2) If the development does not fall within any of the categories  
2 described in paragraph (1), the local government shall not impose  
3 automobile parking requirements for streamlined developments  
4 approved under this section that exceed one parking space per unit.

5 (f) (1) If a local government approves a development under  
6 this section, then, notwithstanding any other law, that approval  
7 shall not expire if the project includes public investment in housing  
8 affordability, beyond tax credits, where 50 percent of the units are  
9 affordable to households making at or below 80 percent of the area  
10 median income.

11 (2) (A) If a local government approves a development under  
12 this section and the project does not include 50 percent of the units  
13 affordable to households making at or below 80 percent of the area  
14 median income, that approval shall remain valid for three years  
15 from the date of the final action establishing that approval, or if  
16 litigation is filed challenging that approval, from the date of the  
17 final judgment upholding that approval. Approval shall remain  
18 valid for a project provided that vertical construction of the  
19 development has begun and is in progress. For purposes of this  
20 subdivision, “in progress” means one of the following:

21 (i) The construction has begun and has not ceased for more than  
22 180 days.

23 (ii) If the development requires multiple building permits, an  
24 initial phase has been completed, and the project proponent has  
25 applied for and is diligently pursuing a building permit for a  
26 subsequent phase, provided that once it has been issued, the  
27 building permit for the subsequent phase does not lapse.

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

33 (3) If a local government approves a development under this  
34 section, that approval shall remain valid for three years from the  
35 date of the final action establishing that approval and shall remain  
36 valid thereafter for a project so long as vertical construction of the  
37 development has begun and is in progress. Additionally, the  
38 development proponent may request, and the local government  
39 shall have discretion to grant, an additional one-year extension to  
40 the original three-year period. The local government’s action and

1 discretion in determining whether to grant the foregoing extension  
2 shall be limited to considerations and processes set forth in this  
3 section.

4 (g) (1) (A) A development proponent may request a  
5 modification to a development that has been approved under the  
6 streamlined, ministerial approval process provided in subdivision  
7 (b) if that request is submitted to the local government before the  
8 issuance of the final building permit required for construction of  
9 the development.

10 (B) Except as provided in paragraph (3), the local government  
11 shall approve a modification if it determines that the modification  
12 is consistent with the objective planning standards specified in  
13 subdivision (a) that were in effect when the original development  
14 application was first submitted.

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

21 (D) A guideline that was adopted or amended by the department  
22 pursuant to subdivision (j) after a development was approved  
23 through the streamlined ministerial approval process described in  
24 subdivision (b) shall not be used as a basis to deny proposed  
25 modifications.

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

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

36 (A) The development is revised such that the total number of  
37 residential units or total square footage of construction changes  
38 by 15 percent or more.

39 (B) The development is revised such that the total number of  
40 residential units or total square footage of construction changes

1 by 5 percent or more and it is necessary to subject the development  
2 to an objective standard beyond those in effect when the  
3 development application was submitted in order to mitigate or  
4 avoid a specific, adverse impact, as that term is defined in  
5 subparagraph (A) of paragraph (1) of subdivision (j) of Section  
6 65589.5, upon the public health or safety and there is no feasible  
7 alternative method to satisfactorily mitigate or avoid the adverse  
8 impact.

9 (C) Objective building standards contained in the California  
10 Building Standards Code (Title 24 of the California Code of  
11 Regulations), including, but not limited to, building plumbing,  
12 electrical, fire, and grading codes, may be applied to all  
13 modifications.

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

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

26 (2) A local government shall issue a subsequent permit required  
27 for a development approved under this section if the application  
28 substantially complies with the development as it was approved  
29 pursuant to subdivision (c). Upon receipt of an application for a  
30 subsequent permit, the local government shall process the permit  
31 without unreasonable delay and shall not impose any procedure  
32 or requirement that is not imposed on projects that are not approved  
33 under this section. Issuance of subsequent permits shall implement  
34 the approved development, and review of the permit application  
35 shall not inhibit, chill, or preclude the development. For purposes  
36 of this paragraph, a "subsequent permit" means a permit required  
37 subsequent to receiving approval pursuant to subdivision (c), and  
38 includes, but is not limited to, demolition, grading, encroachment,  
39 and building permits and final maps, if necessary.

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

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

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

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

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

28 (i) Adopt or impose any requirement that applies to a project  
29 solely or partially on the basis that the project is eligible to receive  
30 ministerial or streamlined approval under this section.

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

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

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

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

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

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

22 (k) For purposes of this section, the following terms have the  
23 following meanings:

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

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

28 (3) “Department” means the Department of Housing and  
29 Community Development.

30 (4) “Development proponent” means the developer who submits  
31 an application for streamlined approval under this section.

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

35 (6) “Locality” or “local government” means a city, including a  
36 charter city, a county, including a charter county, or a city and  
37 county, including a charter city and county.

38 (7) “Moderate income housing units” means housing units with  
39 an affordable housing cost or affordable rent for persons and

1 families of moderate income, as that term is defined in Section  
2 50093 of the Health and Safety Code.

3 (8) “Production report” means the information reported pursuant  
4 to subparagraph (H) of paragraph (2) of subdivision (a) of Section  
5 65400.

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

10 (10) “Subsidized” means units that are price or rent restricted  
11 such that the units are affordable to households meeting the  
12 definitions of very low income households and lower-income,  
13 *income* households as defined in Sections 50079.5 and 50105 of  
14 the Health and Safety Code.

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

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

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

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

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

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

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

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

39 SEC. 2. Section 65913.15 of the Government Code is amended  
40 to read:

1 65913.15. (a) Notwithstanding Section 65913.4, a development  
2 proponent may submit an application for a development that is  
3 subject to the streamlined, ministerial approval process provided  
4 by subdivision (b) and is not subject to a conditional use permit if  
5 the development satisfies all of the following objective planning  
6 standards:

7 (1) The development is located within the territorial boundaries  
8 or a specialized residential planning area identified in the general  
9 plan of, and adjacent to existing urban development within, any  
10 of the following:

- 11 (A) The City of Biggs.
- 12 (B) The City of Corning.
- 13 (C) The City of Gridley.
- 14 (D) The City of Live Oak.
- 15 (E) The City of Orland.
- 16 (F) The City of Oroville.
- 17 (G) The City of Willows.
- 18 (H) The City of Yuba City.

19 (2) The development is either a residential development or a  
20 mixed-use development that includes residential units with at least  
21 two-thirds of the square footage of the development designated  
22 for residential use, not including any land that may be devoted to  
23 open-space or mitigation requirements.

24 (3) The development proponent has held at least one public  
25 meeting on the proposed development before submitting an  
26 application under this subdivision.

27 (4) The development has a minimum density of at least four  
28 units per acre.

29 (5) The development is located on a site that meets both of the  
30 following requirements:

- 31 (A) The site is no more than 50 acres.
- 32 (B) The site is zoned for residential use or residential mixed-use  
33 development.

34 (6) The development, excluding any additional density or any  
35 other concessions, incentives, or waivers of development standards  
36 granted pursuant to the Density Bonus Law in Section 65915, is  
37 consistent with objective zoning standards, objective subdivision  
38 standards, and objective design review standards in effect at the  
39 time that the development is submitted to the local government  
40 under this section.

1 (7) The development will achieve sustainability standards  
2 sufficient to receive a gold certification under the United States  
3 Green Building Council's Leadership in Energy and Environmental  
4 Design for Homes rating system or, in the case of a mixed-use  
5 development, the Neighborhood Development or the New  
6 Construction rating system, or the comparable rating under the  
7 GreenPoint rating system or voluntary tier under the California  
8 Green Building Code (Part 11 (commencing with Section 101) of  
9 Title 24 of the California Code of Regulations).

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

12 (A) Either prime farmland or farmland of statewide importance,  
13 as defined pursuant to United States Department of Agriculture  
14 land inventory and monitoring criteria, as modified for California,  
15 and designated on the maps prepared by the Farmland Mapping  
16 and Monitoring Program of the Department of Conservation that  
17 is protected pursuant to the Williamson Act (Chapter 7  
18 (commencing with Section 51200) of Part 1 of Division 1 of Title  
19 5), or land zoned or designated for agricultural protection or  
20 preservation by a local ballot measure that was approved by the  
21 voters of that jurisdiction.

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

24 (C) Within a very high fire hazard severity zone, as determined  
25 by the Director of Forestry and Fire Protection pursuant to Section  
26 51178, or within a high or very high fire hazard severity zone as  
27 indicated on maps adopted by the Department of Forestry and Fire  
28 Protection pursuant to Section 4202 of the Public Resources Code.

29 (D) A hazardous waste site that is listed pursuant to Section  
30 25001 of the Health and Safety Code or a hazardous substances  
31 release site designated by the Department of Toxic Substances  
32 Control pursuant to Section 25356 of the Health and Safety Code,  
33 unless the Department of Toxic Substances Control has cleared  
34 the site for residential use or residential mixed uses.

35 (E) Within a delineated earthquake fault zone as determined by  
36 the State Geologist in any official maps published by the State  
37 Geologist, unless the development complies with applicable seismic  
38 protection building code standards adopted by the California  
39 Building Standards Commission under the California Building  
40 Standards Law (Part 2.5 (commencing with Section 18901) of

1 Division 13 of the Health and Safety Code), and by any local  
2 building department under Chapter 12.2 (commencing with Section  
3 8875) of Division 1 of Title 2.

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

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

20 (ii) The site meets Federal Emergency Management Agency  
21 requirements necessary to meet minimum flood plain management  
22 criteria of the National Flood Insurance Program pursuant to Part  
23 59 (commencing with Section 59.1) and Part 60 (commencing  
24 with Section 60.1) of Subchapter B of Chapter I of Title 44 of the  
25 Code of Federal Regulations.

26 (G) Within a regulatory floodway as determined by the Federal  
27 Emergency Management Agency in any official maps published  
28 by the Federal Emergency Management Agency.

29 (H) Lands identified for conservation in an adopted natural  
30 community conservation plan adopted on or before January 1,  
31 2019, pursuant to the Natural Community Conservation Planning  
32 Act (Chapter 10 (commencing with Section 2800) of Division 3  
33 of the Fish and Game Code), habitat conservation plan pursuant  
34 to the federal Endangered Species Act of 1973 (16 U.S.C. Sec.  
35 1531 et seq.), or other adopted natural resource protection plan.

36 (I) Habitat for protected species identified as candidate,  
37 sensitive, or species of special status by state or federal agencies,  
38 fully protected species, or species protected by any of the  
39 following:

1 (i) The federal Endangered Species Act of 1973 (16 U.S.C. Sec.  
2 1531 et seq.).

3 (ii) The California Endangered Species Act (Chapter 1.5  
4 (commencing with Section 2050) of Division 3 of the Fish and  
5 Game Code).

6 (iii) The Native Plant Protection Act (Chapter 10 (commencing  
7 with Section 1900) of Division 2 of the Fish and Game Code).

8 (J) Lands under conservation easement.

9 (9) The development does not require the demolition of a historic  
10 structure that was placed on a national, state, or local historic  
11 register.

12 (10) The development shall not be upon an existing parcel of  
13 land or site that is governed under any of the following:

14 (A) The Mobilehome Residency Law (Chapter 2.5 (commencing  
15 with Section 798) of Title 2 of Part 2 of Division 2 of the Civil  
16 Code).

17 (B) The Recreational Vehicle Park Occupancy Law (Chapter  
18 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of  
19 Division 2 of the Civil Code).

20 (C) The Mobilehome Parks Act (Part 2.1 (commencing with  
21 Section 18200) of Division 13 of the Health and Safety Code).

22 (D) The Special Occupancy Parks Act (Part 2.3 (commencing  
23 with Section 18860) of Division 13 of the Health and Safety Code).

24 (11) (A) If the development would require the demolition of  
25 any affordable housing units, the development shall replace those  
26 units by providing at least the same number of units of equivalent  
27 size to be made available at affordable housing cost to, and  
28 occupied by, persons and families in the same income category as  
29 those households in occupancy. If the income category of the  
30 household in occupancy is not known, it shall be rebuttably  
31 presumed that lower income households occupied the units in the  
32 same proportion of lower income households to all households  
33 within the jurisdiction, as determined by the most recently available  
34 data from the United States Department of Housing and Urban  
35 Development's Comprehensive Housing Affordability Strategy  
36 database. All replacement calculations resulting in fractional units  
37 shall be rounded to the next whole number.

38 (B) For purposes of this paragraph, "equivalent size" means  
39 that the replacement units contain at least the same total number  
40 of bedrooms as the units being replaced.

1 (b) (1) If a local government determines that a development  
2 submitted under this section is in conflict with any of the objective  
3 planning standards specified in subdivision (a), it shall provide the  
4 development proponent written documentation of which standard  
5 or standards the development conflicts with, and an explanation  
6 for the reason or reasons the development conflicts with that  
7 standard or standards, as follows:

8 (A) Within 60 days of submittal of the development to the local  
9 government under this section if the development contains 150 or  
10 fewer housing units.

11 (B) Within 90 days of submittal of the development to the local  
12 government under this section if the development contains more  
13 than 150 housing units.

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

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

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

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

38 (d) Notwithstanding any other law, a city, whether or not it has  
39 adopted an ordinance governing automobile parking requirements  
40 for multifamily developments, shall not impose automobile parking

1 standards for a streamlined development that was approved under  
2 this section if the development is located within one-half mile from  
3 a high-quality bus corridor or major transit stop.

4 (e) (1) If a local government approves a development under  
5 this section, then, notwithstanding any other law, that approval  
6 shall not expire if the project includes public investment in housing  
7 affordability and 50 percent of the units are affordable to  
8 households making below 80 percent of the area median income.  
9 For purposes of this paragraph, “public investment in housing  
10 affordability” does not include tax credits.

11 (2) If a local government approves a development under this  
12 section and the project does not include 50 percent of the units  
13 affordable to households making below 80 percent of the area  
14 median income, that approval shall automatically expire after three  
15 years, except that a project may receive a one-time, one-year  
16 extension if the project proponent provides documentation that  
17 there has been significant progress toward getting the development  
18 construction ready, such as filing a building permit application.

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

30 (4) If a local government approves a development under this  
31 section, the local government shall file a notice of that approval  
32 with the Office of Planning and Research.

33 (f) (1) A local government shall not adopt any requirement,  
34 including, but not limited to, increased fees or inclusionary housing  
35 requirements, that applies to a project solely or partially on the  
36 basis that the project is eligible to receive ministerial or streamlined  
37 approval under this section.

38 (2) Notwithstanding paragraph (1), if the local government has  
39 adopted a local ordinance that requires that a specified percentage  
40 of the units of a housing development project be dedicated to

1 households making below 80 percent of the area median income,  
2 that local ordinance applies.

3 (g) This section does not affect a development proponent's  
4 ability to use any alternative streamlined by right permit processing  
5 adopted by a local government, including the provisions of  
6 subdivision (i) of Section 65583.2.

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

9 (1) "Affordable housing" means housing available at affordable  
10 housing cost, and occupied by, persons and families of low or  
11 moderate income as defined in Section 50093 of the Health and  
12 Safety Code, lower income households as defined in Section  
13 50079.5 of the Health and Safety Code, very low income  
14 households as defined in Section 50105 of the Health and Safety  
15 Code, and extremely low income households as defined in Section  
16 50106 of the Health and Safety Code, for a period of 55 years for  
17 rental housing and 45 years for owner-occupied housing.

18 (2) "Affordable housing cost" has the same meaning as  
19 "affordable housing cost" described in Section 50052.5 of the  
20 Health and Safety Code.

21 (3) "Area median income" means area median income as  
22 periodically established by the Department of Housing and  
23 Community Development pursuant to Section 50093 of the Health  
24 and Safety Code.

25 (4) "Development proponent" means the developer who submits  
26 an application for streamlined approval under this section.

27 (5) "High-quality bus corridor" means a corridor with fixed  
28 route bus service with service intervals no longer than 15 minutes  
29 during peak commute hours.

30 (6) "Local government" means a city or a county, including a  
31 charter city or a charter county, that has jurisdiction over a  
32 development for which a development proponent submits an  
33 application under this section.

34 (7) "Major transit stop" means a site containing an existing rail  
35 transit station, a ferry terminal served by either a bus or rail transit  
36 service, or the intersection of two or more major bus routes with  
37 a frequency of service interval of 15 minutes or less during the  
38 morning and afternoon peak commute periods. "Major transit stop"  
39 shall also include major transit stops included in a regional

1 transportation plan adopted pursuant to Chapter 2.5 (commencing  
2 with Section 65080).

3 (8) (A) “Objective zoning standards,” “objective subdivision  
4 standards,” and “objective design review standards” mean standards  
5 that involve no personal or subjective judgment by a public official  
6 and are uniformly verifiable by reference to an external and  
7 uniform benchmark or criterion available and knowable by both  
8 the development applicant or proponent and the public official  
9 before submittal. These standards may be embodied in alternative  
10 objective land use specifications adopted by a local government,  
11 and may include, but are not limited to, housing overlay zones,  
12 specific plans, inclusionary zoning ordinances, and density bonus  
13 ordinances, subject to subparagraph (B).

14 (B) A development shall be deemed consistent with the objective  
15 zoning standards related to housing density, as applicable, if the  
16 density proposed is consistent with the allowable residential density  
17 within that land use designation, notwithstanding any specified  
18 unit allocation.

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

21 SEC. 3. Section 65940 of the Government Code, as amended  
22 by Section 6 of Chapter 654 of the Statutes of 2019, is amended  
23 to read:

24 65940. (a) (1) Each public agency shall compile one or more  
25 lists that shall specify in detail the information that will be required  
26 from any applicant for a development project. Each public agency  
27 shall revise the list of information required from an applicant to  
28 include a certification of compliance with Section 25001 of the  
29 Health and Safety Code and the statement of application required  
30 by Section 65943. Copies of the information, including the  
31 statement of application required by Section 65943, shall be made  
32 available to all applicants for development projects and to any  
33 person who requests the information.

34 (2) An affected city or affected county, as defined in Section  
35 66300, shall include the information necessary to determine  
36 compliance with the requirements of subdivision (d) of Section  
37 66300 in the list compiled pursuant to paragraph (1).

38 (b) The list of information required from any applicant shall  
39 include, where applicable, identification of whether the proposed  
40 project is located within 1,000 feet of a military installation,

1 beneath a low-level flight path or within special use airspace as  
2 defined in Section 21098 of the Public Resources Code, and within  
3 an urbanized area as defined in Section 65944.

4 (c) (1) A public agency that is not beneath a low-level flight  
5 path or not within special use airspace and does not contain a  
6 military installation is not required to change its list of information  
7 required from applicants to comply with subdivision (b).

8 (2) A public agency that is entirely urbanized, as defined in  
9 subdivision (e) of Section 65944, with the exception of a  
10 jurisdiction that contains a military installation, is not required to  
11 change its list of information required from applicants to comply  
12 with subdivision (b).

13 (d) This section shall remain in effect only until January 1, 2025,  
14 and as of that date is repealed.

15 SEC. 4. Section 65940 of the Government Code, as added by  
16 Section 7 of Chapter 654 of the Statutes of 2019, is amended to  
17 read:

18 65940. (a) Each public agency shall compile one or more lists  
19 that shall specify in detail the information that will be required  
20 from any applicant for a development project. Each public agency  
21 shall revise the list of information required from an applicant to  
22 include a certification of compliance with Section 25001 of the  
23 Health and Safety Code and the statement of application required  
24 by Section 65943. Copies of the information, including the  
25 statement of application required by Section 65943, shall be made  
26 available to all applicants for development projects and to any  
27 person who requests the information.

28 (b) The list of information required from any applicant shall  
29 include, where applicable, identification of whether the proposed  
30 project is located within 1,000 feet of a military installation,  
31 beneath a low-level flight path or within special use airspace as  
32 defined in Section 21098 of the Public Resources Code, and within  
33 an urbanized area as defined in Section 65944.

34 (c) (1) A public agency that is not beneath a low-level flight  
35 path or not within special use airspace and does not contain a  
36 military installation is not required to change its list of information  
37 required from applicants to comply with subdivision (b).

38 (2) A public agency that is entirely urbanized, as defined in  
39 subdivision (e) of Section 65944, with the exception of a  
40 jurisdiction that contains a military installation, is not required to

1 change its list of information required from applicants to comply  
2 with subdivision (b).

3 (d) This section shall become operative on January 1, 2025.

4 SEC. 5. Section 65941.1 of the Government Code is amended  
5 to read:

6 65941.1. (a) An applicant for a housing development project,  
7 as defined in paragraph (2) of subdivision (h) of Section 65589.5,  
8 shall be deemed to have submitted a preliminary application upon  
9 providing all of the following information about the proposed  
10 project to the city, county, or city and county from which approval  
11 for the project is being sought and upon payment of the permit  
12 processing fee:

13 (1) The specific location, including parcel numbers, a legal  
14 description, and site address, if applicable.

15 (2) The existing uses on the project site and identification of  
16 major physical alterations to the property on which the project is  
17 to be located.

18 (3) A site plan showing the location on the property, elevations  
19 showing design, color, and material, and the massing, height, and  
20 approximate square footage, of each building that is to be occupied.

21 (4) The proposed land uses by number of units and square feet  
22 of residential and nonresidential development using the categories  
23 in the applicable zoning ordinance.

24 (5) The proposed number of parking spaces.

25 (6) Any proposed point sources of air or water pollutants.

26 (7) Any species of special concern known to occur on the  
27 property.

28 (8) Whether a portion of the property is located within any of  
29 the following:

30 (A) A very high fire hazard severity zone, as determined by the  
31 Director of Forestry and Fire Protection pursuant to Section 51178.

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

34 (C) A hazardous waste site that is listed pursuant to Section  
35 25001 of the Health and Safety Code or a hazardous substances  
36 release site designated by the Department of Toxic Substances  
37 Control pursuant to Section 25356 of the Health and Safety Code.

38 (D) A special flood hazard area subject to inundation by the 1  
39 percent annual chance flood (100-year flood) as determined by

1 the Federal Emergency Management Agency in any official maps  
2 published by the Federal Emergency Management Agency.

3 (E) A delineated earthquake fault zone as determined by the  
4 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 (F) A stream or other resource that may be subject to a  
13 streambed alteration agreement pursuant to Chapter 6 (commencing  
14 with Section 1600) of Division 2 of the Fish and Game Code.

15 (9) Any historic or cultural resources known to exist on the  
16 property.

17 (10) The number of proposed below market rate units and their  
18 affordability levels.

19 (11) The number of bonus units and any incentives, concessions,  
20 waivers, or parking reductions requested pursuant to Section 65915.

21 (12) Whether any approvals under the Subdivision Map Act  
22 (Division 2 (commencing with Section 66410)), including, but not  
23 limited to, a parcel map, a tentative map, or a condominium map,  
24 are being requested.

25 (13) The applicant's contact information and, if the applicant  
26 does not own the property, consent from the property owner to  
27 submit the application.

28 (14) For a housing development project proposed to be located  
29 within the coastal zone, whether any portion of the property  
30 contains any of the following:

31 (A) Wetlands, as described in subdivision (b) of Section 13577  
32 of Title 14 of the California Code of Regulations.

33 (B) Environmentally sensitive habitat areas, as defined in  
34 Section 30240 of the Public Resources Code.

35 (C) A tsunami run-up zone.

36 (D) Use of the site for public access to or along the coast.

37 (15) The number of existing residential units on the project site  
38 that will be demolished and whether each existing unit is occupied  
39 or unoccupied.

1 (16) A site map showing a stream or other resource that may  
2 be subject to a streambed alteration agreement pursuant to Chapter  
3 6 (commencing with Section 1600) of Division 2 of the Fish and  
4 Game Code and an aerial site photograph showing existing site  
5 conditions of environmental site features that would be subject to  
6 regulations by a public agency, including creeks and wetlands.

7 (17) The location of any recorded public easement, such as  
8 easements for storm drains, water lines, and other public rights of  
9 way.

10 (b) (1) Each local agency shall compile a checklist and  
11 application form that applicants for housing development projects  
12 may use for the purpose of satisfying the requirements for submittal  
13 of a preliminary application.

14 (2) The Department of Housing and Community Development  
15 shall adopt a standardized form that applicants for housing  
16 development projects may use for the purpose of satisfying the  
17 requirements for submittal of a preliminary application if a local  
18 agency has not developed its own application form pursuant to  
19 paragraph (1). Adoption of the standardized form shall not be  
20 subject to Chapter 3.5 (commencing with Section 11340) of Part  
21 1 of Division 3 of Title 2 of the Government Code.

22 (3) A checklist or form shall not require or request any  
23 information beyond that expressly identified in subdivision (a).

24 (c) After submittal of all of the information required by  
25 subdivision (a), if the development proponent revises the project  
26 such that the number of residential units or square footage of  
27 construction changes by 20 percent or more, exclusive of any  
28 increase resulting from the receipt of a density bonus, incentive,  
29 concession, waiver, or similar provision, the housing development  
30 project shall not be deemed to have submitted a preliminary  
31 application that satisfies this section until the development  
32 proponent resubmits the information required by subdivision (a)  
33 so that it reflects the revisions. For purposes of this subdivision,  
34 “square footage of construction” means the building area, as  
35 defined in the California Building Standards Code (Title 24 of the  
36 California Code of Regulations).

37 (d) (1) Within 180 calendar days after submitting a preliminary  
38 application with all of the information required by subdivision (a)  
39 to a city, county, or city and county, the development proponent  
40 shall submit an application for a development project that includes

1 all of the information required to process the development  
2 application consistent with Sections 65940, 65941, and 65941.5.

3 (2) If the public agency determines that the application for the  
4 development project is not complete pursuant to Section 65943,  
5 the development proponent shall submit the specific information  
6 needed to complete the application within 90 days of receiving the  
7 agency's written identification of the necessary information. If the  
8 development proponent does not submit this information within  
9 the 90-day period, then the preliminary application shall expire  
10 and have no further force or effect.

11 (3) This section shall not require an affirmative determination  
12 by a city, county, or city and county regarding the completeness  
13 of a preliminary application or a development application for  
14 purposes of compliance with this section.

15 (e) Notwithstanding any other law, submission of a preliminary  
16 application in accordance with this section shall not preclude the  
17 listing of a tribal cultural resource on a national, state, tribal, or  
18 local historic register list on or after the date that the preliminary  
19 application is submitted. For purposes of Section 65589.5 or any  
20 other law, the listing of a tribal cultural site on a national, state,  
21 tribal, or local historic register on or after the date the preliminary  
22 application was submitted shall not be deemed to be a change to  
23 the ordinances, policies, and standards adopted and in effect at the  
24 time that the preliminary application was submitted.

25 (f) This section shall remain in effect only until January 1, 2025,  
26 and as of that date is repealed.

27 SEC. 6. Section 65941.5 of the Government Code is amended  
28 to read:

29 65941.5. Each public agency shall notify applicants for  
30 development permits of the time limits established for the review  
31 and approval of development permits pursuant to Article 3  
32 (commencing with Section 65940) and Article 5 (commencing  
33 with Section 65950), of the requirements of subdivision (e) of  
34 Section 25001 of the Health and Safety Code, and of the public  
35 notice distribution requirements under applicable provisions of  
36 law. The public agency shall also notify applicants regarding the  
37 provisions of Section 65961. The public agency may charge  
38 applicants a reasonable fee not to exceed the amount reasonably  
39 necessary to provide the service required by this section. If a fee

1 is charged under this section, the fee shall be collected as part of  
2 the application fee charged for the development permit.

3 SEC. 7. Section 65962.5 of the Government Code is repealed.

4 SEC. 8. Section 17021.8 of the Health and Safety Code is  
5 amended to read:

6 17021.8. (a) A development proponent may submit an  
7 application for a development that is subject to a streamlined,  
8 ministerial approval process, provided in subdivision (b), and is  
9 not subject to a conditional use permit if all of the following  
10 requirements are met:

11 (1) The development is located on land designated as agricultural  
12 in the applicable city or county general plan.

13 (2) The development is not located on a site that is any of the  
14 following:

15 (A) Within the coastal zone, as defined in *Division 20*  
16 (*commencing with Section 30103 30000*) of the Public Resources  
17 Code.

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

20 (C) Within a very high fire hazard severity zone, as determined  
21 by the Director of Forestry and Fire Protection pursuant to Section  
22 51178 of the Government Code, or within a high or very high fire  
23 hazard severity zone as indicated on maps adopted by the  
24 Department of Forestry and Fire Protection pursuant to Section  
25 4202 of the Public Resources Code.

26 (D) A hazardous waste site that is listed pursuant to Section  
27 25001 or a hazardous substances release site designated by the  
28 Department of Toxic Substances Control pursuant to Section  
29 25356, unless the Department of Toxic Substances Control has  
30 cleared the site for residential use or residential mixed uses.

31 (E) Within a delineated earthquake fault zone as determined by  
32 the State Geologist in any official maps published by the State  
33 Geologist, unless the development complies with applicable seismic  
34 protection building code standards adopted by the California  
35 Building Standards Commission under the California Building  
36 Standards Law (Part 2.5 (*commencing with Section 18901*)), and  
37 by any local building department under Chapter 12.2 (*commencing*  
38 *with Section 8875*) of Division 1 of Title 2 of the Government  
39 Code.

1 (F) Within a flood plain as determined by maps promulgated  
2 by the Federal Emergency Management Agency, unless the  
3 development has been issued a flood plain development permit  
4 pursuant to Part 59 (commencing with Section 59.1) and Part 60  
5 (commencing with Section 60.1) of Subchapter B of Chapter I of  
6 Title 44 of the Code of Federal Regulations.

7 (G) Within a floodway as determined by maps promulgated by  
8 the Federal Emergency Management Agency.

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

16 (I) Lands under conservation easement. For purposes of this  
17 section, “conservation easement” shall not include a contract  
18 executed pursuant to the Williamson Act (Chapter 7 (commencing  
19 with Section 51200) of Division 1 of Title 5 of the Government  
20 Code).

21 (J) Lands with groundwater levels within five feet of the soil  
22 surface and for which the development would be served by an  
23 onsite wastewater disposal system serving more than six family  
24 housing units.

25 (3) The development is an eligible agricultural employee housing  
26 development that satisfies the requirements specified in subdivision  
27 (i).

28 (b) (1) If a local government determines that a development  
29 submitted under this section does not meet the requirements  
30 specified in subdivision (a), the local government shall provide  
31 the development proponent written documentation of the  
32 requirement or requirements the development does not satisfy and  
33 an explanation for the reason or reasons the development does not  
34 satisfy the requirement or requirements, as follows:

35 (A) Within 30 days of submission of the development to the  
36 local government under this section if the development contains  
37 50 or fewer housing units.

38 (B) Within 60 days of submission of the development to the  
39 local government under this section if the development contains  
40 more than 50 housing units.

1 (2) If the local government fails to provide the required  
2 documentation pursuant to paragraph (1), the development shall  
3 be deemed to satisfy the requirements specified in paragraph (2)  
4 of subdivision (a).

5 (c) The local government’s planning commission or an  
6 equivalent board or commission responsible for review and  
7 approval of development projects, or the city council or board of  
8 supervisors, as appropriate, may conduct a development review  
9 or public oversight of the development. The development review  
10 or public oversight shall be objective and be strictly focused on  
11 assessing compliance with criteria required for streamlined projects,  
12 as well as any reasonable objective development standards  
13 described in this section. For purposes of this subdivision,  
14 “objective development standards” mean standards that involve  
15 no personal or subjective judgment by a public official and are  
16 uniformly verifiable by reference to an external and uniform  
17 benchmark or criterion available and knowable by both the  
18 development applicant or proponent and the public official prior  
19 to submission. The development review or public oversight shall  
20 be completed as follows and shall not in any way inhibit, chill, or  
21 preclude the ministerial approval provided by this section or its  
22 effect, as applicable:

23 (1) Within 90 days of submission of the development to the  
24 local government under this section if the development contains  
25 50 or fewer housing units.

26 (2) Within 180 days of submission of the development to the  
27 local government under this section if the development contains  
28 more than 50 housing units.

29 (d) An agricultural employee housing development that is  
30 approved under this section shall not be subject to the density limits  
31 specified in Section 17021.6 in order to constitute an agricultural  
32 land use for purposes of that section.

33 (e) Notwithstanding Section 17021.6, a local government may  
34 subject an agricultural employee housing development that is  
35 approved under this section to the following written, objective  
36 development standards:

37 (1) (A) A requirement that the development have adequate  
38 water and wastewater facilities and dry utilities to serve the project.

39 (B) A requirement that the development be connected to an  
40 existing public water system that has not been identified as failing

1 or being at risk of failing to provide an adequate supply of safe  
2 drinking water.

3 (C) If the development proposes to include 10 or more units, a  
4 requirement that the development connect to an existing municipal  
5 sewer system that has adequate capacity to serve the project. If the  
6 local agency has adopted an approved local agency management  
7 program for onsite wastewater treatment systems, those  
8 requirements shall apply to the development.

9 (2) A requirement that the property on which the development  
10 is located be either:

11 (A) Within one-half mile of a duly designated collector road  
12 with an Average Daily Trips (ADT) of 6,000 or greater.

13 (B) Adjacent to a duly designated collector road with an ADT  
14 of 2,000 or greater.

15 (3) A requirement that the development include off-street  
16 parking based upon demonstrated need, provided that the standards  
17 do not require more parking for eligible agricultural employee  
18 housing developments than for other residential uses of similar  
19 size within the jurisdiction.

20 (4) Notwithstanding Section 17020 or any other law, health,  
21 safety, and welfare standards for agricultural employee housing,  
22 including, but not limited to, density, minimum living space per  
23 occupant, minimum sanitation facilities, minimum sanitation  
24 requirements, and similar standards.

25 (5) Standards requiring that if a potential for exposure to  
26 significant hazards from surrounding properties or activities is  
27 found to exist, the effects of the potential exposure shall be  
28 mitigated to a level of insignificance in compliance with state and  
29 federal requirements.

30 (f) Neither the approval of a development under this section,  
31 including the permit processing, nor the application of development  
32 standards under this section shall be deemed to be discretionary  
33 acts within the meaning of the California Environmental Quality  
34 Act (Division 13 (commencing with Section 21000) of the Public  
35 Resources Code).

36 (g) Notwithstanding Section 17021.6, a local agency may impose  
37 fees and other exactions otherwise authorized by law that are  
38 essential to provide necessary public services and facilities to the  
39 eligible agricultural employee housing development.

40 (h) This section shall not be construed to:

1 (1) Prohibit a local agency from requiring an eligible agricultural  
2 employee housing development to comply with objective,  
3 quantifiable, written development standards, conditions, and  
4 policies that are consistent with subdivision (e) and appropriate  
5 to, and consistent with, meeting the jurisdiction’s need for  
6 farmworker housing, as identified pursuant to paragraph (7) of  
7 subdivision (a) of Section 65583 of the Government Code.

8 (2) Prohibit a local agency from disapproving an eligible  
9 agricultural employee housing development if the eligible  
10 agricultural employee housing development as proposed would  
11 have a specific, adverse impact upon the public health or safety,  
12 and there is no feasible method to satisfactorily mitigate or avoid  
13 the specific, adverse impact without rendering the development  
14 unaffordable to lower income households, as defined in Section  
15 50079.5, or rendering the development financially infeasible. As  
16 used in this paragraph, a “specific, adverse impact” means a  
17 significant, quantifiable, direct, and unavoidable impact, based on  
18 objective, identified written public health or safety standards,  
19 policies, or conditions as they existed on the date the application  
20 was deemed complete.

21 (3) Prohibit a local agency from disapproving an eligible  
22 agricultural employee housing development if that project would  
23 be in violation of any applicable state or federal law.

24 (4) Change any obligations to comply with any other existing  
25 laws, including, but not limited to, Section ~~116527~~, *116527 of this*  
26 *code*, Section 106.4 of the Water Code, Division 7 (commencing  
27 with Section 13000) of the Water Code, and Part 12 (commencing  
28 with Section 116270) of Division ~~104~~. *104 of this code*.

29 (i) For purposes of this section, “eligible agricultural employee  
30 housing development” means an agricultural employee housing  
31 development that satisfies all of the following:

32 (1) The agricultural employee housing does not contain  
33 dormitory-style housing.

34 (2) The development consists of no more than 36 units or spaces  
35 designed for use by a single family or household.

36 (3) (A) Except as otherwise provided in subparagraph (B), the  
37 agricultural employee housing will be maintained and operated by  
38 a qualified affordable housing organization that has been certified  
39 pursuant to Section 17030.10. The development proponent shall  
40 submit proof of issuance of the qualified affordable housing

1 organization’s certification by the enforcement agency. The  
2 qualified affordable housing organization shall provide for onsite  
3 management of the development.

4 (B) In the case of agricultural employee housing that is  
5 maintained and operated by a local public housing agency or a  
6 multicounty, state, or multistate agency that has been certified as  
7 a qualified affordable housing organization as required by this  
8 paragraph, that agency either directly maintains and operates the  
9 agricultural employee housing or contracts with another qualified  
10 affordable housing organization that has been certified pursuant  
11 to Section 17030.10.

12 (C) The local government ensures an affordability covenant is  
13 recorded on the property to ensure the affordability of the proposed  
14 agricultural employee housing for agricultural employees for not  
15 less than 55 years. For purposes of this paragraph, “affordability”  
16 means the agricultural housing is made available at an affordable  
17 rent, as defined in Section 50053, to lower income households, as  
18 defined in Section 50079.5.

19 (4) The agricultural employee housing is not ineligible for state  
20 funding pursuant to paragraph (1) of subdivision (b) of Section  
21 50205.

22 (j) For purposes of this section, “agricultural employee housing”  
23 means employee housing for agricultural employees as both terms  
24 are defined in Sections 17008 and 17021, respectively.

25 (k) The Legislature hereby declares that it is the policy of this  
26 state that each county and city shall permit and encourage the  
27 development and use of sufficient numbers and types of agricultural  
28 employee housing as are commensurate with local need. The  
29 Legislature further finds and declares that this section addresses  
30 a matter of statewide concern rather than a municipal affair as that  
31 term is used in Section 5 of Article XI of the California  
32 Constitution. Therefore, this section applies to all cities, including  
33 charter cities.

34 SEC. 9. Chapter 6 (commencing with Section 25000) is added  
35 to Division 20 of the Health and Safety Code, to read:

1 CHAPTER 6. ~~THE HAZARDOUS WASTE~~ CONTAMINATED SITE  
2 CLEANUP AND SAFETY ACT  
3

4 25000. This chapter shall be known and may be cited as the  
5 ~~Hazardous Waste~~ Contaminated Site Cleanup and Safety Act.

6 25001. (a) The Department of Toxic Substances Control shall  
7 compile and update as appropriate, but at least annually, and shall  
8 ~~submit to the Secretary for Environmental Protection, post on its~~  
9 ~~internet website~~, a list of all of the following:

10 (1) All hazardous waste facilities subject to corrective action  
11 pursuant to ~~Section 25187 or~~ Section 25187.5.

12 ~~(2) All land designated as hazardous waste property or border~~  
13 ~~zone property pursuant to former Article 11 (commencing with~~  
14 ~~Section 25220) of Chapter 6.5.~~

15 ~~(3)~~

16 (2) All information received by the Department of Toxic  
17 Substances Control pursuant to Section 25242 regarding hazardous  
18 waste disposals on public land.

19 ~~(4)~~

20 (3) All sites listed pursuant to Section 25356.

21 (b) The State Water Resources Control Board shall compile and  
22 update as appropriate, but at least annually, and shall ~~submit to~~  
23 ~~the Secretary for Environmental Protection, post on its internet~~  
24 ~~website~~, a list of all of the following:

25 ~~(1) All public drinking water wells that contain detectable levels~~  
26 ~~of organic contaminants and that are subject to water analysis~~  
27 ~~pursuant to Section 116395.~~

28 ~~(2)~~

29 (1) All underground storage tanks for which an unauthorized  
30 release report is filed pursuant to Section 25295.

31 ~~(3)~~

32 (2) All solid waste disposal facilities from which there is a  
33 migration of hazardous waste and for which a California regional  
34 water quality control board has notified the Department of Toxic  
35 Substances Control pursuant to subdivision (e) of Section 13273  
36 of the Water Code.

37 ~~(4)~~

38 (3) All cease and desist orders issued pursuant to Section 13301  
39 of the Water Code and all cleanup or abatement orders issued

1 pursuant to Section 13304 of the Water Code that concern the  
2 discharge of wastes that are hazardous materials.

3 (c) ~~The~~A local enforcement agency, as designated pursuant to  
4 Section 18051 of Title 14 of the California Code of Regulations,  
5 shall compile as appropriate, but at least annually, and shall submit  
6 to the Department of Resources Recycling and Recovery, a list of  
7 all solid waste disposal facilities from which there is a known  
8 migration of hazardous waste. The Department of Resources  
9 Recycling and Recovery shall compile the local lists into a  
10 statewide list, ~~which shall be submitted to the Secretary for~~  
11 ~~Environmental Protection and shall be available to any person who~~  
12 ~~requests the information. list and shall post the statewide list on~~  
13 ~~its internet website.~~

14 (d) The Secretary for Environmental Protection shall ~~consolidate~~  
15 ~~the information submitted under this section and post the~~  
16 ~~information prepared pursuant to this section, or links to that~~  
17 ~~information, on the California Environmental Protection Agency's~~  
18 ~~internet website. The secretary shall also distribute the information~~  
19 ~~in a timely fashion to each city and county in which sites on the~~  
20 ~~lists are located, as well as to any other person upon request. The~~  
21 ~~secretary may charge a reasonable fee to persons requesting the~~  
22 ~~information, other than cities, counties, or cities and counties, to~~  
23 ~~cover the cost of developing, maintaining, and reproducing and~~  
24 ~~distributing the information.~~

25 (e) Before a lead agency, as defined in Section 65929 of the  
26 Government Code, accepts as complete an application for any  
27 development project that will be used by any person, the applicant  
28 shall consult the lists ~~sent to the appropriate city or county~~ *posted*  
29 *pursuant to this section* and shall submit a signed statement to the  
30 lead agency indicating whether the project and any alternatives  
31 are located on a site that is included on any of the lists compiled  
32 under this section and shall specify the list or lists. If the site is  
33 included on a list, and the list is not specified on the statement, the  
34 lead agency shall notify the applicant pursuant to Section 65943  
35 of the Government Code. The statement shall read as follows:

36  
37 HAZARDOUS WASTE AND SUBSTANCES STATEMENT

38  
39 The development project and any alternatives proposed in this  
40 application are included on the lists compiled pursuant to Section 25001

1 of the Health and Safety Code. Accordingly, the project applicant is  
2 required to submit a signed statement that contains the following  
3 information:

- 4
- 5 Name of project applicant:
- 6 Address:
- 7 Phone number:
- 8 Address of site (street name and number, if available, and ZIP Code):
- 9 Local agency (city/county):
- 10 Assessor’s book, page, and parcel number:
- 11 Specify the list(s) under Section 25001 of the Health and Safety Code:
- 12 Regulatory identification number(s):
- 13 Date of list(s):
- 14

15 \_\_\_\_\_  
16 Applicant, Date

17  
18 SEC. 10. Section 25220 of the Health and Safety Code is  
19 amended to read:

20 25220. (a) The department shall notify the planning and  
21 building department of each city, county, or regional council of  
22 governments of any recorded land use restriction imposed within  
23 the jurisdiction of the local agency pursuant to former Section  
24 25229, 25230, or 25398.7, as those sections read prior to the  
25 effective date of this article, or Section 25202.5, 25221, or 25355.5.  
26 Upon receiving this notification, the planning and building  
27 department shall do both of the following:

28 (1) File all recorded land use restrictions in the property files  
29 of the city, county, or regional council of government.

30 (2) Require that a person requesting a land use that differs from  
31 those filed land use restrictions on the property apply to the  
32 department for a variance or a removal of the land use restrictions  
33 pursuant to Section 25223 or 25224.

34 (b) A planning and building department of a city, county, or  
35 regional council of governments may assess a property owner a  
36 reasonable fee to cover the costs of taking the actions required by  
37 subdivision (a). For purposes of this subdivision, “property owner”  
38 does not include a person who holds evidence of ownership solely  
39 to protect a security interest in the property, unless the person

1 participates, or has a legal right to participate, in the management  
2 of the property.

3 (c) The department shall maintain a list of all recorded land use  
4 restrictions, including deed restrictions, recorded pursuant to former  
5 Sections 25229, 25230, and 25398.7, as those sections read prior  
6 to the effective date of this article, and Sections 25202.5, 25221,  
7 and 25355.5. The list shall, at a minimum, provide the street  
8 address, or, if a street address is not available, an equivalent  
9 description of location for a rural location or the latitude and  
10 longitude of each property. The department shall update the list  
11 as new deed restrictions are recorded. The department shall make  
12 the list available to the public, upon request, and shall make the  
13 list available on the department's internet website. The list shall  
14 also be incorporated into the list of sites compiled pursuant to  
15 Section 25001.

16 SEC. 11. Section 25395.117 of the Health and Safety Code is  
17 amended to read:

18 25395.117. (a) On or before January 1, 2006, the agency and  
19 the California Environmental Protection Agency shall implement  
20 the requirements imposed by this section.

21 (b) The department shall revise and upgrade the department's  
22 database systems, including the list of hazardous substances release  
23 sites designated pursuant to Section 25356 and the information  
24 sent to the agency pursuant to Section 25001, to enable  
25 compatibility with existing databases of the board, including the  
26 GIS mapping system established pursuant to Section 25299.97.  
27 The department shall also install improvements to the database  
28 systems to maintain and display information that includes the  
29 number of brownfield sites, each brownfield site's location,  
30 acreage, response action, site assessments, and the number of  
31 orphan sites where the department is overseeing the response  
32 action.

33 (c) The California Environmental Protection Agency, the  
34 department, the regional boards, and the board shall expand their  
35 respective internet websites to allow access to information about  
36 brownfield sites and other response action sites through a single  
37 internet website portal.

38 SEC. 12. Section 21084 of the Public Resources Code is  
39 amended to read:

1 21084. (a) The guidelines prepared and adopted pursuant to  
2 Section 21083 shall include a list of classes of projects that have  
3 been determined not to have a significant effect on the environment  
4 and that shall be exempt from this division. In adopting the  
5 guidelines, the Secretary of the Natural Resources Agency shall  
6 make a finding that the listed classes of projects referred to in this  
7 section do not have a significant effect on the environment.

8 (b) A project's greenhouse gas emissions shall not, in and of  
9 themselves, be deemed to cause an exemption adopted pursuant  
10 to subdivision (a) to be inapplicable if the project complies with  
11 all applicable regulations or requirements adopted to implement  
12 statewide, regional, or local plans consistent with Section 15183.5  
13 of Title 14 of the California Code of Regulations.

14 (c) A project that may result in damage to scenic resources,  
15 including, but not limited to, trees, historic buildings, rock  
16 outcroppings, or similar resources, within a highway designated  
17 as an official state scenic highway, pursuant to Article 2.5  
18 (commencing with Section 260) of Chapter 2 of Division 1 of the  
19 Streets and Highways Code, shall not be exempted from this  
20 division pursuant to subdivision (a). This subdivision does not  
21 apply to improvements as mitigation for a project for which a  
22 negative declaration has been approved or an environmental impact  
23 report has been certified.

24 (d) A project located on a site that is included on any list  
25 compiled pursuant to *Chapter 6 (commencing with Section 25001*  
26 *25000)* of the Health and Safety Code shall not be exempted from  
27 this division pursuant to subdivision (a) *of this subdivision* or  
28 paragraph (3) of subdivision (b) of Section 15061 of Title 14 of  
29 the California Code of Regulations.

30 (e) A project that may cause a substantial adverse change in the  
31 significance of a historical resource, as specified in Section  
32 21084.1, shall not be exempted from this division pursuant to  
33 subdivision (a).

34 SEC. 13. Section 21092.6 of the Public Resources Code is  
35 amended to read:

36 21092.6. (a) The lead agency shall consult the lists compiled  
37 pursuant to Section 25001 of the Health and Safety Code to  
38 determine whether the project and any alternatives are located on  
39 a site which is included on any list. The lead agency shall indicate  
40 whether a site is on any list not already identified by the applicant.

1 The lead agency shall specify the list and include the information  
2 in the statement required pursuant to subdivision (e) of Section  
3 25001 of the Health and Safety Code in the notice required  
4 pursuant to Section 21080.4, a negative declaration, and a draft  
5 environmental impact report. The requirement in this section to  
6 specify any list shall not be construed to limit compliance with  
7 this division.

8 (b) If a project or any alternatives are located on a site which is  
9 included on any of the lists compiled pursuant to Section 25001  
10 of the Health and Safety Code and the lead agency did not  
11 accurately specify or did not specify any list pursuant to subdivision  
12 (a), the California Environmental Protection Agency shall notify  
13 the lead agency specifying any list with the site when it receives  
14 notice pursuant to Section 21080.4, a negative declaration, and a  
15 draft environmental impact report. The California Environmental  
16 Protection Agency shall not be liable for failure to notify the lead  
17 agency under this subdivision.

18 SEC. 14. Section 21155.1 of the Public Resources Code is  
19 amended to read:

20 21155.1. If the legislative body finds, after conducting a public  
21 hearing, that a transit priority project meets all of the requirements  
22 of subdivisions (a) and (b) and one of the requirements of  
23 subdivision (c), the transit priority project is declared to be a  
24 sustainable communities project and shall be exempt from this  
25 division.

26 (a) The transit priority project complies with all of the following  
27 environmental criteria:

28 (1) The transit priority project and other projects approved prior  
29 to the approval of the transit priority project but not yet built can  
30 be adequately served by existing utilities, and the transit priority  
31 project applicant has paid, or has committed to pay, all applicable  
32 in-lieu or development fees.

33 (2) (A) The site of the transit priority project does not contain  
34 wetlands or riparian areas and does not have significant value as  
35 a wildlife habitat, and the transit priority project does not harm  
36 any species protected by the federal Endangered Species Act of  
37 1973 (16 U.S.C. Sec. 1531 et seq.), the Native Plant Protection  
38 Act (Chapter 10 (commencing with Section 1900) of Division 2  
39 of the Fish and Game Code), or the California Endangered Species  
40 Act (Chapter 1.5 (commencing with Section 2050) of Division 3

1 of the Fish and Game Code), and the project does not cause the  
2 destruction or removal of any species protected by a local ordinance  
3 in effect at the time the application for the project was deemed  
4 complete.

5 (B) For purposes of this paragraph, “wetlands” has the same  
6 meaning as in the United States Fish and Wildlife Service Manual,  
7 Part 660 FW 2 (June 21, 1993).

8 (C) For purposes of this paragraph:

9 (i) “Riparian areas” means those areas transitional between  
10 terrestrial and aquatic ecosystems and that are distinguished by  
11 gradients in biophysical conditions, ecological processes, and biota.  
12 A riparian area is an area through which surface and subsurface  
13 hydrology connect waterbodies with their adjacent uplands. A  
14 riparian area includes those portions of terrestrial ecosystems that  
15 significantly influence exchanges of energy and matter with aquatic  
16 ecosystems. A riparian area is adjacent to perennial, intermittent,  
17 and ephemeral streams, lakes, and estuarine-marine shorelines.

18 (ii) “Wildlife habitat” means the ecological communities upon  
19 which wild animals, birds, plants, fish, amphibians, and  
20 invertebrates depend for their conservation and protection.

21 (iii) Habitat of “significant value” includes wildlife habitat of  
22 national, statewide, regional, or local importance; habitat for  
23 species protected by the federal Endangered Species Act of 1973  
24 (16 U.S.C. Sec. 1531, et seq.), the California Endangered Species  
25 Act (Chapter 1.5 (commencing with Section 2050) of Division 3  
26 of the Fish and Game Code), or the Native Plant Protection Act  
27 (Chapter 10 (commencing with Section 1900) of Division 2 of the  
28 Fish and Game Code); habitat identified as candidate, fully  
29 protected, sensitive, or species of special status by local, state, or  
30 federal agencies; or habitat essential to the movement of resident  
31 or migratory wildlife.

32 (3) The site of the transit priority project is not included on any  
33 list of facilities and sites compiled pursuant to Section 25001 of  
34 the Health and Safety Code.

35 (4) The site of the transit priority project is subject to a  
36 preliminary endangerment assessment prepared by an  
37 environmental assessor to determine the existence of any release  
38 of a hazardous substance on the site and to determine the potential  
39 for exposure of future occupants to significant health hazards from  
40 any nearby property or activity.

1 (A) If a release of a hazardous substance is found to exist on  
2 the site, the release shall be removed or any significant effects of  
3 the release shall be mitigated to a level of insignificance in  
4 compliance with state and federal requirements.

5 (B) If a potential for exposure to significant hazards from  
6 surrounding properties or activities is found to exist, the effects of  
7 the potential exposure shall be mitigated to a level of insignificance  
8 in compliance with state and federal requirements.

9 (5) The transit priority project does not have a significant effect  
10 on historical resources pursuant to Section 21084.1.

11 (6) The transit priority project site is not subject to any of the  
12 following:

13 (A) A wildland fire hazard, as determined by the Department  
14 of Forestry and Fire Protection, unless the applicable general plan  
15 or zoning ordinance contains provisions to mitigate the risk of a  
16 wildland fire hazard.

17 (B) An unusually high risk of fire or explosion from materials  
18 stored or used on nearby properties.

19 (C) Risk of a public health exposure at a level that would exceed  
20 the standards established by any state or federal agency.

21 (D) Seismic risk as a result of being within a delineated  
22 earthquake fault zone, as determined pursuant to Section 2622, or  
23 a seismic hazard zone, as determined pursuant to Section 2696,  
24 unless the applicable general plan or zoning ordinance contains  
25 provisions to mitigate the risk of an earthquake fault or seismic  
26 hazard zone.

27 (E) Landslide hazard, flood plain, flood way, or restriction zone,  
28 unless the applicable general plan or zoning ordinance contains  
29 provisions to mitigate the risk of a landslide or flood.

30 (7) The transit priority project site is not located on developed  
31 open space.

32 (A) For purposes of this paragraph, “developed open space”  
33 means land that meets all of the following criteria:

34 (i) Is publicly owned, or financed in whole or in part by public  
35 funds.

36 (ii) Is generally open to, and available for use by, the public.

37 (iii) Is predominantly lacking in structural development other  
38 than structures associated with open spaces, including, but not  
39 limited to, playgrounds, swimming pools, ballfields, enclosed child  
40 play areas, and picnic facilities.

1 (B) For purposes of this paragraph, “developed open space”  
2 includes land that has been designated for acquisition by a public  
3 agency for developed open space, but does not include lands  
4 acquired with public funds dedicated to the acquisition of land for  
5 housing purposes.

6 (8) The buildings in the transit priority project are 15 percent  
7 more energy efficient than required by Chapter 6 of Title 24 of the  
8 California Code of Regulations and the buildings and landscaping  
9 are designed to achieve 25 percent less water usage than the  
10 average household use in the region.

11 (b) The transit priority project meets all of the following land  
12 use criteria:

13 (1) The site of the transit priority project is not more than eight  
14 acres in total area.

15 (2) The transit priority project does not contain more than 200  
16 residential units.

17 (3) The transit priority project does not result in any net loss in  
18 the number of affordable housing units within the project area.

19 (4) The transit priority project does not include any single level  
20 building that exceeds 75,000 square feet.

21 (5) Any applicable mitigation measures or performance  
22 standards or criteria set forth in the prior environmental impact  
23 reports, and adopted in findings, have been or will be incorporated  
24 into the transit priority project.

25 (6) The transit priority project is determined not to conflict with  
26 nearby operating industrial uses.

27 (7) The transit priority project is located within one-half mile  
28 of a rail transit station or a ferry terminal included in a regional  
29 transportation plan or within one-quarter mile of a high-quality  
30 transit corridor included in a regional transportation plan.

31 (c) The transit priority project meets at least one of the following  
32 three criteria:

33 (1) The transit priority project meets both of the following:

34 (A) At least 20 percent of the housing will be sold to families  
35 of moderate income, or not less than 10 percent of the housing  
36 will be rented to families of low income, or not less than 5 percent  
37 of the housing is rented to families of very low income.

38 (B) The transit priority project developer provides sufficient  
39 legal commitments to the appropriate local agency to ensure the  
40 continued availability and use of the housing units for very low,

1 low-, and moderate-income households at monthly housing costs  
2 with an affordable housing cost or affordable rent, as defined in  
3 Section 50052.5 or 50053 of the Health and Safety Code,  
4 respectively, for the period required by the applicable financing.  
5 Rental units shall be affordable for at least 55 years. Ownership  
6 units shall be subject to resale restrictions or equity sharing  
7 requirements for at least 30 years.

8 (2) The transit priority project developer has paid or will pay  
9 in-lieu fees pursuant to a local ordinance in an amount sufficient  
10 to result in the development of an equivalent number of units that  
11 would otherwise be required pursuant to paragraph (1).

12 (3) The transit priority project provides public open space equal  
13 to or greater than five acres per 1,000 residents of the project.

14 SEC. 15. Section 21159.21 of the Public Resources Code is  
15 amended to read:

16 21159.21. A housing project qualifies for an exemption from  
17 this division pursuant to Section 21159.22, 21159.23, or 21159.24  
18 if it meets the criteria in the applicable section and all of the  
19 following criteria:

20 (a) The project is consistent with any applicable general plan,  
21 specific plan, and local coastal program, including any mitigation  
22 measures required by a plan or program, as that plan or program  
23 existed on the date that the application was deemed complete and  
24 with any applicable zoning ordinance, as that zoning ordinance  
25 existed on the date that the application was deemed complete,  
26 except that a project shall not be deemed to be inconsistent with  
27 the zoning designation for the site if that zoning designation is  
28 inconsistent with the general plan only because the project site has  
29 not been rezoned to conform with a more recently adopted general  
30 plan.

31 (b) Community-level environmental review has been adopted  
32 or certified.

33 (c) The project and other projects approved prior to the approval  
34 of the project can be adequately served by existing utilities, and  
35 the project applicant has paid, or has committed to pay, all  
36 applicable in-lieu or development fees.

37 (d) The site of the project does not contain wetlands, does not  
38 have any value as a wildlife habitat, and the project does not harm  
39 any species protected by the federal Endangered Species Act of  
40 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection

1 Act (Chapter 10 (commencing with Section 1900) of Division 2  
2 of the Fish and Game Code), the California Endangered Species  
3 Act (Chapter 1.5 (commencing with Section 2050) of Division 3  
4 of the Fish and Game Code), and the project does not cause the  
5 destruction or removal of any species protected by a local ordinance  
6 in effect at the time the application for the project was deemed  
7 complete. For purposes of this subdivision, “wetlands” has the  
8 same meaning as in Section 328.3 of Title 33 of the Code of  
9 Federal Regulations and “wildlife habitat” means the ecological  
10 communities upon which wild animals, birds, plants, fish,  
11 amphibians, and invertebrates depend for their conservation and  
12 protection.

13 (e) The site of the project is not included on any list of facilities  
14 and sites compiled pursuant to Section 25001 of the Health and  
15 Safety Code.

16 (f) The site of the project is subject to a preliminary  
17 endangerment assessment prepared by an environmental assessor  
18 to determine the existence of any release of a hazardous substance  
19 on the site and to determine the potential for exposure of future  
20 occupants to significant health hazards from any nearby property  
21 or activity.

22 (1) If a release of a hazardous substance is found to exist on the  
23 site, the release shall be removed, or any significant effects of the  
24 release shall be mitigated to a level of insignificance in compliance  
25 with state and federal requirements.

26 (2) If a potential for exposure to significant hazards from  
27 surrounding properties or activities is found to exist, the effects of  
28 the potential exposure shall be mitigated to a level of insignificance  
29 in compliance with state and federal requirements.

30 (g) The project does not have a significant effect on historical  
31 resources pursuant to Section 21084.1.

32 (h) The project site is not subject to any of the following:

33 (1) A wildland fire hazard, as determined by the Department of  
34 Forestry and Fire Protection, unless the applicable general plan or  
35 zoning ordinance contains provisions to mitigate the risk of a  
36 wildland fire hazard.

37 (2) An unusually high risk of fire or explosion from materials  
38 stored or used on nearby properties.

39 (3) Risk of a public health exposure at a level that would exceed  
40 the standards established by any state or federal agency.

1 (4) Within a delineated earthquake fault zone, as determined  
2 pursuant to Section 2622, or a seismic hazard zone, as determined  
3 pursuant to Section 2696, unless the applicable general plan or  
4 zoning ordinance contains provisions to mitigate the risk of an  
5 earthquake fault or seismic hazard zone.

6 (5) Landslide hazard, flood plain, flood way, or restriction zone,  
7 unless the applicable general plan or zoning ordinance contains  
8 provisions to mitigate the risk of a landslide or flood.

9 (i) (1) The project site is not located on developed open space.

10 (2) For purposes of this subdivision, “developed open space”  
11 means land that meets all of the following criteria:

12 (A) Is publicly owned, or financed in whole or in part by public  
13 funds.

14 (B) Is generally open to, and available for use by, the public.

15 (C) Is predominantly lacking in structural development other  
16 than structures associated with open spaces, including, but not  
17 limited to, playgrounds, swimming pools, ballfields, enclosed child  
18 play areas, and picnic facilities.

19 (3) For purposes of this subdivision, “developed open space”  
20 includes land that has been designated for acquisition by a public  
21 agency for developed open space, but does not include lands  
22 acquired by public funds dedicated to the acquisition of land for  
23 housing purposes.

24 (j) The project site is not located within the boundaries of a state  
25 conservancy.

26 SEC. 16. Section 21159.25 of the Public Resources Code is  
27 amended to read:

28 21159.25. (a) For purposes of this section, the following  
29 definitions apply:

30 (1) “Residential or mixed-use housing project” means a project  
31 consisting of multifamily residential uses only or a mix of  
32 multifamily residential and nonresidential uses, with at least  
33 two-thirds of the square footage of the development designated  
34 for residential use.

35 (2) “Substantially surrounded” means at least 75 percent of the  
36 perimeter of the project site adjoins, or is separated only by an  
37 improved public right-of-way from, parcels that are developed  
38 with qualified urban uses. The remainder of the perimeter of the  
39 site adjoins, or is separated only by an improved public  
40 right-of-way from, parcels that have been designated for qualified

1 urban uses in a zoning, community plan, or general plan for which  
2 an environmental impact report was certified.

3 (b) Without limiting any other statutory exemption or categorical  
4 exemption, this division does not apply to a residential or  
5 mixed-use housing project if all of the following conditions  
6 described in this section are met:

7 (1) The project is consistent with the applicable general plan  
8 designation and all applicable general plan policies as well as with  
9 applicable zoning designation and regulations.

10 (2) (A) The public agency approving or carrying out the project  
11 determines, based upon substantial evidence, that the density of  
12 the residential portion of the project is not less than the greater of  
13 the following:

14 (i) The average density of the residential properties that adjoin,  
15 or are separated only by an improved public right-of-way from,  
16 the perimeter of the project site, if any.

17 (ii) The average density of the residential properties within  
18 1,500 feet of the project site.

19 (iii) Six dwelling units per acre.

20 (B) The residential portion of the project is a multifamily  
21 housing development that contains six or more residential units.

22 (3) The proposed development occurs within an unincorporated  
23 area of a county on a project site of no more than five acres  
24 substantially surrounded by qualified urban uses.

25 (4) The project site has no value as habitat for endangered, rare,  
26 or threatened species.

27 (5) Approval of the project would not result in any significant  
28 effects relating to transportation, noise, air quality, greenhouse gas  
29 emissions, or water quality.

30 (6) The site can be adequately served by all required utilities  
31 and public services.

32 (7) The project is located on a site that is a legal parcel or parcels  
33 wholly within the boundaries of an urbanized area or urban cluster,  
34 as designated by the United States Census Bureau.

35 (c) Subdivision (b) does not apply to a residential or mixed-use  
36 housing project if any of the following conditions exist:

37 (1) The cumulative impact of successive projects of the same  
38 type in the same place over time is significant.

1 (2) There is a reasonable possibility that the project will have  
2 a significant effect on the environment due to unusual  
3 circumstances.

4 (3) The project may result in damage to scenic resources,  
5 including, but not limited to, trees, historic buildings, rock  
6 outcroppings, or similar resources, within a highway officially  
7 designated as a state scenic highway.

8 (4) The project is located on a site which is included on any list  
9 compiled pursuant to Section 25001 of the Health and Safety Code.

10 (5) The project may cause a substantial adverse change in the  
11 significance of a historical resource.

12 (d) If the lead agency determines that a project is not subject to  
13 this division under this section and it determines to approve or  
14 carry out the project, the lead agency shall file a notice with the  
15 Office of Planning and Research and with the county clerk in the  
16 county in which the project will be located in the manner specified  
17 in subdivisions (b) and (c) of Section 21152.

18 (e) This section shall remain in effect only until January 1, 2025,  
19 and as of that date is repealed.