



Rent Stabilization Board

DATE: July 19, 2017

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Chair Selawsky, Vice Chair Laverde-Levine and Commissioner Townley

SUBJECT: **Recommendation to oppose proposed Senate Bill 35 (Wiener) – Planning and zoning: affordable housing: streamlined approval process**

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**RECOMMENDATION:**

Tenants Together and other tenant organizations are opposing SB 35 (Weiner) in its current form. The bill's stated purpose is to streamline and facilitate new development, in some cases bypassing local notification and hearing processes, as well as fast-tracking some permitting. The issues arise over ambiguity whether local jurisdictions retain full control over rent control, rent stabilization, community benefits and other limitations on development currently under local authority. The bill has been through several iterations over a 1½-year period, is currently in the Housing and Community Development Committee, and could be on the State Senate and Assembly floors during this legislative session.

Unless and until ambiguous and interpretive language is clarified in the text of this bill, we are recommending the Berkeley Rent Board vote to oppose this proposed bill, and send our opposition to the author and co-sponsors of the bill, our representatives in the State Senate and State Assembly, as well as the Rent Boards of Santa Monica, Richmond, Oakland, San Francisco, Mountain View, and East Palo Alto.

**BACKGROUND AND NEED FOR RENT BOARD ACTION:**

Tenants Together has stated the following about their position on SB 35:

“SB 35 (Weiner) is a dangerous, double-edged bill that threatens to increase displacement of urban communities where development is already “hot.” It will bring negative effects to urban core cities by allowing developers to build without community process. In low-income communities that are already grappling with gentrification and displacement pressures, minimizing community input will hurt, not help.

We want the following amendments to SB 35 (Weiner):

- a safe harbor provision protecting low income communities where development is already “hot” and communities are already grappling with gentrification and displacement pressures;
- a higher affordable housing requirement above what is already required locally in exchange for by-right approval;
- a minimum of half the affordable housing units required for by-right projects dedicated for very low income households under 50% of Area Median Income;
- a meaningful “use it or lose it” time limit on how long a by-right approval lasts before the developer must start actually building the project.

As is, the practical outcome of SB 35 in many communities will be to deregulate luxury housing development, which has been proven in all of California’s major urban areas to cause displacement of lower-income communities, and exclude all but the wealthiest. High-priced housing developments are already destroying existing diverse neighborhoods, displacing current residents, small businesses, and jobs.

Communities must have the ability to mitigate those impacts. SB 35 suppresses the right of the public to participate, and strips away people’s voice in ensuring that as much affordable housing gets built in as many parts of the State as possible. Participation by low-income communities has proven to result in greater affordable housing, lesser environmental impacts, retention of small businesses, and a stable, diverse economic base.

In its current form, this policy gives even greater power to profit-driven real estate developers to build whatever suits their needs. SB 35 is not a solution to affordable housing.”

Attachment:

1. Text of SB 35, as amended in Assembly on July 5, 2017

AMENDED IN ASSEMBLY JULY 5, 2017  
AMENDED IN ASSEMBLY JUNE 20, 2017  
AMENDED IN SENATE MAY 26, 2017  
AMENDED IN SENATE APRIL 4, 2017  
AMENDED IN SENATE MARCH 21, 2017  
AMENDED IN SENATE MARCH 9, 2017  
AMENDED IN SENATE FEBRUARY 21, 2017

**SENATE BILL**

**No. 35**

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**Introduced by Senator Wiener**  
**(Principal coauthor: Senator Atkins)**  
**(Coauthors: Senators Allen and Vidak)**  
(Coauthor: Assembly Member Caballero)

December 5, 2016

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An act to amend Sections 65400 and 65582.1 of, and to add Section 65913.4 to, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

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

(1) The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of

the general plan and progress in meeting the community's share of regional housing needs.

This bill would require the planning agency to include in its annual report specified information regarding units of net new housing, including rental housing and housing designated for home ownership, that have been issued an entitlement, building permit, or certificate of occupancy. The bill would also require the Department of Housing and Community Development to post an annual report submitted pursuant to the requirement described above on its Internet Web site, as provided.

(2) Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions relating to location and being subject to a discretionary decision other than a conditional use permit. Existing law provides for various incentives intended to facilitate and expedite the construction of affordable housing.

This bill would authorize a development proponent to submit an application for a multifamily housing development that satisfies specified planning objective standards is subject to a streamlined, ministerial approval process, as provided, and not be subject to a conditional use permit. The bill would require a local government to notify the development proponent in writing if the local government determines that the development conflicts with any of those objective standards by a specified time; otherwise, the development is deemed to comply with those standards. The bill would limit the authority of a local government to impose parking standards or requirements on a streamlined development approved pursuant to these provisions, as provided. The bill would provide that if a local government approves a project pursuant to that process, that approval will not expire if that project includes investment in housing affordability, and would otherwise provide that the approval of a project expire automatically after 3 years, unless that project qualifies for a one-time, one-year extension of that approval. The bill would prohibit a local government from adopting any requirement that applies to a project solely or partially on the basis that the project receives ministerial or streamlined approval pursuant to these provisions.

(3) The bill would make findings that ensuring access to affordable housing is a matter of statewide concern and declare that its provisions

would apply to all cities and counties, including a charter city, a charter county, or a charter city and county.

(4) By imposing new duties upon local agencies with respect to the streamlined approval process and reporting requirement described above, this bill would impose a state-mandated local program.

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

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

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

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

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

3 65400. (a) After the legislative body has adopted all or part  
4 of a general plan, the planning agency shall do both of the  
5 following:

6 (1) Investigate and make recommendations to the legislative  
7 body regarding reasonable and practical means for implementing  
8 the general plan or element of the general plan, so that it will serve  
9 as an effective guide for orderly growth and development,  
10 preservation and conservation of open-space land and natural  
11 resources, and the efficient expenditure of public funds relating to  
12 the subjects addressed in the general plan.

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

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

18 (B) The progress in meeting its share of regional housing needs  
19 determined pursuant to Section 65584 and local efforts to remove  
20 governmental constraints to the maintenance, improvement, and  
21 development of housing pursuant to paragraph (3) of subdivision  
22 (c) of Section 65583.

23 The housing element portion of the annual report, as required  
24 by this paragraph, shall be prepared through the use of forms and  
25 definitions adopted by the Department of Housing and Community

1 Development pursuant to the rulemaking provisions of the  
2 Administrative Procedure Act (Chapter 3.5 (commencing with  
3 Section 11340) of Part 1 of Division 3 of Title 2). Before and after  
4 adoption of the forms, the housing element portion of the annual  
5 report shall include a section that describes the actions taken by  
6 the local government towards completion of the programs and  
7 status of the local government's compliance with the deadlines in  
8 its housing element. That report shall be considered at an annual  
9 public meeting before the legislative body where members of the  
10 public shall be allowed to provide oral testimony and written  
11 comments.

12 The report may include the number of units that have been  
13 substantially rehabilitated, converted from nonaffordable to  
14 affordable by acquisition, and preserved consistent with the  
15 standards set forth in paragraph (2) of subdivision (c) of Section  
16 65583.1. The report shall document how the units meet the  
17 standards set forth in that subdivision.

18 (C) The degree to which its approved general plan complies  
19 with the guidelines developed and adopted pursuant to Section  
20 65040.2 and the date of the last revision to the general plan.

21 (D) The number of net new units of housing, including both  
22 rental housing and housing designated for home ownership, that  
23 have been issued an entitlement, a building permit, or a certificate  
24 of occupancy, thus far in the housing element cycle, and the income  
25 category, by area median income category, that each unit of  
26 housing, including both rental housing and housing designated for  
27 home ownership, satisfies. That report shall, for each income  
28 category described in this subparagraph, distinguish between the  
29 number of rental housing units that satisfy each income category  
30 and the number of units that are housing designated for home  
31 ownership that satisfy each income category. The report shall  
32 include, for each entitlement, building permit, or certificate of  
33 occupancy, a unique site identifier, such as street address, ZIP  
34 Code, or assessor's parcel number.

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

38 (b) If a court finds, upon a motion to that effect, that a city,  
39 county, or city and county failed to submit, within 60 days of the  
40 deadline established in this section, the housing element portion

1 of the report required pursuant to subparagraph (B) of paragraph  
2 (2) of subdivision (a) that substantially complies with the  
3 requirements of this section, the court shall issue an order or  
4 judgment compelling compliance with this section within 60 days.  
5 If the city, county, or city and county fails to comply with the  
6 court's order within 60 days, the plaintiff or petitioner may move  
7 for sanctions, and the court may, upon that motion, grant  
8 appropriate sanctions. The court shall retain jurisdiction to ensure  
9 that its order or judgment is carried out. If the court determines  
10 that its order or judgment is not carried out within 60 days, the  
11 court may issue further orders as provided by law to ensure that  
12 the purposes and policies of this section are fulfilled. This  
13 subdivision applies to proceedings initiated on or after the first  
14 day of October following the adoption of forms and definitions by  
15 the Department of Housing and Community Development pursuant  
16 to paragraph (2) of subdivision (a), but no sooner than six months  
17 following that adoption.

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

20 65582.1. The Legislature finds and declares that it has provided  
21 reforms and incentives to facilitate and expedite the approval and  
22 construction of affordable housing. Those reforms and incentives  
23 can be found in the following provisions:

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

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

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

31 (d) Priority for affordable housing in the allocation of water and  
32 sewer hookups (Section 65589.7).

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

34 (f) Density bonus law (Section 65915).

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

36 (h) By-right housing, in which certain multifamily housing are  
37 designated a permitted use (Section 65589.4).

38 (i) No-net-loss-in zoning density law limiting downzonings and  
39 density reductions (Section 65863).

1 (j) Requiring persons who sue to halt affordable housing to pay  
2 attorney fees (Section 65914) or post a bond (Section 529.2 of the  
3 Code of Civil Procedure).

4 (k) Reduced time for action on affordable housing applications  
5 under the approval of development permits process (Article 5  
6 (commencing with Section 65950) of Chapter 4.5).

7 (l) Limiting moratoriums on multifamily housing (Section  
8 65858).

9 (m) Prohibiting discrimination against affordable housing  
10 (Section 65008).

11 (n) California Fair Employment and Housing Act (Part 2.8  
12 (commencing with Section 12900) of Division 3).

13 (o) Community redevelopment law (Part 1 (commencing with  
14 Section 33000) of Division 24 of the Health and Safety Code, and  
15 in particular Sections 33334.2 and 33413).

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

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

20 65913.4. (a) A development proponent may submit an  
21 application for a development that is subject to the streamlined,  
22 ministerial approval process provided by subdivision (b) and not  
23 subject to a conditional use permit if the development satisfies all  
24 of the following objective planning standards:

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

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

29 (A) Is an urban infill site as defined by Section 21061.3 of the  
30 Public Resources Code.

31 (B) Is a site zoned for residential use or residential mixed-use  
32 development with at least two-thirds of the square footage  
33 designated for residential use.

34 (3) If the development contains units that are subsidized, the  
35 development proponent already has recorded, or is required by  
36 law to record, a land use restriction for the following applicable  
37 minimum durations:

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

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

1 (4) The development, excluding any additional density or any  
2 other concessions, incentives, or waivers of development standards  
3 granted pursuant to the Density Bonus Law in Section 65915,  
4 satisfies both of the following:

5 (A) Is located in a locality that the Department of Housing and  
6 Community Development ~~has determined, based on the last~~  
7 ~~production report submitted by the locality to the department,~~  
8 *determined* is eligible under this subparagraph on the basis that  
9 the number of units that have been issued building permits is less  
10 than the locality's share of the regional housing needs, by income  
11 category, for that reporting period. A locality shall remain eligible  
12 under this subparagraph for four years after the date that the  
13 department determined the locality was eligible, and, at that date,  
14 the department shall determine, based on the last production report  
15 submitted by the locality, whether the locality is eligible for another  
16 four-year period on the basis described above. A locality shall be  
17 deemed to be eligible under this subparagraph if it has not  
18 submitted an annual housing element report to the Department of  
19 Housing and Community Development pursuant to paragraph (2)  
20 of subdivision (a) of Section 65400 for at least two consecutive  
21 years before the development submitted an application for approval  
22 under this section.

23 (B) The development is subject to a requirement mandating a  
24 minimum percentage of below market rate housing based on either  
25 of the following:

26 (i) The locality did not submit its latest production report to the  
27 Department of Housing and Community Development by the time  
28 period required by Section 65400, or that *production* report reflects  
29 that there were fewer units of above moderate-income housing  
30 approved than were required for the regional housing needs  
31 assessment cycle for that ~~year~~ *reporting period*. In addition, if the  
32 project contains more than 10 units of housing, the project seeking  
33 approval dedicates a minimum of 10 percent of the total number  
34 of units to housing affordable to households making below 80  
35 percent of the area median income, including at least 5 percent of  
36 the total number of units affordable to households making below  
37 50 percent of the area median income. If the locality has adopted  
38 a local ordinance that requires that greater than 10 percent of the  
39 units be dedicated to housing affordable to households making

1 below 80 percent of the area median income, that zoning ordinance  
2 applies.

3 (ii) The locality did not submit its latest production report to  
4 the Department of Housing and Community Development by the  
5 time period required by Section 65400, or that *production* report  
6 reflects that there were fewer units of housing affordable to  
7 households making below 80 percent of the area median income  
8 that were issued building permits than were required for the  
9 regional housing needs assessment cycle for that ~~year~~, *reporting*  
10 *period*, and the project seeking approval dedicates 50 percent of  
11 the total number of units to housing affordable to households  
12 making below 80 percent of the area median income, unless the  
13 locality has adopted a local ordinance that requires that greater  
14 than 50 percent of the units be dedicated to housing affordable to  
15 households making below 80 percent of the area median income,  
16 in which case that ordinance applies.

17 (5) The development is consistent with objective zoning  
18 standards, including the Density Bonus Law in Section 65915, and  
19 objective design review standards in effect at the time that the  
20 development is submitted to the local government pursuant to this  
21 section. For purposes of this paragraph, “objective zoning  
22 standards” and “objective design review standards” mean standards  
23 that involve no personal or subjective judgment by a public official.

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

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

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

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

38 (D) Within a very high fire hazard severity zone, as determined  
39 by the Department of Forestry and Fire Protection pursuant to  
40 Section 51178, or within a high or very high fire hazard severity

1 zone as indicated on maps adopted by the Department of Forestry  
2 and Fire Protection pursuant to Section 4202 of the Public  
3 Resources Code. This subparagraph does not apply to sites  
4 excluded from the specified hazard zones by a local agency,  
5 pursuant to subdivision (b) of Section 51179, or sites that have  
6 adopted sufficient fire hazard mitigation measures as may be  
7 determined by their local agency with land use authority.

8 (E) A hazardous waste site that is listed pursuant to Section  
9 65962.5 or a hazardous waste site designated by the Department  
10 of Toxic Substances Control pursuant to Section 25356 of the  
11 Health and Safety Code, unless the Department of Toxic  
12 Substances Control has cleared the site for residential use or  
13 residential mixed uses.

14 (F) Within a delineated earthquake fault zone as determined by  
15 the State Geologist in any official maps published by the State  
16 Geologist, unless the development complies with applicable seismic  
17 protection building code standards adopted by the California  
18 Building Standards Commission under the California Building  
19 Standards Law (Part 2.5 (commencing with Section 18901) of  
20 Division 13 of the Health and Safety Code), and by any local  
21 building department under Chapter 12.2 (commencing with Section  
22 8875) of Division 1 of Title 2.

23 (G) Within a flood plain as determined by maps promulgated  
24 by the Federal Emergency Management Agency, unless the  
25 development has been issued a flood plain development permit  
26 pursuant to Part 59 (commencing with Section 59.1) and Part 60  
27 (commencing with Section 60.1) of Subchapter B of Chapter I of  
28 Title 44 of the Code of Federal Regulations.

29 (H) Within a floodway as determined by maps promulgated by  
30 the Federal Emergency Management Agency, unless the  
31 development has received a no-rise certification in accordance  
32 with Section 60.3(d)(3) of Title 44 of the Code of Federal  
33 Regulations.

34 (I) Lands identified for conservation in an adopted natural  
35 community conservation plan pursuant to the Natural Community  
36 Conservation Planning Act (Chapter 10 (commencing with Section  
37 2800) of Division 3 of the Fish and Game Code), habitat  
38 conservation plan pursuant to the federal Endangered Species Act  
39 of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural  
40 resource protection plan.

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

9 (K) Lands under conservation easement.

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

12 (A) The development would require the demolition of housing  
 13 that is subject to a recorded covenant, ordinance, or law that  
 14 restricts rents to levels affordable to persons and families of  
 15 moderate, low, or very low income, housing that is subject to any  
 16 form of rent or price control through a public entity’s valid exercise  
 17 of its police power, or housing that has been occupied by tenants  
 18 within the past 10 years.

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

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

25 (8) The development proponent has certified that one of the  
 26 following is true:

27 (A) The project is a public work for purposes of Chapter 1  
 28 (commencing with Section 1720) of Part 7 of Division 2 of the  
 29 Labor Code.

30 (B) If the project is not a public work, that all construction  
 31 workers employed in the execution of the project will be paid at  
 32 least the general prevailing rate of per diem wages for the type of  
 33 work and geographic area, as determined by the Director of  
 34 Industrial Relations pursuant to Sections 1773 and 1773.9 of the  
 35 Labor Code. If the development is subject to this subparagraph,  
 36 then all of the following shall apply:

37 (i) The development proponent shall ensure that the prevailing  
 38 wage requirement is included in all contracts for the performance  
 39 of the work.

1 (ii) Contractors and subcontractors shall pay to all construction  
2 workers employed in the execution of the work at least the general  
3 prevailing rate of per diem wages.

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

16 (iv) Clause (iii) shall not apply if all contractors and  
17 subcontractors performing work on the project are subject to a  
18 project labor agreement that requires the payment of prevailing  
19 wages to all construction workers employed in the execution of  
20 the project and provides for enforcement of that obligation through  
21 an arbitration procedure. For purposes of this clause, “project labor  
22 agreement” has the same meaning as set forth in paragraph (1) of  
23 subdivision (b) of Section 2500 of the Public Contract Code.

24 (v) Notwithstanding subdivision (c) of Section 1773.1 of the  
25 Labor Code, the requirement that employer payments not reduce  
26 the obligation to pay the hourly straight time or overtime wages  
27 found to be prevailing shall not apply if otherwise provided in a  
28 bona fide collective bargaining agreement covering the worker.  
29 The requirements of paragraph (2) of subdivision (c) of Section  
30 1773.1 of the Labor Code do not preclude use of an alternative  
31 workweek schedule adopted pursuant to Section 511 or 514 of the  
32 Labor Code.

33 (C) For developments that are not 100 percent subsidized  
34 affordable housing and are larger than \_\_\_\_ units, that a skilled  
35 and trained workforce shall be used to complete the project. For  
36 purposes of this subparagraph, “skilled and trained workforce”  
37 has the same meaning as provided in subdivision (d) of Section  
38 2601 of the Public Contract Code.

39 (9) The development shall not be upon an existing parcel of  
40 land or site that is governed under the Mobilehome Residency Law

1 (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2  
2 of Division 2 of the Civil Code), the Recreational Vehicle Park  
3 Occupancy Law (Chapter 2.6 (commencing with Section 799.20)  
4 of Title 2 of Part 2 of Division 2 of the Civil Code), the  
5 Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)  
6 of Division 13 of the Health and Safety Code), or the Special  
7 Occupancy Parks Act (Part 2.3 (commencing with Section 18860)  
8 of Division 13 of the Health and Safety Code).

9 (b) (1) If a local government determines that a development  
10 submitted pursuant to this section is in conflict with any of the  
11 objective planning standards specified in subdivision (a), it shall  
12 provide the development proponent written documentation of  
13 which standard or standards the development conflicts with, and  
14 an explanation for the reason or reasons the development conflicts  
15 with that standard or standards, as follows:

16 (A) Within 60 days of submittal of the development to the local  
17 government pursuant to this section if the development contains  
18 150 or fewer housing units.

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

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

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

1 (1) Within 90 days of submittal of the development to the local  
2 government pursuant to this section if the development contains  
3 150 or fewer housing units.

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

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

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

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

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

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

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

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

30 (2) If a local government approves a development pursuant to  
31 this section and the project does not include 50 percent of the units  
32 affordable to households making below 80 percent of the area  
33 median income, that approval shall automatically expire after three  
34 years except that a project may receive a one-time, one-year  
35 extension if the project proponent can provide documentation that  
36 there has been significant progress toward getting the development  
37 construction ready, such as filing a building permit application.

38 (f) A local government shall not adopt any requirement,  
39 including, but not limited to, increased fees or inclusionary housing  
40 requirements, that applies to a project solely or partially on the

1 basis that the project is eligible to receive ministerial or streamlined  
2 approval pursuant to this section.

3 (g) For purposes of this section:

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

6 (2) “Locality” or “local government” means a city, including a  
7 charter city, a county, including a charter county, or a city and  
8 county, including a charter city and county.

9 (3) “Production report” means the information reported pursuant  
10 to subparagraph (D) of paragraph (2) of subdivision (a) of Section  
11 65400.

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

16 (5) “Reporting period” means either of the following:

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

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

19 SEC. 4. The Legislature finds and declares that ensuring access  
20 to affordable housing is a matter of statewide concern, and not a  
21 municipal affair. Therefore, the changes made by this act are  
22 applicable to a charter city, a charter county, and a charter city and  
23 county.

24 SEC. 5. Each provision of this measure is a material and  
25 integral part of this measure, and the provisions of this measure  
26 are not severable. If any provision of this measure or its application  
27 is held invalid, this entire measure shall be null and void.

28 SEC. 6. No reimbursement is required by this act pursuant to  
29 Section 6 of Article XIII B of the California Constitution because  
30 a local agency or school district has the authority to levy service  
31 charges, fees, or assessments sufficient to pay for the program or  
32 level of service mandated by this act, within the meaning of Section  
33 17556 of the Government Code.