



# MEMORANDUM

Agenda Item #: 5  
Meeting Date: June 11, 2019

**TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS**

**THRU: CAROLYNN PETRU, INTERIM CITY MANAGER/s/**

**FROM: KEN RUKAVINA, COMMUNITY DEVELOPMENT AND PUBLIC WORKS DIRECTOR /s/**

**SUBJECT: AFFIRMATION OF OPPOSITION TO SENATE BILL 50 (WIENER) – PLANNING AND ZONING AND HOUSING DEVELOPMENT INCENTIVES AS AMENDED ON MAY 1, 2019**

**DATE: JUNE 11, 2019**

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## Issue

Shall the City Council go on record as opposing Senate Bill (SB) 50 and authorize the Mayor to sign and the staff to disseminate an opposition letter to relevant parties?

## Background

On December 3, 2018, Senator Wiener introduced SB 50 which would modify the Government Code, commencing with Section 65918.50. This bill loosens local zoning restrictions in communities with high median incomes, quality schools and short commutes to jobs, and forces development upon cities that may deem it unnecessary or unwanted in their respective cities. SB 50 is described as "state-mandated local program" and specifies that no city will receive reimbursement despite language under California Constitution, Section 6 of Article XIII B.

The City of Palos Verdes Estates, by the authority granted under Section 5 of Article XI of the California Constitution, effectively regulates and sets standards for municipal affairs that best fit the needs of the City. Although SB 50 failed to achieve legislative committee approval this year, this bill, and others like it in the future, may interfere with the City's ability to determine its own local zoning restrictions.

## Discussion/Analysis

California is a geographically and demographically diverse state, and that is reflected in its 482 cities and 58 counties. Local elected officials are charged by the California Constitution with protecting their citizens' welfare. One chief way local governments do this is by exercising control over what gets built in their community. Local officials weigh the need for additional housing against the concerns and desires of their constituents. Where appropriate, those officials enact ordinances to shape their communities based on local conditions and desires. Moreover, these planning actions and decisions take place within the confines of state laws that require local governments to plan and zone for new housing, subject to approval by HCD, and under threat of fines for improper denial as a result of recent legislation.

As modified, SB 50 would have established waivers from local government regulations if a developer meets the criteria specified in the bill. Specifically, the bill created waivers from local regulations such as density, parking, size and height when a development is proposed in close proximity to transit stops.

### *What Would SB 50 Specifically Have Done?*

- SB 50 would have greatly undermined locally adopted General Plans, Housing Elements (which are certified by the Department of Housing and Community Development (HCD)), and Sustainable Community Strategies (SCS). By allowing developers to override state approved housing plans, SB 50 seriously called to question the need for cities to develop these community-based plans and the justification for spending millions of state and local funds on the planning process.
- Gave away planning and zoning decisions to developers and transit agencies. Housing developers and transit agencies would have had the power to determine housing densities, heights up to 55 feet, parking requirements, and design review standards for “transit-rich housing projects” within one-half mile of a major transit stop. For those “transit-rich housing projects” within one-quarter mile radius of a stop on a high-quality bus corridor, developers would have been able to determine housing density, and parking requirements above .5 spots per unit.
- Created difficult to define terms. As last drafted, it was very difficult to determine what constitutes a “jobs-rich area” since the Department of Housing and Community Development and the Office of Planning and Research are largely tasked with making that determination.
- Provided greater density and no transportation solutions. SB 50 would have required cities to allow greater density in communities that are high opportunity and jobs rich, but may lack access to public transit. This seems at odds with many state policies that encourage and incentivize more dense housing near transit so that individuals may become less dependent on automobiles.
- Created arbitrary and unfair exemptions. SB 50 allowed some communities to be exempt if they develop their own plan that is consistent with the objectives of the bill. SB 50 also allowed small cities in small counties to be exempt from the most extreme provisions. Shouldn't all jurisdictions have the ability to have a community-led planning process that takes into account local needs and input as long as state objectives are still met? Instead of arbitrarily establishing a population metric, wouldn't it be much more appropriate to

consider the full range of community characteristics when determining which areas of the state SB 50 should apply?

### *How Would SB 50 Have Impacted the City of Palos Verdes Estates?*

Senate Bill 50 (Planning and Zoning: Housing Development Equitable Communities Incentive) is a housing bill that was designed to encourage housing development in high-priority housing areas, such as job-rich or transit-rich areas, by requiring local governments to offer equitable communities incentives to developers who build in those areas.

It is unknown how certain elements of SB 50 would have affected Palos Verdes Estates. For example, the bill would have required cities to allow greater density in communities that are high opportunity and jobs rich, but may lack access to public transit. At this time, HCD has not yet designated which cities are “job rich”.

As for transit related elements of the bill, Palos Verdes Peninsula Transit Authority (PVPTA) does not operate on weekends so PVPTA does not maintain a “high-quality bus” service. Palos Verdes Estates is not considered to have “transit-rich housing” because the city does not have a “high-quality bus corridor.” While Los Angeles Metro Route 344 does stop within ¼ mile of our city boundary, the bus headway is too large to qualify the route as a “high-quality bus corridor.” No other Metro bus routes travel within ¼ mile of our city boundary. The only other Metro route within ½ mile of our city boundary is Metro Route 232, but its headway does not meet the criteria either.

### *Current Status of Bill*

As of June 4, 2019, SB 50 had been sent from committee with the author’s amendments, read a second time and amended, and re-referred to Committee on Appropriations. The result is that the bill will not be eligible for action by the state legislature this year and cannot be taken up again until 2020.

### **Fiscal Impact**

There is no fiscal impact directly associated with this report.

### **Notification**

The agenda for this meeting and for this item has been posted in the customary locations and in compliance with the Municipal Code.

### **Recommendation**

It is recommended that the City Council go on record opposing SB 50 and authorize the Mayor to sign a letter of opposition and authorize staff to disseminate it to all appropriate parties.

## **Attachments**

- A. Letter to Senator Anthony Portantino Opposing SB50
- B. Senate Bill 50 (Wiener) – Planning and Zoning and Housing Development Incentives as Amended on June 4, 2019
- C. Counties Over 600,000 Cities under 50,000
- D. Counties Under 600,000 Cities Under 50,000
- E. News Clippings on SB50

June 11, 2019

The Honorable Anthony Portantino  
Chair, Senate Committee on Appropriations  
State Capitol Building, Room 2206  
Sacramento, CA 95814

RE: SB 50 (Wiener) Planning and Zoning. Housing Development Incentives  
Oppose Unless Amended (as amended 5/1/19)

Dear Senator Portantino:

The City of Palos Verdes Estates must respectfully oppose SB 50 unless the measure is amended to address key concerns. SB 50 would allow developers of certain types of housing projects to override locally developed and adopted height limitations, housing densities, parking requirements, and limit design review standards.

We agree with the fundamental problem—there are not enough homes being built in California. Unfortunately, SB 50 as recently amended lacks the flexibility needed to meet the State’s housing goals while also acknowledging community input and engagement. As recently amended, SB 50 creates a new two-tiered process that arbitrarily uses a population metric to determine which areas of the state SB 50 will most affect. It would be much more appropriate to consider the full range of community characteristics when determining which areas of the state SB 50 should apply.

Specifically, the City of Palos Verdes Estates has significant concerns with the following:

- SB 50 would greatly undermine locally adopted General Plans, Housing Elements (which are certified by the Department of Housing and Community Development), and Sustainable Community Strategies (SCS). By allowing developers to override state approved housing plans, SB 50 seriously calls to question the need for cities to develop community based plans in the first place.
- Housing developers and transit agencies would have the power to determine housing densities, heights up to 55 feet, parking requirements, and design review standards for “transit-rich housing projects” within one-half mile of a major transit stop. For those “transit-rich housing projects” within one-quarter mile radius of a stop on a high-quality bus corridor, developers would be able to determine housing density, and parking requirements above .5 spots per unit.
- What is the full scope of SB 50? As presently drafted, it is very difficult to determine what constitutes a “jobs-rich area” since the Department of Housing and Community Development and the Office of Planning and Research are largely tasked with making that determination. It is hard to understand why the Legislature would want the Executive Branch to define essential terms that have broad implications for how SB 50 would be implemented.

The Honorable Anthony Portantino

June 11, 2019

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- Greater density but no public transit? SB 50 would require cities to allow greater density in communities that are high opportunity and jobs rich, but lack access to public transit. This seems at odds with many state policies that encourage and incentivize denser housing near transit so that individuals may become less dependent on automobiles.
- SB 50 allows some communities to be exempt if they develop their own plan that is consistent with the objectives of the bill. Why not all communities? Shouldn't all jurisdictions have the ability to have a community-led planning process that takes into account local needs and input as long as state objectives are still met?

For these reasons, the City of Palos Verdes Estates oppose SB 50 unless amended.

Sincerely,

Kenneth J. Kao

Mayor, City of Palos Verdes Estates

cc. The Honorable Scott Wiener  
State Senator Ben Allen  
Assemblymember Al Muratsuchi  
League Regional Public Affairs Manager (via email)  
League of California Cities, [cityletters@cacities.org](mailto:cityletters@cacities.org)  
Governor Gavin Newsom

AMENDED IN SENATE JUNE 4, 2019

AMENDED IN SENATE MAY 1, 2019

AMENDED IN SENATE MARCH 11, 2019

**SENATE BILL**

**No. 50**

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**Introduced by Senator Wiener**

**(Coauthors: Senators Caballero, Hueso, McGuire, Moorlach,  
Skinner, and Stone)**

(Coauthors: Assembly Members ~~Burke~~, Chu, Diep, Fong, Kalra, Kiley,  
Low, McCarty, Robert Rivas, Ting, and Wicks)

December 3, 2018

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An act to amend Section 65589.5 of, to add Sections 65913.5 and 65913.6 to, and to add Chapter 4.35 (commencing with Section 65918.50) to Division 1 of Title 7 of, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as amended, Wiener. Planning and zoning: housing development: *streamlined approval*: incentives.

(1) Existing law authorizes a development proponent to submit an application for a multifamily housing development that satisfies specified planning objective standards to be subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit.

This bill would authorize a development proponent of a neighborhood multifamily project located on an eligible parcel to submit an application for a streamlined, ministerial approval process that is not subject to a conditional use permit. The bill would define a "neighborhood multifamily project" to mean a project to construct a multifamily

structure on vacant land, or to convert an existing structure that does not require substantial exterior alteration into a multifamily structure, consisting of up to 4 residential dwelling units and that meets local height, setback, and lot coverage zoning requirements as they existed on July 1, 2019. The bill would also define “eligible parcel” to mean a parcel that meets specified requirements, including requirements relating to the location of the parcel and restricting the demolition of certain housing development that may already exist on the site.

This bill would require a local agency to notify the development proponent in writing if the local agency determines that the development conflicts with any of the requirements provided for streamlined ministerial approval; otherwise, approval within 60 days of the submission of the development to the local agency. If the local agency does not notify the development proponent within this time period, the development is *would be* deemed to comply with those requirements. The bill would limit the authority of a local agency to impose parking standards or requirements on a streamlined development approved pursuant to these provisions, as provided. The bill would provide that the approval of a project under these provisions expires automatically after 3 years, unless that project qualifies for a one-time, one-year extension of that approval. The bill would provide that approval pursuant to its provisions would remain valid for 3 years and remain valid thereafter, so long as vertical construction of the development has begun and is in progress, and would authorize a discretionary one-year extension, as provided. The bill would prohibit a local agency 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.

This bill would allow a local agency to exempt a project from the streamlined ministerial approval process described above by finding that the project will cause a specific adverse impact to public health and safety, and there is no feasible method to satisfactorily mitigate or avoid the adverse impact.

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 does not apply to the approval of ministerial projects.

This bill would establish a streamlined ministerial approval process for neighborhood multifamily ~~and transit-oriented~~ projects, thereby exempting these projects from the CEQA approval process.

(2) Existing law, known as the density bonus law, requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law. The bill would impose additional requirements on a residential development located within a county with a population equal to or less than 600,000. The bill would require that a residential development within a county with a population greater than 600,000 that is eligible for an equitable communities incentive receive, upon request, waivers from maximum controls on ~~density and~~ *density*; minimum automobile parking requirements greater than 0.5 parking spots per unit. ~~The bill would require that a residential development also receive~~ *unit*; and specified additional waivers if the residential development is located within a ½-mile or ¼-mile radius of a major transit stop, as defined. For a residential development within a county with a population equal to or less than 600,000, the bill would instead require that the incentive provide waivers from maximum controls on density, subject to certain limitations; maximum height limitations less

than or equal to one story, or 15 feet, above the highest allowable height for mixed use or residential use; ~~maximum floor area ratio requirements less than 0.6 times the number of stories in the proposed project; certain requirements governing the size of the parcel and the area that the building may occupy;~~ and minimum automobile parking requirements, as provided. The bill would require a local government to grant an equitable communities incentive unless it makes a specified finding regarding the effects of the incentive on any real property or historic district that is listed on a federal or state register of historical resources. The bill would authorize a local government to modify or expand the terms of an equitable communities incentive, provided that the equitable communities incentive is consistent with these provisions.

The bill would include findings that the changes proposed by these provisions address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. The bill would also delay implementation of these provisions in potentially sensitive communities, as defined, until July 1, 2020. The bill would further delay implementation of these provisions in sensitive communities, determined as provided, until January 1, 2026, unless the city or county in which the area is located votes to make these provisions applicable after a specified petition and public hearing process. On and after January 1, 2026, the bill would apply these provisions to a sensitive community unless the city or county adopts a community plan for the area that meets certain requirements.

The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project that complies with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete unless the local agency makes specified written findings based on a preponderance of the evidence in the record. That law provides that the receipt of a density bonus is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

This bill would additionally provide that the receipt of an equitable communities incentive is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

(3) By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

~~The~~

(4) *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 65589.5 of the Government Code is  
2 amended to read:

3 65589.5. (a) (1) The Legislature finds and declares all of the  
4 following:

5 (A) The lack of housing, including emergency shelters, is a  
6 critical problem that threatens the economic, environmental, and  
7 social quality of life in California.

8 (B) California housing has become the most expensive in the  
9 nation. The excessive cost of the state’s housing supply is partially  
10 caused by activities and policies of many local governments that  
11 limit the approval of housing, increase the cost of land for housing,  
12 and require that high fees and exactions be paid by producers of  
13 housing.

14 (C) Among the consequences of those actions are discrimination  
15 against low-income and minority households, lack of housing to  
16 support employment growth, imbalance in jobs and housing,  
17 reduced mobility, urban sprawl, excessive commuting, and air  
18 quality deterioration.

19 (D) Many local governments do not give adequate attention to  
20 the economic, environmental, and social costs of decisions that  
21 result in disapproval of housing development projects, reduction  
22 in density of housing projects, and excessive standards for housing  
23 development projects.

24 (2) In enacting the amendments made to this section by the act  
25 adding this paragraph, the Legislature further finds and declares  
26 the following:

1 (A) California has a housing supply and affordability crisis of  
2 historic proportions. The consequences of failing to effectively  
3 and aggressively confront this crisis are hurting millions of  
4 Californians, robbing future generations of the chance to call  
5 California home, stifling economic opportunities for workers and  
6 businesses, worsening poverty and homelessness, and undermining  
7 the state’s environmental and climate objectives.

8 (B) While the causes of this crisis are multiple and complex,  
9 the absence of meaningful and effective policy reforms to  
10 significantly enhance the approval and supply of housing affordable  
11 to Californians of all income levels is a key factor.

12 (C) The crisis has grown so acute in California that supply,  
13 demand, and affordability fundamentals are characterized in the  
14 negative: underserved demands, constrained supply, and protracted  
15 unaffordability.

16 (D) According to reports and data, California has accumulated  
17 an unmet housing backlog of nearly 2,000,000 units and must  
18 provide for at least 180,000 new units annually to keep pace with  
19 growth through 2025.

20 (E) California’s overall homeownership rate is at its lowest level  
21 since the 1940s. The state ranks 49th out of the 50 states in  
22 homeownership rates as well as in the supply of housing per capita.  
23 Only one-half of California’s households are able to afford the  
24 cost of housing in their local regions.

25 (F) Lack of supply and rising costs are compounding inequality  
26 and limiting advancement opportunities for many Californians.

27 (G) The majority of California renters, more than 3,000,000  
28 households, pay more than 30 percent of their income toward rent  
29 and nearly one-third, more than 1,500,000 households, pay more  
30 than 50 percent of their income toward rent.

31 (H) When Californians have access to safe and affordable  
32 housing, they have more money for food and health care; they are  
33 less likely to become homeless and in need of  
34 government-subsidized services; their children do better in school;  
35 and businesses have an easier time recruiting and retaining  
36 employees.

37 (I) An additional consequence of the state’s cumulative housing  
38 shortage is a significant increase in greenhouse gas emissions  
39 caused by the displacement and redirection of populations to states  
40 with greater housing opportunities, particularly working- and

1 middle-class households. California’s cumulative housing shortfall  
2 therefore has not only national but international environmental  
3 consequences.

4 (J) California’s housing picture has reached a crisis of historic  
5 proportions despite the fact that, for decades, the Legislature has  
6 enacted numerous statutes intended to significantly increase the  
7 approval, development, and affordability of housing for all income  
8 levels, including this section.

9 (K) The Legislature’s intent in enacting this section in 1982 and  
10 in expanding its provisions since then was to significantly increase  
11 the approval and construction of new housing for all economic  
12 segments of California’s communities by meaningfully and  
13 effectively curbing the capability of local governments to deny,  
14 reduce the density for, or render infeasible housing development  
15 projects and emergency shelters. That intent has not been fulfilled.

16 (L) It is the policy of the state that this section should be  
17 interpreted and implemented in a manner to afford the fullest  
18 possible weight to the interest of, and the approval and provision  
19 of, housing.

20 (3) It is the intent of the Legislature that the conditions that  
21 would have a specific, adverse impact upon the public health and  
22 safety, as described in paragraph (2) of subdivision (d) and  
23 paragraph (1) of subdivision (j), arise infrequently.

24 (b) It is the policy of the state that a local government not reject  
25 or make infeasible housing development projects, including  
26 emergency shelters, that contribute to meeting the need determined  
27 pursuant to this article without a thorough analysis of the economic,  
28 social, and environmental effects of the action and without  
29 complying with subdivision (d).

30 (c) The Legislature also recognizes that premature and  
31 unnecessary development of agricultural lands for urban uses  
32 continues to have adverse effects on the availability of those lands  
33 for food and fiber production and on the economy of the state.  
34 Furthermore, it is the policy of the state that development should  
35 be guided away from prime agricultural lands; therefore, in  
36 implementing this section, local jurisdictions should encourage,  
37 to the maximum extent practicable, in filling existing urban areas.

38 (d) A local agency shall not disapprove a housing development  
39 project, including farmworker housing as defined in subdivision  
40 (h) of Section 50199.7 of the Health and Safety Code, for very

1 low, low-, or moderate-income households, or an emergency  
2 shelter, or condition approval in a manner that renders the housing  
3 development project infeasible for development for the use of very  
4 low, low-, or moderate-income households, or an emergency  
5 shelter, including through the use of design review standards,  
6 unless it makes written findings, based upon a preponderance of  
7 the evidence in the record, as to one of the following:

8 (1) The jurisdiction has adopted a housing element pursuant to  
9 this article that has been revised in accordance with Section 65588,  
10 is in substantial compliance with this article, and the jurisdiction  
11 has met or exceeded its share of the regional housing need  
12 allocation pursuant to Section 65584 for the planning period for  
13 the income category proposed for the housing development project,  
14 provided that any disapproval or conditional approval shall not be  
15 based on any of the reasons prohibited by Section 65008. If the  
16 housing development project includes a mix of income categories,  
17 and the jurisdiction has not met or exceeded its share of the regional  
18 housing need for one or more of those categories, then this  
19 paragraph shall not be used to disapprove or conditionally approve  
20 the housing development project. The share of the regional housing  
21 need met by the jurisdiction shall be calculated consistently with  
22 the forms and definitions that may be adopted by the Department  
23 of Housing and Community Development pursuant to Section  
24 65400. In the case of an emergency shelter, the jurisdiction shall  
25 have met or exceeded the need for emergency shelter, as identified  
26 pursuant to paragraph (7) of subdivision (a) of Section 65583. Any  
27 disapproval or conditional approval pursuant to this paragraph  
28 shall be in accordance with applicable law, rule, or standards.

29 (2) The housing development project or emergency shelter as  
30 proposed would have a specific, adverse impact upon the public  
31 health or safety, and there is no feasible method to satisfactorily  
32 mitigate or avoid the specific, adverse impact without rendering  
33 the development unaffordable to low- and moderate-income  
34 households or rendering the development of the emergency shelter  
35 financially infeasible. As used in this paragraph, a “specific,  
36 adverse impact” means a significant, quantifiable, direct, and  
37 unavoidable impact, based on objective, identified written public  
38 health or safety standards, policies, or conditions as they existed  
39 on the date the application was deemed complete. Inconsistency  
40 with the zoning ordinance or general plan land use designation

1 shall not constitute a specific, adverse impact upon the public  
2 health or safety.

3 (3) The denial of the housing development project or imposition  
4 of conditions is required in order to comply with specific state or  
5 federal law, and there is no feasible method to comply without  
6 rendering the development unaffordable to low- and  
7 moderate-income households or rendering the development of the  
8 emergency shelter financially infeasible.

9 (4) The housing development project or emergency shelter is  
10 proposed on land zoned for agriculture or resource preservation  
11 that is surrounded on at least two sides by land being used for  
12 agricultural or resource preservation purposes, or which does not  
13 have adequate water or wastewater facilities to serve the project.

14 (5) The housing development project or emergency shelter is  
15 inconsistent with both the jurisdiction's zoning ordinance and  
16 general plan land use designation as specified in any element of  
17 the general plan as it existed on the date the application was  
18 deemed complete, and the jurisdiction has adopted a revised  
19 housing element in accordance with Section 65588 that is in  
20 substantial compliance with this article. For purposes of this  
21 section, a change to the zoning ordinance or general plan land use  
22 designation subsequent to the date the application was deemed  
23 complete shall not constitute a valid basis to disapprove or  
24 condition approval of the housing development project or  
25 emergency shelter.

26 (A) This paragraph cannot be utilized to disapprove or  
27 conditionally approve a housing development project if the housing  
28 development project is proposed on a site that is identified as  
29 suitable or available for very low, low-, or moderate-income  
30 households in the jurisdiction's housing element, and consistent  
31 with the density specified in the housing element, even though it  
32 is inconsistent with both the jurisdiction's zoning ordinance and  
33 general plan land use designation.

34 (B) If the local agency has failed to identify in the inventory of  
35 land in its housing element sites that can be developed for housing  
36 within the planning period and are sufficient to provide for the  
37 jurisdiction's share of the regional housing need for all income  
38 levels pursuant to Section 65584, then this paragraph shall not be  
39 utilized to disapprove or conditionally approve a housing  
40 development project proposed for a site designated in any element

1 of the general plan for residential uses or designated in any element  
2 of the general plan for commercial uses if residential uses are  
3 permitted or conditionally permitted within commercial  
4 designations. In any action in court, the burden of proof shall be  
5 on the local agency to show that its housing element does identify  
6 adequate sites with appropriate zoning and development standards  
7 and with services and facilities to accommodate the local agency's  
8 share of the regional housing need for the very low, low-, and  
9 moderate-income categories.

10 (C) If the local agency has failed to identify a zone or zones  
11 where emergency shelters are allowed as a permitted use without  
12 a conditional use or other discretionary permit, has failed to  
13 demonstrate that the identified zone or zones include sufficient  
14 capacity to accommodate the need for emergency shelter identified  
15 in paragraph (7) of subdivision (a) of Section 65583, or has failed  
16 to demonstrate that the identified zone or zones can accommodate  
17 at least one emergency shelter, as required by paragraph (4) of  
18 subdivision (a) of Section 65583, then this paragraph shall not be  
19 utilized to disapprove or conditionally approve an emergency  
20 shelter proposed for a site designated in any element of the general  
21 plan for industrial, commercial, or multifamily residential uses. In  
22 any action in court, the burden of proof shall be on the local agency  
23 to show that its housing element does satisfy the requirements of  
24 paragraph (4) of subdivision (a) of Section 65583.

25 (e) Nothing in this section shall be construed to relieve the local  
26 agency from complying with the congestion management program  
27 required by Chapter 2.6 (commencing with Section 65088) of  
28 Division 1 of Title 7 or the California Coastal Act of 1976  
29 (Division 20 (commencing with Section 30000) of the Public  
30 Resources Code). Nothing in this section shall be construed to  
31 relieve the local agency from making one or more of the findings  
32 required pursuant to Section 21081 of the Public Resources Code  
33 or otherwise complying with the California Environmental Quality  
34 Act (Division 13 (commencing with Section 21000) of the Public  
35 Resources Code).

36 (f) (1) Nothing in this section shall be construed to prohibit a  
37 local agency from requiring the housing development project to  
38 comply with objective, quantifiable, written development standards,  
39 conditions, and policies appropriate to, and consistent with, meeting  
40 the jurisdiction's share of the regional housing need pursuant to

1 Section 65584. However, the development standards, conditions,  
2 and policies shall be applied to facilitate and accommodate  
3 development at the density permitted on the site and proposed by  
4 the development.

5 (2) Nothing in this section shall be construed to prohibit a local  
6 agency from requiring an emergency shelter project to comply  
7 with objective, quantifiable, written development standards,  
8 conditions, and policies that are consistent with paragraph (4) of  
9 subdivision (a) of Section 65583 and appropriate to, and consistent  
10 with, meeting the jurisdiction's need for emergency shelter, as  
11 identified pursuant to paragraph (7) of subdivision (a) of Section  
12 65583. However, the development standards, conditions, and  
13 policies shall be applied by the local agency to facilitate and  
14 accommodate the development of the emergency shelter project.

15 (3) This section does not prohibit a local agency from imposing  
16 fees and other exactions otherwise authorized by law that are  
17 essential to provide necessary public services and facilities to the  
18 housing development project or emergency shelter.

19 (4) For purposes of this section, a housing development project  
20 or emergency shelter shall be deemed consistent, compliant, and  
21 in conformity with an applicable plan, program, policy, ordinance,  
22 standard, requirement, or other similar provision if there is  
23 substantial evidence that would allow a reasonable person to  
24 conclude that the housing development project or emergency  
25 shelter is consistent, compliant, or in conformity.

26 (g) This section shall be applicable to charter cities because the  
27 Legislature finds that the lack of housing, including emergency  
28 shelter, is a critical statewide problem.

29 (h) The following definitions apply for the purposes of this  
30 section:

31 (1) "Feasible" means capable of being accomplished in a  
32 successful manner within a reasonable period of time, taking into  
33 account economic, environmental, social, and technological factors.

34 (2) "Housing development project" means a use consisting of  
35 any of the following:

36 (A) Residential units only.

37 (B) Mixed-use developments consisting of residential and  
38 nonresidential uses with at least two-thirds of the square footage  
39 designated for residential use.

40 (C) Transitional housing or supportive housing.

1 (3) “Housing for very low, low-, or moderate-income  
2 households” means that either (A) at least 20 percent of the total  
3 units shall be sold or rented to lower income households, as defined  
4 in Section 50079.5 of the Health and Safety Code, or (B) 100  
5 percent of the units shall be sold or rented to persons and families  
6 of moderate income as defined in Section 50093 of the Health and  
7 Safety Code, or persons and families of middle income, as defined  
8 in Section 65008 of this code. Housing units targeted for lower  
9 income households shall be made available at a monthly housing  
10 cost that does not exceed 30 percent of 60 percent of area median  
11 income with adjustments for household size made in accordance  
12 with the adjustment factors on which the lower income eligibility  
13 limits are based. Housing units targeted for persons and families  
14 of moderate income shall be made available at a monthly housing  
15 cost that does not exceed 30 percent of 100 percent of area median  
16 income with adjustments for household size made in accordance  
17 with the adjustment factors on which the moderate-income  
18 eligibility limits are based.

19 (4) “Area median income” means area median income as  
20 periodically established by the Department of Housing and  
21 Community Development pursuant to Section 50093 of the Health  
22 and Safety Code. The developer shall provide sufficient legal  
23 commitments to ensure continued availability of units for very low  
24 or low-income households in accordance with the provisions of  
25 this subdivision for 30 years.

26 (5) “Disapprove the housing development project” includes any  
27 instance in which a local agency does either of the following:

28 (A) Votes on a proposed housing development project  
29 application and the application is disapproved, including any  
30 required land use approvals or entitlements necessary for the  
31 issuance of a building permit.

32 (B) Fails to comply with the time periods specified in  
33 subdivision (a) of Section 65950. An extension of time pursuant  
34 to Article 5 (commencing with Section 65950) shall be deemed to  
35 be an extension of time pursuant to this paragraph.

36 (i) If any city, county, or city and county denies approval or  
37 imposes conditions, including design changes, lower density, or  
38 a reduction of the percentage of a lot that may be occupied by a  
39 building or structure under the applicable planning and zoning in  
40 force at the time the application is deemed complete pursuant to

1 Section 65943, that have a substantial adverse effect on the viability  
2 or affordability of a housing development for very low, low-, or  
3 moderate-income households, and the denial of the development  
4 or the imposition of conditions on the development is the subject  
5 of a court action which challenges the denial or the imposition of  
6 conditions, then the burden of proof shall be on the local legislative  
7 body to show that its decision is consistent with the findings as  
8 described in subdivision (d) and that the findings are supported by  
9 a preponderance of the evidence in the record. For purposes of this  
10 section, “lower density” includes any conditions that have the same  
11 effect or impact on the ability of the project to provide housing.

12 (j) (1) When a proposed housing development project complies  
13 with applicable, objective general plan, zoning, and subdivision  
14 standards and criteria, including design review standards, in effect  
15 at the time that the housing development project’s application is  
16 determined to be complete, but the local agency proposes to  
17 disapprove the project or to impose a condition that the project be  
18 developed at a lower density, the local agency shall base its  
19 decision regarding the proposed housing development project upon  
20 written findings supported by a preponderance of the evidence on  
21 the record that both of the following conditions exist:

22 (A) The housing development project would have a specific,  
23 adverse impact upon the public health or safety unless the project  
24 is disapproved or approved upon the condition that the project be  
25 developed at a lower density. As used in this paragraph, a “specific,  
26 adverse impact” means a significant, quantifiable, direct, and  
27 unavoidable impact, based on objective, identified written public  
28 health or safety standards, policies, or conditions as they existed  
29 on the date the application was deemed complete.

30 (B) There is no feasible method to satisfactorily mitigate or  
31 avoid the adverse impact identified pursuant to paragraph (1), other  
32 than the disapproval of the housing development project or the  
33 approval of the project upon the condition that it be developed at  
34 a lower density.

35 (2) (A) If the local agency considers a proposed housing  
36 development project to be inconsistent, not in compliance, or not  
37 in conformity with an applicable plan, program, policy, ordinance,  
38 standard, requirement, or other similar provision as specified in  
39 this subdivision, it shall provide the applicant with written  
40 documentation identifying the provision or provisions, and an

1 explanation of the reason or reasons it considers the housing  
2 development to be inconsistent, not in compliance, or not in  
3 conformity as follows:

4 (i) Within 30 days of the date that the application for the housing  
5 development project is determined to be complete, if the housing  
6 development project contains 150 or fewer housing units.

7 (ii) Within 60 days of the date that the application for the  
8 housing development project is determined to be complete, if the  
9 housing development project contains more than 150 units.

10 (B) If the local agency fails to provide the required  
11 documentation pursuant to subparagraph (A), the housing  
12 development project shall be deemed consistent, compliant, and  
13 in conformity with the applicable plan, program, policy, ordinance,  
14 standard, requirement, or other similar provision.

15 (3) For purposes of this section, the receipt of a density bonus  
16 pursuant to Section 65915 or an equitable communities incentive  
17 pursuant to Section 65918.51 shall not constitute a valid basis on  
18 which to find a proposed housing development project is  
19 inconsistent, not in compliance, or not in conformity with an  
20 applicable plan, program, policy, ordinance, standard, requirement,  
21 or other similar provision specified in this subdivision.

22 (4) For purposes of this section, a proposed housing development  
23 project is not inconsistent with the applicable zoning standards  
24 and criteria, and shall not require a rezoning, if the housing  
25 development project is consistent with the objective general plan  
26 standards and criteria but the zoning for the project site is  
27 inconsistent with the general plan. If the local agency has complied  
28 with paragraph (2), the local agency may require the proposed  
29 housing development project to comply with the objective  
30 standards and criteria of the zoning which is consistent with the  
31 general plan, however, the standards and criteria shall be applied  
32 to facilitate and accommodate development at the density allowed  
33 on the site by the general plan and proposed by the proposed  
34 housing development project.

35 (5) For purposes of this section, “lower density” includes any  
36 conditions that have the same effect or impact on the ability of the  
37 project to provide housing.

38 (k) (1) (A) The applicant, a person who would be eligible to  
39 apply for residency in the development or emergency shelter, or  
40 a housing organization may bring an action to enforce this section.

1 If, in any action brought to enforce this section, a court finds that  
2 either (i) the local agency, in violation of subdivision (d),  
3 disapproved a housing development project or conditioned its  
4 approval in a manner rendering it infeasible for the development  
5 of an emergency shelter, or housing for very low, low-, or  
6 moderate-income households, including farmworker housing,  
7 without making the findings required by this section or without  
8 making findings supported by a preponderance of the evidence,  
9 or (ii) the local agency, in violation of subdivision (j), disapproved  
10 a housing development project complying with applicable,  
11 objective general plan and zoning standards and criteria, or imposed  
12 a condition that the project be developed at a lower density, without  
13 making the findings required by this section or without making  
14 findings supported by a preponderance of the evidence, the court  
15 shall issue an order or judgment compelling compliance with this  
16 section within 60 days, including, but not limited to, an order that  
17 the local agency take action on the housing development project  
18 or emergency shelter. The court may issue an order or judgment  
19 directing the local agency to approve the housing development  
20 project or emergency shelter if the court finds that the local agency  
21 acted in bad faith when it disapproved or conditionally approved  
22 the housing development or emergency shelter in violation of this  
23 section. The court shall retain jurisdiction to ensure that its order  
24 or judgment is carried out and shall award reasonable attorney’s  
25 fees and costs of suit to the plaintiff or petitioner, except under  
26 extraordinary circumstances in which the court finds that awarding  
27 fees would not further the purposes of this section. For purposes  
28 of this section, “lower density” includes conditions that have the  
29 same effect or impact on the ability of the project to provide  
30 housing.

31 (B) (i) Upon a determination that the local agency has failed  
32 to comply with the order or judgment compelling compliance with  
33 this section within 60 days issued pursuant to subparagraph (A),  
34 the court shall impose fines on a local agency that has violated this  
35 section and require the local agency to deposit any fine levied  
36 pursuant to this subdivision into a local housing trust fund. The  
37 local agency may elect to instead deposit the fine into the Building  
38 Homes and Jobs Trust Fund, if Senate Bill 2 of the 2017–18  
39 Regular Session is enacted, or otherwise in the Housing  
40 Rehabilitation Loan Fund. The fine shall be in a minimum amount

1 of ten thousand dollars (\$10,000) per housing unit in the housing  
2 development project on the date the application was deemed  
3 complete pursuant to Section 65943. In determining the amount  
4 of fine to impose, the court shall consider the local agency's  
5 progress in attaining its target allocation of the regional housing  
6 need pursuant to Section 65584 and any prior violations of this  
7 section. Fines shall not be paid out of funds already dedicated to  
8 affordable housing, including, but not limited to, Low and  
9 Moderate Income Housing Asset Funds, funds dedicated to housing  
10 for very low, low-, and moderate-income households, and federal  
11 HOME Investment Partnerships Program and Community  
12 Development Block Grant Program funds. The local agency shall  
13 commit and expend the money in the local housing trust fund  
14 within five years for the sole purpose of financing newly  
15 constructed housing units affordable to extremely low, very low,  
16 or low-income households. After five years, if the funds have not  
17 been expended, the money shall revert to the state and be deposited  
18 in the Building Homes and Jobs Trust Fund, if Senate Bill 2 of the  
19 2017–18 Regular Session is enacted, or otherwise in the Housing  
20 Rehabilitation Loan Fund, for the sole purpose of financing newly  
21 constructed housing units affordable to extremely low, very low,  
22 or low-income households.

23 (ii) If any money derived from a fine imposed pursuant to this  
24 subparagraph is deposited in the Housing Rehabilitation Loan  
25 Fund, then, notwithstanding Section 50661 of the Health and Safety  
26 Code, that money shall be available only upon appropriation by  
27 the Legislature.

28 (C) If the court determines that its order or judgment has not  
29 been carried out within 60 days, the court may issue further orders  
30 as provided by law to ensure that the purposes and policies of this  
31 section are fulfilled, including, but not limited to, an order to vacate  
32 the decision of the local agency and to approve the housing  
33 development project, in which case the application for the housing  
34 development project, as proposed by the applicant at the time the  
35 local agency took the initial action determined to be in violation  
36 of this section, along with any standard conditions determined by  
37 the court to be generally imposed by the local agency on similar  
38 projects, shall be deemed to be approved unless the applicant  
39 consents to a different decision or action by the local agency.

1 (2) For purposes of this subdivision, “housing organization”  
2 means a trade or industry group whose local members are primarily  
3 engaged in the construction or management of housing units or a  
4 nonprofit organization whose mission includes providing or  
5 advocating for increased access to housing for low-income  
6 households and have filed written or oral comments with the local  
7 agency prior to action on the housing development project. A  
8 housing organization may only file an action pursuant to this  
9 section to challenge the disapproval of a housing development by  
10 a local agency. A housing organization shall be entitled to  
11 reasonable attorney’s fees and costs if it is the prevailing party in  
12 an action to enforce this section.

13 (l) If the court finds that the local agency (1) acted in bad faith  
14 when it disapproved or conditionally approved the housing  
15 development or emergency shelter in violation of this section and  
16 (2) failed to carry out the court’s order or judgment within 60 days  
17 as described in subdivision (k), the court, in addition to any other  
18 remedies provided by this section, shall multiply the fine  
19 determined pursuant to subparagraph (B) of paragraph (1) of  
20 subdivision (k) by a factor of five. For purposes of this section,  
21 “bad faith” includes, but is not limited to, an action that is frivolous  
22 or otherwise entirely without merit.

23 (m) Any action brought to enforce the provisions of this section  
24 shall be brought pursuant to Section 1094.5 of the Code of Civil  
25 Procedure, and the local agency shall prepare and certify the record  
26 of proceedings in accordance with subdivision (c) of Section 1094.6  
27 of the Code of Civil Procedure no later than 30 days after the  
28 petition is served, provided that the cost of preparation of the record  
29 shall be borne by the local agency, unless the petitioner elects to  
30 prepare the record as provided in subdivision (n) of this section.  
31 A petition to enforce the provisions of this section shall be filed  
32 and served no later than 90 days from the later of (1) the effective  
33 date of a decision of the local agency imposing conditions on,  
34 disapproving, or any other final action on a housing development  
35 project or (2) the expiration of the time periods specified in  
36 subparagraph (B) of paragraph (5) of subdivision (h). Upon entry  
37 of the trial court’s order, a party may, in order to obtain appellate  
38 review of the order, file a petition within 20 days after service  
39 upon it of a written notice of the entry of the order, or within such  
40 further time not exceeding an additional 20 days as the trial court

1 may for good cause allow, or may appeal the judgment or order  
 2 of the trial court under Section 904.1 of the Code of Civil  
 3 Procedure. If the local agency appeals the judgment of the trial  
 4 court, the local agency shall post a bond, in an amount to be  
 5 determined by the court, to the benefit of the plaintiff if the plaintiff  
 6 is the project applicant.

7 (n) In any action, the record of the proceedings before the local  
 8 agency shall be filed as expeditiously as possible and,  
 9 notwithstanding Section 1094.6 of the Code of Civil Procedure or  
 10 subdivision (m) of this section, all or part of the record may be  
 11 prepared (1) by the petitioner with the petition or petitioner’s points  
 12 and authorities, (2) by the respondent with respondent’s points and  
 13 authorities, (3) after payment of costs by the petitioner, or (4) as  
 14 otherwise directed by the court. If the expense of preparing the  
 15 record has been borne by the petitioner and the petitioner is the  
 16 prevailing party, the expense shall be taxable as costs.

17 (o) This section shall be known, and may be cited, as the  
 18 Housing Accountability Act.

19 SEC. 2. Section 65913.5 is added to the Government Code, to  
 20 read:

21 65913.5. For purposes of this section and Section 65913.6, the  
 22 following definitions shall apply:

23 (a) “Development proponent” means the developer who submits  
 24 an application for streamlined approval pursuant to Section  
 25 65913.6.

26 (b) “Eligible parcel” means a parcel that meets all of the  
 27 following requirements:

28 (1) The parcel satisfies the requirements specified in ~~paragraphs~~  
 29 ~~(2) and (6)~~ *paragraph (2)* of subdivision (a) of Section 65913.4.

30 (2) *The parcel is not located on a site that is any of the*  
 31 *following:*

32 (A) *A coastal zone, as defined in Division 20 (commencing with*  
 33 *Section 30000) of the Public Resources Code, unless the local*  
 34 *agency has a population of 50,000 or more, based on the most*  
 35 *recent United States Census Bureau data.*

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*  
2 *preservation by a local ballot measure that was approved by the*  
3 *voters of that 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 Department of Forestry and Fire Protection pursuant to*  
8 *Section 51178, or within a high or very high fire hazard severity*  
9 *zone as indicated on maps adopted by the Department of Forestry*  
10 *and Fire Protection pursuant to Section 4202 of the Public*  
11 *Resources Code. A parcel is not ineligible within the meaning of*  
12 *this subparagraph if it is either:*

13 *(i) A site excluded from the specified hazard zones by a local*  
14 *agency, pursuant to subdivision (b) of Section 51179.*

15 *(ii) A site that has adopted fire hazard mitigation measures*  
16 *pursuant to existing building standards or state fire mitigation*  
17 *measures applicable to the development.*

18 *(E) A hazardous waste site that is listed pursuant to Section*  
19 *65962.5 or a hazardous waste site designated by the Department*  
20 *of Toxic Substances Control pursuant to Section 25356 of the*  
21 *Health and Safety Code, unless the 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*  
34 *by the 1 percent annual chance flood (100-year flood) as*  
35 *determined by the Federal Emergency Management Agency in any*  
36 *official maps published by the Federal Emergency Management*  
37 *Agency. If a development proponent is able to satisfy all applicable*  
38 *federal qualifying criteria in order to provide that the site satisfies*  
39 *this subparagraph and is otherwise eligible for streamlined*  
40 *approval under this section, a local government shall not deny the*

1 application on the basis that the development proponent did not  
2 comply with any additional permit requirement, standard, or action  
3 adopted by that local government that is applicable to that site. A  
4 development may be located on a site described in this  
5 subparagraph if either 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 with  
13 Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code  
14 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 any of the following:

29 (i) An adopted natural community conservation plan pursuant  
30 to the Natural Community Conservation Planning Act (Chapter  
31 10 (commencing with Section 2800) of Division 3 of the Fish and  
32 Game Code).

33 (ii) A habitat conservation plan pursuant to the federal  
34 Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).

35 (iii) Any other adopted natural resource protection plan.

36 (J) 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 following:

39 (i) The federal Endangered Species Act of 1973 (16 U.S.C. Sec.  
40 1531 et seq.).

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

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

6 (K) *Lands under conservation easement.*

7 ~~(2)~~

8 (3) The development of the project on the proposed parcel would  
9 not require the demolition or alteration of any of the following  
10 types of housing:

11 (A) Housing that is subject to a recorded covenant, ordinance,  
12 or law that restricts rents to levels affordable to persons and  
13 families of moderate, low, or very low income.

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

16 ~~(C) Housing that has been occupied by tenants within the past~~  
17 ~~10 years.~~

18 ~~(3) The site was not previously used for housing that was~~  
19 ~~occupied by tenants that was demolished within 10 years before~~  
20 ~~the development proponent submits an application under this~~  
21 ~~section.~~

22 (C) *Housing occupied by tenants, as that term is defined in*  
23 *subdivision (l) of Section 65918.50, within the seven years*  
24 *preceding the date of the application, including housing that has*  
25 *been demolished or that tenants have vacated before the*  
26 *application for a development permit.*

27 (D) *A parcel or parcels on which an owner of residential real*  
28 *property has exercised their rights under Chapter 12.75*  
29 *(commencing with Section 7060) of Division 7 of Title 1 to*  
30 *withdraw accommodations from rent or lease within 15 years*  
31 *before the date that the development proponent submits an*  
32 *application pursuant to Section 65913.6.*

33 (4) The development of the project on the proposed parcel would  
34 not require the demolition of a historic structure that was placed  
35 on a national, state, or local historic register.

36 ~~(5) The proposed parcel does not contain housing units that are~~  
37 ~~occupied by tenants, and units at the property are, or were,~~  
38 ~~subsequently offered for sale to the general public by the subdivider~~  
39 ~~or subsequent owner of the property.~~

1 (c) “Local agency” means a city, including a charter city, a  
2 county, including a charter county, or a city and county, including  
3 a charter city and county.

4 (d) “Neighborhood multifamily project” means a project to  
5 construct a multifamily structure of up to four residential dwelling  
6 units that meets all of the following requirements:

7 (1) The project meets one of the following conditions:

8 (A) The parcel or parcels on which the neighborhood  
9 multifamily project would be located is vacant land, as defined in  
10 subdivision (e).

11 (B) ~~The~~ *If the project is a conversion of an existing structure*  
12 ~~that does structure, the conversion shall~~ not require substantial  
13 exterior alteration. For the purposes of this subparagraph, a project  
14 requires “substantial exterior alteration” if the project would require  
15 either of the following:

16 (i) The demolition of 25 percent or more of the existing exterior  
17 vertical walls, measured by linear feet.

18 (ii) Any building addition that would increase total interior  
19 square footage by more than 15 percent.

20 (2) (A) The neighborhood multifamily project ~~meets~~ *shall meet*  
21 all objective zoning standards and objective design review  
22 standards that do not conflict with this section or Section 65913.6.  
23 If, on or after July 1, 2019, a local agency adopts an ordinance that  
24 eliminates residential zoning designations *permissive to residential*  
25 *use* or decreases residential zoning development capacity within  
26 an existing zoning district in which the development is located  
27 than what was authorized on July 1, 2019, then that development  
28 shall be deemed to be consistent with any applicable requirement  
29 of this section and Section 65913.6 if it complies with zoning  
30 designations not in conflict with this section and Section 65913.6  
31 that were authorized as of July 1, 2019.

32 (B) For purposes of this paragraph, “objective zoning standards”  
33 and “objective design review standards” means standards that  
34 involve no personal or subjective judgment by a public official  
35 and are uniformly verifiable by reference to an external and  
36 uniform benchmark or criterion available and knowable by both  
37 the development proponent and the public official before the  
38 development proponent submits an application pursuant to this  
39 section. These standards include, but are not limited to, height,  
40 setbacks, floor area ratio, and lot coverage. *For purposes of this*

1 *section and Section 65913.6, “objective zoning standard” does*  
2 *not include any limits related to residential density that would*  
3 *limit a development to fewer than four residential units per parcel.*

4 (3) ~~The project provides~~ *A local agency may require the*  
5 *neighborhood multifamily project to provide at least 0.5 parking*  
6 *spaces per unit.*

7 (e) “Vacant land” means either of the following:

8 (1) A property that contains no existing structures.

9 (2) A property that contains at least one existing structure, but  
10 the structure or structures have been unoccupied for at least five  
11 years and are considered substandard as defined by Section 17920.3  
12 of the Health and Safety Code.

13 SEC. 3. Section 65913.6 is added to the Government Code, to  
14 read:

15 65913.6. (a) For purposes of this section, the definitions  
16 provided in Section 65913.5 shall apply.

17 (b) Except as provided in subdivision (g), a development  
18 proponent of a neighborhood multifamily project on an eligible  
19 parcel may submit an application for a development to be subject  
20 to a streamlined, ministerial approval process provided by this  
21 section and not be subject to a conditional use permit if the  
22 development meets the requirements of this section and Section  
23 65913.5.

24 (c) (1) If a local agency determines that a development  
25 submitted pursuant to this section is in conflict with any of the  
26 requirements specified in this section or Section 65913.5, it shall  
27 provide the development proponent written documentation of  
28 which requirement or requirements the development conflicts with,  
29 and an explanation for the reason or reasons the development  
30 conflicts with that requirement or requirements, ~~as follows:~~ *within*  
31 *60 days of submission of the development to the local agency*  
32 *pursuant to this section.*

33 ~~(A) Within 60 days of submission of the development to the~~  
34 ~~local agency pursuant to this section if the development contains~~  
35 ~~150 or fewer housing units.~~

36 ~~(B) Within 90 days of submission of the development to the~~  
37 ~~local agency pursuant to this section if the development contains~~  
38 ~~more than 150 housing units.~~

39 (2) If the local agency fails to provide the required  
40 documentation pursuant to paragraph (1), the development shall

1 be deemed to satisfy the requirements of this section and Section  
2 65913.5.

3 (d) Any design review or public oversight of the development  
4 may be conducted by the local agency’s planning commission or  
5 any equivalent board or commission responsible for review and  
6 approval of development projects, or the city council or board of  
7 supervisors, as appropriate. That design review or public oversight  
8 shall be objective and be strictly focused on assessing compliance  
9 with criteria required for streamlined projects, as well as any  
10 reasonable objective design standards published and adopted by  
11 ordinance or resolution by a local agency before submission of a  
12 development application, and shall be broadly applicable to  
13 development within the local agency. That design review or public  
14 oversight shall be completed ~~as follows~~ *within 90 days of*  
15 *submission of the development to the local agency pursuant to this*  
16 *section* and shall not in any way inhibit, chill, or preclude the  
17 ministerial approval provided by this section or its effect, as  
18 ~~applicable:~~ *applicable.*

19 ~~(1) Within 90 days of submission of the development to the~~  
20 ~~local agency pursuant to this section if the development contains~~  
21 ~~150 or fewer housing units.~~

22 ~~(2) Within 180 days of submission of the development to the~~  
23 ~~local agency pursuant to this section if the development contains~~  
24 ~~more than 150 housing units.~~

25 (e) Notwithstanding any other law, a local agency, whether or  
26 not it has adopted an ordinance governing automobile parking  
27 requirements in multifamily developments, shall not impose  
28 automobile parking standards for a streamlined development that  
29 was approved pursuant to this ~~section~~ *section, including those*  
30 *related to orientation or structure of off-street automobile parking,*  
31 beyond those provided in the minimum requirements of Section  
32 65913.5.

33 (f) (1) If a local agency approves a development pursuant to  
34 this section, that approval shall automatically expire after three  
35 years except that a project may receive a one-time, one-year  
36 extension if the project proponent provides documentation that  
37 there has been significant progress toward getting the development  
38 construction ready. For purposes of this paragraph, “significant  
39 progress” includes filing a building permit application.

1 (2) If a local agency approves a development pursuant to this  
2 section, that approval shall remain valid for three years from the  
3 date of the final action establishing that approval and shall remain  
4 valid thereafter for a project so long as vertical construction of the  
5 development has begun and is in progress. Additionally, the  
6 development proponent may request, and the local agency shall  
7 have discretion to grant, an additional one-year extension to the  
8 original three-year period. The local agency’s action and discretion  
9 in determining whether to grant the foregoing extension shall be  
10 limited to considerations and process set forth in this section.

11 (g) This section shall not apply if the local agency finds that the  
12 development project as proposed would have a specific, adverse  
13 impact upon the public health or safety, including, but not limited  
14 to, fire safety, and there is no feasible method to satisfactorily  
15 mitigate or avoid the specific adverse impact without rendering  
16 the development unaffordable to low- and moderate-income  
17 households. As used in this paragraph, a “specific, adverse impact”  
18 means a significant, quantifiable, direct, and unavoidable impact,  
19 based on objective, identified written public health or safety  
20 standards, policies, or conditions as they existed on the date the  
21 application was deemed complete. Inconsistency with the zoning  
22 ordinance or general plan land use designation shall not constitute  
23 a specific, adverse impact upon the public health or safety.

24 (h) A local agency shall not adopt any requirement, including,  
25 but not limited to, increased fees or inclusionary housing  
26 requirements, that applies to a project solely or partially on the  
27 basis that the project is eligible to receive ministerial or streamlined  
28 approval pursuant to this section.

29 (i) This section shall not affect a development proponent’s  
30 ability to use any alternative streamlined by right permit processing  
31 adopted by a local agency, including the provisions of subdivision  
32 (i) of Section 65583.2 or 65913.4.

33 SEC. 4. Chapter 4.35 (commencing with Section 65918.50) is  
34 added to Division 1 of Title 7 of the Government Code, to read:

35

36 CHAPTER 4.35. EQUITABLE COMMUNITIES INCENTIVES

37

38 65918.50. For purposes of this chapter:

1 (a) “Development proponent” means an applicant who submits  
2 an application for an equitable communities incentive pursuant to  
3 this chapter.

4 (b) “Eligible applicant” means a development proponent who  
5 receives an equitable communities incentive.

6 (c) “FAR” means floor area ratio.

7 (d) “High-quality bus corridor” means a corridor with fixed  
8 route bus service that meets all of the following criteria:

9 (1) It has average service intervals for each line and in each  
10 direction of no more than 10 minutes during the three peak hours  
11 between 6 a.m. to 10 a.m., inclusive, and the three peak hours  
12 between 3 p.m. to 7 p.m., inclusive, on Monday through Friday.

13 (2) It has average service intervals for each line and in each  
14 direction of no more than 20 minutes during the hours of 6 a.m.  
15 to 10 p.m., inclusive, on Monday through Friday.

16 (3) It has average service intervals for each line and in each  
17 direction of no more than 30 minutes during the hours of 8 a.m.  
18 to 10 p.m., inclusive, on Saturday and Sunday.

19 (4) *It has met the criteria specified in paragraphs (1) to (3),  
20 inclusive, for the five years preceding the date that a development  
21 proponent submits an application for approval of a residential  
22 development.*

23 (e) (1) “Jobs-rich area” means an area identified by the  
24 Department of Housing and Community Development in  
25 consultation with the Office of Planning and Research that is high  
26 opportunity and *either is jobs-rich, rich or would enable shorter  
27 commute distances* based on whether, in a regional analysis, the  
28 tract meets both of the following:

29 (A) The tract is high opportunity, meaning its characteristics  
30 are associated with positive educational and economic outcomes  
31 for households of all income levels residing in the tract.

32 (B) The tract meets either of the following criteria:

33 (i) New housing sited in the tract would enable residents to live  
34 near more jobs than is typical for tracts in the region.

35 (ii) New housing sited in the tract would enable shorter commute  
36 distances for residents, relative to existing commute patterns ~~for~~  
37 *people of all income levels, and jobs-housing fit.*

38 (2) The Department of Housing and Community Development  
39 shall, commencing on January 1, 2020, publish and update, every

1 five years thereafter, a map of the state showing the areas identified  
2 by the department as “jobs-rich areas.”

3 (f) “Job-rich housing project” means a residential development  
4 within a jobs-rich area. A residential development shall be deemed  
5 to be within a jobs-rich area if both of the following apply:

6 (1) All parcels within the project have no more than 25 percent  
7 of their area outside of the jobs-rich area.

8 (2) No more than 10 percent of residential units or 100 units,  
9 whichever is less, of the development are outside of the jobs-rich  
10 area.

11 (g) “Local government” means a city, including a charter city,  
12 a county, or a city and county.

13 (h) “Major transit stop” means a rail transit station or a ferry  
14 terminal that is a major transit stop pursuant to subdivision (b) of  
15 Section 21155 of the Public Resources Code.

16 (i) “Potentially sensitive community” means any of the  
17 following:

18 (1) An area that is designated as “high segregation and poverty”  
19 or “low resource” on the 2019 Opportunity Maps developed by  
20 the California Tax Credit Allocation Committee.

21 (2) A census tract that is in the top 25 percent scoring census  
22 tracts from the internet-based CalEnviroScreen 3.0 tool.

23 (3) A qualified census tract identified by the United States  
24 Department of Housing and Urban Development for 2019.

25 (4) It is the intent of the Legislature to consider all of the  
26 following:

27 (A) Identifying additional communities as potentially sensitive  
28 communities in inland areas, areas experiencing rapid change in  
29 housing cost, and other areas based on objective measures of  
30 community sensitivity.

31 (B) Application of the process for determining sensitive  
32 communities established in subdivision (d) of Section 65918.55  
33 to the San Francisco Bay area.

34 (j) “Residential development” means a project with at least  
35 two-thirds of the square footage of the development designated  
36 for residential use.

37 (k) “Sensitive community” means either of the following:

38 (1) Except as provided in paragraph (2), an area identified  
39 pursuant to subdivision (d) of Section 65918.55.

1 (2) In the Counties of Alameda, Contra Costa, Marin, Napa,  
2 Santa Clara, San Francisco, San Mateo, Solano, and Sonoma, areas  
3 designated by the Metropolitan Transportation Commission on  
4 December 19, 2018, as the intersection of disadvantaged and  
5 vulnerable communities as defined by the Metropolitan  
6 Transportation Commission and the San Francisco Bay  
7 Conservation and Development Commission, which identification  
8 of a sensitive community shall be updated at least every five years  
9 by the Department of Housing and Community Development.

10 (l) “Tenant” means a person who does not own the property  
11 where they reside, including residential situations that are any of  
12 the following:

13 (1) Residential real property rented by the person under a  
14 long-term lease.

15 (2) A single-room occupancy unit.

16 (3) An accessory dwelling unit that is not subject to, or does  
17 not have a valid permit in accordance with, an ordinance adopted  
18 by a local agency pursuant to ~~Section 65852.22~~. 65852.2.

19 (4) A residential motel.

20 (5) A mobilehome park, as governed under the Mobilehome  
21 Residency Law (Chapter 2.5 (commencing with Section 798) of  
22 Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational  
23 Vehicle Park Occupancy Law (Chapter 2.6 (commencing with  
24 Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code),  
25 the Mobilehome Parks Act (Part 2.1 (commencing with Section  
26 18200) of Division 13 of the Health and Safety Code), or the  
27 Special Occupancy Parks Act (Part 2.3 (commencing with Section  
28 18860) of Division 13 of the Health and Safety Code).

29 (6) Any other type of residential property that is not owned by  
30 the person or a member of the person’s household, for which the  
31 person or a member of the person’s household provides payments  
32 on a regular schedule in exchange for the right to occupy the  
33 residential property.

34 (m) “Transit-rich housing project” means a residential  
35 development, the parcels of which are all within a one-half mile  
36 radius of a major transit stop or a one-quarter mile radius of a stop  
37 on a high-quality bus corridor. A project shall be deemed to be  
38 within the radius if both of the following apply:

39 (1) All parcels within the project have no more than 25 percent  
40 of their area outside of a one-half mile radius of a major transit

1 stop or a one-quarter mile radius of a stop on a high-quality bus  
2 corridor.

3 (2) No more than 10 percent of the residential units or 100 units,  
4 whichever is less, of the project are outside of a one-half mile  
5 radius of a major transit stop or a one-quarter mile radius of a stop  
6 on a high-quality bus corridor.

7 65918.51. A local government shall, upon request of a  
8 development proponent, grant an equitable communities incentive,  
9 as specified in Section 65918.53, when the development proponent  
10 seeks and agrees to construct a residential development that  
11 satisfies the requirements specified in Section 65918.52.

12 65918.52. In order to be eligible for an equitable communities  
13 incentive pursuant to this chapter, a residential development shall  
14 meet all of the following criteria:

15 (a) The residential development is either a job-rich housing  
16 project or transit-rich housing project.

17 (b) The residential development is located on a site that meets  
18 the following requirements:

19 (1) At the time of application, the site is zoned to allow housing  
20 as an underlying use in the zone, including, but not limited to, a  
21 residential, mixed-use, or commercial zone, as defined and allowed  
22 by the local government.

23 (2) If the residential development is located within a coastal  
24 zone, as defined in Division 20 (commencing with Section 30000)  
25 of the Public Resources Code, the site satisfies the requirements  
26 specified in paragraph (2) of subdivision (a) of Section 65913.4.

27 (3) The site is not located within any of the following:

28 (A) A coastal zone, as defined in Division 20 (commencing  
29 with Section 30000) of the Public Resources Code, ~~within if the~~  
30 ~~site is also located in a city with that has~~ a population of less than  
31 ~~50,000~~ 50,000, based on the most recent United States Census  
32 Bureau data.

33 (B) A very high fire hazard severity zone, as determined by the  
34 Department of Forestry and Fire Protection pursuant to Section  
35 51178, or within a very high fire hazard severity zone as indicated  
36 on maps adopted by the Department of Forestry and Fire Protection  
37 pursuant to Section 4202 of the Public Resources Code. A parcel  
38 is not ineligible within the meaning of this paragraph if it is either  
39 of the following:

- 1 (i) A site excluded from the specified hazard zones by a local  
 2 agency, pursuant to subdivision (b) of Section 51179.
- 3 (ii) A site that has adopted fire hazard mitigation measures  
 4 pursuant to existing building standards or state fire mitigation  
 5 measures applicable to the development.
- 6 (C) A parcel ~~that~~ *for which either of the following apply:*
- 7 (i) *The parcel is a contributing parcel within a historic district*  
 8 *established by an ordinance of the local government that was in*  
 9 *effect as of December 31, 2010.*
- 10 (ii) *The parcel includes a structure that was listed on a state or*  
 11 *federal register of historic resources before the date that the*  
 12 *development proponent first submits an application for an equitable*  
 13 *communities incentive pursuant to this chapter.*
- 14 (c) If the residential development is located within a county that  
 15 has a population equal to or less than 600,000, *based on the most*  
 16 *recent United States Census Bureau data*, the residential  
 17 development satisfies all of the following additional requirements:
- 18 (1) The site satisfies the requirements specified in paragraph  
 19 (2) of subdivision (a) of Section 65913.4.
- 20 (2) The site is not located within either of the following:
- 21 (A) An architecturally or historically significant historic district,  
 22 as defined in subdivision (h) of Section 5020.1 of the Public  
 23 Resources Code.
- 24 ~~(B) A flood plain as determined by maps promulgated by the~~  
 25 ~~Federal Emergency Management Agency, unless the development~~  
 26 ~~has been issued a flood plain development permit pursuant to Part~~  
 27 ~~59 (commencing with Section 59.1) and Part 60 (commencing~~  
 28 ~~with Section 60.1) of Subchapter B of Chapter I of Title 44 of the~~  
 29 ~~Code of Federal Regulations.~~
- 30 (B) *A special flood hazard area subject to inundation by the 1*  
 31 *percent annual chance flood (100-year flood) as determined by*  
 32 *the Federal Emergency Management Agency in any official maps*  
 33 *published by the Federal Emergency Management Agency. If a*  
 34 *development proponent is able to satisfy all applicable federal*  
 35 *qualifying criteria in order to provide that the site satisfies this*  
 36 *subparagraph and is otherwise eligible for streamlined approval*  
 37 *under this section, a local government shall not deny the*  
 38 *application on the basis that the development proponent did not*  
 39 *comply with any additional permit requirement, standard, or action*  
 40 *adopted by that local government that is applicable to that site. A*

1 *development may be located on a site described in this*  
2 *subparagraph if either of the following are met:*

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

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

12 (3) The residential development has a minimum density of 30  
13 dwelling units per acre in jurisdictions considered metropolitan,  
14 as defined in subdivision (f) of Section 65583.2, or a minimum  
15 density of 20 dwelling units per acre in jurisdictions considered  
16 suburban, as defined in subdivision (e) of Section 65583.2.

17 (4) The residential development is located within a one-half  
18 mile radius of a major transit stop and within a city with a  
19 population greater than 50,000.

20 (d) (1) If the local government has adopted an inclusionary  
21 housing ordinance requiring that the development include a certain  
22 number of units affordable to households with incomes that do not  
23 exceed the limits for moderate income, lower income, very low  
24 income, or extremely low income specified in Sections 50079.5,  
25 50093, 50105, and 50106 of the Health and Safety Code, and that  
26 ordinance requires that a new development include levels of  
27 affordable housing in excess of the requirements specified in  
28 paragraph (2), the residential development complies with that  
29 ordinance. The ordinance may provide alternative means of  
30 compliance that may include, but are not limited to, in-lieu fees,  
31 land dedication, offsite construction, or acquisition and  
32 rehabilitation of existing units.

33 (2) (A) If the local government has not adopted an inclusionary  
34 housing ordinance, as described in paragraph (1), the residential  
35 development includes an affordable housing contribution for  
36 households with incomes that do not exceed the limits for  
37 extremely low income, very low income, and low income specified  
38 in Sections 50093, 50105, and 50106 of the Health and Safety  
39 Code.

1 (B) For purposes of this paragraph, the residential development  
2 is subject to one of the following, as applicable:

3 (i) If the project has 10 or fewer units, no affordability  
4 contribution is imposed.

5 (ii) If the project has 11 to 20 residential units, the development  
6 proponent may pay an in-lieu fee to the local government for  
7 affordable housing, where feasible, pursuant to subparagraph (C).

8 (iii) If the project has more than 20 residential units, the  
9 development proponent shall do either of the following:

10 (I) Make a comparable affordability contribution toward housing  
11 offsite that is affordable to lower income households, pursuant to  
12 subparagraph (C).

13 (II) Include units on the site of the project that are affordable  
14 to extremely low income, very low income, or lower income  
15 households, as defined in Sections 50079.5, 50105, and 50106 of  
16 the Health and Safety Code, as follows:

17		
18	Project Size	Inclusionary Requirement
19	21– 200 units	15% lower income; or
20		8% very low income; or
21		6% extremely low income
22	201–350 units	17% lower income; or
23		10% very low income; or
24		8% extremely low income
25	351 or more units	25% lower income; or
26		15% very low income; or
27		11% extremely low income
28		

29 (C) (i) The development proponent of a project that qualifies  
30 pursuant to clause (ii) or subclause (I) of clause (iii) of  
31 subparagraph (B) may make a comparable affordability  
32 contribution toward housing offsite that is affordable to lower  
33 income households, pursuant to this subparagraph.

34 (ii) For the purposes of this subparagraph, “comparable  
35 affordability contribution” means either a dedication of land or  
36 direct in-lieu fee payment to a housing provider that proposes to  
37 build a residential development in which 100 percent of the units,  
38 excluding manager’s units, are sold or rented at affordable housing  
39 cost, as defined in Section 50052.5 of the Health and Safety Code,

1 or affordable rent, as defined in Section 50053 of the Health and  
2 Safety Code, subject to all of the following conditions:

3 (I) The site, and if applicable, the dedicated land, is located  
4 within a one-half mile of the qualifying project.

5 (II) The site, and if applicable, the dedicated land, is eligible  
6 for an equitable communities incentive.

7 (III) The residential development that receives a dedication of  
8 land or in-lieu fee payment pursuant to this paragraph provides  
9 the same number of affordable units at the same income category,  
10 which would have been required onsite for the qualifying project  
11 pursuant to subclause (II) of clause (iii) of subparagraph (B) of  
12 paragraph (2).

13 (IV) The value of the dedicated land or in-lieu fee payment must  
14 be at least equal to the capitalized value of the forgone revenue  
15 that the development proponent would have incurred if the  
16 qualifying project had provided the required number and type of  
17 affordable units onsite.

18 (V) ~~The~~ *If the qualifying project includes 21 or more units of*  
19 *housing, the comparable affordability contribution is subject to a*  
20 *recorded covenant with the local jurisdiction. A copy of the*  
21 *covenant shall be provided to the Department of Housing and*  
22 *Community Development.*

23 (iii) For the purposes of this subparagraph, “qualifying project”  
24 means a project that receives an equitable communities incentive  
25 by providing a comparable affordability contribution.

26 (iv) The qualifying development shall not be issued a certificate  
27 of occupancy before the residential development receiving a  
28 dedication of land or direct in-lieu fee payment pursuant to this  
29 subparagraph receives a building permit.

30 (D) Affordability of units pursuant to this paragraph shall be  
31 restricted by deed for a period of 55 years for rental units or 45  
32 years for units offered for sale.

33 (e) The site does not contain, or has not contained, either of the  
34 following:

35 (1) Housing occupied by tenants within the seven years  
36 preceding the date of the application, including housing that has  
37 been demolished or that tenants have vacated prior to the  
38 application for a development permit.

39 (2) A parcel or parcels on which an owner of residential real  
40 property has exercised their rights under Chapter 12.75

1 (commencing with Section 7060) of Division 7 of Title 1 to  
 2 withdraw accommodations from rent or lease within 15 years prior  
 3 to the date that the development proponent submits an application  
 4 pursuant to this chapter.

5 (f) The residential development complies with all applicable  
 6 labor, construction employment, and wage standards otherwise  
 7 required by law and any other generally applicable requirement  
 8 regarding the approval of a development project, including, but  
 9 not limited to, the local government's conditional use or other  
 10 discretionary permit approval process, the California  
 11 Environmental Quality Act (Division 13 (commencing with Section  
 12 21000) of the Public Resources Code), or a streamlined approval  
 13 process that includes labor protections.

14 (g) The residential development complies with all other relevant  
 15 standards, requirements, and prohibitions imposed by the local  
 16 government regarding architectural design, restrictions on or  
 17 oversight of demolition, impact fees, and community benefits  
 18 agreements.

19 (h) The equitable communities incentive shall not be used to  
 20 undermine the economic feasibility of delivering low-income  
 21 housing under the state density bonus program or a local  
 22 implementation of the state density bonus program, or any locally  
 23 adopted program that puts conditions on new development  
 24 applications on the basis of receiving a zone change or general  
 25 plan amendment in exchange for benefits such as increased  
 26 affordable housing, local hire, or payment of prevailing wages.

27 65918.53. (a) (1) Any transit-rich or job-rich housing project  
 28 within a county that has a population greater than ~~600,000~~ 600,000,  
 29 *based on the most recent United States Census Bureau data*, that  
 30 meets the criteria specified in Section 65918.52 shall receive, upon  
 31 request, an equitable communities incentive as follows:

32 (A) A waiver from maximum controls on density.

33 (B) A waiver from minimum automobile parking requirements  
 34 greater than 0.5 automobile parking spots per unit.

35 (2) An eligible applicant proposing a residential development  
 36 within a county that has a population greater than ~~600,000~~ 600,000,  
 37 *based on the most recent United States Census Bureau data*, that  
 38 is located within a one-half mile radius, but outside a one-quarter  
 39 mile radius, of a major transit stop shall receive, in addition to the

1 incentives specified in paragraph (1), waivers from all of the  
2 following:

3 (A) Maximum height requirements less than 45 feet.

4 ~~(B) Maximum FAR requirements less than 2.5.~~

5 *(B) Any requirement governing the relationship between the*  
6 *size of the parcel and the area that the building may occupy that*  
7 *would restrict the structure to a FAR of less than 2.5.*

8 (C) Notwithstanding subparagraph (B) of paragraph (1), any  
9 minimum automobile parking requirement.

10 (3) An eligible applicant proposing a residential development  
11 within a county that has a population greater than ~~600,000~~ 600,000,  
12 *based on the most recent United States Census Bureau data*, that  
13 is located within a one-quarter mile radius of a major transit stop  
14 shall receive, in addition to the incentives specified in paragraph  
15 (1), waivers from all of the following:

16 (A) Maximum height requirements less than 55 feet.

17 ~~(B) Maximum FAR requirements less than 3.25.~~

18 *(B) Any requirement governing the relationship between the*  
19 *size of the parcel and the area that the building may occupy that*  
20 *would restrict the structure to a FAR of less than 3.25.*

21 (C) Notwithstanding paragraph (2) of subdivision (a), any  
22 minimum automobile parking requirement.

23 (b) A residential development within a county that has a  
24 population less than or equal to ~~600,000~~ 600,000, *based on the*  
25 *most recent United States Census Bureau data*, that meets the  
26 criteria specified in Section 65918.52 shall receive, upon request,  
27 an equitable communities incentive as follows:

28 (1) A waiver from maximum controls on density, subject to  
29 paragraph (3) of subdivision (c) of Section 65918.52.

30 (2) A waiver from maximum height limitations less than or  
31 equal to one story, or 15 feet, above the highest allowable height  
32 for mixed use or residential use. For purposes of this paragraph,  
33 “highest allowable height” means the tallest height, including  
34 heights that require conditional approval, allowable pursuant to  
35 zoning and any specific or area plan that covers the parcel.

36 ~~(3) Maximum FAR requirements less than 0.6 times the number~~  
37 ~~of stories proposed for the project.~~

38 *(3) Any requirement governing the relationship between the*  
39 *size of the parcel and the area that the building may occupy that*

1 *would restrict the structure to a FAR of less than 0.6 times the*  
2 *number of stories proposed for the project.*

3 (4) A waiver from minimum automobile parking requirements,  
4 as follows:

5 (A) If the residential development is located within a one-quarter  
6 mile radius of a rail transit station in a city with a population of  
7 greater than 100,000, *based on the most recent United States*  
8 *Census Bureau data*, the residential development project shall  
9 receive a waiver from any minimum automobile parking  
10 requirement.

11 (B) If the residential development does not meet the criteria  
12 specified in clause (i), the residential development project shall  
13 receive a waiver from minimum automobile parking requirements  
14 of ~~less~~ *more* than 0.5 parking spaces per unit.

15 (c) Notwithstanding any other law, a project that qualifies for  
16 an equitable communities incentive may also apply for a density  
17 bonus, incentives or concessions, and parking ratios in accordance  
18 with subdivision (b) of Section 65915. To calculate a density bonus  
19 for a project that receives an equitable communities incentive, the  
20 “otherwise maximum allowable gross residential density” as  
21 described in subdivision (f) of Section 65915 shall be equal to the  
22 proposed number of units in, or the proposed square footage of,  
23 the residential development after applying the equitable  
24 communities incentive received pursuant to this chapter. In no  
25 case may a city, county, or city and county apply any development  
26 standard that will have the effect of physically precluding the  
27 construction of a development meeting the criteria of this chapter  
28 and subdivision (b) of Section 65915 at the unit count or square  
29 footage or with the concessions or incentives permitted by this  
30 chapter and as may be increased under Section 65915 in accordance  
31 with this subdivision, but no additional waivers or reductions of  
32 development standards, as described in subdivision (e) of Section  
33 65915 shall be permitted.

34 (d) The local government shall grant an incentive requested by  
35 an eligible applicant pursuant to this chapter unless the local  
36 government makes a written finding, based on substantial evidence,  
37 that the incentive would have a specific, adverse impact on any  
38 real property or historic district that is listed on a federal or state  
39 register of historical resources and for which there is no feasible

1 method to satisfactorily mitigate or avoid the specific, adverse  
2 impact without rendering the development unaffordable.

3 (e) An eligible applicant proposing a project that meets all of  
4 the requirements under Section 65913.4 may submit an application  
5 for streamlined, ministerial approval in accordance with that  
6 section.

7 (f) The local government may modify or expand the terms of  
8 an equitable communities incentive provided pursuant to this  
9 chapter, provided that the equitable communities incentive is  
10 consistent with, and meets the minimum standards specified in,  
11 this chapter.

12 65918.54. The Legislature finds and declares that this chapter  
13 addresses a matter of statewide concern rather than a municipal  
14 affair as that term is used in Section 5 of Article XI of the  
15 California Constitution. Therefore, this chapter applies to all cities,  
16 including charter cities.

17 65918.55. (a) On or before July 1, 2020, Sections 65918.51  
18 to 65918.54, inclusive, shall not apply to a potentially sensitive  
19 community. After July 1, 2020, Sections 65918.51 to 65918.54,  
20 inclusive, shall apply in any potentially sensitive community that  
21 is not identified as a sensitive community pursuant to subdivision  
22 (b).

23 (b) On or before July 1, 2020, sensitive communities in each  
24 county shall be identified and mapped in accordance with the  
25 following:

26 (1) The council of governments, or the county board of  
27 supervisors in a county without a council of governments, shall  
28 establish a working group comprised of residents of potentially  
29 sensitive communities within the county, ensuring equitable  
30 representation of vulnerable populations, including, but not limited  
31 to, renters, low-income people, and members of classes protected  
32 under the California Fair Employment and Housing Act (Part 2.8  
33 commencing with Section 12900) of Division 3 of Title 2).

34 (2) The working group shall develop a map of sensitive  
35 communities within the county, which shall include some or all  
36 of the areas identified as potentially sensitive communities pursuant  
37 to subdivision (i) of Section 65918.50. The working group shall  
38 prioritize the input of residents from each potentially sensitive  
39 community in making a determination about that community.

1 (3) Each board of supervisors or council of governments shall  
2 adopt the sensitive communities map for the county, along with  
3 an explanation of the composition and function of the working  
4 group and the community process and methodology used to create  
5 the maps, at a public hearing held on or before July 1, 2020.

6 (c) Sections 65918.51 to 65918.54, inclusive, shall apply in a  
7 sensitive community on and after January 1, 2026, unless the city  
8 or county in which the sensitive community is located has adopted  
9 a community plan for an area that includes the sensitive community  
10 that is aimed toward increasing residential density and multifamily  
11 housing choices near transit stops and meets all of the following:

12 (1) The community plan is not in conflict with the goals of this  
13 chapter.

14 (2) The community plan permits increased density and  
15 multifamily development near transit, with all upzoning linked to  
16 onsite affordable housing requirements that meet or exceed the  
17 affordable housing requirements in Sections 65918.51 to 65918.54,  
18 inclusive. Community plans shall, at a minimum, be consistent  
19 with the overall residential development capacity and the minimum  
20 affordability standards set forth in Sections 65918.51 to 65918.54,  
21 inclusive, within the boundaries of the community plan.

22 (3) The community plan includes provisions to protect  
23 vulnerable residents from displacement.

24 (4) The community plan promotes economic justice for workers  
25 and residents.

26 (5) The community plan was developed in partnership with at  
27 least one of the following:

28 (A) A nonprofit or community organization that focuses on  
29 organizing low-income residents in the sensitive community.

30 (B) A nonprofit or community organization that focuses on  
31 organizing low-income residents in the jurisdiction.

32 (C) If there are no nonprofit or community organizations  
33 working within the sensitive community or the jurisdiction, a  
34 nonprofit with demonstrated experience conducting outreach to  
35 low-income communities.

36 (6) Residents of the sensitive community are engaged throughout  
37 the planning process, including through at least three community  
38 meetings that are held at times and locations accessible to  
39 low-income residents.

1 (7) All public documents and meetings related to the planning  
2 process are translated into all languages spoken by at least 25  
3 percent of residents of the sensitive community.

4 (8) The community plan is adopted before July 1, 2025.

5 (d) Each city and each county shall make reasonable efforts to  
6 develop a community plan for any sensitive communities within  
7 its jurisdiction. A community plan may address other locally  
8 identified priorities, provided they are not in conflict with the intent  
9 of this chapter or any other law. A city or county may designate a  
10 community plan adopted before July 1, 2020, as the plan that meets  
11 the requirements of this paragraph, provided that the plan meets  
12 all criteria in this section.

13 (e) Notwithstanding any other provision of this section, Sections  
14 65918.51 to 65918.54, inclusive, shall apply in any sensitive  
15 community if all of the following apply:

16 (1) At least 20 percent of adult residents of the sensitive  
17 community sign a petition attesting that the community desires to  
18 make the provisions of Sections 65918.51 to 65918.54, inclusive,  
19 applicable in the area. The petition shall describe in plain language  
20 the planning standards set forth in Sections 65918.51 to 65918.54,  
21 inclusive; be translated into all languages spoken by at least 25  
22 percent of residents in the affected area; and collect contact  
23 information from signatories to the petition, including first, middle,  
24 and last name, mailing address, and phone number and email  
25 address if available.

26 (2) The local government has verified the petition to ensure  
27 compliance with paragraph (1).

28 (3) Following signature verification, the local government  
29 provides public notice and opportunity to comment to residents of  
30 the affected area and holds a minimum of three public hearings in  
31 the affected area at a time and in a place and manner accessible to  
32 low-income residents and other vulnerable populations.

33 (4) The governing body for the city or county in which the  
34 sensitive community is located determines, by majority vote, to  
35 apply this chapter in the affected area.

36 (f) It is the intent of the Legislature to consider all of the  
37 following:

38 (1) Tasking local government entities with greater community  
39 connection with convening and administering the process for  
40 identifying sensitive communities.

1 (2) Requiring review by the Department of Housing and  
2 Community Development of the designation of sensitive  
3 communities.

4 SEC. 5. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 a local agency or school district has the authority to levy service  
7 charges, fees, or assessments sufficient to pay for the program or  
8 level of service mandated by this act, within the meaning of Section  
9 17556 of the Government Code.

O

## Counties Over 600,000 Cities Under 50,000

<u>County</u>	<u>County Population</u>	<u>City Of</u>	<u>Population</u>
Orange	3,216,817	Cypress	49,978
Los Angeles	10,278,836	Azusa	49,954
Los Angeles	10,278,836	La Mirada	49,590
Orange	3,216,817	Rancho Santa Margarita	49,329
Los Angeles	10,278,836	Covina	49,006
Riverside	2,419,897	Beaumont	48,237
Riverside	2,419,897	San Jacinto	48,146
Riverside	2,419,897	Palm Springs	47,706
Alameda	1,662,775	Newark	47,467
San Mateo	774,159	San Bruno	46,085
Riverside	2,419,897	Coachella	45,635
Orange	3,216,817	Brea	44,890
Santa Clara	1,956,579	Morgan Hill	44,513
Contra Costa	1,145,876	Danville	44,396
Los Angeles	10,278,836	Bell Gardens	43,051
Los Angeles	10,278,836	Rancho Palos Verdes	42,723
Santa Clara	1,956,579	Campbell	42,696
Contra Costa	1,145,876	Oakley	41,742
Riverside	2,419,897	La Quinta	41,204
Los Angeles	10,278,836	San Gabriel	40,920
Los Angeles	10,278,836	La Puente	40,686
Los Angeles	10,278,836	Culver City	39,860
Orange	3,216,817	Stanton	39,470
San Bernardino	2,178,492	Montclair	39,326
Los Angeles	10,278,836	Monrovia	38,787
San Mateo	774,159	Pacifica	38,418
Contra Costa	1,145,876	Martinez	38,097
Ventura	855,489	Moorpark	37,044
Orange	3,216,817	San Juan Capistrano	36,759
Los Angeles	10,278,836	West Hollywood	36,723
Los Angeles	10,278,836	Claremont	36,446
Los Angeles	10,278,836	Temple City	36,411
Los Angeles	10,278,836	Bell	36,325
Riverside	2,419,897	Wildomar	36,287
Los Angeles	10,278,836	Manhattan Beach	35,991
San Bernardino	2,178,492	Adelanto	35,293
San Mateo	774,159	Menlo Park	35,268
Contra Costa	1,145,876	Pleasant Hill	35,068
Los Angeles	10,278,836	San Dimas	34,507
Los Angeles	10,278,836	Beverly Hills	34,504
Orange	3,216,817	Dana Point	34,071
Los Angeles	10,278,836	Lawndale	33,607
San Mateo	774,159	Foster City	33,490
Los Angeles	10,278,836	La Verne	33,260
Orange	3,216,817	Laguna Hills	31,818

Contra Costa	1,145,876	San Pablo	31,593
Santa Clara	1,956,579	Saratoga	31,435
Santa Clara	1,956,579	Los Altos	31,361
Riverside	2,419,897	Banning	31,282
Ventura	855,489	Santa Paula	31,138
San Mateo	774,159	East Palo Alto	30,917
Santa Clara	1,956,579	Los Gatos	30,601
Los Angeles	10,278,836	Walnut	30,457
San Mateo	774,159	Burlingame	30,294
San Mateo	774,159	San Carlos	29,897
Riverside	2,419,897	Desert Hot Springs	29,742
Kern	907,518	Ridgecrest	28,822
San Diego	3,344,430	Imperial Beach	28,163
Los Angeles	10,278,836	Maywood	28,044
Kern	907,518	Wasco	27,691
San Mateo	774,159	Belmont	27,388
San Bernardino	2,178,492	Twentynine Palms	27,046
San Diego	3,344,430	Lemon Grove	26,834
Riverside	2,419,897	Norco	26,761
Fresno	1,010,926	Sanger	26,648
Fresno	1,010,926	Reedley	26,390
Contra Costa	1,145,876	Hercules	26,317
Los Angeles	10,278,836	South Pasadena	26,047
Sacramento	1,534,893	Galt	26,018
Orange	3,216,817	Seal Beach	25,984
Contra Costa	1,145,876	Lafayette	25,655
Contra Costa	1,145,876	El Cerrito	24,939
Fresno	1,010,926	Selma	24,742
Los Angeles	10,278,836	San Fernando	24,602
San Bernardino	2,178,492	Barstow	24,411
Los Angeles	10,278,836	Cudahy	24,343
Los Angeles	10,278,836	Calabasas	24,296
San Joaquin	759,186	Lathrop	24,268
San Bernardino	2,178,492	Loma Linda	23,946
Ventura	855,489	Port Hueneme	23,929
Orange	3,216,817	Laguna Beach	23,309
San Mateo	774,159	Millbrae	22,854
Los Angeles	10,278,836	Duarte	22,013
San Bernardino	2,178,492	Yucca Valley	21,834
Kern	907,518	Arvin	21,696
San Diego	3,344,430	Coronado	21,683
Los Angeles	10,278,836	South El Monte	20,882
Los Angeles	10,278,836	Agoura Hills	20,878
Los Angeles	10,278,836	Lomita	20,715
Los Angeles	10,278,836	La Canada Flintridge	20,683
Los Angeles	10,278,836	Hermosa Beach	19,673
Riverside	2,419,897	Blythe	19,389

Kern	907,518	Shafter	19,271
Contra Costa	1,145,876	Pinole	19,236
Contra Costa	1,145,876	Orinda	19,199
Alameda	1,662,775	Albany	19,053
Riverside	2,419,897	Rancho Mirage	18,738
Los Angeles	10,278,836	Santa Fe Springs	18,335
Contra Costa	1,145,876	Moraga	16,991
Los Angeles	10,278,836	Artesia	16,792
Fresno	1,010,926	Coalinga	16,791
Los Angeles	10,278,836	El Segundo	16,784
Orange	3,216,817	Laguna Woods	16,597
Ventura	855,489	Fillmore	15,953
Orange	3,216,817	La Palma	15,948
San Joaquin	759,186	Ripon	15,847
Fresno	1,010,926	Parlier	15,493
Kern	907,518	McFarland	15,105
Fresno	1,010,926	Kerman	15,083
Kern	907,518	California City	14,875
Los Angeles	10,278,836	Hawaiian Gardens	14,666
San Diego	3,344,430	Solana Beach	13,938
Los Angeles	10,278,836	Palos Verdes Estates	13,519
Los Angeles	10,278,836	San Marino	13,272
Los Angeles	10,278,836	Commerce	13,067
Los Angeles	10,278,836	Malibu	12,957
San Mateo	774,159	Half Moon Bay	12,639
San Bernardino	2,178,492	Grand Terrace	12,524
Fresno	1,010,926	Kingsburg	12,392
Kern	907,518	Tehachapi	12,299
Fresno	1,010,926	Mendota	12,051
Alameda	1,662,775	Emeryville	11,994
Orange	3,216,817	Los Alamitos	11,863
Los Angeles	10,278,836	Signal Hill	11,749
San Mateo	774,159	Hillsborough	11,543
Contra Costa	1,145,876	Clayton	11,431
Alameda	1,662,775	Piedmont	11,318
Riverside	2,419,897	Canyon Lake	11,018
Los Angeles	10,278,836	Sierra Madre	10,986
Kern	907,518	Taft	9,482
Fresno	1,010,926	Orange Cove	9,469
Riverside	2,419,897	Calimesa	8,876
Santa Clara	1,956,579	Los Altos Hills	8,568
Los Angeles	10,278,836	Westlake Village	8,358
Fresno	1,010,926	Firebaugh	8,112
Los Angeles	10,278,836	Rolling Hills Estates	8,111
Ventura	855,489	Ojai	7,679
San Joaquin	759,186	Escalon	7,558
Fresno	1,010,926	Huron	7,302

San Mateo	774,159	Atherton	7,135
Fresno	1,010,926	Fowler	6,241
Orange	3,216,817	Villa Park	5,951
San Mateo	774,159	Woodside	5,623
Riverside	2,419,897	Indian Wells	5,574
San Bernardino	2,178,492	Big Bear Lake	5,512
Los Angeles	10,278,836	La Habra Heights	5,454
San Bernardino	2,178,492	Needles	5,177
San Mateo	774,159	Portola Valley	4,767
San Mateo	774,159	Brisbane	4,692
San Diego	3,344,430	Del Mar	4,322
Fresno	1,010,926	San Joaquin	4,119
Los Angeles	10,278,836	Avalon	3,867
Santa Clara	1,956,579	Monte Sereno	3,630
Los Angeles	10,278,836	Rolling Hills	1,939
Los Angeles	10,278,836	Hidden Hills	1,892
San Mateo	774,159	Colma	1,501
Los Angeles	10,278,836	Irwindale	1,450
Kern	907,518	Maricopa	1,156
Los Angeles	10,278,836	Bradbury	1,069
Sacramento	1,534,893	Isleton	837
Los Angeles	10,278,836	Industry	437
Los Angeles	10,278,836	Vernon	209

## Counties Under 600,000 Cities Under 50,000

<u>County</u>	<u>County Population</u>	<u>City Of</u>	<u>Population</u>
Placer	389,047	Lincoln	48,591
Stanislaus	554,703	Ceres	48,326
San Luis Obispo	279,370	San Luis Obispo	46,548
Imperial	189,468	El Centro	46,315
Santa Barbara	453,288	Lompoc	43,599
Sonoma	501,427	Rohnert Park	43,598
Imperial	189,468	Calexico	41,199
Merced	280,772	Los Banos	40,986
San Benito	61,260	Hollister	36,703
Monterey	443,819	Seaside	34,270
Santa Barbara	453,288	Goleta	31,949
San Luis Obispo	279,370	Paso Robles	31,559
Merced	280,772	Atwater	31,235
San Luis Obispo	279,370	Atascadero	31,147
Solano	439,472	Suisun City	29,192
Monterey	443,819	Monterey	28,323
Sonoma	501,427	Windsor	28,060
Solano	439,472	Benicia	27,499
Imperial	189,468	Brawley	27,417
Butte	227,837	Paradise	26,572
Humboldt	135,627	Eureka	26,362
Monterey	443,819	Soledad	26,246
Kings	153,540	Lemoore	25,892
Stanislaus	554,703	Riverbank	25,244
Tulare	476,909	Dinuba	24,873
Stanislaus	554,703	Oakdale	23,324
Stanislaus	554,703	Patterson	22,679
Monterey	443,819	Marina	22,424
El Dorado	188,993	South Lake Tahoe	21,892
Kings	153,540	Corcoran	21,450
Napa	140,491	American Canyon	20,990
Solano	439,472	Dixon	19,896
Imperial	189,468	Imperial	19,372
Madera	158,259	Chowchilla	18,835
Humboldt	135,627	Arcata	18,398
Butte	227,837	Oroville	18,144
Monterey	443,819	Greenfield	18,007
San Luis Obispo	279,370	Arroyo Grande	17,912
Nevada	98,719	Truckee	16,681
Mendocino	89,027	Ukiah	16,226
Lake	65,170	Clearlake	15,917
Monterey	443,819	Pacific Grove	15,660
Marin	262,224	Mill Valley	14,963
Lassen	30,563	Susanville	14,954
Monterey	443,819	King City	14,880

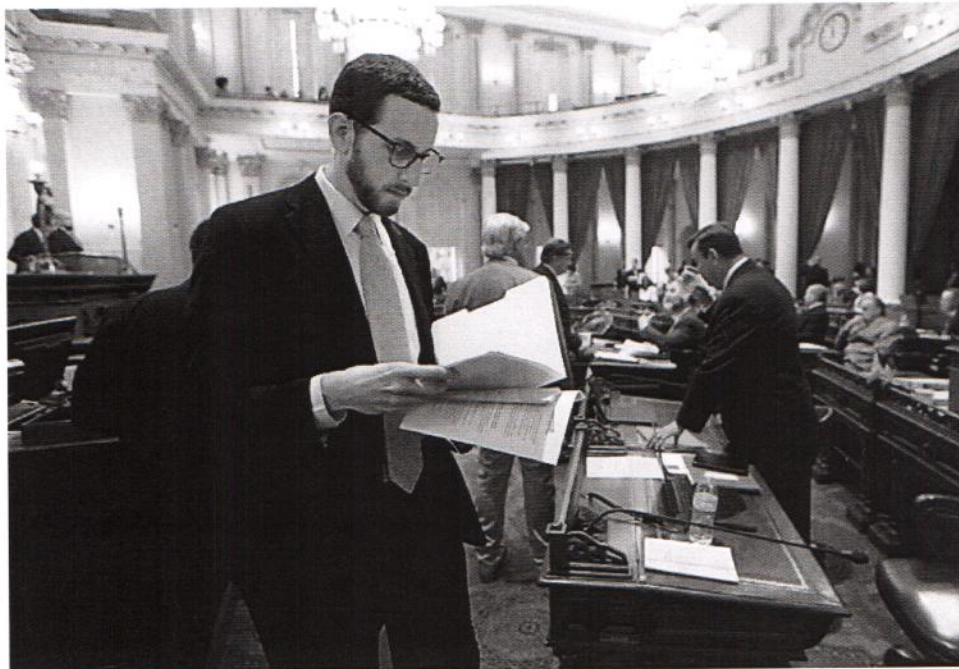
Placer	389,047	Auburn	14,611
Merced	280,772	Livingston	14,328
Tehama	64,532	Red Bluff	13,858
Santa Barbara	453,288	Carpinteria	13,704
San Luis Obispo	279,370	Grover Beach	13,560
Tulare	476,909	Lindsay	13,162
Kings	153,540	Avenal	13,053
Nevada	98,719	Grass Valley	13,041
Marin	262,224	San Anselmo	13,000
Marin	262,224	Larkspur	12,351
Santa Cruz	275,221	Scotts Valley	12,195
Sonoma	501,427	Healdsburg	12,061
Humboldt	135,627	Fortuna	12,042
Yuba	77,494	Marysville	11,883
Stanislaus	554,703	Newman	11,801
Tulare	476,909	Farmersville	11,443
Sonoma	501,427	Sonoma	11,390
Tulare	476,909	Exeter	11,169
El Dorado	188,993	Placerville	10,642
Santa Cruz	275,221	Capitola	10,563
San Luis Obispo	279,370	Morro Bay	10,503
Shasta	178,262	Anderson	10,263
Shasta	178,262	Shasta Lake	10,143
Marin	262,224	Corte Madera	10,039
Marin	262,224	Tiburon	9,648
Solano	439,472	Rio Vista	9,188
Stanislaus	554,703	Waterford	9,149
Sonoma	501,427	Cloverdale	9,134
Sutter	98,735	Live Oak	8,781
Monterey	443,819	Gonzales	8,587
Mono	13,887	Mammoth Lakes	8,316
San Luis Obispo	279,370	Pismo Beach	8,233
Amador	38,063	Ione	8,058
Glenn	29,337	Orland	7,932
Siskiyou	44,082	Yreka	7,840
Sonoma	501,427	Sebastopol	7,786
Tulare	476,909	Woodlake	7,786
Stanislaus	554,703	Hughson	7,738
Sonoma	501,427	Cotati	7,716
Santa Barbara	453,288	Guadalupe	7,604
Marin	262,224	Fairfax	7,534
Tehama	64,532	Corning	7,515
Mendocino	89,027	Fort Bragg	7,512
Imperial	189,468	Calipatria	7,488
Yolo	221,557	Winters	7,292
Marin	262,224	Sausalito	7,226
Butte	227,837	Gridley	6,937

Placer	389,047	Loomis	6,824
Del Norte	27,275	Crescent City	6,590
Imperial	189,468	Holtville	6,501
Colusa	22,744	Colusa	6,241
Napa	140,491	St. Helena	6,118
Glenn	29,337	Willows	6,064
Merced	280,772	Gustine	5,874
Santa Barbara	453,288	Solvang	5,771
Merced	280,772	Dos Palos	5,679
Colusa	22,744	Williams	5,465
Napa	140,491	Calistoga	5,334
Santa Barbara	453,288	Buellton	5,291
Lake	65,170	Lakeport	5,134
Mendocino	89,027	Willits	5,128
Tuolumne	52,790	Sonora	4,890
Amador	38,063	Jackson	4,679
Calaveras	44,637	Angels Camp	4,121
Inyo	18,526	Bishop	3,922
Monterey	443,819	Carmel-by-the-Sea	3,750
Yuba	77,494	Wheatland	3,497
Siskiyou	44,082	Mt. Shasta	3,385
Humboldt	135,627	Rio Dell	3,348
Nevada	98,719	Nevada City	3,226
Napa	140,491	Yountville	2,874
Modoc	9,505	Alturas	2,868
Siskiyou	44,082	Weed	2,769
Marin	262,224	Ross	2,533
Amador	38,063	Sutter Creek	2,479
Imperial	189,468	Westmorland	2,325
Plumas	19,517	Portola	2,161
Placer	389,047	Colfax	2,150
Marin	262,224	Belvedere	2,135
Butte	227,837	Biggs	1,913
San Benito	61,260	San Juan Bautista	1,873
Monterey	443,819	Del Rey Oaks	1,692
Siskiyou	44,082	Dunsmuir	1,680
Siskiyou	44,082	Montague	1,428
Humboldt	135,627	Ferndale	1,367
Humboldt	135,627	Blue Lake	1,280
Amador	38,063	Plymouth	1,002
Siskiyou	44,082	Tulelake	977
Siskiyou	44,082	Dorris	966
Sierra	3,153	Loyalton	757
Siskiyou	44,082	Etna	744
Siskiyou	44,082	Fort Jones	739
Mendocino	89,027	Point Arena	448
Tehama	64,532	Tehama	430

Monterey	443,819	Sand City	394
Humboldt	135,627	Trinidad	340
Amador	38,063	Amador	186

**OPINION**

# Senate Bill 50 puts developers in charge



Democratic Sen. Scott Wiener on the state Senate floor. (AP Photo/Rich Pedroncelli, File)

By **JUAN GARZA** |

PUBLISHED: May 14, 2019 at 6:01 pm | UPDATED: May 14, 2019 at 6:01 pm

Local officials understand the need to address California's housing affordability crisis through increased supply. We see first-hand the crushing toll that a lack of affordable housing is having on families in our communities. At the same time, local officials have been entrusted by our residents to make critical local decisions around land use, shaping what type of housing is built and where housing developments are located.

Local officials support proposals that would incentivize local governments to increase housing supply, particularly affordable and higher-density housing near jobs and transit. We even support proposals that hold cities accountable that aren't doing their part. Cities can be "yes on housing," while also respecting the rights of local citizens and ensuring communities have a role in local land-use planning.

Unfortunately, Senate Bill 50 by state Sen. Scott Wiener, D-San Francisco, replaces thoughtful, inclusive community planning with a Sacramento dictated housing mandate that allows developers to override local plans and blow through requirements for things like density, parking standards, height and design standards and limits input by community residents and local elected officials. SB 50 allows developers to demolish single-family homes and replace them with high-density apartments and condominiums – as tall as 70 feet.

In the Southeast Los Angeles County region that I represent, we already have some of the densest, most highly populated cities in the state. Our diverse communities have more residents per square mile than any other region of the state, including San Francisco. In fact, many of our cities have population density on par with New York City.

Forcing more density – without local input and approval – will make cities in my region more crowded, traffic more congested, air quality worse, and deepen the strain on available local services like police, fire, utilities, parks, open space and transit.

What's worse, SB 50 requires relatively few units be priced affordable for working families – a boon for developers that further prices out families in our communities.

To add insult to injury, SB 50 was recently amended in a political trade-off to certain communities in the Bay Area from its most onerous requirements. In pass a policy committee, the author accepted exemptions for cities with a population under 50,000 in a county with less than 600,000 residents. This was done, in effect, to minimize SB 50's requirements on wealthy Marin County.

Incredibly, smaller cities with a population under 50,000 in a county with more than 600,000 residents would still have their local housing authority undermined significantly by SB 50. That means every city in Los Angeles, Orange, San Bernardino, Riverside, and Ventura counties will be impacted even those that have smaller populations than cities in the Bay Area that received special treatment.

It's a double standard, and simply unfair that my city, along with hundreds of others, will be disproportionately and unfairly targeted by the measure's most restrictive provisions, while similar sized cities in the Bay Area, with less densities, are held to a lower standard.

Cities agree with the fundamental problem – there aren't enough homes being built in California. We are committed to working with the Governor and Legislature to find a way to part to increase housing supply.

SB 50 is a developers' dream, and a nightmare for local communities like mine.

*Juan Garza is mayor pro tem of the city of Bellflower. He is also president of the Los Angeles County Division of the League of California Cities.*

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POLITICS

# California bill to add housing in single-family home neighborhoods blocked by lawmakers

By LIAM DILLON MAY 16, 2019 | 5:15 PM | SACRAMENTO



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A single-family home under construction in Palo Alto on April 15. Senate Bill 50, which was shelved Thursday, would have cleared the way for higher-density housing in the community. (Noah Berger / For The Times)

A sign-promie bill that would have increased home building near mass transit and in single-family home neighborhoods across California has been killed for the year, ending a major battle over how to address the state's housing affordability crisis that has attracted attention nationwide.

Senate Bill 50 by Sen. Scott Wiener (D-San Francisco) would have required cities to allow four- to five-story apartment complexes near rail stations and four or more homes on land zoned only for single-family homes across Los Angeles, San Francisco, Silicon Valley and much of the rest of California.

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Replay

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The measure would have radically altered the state's growth patterns to direct significant new development toward urban areas, something the bill's backers said was necessary to make housing more affordable and to meet the state's goals to reduce greenhouse gas emissions.

But opponents of the legislation argued that changes under SB 50 would have unalterably diminished the quality of life in many California neighborhoods dominated by single-family home development. Others against the bill worried that its efforts to spur building would displace low-income residents already threatened by the state's high housing costs.

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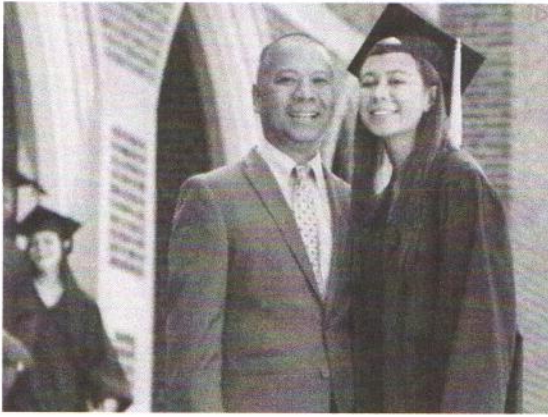
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Disputes over SB 50 revealed deep divisions among Democrats who dominate the Legislature over solutions to California's longstanding housing affordability problems.

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Median home prices in the state have reached \$548,000, nearly 2½ times the national average, according to real estate website Zillow. Nine and a half million renters — more than half of California's tenant population — are burdened by high rents, spending at least 30% of their income on housing costs, according to a recent analysis by [UC Berkeley's Haas Institute for a Fair and Inclusive Society](#).

Lawmakers representing the state's urban centers — predominantly from the Bay Area — were SB 50's chief supporters, while legislators from suburban areas worked to narrow the bill and ultimately blocked it.

Sen. Anthony Portantino, a Democrat from La Canada Flintridge and chairman of the Senate Appropriations Committee, said he was against SB 50 because it would have trumped zoning rules that are almost exclusively under the control of cities and counties. Portantino announced that the bill had been shelved until 2020 at the beginning of the committee's hearing Thursday morning.

Portantino said in an interview that he was especially concerned by provisions in the bill that would have increased density around busy bus routes, saying doing so would be out of scale with existing communities.

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"A lot of them go through residential neighborhoods," he said.

The demise of SB 50 marks the second time in two years that an effort from Wiener to increase home building near transit has been shelved without a vote on the floor in either house of the Legislature. But while the fate of Wiener's bill last year was expected because of substantial opposition from labor unions, many low-income housing advocates and local governments, Thursday's action was a surprise.

Though cities and counties remained opposed to Wiener's efforts this year, the legislator secured backing from the powerful State Building & Construction Trades Council of California, the labor group representing construction workers. He was also in negotiations with tenant organizations over potential changes to the bill, and found additional new supporters including environmental and other labor groups that hadn't weighed in last year.

Gov. Gavin Newsom also made addressing the state's housing affordability crisis one of the centerpieces of his 2018 gubernatorial campaign, adding momentum to Wiener's efforts. Newsom called for a building boom in the state, including the construction of 3.5 million new homes by 2025, a pace that would more than quadruple California's current output.

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Though Newsom did not take a position on SB 50, he said in a statement after the decision that he was "disappointed" the bill was blocked.

"Developing housing around transit must also be part of the solution, and today's developments can't end or stall that critical conversation," Newsom said.

The governor's office did not respond to questions about whether he attempted to intervene to keep the bill alive, and Portantino declined comment on whether he had spoken with the governor about it.

There was no public vote blocking SB 50 on Thursday. Though lawmakers can shelve bills in appropriations committees without explaining how or why action was taken, making it unclear who killed the legislation, committee and legislative leaders are principal decision makers.

When asked if he made the decision to block the bill, Portantino responded: "I'm the chair of the committee."

Despite the action Thursday, Wiener said he has not given up on the bill advancing this year, but conceded that moving it forward would be very difficult.

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“We’re not giving up trying to move it forward this year,” Wiener said. “This is not over.”

The Legislature has complicated procedures that allow bills to be revived, but it would take extraordinary levels of support that would probably involve strong-arming by legislative leaders. Senate President Pro Tem Toni Atkins (D-San Diego) released a statement after the decision Thursday complimenting Wiener for his effort, and said the legislation would not be heard again until 2020. Atkins’ office did not respond to an interview request.

Even with the increased support that Wiener won this year, the bill faced a steep climb. Last month, he changed the legislation to reduce its impact in smaller counties, amendments made as concessions to Sen. Mike McGuire (D-Healdsburg), who represents Marin, Sonoma and other suburban and rural Northern California communities. McGuire said that smaller communities should not have to accommodate as much density as their larger counterparts.

Those changes turned McGuire into a supporter of SB 50, but many local government and neighborhood groups remained opposed, including city councils in Los Angeles and San Francisco.

Los Angeles City Councilman Paul Koretz, who represents part of the Westside, applauded the bill’s demise.

“This bill is intended to destroy single-family home neighborhoods in the state,” he said in a statement. “I believe a majority of Californians do not share in that goal. We will be vigilant to fight SB 50 when it rears its ugly head again in 2020.”

Had the bill advanced on Thursday, Wiener said he believed he had enough votes for the bill in the Senate to move it to the Assembly. But if he can’t revive SB 50 this year, he plans to try again in January.

“We’re either serious about solving this crisis, or we aren’t,” he said. “At some point, we will need to make the hard political choices necessary for California to have a bright housing future.”

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POLITICS

# The revenge of the suburbs: Why California's effort to build more in single-family-home neighborhoods failed

By LIAM DILLON MAY 22, 2019 | 10:25 AM | SACRAMENTO



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Aerial photographs of homes in California State Senate Majority Leader Bob Hertzberg's 18th Senate District on May 21. (Brian van der Brug / Los Angeles Times)

Powerful interests lined up behind Senate Bill 50, a proposal in the California Legislature to dramatically increase home building near mass transit and in neighborhoods zoned only for single-family homes. On board were labor and business groups, environmentalists and developers, students and retirees, all of

whom argued that radical change was necessary to solve the state's housing affordability crisis.

But an influential cohort with membership across the state opposed the measure with all its political might: suburban homeowners. And last week, [a legislative committee blocked SB 50](#), a decision principally made by the panel's chairman Sen. Anthony Portantino, a Democrat from the Los Angeles bedroom community of La Cañada Flintridge.

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Other legislators from the suburbs said they were alarmed about the legislation's potential effects on their communities. Local elected officials and neighborhood groups from San Diego to Marin County united to push back against the bill with activists from smaller, affluent areas taking the lead.

All believed SB 50 represented a significant incursion by the state into local affairs.

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“There is a wake-up call that our legislators are not representing people at the grass-roots level,” said Susan Kirsch, an activist from Mill Valley and head of Livable California, a slow growth organization. “We were very concerned about decisions being made further and further away from people who have to live with the consequences of them.”

Without a strong push from Gov. Gavin Newsom and Senate President Pro Tem Toni Atkins (D-San Diego), the weight of the opposition led to the bill's demise.

[California bill to add housing in single-family home neighborhoods blocked by lawmakers »](#)

The legislator behind SB 50, Sen. Scott Wiener (D-San Francisco), argued that major changes to how local governments plan and zone for housing were necessary to address a severe shortage of available homes and to help the state meet its goals to reduce greenhouse gas emissions. His proposal would have required local governments to allow mid-rise apartment construction near rail stations and four or more homes on parcels of land in most single-family neighborhoods. With some exceptions, the bill would have allowed more growth in nearly every area of the state where homes already have been built.

But to many residents in suburban areas, the legislation was a threat — one they felt would have taken power away from local

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...and the way that would have taken power away from local officials, destroyed the character of neighborhoods and allowed development interests to overrun communities with expensive new projects.

Kirsch founded Livable California in 2018 shortly after Wiener put forward an earlier version of the bill that was defeated with broader opposition. This year, as SB 50 gained support from more interest groups, the group mobilized to oppose it.

Kirsch said she believes state officials have demonized suburban homeowners and local governments, blaming them for California's housing problems. The true culprits, Kirsch said, are giant technology companies that rapidly grew but did not invest enough in affordable housing to offset the effects of an influx of new workers on the housing supply. Legislative leaders should instead force those companies to do more, she said.

"Success led to the housing crisis," Kirsch said. "These companies are having enormous profits without having to take responsibility for their own contribution to the jobs-housing imbalance."

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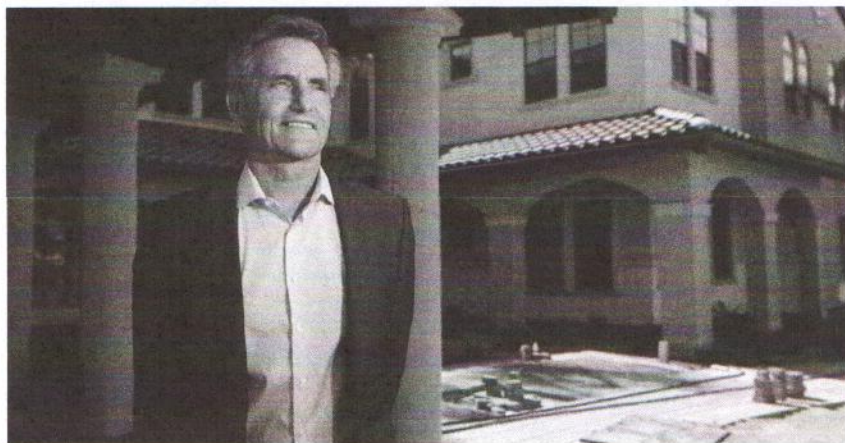
Kirsch considered her organization a clearinghouse for information about SB 50 that she disseminated to like-minded activists across the state. Her Northern California group joined with the Coalition to Preserve L.A., an organization that has backed measures to restrain the amount of building in the city, to start a website identifying communities that would be most affected by the bill. The effort connected neighborhood groups and local officials from San Diego to Silicon Valley.

Earlier this year, Redondo Beach Mayor Bill Brand attended a Livable California event nearly 400 miles away in Palo Alto. More than 90% of residents in Redondo Beach work outside the city, Brand said. Forcing Redondo Beach to allow more housing would not attract the jobs the community needs to boost its budget and fix traffic problems, he said.

"For the state to come down and say we're going to take away your ability to control what happens in your town is misguided," Brand said. "They don't know what they're doing."

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Redondo Beach Mayor Bill Brand is part of a group of local officials and activists considering filing a 2020 ballot initiative to amend the state Constitution and ensure zoning rules remain the sole responsibility of cities and counties. (Gary Coronado / Los Angeles Times)

Brand is part of a group of local officials and neighborhood activists that is considering filing a statewide ballot initiative for 2020 to amend the California Constitution and ensure planning and zoning rules remain the sole responsibility of cities and counties.

“Why should we have city councils if we can’t control the type of development we have in our town?” he said. “We should just dissolve the city and let [the state] handle it.”

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State lawmakers felt the full force of community groups that came out against the bill. Sen. Bob Hertzberg (D-Van Nuys), who represents the San Fernando Valley, said the neighborhood councils in his area were all so opposed to SB 50 that they formed special committees within their groups to fight the bill.

Hertzberg said the bill would have undermined the character of his district, which saw a boom in single-family tract home development after World War II.

“The San Fernando Valley that I represent was the American dream where people could have a barbecue and a backyard,” Hertzberg said.

He said the state should find less radical means to incentivize growth, such as providing leases on public land and tax breaks for investors to build low-income housing.

“You do not need to destroy single-family housing in order to achieve the necessary goals that we need to meet,” Hertzberg said.

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But supporters of SB 50 said those fighting hardest against the bill are wedded to a system that favors suburban homeowners.

“We all talk about the climate change crisis, the homelessness crisis, the affordability crisis, but when push comes to shove we all keep doing the same things we’ve always been doing,” said Michael Lane, deputy director of Silicon Valley at Home, an affordable housing advocacy group. “Our elected officials at every level are listening to the loudest voices, those who want no change, those who are already comfortably housed.”

Suburban communities and neighborhood groups weren’t the only ones against SB 50. The Los Angeles City Council voted to oppose the bill, as did the San Francisco Board of Supervisors. Many groups that represent low-income tenants were instrumental in defeating last year’s version of Wiener’s bill but did not oppose SB 50. Still, they raised concerns that growth spurred by SB 50 would lead to wealthier newcomers pushing out longtime residents.

But it was suburban lawmakers from more affluent areas who controlled SB 50’s path through the state Capitol.

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In April, Wiener agreed to limit the bill’s effects in small counties by reducing required building heights near rail and lowering density requirements in single-family neighborhoods from those proposed for larger counties. The move was a concession to Sen. Mike McGuire (D-Healdsburg), who represents Marin and Sonoma counties and other suburban and rural Northern California communities. In turn, McGuire threw his support behind SB 50 and the bill advanced from the committee he leads.

The deal between Wiener and McGuire prompted Kirsch, who was vacationing in Greece, to write a letter to nonprofit news site CALmatters, arguing that lawmakers were providing giveaways to developers by undermining the foundations of local democracy.

“As earthquake and erosion destroyed Athens, the housing bills of Wiener and McGuire, rather than solving the housing crisis, chip away at the pillars of Western Civilization,” Kirsch wrote. “That’s the crisis.”





State Sen. Anthony Portantino (D-La Canada Flintridge) left, talks with Sen. Jerry Hill, D-San Mateo during the Senate session at the Capitol on May 16 in Sacramento. Portantino is chairman of the Senate Appropriations Committee, which blocked SB 50. (Rich Pedroncelli / Associated Press)

After McGuire's committee, the bill headed to the Senate Appropriations Committee, led by Portantino. The lawmaker is a former mayor of La Cañada Flintridge, a suburb of 20,000 people where city officials say no multifamily housing developments have been built in a decade. The median sales price for a home in La Cañada Flintridge is \$1.6 million, according to the most recent monthly data from real estate tracker CoreLogic.

State legislators can block bills in appropriations committees without explaining how or why action was taken, and there was no public vote to shelve SB 50. Portantino said he was opposed to the bill because it stripped decision-making authority from local governments. He also believed the legislation would create a disincentive for cities and counties to expand transit in their communities if it meant they would lose control over land use at the same time.

"I think it was the time to take a breath and we took a breath," Portantino said after blocking the bill, which is eligible to come up again next year.

While Portantino's opposition to SB 50 was expected, it was still a surprise that the bill did not advance to a vote on the Senate floor.

Legislative leadership plays an outsized role in deciding whether bills move forward from appropriations committees. In December, Atkins created a new housing committee in her chamber and made Wiener the chairman, a move that appeared to be an endorsement of his aggressive approach to housing legislation.

Atkins declined requests for an interview, but said in a statement that she deferred to Portantino's wishes.

"Short of significantly amending the bill and limiting its applications in large swaths of the state, there was no path to move forward this year," Atkins said.

Newsom, who has pitched a nearly five-fold increase in home building as part of his plan to address the state's affordability problems, did not support the bill in advance of it being shelved last week. Soon afterward, he said he was "disappointed" by the decision to block it.

At a news conference on Tuesday to announce a new task force on homelessness, the governor declined to say whether he wanted the bill to be revived this year.

"To the extent that we can find a pathway to take core components of SB 50 and getting it over the finish line, I'm committed to helping support that effort," Newsom said.

*Times staff writer Phil Willon contributed to this report.*



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### Liam Dillon

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Liam Dillon covers California state politics and policy for the Los Angeles Times and is based in Sacramento. Prior to joining The Times in 2016, Dillon covered local politics in San Diego and Southwest Florida.

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