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W11a

DATE: February 26, 2026

TO: Commissioners and Interested Persons

FROM: Steve Hudson, District Director
Michelle Kubran, Supervisor
Sam Fearer, Coastal Program Analyst

SUBJECT: County of Santa Barbara Local Coastal Program Amendment No. LCP-4-STB-24-0064-2 (SB 423) for March 11, 2026 Commission Meeting

SUMMARY OF STAFF RECOMMENDATION

The County of Santa Barbara is requesting an amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) component of its certified Local Coastal Program (LCP) to incorporate streamlined permit processing (ministerial review) for qualifying housing projects in certain areas of the coastal zone, in conformance with new state housing law, as required by recent updates (Senate Bill 423) to Government Code Section 65913.4. Staff recommends that the Commission, after public hearing, reject proposed County of Santa Barbara LCP Amendment No. LCP-4-STB-24-0064-2 as submitted, and approve the amendment only if modified pursuant to **two suggested modifications**. The suggested modifications are necessary to ensure that the proposed IP/CZO amendment is consistent with and adequate to carry out the policies of the County's certified Land Use Plan (LUP), including the Chapter 3 policies of the Coastal Act which have been incorporated in their entirety in the County's certified LCP as guiding policies pursuant to Policy 1-1 of the LUP.

To comply with the requirements of Government Code Section 65913.4, the County proposes to create a new IP/CZO Section (Section 35-144X – Qualifying Housing Streamlined Review) to implement a streamlined application review process for housing projects that meet the requirements of Government Code Section 65913.4. However, the proposed IP/CZO Section relies upon external references to Government Code sections without also including the effective dates for such sections and includes reference to "successor statute[s]". As proposed, the County's language would refer to external code that could be subject to revision or replacement with future updates to state housing laws. Although Government Code Section 65913.4 currently contains safeguards for coastal resources – through siting requirements and through application of objective standards protective of coastal resources – future updates to or successor statutes of Government Code Section 65913.4 could potentially have adverse impacts to coastal resources. Additionally,

the proposed amendment text references Government Code Section 65913.4(a)(6), which describes areas of the coastal zone where housing projects would not qualify for streamlined processing. However, the proposed amendment does not describe these areas, which include the Commission's geographic appeal jurisdiction. The proposed amendment also omits reference to Government Code Section 65913.4 parking requirements where such reference would be appropriate. Therefore, **Suggested Modifications 1 and 2** are necessary to strike reference to "successor statute[s]", to include the effective dates for external Government Code references, and to provide clarification regarding siting eligibility and parking requirements. If modified as suggested, the proposed amendment language would bring the certified LCP into conformance with new state housing law while also retaining the existing safeguards for coastal resources included in Government Code Section 65913.4.

For the reasons described in this report, staff recommends that the Commission find that the IP/CZO amendment, only if modified as suggested, conforms with and is adequate to carry out the policies of the certified Land Use Plan. The suggested modifications were developed in cooperation with County staff, and County staff have indicated that they are supportive of the suggested modifications. The motions and resolutions for Commission action can be found starting on **page 5** of this staff report.

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Exhibits

Exhibit 1 - Proposed Implementation Plan Amendment Text: Ordinance 5222

I. PROCEDURAL OVERVIEW

A. Standard of Review

The Coastal Act provides:

> The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter. (Section 30513)
>
> …The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)
>
> The Commission may suggest modifications… (Section 30513)
>
> Any proposed amendments to a certified local coastal program shall be submitted to, and processed by, the commission in accordance with the applicable procedures and time limits specified in Sections 30512 and 30513… (Section 30514(b))

The standard of review for the proposed amendment to the County's certified IP/CZO, pursuant to Sections 30513 and 30514(b) of the Coastal Act, is whether the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the County's certified LCP. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County of Santa Barbara LUP as guiding policies pursuant to Policy 1-1 of the LUP.

B. Procedural Requirements

If the Commission certifies the LCP amendment as submitted, no further Board of Supervisors action will be necessary pursuant to Section 13544(b)(2) of Title 14 of the California Code of Regulations. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the Board of Supervisors, and the LCP amendment is not effective, pursuant to Section 13542(f). Should the Commission deny the LCP Amendment, as submitted, but then approve it with suggested modifications, then the Board of Supervisors may consider accepting the suggested modifications and submitting them by resolution to the Executive Director for a determination that the Board of Supervisors' acceptance is consistent with the Commission's action. In that scenario, pursuant to Section 13544(c) of Title 14 of the California Code of Regulations, the modified LCP Amendment will become final at the subsequent Commission meeting when staff provides notice of the Executive

Director's Determination that the Board of Supervisors' action in accepting the suggested modifications approved by the Commission for this LCP Amendment is legally adequate. If the Board of Supervisors does not accept the suggested modifications within six months of the Commission's action, then the LCP amendment remains uncertified and not effective.

C. Public Participation

Section 30503 of the Coastal Act requires the provision of maximum opportunities for public input in preparation, approval, certification and amendment of any LCP. The County held a series of public hearings on this amendment. The hearings were duly noticed consistent with the provisions of Section 13515 of Title 14 of the California Code of Regulations. Notice of the Coastal Commission's consideration of the subject amendment has been distributed to all known interested parties.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS FOR THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO) AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce each resolution and a staff recommendation is provided.

A. DENIAL OF THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE AMENDMENT AS SUBMITTED

MOTION I:

I move that the Commission reject County of Santa Barbara Implementation Plan/Coastal Zoning Ordinance Amendment No. LCP-4-STB-24-0064-2 as submitted.

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in denial of the Implementation Plan/Coastal Zoning Ordinance Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY AS SUBMITTED:

The Commission hereby **denies** certification of the Implementation Plan/Coastal Zoning Ordinance Amendment No. LCP-4-STB-24-0064-2 as submitted by the County of Santa Barbara, and adopts the findings set forth below on grounds that the Implementation Plan Amendment, as submitted, does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment would not meet the requirements of the California Environmental Quality Act,

as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan Amendment as submitted.

B. CERTIFICATION OF THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE AMENDMENT IF MODIFIED

MOTION II:

I move that the Commission certify County of Santa Barbara Implementation Plan/Coastal Zoning Ordinance Amendment No. LCP-4-STB-24-0064-2 if it is modified as suggested in this staff report.

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the amendment with suggested modifications and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby **certifies** the County of Santa Barbara Implementation Plan/Coastal Zoning Ordinance Amendment No. LCP-4-STB-24-0064-2, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan Amendment, if modified as suggested, complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

III. SUGGESTED MODIFICATIONS

Staff recommends the Commission certify the proposed IP/CZO amendment, with two (2) suggested modifications as shown below. Language proposed to be added by the County of Santa Barbara in this amendment is shown underlined. Language recommended by Commission staff to be inserted is shown in double underline. Language recommended by Commission staff to be deleted is shown in ~~double strikethrough~~.

Suggested Modification No. 1

Section 35-144X.1 shall be modified as follows:

A. Purpose and Intent. The purpose of this Section is to implement a streamlined application review process for “qualifying streamlined housing projects”, consistent with the requirements of state law. It is intended that the provisions of this Section be interpreted, as needed, to comply with the requirements of Government Code Section 65913.4~~ or successor statue~~, as that section read on January 1, 2026.

B. Applicability. The provisions of this Section apply to applications deemed complete before January 1, 2036, that meet the criteria for “qualifying streamlined housing projects.” The Department will not accept any application under this Section after January 1, 2036, unless the state extends Government Code Section 65913.4. This Section shall not apply if the state has determined that the County is not subject to the streamlined ministerial approval process based on its housing element annual progress report, or shall apply only to projects with specific affordability restrictions under specific circumstances as described in Government Code Section 65913.4(a)(4). The provisions of this Section 35-144X will become null and void, and are repealed, once the last application deemed complete before January 1, 2036 is fully processed, unless otherwise extended by the State Legislature.

C. Qualifying Streamlined Housing Projects. For purposes of this Section, “qualifying streamlined housing projects” means housing development projects that satisfy all of the standards set forth in Government Code Section 65913.4(a). Development projects~~Qualifying streamlined housing projects are not allowed~~ in some areas of the Coastal Zone as described in Government Code Section 65913.4(a)(6), including the California Coastal Commission’s geographic appeal jurisdiction (Section 35-182.6.3.a-c), are not “qualifying streamlined housing projects.”

Suggested Modification No. 2

Section 35-144X.5 shall be modified as follows:

A. Preliminary Application/Notice of Intent Purpose and Intent. Before submitting an application for a development subject to this Section, the applicant must: (1) submit a notice of intent in the form of a preliminary application that includes all of the information described in Government Code Section 65941.1, as that section read on January 1, 2020, and (2) receive notice pursuant to Subsection C.1 below.

…

D. Consistency Determination. After receiving notification pursuant to Subsection C.1. above, the applicant may submit a complete application in accordance with Section 35-57A (Application Preparation and Filing) for development subject to streamlined review. Once submitted, the Director will review the application for consistency with the applicable criteria required for streamlined housing projects and for compliance with applicable objective zoning, subdivision, and design review standards, and the policies and provisions of the Local Coastal Program. If it is determined that the project is in conflict with any of the applicable objective standards, the applicant will

be provided with written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards. This notification will be issued in compliance with the timelines provided by Government Code Section 65913.4~~ or successor statue~~, as that section read on January 1, 2026.

…

F. Project Approval. The Director must approve a Coastal Development Permit for a project that meets all the requirements of state law and this Section, complies with all applicable objective standards, and is found consistent with all applicable policies and provisions of the Local Coastal Program within 90 days of a consistent application submittal if the development contains 150 or fewer housing units, or within 180 days of a consistent application submittal if the project contains more than 150 housing units, unless a different timeframe is established under state law. In accordance with Government Code Section 65913.4(t)(3), receipt of any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under Government Code Section 65915, as that section read on January 1, 2026, shall not constitute a basis to find the project inconsistent with the Local Coastal Program.

…

IV. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE AMENDMENT, IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the proposed Implementation Plan/Coastal Zoning Ordinance (IP/CZO) Amendment as submitted and approval of the IP/CZO Amendment if modified as suggested in Section III (Suggested Modifications) above. The Commission hereby finds and declares as follows:

A. Amendment Description

The County of Santa Barbara is requesting an amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) component of its certified Local Coastal Program (LCP) to incorporate and streamlined permit processing (ministerial review) for qualifying housing projects in certain areas of the coastal zone, in conformance with new state housing law, as required through recent updates (Senate Bill 423) to Government Code Section 65913.4. The proposed amendment adds a definition for "qualifying streamlined housing projects"; confirms the exclusion of certain geographical areas within the coastal zone; requires streamlined processing of qualifying projects, consistent with the objective standards of the LCP; and describes applicability of the streamlined review process in relation to the County's progress toward meeting its annual pro rata allocation of the Regional Housing Needs Allocation (RHNA), as determined by the California Department of Housing and Community Development (HCD) and recorded in the County's Housing Element Annual Progress Report.

Senate Bill 423 – Streamlined Ministerial Approval Process in the Coastal Zone

As amended through Senate Bill 423, Government Code Section 65913.4 creates a streamlined ministerial approval process for eligible affordable housing development projects located in jurisdictions that have not adopted a housing element that has been found in substantial compliance with state housing element law, or that have not yet made sufficient progress towards their portion of the RHNA (Gov. Code § 65913.4(a)(4)(A)), and applies to eligible sites in the coastal zone beginning January 1, 2025. The provision for a streamlined ministerial approval process only applies to projects that meet specific criteria, including minimum total unit count, minimum lower-income unit count, and urban siting and labor contract requirements. Government Code Section 65913.4 also includes requirements for potential projects considered within the coastal zone. To qualify under Section 65913.4, projects in the coastal zone require Coastal Development Permits (CDPs), and must be located: in an area subject to a certified LCP or certified LUP, within an urban area zoned for multifamily housing, outside of the Commission's geographic appeal jurisdiction, outside of areas vulnerable to five feet of sea level rise, more than 100 feet from a wetland, outside of prime agricultural land and other protected agricultural lands, and outside of various other statewide exclusion areas.

For eligible areas of the coastal zone, Section 65913.4(t)(2) requires a public agency with coastal development permitting authority to approve a CDP for a qualifying streamlined housing project if it determines that the development is consistent with all objective standards of the local government's certified LCP or – for areas that are not subject to a fully certified LCP – the certified LUP of that area.

Background

The County of Santa Barbara submitted the subject LCP Amendment to the Commission on December 19, 2024. The amendment submittal was deemed complete by Commission staff and filed on February 7, 2025. The time limit to act upon this LCP Amendment is 60 working days (May 6, 2025), unless extended pursuant to Section 30517 of the Coastal Act and California Code of Regulations Section 13535(c). On April 10, 2025, the Commission extended the 60 working day deadline for one full year (April 10, 2026), as provided by the Coastal Act, to allow the subject amendment submittal to be brought to hearing at a later date.

Commission and County staff have coordinated and met to discuss the proposed amendment. The suggested modifications were developed in cooperation with County staff, and County staff have indicated that they are supportive of the suggested modifications.

The full text of the County's proposed changes to the IP/CZO are included as **Exhibit 1** of this report.

B. Consistency Analysis

Pursuant to Section 30513 and 30514 of the Coastal Act, the standard of review for the proposed amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO)

portion of the certified LCP is whether the proposed amendment would be in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan (LUP) component of the certified LCP, including the Chapter 3 policies of the Coastal Act which have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30250 of the Coastal Act, in relevant part, states:

> Location; existing developed area
>
> (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.
>
> …

Section 30253 of the Coastal Act, in relevant part, states:

> New development shall do all of the following:
>
> (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
>
> …

County of Santa Barbara Coastal Land Use Plan Policy 1-1 states:

> The County shall adopt the policies of the Coastal Act (PRC Sections 30210 through 30263) as the guiding policies of the land use plan.

County of Santa Barbara Coastal Land Use Plan Policy 1-3 states:

> Where there are conflicts between the policies set forth in the coastal land use plan and those set forth in any element of the County's Comprehensive Plan or existing ordinances, the policies of the coastal land use plan shall take precedence.

The Chapter Three policies of the Coastal Act provide for the protection of coastal resources, requiring that new development minimize impacts to such resources and additionally minimize risks to life and property in areas of known coastal hazards. The County of Santa Barbara LCP incorporates the policies of the Coastal Act by reference, and contains several policies intended to guide balanced development that is protective of coastal resources. In order to ensure that new development is sited in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act (incorporated by reference into the certified LCP), the siting and design of new development must adhere to the requirements of other applicable policies of the certified LCP. Such policies include, but are not limited to, policies and provisions regarding bluff top development, environmentally sensitive habitat areas, public access, visual resources, and the protection of prime agricultural land and other priority land uses identified through the Coastal Act. Where conflicts arise between local ordinances and the certified land use plan (LUP), the policies of the LUP shall take precedence.

The proposed amendment would incorporate streamlined permit processing (ministerial review) for qualifying housing projects in certain areas of the coastal zone, in conformance with recent updates (Senate Bill 423) to Government Code Section 65913.4. The Streamlined Ministerial Approval Process established through Government Code Section 65913.4, which is in effect in the coastal zone as of January 1, 2025, creates a streamlined ministerial approval process for eligible affordable housing development projects located in jurisdictions that have not met their housing element targets related to regional housing needs or that have not adopted a compliant housing element. Further, Government Code Section 65913.4(t)(2) requires a public agency with coastal development permitting authority to approve a CDP for a qualifying streamlined housing project if it determines that the development is consistent with all objective standards of the local government's certified LCP. The intent of requiring certain projects to only conform to objective standards is to make clear to developers, design professionals, applicants, government staff, decision-makers, and the public what will be used in the review of project submittals in order to encourage the production of multifamily and mixed-use housing.

Government Code 65913.4 also includes the criteria to determine a project's eligibility for the streamlined ministerial approval process, which includes the following: the development project is a multifamily housing development that contains two or more residential units; it provides at least 10%, 20%, or 50% of units as affordable for lower-income households, depending on whether the jurisdiction has adopted a compliant housing element as well as the progress the jurisdiction has made on its portion of the regional housing needs allocation (RHNA); is located on a site where at least 75% of the perimeter of the site adjoins parcels developed with "urban uses" (defined as "any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses"); and the project meets certain labor and wage requirements. In addition, project sites must be located in an urban area zoned for multifamily housing and subject to a certified LCP or certified LUP, and not located in the

Commission's geographic appeal jurisdiction, in areas vulnerable to five feet of sea level rise, within 100 feet of a wetland, on prime agricultural land, or in other statewide exclusion areas. Statewide exclusion areas include very high fire hazard severity zones; hazardous waste sites; delineated earthquake fault zones; FEMA special flood hazard areas or regulatory floodways; lands identified for conservation in an adopted natural resource protection plan; prime farmland or farmland of statewide importance and lands locally designated or zoned for agricultural protection or preservation; habitat for species protected under various provisions of federal or state law; and lands under a conservation easement.

To comply with state law, the County proposes to create a new IP/CZO Section (Section 35-144X – Qualifying Housing Streamlined Review) to establish procedures for streamlined permit processing (ministerial review) of qualifying housing projects. The intent of the proposed amendment is to make the certified LCP consistent with state law by removing discretionary review from eligible projects, thus expediting the creation of new housing units subject to streamlined, ministerial approval under state housing law. On December 12, 2024, the Commission certified an IP/CZO amendment (LCP-4-STB-24-0027-1-Part A) to the County's certified LCP, subject to two suggested modifications, to update the County's provisions relating to objective design standards for multi-unit housing, in conformance with state housing laws. The Commission certified the amendment subject to Suggested Modifications 1 & 2, which (A) clarified that where compliance with only the objective standards of the LCP is required under state housing law and where an applicable coastal resource protection policy contains objective and subjective components, the objective portion(s) shall apply so that adverse impacts to coastal resources will be avoided, and (B) required that the County submit an LCP amendment within three years from the certification date of LCP-4-STB-24-0027-1-Part A to incorporate coastal resource protection and hazard minimization development standards that are objective standards to ensure that qualifying projects subject to only the objective standards of the LCP under state housing laws are consistent with the Coastal Act to the maximum extent feasible. The subject amendment includes reference to the previously certified objective design standards as well as incorporates the requirement for qualifying housing projects to comply with the objective components of coastal resource protection policies and provisions and avoid adverse impacts to coastal resources.

The proposed amendment text mainly relies upon external references to Government Code Section 65913.4 instead of inserting applicable text directly into the LCP. However, the proposed amendment text does not include the effective dates for the external Government Code references (i.e., "as that section read on [date]"), but does include references to "successor statute[s]." As proposed, the County's language would refer to external code that could be subject to revision or replacement with future updates to state housing laws. Although Government Code Section 65913.4 currently contains safeguards for coastal resources – through siting requirements and through application of objective standards protective of coastal resources – future updates to or successor statutes of Government Code Section 65913.4 could potentially have adverse impacts to coastal resources. Additionally, although the proposed amendment text references Government Code Section 65913.4(a)(6), which includes areas of the coastal zone where housing projects would not qualify for streamlined processing, the proposed amendment does not describe these

areas, which include the Commission's geographic appeal jurisdiction. The proposed amendment also omits reference to Government Code Section 65913.4 parking requirements where such reference would be appropriate. Therefore, **Suggested Modifications 1 and 2** are necessary to strike reference to "successor statute[s]", to include the effective dates for external Government Code references, and to provide clarification regarding siting eligibility and parking requirements. If modified as suggested, the proposed amendment language would bring the certified LCP into conformance with new state housing law while also upholding the existing safeguards for coastal resources included in Government Code Section 65913.4.

Therefore, for the reasons discussed above, the Commission finds that only if modified as suggested will the IP/CZO amendment regarding streamlined ministerial review conform with and be adequate to carry out the applicable policies of the certified Land Use Plan.

C. California Environmental Quality Act

Section 21080.9 of the California Public Resources Code—within the California Environmental Quality Act (CEQA)—exempts a local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission; however, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP action.

Nevertheless, the Commission is required, in approving an LCP submittal, to find that the approval of the proposed IP/CZO, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended IP/CZO will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542 and 13544.

As discussed above, the County's IP/CZO amendment as originally submitted does not conform with, and is not adequate to carry out, the policies of the Land Use Plan (LUP). The Commission has, therefore, suggested modifications to the proposed IP/CZO to include all feasible measures to ensure that potentially significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act and CEQA. For the reasons discussed in this report, the LCP amendment, as suggested to be modified, conforms with and is adequate to carry out the coastal resources protection policies of the certified LUP. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally protective alternative to bring the proposed IP/CZO amendment into conformity with the LUP consistent with the requirements of the Coastal Act. Therefore, the Commission finds that the proposed LCP amendment, as suggested to be modified, is consistent with CEQA.

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY GAVIN NEWSOM, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION

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LCP-4-STB-24-0064-2

(SB 423)

March 11, 2026

EXHIBITS

Exhibit 1 - Proposed Implementation Plan Amendment Text: Ordinance 5222

ARTICLE II COASTAL ZONING CODE ORDINANCE AMENDMENT

ORDINANCE NO. 5222

AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 7, GENERAL REGULATIONS, AND DIVISION 11, PERMIT PROCEDURES, TO ESTABLISH STREAMLINED PERMIT PROCEDURES FOR QUALIFYING HOUSING PROJECTS AS REQUIRED BY CHANGES IN STATE HOUSING LAW.

24ORD-00010

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Section 35-144X, Qualifying Housing Streamlined Review, to read as follows:

SECTION 35-144X –QUALIFYING HOUSING STREAMLINED REVIEW

Section 35-144X.1 – Purpose and Intent

A. Purpose and Intent. The purpose of this Section is to implement a streamlined application review process for "qualifying streamlined housing projects", consistent with the requirements of state law. It is intended that the provisions of this Section be interpreted, as needed, to comply with the requirements of Government Code Section 65913.4 or successor statue.

B. Applicability. The provisions of this Section apply to applications deemed complete before January 1, 2036, that meet the criteria for "qualifying streamlined housing projects." The Department will not accept any application under this Section after January 1, 2036, unless the state extends Government Code Section 65913.4. This Section shall not apply if the state has determined that the County is not subject to the streamlined ministerial approval process based on its housing element annual progress report or shall apply only to projects with specific affordability restrictions under specific circumstances as described in Government Code Section 65913.4(a)(4). The provisions of this Section 35-144X will become null and void, and are repealed, once the last application deemed complete before January 1, 2036 is fully processed, unless otherwise extended by the State Legislature.

C. Qualifying Streamlined Housing Projects. For purposes of this Section, "qualifying streamlined housing projects" means housing development projects that satisfy all of the standards set forth in Government Code Section 65913.4(a). Qualifying streamlined housing projects are not allowed in some areas of the Coastal Zone as described in Government Code Section 65913.4(a)(6).

Section 35-144X.2 - Objective Zoning and Design Standards.

Qualifying streamlined housing projects require a Coastal Development Permit in conformance with Section 35-169 (Coastal Development Permits) and do not require a conditional use permit or other

discretionary review or approval. Qualifying streamlined housing projects must comply with all objective land use regulations, development standards, and design review standards, including but not limited to objective design standards provided in Section 35-144B (Multiple Unit and Mixed-Use Housing Objective Design Standards), and policies and development standards of the Local Coastal Program in effect to protect coastal resources. Where an applicable coastal resource protection policy or provision of this Local Coastal Program contains objective and subjective components, the objective portion(s) shall apply and adverse impacts to coastal resources shall be avoided. The objective standards applied to the project shall be those in effect at the time a notice of intent in the form of a complete preliminary application is submitted pursuant to Subsection 35-144X.5.A.

Section 35-144X.3 – Parking

Qualifying streamlined housing projects are eligible for parking exemptions under certain circumstances as described in Government Code Section 65913.4(e)(1), otherwise parking requirements shall conform to those described in Government Code Section 65913.4(e)(2), provided that the project is found consistent with all applicable policies and provisions of the Local Coastal Program pertaining to coastal access.

Section 35-144X.4 – Exceptions Prohibited

Qualifying streamlined housing projects may not include a request for an exception to objective standards by applying for a variance, modification, exception, waiver, or other discretionary approval for height, density, setbacks, open yard, land use, development plan approval, or similar development standard, other than modifications granted as part of a density bonus concession or incentive pursuant to the County Density Bonus Program (Section 35-144C) or State Density Bonus Law and in accordance with Government Code Section 65913.4(t).

Section 35-144X.5 – Review Process

A. **Preliminary Application/Notice of Intent.** Before submitting an application for a development subject to this Section, the applicant must: (1) submit a notice of intent in the form of a preliminary application that includes all of the information described in Government Code Section 65941.1, and (2) receive notice pursuant to Subsection C.1 below.

B. **Public Meeting.** Public meetings are required following submittal of a notice of intent for certain projects. See Government Code Section 65913.4 (q) for definitions and implementation requirements.

C. **Scoping Consultation.** Upon receipt of a notice of intent, the Department will engage in a scoping consultation with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3.1, according to the timelines and procedures established by state law and described in Government Code Section 65913.4(b). After concluding the scoping consultation as described in Government Code Section 65913.4(b), the applicant and any California Native American tribe that is a party to that scoping consultation will be notified as follows:

1. The applicant may submit an application for review if it is determined that no potential tribal cultural resource could be affected by the proposed development, a California Native American tribe did not accept the invitation to engage in a scoping consultation, a California Native American tribe accepted an invitation to engage in a scoping consultation but substantially failed to engage in the scoping consultation after repeated documented attempts to engage, or if all parties enter into an enforceable agreement establishing the methods, measures, and conditions for treatment of the tribal cultural resource. If an agreement is reached it shall be included in the requirements and conditions for the proposed development.

2. The development is not eligible for approval under this Section if it is determined that a potential tribal cultural resource could be affected by the proposed development, and all parties do not reach an enforceable agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources. Additionally, the development is not eligible if any of the reasons included in Government Code Section 65913.4(b)(4) apply.

If the development or environmental setting substantially changes after the completion of the scoping consultation, the Department shall notify the California Native American tribes that were party to the original scoping consultation of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribes.

D. **Consistency Determination.** After receiving notification pursuant to Subsection C.1. above, the applicant may submit a complete application in accordance with Section 35-57A (Application Preparation and Filing) for development subject to streamlined review. Once submitted, the Director will review the application for consistency with the applicable criteria required for streamlined housing projects and for compliance with applicable objective zoning, subdivision, and design review standards, and the policies and provisions of the Local Coastal Program. If it is determined that the project is in conflict with any of the applicable objective standards, the applicant will be provided with written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards. This notification will be issued in compliance with the timelines provided by Government Code Section 65913.4 or successor statute.

E. **Design Review.** Design review will be completed in accordance with Section 35-144B (Multiple Unit and Mixed-Use Housing Objective Design Standards) and within the scope of the Director's review under Section 35-169 (Coastal Development Permits). Qualifying streamlined housing projects shall not be subject to separate design review approval under Section 35-184 (Board of Architectural Review) of this Code.

F. **Project Approval.** The Director must approve a Coastal Development Permit for a project that meets all the requirements of state law and this Section, complies with all applicable objective standards, and is found consistent with all applicable policies and provisions of the Local Coastal Program within 90 days of a consistent application submittal if the development contains 150 or fewer housing units, or within 180 days of a consistent application submittal if the project contains more than 150 housing units, unless a different timeframe is established under state law. In accordance with Government Code Section 65913.4(t)(3), receipt of any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which

the applicant is entitled shall not constitute a basis to find the project inconsistent with the Local Coastal Program.

G. Expiration. Notwithstanding other expiration provisions of this code, projects approved pursuant to this Section shall not have that approval expire as long as the project includes public investment in housing affordability beyond tax credits and at least 50 percent of the project units are affordable to households making at or below 80 percent of the area median income. For projects that do not meet these requirements, the project approval shall remain valid for three years from the date of final action subject to the limitations and allowances under Government Code Section 65913.4(g). Where there are conflicts between the standards in this Subsection, 35-144X.5(G) (Expiration), and the requirements in Section 35-169.6 (Permit Expiration and Extension), the provisions of this Subsection shall prevail.

H. Modifications. An applicant may request a modification to a development that has been approved under the streamlined, ministerial approval process in accordance with Section 35-169.10 (Minor Changes to Coastal Development Permits) if that request is submitted before the issuance of the final building permit required for the construction of the development. Modifications will be considered in accordance with Government Code Section 65913.4(h).

SECTION 2:

Division 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Subsection c, Decision-maker, hearing requirements and notice requirements, of Section 35-169.4.2, Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in compliance with Section 35-169.4.3, of Section 35-169.4, Processing, of Section 35-169, Coastal Development Permits, to read as follows:

c. Decision-maker, hearing requirements and notice requirements.

1) Applications for certain solar energy facilities, accessory dwelling units, junior accessory dwelling units, and qualifying housing subject to streamlined review in accordance with Section 35-144X. Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, accessory dwelling units and junior accessory dwelling units, and qualifying housing subject to streamlined review in accordance with Section 35-144X, shall be processed in compliance with the following:

a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).

b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.

c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).

2) All other applications. Applications for development other than such development specified in Subsection 2.c.1 (Applications for certain solar energy facilities, accessory dwelling units and junior accessory dwelling units, and qualifying housing subject to streamlined review in accordance with Section 35-144X), above, shall be processed in compliance with the following:

a) The decision-maker shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.

b) The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Subsection 2.d (Waiver of public hearing), below, on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.

c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).

d) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

SECTION 3:

All existing indices, section references and numbering, and figure and table numbers contained in the Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

Except as amended by this ordinance, Divisions 7 and 11 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6:

If legislation is enacted which would superseded or preempt any section or subsection of this ordinance

then the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in full force and effect without said section or subsection.

SECTION 7:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage, or on January 1, 2025, or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

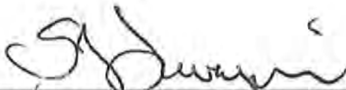
PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 3rd day of December, 2024, by the following vote:

AYES: Supervisors Williams, Capps, Hartmann, Nelson and Lavagnino

NOES: None

ABSTAIN: None

ABSENT: None



STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

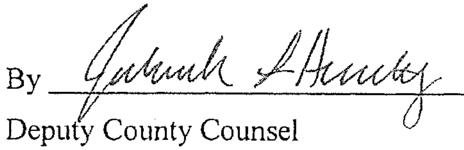
ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By
Deputy Clerk

APPROVED AS TO FORM:

RACHEL VAN MULLEM
COUNTY COUNSEL

By 
Deputy County Counsel

ARTICLE II COASTAL ZONING CODE ORDINANCE AMENDMENT

ORDINANCE NO. _______

AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 7, GENERAL REGULATIONS, AND DIVISION 11, PERMIT PROCEDURES, TO ESTABLISH STREAMLINED PERMIT PROCEDURES FOR QUALIFYING HOUSING PROJECTS AS REQUIRED BY CHANGES IN STATE HOUSING LAW.

24ORD-00010

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Section 35-144X, Qualifying Housing Streamlined Review, to read as follows:

SECTION 35-144X –QUALIFYING HOUSING STREAMLINED REVIEW

Section 35-144X.1 – Purpose and Intent

A. **Purpose and Intent.** The purpose of this Section is to implement a streamlined application review process for "qualifying streamlined housing projects", consistent with the requirements of state law. It is intended that the provisions of this Section be interpreted, as needed, to comply with the requirements of Government Code Section 65913.4 or successor statue.

B. **Applicability.** The provisions of this Section apply to applications deemed complete before January 1, 2036, that meet the criteria for "qualifying streamlined housing projects." The Department will not accept any application under this Section after January 1, 2036, unless the state extends Government Code Section 65913.4. This Section shall not apply if the state has determined that the County is not subject to the streamlined ministerial approval process based on its housing element annual progress report or shall apply only to projects with specific affordability restrictions under specific circumstances as described in Government Code Section 65913.4(a)(4). The provisions of this Section 35-144X will become null and void, and are repealed, once the last application deemed complete before January 1, 2036 is fully processed, unless otherwise extended by the State Legislature.

C. **Qualifying Streamlined Housing Projects.** For purposes of this Section, "qualifying streamlined housing projects" means housing development projects that satisfy all of the standards set forth in Government Code Section 65913.4(a). Qualifying streamlined housing projects are not allowed in some areas of the Coastal Zone as described in Government Code Section 65913.4(a)(6).

Section 35-144X.2 - Objective Zoning and Design Standards.

Qualifying streamlined housing projects require a Coastal Development Permit in conformance with Section 35-169 (Coastal Development Permits) and do not require a conditional use permit or other

discretionary review or approval. Qualifying streamlined housing projects must comply with all objective land use regulations, development standards, and design review standards, including but not limited to objective design standards provided in Section 35-144B (Multiple Unit and Mixed-Use Housing Objective Design Standards), and policies and development standards of the Local Coastal Program in effect to protect coastal resources. Where an applicable coastal resource protection policy or provision of this Local Coastal Program contains objective and subjective components, the objective portion(s) shall apply and adverse impacts to coastal resources shall be avoided. The objective standards applied to the project shall be those in effect at the time a notice of intent in the form of a complete preliminary application is submitted pursuant to Subsection 35-144X.5.A.

Section 35-144X.3 – Parking

Qualifying streamlined housing projects are eligible for parking exemptions under certain circumstances as described in Government Code Section 65913.4(e)(1), otherwise parking requirements shall conform to those described in Government Code Section 65913.4(e)(2), provided that the project is found consistent with all applicable policies and provisions of the Local Coastal Program pertaining to coastal access.

Section 35-144X.4 – Exceptions Prohibited

Qualifying streamlined housing projects may not include a request for an exception to objective standards by applying for a variance, modification, exception, waiver, or other discretionary approval for height, density, setbacks, open yard, land use, development plan approval, or similar development standard, other than modifications granted as part of a density bonus concession or incentive pursuant to the County Density Bonus Program (Section 35-144C) or State Density Bonus Law and in accordance with Government Code Section 65913.4(t).

Section 35-144X.5 – Review Process

A. **Preliminary Application/Notice of Intent.** Before submitting an application for a development subject to this Section, the applicant must: (1) submit a notice of intent in the form of a preliminary application that includes all of the information described in Government Code Section 65941.1, and (2) receive notice pursuant to Subsection C.1 below.

B. **Public Meeting.** Public meetings are required following submittal of a notice of intent for certain projects. See Government Code Section 65913.4 (q) for definitions and implementation requirements.

C. **Scoping Consultation.** Upon receipt of a notice of intent, the Department will engage in a scoping consultation with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3.1, according to the timelines and procedures established by state law and described in Government Code Section 65913.4(b). After concluding the scoping consultation as described in Government Code Section 65913.4(b), the applicant and any California Native American tribe that is a party to that scoping consultation will be notified as follows:

1. The applicant may submit an application for review if it is determined that no potential tribal cultural resource could be affected by the proposed development, a California Native American tribe did not accept the invitation to engage in a scoping consultation, a California Native American tribe accepted an invitation to engage in a scoping consultation but substantially failed to engage in the scoping consultation after repeated documented attempts to engage, or if all parties enter into an enforceable agreement establishing the methods, measures, and conditions for treatment of the tribal cultural resource. If an agreement is reached it shall be included in the requirements and conditions for the proposed development.

2. The development is not eligible for approval under this Section if it is determined that a potential tribal cultural resource could be affected by the proposed development, and all parties do not reach an enforceable agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources. Additionally, the development is not eligible if any of the reasons included in Government Code Section 65913.4(b)(4) apply.

If the development or environmental setting substantially changes after the completion of the scoping consultation, the Department shall notify the California Native American tribes that were party to the original scoping consultation of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribes.

D. **Consistency Determination.** After receiving notification pursuant to Subsection C.1. above, the applicant may submit a complete application in accordance with Section 35-57A (Application Preparation and Filing) for development subject to streamlined review. Once submitted, the Director will review the application for consistency with the applicable criteria required for streamlined housing projects and for compliance with applicable objective zoning, subdivision, and design review standards, and the policies and provisions of the Local Coastal Program. If it is determined that the project is in conflict with any of the applicable objective standards, the applicant will be provided with written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards. This notification will be issued in compliance with the timelines provided by Government Code Section 65913.4 or successor statute.

E. **Design Review.** Design review will be completed in accordance with Section 35-144B (Multiple Unit and Mixed-Use Housing Objective Design Standards) and within the scope of the Director's review under Section 35-169 (Coastal Development Permits). Qualifying streamlined housing projects shall not be subject to separate design review approval under Section 35-184 (Board of Architectural Review) of this Code.

F. **Project Approval.** The Director must approve a Coastal Development Permit for a project that meets all the requirements of state law and this Section, complies with all applicable objective standards, and is found consistent with all applicable policies and provisions of the Local Coastal Program within 90 days of a consistent application submittal if the development contains 150 or fewer housing units, or within 180 days of a consistent application submittal if the project contains more than 150 housing units, unless a different timeframe is established under state law. In accordance with Government Code Section 65913.4(t)(3), receipt of any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which

the applicant is entitled shall not constitute a basis to find the project inconsistent with the Local Coastal Program.

G. **Expiration.** Notwithstanding other expiration provisions of this code, projects approved pursuant to this Section shall not have that approval expire as long as the project includes public investment in housing affordability beyond tax credits and at least 50 percent of the project units are affordable to households making at or below 80 percent of the area median income. For projects that do not meet these requirements, the project approval shall remain valid for three years from the date of final action subject to the limitations and allowances under Government Code Section 65913.4(g). Where there are conflicts between the standards in this Subsection, 35-144X.5(G) (Expiration), and the requirements in Section 35-169.6 (Permit Expiration and Extension), the provisions of this Subsection shall prevail.

H. **Modifications.** An applicant may request a modification to a development that has been approved under the streamlined, ministerial approval process in accordance with Section 35-169.10 (Minor Changes to Coastal Development Permits) if that request is submitted before the issuance of the final building permit required for the construction of the development. Modifications will be considered in accordance with Government Code Section 65913.4(h).

SECTION 2:

Division 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Subsection c, Decision-maker, hearing requirements and notice requirements, of Section 35-169.4.2, Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in compliance with Section 35-169.4.3, of Section 35-169.4, Processing, of Section 35-169, Coastal Development Permits, to read as follows:

c. **Decision-maker, hearing requirements and notice requirements.**

1) **Applications for certain solar energy facilities, accessory dwelling units, ~~and~~ junior accessory dwelling units, and qualifying housing subject to streamlined review in accordance with Section 35-144X.** Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, accessory dwelling units and junior accessory dwelling units, and qualifying housing subject to streamlined review in accordance with Section 35-144X, shall be processed in compliance with the following:

a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).

b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.

c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).

2) **All other applications.** Applications for development other than such development specified in Subsection 2.c.1 (Applications for certain solar energy facilities, ~~and~~ accessory dwelling units and junior accessory dwelling units, and qualifying housing subject to streamlined review in accordance with Section 35-144X), above, shall be processed in compliance with the following:

a) The decision-maker shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.

b) The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Subsection 2.d (Waiver of public hearing), below, on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.

c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).

d) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

SECTION 3:

All existing indices, section references and numbering, and figure and table numbers contained in the Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

Except as amended by this ordinance, Divisions 7 and 11 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6:

If legislation is enacted which would superseded or preempt any section or subsection of this ordinance

then the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in full force and effect without said section or subsection.

SECTION 7:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage, or on January 1, 2025, or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this __________ day of _______________, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

____
STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By ____________________________
Deputy Clerk

APPROVED AS TO FORM:

RACHEL VAN MULLEM
COUNTY COUNSEL

By ___________________________

Deputy County Counsel

G:\GROUP\COMP\Ordinances\Housing Bill Implementation\SB 35 Coastal Zone\BOS 12.3.24\Attachment 3. CZO Amendment with Changes Shown _AB3122.docx

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY GAVIN NEWSOM, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT OFFICE
89 S. CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001
(805) 585-1800

W11a

ADDENDUM

March 10, 2026

TO: Coastal Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: **Addendum to Item W11a, Proposed Major Amendment No. LCP-4-STB-24-0064-2 (SB 423) for the Commission Meeting of Wednesday, March 11, 2026**

The purpose of this addendum is to attach and respond to correspondence received from the public, and to make revisions to the staff report.

I. CORRESPONDENCE RECEIVED AND STAFF'S RESPONSE

Following publishing of the staff report, a total of two emails and one letter were received in relation to this item. On February 27, 2026 and March 3, 2026, Commission staff received comment emails from Jana Zimmer in response to the Commission staff report, which are both included in the "Correspondence" file for this item. The first comment email (February 27, 2026) expressed concerns related to County implementation of a separate bill (SB 9), which the subject amendment does not address. Staff contacted Ms. Zimmer to provide clarification, and on March 3, 2026, a second email was received from Ms. Zimmer in relation to the County's proposed implementation of SB 423 through the subject amendment. The second message expresses concerns with the County's proposed LCP amendment and requests that the Commission require several additional suggested modifications to the proposed ordinance to provide additional clarification, specifically regarding application processing and the applicability of the proposed LCP Section to projects of "two units or more" in size.

First, Ms. Zimmer requests modifications to the proposed amendment to clarify that "qualifying streamlined housing projects" include projects that contain two units. However, Coastal Zoning Ordinance Section 35-144X.1(c) of the proposed amendment already defines "qualifying streamlined housing projects" as "housing development projects that satisfy all of the standards set forth in Government Code Section 65913.4(a)." Government Code Section 65913.4(a), in turn, states that qualifying streamlined housing projects must meet several criteria, including that the proposed project is a "multifamily housing development that contains two or more residential units" (Government Code Section

65913.4(a)(1)). As such, the IP, as proposed to be amended, is already clear on this point and Ms. Zimmer’s requested change is unnecessary.

Ms. Zimmer also requests that qualifying projects not be subject to any preliminary application/notice of intent requirement. However, Government Code Section 65913.4(b)(1)(A)(i) requires applicants of qualifying streamlined housing projects to submit a notice of intent before submitting a full application in order to provide the local government time to engage in tribal consultation. Removing this requirement would not appear to be consistent with this provision, nor does staff believe that there is a Land Use Plan basis to require it. The other requests in Ms. Zimmer’s suggested clarification to Suggested Modification No. 3 are also unnecessary, as they include provisions related to the timing of local government determinations of eligibility and approvals that are already required by state law.

Ms. Zimmer also requests changes to Coastal Zoning Ordinance Section 35-144X.4 to allow qualifying housing projects to obtain exceptions to objective standards in relation to fire standards. Staff does not believe there is a Land Use Plan basis to make this change. In addition, allowing exceptions to fire standards would appear to require the County to make discretionary decisions regarding whether the exception is warranted and what alternative fire safety measures could be implemented. Such discretionary actions are not permissible under streamlined, ministerial review. This is not to say that proposed development projects could not obtain such exceptions; they simply cannot do it if an applicant chooses to proceed through the ministerial review process for qualifying streamlined housing projects under Government Code Section 65913.4 and the corresponding LCP provisions.

The County of Santa Barbara has responded to the comments provided by Ms. Zimmer, expressing their disagreement with Ms. Zimmer's proposed changes to the subject amendment and providing clarification regarding Ms. Zimmer's comments made in relation to the County's implementation of SB 9, which is unrelated to the proposed amendment. The County's response is included in the Correspondence file for this item.

II. CHANGES TO STAFF REPORT

A. The February 26, 2026 staff report is revised to include two additional exhibits. Exhibits 2 and 3 provide Government Code sections referenced in the staff report, as they read on the dates cited in staff’s recommended suggested modifications. The bottom of Page 3 of the staff report shall be modified as follows (Language to be added to the staff report is shown in underlined text, and language to be deleted is identified by ~~strikeout~~):

Exhibits

Exhibit 1 - Proposed Implementation Plan Amendment Text: Ordinance 5222
Exhibit 2 - Government Code Section 65913.4 (January 1, 2026)
Exhibit 3 - Government Code Section 65941.1 (June 30, 2025)

B. In addition, the February 26, 2026 staff report is modified to revise Suggested Modification No. 2, specifically language in Coastal Zoning Ordinance Section 35-144X.5, Subsections A and F (There are no changes to Subsection D). In Subsection A, the date of the correct version of Government Code Section 65941.1 is updated to June 30, 2025.

With regard to Subsection F, the County's proposed language tracks text in Government Code Section 65913.4(t)(3)) which explicitly references the interplay between Density Bonus Law and the Coastal Act. Thus, the entire suggested change is not necessary and the date reference is deleted. With these minor changes, Suggested Modification No. 2 reads as follows:

Suggested Modification No. 2

Section 35-144X.5 shall be modified as follows:

A. Preliminary Application/Notice of Intent Purpose and Intent. Before submitting an application for a development subject to this Section, the applicant must: (1) submit a notice of intent in the form of a preliminary application that includes all of the information described in Government Code Section 65941.1, as that section read on June 30, 2025, and (2) receive notice pursuant to Subsection C.1 below.

…

D. Consistency Determination. After receiving notification pursuant to Subsection C.1. above, the applicant may submit a complete application in accordance with Section 35-57A (Application Preparation and Filing) for development subject to streamlined review. Once submitted, the Director will review the application for consistency with the applicable criteria required for streamlined housing projects and for compliance with applicable objective zoning, subdivision, and design review standards, and the policies and provisions of the Local Coastal Program. If it is determined that the project is in conflict with any of the applicable objective standards, the applicant will be provided with written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards. This notification will be issued in compliance with the timelines provided by Government Code Section 65913.4 ~~or successor statue,~~ as that section read on January 1, 2026.

…

F. Project Approval. The Director must approve a Coastal Development Permit for a project that meets all the requirements of state law and this Section, complies with all applicable objective standards, and is found consistent with all applicable policies and provisions of the Local Coastal Program within 90 days of a consistent application submittal if the development contains 150 or fewer housing units, or within 180 days of a consistent application submittal if the project contains more than 150 housing units, unless a different timeframe is established under state law. In accordance with Government Code Section 65913.4(t)(3), receipt of any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under Government Code Section 65915 shall not constitute a basis to find the project inconsistent with the Local Coastal Program.

…

Exhibit 2 - Government Code Section 65913.4 (January 1, 2026)

State of California

GOVERNMENT CODE

Section 65913.4

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

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

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

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

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

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

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

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

(III) The site meets the requirements of Section 65852.24.

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

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

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

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

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

(4) The development satisfies clause (i) or (ii) of subparagraph (A) and satisfies subparagraph (B) below:

(A) (i) For a development located in a locality that is in its sixth or earlier housing element cycle, the development is located in either of the following:

(I) In a locality that the department has determined is subject to this clause on the basis that the number of units that have been issued building permits, as shown on the most recent production report received by the department, is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subclause until the department's determination for the next reporting period.

(II) In a locality that the department has determined is subject to this clause on the basis that the locality did not adopt a housing element that has been found in substantial compliance with housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3) by the department. A locality shall remain eligible under this subclause until such time as the locality adopts a housing element that has been found in substantial compliance with housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3) by the department.

(ii) For a development located in a locality that is in its seventh or later housing element cycle, is located in a locality that the department has determined is subject to this clause on the basis that the locality did not adopt a housing element that has been found in substantial compliance with housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3) by the department by the statutory deadline, or that the number of units that have been issued building permits, as shown on the most recent production report received by the department, is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period.

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

(i) The locality did not adopt a housing element pursuant to Section 65588 that has been found in substantial compliance with the housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3) by the department, did not submit its latest production report to the department by the time period required by Section 65400, or that production report submitted to the department reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project does one of the following:

(I) For for-rent projects, the project dedicates a minimum of 10 percent of the total number of units, before calculating any density bonus, to housing affordable to households making at or below 50 percent of the area median income. However, if

the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 50 percent of the area median income, that local ordinance applies.

(II) For for-sale projects, the project dedicates a minimum of 10 percent of the total number of units, before calculating any density bonus, to housing affordable to households making at or below 80 percent of the area median income. However, if the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that local ordinance applies.

(III) (ia) If the project is located within the San Francisco Bay area, the project, in lieu of complying with subclause (I) or (II), may opt to abide by this subclause. Projects utilizing this subclause shall dedicate 20 percent of the total number of units, before calculating any density bonus, to housing affordable to households making below 100 percent of the area median income with the average income of the units at or below 80 percent of the area median income. However, a local ordinance adopted by the locality applies if it requires greater than 20 percent of the units be dedicated to housing affordable to households making at or below 100 percent of the area median income, or requires that any of the units be dedicated at a level deeper than 100 percent. In order to comply with this subclause, the rent or sale price charged for units that are dedicated to housing affordable to households between 80 percent and 100 percent of the area median income shall not exceed 30 percent of the gross income of the household.

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

(ii) (I) The locality's latest production report reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the regional housing needs assessment cycle for that reporting period, and one of the following conditions exist:

(ia) The project seeking approval dedicates 50 percent of the total number of units, before calculating any density bonus, to housing affordable to households making at or below 80 percent of the area median income.

(ib) The project application was submitted prior to January 1, 2019, and the project includes at least 500 units of housing, the project seeking approval or seeking a modification to a prior approval dedicates 20 percent of the total number of units, before calculating any density bonus, as affordable units, with at least 9 percent affordable to households making at or below 50 percent of the area median income and the remainder affordable to households making at or below 80 percent of the area median income.

(II) Notwithstanding the conditions described in sub-subclauses (ia) and (ib) of subclause (I), if the locality has adopted a local ordinance that requires that greater than 50 percent, or greater than 20 percent as applicable, of the units be dedicated to

housing affordable to households making at or below 80 percent of the area median income, that local ordinance applies.

(III) For purposes of this clause, the reference to units affordable to very low income households includes units affordable to acutely low income households, as defined in Section 50063.5 of the Health and Safety Code, and to extremely low income households, as defined in Section 50106 of the Health and Safety Code.

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

(C) (i) A development proponent that uses a unit of affordable housing to satisfy the requirements of subparagraph (B) may also satisfy any other local or state requirement for affordable housing, including local ordinances or the Density Bonus Law in Section 65915, provided that the development proponent complies with the applicable requirements in the state or local law. If a local requirement for affordable housing requires units that are restricted to households with incomes higher than the applicable income limits required in subparagraph (B), then units that meet the applicable income limits required in subparagraph (B) shall be deemed to satisfy those local requirements for higher income units.

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

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

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

(5) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards for which the development is eligible pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section, or at the time a notice of intent is submitted pursuant to subdivision (b), whichever occurs earlier. For purposes of this paragraph, "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may

include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

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

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

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

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

(E) A project that satisfies the requirements of Section 65852.24 shall be deemed consistent with objective zoning standards, objective design standards, and objective subdivision standards if the project is consistent with the provisions of subdivision (b) of Section 65852.24 and if none of the square footage in the project is designated for hotel, motel, bed and breakfast inn, or other transient lodging use, except for a residential hotel. For purposes of this subdivision, "residential hotel" shall have the same meaning as defined in Section 50519 of the Health and Safety Code.

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

(A) (i) An area of the coastal zone subject to paragraph (1) or (2) of subdivision (a) of Section 30603 of the Public Resources Code.

(ii) An area of the coastal zone that is not subject to a certified local coastal program or a certified land use plan.

(iii) An area of the coastal zone that is vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government's coastal hazards vulnerability assessment.

(iv) In a parcel within the coastal zone that is not zoned for multifamily housing.

(v) In a parcel in the coastal zone and located on either of the following:

(I) On, or within a 100-foot radius of, a wetland, as defined in Section 30121 of the Public Resources Code.

(II) On prime agricultural land, as defined in Sections 30113 and 30241 of the Public Resources Code.

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

or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

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

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code. This subparagraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions:

(i) Section 4291 of the Public Resources Code or Section 51182, as applicable.

(ii) Section 4290 of the Public Resources Code.

(iii) Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).

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

(i) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.

(ii) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

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

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

that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

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

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

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

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

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

(K) Lands under conservation easement.

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

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

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

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

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

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

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

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

(8) Except as provided in paragraph (9), a proponent of a development project approved by a local government pursuant to this section shall require in contracts with construction contractors, and shall certify to the local government, that the following standards specified in this paragraph will be met in project construction, as applicable:

(A) A development that is not in its entirety a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code and approved by a local government pursuant to Article 2 (commencing with Section 65912.110) or Article 3 (commencing with Section 65912.120) shall be subject to all of the following:

(i) All construction workers employed in the execution of the development shall be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(ii) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work, and shall also provide notice of all contracts for the performance of the work to the Department of Industrial Relations, in accordance with Section 1773.35 of the Labor Code, for those portions of the development that are not a public work.

(iii) All contractors and subcontractors for those portions of the development that are not a public work shall comply with all of the following:

(I) Pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(II) Maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in that section. This subclause does not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subclause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(III) Be registered in accordance with Section 1725.6 of the Labor Code.

(B) (i) The obligation of the contractors and subcontractors to pay prevailing wages pursuant to this paragraph may be enforced by any of the following:

(I) The Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed

pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development.

(II) An underpaid worker through an administrative complaint or civil action.

(III) A joint labor-management committee through a civil action under Section 1771.2 of the Labor Code.

(ii) If a civil wage and penalty assessment is issued pursuant to this paragraph, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

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

(C) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing does not apply to those portions of a development that are not a public work if otherwise provided in a bona fide collective bargaining agreement covering the worker.

(D) The requirement of this paragraph to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(E) A development of 50 or more housing units approved by a local government pursuant to this section shall meet all of the following labor standards:

(i) The development proponent shall require in contracts with construction contractors and shall certify to the local government that each contractor of any tier who will employ construction craft employees or will let subcontracts for at least 1,000 hours shall satisfy the requirements in clauses (ii) and (iii). A construction contractor is deemed in compliance with clauses (ii) and (iii) if it is signatory to a valid collective bargaining agreement that requires utilization of registered apprentices and expenditures on health care for employees and dependents.

(ii) A contractor with construction craft employees shall either participate in an apprenticeship program approved by the California Division of Apprenticeship Standards pursuant to Section 3075 of the Labor Code, or request the dispatch of apprentices from a state-approved apprenticeship program under the terms and conditions set forth in Section 1777.5 of the Labor Code. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this clause.

(iii) Each contractor with construction craft employees shall make health care expenditures for each employee in an amount per hour worked on the development equivalent to at least the hourly pro rata cost of a Covered California Platinum level plan for two adults 40 years of age and two dependents 0 to 14 years of age for the

Covered California rating area in which the development is located. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this clause. Qualifying expenditures shall be credited toward compliance with prevailing wage payment requirements set forth in this paragraph.

(iv) (I) The development proponent shall provide to the local government, on a monthly basis while its construction contracts on the development are being performed, a report demonstrating compliance with clauses (ii) and (iii). The reports shall be considered public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) and shall be open to public inspection.

(II) A development proponent that fails to provide the monthly report shall be subject to a civil penalty for each month for which the report has not been provided, in the amount of 10 percent of the dollar value of construction work performed by that contractor on the development in the month in question, up to a maximum of ten thousand dollars ($10,000). Any contractor or subcontractor that fails to comply with clauses (ii) and (iii) shall be subject to a civil penalty of two hundred dollars ($200) per day for each worker employed in contravention of clauses (ii) and (iii).

(III) Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the procedures for issuance of civil wage and penalty assessments specified in Section 1741 of the Labor Code, and may be reviewed pursuant to Section 1742 of the Labor Code. Penalties shall be deposited in the State Public Works Enforcement Fund established pursuant to Section 1771.3 of the Labor Code.

(v) Each construction contractor shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code. Each construction contractor shall submit payroll records directly to the Labor Commissioner at least monthly in a format prescribed by the Labor Commissioner in accordance with subparagraph (A) of paragraph (3) of subdivision (a) of Section 1771.4 of the Labor Code. The records shall include a statement of fringe benefits. Upon request by a joint labor-management cooperation committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a), the records shall be provided pursuant to subdivision (e) of Section 1776 of the Labor Code.

(vi) All construction contractors shall report any change in apprenticeship program participation or health care expenditures to the local government within 10 business days, and shall reflect those changes on the monthly report. The reports shall be considered public records pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) and shall be open to public inspection.

(vii) A joint labor-management cooperation committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a) shall have standing to sue a construction contractor for failure to make health care expenditures pursuant to clause (iii) in accordance with Section 218.7, 218.8, or 218.9 of the Labor Code.

(F) For any project over 85 feet in height above grade, the following skilled and trained workforce provisions apply:

(i) Except as provided in clause (ii), the developer shall enter into construction contracts with prime contractors only if all of the following are satisfied:

(I) The contract contains an enforceable commitment that the prime contractor and subcontractors at every tier will use a skilled and trained workforce, as defined in Section 2601 of the Public Contract Code, to perform work on the project that falls within an apprenticeable occupation in the building and construction trades. However, this enforceable commitment requirement shall not apply to any scopes of work where new bids are accepted pursuant to subclause (I) of clause (ii).

(II) The developer or prime contractor shall establish minimum bidding requirements for subcontractors that are objective to the maximum extent possible. The developer or prime contractor shall not impose any obstacles in the bid process for subcontractors that go beyond what is reasonable and commercially customary. The developer or prime contractor must accept bids submitted by any bidder that meets the minimum criteria set forth in the bid solicitation.

(III) The prime contractor has provided an affidavit under penalty of perjury that, in compliance with this subparagraph, it will use a skilled and trained workforce and will obtain from its subcontractors an enforceable commitment to use a skilled and trained workforce for each scope of work in which it receives at least three bids attesting to satisfaction of the skilled and trained workforce requirements.

(IV) When a prime contractor or subcontractor is required to provide an enforceable commitment that a skilled and trained workforce will be used to complete a contract or project, the commitment shall be made in an enforceable agreement with the developer that provides the following:

(ia) The prime contractor and subcontractors at every tier will comply with this chapter.

(ib) The prime contractor will provide the developer, on a monthly basis while the project or contract is being performed, a report demonstrating compliance by the prime contractor.

(ic) The prime contractor shall provide the developer, on a monthly basis while the project or contract is being performed, the monthly reports demonstrating compliance submitted to the prime contractor by the affected subcontractors.

(ii) (I) If a prime contractor fails to receive at least three bids in a scope of construction work from subcontractors that attest to satisfying the skilled and trained workforce requirements as described in this subparagraph, the prime contractor may accept new bids for that scope of work. The prime contractor need not require that a skilled and trained workforce be used by the subcontractors for that scope of work.

(II) The requirements of this subparagraph shall not apply if all contractors, subcontractors, and craft unions performing work on the development are subject to a multicraft project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. The multicraft project labor agreement shall include all construction crafts with applicable coverage determinations for the specified scopes of work on the project pursuant to Section 1773 of the Labor Code and shall be executed by all applicable labor organizations

regardless of affiliation. For purposes of this clause, “project labor agreement” means a prehire collective bargaining agreement that establishes terms and conditions of employment for a specific construction project or projects and is an agreement described in Section 158(f) of Title 29 of the United States Code.

(III) Requirements set forth in this subparagraph shall not apply to projects where 100 percent of the units, exclusive of a manager’s unit or units, are dedicated to lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(iii) If the skilled and trained workforce requirements of this subparagraph apply, the prime contractor shall require subcontractors to provide, and subcontractors on the project shall provide, the following to the prime contractor:

(I) An affidavit signed under penalty of perjury that a skilled and trained workforce shall be employed on the project.

(II) Reports on a monthly basis, while the project or contract is being performed, demonstrating compliance with this chapter.

(iv) Upon issuing any invitation or bid solicitation for the project, but no less than seven days before the bid is due, the developer shall send a notice of the invitation or solicitation that describes the project to the following entities within the jurisdiction of the proposed project site:

(I) Any bona fide labor organization representing workers in the building and construction trades who may perform work necessary to complete the project and the local building and construction trades council.

(II) Any organization representing contractors that may perform work necessary to complete the project, including any contractors’ association or regional builders’ exchange.

(v) The developer or prime contractor shall, within three business days of a request by a joint labor-management cooperation committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a), provide all of the following:

(I) The names and Contractors State License Board numbers of the prime contractor and any subcontractors that submitted a proposal or bid for the development project.

(II) The names and Contractors State License Board numbers of contractors and subcontractors that are under contract to perform construction work.

(vi) (I) For all projects subject to this subparagraph, the development proponent shall provide to the locality, on a monthly basis while the project or contract is being performed, a report demonstrating that the self-performing prime contractor and all subcontractors used a skilled and trained workforce, as defined in Section 2601 of the Public Contract Code, unless otherwise exempt under this subparagraph. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act Division 10 (commencing with Section 7920.000) of Title 1 and shall be open to public inspection. A developer that fails to provide a complete monthly report shall be subject to a civil penalty of 10 percent of the dollar value of construction work performed by that contractor on the project in the month in question, up to a maximum of ten thousand dollars ($10,000) per month for each month for which the report has not been provided.

(II) Any subcontractors or prime contractor self-performing work subject to the skilled and trained workforce requirements under this subparagraph that fail to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars ($200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the project using the same issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Prime contractors shall not be jointly liable for violations of this subparagraph by subcontractors. Penalties shall be paid to the State Public Works Enforcement Fund or the locality or its labor standards enforcement agency, depending on the lead entity performing the enforcement work.

(III) Any provision of a contract or agreement of any kind between a developer and a prime contractor that purports to delegate, transfer, or assign to a prime contractor any obligations of or penalties incurred by a developer shall be deemed contrary to public policy and shall be void and unenforceable.

(G) A locality, and any labor standards enforcement agency the locality lawfully maintains, shall have standing to take administrative action or sue a construction contractor for failure to comply with this paragraph. A prevailing locality or labor standards enforcement agency shall distribute any wages and penalties to workers in accordance with law and retain any fees, additional penalties, or assessments.

(9) Notwithstanding paragraph (8), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages, use a workforce participating in an apprenticeship, or provide health care expenditures if it satisfies both of the following:

(A) The project consists of 10 or fewer units.

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

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

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

(ii) Upon receipt of a notice of intent to submit an application described in clause (i), the local government shall engage in a scoping consultation regarding the proposed

development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Section 21080.3.1 of the Public Resources Code, of the proposed development. In order to expedite compliance with this subdivision, the local government shall contact the Native American Heritage Commission for assistance in identifying any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development.

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

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

(ia) A description of the proposed development.

(ib) The location of the proposed development.

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

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

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

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

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

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

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

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

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

(i) Section 7927.000.

(ii) Section 7927.005.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) For purposes of this subdivision:

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

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

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

(c) (1) Notwithstanding any local law, if a local government's planning director or equivalent position determines that a development submitted pursuant to this section is consistent with the objective planning standards specified in subdivision (a) and

pursuant to paragraph (3) of this subdivision, the local government shall approve the development. Upon a determination that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), the local government staff or relevant local planning and permitting department that made the determination shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

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

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

(C) Within 30 days of submittal of any development proposal that was resubmitted to address written feedback provided by the local government pursuant to this paragraph.

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

(3) For purposes of this section, a development is consistent with the objective planning standards specified in subdivision (a) if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards. The local government shall not determine that a development, including an application for a modification under subdivision (h), is in conflict with the objective planning standards on the basis that application materials are not included, if the application contains substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

(4) Upon submittal of an application for streamlined, ministerial approval pursuant to this section to the local government, all departments of the local government that are required to issue an approval of the development prior to the granting of an entitlement shall comply with the requirements of this section within the time periods specified in paragraph (1).

(d) (1) Any design review of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for design review. That design review shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review shall be completed, and if the development is consistent with all objective standards, the local government shall approve the development as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

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

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

(2) An application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and shall be subject to the public oversight timelines set forth in paragraph (1) if the development is consistent with the requirements of this section, including, but not limited to, paragraph (8) of subdivision (a), and all objective subdivision standards in the local subdivision ordinance, and meets at least one of the following requirements:

(A) The development has received or will receive financing or funding by means of a low-income housing tax credit.

(B) The development is located on a legal parcel or parcels within either of the following:

(i) An incorporated city, the boundaries of which include some portion of an urbanized area.

(ii) An urbanized area or urban cluster in a county with a population greater than 250,000 based on the most recent United States Census Bureau data.

(iii) For purposes of this subparagraph, the following definitions apply:

(I) "Urbanized area" means an urbanized area designated by the United States Census Bureau, as published in the Federal Register, Volume 77, Number 59, on March 27, 2012.

(II) "Urban cluster" means an urban cluster designated by the United States Census Bureau, as published in the Federal Register, Volume 77, Number 59, on March 27, 2012.

(3) If a local government determines that a development submitted pursuant to this section is in conflict with any of the standards imposed pursuant to paragraph (1), it shall provide the development proponent written documentation of which objective standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that objective standard or standards consistent with the timelines described in paragraph (1) of subdivision (c).

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

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

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

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

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

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

(f) Notwithstanding any law, a local government shall not require any of the following prior to approving a development that meets the requirements of this section:

(1) Studies, information, or other materials that do not pertain directly to determining whether the development is consistent with the objective planning standards applicable to the development.

(2) (A) Compliance with any standards necessary to receive a postentitlement permit.

(B) This paragraph does not prohibit a local agency from requiring compliance with any standards necessary to receive a postentitlement permit after a permit has been issued pursuant to this section.

(C) For purposes of this paragraph, "postentitlement permit" has the same meaning as provided in subparagraph (A) of paragraph (3) of subdivision (j) of Section 65913.3.

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

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

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

(2) (A) If a local government approves a development pursuant to this section, and the project does not satisfy the requirements of subparagraphs (A) and (B) of paragraph (1), that approval shall remain valid for three years from the date of the final action establishing that approval, or if litigation is filed challenging that approval, from the date of the final judgment upholding that approval. Approval shall remain valid for a project provided construction activity, including demolition and grading activity, on the development site that has begun pursuant to a permit issued by the local jurisdiction and is in progress. For purposes of this subdivision, "in progress" means one of the following:

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

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

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

(3) If the development proponent requests a modification pursuant to subdivision (h), then the time during which the approval shall remain valid shall be extended for the number of days between the submittal of a modification request and the date of

its final approval, plus an additional 180 days to allow time to obtain a building permit. If litigation is filed relating to the modification request, the time shall be further extended during the pendency of the litigation. The extension required by this paragraph shall only apply to the first request for a modification submitted by the development proponent.

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

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

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

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

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

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

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

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

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

mitigate or avoid the adverse impact. The calculation of the square footage of construction increases shall not include underground space.

(C) (i) Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building plumbing, electrical, fire, and grading codes, may be applied to all modification applications that are submitted prior to the first building permit application. Those standards may be applied to modification applications submitted after the first building permit application if agreed to by the development proponent.

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

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

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

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

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

(3) (A) If a public improvement is necessary to implement a development that is subject to the streamlined, ministerial approval pursuant to this section, including, but not limited to, a bicycle lane, sidewalk or walkway, public transit stop, driveway, street paving or overlay, a curb or gutter, a modified intersection, a street sign or street light, landscape or hardscape, an above-ground or underground utility connection, a water line, fire hydrant, storm or sanitary sewer connection, retaining wall, and any

related work, and that public improvement is located on land owned by the local government, to the extent that the public improvement requires approval from the local government, the local government shall not exercise its discretion over any approval relating to the public improvement in a manner that would inhibit, chill, or preclude the development.

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

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

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

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

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

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

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

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

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

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

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

(*l*) For purposes of establishing the total number of units in a development under this chapter, a development or development project includes both of the following:

(1) All projects developed on a site, regardless of when those developments occur.

(2) All projects developed on sites adjacent to a site developed pursuant to this chapter if, after January 1, 2023, the adjacent site had been subdivided from the site developed pursuant to this chapter.

(m) For purposes of this section, the following terms have the following meanings:

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

(2) (A) Subject to the qualification provided by subparagraphs (B) and (C), "affordable rent" has the same meaning as set forth in Section 50053 of the Health and Safety Code.

(B) For a development for which an application pursuant to this section was submitted prior to January 1, 2019, that includes 500 units or more of housing, and that dedicates 20 percent of the total number of units, before calculating any density bonus, to housing affordable to households making at, or below, 80 percent of the area median income, affordable rent for at least 30 percent of these units shall be set at an affordable rent as defined in subparagraph (A) and "affordable rent" for the remainder of these units shall mean a rent that is consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

(C) For a development that dedicates 100 percent of units, exclusive of a manager's unit or units, to lower income households, "affordable rent" shall mean a rent that is consistent with the maximum rent levels stipulated by the public program providing financing for the development.

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

(4) "Development proponent" means the developer who submits a housing development project application to a local government under the streamlined ministerial review process pursuant to this section.

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

(6) "Health care expenditures" include contributions under Section 401(a), 501(c), or 501(d) of the Internal Revenue Code and payments toward "medical care," as defined in Section 213(d)(1) of the Internal Revenue Code.

(7) "Housing development project" has the same meaning as in Section 65589.5.

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

(9) "Moderate-income housing units" means housing units with an affordable housing cost or affordable rent for persons and families of moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(10) "Production report" means the information reported pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.

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

(12) (A) “Reporting period” means either of the following:

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

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

(B) Notwithstanding subparagraph (A), “reporting period” means annually for the City and County of San Francisco.

(13) “Urban uses” means any current or former residential, commercial, public institutional, public park that is surrounded by other urban uses, parking lot or structure, transit or transportation passenger facility, or retail use, or any combination of those uses.

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

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

(p) Notwithstanding any other law, for purposes of this section and for development in compliance with the requirements of this section on property owned by or leased to the state, the Department of General Services may act in the place of a locality or local government, at the discretion of the department.

(q) (1) For developments proposed in a census tract that is designated either as a moderate resource area, low resource area, or an area of high segregation and poverty on the most recent “CTCAC/HCD Opportunity Map” published by the California Tax Credit Allocation Committee and the Department of Housing and Community Development, within 45 days after receiving a notice of intent, as described in subdivision (b), and before the development proponent submits an application for the proposed development that is subject to the streamlined, ministerial approval process described in subdivision (c), the local government shall provide for a public meeting to be held by the city council or county board of supervisors to provide an opportunity for the public and the local government to comment on the development.

(2) The public meeting shall be held at a regular meeting and be subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

(3) If the development proposal is located within a city with a population of greater than 250,000 or the unincorporated area of a county with a population of greater than 250,000, the public meeting shall be held by the jurisdiction’s planning commission.

(4) Comments may be provided by testimony during the meeting or in writing at any time before the meeting concludes.

(5) The development proponent shall attest in writing that it attended the meeting described in paragraph (1) and reviewed the public testimony and written comments

from the meeting in its application for the proposed development that is subject to the streamlined, ministerial approval process described in subdivision (c).

(6) If the local government fails to hold the hearing described in paragraph (1) within 45 days after receiving the notice of intent, the development proponent shall hold a public meeting on the proposed development before submitting an application pursuant to this section.

(r) (1) This section shall not apply to applications for developments proposed on qualified sites that are submitted on or after January 1, 2024, but before July 1, 2025.

(2) For purposes of this subdivision, "qualified site" means a site that meets the following requirements:

(A) The site is located within an equine or equestrian district designated by a general plan or specific or master plan, which may include a specific narrative reference to a geographically determined area or map of the same. Parcels adjoined and only separated by a street or highway shall be considered to be within an equestrian district.

(B) As of January 1, 2024, the general plan applicable to the site contains, and has contained for five or more years, an equine or equestrian district designation where the site is located.

(C) As of January 1, 2024, the equine or equestrian district applicable to the site is not zoned to include residential uses, but authorizes residential uses with a conditional use permit.

(D) The applicable local government has an adopted housing element that is compliant with applicable law.

(3) The Legislature finds and declares that the purpose of this subdivision is to allow local governments to conduct general plan updates to align their general plan with applicable zoning changes.

(s) The provisions of clause (iii) of subparagraph (E) of paragraph (8) of subdivision (a) relating to health care expenditures are distinct and severable from the remaining provisions of this section. However, the remaining portions of paragraph (8) of subdivision (a) are a material and integral part of this section and are not severable. If any provision or application of paragraph (8) of subdivision (a) is held invalid, this entire section shall be null and void.

(t) (1) The changes made to this section by the act adding this subdivision shall apply in a coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code, on and after January 1, 2025.

(2) In an area of the coastal zone not excluded under paragraph (6) of subdivision (a), a development that satisfies the requirements of subdivision (a) shall require a coastal development permit pursuant to Chapter 7 (commencing with Section 30600) of Division 20 of the Public Resources Code. A public agency with coastal development permitting authority shall approve a coastal development permit if it determines that the development is consistent with all objective standards of the local government's certified local coastal program or, for areas that are not subject to a fully certified local coastal program, the certified land use plan of that area.

(3) For purposes of this section, receipt of any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to

which the applicant is entitled under Section 65915 shall not constitute a basis to find the project inconsistent with the local coastal program.

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

(v) This section shall remain in effect only until January 1, 2036, and as of that date is repealed.

(Amended by Stats. 2025, Ch. 774, Sec. 2. (SB 597) Effective January 1, 2026. Repealed as of January 1, 2036, by its own provisions.)

Exhibit 3 - Government Code Section 65941.1 (June 30, 2025)

State of California

GOVERNMENT CODE

Section 65941.1

65941.1. (a) An applicant for a housing development project, as defined in paragraph (3) of subdivision (b) of Section 65905.5, shall be deemed to have submitted a preliminary application upon providing all of the following information about the proposed project to the city, county, or city and county from which approval for the project is being sought and upon payment of the permit processing fee:

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

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

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

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

(5) The proposed number of parking spaces.

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

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

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

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

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

(C) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Article 5 (commencing with Section 78760) of Chapter 4 of Part 2 of Division 45 of the Health and Safety Code.

(D) A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.

(E) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code),

and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(F) A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.

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

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

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

(12) Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.

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

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

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

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

(C) A tsunami run-up zone.

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

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

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

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

(b) (1) A development proponent that submits a preliminary application providing the information required by subdivision (a) may include in its preliminary application a request for a preliminary fee and exaction estimate, which the city, county, or city and county shall provide within 30 business days of the submission of the preliminary application.

(2) For development fees imposed by an agency other than a city, county, or city and county, including fees levied by a school district or a special district, the development proponent shall request the fee schedule from the agency that imposes the fee, and the agency that imposes the fee shall provide the fee schedule to the development proponent without delay.

(3) For purposes of this subdivision:

(A) "Exaction" has the same meaning as defined in Section 65940.1.

(B) (i) "Fee" means a fee or charge described in the Mitigation Fee Act (Chapter 5 (commencing with Section 66000), Chapter 6 (commencing with Section 66010),

Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020)).

(ii) Notwithstanding clause (i), “fee” does not include either of the following:

(I) The cost of providing electrical or gas service from a local publicly owned utility.

(II) A charge imposed on a housing development project to comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) “Fee and exaction estimate” means a good faith estimate of the total amount of fees and exactions expected to be imposed in connection with the project.

(4) Except for the provision of the fee and exaction estimate by the local agency, nothing in this subdivision shall create or affect any rights or obligations with respect to fees or exactions.

(5) The fee and exaction estimate shall be for informational purposes only and shall not be legally binding or otherwise affect the scope, amount, or time of payment of any fee or exaction that is determined by other provisions of law.

(6) A development proponent may request a fee schedule from a city, county, or special district for fees described in Chapter 7 (commencing with Section 66012), or for the cost of providing electrical or gas service from a local publicly owned utility. The city, county, special district, or local publicly owned utility shall provide the fee schedule upon request.

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

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

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

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

(e) (1) Within 180 calendar days after submitting a preliminary application with all of the information required by subdivision (a) to a city, county, or city and county,

the development proponent shall submit an application for a development project that includes all of the information required to process the development application consistent with Sections 65940, 65941, and 65941.5.

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

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

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

(Amended by Stats. 2025, Ch. 22, Sec. 18. (AB 130) Effective June 30, 2025.)