


Agenda Report Reviewed by:  
City Manager: 

CITY OF SEBASTOPOL  
CITY COUNCIL  
AGEND ITEM

**Meeting Date:** April 20, 2021  
**To:** Honorable Mayor and City Councilmembers  
**From:** Kari Svanstrom, Planning Director  
**Subject:** Housing Law Presentation  
**Recommendation :** Receive Presentation  
**Funding:** Currently Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No X N/A  
Net General Fund Cost: N/A Amount: \$0

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

**INTRODUCTION/PURPOSE:**

The item tonight before the Council is to receive the presentation from City staff and the City's outside legal firm on State housing law and the 2019 updates.

**BACKGROUND:**

The State Legislature adopted and updated a number of laws related to housing in California in an effort to address the production of housing in California cities and counties.

**DISCUSSION:**

City staff and the City's outside legal firm will provide a presentation on the State housing law and the 2019 updates.

**PUBLIC COMMENT:**

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

**PUBLIC NOTICE:**

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date.

**FISCAL IMPACT:**

There is no fiscal impact associated with the informational presentation.

**Recommendation:**

That the City Council receive the report.

**Attachments:**

Powerpoint Presentation  
2019 Housing Law Update Summary and SB35 Checklist

**Housing Law Update**

Alex Mog, Of Counsel

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A Professional Law Corporation

April 20, 2021

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## Overview

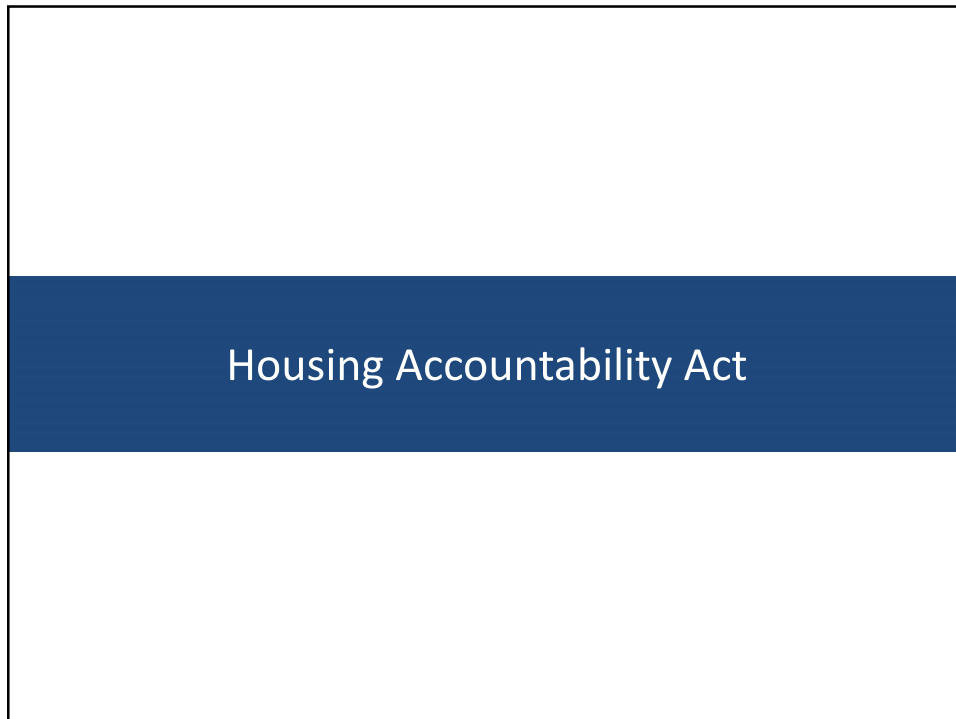
- In recent years, the Legislature has adopted numerous laws aimed at addressing the housing crisis
- Some of the laws limit local control for qualifying projects
  - Often for projects with an affordable component, but not always
- These laws are being used more and more by developers



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### Background: Housing Accountability Act


- Existing law that has been on the books for a number of years
- Law’s importance has grown in recent years
- Developers and “YIMBY” groups increasingly use HAA as tool to challenge housing project denials

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## Housing Accountability Act

- Jurisdiction cannot disapprove of housing project or approval at a lower density if it complies with applicable, objective standards in place at the time the application is **deemed complete**
- Jurisdiction must identify inconsistencies in writing within 30/60 days depending on number of units




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## Housing Accountability Act

- Objective standards involve no personal or subjective judgment by a public official and are uniformly verifiable
  - Height limits
  - Density
  - Setback requirements
- Subjective standards involve personal or subjective verifiable
  - Conforms with neighborhood character
  - Uses similar materials to surrounding buildings



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## Housing Accountability Act

- City can only deny project or approve it with lower density if preponderance of the evidence in record demonstrates
  - project would have a specific, adverse impact upon the public health or safety
  - No feasible method to satisfactorily mitigate or avoid the adverse impact
- Very difficult standard to meet
- Violations subject to \$10,000 fine per unit

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## SB 330 – Housing Crisis Act of 2019

### Modifies Housing Accountability Act

- Jurisdiction cannot disapprove of housing project/approval at a lower density if it complies with applicable, objective standards in place upon complete **preliminary application**
- Preliminary application requires less than a full, complete application
  - Must contain information required by jurisdiction's checklist, which can only require certain, limited information

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## SB 330 – Housing Crisis Act of 2019

### Modifies Housing Accountability Act

- Locks in standards earlier in development process
  - Fees can be adjusted in accordance with existing CPI escalator
- Complete application required within 180 days
  - Construction must start within 2.5 years
- Changes to the project allowed, including increasing the number of units or square footage by up to 20%
  - Project must still comply with standards in place at time preliminary application submitted

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## SB 330 – Housing Crisis Act of 2019

- **Prohibits** changes to a parcel on which residential use is allowed to a “less intensive use,” including “anything that would lessen the intensity of housing” such as:
  - Reduction in height or density
  - Increased setback requirements or maximum lot coverage requirements
- **Prohibits** moratorium on housing development, with very limited exceptions
- **Prohibits** jurisdiction from enforcing subjective design standards established after January 1, 2020

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## SB 330 – Housing Crisis Act of 2019

**These restrictions apply to an “affected” city or county**

- “affected city”
  - City within an urbanized area or urban cluster
  - Except for cities with a population of less than 5,000 not located within an urbanized area
- “affected county”
  - A census designated place that is wholly within an urbanized area
- HCD has determined Sebastopol is an “affected city”

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## SB 330 – Housing Crisis Act of 2019

- **Prohibits** growth control ordinances and similar limitations on the number of permits for housing that can be issued

Does not apply if

Limit approved by voters prior to January 1, 2005

AND

City or county is located within a county for which at least 50%, and a minimum of 550,000 acres, of the county area is agricultural land

→ Sebastopol's growth control ordinance meets these requirements and is **exempt**


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## SB 330 (cont.)

- **Prohibits** more than five hearings of any kind for projects that meet all applicable, objective standards
- **Reduces some deadlines** in the Permit Streamlining Act by 30 days for housing projects
- **Restricts demolition of existing residential units**



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## SB 35

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## SB 35

- **Allows** for streamlined ministerial approvals of multifamily residential projects that satisfy certain requirements
  
- Applies in cities that have issued fewer building permits than their share of the regional housing needs for affordable units, by income category
  - SB 35 applies in Sebastopol and almost every city in California.

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## SB 35 – Affordability

- Projects larger than 10 units must satisfy one of the following:
  - At least **10% of the units** must be affordable to households making below **80% of AMI**.
  - At least **20% of the units** must be affordable to households making below **120% of AMI**, with an average income for the units at of below 100% AMI.
  
- In cities that have met above-moderate income RHNA goal, **50% of the units** must be affordable be affordable to households making below **80% of AMI**.

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## SB 35 – Requirements

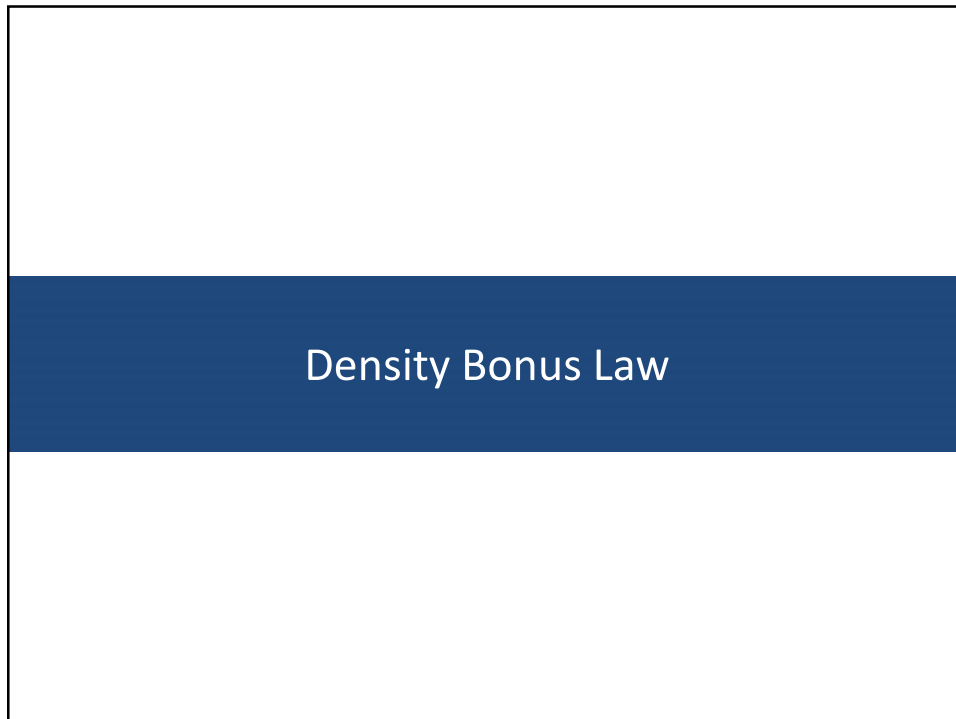
- Project site must have zoning or general plan land use designation that allows residential
  - If mixed use, at least 2/3 of square footage must be residential
- Project must comply with all **objective** zoning and design standards
- Project must comply with certain other standards
  - Some are enforced by City, others are not

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## SB 35 – Requirements

- 60 days from project submittal to determine if the project conflicts with any “objective planning standards” (90 days if project is more than 150 units).
  - Deemed compliant if response not timely given
- Any other review must occur within 90 days (180 days for large project)
- Ministerial Approval so CEQA does not apply

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A slide titled "Density Bonus Law" with a dark blue header. The main content area is white and contains a bulleted list of three points. The footer is a dark grey bar with the "meyers | nave" logo on the left, city names (Oakland, Sacramento, San Diego, Los Angeles, Santa Rosa) in the middle, and the website "meyersnave.com" and the number "20" on the right.

- Developers who build a certain percentage of affordable units in a project are entitled to a specific density bonus
  - For example: If density for a parcel is 20 units/acre and developer received a 10% density bonus, project could have a density of 22 units/acre
- The greater the percentage of affordable units, the larger the density bonus
- Inclusionary units count toward bonus

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## Density Bonus Law

Affordable Unit Percentage	Very-Low Income Density Bonus	Low Income Density Bonus	Moderate Income Density Bonus
5%	20%	-	-
8%	27.5%	-	-
10%	32.5%	20%	5%
13%	35%	24.5%	8%
15%	35%	27.5%	10%
20%	35%	35%	15%
25%	35%	35%	20%
30%	35%	35%	25%
35%	35%	35%	30%
40%	35%	35%	35%



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## Density Bonus Law

- In addition to the density bonus, qualifying projects are also entitled to up to 3 incentives
  - An incentive is a reduction in site development standards or a modification of zoning code/design requirement
  - Examples include decreased parking, increased height, elimination of required amenities or architectural standard
  
- City is required to grant the incentive unless it finds that the proposed incentive does not result in identifiable and actual cost reductions
  - City can require developer submit financial information



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## Density Bonus Law

- Density Bonus projects are also entitled to **waive** any development standard that would physically prevent the project from being built at the permitted density and with the granted incentives
- Density Bonus projects are also subject to maximum parking requirements, which can be further decreased through the use of an incentive
  - One bedroom or smaller -> 1 space
  - 2-3 Bedrooms -> 1.5 spaces




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## Density Bonus for 100% Affordable Housing Projects

- **Housing projects that contain 100% affordable units for low and very low income households**
  1. 80% density bonus
  2. Four incentives or concessions
- **Special needs housing projects or supportive housing development**
  1. All local parking requirements eliminated



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## AB 1486 – Surplus Lands Act

- **Purpose**
  - Requires local agencies to offer surplus land to agencies for open space, recreation, and affordable housing and engage in “good faith negotiations” with any interested party
  - AB 1486 is designed to broaden the Act’s application and close loopholes
    - Specific noticing requirements
- **Requires** local agencies
  - *Prior to disposing of surplus property*
  - To declare it either surplus or exempt surplus property
  - Adds new definitions of “exempt surplus” land

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## Questions?



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**20+ New Housing Laws in 2019:** Governor Newsom signed more than 20 bills into law during the 2019 legislative session that address different components of California’s housing crisis. Together, the laws create new, complex and sometimes vague and conflicting requirements for public agencies, municipalities, businesses, and non-profit organizations involved in the state’s housing sector.

### SUMMARY OF SIGNIFICANT 2019 HOUSING LEGISLATION

This document summarizes the most important of the new laws divided into five categories:

- I. Municipal control over housing development
- II. Availability of housing sites
- III. Homeless issues
- IV. Finance and development of affordable housing
- V. Tenant rights

The summary was prepared by Meyers Nave housing law experts [John Bakker](#), [Jon Goetz](#) and [Alex Mog](#). They are available by email or phone (800.464.3559) to answer questions.

## **I. New Laws Affecting Municipal Control Over Housing Development**

### **A. SB 330 [Housing Crisis Act of 2019]**

Until January 1, 2025, the Housing Crisis Act of 2019 suspends certain restrictions on the development of new housing and expedites the permitting of housing in urbanized areas of the state. SB 330 prohibits an “affected” city or county from enacting or enforcing moratoria on housing development or certain growth-control ordinances and prohibits changes to a “less intensive use,” including “anything that would lessen the intensity of housing.”

The law also strengthens the Housing Accountability Act by prohibiting an agency from disapproving a housing project or approving the project at a lower density if it complies with the applicable, objective standards in place when a project submits a complete “preliminary application” containing certain required information.

In addition, the Act contains other provisions designed to eliminate delays in the production of housing, such as prohibiting a jurisdiction from holding more than five hearings of any kind for projects that meet all applicable, objective standards. In order to implement SB 330, jurisdictions are required to develop checklists identifying information required for a project to be considered complete and for a “preliminary application.” the various provisions remain operative only until January 1, 2025.

## I. New Laws Affecting Municipal Control Over Housing Development (continued)

### B. AB 68, AB 587, AB 670, 671, AB 881, SB 13 [Accessory Dwelling Units]

The Governor signed a series of bills that significantly limit local jurisdictions' ability to restrict the development of accessory dwelling units ("ADUs"). Under the new law, a jurisdiction must ministerially approve a detached ADU that is less than 800 square feet, is shorter than 16 feet, and has at least four foot rear and side-yard setbacks, as well as a second "junior" ADU meeting certain requirements constructed within a single-family dwelling on the same parcel.

The legislation includes numerous other restrictions, such as prohibitions on lot coverage restrictions, lot size restrictions, and owner-occupancy requirements. Jurisdictions must generally review and approve compliant ADUs within 60 days, and are prohibited from imposing development impact fees, excluding connect fee or capacity charges, on ADUs smaller than 750 square feet. A jurisdiction may now choose to allow the sale of an ADU in certain circumstances.

In addition, AB 670 prohibits homeowners associations and other common interest developments from prohibiting or unreasonably restricting the development of ADUs. The laws remain in effect until January 1, 2025.

### C. AB 1485, SB 235 [SB 35 Expansion]

SB 35 (Government Code section 65913.4) allows for streamlined ministerial approvals of multifamily residential projects that meet certain criteria. Where a jurisdiction has produced less than its share of the above-moderate RHNA during the reporting period, a developer is eligible for the streamlined process if, among other requirements, 10% of the units in the development are affordable to households making at or below 80% of the area median income.

In those circumstances, AB 1485 and SB 235 will allow developments in the nine-county San Francisco Bay region the option of instead producing 20% of the units affordable to households making at or below 120% of the area median income, with an average income of 100% of area median income. Households in these units may not spend more than 30% of their incomes on housing. The bills make various other minor changes to SB 35.



## I. New Laws Affecting Municipal Control Over Housing Development (continued)

### D. **SB 450, SB 744** [CEQA Exemption for Transitional or Supportive Housing]

SB 450 provides that the conversion of a structure certified for occupancy as a motel, hotel, residential hotel, or hostel into a supportive or transitional housing facility is exempt from CEQA. In order for this exception to apply, the conversion may not result in more than a 10% expansion of the floor area in any living unit within the structure, or result in any significant effects relating to traffic, noise, air quality, or water quality.

SB 744 adopts changes to the circumstances under which a supportive housing project must be treated as a permitted use, and provides that applying for funding for supportive housing projects under California's No Place Like Home Program is not a project under CEQA.

## II. New Laws Enhancing Availability of Housing Sites

### A. **AB 1486, AB 1255** [Strengthening Surplus Lands Act]

The Surplus Land Act requires local agencies to notify other public agencies and certain non-profit housing developers and engage in good faith negotiations with them prior to disposing of surplus property. The purpose of these requirements is to make land available for open space, recreation, and affordable housing. AB 1486 continues the Legislature's recent tightening of those requirements. Among other things, it requires an agency, prior to disposing property, to either declare it surplus or exempt surplus property; expands the definition of exempt surplus property; prohibits negotiations prior to the notification; requires notification of HCD of compliance with the Surplus Lands Act's requirements; and establishes a penalty of 30% of sales price.

Additionally, AB 1255 also requires cities to create a "central inventory" of its surplus lands and report the following information to HCD as part of its annual progress report: address, parcel numbers, existing use, and size. HCD is required to make the information available in an existing publicly available database of state-owned surplus land.

### B. **SB 6** [Inventories of Land Suitable for Residential Development]

Cities and counties are required to identify land suitable for residential development in their housing elements. SB 6 requires local agencies to submit an electronic copy of "inventories of land suitable residential development" included in their housing elements that are adopted on or after January 1, 2021. The submittal must be made using standards, forms, and definitions adopted by HCD. HCD in turn will make this information available to the Department of General Services, which is required to include the information in an internet-accessible database.

## II. New Laws Enhancing Availability of Housing Sites (continued)

### C. **AB 1483** [Housing Data and Collection]

AB 1483 adds Government Code section 65940.1 to require cities, counties and special districts to put various housing development-related information on their websites and update it within 30 days of any changes. The reported information includes a schedule of fees, exactions, and affordability requirements; zoning ordinances and development standards; the list of information required of applicants for development projects under Government Code section 65940; financial reports on fees required by the Mitigation Fee Act; and an archive of impacts fee studies prepared on or after January 1, 2018.

The Legislature asserts that the foregoing are not unfunded mandates because local agencies have the authority to levy fees to pay for the effort. AB 1483 also requires HCD to develop a housing data strategy that identifies the date useful to enforce existing housing laws and inform state housing policy making.

## III. New Laws Targeting Homeless Issues

### A. **AB 101** [Budget Trailer Bill]

The Attorney General is authorized to enforce the Housing Element Law and various related provisions. AB 101 establishes a process that HCD must follow prior to the Attorney General doing so. It goes on to require fines of at least \$10,000, and up to \$100,000, per month for a jurisdiction's failure to comply with a court order to bring its housing element into compliance with state law.

AB 101 also makes "Low Barrier Navigation Centers" a "by right use" in areas "zoned for mixed use and nonresidential zones permitting multifamily uses." Finally, AB 101 directs HCD to "develop a recommended improved regional housing need allocation process and methodology that promotes and streamlines housing development and substantially addresses California's housing shortage." HCD must submit its report to the Legislature by December 31, 2022.

### B. **AB 761** [Use of State Armories as Homeless Shelters]

Currently, state owned armories in certain counties are available to the city or county in which the armory is located for use as a temporary homeless shelter during the winter months. AB 761 would authorize, at the sole discretion of the Adjutant General, the head of the California National Guard, any vacant armory to be used throughout the year as a shelter from hazardous weather for homeless individuals.

#### IV. New Laws Assisting in the Finance and Development of Affordable Housing

##### A. **AB 1763** [Density Bonus for 100% Affordable Housing Projects]

AB 1763 provides an 80% density bonus and four incentives or concessions for housing projects that contain 100% affordable units (including the density bonus units but excluding manager's units) for low and very low income households. If the project is located within a half mile of a major transit stop, the bill goes even further by eliminating all restrictions on density, and allowing a height increase of up to three stories or 33 feet. For housing projects that qualify as a special needs or supportive housing development, the legislation eliminates all local parking requirements.

The legislation is particularly suited to projects obtaining low income housing tax credits, as it adopts rent affordability standards from the low income housing tax credit program. It is also designed to be compatible with the state's Mixed Income Loan Program, which provides financing for projects restricting units up to 120% of area median income.

##### B. **AB 1487** [Bay Area Housing Finance Authority]

AB 1487 creates the Bay Area Housing Finance Authority within the nine-county San Francisco Bay Area. The Authority is jointly governed by the Board of MTC and ABAG's executive board. The Authority is authorized, subject to voter approval where required, to levy parcel taxes, business license taxes, special business taxes based on number of employees, and commercial linkage fees. It can also issue general obligation bonds. Any ballot measure authorizing one of the levies can be placed on the ballot of as few as four of the Bay Area counties.

Authority revenue must be used for construction of new affordable housing, affordable housing preservation, tenant protection programs, planning and technical assistance related to affordable housing, and for infrastructure to support housing. The law also contains guidelines for how the revenue will be distributed across the region.

##### C. **AB 1743** [Affordable Housing Project Exemption from Mello-Roos Taxes; Housing Accountability Act]

AB 1743 (Bloom) provides that affordable housing properties receiving a welfare exemption from property taxes are exempt from Mello-Roos district special taxes adopted after January 1, 2020. This bill further provides that under the Housing Accountability Act, obtaining a welfare exemption is not considered an "adverse impact" on public health or safety allowing a local government to disapprove a proposed housing project.

#### IV. New Laws Assisting in the Finance and Development of Affordable Housing (cont.)

##### D. **SB 196** [Property Tax Exemption for Community Land Trust Property]

SB 196 (Beall) provides a “welfare exemption” from property taxes for property owned by a community land trust that will be developed or rehabilitated for an affordable ownership or rental housing development. The exemption remains in effect from the time of the community land trust’s acquisition of the property until the completion and sale of the affordable homes. For completed homes located on 99 year community land trust leases, the bill establishes a rebuttable presumption that the sales price of the home is the value of the property for property tax assessment purposes.

This bill is an important protection for community land trusts, which are nonprofit organizations that promote affordable housing by retaining permanent ownership of land underlying affordable for sale and rental housing.

##### E. **AB 101** [Budget Trailer Bill]

The Governor’s proposed Budget hinted at the possibility of withholding state funds for jurisdictions that failed to meet state housing requirements. Ultimately, the Legislature took a carrot rather than a stick approach in the final budget. Jurisdictions will be given additional points in competitive grant programs for jurisdictions designated by HCD as “prohousing.” The legislation defines “prohousing local policies” as “policies that facilitate the planning, approval, or construction of housing.”

Such bonus points will be awarded in the following grant programs: (1) Affordable Housing and Sustainable Communities Program; (2) The Transformative Climate Communities Program; (3) The Infill Incentive Grant Program of 2007; and “other state grant programs where already allowable by state law.”

#### V. New Laws Adding Tenants’ Rights

##### A. **SB 329** [Prohibition on Discrimination against Section 8 Participants]

SB 329 (Mitchell) prohibits landlords from discriminating against tenants or applicants for tenancy on the basis of their use of Section 8 or other housing vouchers. State law has long prohibited housing discrimination on the basis of a tenant’s source of income, but this is the first time that the law has specifically prohibited landlords from refusing to rent to holders of housing vouchers. Many landlords dislike the burdensome administrative requirements of the Section 8 program, and widespread refusal to honor vouchers has made it difficult for voucher holders to secure rental housing.

While this new law will prevent landlords from barring voucher holders, it does not impact a landlord’s right to disapprove applicants for other reasons.

## V. New Laws Adding Tenants' Rights (continued)

### B. AB 1482 [Tenant Protection Act of 2019]

*AB 1482 (Chiu) aims to protect tenants from "rent gouging" and evictions by adopting a cap on annual rent increases and "just cause eviction" requirements.*

Beginning January 1, 2020, landlords may not increase rents more than the increase in the consumer price index plus five percent, up to ten percent per twelve month period. In recent years, the increase in the consumer price index has typically been in the range of two to three percent, so this would translate to typical rent increase caps of seven to eight percent per year. Rents which increased after March 15, 2019 in amounts higher than the cap must be rolled back on January 1 to the capped amount. The limits apply to existing tenants only, and landlords are not restricted in the initial amounts they can charge to new tenants.

There are a number of exceptions to the rent cap requirement, including housing less than fifteen years old, deed-restricted affordable housing, single family homes and condominiums (except those owned by REITs and corporations), and duplexes where the owner occupies one of the units. The AB 1482 rent cap does not preempt local rent control ordinances, which remain in effect.

*AB 1482's "just cause" limits on evictions may prove to have even more impact than the rent cap.*

The legislation eliminates landlords' ability to evict long-term tenants for no reason, something that is currently permitted primarily for month-to-month tenants. Tenants who have lived in the property for more than a year can only be evicted for specified "at-fault" or "no-fault" reasons. At-fault events include typical lease defaults such as nonpayment of rent, breach of other lease terms, or criminal activity, nuisance or waste. Landlords can terminate leases for at-fault reasons after providing tenants written notice and an opportunity to cure the default. No-fault events include things such as owners and their family members moving into the unit, removal of the unit from the rental market, or substantial remodels (not mere cosmetic changes) that require the tenants to vacate the unit for more than thirty days.

Landlords must pay tenants or waive one month of rent as a relocation payment for no-fault evictions. The exceptions from the just cause eviction rules are similar to the exemptions from the rent cap requirements. The legislation's "just cause" provisions do not apply in jurisdictions that had just cause ordinances in effect prior to September 1, 2019.

## Senate Bill No. 35 Eligibility Checklist (City of Sebastopol – 4.6.21)

Senate Bill No. 35 creates a streamlined and ministerial approval process for certain housing projects. *This checklist provides a detailed but general overview of SB 35’s requirements. Contact your legal counsel for further information.*

If any of the answers to the 11 questions is “no,” the project is not eligible for streamlined, ministerial review.

Eligibility Requirements	Yes?	No?
<b>Before an Application is submitted: Has the Applicant Complied with the Pre-Application Requirements?</b> (subd. (b)(1)(A)(i))	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>-Has applicant submitted a Notice of Intent in compliance with Gov. Code Section 65913.4(b)(1)(A)(i)?</li> <li>-Has the City completed the required scoping process with Native American Tribes?</li> </ul>		
<b>1. Has HCD determined that the local agency is subject to SB 35?</b> (subd. (a)(4)(A))	<input type="checkbox"/>	<input type="checkbox"/>
-HCD determination is based on whether the agency has issued fewer building permits than its share of the regional housing needs for affordable units, by income category, for the reporting period.		
<b>2. Is the project a multifamily housing development (2 or more units)?</b> (subd. (a)(1))	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. Has the applicant dedicated the applicable minimum percentage of affordable units in the project?</b> (subd. (a)(4)(B))	<input type="checkbox"/>	<input type="checkbox"/>
<p>If the project contains more than 10 units, then the project must satisfy one of the following:</p> <ul style="list-style-type: none"> <li>A. At least 20% of the project's total units must be dedicated as affordable to households making below 120% of AMI, with the average income of the units at or below 100% of AMI; or</li> <li>B. At least 10% of the project's total units must be dedicated as affordable to households making below 80% of AMI.</li> </ul>		
<b>5. Does at least 75% of the perimeter of the site adjoin parcels currently or formerly developed with “urban uses”?</b> (subds. (a)(2)(B), (h)(8))	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. Does the site have either zoning or a general plan designation that allows for residential use or residential mixed-use development?</b> (subd. (a)(2)(C))	<input type="checkbox"/>	<input type="checkbox"/>
For property designated for mixed use, the designation must require at least “two-thirds of the square footage of the development” to be residential.		
<b>7. Does the project not involve a subdivision of land?</b> (subd. (a)(9))	<input type="checkbox"/>	<input type="checkbox"/>
Projects can involve subdivisions if (a) they are financed with low-income housing tax credits and the applicant certifies that prevailing wages will be paid or (b) if the development is subject to a requirement that prevailing wages will be paid and a skilled and trained workforce will be used.		
<b>8. Does the project meets density requirements, “objective zoning standards,” and “objective design review standards”?</b> (subd. (a)(5))	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>-Objective standards are those 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 applicant and public official prior to submittal.</li> <li>-A project is deemed to meet housing density standards if the project density, excluding any density bonuses, is within the <i>maximum</i> density allowed within the general plan land use designation.</li> <li>-Any local policies that limit maximum unit allocations must be ignored.</li> <li>-Parking standards cannot be more than 1 space per unit; and, in certain cases, the local agency may not impose parking standards at all. (subd. (d).)</li> </ul>		

Eligibility Requirements	Yes?	No?
<p><b>9. Is the project <i>outside of</i> each of the following areas? (subds. (a)(6)–(a)(7))</b></p> <p>–Coastal zone                      –Prime farmland or farmland of statewide importance                      –Wetlands as defined under federal law                      –Earthquake fault zones                      –High or very high fire hazard severity zones                      –Hazardous waste site                      –FEMA designated flood plain or floodway                      –Protected species habitat                      –Lands under a conservation easement</p> <p>–A site that would require demolition of (a) housing subject to recorded rent restrictions, (b) housing subject to rent control, (c) housing occupied by tenants within past 10 years, or (d) an historic structure placed on a local, state, or federal register                      –A site that previously contained housing occupied by tenants within past 10 years                      –A parcel of land governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.                      –Lands designated for conservation in a habitat conservation plan</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>10. Has the project proponent certified that either that the entire development, for a project with more than 10 units, is a “public work” for purposes of the prevailing wage law or that the construction workers will be paid at least the prevailing wage? (subd. (a)(8)(A))</b></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>11. Has the project proponent certified that “a skilled and trained workforce” will be used to complete the development, if the requirement is applicable? (subd. (a)(8)(B))</b></p> <p>–In Contra Costa County, this the requirement only applies to projects of 75 or more until 2022; and projects of 50 or more thereafter.</p>	<input type="checkbox"/>	<input type="checkbox"/>

*Process Notes:*

- If a local inclusionary zoning ordinance requires more units to be affordable to households making below 80% of the area median income, the local ordinance’s requirement applies.
- Because the section 65913.4 process is ministerial, eligible projects are exempt from CEQA.
- A local agency has 60 days from project submittal to determine if the project conflicts with any “objective planning standards” (90 days if project is more than 150 units). If the agency fails to respond within the timeframes, the project is deemed to satisfy the standards. (subd. (b).)
- A local agency has 90 days from project submittal to complete any “design review or public oversight” (180 days if the project is more than 150 units). The review or oversight “shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards.” (subd. (c).)
- All citations in this document are to Government Code section 65913.4.