



August 21, 2020

Mayor Mike Anderson ([manderson@lovelafayette.org](mailto:manderson@lovelafayette.org))  
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Councilmember Steven Bliss ([sbliss@lovelafayette.org](mailto:sbliss@lovelafayette.org))  
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c/o City Clerk Joanne Robbins ([jrobbins@ci.lafayette.ca.us](mailto:jrobbins@ci.lafayette.ca.us))  
City of Lafayette  
3675 Mt. Diablo Blvd., Suite 210  
Lafayette, CA 94549

**Re: Response to Misstatements in Staff Report dated August 24, 2020 on L03-11  
Terraces of Lafayette (Deer Hill); City Council Agenda August 24, 2020**

Dear Mayor Anderson, Vice Mayor Candell, and Members of the City Council:

Staff has submitted another staff report dated August 24, 2020 for the upcoming City Council hearing on August 24, 2020. There are two significant misstatements in the staff report, respectively concerning (i) Gov. Code section 66300 and the 2015 General Plan land use designation and 2018 zoning, and (ii) that purportedly the Deer Hill property is not within the Very High Fire Hazard Severity Zone duly designated by the City of Lafayette on June 10, 2013, Ordinance No. 620, which is final and shall not be rebuttable by the state director pursuant to Gov. Code sections 51178 and 51179(d).

Staff also continues to review statistics on progress of current permit issuance on multi-family units for the 5th cycle (2015-2023) *without* mention that Lafayette's housing element was determined to be in "full compliance" through 2023 by the California Dept. of Housing and Community Development, by letter dated March 26, 2015. For purpose of the HAA, Gov. Code section 65589.5(d)(5), denial of a project is authorized if the jurisdiction's "revised housing element ... is in substantial compliance." Staff fails to mention this indisputable fact and that the City satisfies the HAA standard, erroneously *implying* that the city is required to approve this project.

The relevant pages of the August 24, 2020 staff report are attached (see FIRST ATTACHMENT). Save Lafayette hereby submits corrections and further response to these misstatements for your consideration and inclusion in the record.

SECTION 66300 BECAME APPLICABLE JAN. 1, 2020 AND HAS NO EFFECT ON THE  
SFR-LD GENERAL PLAN LAND USE DESIGNATION AND R-65 ZONING ADOPTED IN 2015  
AND 2018

The Terraces application fails to comply with the General Plan designation for the property of Low Density Single Family Residential (SFR-LD) enacted August 10, 2015 by Resolution no. 2015-51 and Single Family residential District-65 (R-65) adopted July 23, 2018, and is deficient for failure to seek a General Plan amendment and zoning change.

On p. 1 the staff report correctly notes that section 66300 became “effective on January 1, 2020” (actually effective for the period Jan. 1, 2020-Jan. 1, 2025) and that “after its effective date” downzoning of parcels in certain circumstances is restricted.

However, staff inexplicably draws the backwards conclusion that the General Plan land use designation and zoning (respectively enacted in 2015 and 2018) would somehow “not” be applicable to the Terraces application. To the contrary, the 2015 General Plan SFR-LD and 2018 R-65 residential zoning *were* lawfully adopted and in place *years before* the January 1, 2020 effective date of section 66300. Section 66300 would only apply to enactment of a general plan or zoning provision *after* January 1, 2020; the 2015 General Plan and 2018 zoning were adopted earlier and are not affected.

Section 66300 does not purport to retroactively invalidate lawful adoptions predating January 1, 2020. If it purported to do so, would be an ex post facto law unenforceable under California Constitution Art. I, Sec. 9 and the U.S. Constitution Art. I, Sec. 9, clause 3.

The staff statement that “previous” general plan and zoning amendments “are not applicable to the Project...” is erroneous. The General Plan Low Density Single Family Residential (SFR-LD) enacted August 10, 2015 and Single Family residential District-65 (R-65) adopted July 23, 2018 are applicable and legally must be applied by the City Council.

THE VERY HIGH FIRE HAZARD SEVERITY ZONE DESIGNATION ENACTED BY THE  
CITY IN 2013 IS APPLICABLE PURSUANT TO GOV. CODE 51179(d)

An equally erroneous statement appears at p. 1-2 of the staff report concerning the Very High Fire Hazard Severity Zone designation enacted by Lafayette Ordinance no. 620 on June 10, 2013 pursuant to Gov. Code section 51179. SB 330 has an exclusion for proposed housing developments in a Very High Fire Hazard Severity Zone. Gov. Code section 66300 provides (see SECOND ATTACHMENT):

*66300(f)(4). This section [66300] shall not apply to a housing development project located within a very high fire hazard severity zone. For purposes of this paragraph, “very high fire hazard severity zone” has the same meaning as provided in [Gov. Code] Section 51177.*

Gov. Code Section 51177 consists of definitions only. Subpart (i) defines very high fire hazard severity zone as an area designated by the director “pursuant to Section 51178.”



51178, in turn, refers to identification of very high fire hazard severity zones. Section 51179, in turn, provides that designation under 51178 is subject to designation by ordinance of the local agency. The local agency designation controls the identification under 51178:

51179(d) *Changes made by the local agency to the recommendations made by the director shall be final and shall not be rebuttable by the director.* (see THIRD ATTACHMENT)

The staff report omits reference to the City Council's adoption of a VHFHSZ for the Deer Hill property by Ordinance no. 620. Further, the staff report inexplicably neglects mention that Section 51178, referenced in 51177(i), is subject to the local agency's determination which "shall be final" and "shall not be rebuttable" by the state director.

This is another example of a staff error that prejudices the public and wrongly favors the Terraces application.

THE CITY'S HOUSING ELEMENT WAS CERTIFIED "IN FULL COMPLIANCE" FOR THE 2015-2023 5TH CYCLE BY THE CALIFORNIA DEPT. OF HCD

The statistical review of permits on the staff report at p. 2-3 is incomplete and misleading. The standard for denial of a proposed project under the HAA, Gov. Code section 65589.5(d)(5) is whether "the jurisdiction has adopted a revised housing element ... that is in substantial compliance." The HAA denial standard is based on the approved housing element, not mid-term numbers. The California Dept. of Housing and Community Development certified Lafayette's housing element was "in full compliance" for the period 2015-2023. (see FOURTH ATTACHMENT).

Accordingly, staff's tally of issued permits in 2019, *mid-term* for the period 2015-2023, is not the applicable standard. Staff persists in *implying* that approval of this application, which is outside of the multi-family zoned areas of Lafayette's housing element, somehow is required. It is not, and Lafayette's housing element provides for almost double the actual numbers for the current 5th cycle through 2023. The HAA does not require approval.

NOTHING IN THE HAA OR SB330 RELIEVES THE CITY COUNCIL FROM FULLY COMPLYING WITH CEQA

Lastly, staff and the developer seem to be arguing or intimating that the HAA requires the City to ignore or limit its responsibility to fully comply with the rigorous requirements of CEQA. To the contrary, CEQA is fully applicable without any limitation:

HAA, section 65589.5(e)

Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality

Act (Division 13 (commencing with Section 21000) of the Public Resources Code).  
SB 330, section 65905.5(d)

Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code [CEQA]. (see FIFTH ATTACHMENT)

The 'addendum' document fails to comply with CEQA and the City Council should so find. Please refer to the Save Lafayette letter dated August 20, 2020.

### CONCLUSION

Thank you for your attention and consideration of the foregoing.

Very truly yours,



Laurel Stanley  
Treasurer/CFO  
Save Lafayette

### Attachments:

1. Pages 1-2 of staff report dated August 24, 2020.
2. SB 330, Gov. Code section 66300(f)(4) ["This section shall not apply to a housing development project located within a very high fire hazard severity zone."]
3. Gov. Code sections 51177, 51178, 51179 ["Changes made by a local agency to the recommendations made by the director shall be final and shall not be rebuttable by the director."]
4. Letter of Calif. Dept. of Housing and Community Development dated March 26, 2015 certifying Lafayette 5th cycle (2015-2023) housing element "in full compliance."
5. Gov. Code sections 65589.5(e), 65905.5(d).

## FIRST ATTACHMENT

Pages 1-2 of staff report dated August 24, 2020.





# City of Lafayette

## City Council

### Staff Report

**Meeting Date:** Monday, August 24, 2020

**Staff:** Greg Wolff, Planning & Building Director  
Nancy Tran, Senior Planner  
Robert Hodil, Legal Counsel

**Subject:** **L03-11 Terraces of Lafayette – O’Brien Land Company, LLC (Applicant), AMD Family Trust (Owner):** Request for a Land Use Permit, Hillside Development Permit, Ridgeline Exception, Grading Permit, Design Review Permit and Tree Permit for the construction of 14 multi-family buildings consisting of 315 apartments on a vacant, approximately 22.27-acre site (7 three-story; 7 two-story) at the southwest corner of Pleasant Hill and Deer Hill Roads. The application includes construction of a two-story clubhouse and one-story leasing office, >550 surface-level parking spaces and related amenities. Development of the project would remove up to 101 trees (48 of which were previously removed pursuant to a tree permit) and involve approximately 500,000 cubic yards of earth movement. The project site is at 3233 Deer Hill Rd. (APN 232-150-027) (the “Project”).

#### BACKGROUND

On August 10, 2020, the City Council held a nearly 9-hour public hearing on the subject application which concluded with the Council voting to continue the matter to August 24, 2020. The Council asked staff to review Government Code Section 66300(f)(4) and to provide its analysis regarding the statute’s applicability to the Project. There were also questions about the status of housing production in Lafayette as it relates to the City’s Regional Housing Needs Allocation (RHNA).

#### GOVERNMENT CODE §66300(f)(4)

Government Code Section 66300, the Housing Crisis Act of 2019, was adopted by the State Legislature as part of Senate Bill (SB) 330 and became effective on January 1, 2020. Among other things, it generally prohibits, after its effective date, the “downzoning” of parcels of property in a manner that would reduce the intensity of housing that could be developed below levels allowed by the applicable general plan, any applicable specific plan, and zoning as it existed on January 1, 2018. As explained in the staff report for the Council’s August 10, 2020, hearing, previous General Plan and zoning amendments affecting the project site are not applicable to the Project due to the provisions of the Housing Accountability Act, and those amendments occurred before SB 330 became effective. Therefore, Section 66300 is not applicable to the Project.

Further, Section 66300(f)(4) creates an exception to the prohibition against “downzoning” and other restrictions imposed by Section 66300 for housing development projects located within a “very high fire hazard severity zone,” which is defined in Government Code Section 51177 as an area designated

by the Director of the California Department of Forestry and Fire Prevention (CAL FIRE) pursuant to Section 51178 that is not a state responsibility area. This exception is specific to the restrictions set forth in Section 66300, and does not apply to any other provision of the Planning and Zoning law (such as the Housing Accountability Act). In turn, Section 51178 authorizes the Director of CAL FIRE to identify areas in the state as very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. The project site has not been designated as a very high fire hazard severity zone by CAL FIRE, but rather by the Contra Costa County Fire Protection District. As such, it is not within a "very high fire hazard severity zone" as defined in Government Code Section 51177 or for purposes of Section 66300(f)(4). ?

#### STATUS OF HOUSING PRODUCTION IN LAFAYETTE

Attached please find Lafayette's 2019 Housing Element Annual Progress Report (APR) for 2019. The City Council reviewed the APR on May 11, 2020 and directed staff to submit the report to the State. Page 4 of the APR shows the status of housing production in Lafayette during the current (5<sup>th</sup>) cycle which spans 2015-2023. This table shows only those projects for which building permits were issued. The preceding pages of the APR show projects throughout all stages of development from application submittal, to completed entitlement, building permit issuance and certificate of occupancy.

Regional Housing Needs Allocation Progress								
Permitted Units Issued by Affordability								
Income Level	RHNA Allocation by Income Level	2015	2016	2017	2018	2019	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	138		2				2	136
Low	78		2	1		3	6	72
Moderate	85	3	10	9	2	14	38	47
Above Moderate	99	13	62	25	29	70	199	0
Total RHNA	400							
Total Units		16	76	35	31	87	245	255

Figure 1. Housing Production 2015-2019

(Data Source: Housing Element Annual Progress Report (Attachment 2))

Note: Future years and unnecessary labels have been omitted for graphic clarity

Affordable housing income limits are set forth in state law. The City's housing consultant, Diana Elrod, has provided a rents and sales prices calculation worksheet at Attachment 3 showing the maximum household income to qualify for a below-market-rate housing unit. The rents and sales prices are a function of the Area Median Income for Contra Costa County which is updated annually and published by the Department of Housing and Community Development.

#### PUBLIC COMMENT

Consistent with the Brown Act, the City's past practice has provided the opportunity for members of the public to comment on any item on an agenda. While the City Council closed the public hearing on August 11, 2020, at approximately 1:23am, it did not take action on the application at that time. Therefore, members of the public will be able to provide comments to the City Council on August 24th by using the link published in the meeting agenda.



## SECOND ATTACHMENT

SB 330, Gov. Code section 66300(f)(4) ["This section shall not apply to a housing development project located within a very high fire hazard severity zone."]



West's Ann.Cal.Gov.Code § **66300**

§ **66300**. Land use for housing; restrictions on development policies, standards, or conditions; exceptions; demolition of residential dwelling units; affected cities and counties; legislative intent

Effective: January 1, 2020

(a) As used in this section:

...

(f)(1) Except as provided in paragraphs (3) and (4) and subdivisions (h) and (i), this section shall prevail over any conflicting provision of this title or other law regulating housing development in this state to the extent that this section more fully advances the intent specified in paragraph (2).

(2) It is the intent of the Legislature that this section be broadly construed so as to maximize the development of housing within this state. Any exception to the requirements of this section, including an exception for the health and safety of occupants of a housing development project, shall be construed narrowly.

(3) This section shall not be construed as prohibiting the adoption or amendment of a development policy, standard, or condition in a manner that:

(A) Allows greater density.

(B) Facilitates the development of housing.

(C) Reduces the costs to a housing development project.

(D) Imposes or implements mitigation measures as necessary to comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

**(4) This section shall not apply to a housing development project located within a very high fire hazard severity zone. For purposes of this paragraph, "very high fire hazard severity zone" has the same meaning as provided in Section 51177.**

...

(Added by Stats.2019, c. 654 (S.B.330), § 13, eff. Jan. 1, 2020.)

### THIRD ATTACHMENT

Gov. Code sections 51177, 51178, 51179 ["Changes made by a local agency to the recommendations made by the director shall be final and shall not be rebuttable by the director."]





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Proposed Legislation

[West's Annotated California Codes](#)

[Government Code \(Refs & Annos\)](#)

[Title 5. Local Agencies \(Refs & Annos\)](#)

[Division 1. Cities and Counties \(Refs & Annos\)](#)

[Part 1. Powers and Duties Common to Cities and Counties \(Refs & Annos\)](#)

[Chapter 6.8. Very High Fire Hazard Severity Zones \(Refs & Annos\)](#)

West's Ann.Cal.Gov.Code § **51177**

§ **51177**. Definitions

Effective: January 1, 2010

[Currentness](#)

As used in this chapter:

(a) "Defensible space" means the area adjacent to a structure or dwelling where wildfire prevention or protection practices are implemented to provide defense from an approaching wildfire or to minimize the spread of a structure fire to wildlands or surrounding areas.

(b) "Director" means the Director of Forestry and Fire Protection.

(c) "Fuel" means any combustible material, including petroleum-based products and wildland fuels.

(d) "Fuel management" means the act or practice of controlling flammability and reducing resistance to control of fuels through mechanical, chemical, biological, or manual means or by fire, in support of land management objectives.

(e) "Local agency" means a city, county, city and county, or district responsible for fire protection within a very high fire hazard severity zone.

(f) "Single specimen tree" means any live tree that stands alone in the landscape so as to be clear of buildings, structures, combustible vegetation, or other trees, and that does not form a means of rapidly transmitting fire from the vegetation to an occupied dwelling or structure or from an occupied dwelling or structure to vegetation.

(g) "State responsibility areas" means those areas identified pursuant to [Section 4102 of the Public Resources Code](#).

(h) “Vegetation” means all plants, including trees, shrubs, grass, and perennial or annual plants.

(i) “Very high fire hazard severity zone” means an area designated by the director pursuant to [Section 51178](#) that is not a state responsibility area.

(j) “Wildfire” means an unplanned, unwanted wildland fire, including unauthorized human-caused fires, escaped wildland fire use events, escaped prescribed fire projects, and all other wildland fires where the objective is to extinguish the fire.

### Credits

(Added by [Stats.1992, c. 1188 \(A.B.337\)](#), § 1. Amended by [Stats.2008, c. 366 \(S.B.1595\)](#), § 2; [Stats.2009, c. 208 \(S.B.833\)](#), § 1.)

### Editors’ Notes

#### Relevant Additional Resources

Additional Resources listed below contain your search terms.

## HISTORICAL AND STATUTORY NOTES

Application of [Stats.1992, c. 1188 \(A.B.337\)](#), to structures located within areas designated by a local agency and to those designated by the Director of Forestry and Fire Protection as very high hazard severity zones, see Historical and Statutory Notes under **Government Code § 51175**.

For cost reimbursement provision relating to [Stats.2008, c. 366 \(S.B.1595\)](#), see Historical and Statutory Notes under **Government Code § 51175**.

Section 12 of [Stats.2009, c. 208 \(S.B.833\)](#), provides:

“SEC. 12. No reimbursement is required by this act pursuant to [Section 6 of Article XIII B of the California Constitution](#) because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of [Section 17556 of the Government Code](#), or changes the definition of a crime within the meaning of [Section 6 of Article XIII B of the California Constitution](#).”

## CROSS REFERENCES

Approval of tentative map or parcel map for area located in state responsibility area or very high fire hazard severity zone,



**§ 51177. Definitions, CA GOVT § 51177**

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required findings, see **Government Code** § 66474.02.

Local agency defined for purposes of this Division, see **Government Code** § 50001.

Local planning, preparation, adoption, and amendment of the general plan, referral to other agencies, see **Government Code** § 65352.

West's Ann. Cal. Gov. Code § 51177, CA GOVT § 51177

Current with urgency legislation through Ch. 31 of 2020 Reg.Sess. Some statute sections may be more current, see credits for details.

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End of Document

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§ **51178**. Identification of very high fire hazard severity zones; criteria

Effective: January 1, 2009

[Currentness](#)

The director shall identify areas in the state as very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors including areas where Santa Ana, Mono, and Diablo winds have been identified by the Department of Forestry and Fire Protection as a major cause of wildfire spread.

**Credits**

(Added by [Stats.1992, c. 1188 \(A.B.337\)](#), § 1. Amended by [Stats.2008, c. 366 \(S.B.1595\)](#), § 3.)



§ **51179**. Local agency designation of very high fire hazard severity zones; changes to recommendations made by director

Effective: January 1, 2019

(a) A local agency shall designate, by ordinance, very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the director pursuant to subdivisions (b) and (c) of Section 51178.

(b) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the director, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.

(c) The local agency shall transmit a copy of an ordinance adopted pursuant to subdivision (a) to the State Board of Forestry and Fire Protection within 30 days of adoption.

(d) Changes made by a local agency to the recommendations made by the director shall be final and shall not be rebuttable by the director.

(e) The State Fire Marshal shall prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones.

(f) Any ordinance adopted by a local agency pursuant to this section that substantially conforms to the model ordinance of the State Fire Marshal shall be presumed to be in compliance with the requirements of this section.

(g) A local agency shall post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the director pursuant to [Section 51178](#). If the agency amends the map, pursuant to subdivision (b) or (c) of this section, the notice shall instead identify the location of the amended map.

### Credits

(Added by [Stats.1992, c. 1188 \(A.B.337\)](#), § 1. Amended by [Stats.1998, c. 65 \(A.B.1195\)](#), § 9, eff. June 9, 1998, operative June 1, 1998; [Stats.2018, c. 624 \(S.B.1260\)](#), § 2, eff. Jan. 1, 2019; [Stats.2018, c. 641 \(A.B.2911\)](#), § 2, eff. Jan. 1, 2019.)

## FOURTH ATTACHMENT

Letter of Calif. Dept. of Housing and Community Development dated March 26, 2015 certifying Lafayette 5th cycle (2015-2023) housing element "in full compliance."

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



March 26, 2015

Mr. Steven Faulk, City Manager  
City of Lafayette  
3675 Mount Diablo Boulevard, Suite 210  
Lafayette, CA 94549

Dear Mr. Faulk:

**RE: Lafayette's 5<sup>th</sup> Cycle (2015-2023) Adopted Housing Element**

Thank you for submitting the City of Lafayette's housing element which was adopted March 9, 2015 and received for review on March 18, 2015. Pursuant to Government Code (GC) Section 65585(h), the Department is reporting the results of its review.

The Department is pleased to find the adopted housing element in full compliance with State housing element law (GC, Article 10.6). The adopted element was found to be substantially the same as the revised draft element the Department's January 23, 2015 review determined met statutory requirements.

Please note Lafayette now meets specific requirements for several state and regional funding programs designed to reward local governments for compliance with State housing element law. For example, the Housing Related Parks Program includes housing element compliance as a threshold requirement. Please see the Department's website for specific information about these and other State funding programs at [http://www.hcd.ca.gov/hpd/hrc/plan/he/loan\\_grant\\_hcompl011708.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/loan_grant_hcompl011708.pdf).

The Department appreciates the dedication and cooperation Ms. Niroop Srivatsa, Planning Department Director; Mr. Greg Wolff, Senior Planner; Ms. Linda Chan, Senior Planner; and Ms. Diana Elrod, Consultant; provided throughout the course of the housing element review. The Department wishes Lafayette success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to GC Section 65400. If the Department can provide assistance in implementing the housing element, please contact Robin Huntley, of our staff, at (916) 263-7422.

Sincerely,

Glen A. Campora  
Assistant Deputy Director



## FIFTH ATTACHMENT

Gov. Code sections 65589.5(e), 65905.5(d)

§ **65589.5**. Legislative findings and declarations; housing development projects affordable to very low, low-, or moderate-income households; emergency shelters; written findings required prior to disapproval or conditional approval; compliance with other laws; definitions; enforcement; ordinances, policies, and standards; short title

Effective: January 1, 2020

(a)(1) The Legislature finds and declares all of the following:

...

(e) Nothing in this section shall be construed to relieve the local agency from complying with the congestion management program required by Chapter 2.6 (commencing with [Section 65088](#)) of Division 1 of Title 7 or the California Coastal Act of 1976 ([Division 20 \(commencing with Section 30000\) of the Public Resources Code](#)). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to [Section 21081 of the Public Resources Code](#) or otherwise complying with the California Environmental Quality Act ([Division 13 \(commencing with Section 21000\) of the Public Resources Code](#)).

...

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

## Credits

(Added by Stats.1982, c. 1438, § 2. Amended by [Stats.1990, c. 1439 \(S.B.2011\), § 1](#); [Stats.1991, c. 100 \(S.B.162\), § 1](#), eff. July 1, 1991; [Stats.1992, c. 1356 \(S.B.1711\), § 1](#); [Stats.1994, c. 896 \(A.B.3735\), § 2](#); [Stats.1999, c. 968 \(S.B.948\), § 6](#); [Stats.2001, c. 237 \(A.B.369\), § 1](#); [Stats.2002, c. 147 \(S.B.1721\), § 1](#); [Stats.2003, c. 793 \(S.B.619\), § 3](#); [Stats.2004, c. 724 \(A.B.2348\), § 4](#); [Stats.2005, c. 601 \(S.B.575\), § 1](#); [Stats.2006, c. 888 \(A.B.2511\), § 5](#); [Stats.2007, c. 633 \(S.B.2\), § 4](#); [Stats.2010, c. 610 \(A.B.2762\), § 2](#); [Stats.2015, c. 349 \(A.B.1516\), § 2](#), eff. Jan. 1, 2016; [Stats.2016, c. 420 \(A.B.2584\), § 1](#), eff. Jan. 1, 2017; [Stats.2017, c. 368 \(S.B.167\), § 1](#), eff. Jan. 1, 2018; [Stats.2017, c. 373 \(A.B.678\), § 1](#), eff. Jan. 1, 2018; [Stats.2017, c. 378 \(A.B.1515\), § 1.5](#), eff. Jan. 1, 2018; [Stats.2018, c. 92 \(S.B.1289\), § 144](#), eff. Jan. 1, 2019; [Stats.2018, c. 243 \(A.B.3194\), § 1](#), eff. Jan. 1, 2019; [Stats.2019, c. 654 \(S.B.330\), § 3](#), eff. Jan. 1, 2020; [Stats.2019, c. 665 \(A.B.1743\), § 3.1](#), eff. Jan. 1, 2020.)

§ 65905.5. Hearings on proposed housing development projects; number allowed; zoning

Effective: January 1, 2020

(a) Notwithstanding any other law, if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, after the application is deemed complete, a city, county, or city and county shall not conduct more than five hearings pursuant to Section 65905, or any other law, ordinance, or regulation requiring a public hearing in connection with the approval of that housing development project. If the city, county, or city and county continues a hearing subject to this section to another date, the continued hearing shall count as one of the five hearings allowed under this section. The city, county, or city and county shall consider and either approve or disapprove the application at any of the five hearings allowed under this section consistent with the applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

...

(d) Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code.

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

**Credits**

(Added by Stats.2019, c. 654 (S.B.330), § 4, eff. Jan. 1, 2020.)