

ASSEMBLY BILL

No. 667

Introduced by Assembly Member Roger Hernández

February 21, 2013

An act to amend Section 65950 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 667, as introduced, Roger Hernández. Land use: development project review.

The Permit Streamlining Act within the Planning and Zoning Law requires the lead agency that has the principal responsibility for approving a development project, as defined, to approve or disapprove the project within a specified number of days from the date of certification of an environmental impact report, the date of the adoption of a negative declaration, or the determination by the lead agency that the project is exempt from the California Environmental Quality Act.

This bill would make technical, nonsubstantive changes to those provisions.

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

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

1 SECTION 1. Section 65950 of the Government Code is
2 amended to read:
3 65950. (a) Any public agency that is the lead agency for a
4 development project shall approve or disapprove the project within
5 whichever of the following periods is applicable:

1 (1) One hundred eighty days from the date of certification by
2 the lead agency of the environmental impact ~~report~~ *report*, if an
3 environmental impact report is prepared pursuant to Section 21100
4 or 21151 of the Public Resources Code for the development project.

5 (2) Ninety days from the date of certification by the lead agency
6 of the environmental impact ~~report~~ *report*, if an environmental
7 impact report is prepared pursuant to Section 21100 or 21151 of
8 the Public Resources Code for the development project and all of
9 the following conditions are met:

10 (A) At least 49 percent of the units in the development project
11 are affordable to very low or low-income households, as defined
12 by Sections 50105 and 50079.5 of the Health and Safety Code,
13 respectively. Rents for the lower income units shall be set at an
14 affordable rent, as that term is defined in Section 50053 of the
15 Health and Safety Code, for at least 30 years. Owner-occupied
16 units shall be available at an affordable housing cost, as that term
17 is defined in Section 50052.5 of the Health and Safety Code.

18 (B) Prior to the application being deemed complete for the
19 development project pursuant to Article 3 (commencing with
20 Section 65940), the lead agency received written notice from the
21 project applicant that an application has been made or will be made
22 for an allocation or commitment of financing, tax credits, bond
23 authority, or other financial assistance from a public agency or
24 federal agency, and the notice specifies the financial assistance
25 that has been applied for or will be applied for and the deadline
26 for application for that assistance, the requirement that one of the
27 approvals of the development project by the lead agency is a
28 prerequisite to the application for or approval of the application
29 for financial assistance, and that the financial assistance is
30 necessary for the project to be affordable as required pursuant to
31 subparagraph (A).

32 (C) There is confirmation that the application has been made
33 to the public agency or federal agency prior to certification of the
34 environmental impact report.

35 (3) Sixty days from the date of adoption by the lead agency of
36 the negative ~~declaration~~ *declaration*, if a negative declaration is
37 completed and adopted for the development project.

38 (4) Sixty days from the determination by the lead agency that
39 the project is exempt from the California Environmental Quality
40 Act (Division 13 (commencing with Section 21000) of the Public

1 Resources Code), if the project is exempt from the California
2 Environmental Quality Act *that act*.

3 (b) This section does not preclude a project applicant and a
4 public agency from mutually agreeing in writing to an extension
5 of any time limit provided by this section pursuant to Section
6 65957.

7 (c) For purposes of paragraph (2) of subdivision (a),
8 “development project” means a use consisting of either of the
9 following:

10 (1) Residential units only.

11 (2) Mixed-use developments consisting of residential and
12 nonresidential uses in which the nonresidential uses are less than
13 50 percent of the total square footage of the development and are
14 limited to neighborhood commercial uses and to the first floor of
15 buildings that are two or more stories. As used in this paragraph,
16 “neighborhood commercial” means small-scale general or specialty
17 stores that furnish goods and services primarily to residents of the
18 neighborhood.

19 (d) For purposes of this section, “lead agency” and “negative
20 declaration” shall have the same meaning as those terms have
21 defined in Sections 21067 and 21064 of the Public Resources Code,
22 respectively.