

**Introduced by Senator Cabaldon**

February 10, 2025

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An act to amend Sections 25131, 36934, and 65860 of the Government Code, relating to local government.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 299, as introduced, Cabaldon. Local government: ordinances.

Existing law prohibits a county or city from passing an ordinance within five days of introduction and requires the ordinance to be passed at a regular meeting or at an adjourned regular meeting, except that existing law authorizes an urgency ordinance to be passed immediately upon introduction at a regular or special meeting. Existing law requires all ordinances to be read in full at the time of introduction or passage, as specified. Existing law requires nonurgency ordinances that are altered after introduction to be passed at a regular or at an adjourned regular meeting at least five days after alteration, as specified.

This bill would instead prohibit a county or city from passing an ordinance within five days of publication, as specified, except that the bill would authorize an urgency ordinance to be passed immediately upon introduction. The bill would remove the other procedures described above.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA does not apply to the approval of ministerial projects.

Existing law requires a county or city ordinance to be consistent with the general plan of the county or city, as specified. Existing law requires a zoning ordinance to be amended within a reasonable time in the event that the ordinance becomes inconsistent with the general plan by reason of amendment to the general plan, or to any element of the plan, as specified.

This bill would authorize a county or city to deem that the adoption or amendment of a zoning ordinance or related zoning standard to comply with an amended general plan, or amended element of the plan, is subject to a streamlined, ministerial approval process. By establishing a streamlined, ministerial approval process for certain housing developments, this bill would expand the exemption for the ministerial approval of projects under CEQA.

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 25131 of the Government Code is  
2 amended to read:  
3 25131. ~~Ordinances~~—(a) *Except as provided in subdivision (b),*  
4 *an ordinance* shall not be passed within five days of ~~their~~  
5 ~~introduction, nor at other than a regular meeting or at an adjourned~~  
6 ~~regular meeting. However, an~~ *its publication in accordance with*  
7 *paragraph (1) of subdivision (b) of Section 25124.*  
8 (b) *An urgency ordinance may be passed immediately upon*  
9 ~~introduction and either at a regular or special meeting. Except~~  
10 ~~when, after reading the title, further reading is waived by regular~~  
11 ~~motion adopted by majority vote, all ordinances shall be read in~~  
12 ~~full either at the time of introduction or passage; provided,~~  
13 ~~however, that a reading of the title or ordinance shall not be~~  
14 ~~required if the title is included on the published agenda and a copy~~  
15 ~~of the full ordinance is made available to the public online and in~~  
16 ~~print at the meeting before the introduction or passage. When~~  
17 ~~ordinances, other than urgency ordinances, are altered after~~  
18 ~~introduction, they shall be passed only at a regular or at an~~  
19 ~~adjourned regular meeting held at least five days after alteration.~~  
20 ~~Corrections of typographical or clerical errors are not alterations~~  
21 ~~within the meaning of this section. This section shall not apply to~~

1 ~~ordinances which by statute can be passed only after notice and a~~  
2 ~~public hearing.~~ *introduction.*

3 SEC. 2. Section 36934 of the Government Code is amended  
4 to read:

5 36934. ~~Ordinances~~ *(a) Except as provided in subdivision (b),*  
6 *an ordinance* shall not be passed within five days of ~~their~~  
7 ~~introduction, nor at other than a regular meeting or at an adjourned~~  
8 ~~regular meeting. However, an~~ *its publication in accordance with*  
9 *paragraph (1) of subdivision (c) of Section 36933.*

10 *(b) An urgency ordinance* may be passed immediately upon  
11 ~~introduction and either at a regular or special meeting. Except~~  
12 ~~when, after reading the title, further reading is waived by regular~~  
13 ~~motion adopted by majority vote all ordinances shall be read in~~  
14 ~~full either at the time of introduction or passage; provided,~~  
15 ~~however, that a reading of the title or ordinance shall not be~~  
16 ~~required if the title is included on the published agenda and a copy~~  
17 ~~of the full ordinance is made available to the public online and in~~  
18 ~~print at the meeting prior to the introduction or passage. When~~  
19 ~~ordinances, other than urgency ordinances, are altered after~~  
20 ~~introduction, they shall be passed only at a regular or at an~~  
21 ~~adjourned regular meeting held at least five days after alteration.~~  
22 ~~Corrections of typographical or clerical errors are not alterations~~  
23 ~~within the meaning of this section.~~ *introduction.*

24 SEC. 3. Section 65860 of the Government Code is amended  
25 to read:

26 65860. (a) County or city zoning ordinances shall be consistent  
27 with the general plan of the county or city by January 1, 1974. A  
28 zoning ordinance shall be consistent with a city or county general  
29 plan only if both of the following conditions are met:

30 (1) The city or county has officially adopted a plan.

31 (2) The various land uses authorized by the ordinance are  
32 compatible with the objectives, policies, general land uses, and  
33 programs specified in the plan.

34 (b) A resident or property owner within a city or a county, as  
35 the case may be, may bring an action or proceeding in the superior  
36 court to enforce compliance with this section. An action or  
37 proceeding shall be governed by Chapter 2 (commencing with  
38 Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure.  
39 An action or proceeding shall not be maintained pursuant to this  
40 section by a person unless the action or proceeding is commenced

1 and service is made on the legislative body within 90 days of any  
2 of the following:

3 (1) The enactment of any new zoning ordinance.

4 (2) The amendment of any existing zoning ordinance.

5 (3) The failure of a local agency to comply with this section.

6 (c) (1) In the event that a zoning ordinance becomes inconsistent  
7 with a general plan by reason of amendment to the general plan,  
8 or to any element of the plan, the zoning ordinance shall be  
9 amended within a reasonable time so that it is consistent with the  
10 general plan, as amended.

11 (2) If a zoning ordinance becomes inconsistent with the general  
12 plan due to amendment to the general plan or to any element of  
13 the general plan, and a local agency receives a development  
14 application for a project that is not subject to Section 65589.5 and  
15 that is consistent with the general plan, but inconsistent with the  
16 zoning ordinance, the local agency shall do one of the following:

17 (A) For any provision of the zoning ordinance that is applicable  
18 to the proposed development and inconsistent with the general  
19 plan, amend the zoning ordinance within 180 days from the receipt  
20 of the development application to be consistent with the general  
21 plan.

22 (B) Process the development application in accordance with all  
23 applicable laws. When processing the development application,  
24 the local agency shall apply the objective general plan standards,  
25 but not inconsistent zoning standards, to the proposed development  
26 project to facilitate and accommodate development at the density  
27 allowed on the site by the general plan. A proposed development  
28 shall not be deemed inconsistent with any zoning ordinance or  
29 related zoning standard or criteria and shall not be required to be  
30 rezoned to accommodate the proposed development, if there is  
31 substantial evidence that would allow a reasonable person to  
32 conclude that the proposed development is consistent with objective  
33 general plan standards and criteria but the zoning for the project  
34 site is inconsistent with the general plan. The objective general  
35 plan standards shall be applied to facilitate and accommodate  
36 development at the density allowed on the site by the general plan  
37 and proposed by the development project.

38 (3) If a local agency fails to amend the zoning ordinance within  
39 180 days from the receipt of the development application pursuant  
40 to subparagraph (A) of paragraph (2), the local agency shall process

1 the development application pursuant to subparagraph (B) of  
2 paragraph (2).

3 *(4) A county or city may deem that the adoption or amendment*  
4 *of a zoning ordinance or related zoning standard to comply with*  
5 *paragraph (1) is subject to a streamlined, ministerial approval*  
6 *process.*

7 (d) Notwithstanding Section 65803, this section shall also apply  
8 to a charter city.

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