

**ASSEMBLY BILL**

**No. 2292**

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**Introduced by Assembly Member Dutra**

February 21, 2002

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An act to add Section 65863 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2292, as introduced, Dutra. General plans: residential density.

The Planning and Zoning Law requires a city, county, or a city and county to adopt a general plan that consists of a statement of development policies and a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals, including a land use element that sets forth a statement of the standards of population density and building intensity recommended for districts and other territory covered by the plan. The act also requires that the maximum allowable residential density be consistent with the applicable zoning ordinance and the adopted general plan.

This bill would prohibit a city, county, or a city and county from reducing, requiring, or permitting the reduction of the residential density for any parcel below the density that was utilized in determining compliance with the housing element, unless the city, county, or city and county makes written findings supported by substantial evidence that the reduction is consistent with the adopted general plan, including the housing element, and other specified provisions of law.

The bill would also require a court to award attorney fees and costs of suit to the plaintiff if the court finds that an action of a city, county, or city and county is in violation of these 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 65863 is added to the Government  
2 Code, to read:  
3 65863. (a) No city, county, or city and county shall, by  
4 administrative, adjudicative, or legislative action or by a vote of  
5 its electorate, reduce, require, or permit the reduction of the  
6 residential density for any parcel below the density that was  
7 utilized in determining compliance with the housing element,  
8 unless the city, county, or city and county makes written findings  
9 supported by substantial evidence that the reduction is consistent  
10 with the adopted general plan, including the housing element, and  
11 other provisions of law, including, but not limited to, Sections  
12 65913.1 and 65915 and paragraph (3) of subdivision (a) or  
13 paragraph (1) of subdivision (c) of Section 65583.  
14 (b) The requirements of this section shall be in addition to any  
15 other law that may restrict or limit the reduction of residential  
16 density. If a court finds that an action of a city, county, or city and  
17 county is in violation of this section, the court shall award the  
18 plaintiff reasonable attorney fees and costs of suit.

