

AMENDED IN SENATE MAY 9, 2011  
AMENDED IN SENATE MARCH 24, 2011

**SENATE BILL**

**No. 184**

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**Introduced by Senator Leno**

February 7, 2011

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An act to amend Section 65850 of Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 184, as amended, Leno. Land use: zoning regulations.

The Planning and Zoning Law authorizes the legislative body of any city or county to adopt ordinances regulating zoning within its jurisdiction, as specified.

This bill would additionally authorize the legislative body of any city or county to adopt ordinances to establish, as a condition of development, inclusionary housing requirements, as specified, and would declare the intent of the Legislature in adding this provision. It would also make a technical, nonsubstantive change.

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 65850 of the Government Code is  
2 amended to read:  
3 65850. The legislative body of any county or city may, pursuant  
4 to this chapter, adopt ordinances that do any of the following:  
5 (a) Regulate the use of buildings, structures, and land as between  
6 industry, business, residences, open space, including agriculture,

- 1 recreation, enjoyment of scenic beauty, use of natural resources,
- 2 and other purposes.
- 3 (b) Regulate signs and billboards.
- 4 (c) Regulate all of the following:
- 5 (1) The location, height, bulk, number of stories, and size of
- 6 buildings and structures.
- 7 (2) The size and use of lots, yards, courts, and other open spaces.
- 8 (3) The percentage of a lot which may be occupied by a building
- 9 or structure.
- 10 (4) The intensity of land use.
- 11 (d) Establish requirements for off-street parking and loading.
- 12 (e) Establish and maintain building setback lines.
- 13 (f) Create civic districts around civic centers, public parks,
- 14 public buildings, or public grounds, and establish regulations for
- 15 those civic districts.
- 16 (g) Establish, as a condition of development, ~~inclusionary~~
- 17 *inclusionary* housing requirements, which may require the
- 18 provision of residential units affordable to, and occupied by,
- 19 owners or tenants whose household incomes do not exceed the
- 20 limits for lower income, very low income, or extremely low income
- 21 households specified in Sections 50079.5, 50105, and 50106 of
- 22 the Health and Safety Code.
- 23 SEC. 2. The Legislature declares its intent in adding subdivision
- 24 (g) to Section 65850 of the Government Code pursuant to Section
- 25 1 of this act, to supersede any holding or dicta in *Palmer/Sixth*
- 26 *Street Properties, L.P. v. City of Los Angeles* (2009) 175
- 27 Cal.App.4th 1396, to the extent that the opinion in that case
- 28 conflicts with that subdivision.