

AMENDED IN ASSEMBLY APRIL 14, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1934

Introduced by Assembly Member Santiago

February 12, 2016

An act to add Section 65915.7 to the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1934, as amended, Santiago. Planning and zoning: density bonuses: mixed-use projects.

The Planning and Zoning Law requires, when an applicant proposes a housing development within the jurisdiction of the local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would, when an applicant for approval for commercial development agrees to partner with an affordable housing developer to construct a mixed-used project for which the housing will be ~~either located onsite at the proposed commercial development or located within a one-mile radius of the proposed commercial development~~, require a city, county, or city and county to grant to the commercial developer a density bonus, as specified. By increasing the duties of

local officials relating to the administration of density bonuses, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. The Legislature finds and declares that the
2 development of affordable housing is a matter of statewide concern
3 and is not a municipal affair as that term is used in Section 5 of
4 Article XI of the California Constitution. Therefore, Section
5 65915.7 of the Government Code, as proposed to be added by this
6 act, shall apply to all cities, including charter cities.

7 SEC. 2. Section 65915.7 is added to the Government Code, to
8 read:

9 65915.7. (a) When an applicant for approval for commercial
10 development agrees to partner with an affordable housing developer
11 to construct a mixed-used project for which the housing will be
12 ~~either located onsite at the proposed commercial development or~~
13 ~~located within a one-mile radius of the proposed commercial~~
14 development, the city, county, or city and county shall, in addition
15 to any density bonus and incentives or concessions granted to the
16 affordable housing developer as prescribed in Section 65915, grant
17 to the commercial developer a density bonus as prescribed in
18 subdivision (b).

19 (b) The density bonus granted to the commercial developer shall
20 ~~mean a density increase of up to 20 percent variance exceptions~~
21 ~~resulting in significant cost reductions over the maximum allowable~~
22 ~~intensity in the general plan, zoning ordinance, or other regulation~~
23 ~~of the city, county, or city and county's zoning ordinance or~~
24 ~~regulation, county, including, but not limited to, floor area ratios~~
25 ~~or commercial linkage fees; ratios, and may include modification~~
26 ~~to development standards such as height and parking requirements.~~

27 SEC. 3. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because

- 1 a local agency or school district has the authority to levy service
- 2 charges, fees, or assessments sufficient to pay for the program or
- 3 level of service mandated by this act, within the meaning of Section
- 4 17556 of the Government Code.

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