

AMENDED IN ASSEMBLY APRIL 18, 2016

AMENDED IN ASSEMBLY MARCH 30, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2502

Introduced by Assembly Members Mullin and Chiu
(Coauthors: Assembly Members Bonilla, Burke, Campos, Gordon,
Thurmond, and Ting)
(Coauthors: Senators Leno and Wieckowski)

February 19, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2502, as amended, Mullin. Land use: zoning regulations.

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

This bill would additionally authorize the legislative body of any city, county, or city and 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. The bill would also make nonsubstantive changes.

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

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

SECTION 1. Section 65850 of the Government Code is amended to read:

65850. The legislative body of any city, county, or city and county may, pursuant to this chapter, adopt ordinances that do any of the following:

(a) Regulate the use of buildings, structures, and land as between industry, business, residences, and open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources, and other purposes.

(b) Regulate signs and billboards.

(c) Regulate all of the following:

(1) The location, height, bulk, number of stories, and size of buildings and structures.

(2) The size and use of lots, yards, courts, and other open spaces.

(3) The percentage of a lot which may be occupied by a building or structure.

(4) The intensity of land use.

(d) Establish requirements for off-street parking and loading.

(e) Establish and maintain building setback lines.

(f) Create civic districts around civic centers, public parks, public buildings, or public grounds, and establish regulations for those civic districts.

(g) Establish, as a condition of development, inclusionary housing requirements, which may require the provision of residential units affordable to, and occupied by, owners or tenants whose household incomes do not exceed the limits for moderate income, lower income, very low income, or extremely low income households specified in Sections 50079.5, 50105, and 50106 of the Health and Safety Code.

SEC. 2. The Legislature finds and declares all of the following:

(a) Inclusionary housing ordinances have provided quality affordable housing to over 80,000 Californians, including the production of an estimated 30,000 units of affordable housing in the last decade alone.

(b) Since the 1970s, over 170 jurisdictions have enacted inclusionary housing ordinances to meet their affordable housing needs.

1 (c) While many of these local programs have been in place for
2 decades, the recent decision in *Palmer/Sixth Street Properties, L.P.*
3 *v. City of Los Angeles* (2009) 175 Cal.App.4th 1396, has created
4 uncertainty and confusion for local governments regarding the
5 future viability of this important local land use tool.

6 (d) It is the intent of the Legislature to reaffirm the authority of
7 local jurisdictions to enact and enforce these ordinances.

8 (e) The Legislature declares its intent in adding subdivision (g)
9 to Section 65850 of the Government Code, pursuant to Section 1
10 of this act, to supersede any holding or dicta in *Palmer/Sixth Street*
11 *Properties, L.P. v. City of Los Angeles* (2009) 175 Cal.App.4th
12 1396, to the extent that the opinion in that case conflicts with that
13 subdivision. This act shall not otherwise be construed to enlarge
14 or diminish the authority of a jurisdiction beyond those powers
15 that existed as of July 21, 2009.

16 (f) *It is the intent of the Legislature to reaffirm that existing law*
17 *requires that the action of any legislative body of any city, county,*
18 *or city and county to adopt a new inclusionary housing ordinance*
19 *be taken openly and that their deliberations be conducted openly*
20 *consistent with the requirements of the Ralph M. Brown Act*
21 *(Chapter 9 (commencing with Section 54950) of Part 1 of Division*
22 *2 of Title 5 of the Government Code).*